

Agenda Item	A7
Application Number	20/01265/FUL
Proposal	Erection of a two storey building comprising 10 studio flats (C3) for student accommodation, removal of existing boundary wall, construction of bin store, bike store and boundary wall and installation of an attenuation tank
Application site	Car Park Adj 13 Sun Street Lancaster
Applicant	Ashton Homes (Lancashire) Ltd
Agent	Mr Michael Harrison
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approve

1.0 Application Site and Setting

- 1.1 This is a 267 sqm site currently used for car parking at the north end of Sun Street. It is bounded by Sun Street to the west, the former RBS bank fronting Church Street to the north, commercial and student accommodation fronting New Street to the east and to the south is a pedestrian access serving the rear of, and beyond is, a row of buildings fronting and extending south along Sun Street. On the opposite side of Sun Street is the beer garden rear of the Sun Inn, the entrance to Back Sun Street and the end terraced property of the row on that side of the street. All surrounding properties are three storeys in height and constructed of stone under natural slate roofs with painted stonework to the former RBS bank and a small amount of concrete render to the rear of two New Street properties.
- 1.2 The site is within the Lancaster Conservation Area and all surrounding buildings apart from 10 New Street are Grade II listed. It is also within the Smoke Control and Air Quality Management Areas and at risk of 25-50% groundwater flooding.

2.0 Proposal

- 2.1 Redevelopment of the site is proposed with a 2 storey building providing 10 studio flats for student accommodation. The first floor units include mezzanine gallery bedrooms in the roof space. The ground floor studios will be accessed directly from Sun Street. The first floor studios will be accessed via the existing alley along the southern boundary to an enclosed staircase which opens into a corridor at the rear of the building. The rear yard will contain bin and cycle stores and a below ground attenuation tank for surface water collection and connection to the mains system in Sun Street.
- 2.2 The revised design of the building breaks up the mass into three distinct sections which appear from the front as 4 separate dwellings of differing status. This enables the building to step up with the slope of Sun Street. The front and north elevations will be constructed from coursed natural ashlar stone to match the surrounding buildings. The rear and south elevations will be white, rough render.

The roof will be Burlington regular sized natural slate and windows and doors will be grey powder coated aluminium. A black finish is proposed for the flush fitting roof lights, gutters and rainwater goods, bike store frame and roof and yard gates. External areas will be stone flagged and random stonework used in the yard wall.

3.0 Site History

3.1 The following relevant applications relating to this site have previously been received by the Local Planning Authority:

Application Number	Proposal	Decision
18/01285/PREONE	Erection of a three storey apartment block comprising up to 9no. two-bed units	Advice Provided
20/00431/FUL	Erection of 15 studio flats (C3) for student accommodation, construction of bin store, bike store and boundary wall and installation of an attenuation tank	Withdrawn

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Conservation	No objection The intense siting of studio apartments remains a concern but in design terms the development has improved. Amendments have improved the quality of design and better relate it to the historic context. Concerns remain about the rear elevation and some detailing which can be conditioned
County Historic Environment Team	Comments made Requests condition for pre-commencement written scheme of investigation due to potential for evidence of previous settlements to be found.
County Highways	No objection
NHS CCG	Objection unless contribution of £1,608 is made towards extension and reconfiguration at King St surgery and Queen Sq Medical practice
Natural England	Comments made Agrees with HRA/AA to impose a condition requiring homeowner pack and information in communal area regarding recreation pressure on Morecambe Bay designated sites.
Waste and Recycling Officer	Advice provided on waste requirements
Fire Safety	Standard comments provided
Police	Secured by Design advice provided
LLFA	No objection subject to standard conditions
Environmental health Officer	No objection Double glazing with acoustic trickle vents to be installed to mitigate noise and air quality issues for occupants
United Utilities	No objection subject to standard conditions
Civic Society (on original scheme)	Comments made welcome site being developed but there is a surplus of student housing already and would prefer to see it for town houses; bland exterior design not respecting style of nearby buildings; poor detailing and materials; insufficient internal light; photographic record of rear of New Street properties should be carried out
Lancaster University	Comments made want to see evidence of supply and demand; accommodation should be developed under the LU Homes remit and safety, lighting and amenity considerations.

