

Agenda Item	A5
Application Number	22/00332/FUL
Proposal	Demolition of existing carpet store and car wash (Class E Use) and erection of one 8 storey building and one 6 storey building for purpose-built student accommodation comprising 388 studios (Class C3 Use) with ancillary communal facilities, new pedestrian access, public realm and landscaping
Application site	Land North of Bulk Road And East Of Parliament Street, Lancaster Lancashire
Applicant	PPG Lancaster
Agent	Mr Ed Flood
Case Officer	Mrs Jennifer Rehman
Departure	Yes
Summary of Recommendation	Delegate back to the Head of Service until the publicity period has expired and subject to the completion of a legal agreement (if required) APPROVAL

(i) Procedural Matters

The application has been re-publicised following a minor change to the application site to address highway comments and subsequent changes to the application form and the issuing of correct ownership certificates. Consequently, despite the proposal being advertised and re-publicised upon its initial submission and following substantial amendments to the scheme, the statutory consultation for the application now expires after the committee date.

1.0 Application Site and Setting

1.1 The proposed site occupies a prominent position on the north-eastern edge of the city centre, bound by Caton Road, Bulk Road and Parliament Street. The site comprises two parcels of land (hereafter referred to as Block A and Block B) connected by a narrow slither of land (around 0.4 hectares in total), all of which is considered previously developed land. The site sits within a larger block of urban development bound by two primary vehicular routes – Parliament Street and Caton Road. Together, they form part of the city's gyratory system at the northern approach from the M6 towards the city centre. Development in this urban block consists of a mix of low storey modern warehouse buildings with some historic development (on the west side). Buildings vary in quality, materiality, and appearance with large areas used for service yards and parking, enclosed by security fencing and gates. This whole area is allocated in the Local Plan as a Development Opportunity Site, which falls within a wider regeneration allocation (Central Lancaster Regeneration Priority Area).

- 1.2 Block A occupies an existing carpet store and warehouse (now closed), car park associated with the carpet store and a former car hire business (ceased in 2019) and former car wash (now ceased operation). The carpet store and car park are accessed off Caton Road with the former car wash accessed close to the junction of Caton Road/Bulk Road and its egress close to the junction of Bulk Road/Parliament Street. Block B is largely derelict, overgrown with scrub with areas of hardstanding and made ground (associated with an historical timber yard). Block B has an existing dropped kerb access arrangement off Parliament Street.
- 1.3 The site is situated around 250m north of the defined City Centre boundary. Immediately south of the site is the Parliament Street Retail Park (separated by Bulk Road). Kingsway Retail Park lies to the north of the site, albeit separated by existing uses namely Farmfoods and a commercial laundry. To the east of Caton Road is the recently constructed Caton Court student development (also allocated as a Development Opportunity Site). To the north and east and beyond Caton Court, are large areas of relatively dense housing elevated above the surrounding built environment. Neighbouring land uses are a mix of retail, industrial and residential - typical of what would be expected in an urban location such as this one.
- 1.4 Block B faces west overlooking designated public open space (Green Ayre), which runs alongside the River Lune (a designated Biological Heritage Site and Marine Conservation Zone (MCZ)), and the associated River Lune Millennium Path (also Route 69 River Lune cycleway). This path provides a primary recreational route along the River Lune out towards the estuary and Morecambe Bay, which is nationally and internationally designated for its nature conservation interests (Morecambe Bay and Dudden Estuary Special Protection Area (SPA), Morecambe Bay Special Area of Conservation (SAC) and RAMSAR and the Lune Estuary Site of Special Scientific Interest (SSSI).
- 1.5 Lancaster's Conservation Area boundary is around 75 metres south of the site. Two listed buildings are located immediately to the north and west of the site, including the Grade II* listed former toll house (38-42 Parliament Street) and the Grade II listed 32 Parliament Street. Further afield, the Skerton Bridge Scheduled Monument (also grade II* listed) connects Parliament Street with Owen Road to the north and remains a key landmark within the city.
- 1.6 The site is affected by flood risk and falls within both floodzones 2 and 3, as well as areas affected by surface water flooding and a 25-50% risk of ground water flooding. Lancaster's Air Quality Management Area broadly aligns with the gyratory. Consequently, the site is also affected by this constraint.

2.0 Proposal

2.1 This is an application for full planning permission for purpose-built student accommodation (PBSA) consisting of 388 studio apartments (for single occupancy) with ancillary communal space split across two building blocks, connected by an external landscaped courtyard. If approved, the applicant has a desire for the accommodation to be provided for the October 2023 student intake.