4.2 Responses have been received from 15 members of the public including the City Centre Residents Association making the following points:

- Current empty plot detracts from the conservation area
- Saturation of student accommodation within 100m radius (contrary to local plan)
- No need for further student accommodation

- negative impact on conservation area and listed buildings
- increase in environmental health issues from waste disposal
- loss of privacy
- light loss/overshadowing
- access problems on Sun Street
- Preferred alternative uses as green space, town houses or car park
- Loss of boundary wall will affect access
- Intensive use with no parking or servicing
- Poor internal layout
- LCC should produce a development brief for the site
- Too close to pub beer garden resulting in loss of its character
- Inadequate analysis of noise
- Noise disturbance caused by students
- Noise disturbance on students
- Current sewer issues
- Fails Secured by Design principles
- Residential upper floor use on New Street, particularly a rear facing bedroom, in which the occupants will be subjected to loss of light and construction noise, especially while studying.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Layout, design and heritage
- Neighbour amenity
- Internal space standards and occupier amenity
- Air quality, drainage, ecology and highways

5.2 Principle of development (NPPF sections 2, 8, 9, 11, 12 and 16; SPLA DPD Policies SP1 and SP2; DM DPD Policies DM1 and DM7)

5.2.1 As a city centre site, the location is sustainable as set out in policy SP2 of the SPLA DPD and the NPPF. The broad principle of purpose-built student accommodation is covered by policy DM7 of the DM DPD which states proposals will generally be considered favourably subject to meeting 8 criteria and other relevant policies. The first criterion in DM7 is that student accommodation should be located on campus or within or adjacent the city centre and not on an allocated housing site. The proposal is therefore locationally acceptable in principle. The other policy considerations are assessed in this report.

5.2.2 There have been a number of large-scale student schemes approved in the city centre and some concerns have been raised in the consultation responses, in particular from Lancaster University, about the need for this development. The Council engaged with Lancaster University during the preparation of the Local Plan, but LU did not provide evidence on projected student numbers or the need for accommodation on campus or in the city centre. There is no evidence available to suggest that there is no longer a need for the accommodation which would warrant a refusal on this basis.

5.3 Layout, design and heritage. (NPPF sections 12 and 16; SPLA policy SP7; DM DPD policies DM29, DM37, DM38, DM39, DM42)

5.3.2 When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings. In addition, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions. These provisions have been

factored into the determination of this planning application and the requirements have been duly considered by Officers in making this recommendation to Members.

- 5.3.3 In conjunction with the NPPF, policy DM29 seeks to secure developments which contribute positively towards the identity and character of the areas in which they are proposed. Good design should respond to local distinctiveness and in locations such as the historic core of Lancaster, a focus on an appropriate palette of materials will be important. The revised NPPF also places an increased focus on good design through advocating 'beautiful' buildings and places to reside. In this instance, given the site's location within the Conservation Area and the proximity of adjacent listed buildings, the importance of appropriate design is heightened further. In addition, DM DPD policies DM38 and DM39 are also relevant to this proposal. NPPF Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.3.4 Lancaster Conservation Area was designated for its Roman and medieval origins which have been overlain with Georgian, Edwardian and Victorian buildings with varying architectural styles. This site is in the City Centre Character Area which retains the medieval street layout with a fine grain of sandstone buildings. Sun Street was laid out in c.1797 in the garden of a former house on Church Street and is associated with the growth in merchants' wealth. The street is characterised by Georgian 3 storey sandstone ashlar buildings of Neo-Classical design opening directly onto the highway. The two terraced rows on Sun Street, 2 Church Street, Sun Inn and 6 and 8 New Street are all Grade II listed buildings. The significance of all these buildings is derived from, inter alia, retention of historic fabric and layout, association with the growing wealth in the C18th including development of commercial uses and Georgian townhouse style with Neo-classical influences. Their setting is provided by the surrounding urban landscape and, where relevant, the fine grain of Sun Street and collection of Georgian townhouses which make a positive contribution to their significance as listed buildings.
- 5.3.5 The rear elevations of the New Street properties are visible from the site but do not make a strong contribution to the significance of the listed buildings as they are not designed to be prominent. Historically there appears to have been 4 buildings on the site (shown on the c.1890s OS map). The current car park use for the site does not make a positive contribution to the setting or significance of the surrounding listed buildings or significance of the Conservation Area. It is an empty plot which forms a physical break in the dense and fine urban grain of the narrow Georgian street and the tarmac surface does not relate to the historic character. The current site detracts from the urban character and appearance of the conservation area and does not make a positive contribution to the setting of the surrounding listed buildings.
- 5.3.6 The agent has commented on the revised design: "*The design draws on a mix of modest workers dwellings with paired entrance doors either side of a party wall and simple hole in the wall windows. Adjoining and enclosed is a more substantial gentleman's residence with a finely detailed ashlar facing including stone door and window surrounds. The ridge height/massing of the elements has been broken by using first the fall along the street frontage, an increased floor to floor height of the gentleman's residence, stone copings with kneelers at the change in roof heights and the addition of chimney stacks reinforcing the individual elements making up the overall frontage.*" The revised scheme is an improvement on earlier iterations. The altered front elevation window arrangement and design, part increase in ridge height, breaking up into three discrete elements, introduction of coped gables and chimneys, the stepping of the building up the street and the use of stone surrounds to windows all help to improve the quality of the design and better relate it to its historic context. From a historical design perspective, it would be better if the building was 3 storeys to reflect the surrounding buildings. However, due to modern daylight and sunlight needs an additional floor could result in unacceptable loss of light to 10 New Street. The Conservation Officer has commented on the impact of the dense studio apartment proposal on the form of development in layout terms. The LPA must consider the effects of the development as submitted and it is the case that no objections have been raised from a heritage perspective to the layout. Further consideration of the consequences of the layout in neighbour amenity terms is set out below. The current amended proposal is considered a good compromise of making effective use of the land while minimising outward impact which enables appropriate re-development, ridding the conservation area of a negatively impacting site.

5.3.7 The rear elevation has been further amended to improve the window design and proportions as they are viewed from the listed buildings on New Street. The agent has confirmed roof materials will be a high quality uniform sized Burlington slate. Further Conservation Team comments on these changes will be reported verbally. The proposed use of high quality natural slate and coursed sandstone, the building opening directly onto Sun Street, stepping up the slope, revised window and elevation design and overall proportions now reflects the character of the conservation area and setting of surrounding listed buildings. Subject to acceptance of the latter further amendments it is considered the scheme meets the statutory and policy requirements relating to developments in the conservation area and affecting the setting of listed buildings and is therefore acceptable in design and heritage terms.

5.4 **Neighbour amenity (NPPF section 12; DMDPD policies DM7 and DM29)**

5.4.1 To the rear are properties fronting New Street which are primarily in commercial, town centre uses: shops, dentist, beauty salon and restaurant. They have ground floor rear yards and extensions up to the boundary and rear facing upper floor windows overlooking the site serving storerooms, staff rooms and operational floorspace. The upper floors of 10 New Street are student accommodation and have rear facing living room, bedroom, bathroom and stair windows. The rear of no 1/2 Church Street (former RBS) has a ground floor extension up to the boundary with rear facing upper floor windows. The gable end of 13 Sun Street to the south is blank. Buildings on the opposite side of Sun Street have ground and upper floor windows facing the site. Properties on Sun Street are a mix of residential and commercial.

5.4.2 The layout of the development will bring the building close to the facing windows in the main rear elevations of the New Street properties: 4.75m from no 4; 6.9m from no 6; 6.3m from no 8 and 6.8m from no 10. This is much closer than normally expected and the relationship requires careful consideration. All windows in the rear elevation of the proposed studio apartments will be obscure glazed so no overlooking will occur.

5.4.3 The biggest concern relates to the effect from loss of light/overshadowing on living conditions of occupiers of the student accommodation in the upper floors of 10A New Street. This point has been the subject of much of the neighbour objection to the proposal. To address this a daylight/sunlight assessment has been carried out by the applicant's expert consultant using the numerical tests set out in the current Building Research Establishment guide to good practice in the context of the NPPF. The BRE guide states that windows to rooms requiring daylight (habitable rooms) should be assessed but not bathrooms, stores or circulation areas. However, all windows in the front and rear elevations have been assessed including to living, dining, kitchen, bedroom, bathroom and staircase areas within the student accommodation. The results of the assessment show that all windows with a requirement for daylight and sunlight pass the range of tests set out in the good practice guide and the development will have a low impact on light receivable at the student accommodation. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

5.4.4 The BRE guide states the tests may be applied to non-domestic buildings where there is a reasonable expectation of daylight such as schools, hospitals, hotels, small workshops and some offices (although the latter is not defined and practice dictates no commercial premises are subject to the tests). Due to the commercial use of the other buildings in New Street there is no loss of amenity caused that would justify refusal because of their use. No objections have been raised by any of the buildings' occupants.

5.4.5 Across Sun Street the building will face the side/rear of the Sun Inn and beer garden and no 10 Sun Street, currently being converted to studio apartments (albeit without the relevant permissions). The window to window interface distances with 10 Sun Street are 5.7m, significantly below that normally required. However, this is an area characterised by an existing dense pattern of development with reduced separation distances between adjoining properties accepted as the norm. As a result of the prevailing built form and reduced separation, there is a similar degree of mutual overlooking already established between surrounding buildings. The new building will result in a change in the outlook and visual amenity for a number of occupants but given the urban nature and built form of the locality, this is not judged to be a significant constraint or justifiable reason for refusal.