2.2 Block A

Block A consists of an eight-storey building occupying a staggered 'L' shaped plan form split into three building blocks/components. The tallest sections of the building (maximum height of c25m) relate to the building blocks at the corner of Bulk Road and Caton Road. The third building component steps down to seven-storey (c21m in height) and is set back 5m from the closest facade of the building to Caton Road. Block A has a finished floor level of 7.50 metres Above Ordnance Datum (AOD), slightly higher than the adjacent highway. Consequently, a stepped and ramped access is proposed on the Bulk Road frontage. The full length of the building along Caton Road measures almost 50 metres and approximately 28 metres to Bulk Road. The depth of the building across the three blocks ranges from between c21.5 metres and 15.5 metres.

2.3 This building will provide 284 studios in total, including 13 DDA studios. The accommodation is spread over eight floors with no residential accommodation at ground floor level. This building has a gross internal area (GIA) of 7,711 square metres (sqm). The ground floor proposes extensive amenity space over 487sqm, which comprises a range of facilities including a games room, laundry, cinema/gaming room, yoga/dance studio, private study rooms and meetings rooms, private dining,

reception space and back of house office accommodation. Block A's main entrance is on the elevation fronting Bulk Road.

2.4 Block B

Block B occupies a rectangular plan form and is broken into two building elements/blocks, fronting Parliament Street. The northern most building block is six-storeys (c18 metres in height) with the second block dropping to five-storey (c15.5 metres in height) with a finished floor level of 7.70 metres Above Ordnance Datum (AOD). The design of these two building elements is purposefully distinct from one another. However, they are physically connected, giving a total building length of approximately 58 metres fronting Parliament Street. The building depth measures approximately 15 metres.

2.5 Block B proposes a total of 133 studios, including 8 DDA compliant studios, with no residential accommodation at ground floor level. This building has a GIA of 4,346 sqm. Like Block A, there is a range of amenity space provided at the ground floor level (totalling 486 sqm), including lounge areas, games rooms, gym, laundry, and study space. The principal entrance to this building is on Parliament Street.

2.6 Both buildings include internal refuse stores at the ground floor and within the building envelope. Block A includes two separate bin store rooms served off Caton Road. Block B provides one room to be accessed via the internal courtyard. Both buildings include a plant room, switch room and substation at ground floor level to service the development.

2.7 The proposed buildings shall be constructed and finished in a purposefully limited palette of high-quality materials, including brickwork and glass reinforced concrete (GRC) or stone cladding in muted grey/buff tones. The materials shall be laid and finished in varying forms to add interest and detail to the building appearance. All curtain walling, windows and doors shall be a powder coated aluminium frame in a colour to complement the brickwork. Block A will accommodate PV panels to the roof (positioned on shallow A frames) to support the energy demands of the development. The proposal also incorporates green roofs to support the drainage system and site biodiversity.

2.8 Private external amenity space and public realm is proposed to the rear of each of the two blocks forming the central and linking courtyard. There is modest public realm landscaping to the frontage of the buildings given the buildings tight position adjacent to the highway. In total, the proposed amenity space amounts to 973 sqm.

2.9 The external amenity space within the courtyard includes a mix of formal and informal space to relax and mix with other residents of the development. It includes pockets of formal planting, a boules area and includes a 240-capacity cycle store with sedum roof. A further 32 uncovered cycle parking spaces are provided within the public realm space. The courtyard is enclosed and fenced off from the public highway at two entrance points on Caton road and Bulk Road. The Caton Road access is capable of accommodating emergency vehicles. The proposal includes some modest public realm and landscaping works to the development frontage along Caton Road and Bulk Road, as well as a lay-by for servicing and drop-off and pick-up, 3 parking spaces and an indicative scheme for a new pedestrian crossing over Caton Road to tie into the existing crossing over Bulk Road (as part of the Caton Court scheme). External lighting is proposed across the site including a combination of 4.5m high column lighting, LED bollard lighting, building lights and festoon lighting.

3.0 Since the initial submission there have been various amendments to the proposals, largely working towards addressing scale and design concerns as well as addressing comments from the highway authority over the location of the proposed lay-by. The main changes are summarised as follows:

- A reduction of 53 studio bedrooms from the scheme (a result of the reduction to the height of Block A and the inclusion of set backs to Bulk Road)
- An additional metre set back of the building footprint from Caton Road
- Changes/breaks in materials to break up the horizontal massing of the development.

- Additional detail added to Block B to provide different architectural language between the two buildings elements of Block B.
- Alterations to the fenestration across both blocks to articulate the building design, add interest to reinforce local distinctiveness and reduce massing effects.