5.5 **Internal space standards and occupier amenity** (NPPF section 12; DMDPD policies DM7 and DM29)

5.5.1 The submitted plans demonstrate the requirements of appendix G of the DMDPD are achieved with respect to internal spacing standards and provision of facilities. Four of the five ground floor units achieve light through both front and rear elevations. One ground floor unit has no rear window so light is achieved through the open plan studio from the window at the front. The first floor flats achieve light to the main living areas through two windows to each in the front elevation and from rooflights above the mezzanine level to the bedrooms. The lack of natural light to the bedroom of one unit is not sufficient to justify refusal. All units have adequate outlook over Sun Street through either one or two windows. External cycle and refuse storage and secure access is provided.

5.5.2 Due to the proximity of the Sun Inn's beer garden a noise assessment has been carried out to ensure amenity of future occupiers is not adversely affected which could lead to complaints against the pub's use of the outside area, threatening its ability to trade. Due to current abnormal trading conditions for hospitality venues "likely" effects are assessed based on experience rather than actual noise readings which may underestimate the position. The assessment's conclusion is that noise levels from the pub are unlikely to reach the noise level that hearing protection is advised. The beer garden wall acts as a noise barrier, especially for the ground floor units which are closest to the source. With closed windows the residual noise levels would be well below the current guidance for acceptable conditions. Therefore, double glazed, non-opening windows with trickle vents retained to the front elevation will provide adequate noise mitigation and should not result in nuisance for occupiers. The Environmental Health Officer agrees with the conclusions and proposed mitigation, which is subject to condition to agree details.

5.6 **Air quality, drainage, ecology, energy and highways** (NPPF sections 8, 9, 14 and 15; DMDPD policies DM30, DM31, DM33, DM35, DM44, DM60, DM62 and DM63)

5.6.1 Air quality – The site in the city centre is inherently sustainable, enabling use of a choice of non-car modes of travel. Measures to protect occupants from air pollution are the same as for noise mitigation.

5.6.2 Drainage – The outline drainage strategy is to discharge surface water into the combined existing sewer in Sun Street at an attenuated rate via an on-site underground storage tank. This is acceptable to United Utilities and the LLFA subject to standard conditions.

5.6.3 Ecology – There are no on-site ecological considerations. There is the potential for additional recreational pressure on the designated Morecambe Bay sites which can be adequately mitigated through provision of ecology packs and information to all future occupants.

5.6.4 Energy – The building will be designed with fabric first measures to reduce carbon, utilising high levels of insulation and natural materials capable of future recycling. Double glazing with trickle vents will account for solar gain. Given the constrained site area no other energy saving measures are proposed.

5.6.5 Highways – No parking is provided which, in the city centre, is acceptable. An review of street lighting and traffic regulation orders is required which is conditioned.

5.7 **Other matters**

5.7.1 The NHS request for contributions cannot be accepted at this time. No evidence has been provided by the NHS justifying the need or cost for the proposed works to the medical centre. Accordingly, the request does not meet the required CIL regulations tests.

6.0 Conclusion and Planning Balance

6.1 This development represents re-use of a previously developed site which currently detracts from the character and appearance of the conservation area and adversely affects the setting of several listed buildings. In principle, the development is acceptable and the requirements of DM7 and appendix G are met. Any concerns about the scale and layout and impact on surrounding uses are outweighed by the benefits it brings. Remaining concerns about design details can be appropriately conditioned.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard Timescale 3 years	Standard
2	Amended Plans	Standard
3	Archaeology Written Scheme of Investigation	Pre-commencement
4	Submission of SW Drainage Design	Pre-commencement
5	Construction Phase SW Management Plan	Pre-commencement
6	Construction Traffic Management Method Statement	Pre-commencement
7	Off Site Highway Works	Above ground
8	Materials Samples	Above ground
9	Submission of stone details	Above ground
10	Details of vents/flues/verges/eaves/windows/doors	Above ground
11	Security measures	Above ground
12	SW Drainage Management Plan/verification	Prior to occupation
13	Ecological Packs	Prior to occupation
14	Details of Double Glazing/Trickle Vents	Prior to occupation
15	Obscured Glazing	Prior to occupation
16	Provision of Cycle Storage	Prior to occupation
17	Separate Drainage Systems	Control
18	In accordance with FRA	Control
19	Unforeseen Contamination	Control
20	Hours of Construction	Control
21	Restriction to Students Only	Control
22	No outside storage	Control
23	Conservation rooflights	Control
24	In accordance with energy statement	Control

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance

Background Papers