3.0 Site History

- 3.1 The applicant has engaged extensively with the local planning authority at the pre-application stage, along with other stakeholders. This included presenting the initial proposals to Places Matter Design Review! Significant attention was given to urban design, townscape and heritage considerations as well as legibility within the development to the neighbouring built environment, the materiality and massing/scale of the buildings and consideration to the type of accommodation proposed as well as traffic, parking and servicing. Pre-application discussions broadly supported the principle of the development and the need to delivery high quality design to complement and enhance the quality of the area. Places Matter! were not averse to the height of the proposal and in fact advocated and encouraged the applicant not to be afraid of bold design and scale in this location.
- 3.2 Aside from the pre-application discussions, in recent years there has been little planning history associated with the site. The latest and most significant was an application in 2008 for a comprehensive redevelopment of the site (and surrounding land) for the retail-led mixed-use scheme. This was refused and dismissed at appeal on the grounds the proposal was a departure from the development plan and the benefits of the scheme did not outweigh the policy conflict.
- 3.3 The most relevant planning history relates to that associated with Caton Court to the east of the site. Full planning permission was granted in January 2017 for eight buildings up to eleven stories high for student accommodation and associated communal space, infrastructure, landscaping and parking. There have been numerous variations to this parent permission, which are not set out in this report as they are not directly relevant. Phase 1 of this development has been implemented and completed. There is also a pending planning application at 1 Bulk Road for the demolition of the former public house and the redevelopment of the site comprising a 5-storey building for student accommodation above a commercial unit. This is located to the west of the proposed Block B.

Application Number	Proposal	Decision
22/00346/EIR	Screening opinion for the demolition of existing carpet store and car wash and erection of one 9 storey building and one 6 storey building for purpose-built student accommodation comprising 441 studios (sui generis) with ancillary communal facilities, new pedestrian access, public realm and landscaping	EIA Not Required
20/00895/FUL	Demolition of vacant former pub and erection of 4 and 5 storey building with roof garden and 1st floor above existing building to rear comprising of ground floor commercial unit (Use Class E) and 19 self contained flats for student accommodation	Still Pending Consideration
16/01084/FUL (and subsequent variations)	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping	Permitted

4.0 Consultation Responses

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

Consultee	Response
Local Highway Authority (LCC)	<p>Following the submission of amended plans (relocated layby), LCC has no objection, subject to the following matters being addressed:</p> <ul style="list-style-type: none"> • Contributions will be required to deliver infrastructure improvements across the city as a piecemeal approach to development does not consider the cumulative impacts of development. The highway authority contends that if cumulative impacts are not addressed, it will put the delivery of the Local Plan at risk. <i>NB: LCC have not yet provided details of the anticipated contribution requirements.</i> • Framework Travel Plan to be updated to include commitment for a Full Travel Plan within 3 months of initial travel survey. • £6k TP contribution for monitoring the Travel Plan. <p>and the following conditions:</p> <ul style="list-style-type: none"> • Traffic Management Plan (Access Strategy for drop of and pick up times) • CMP • Wheel Cleaning • Provision of car parking before occupation • Provision of cycle parking • Scheme for off-site highway works to be agreed and completed before occupation. • Travel Plan
Historic England	Response to advise HE are not offered any advice and advise the LPA obtains views from its own specialist conservation and archaeological advisors.
Conservation Team	<p>No objection - following the submission of amended plans, a summary of the amended comments are as follows:</p> <ul style="list-style-type: none"> • Block A amendments - While the scale undoubtedly remains significant, these alterations in form and massing mean the proposals are more appropriately scaled in relation to their context, improve the relationship with the adjacent Caton Court building, and creates a more varied, less monumental, architectural form. However, there have been no changes to the base of the building and only minor changes to the detailed design to introduce more variety in order to better relate it to Lancaster's character. • Block B amendments - Transposing the mass of the building to the north, would result in an improved relationship with the listed building at 32 Parliament Street. In architectural terms, the changes to this block have introduced more variety and a less dominant character, which is welcomed. This has overcome the previous adverse impact of the previous scheme. • Rope Walk NDHA - In relation to the Rope Walk, a NDHA assessment of this building was carried out and it was not considered to be of sufficient heritage significance to warrant such designation. This is largely due to the lack of survival of associated structures. • Having regard to 66 and 72 of the 1990 Act, the NPPF and policies DM37 and DM38 of the Local Plan, we consider this development, on the balance of the various proposals in the amended scheme, would satisfy the statutory and policy context in relation to its heritage impact. • Conditions relating to the precise window opening details, reveals, external materials and samples and landscaping are recommended.

<p>Historic Environment Team (County Archaeology)</p>	<p>No objection. Following an extensive response setting out comments in respect of the submitted Desk-based Archaeology report, County Archaeology (in summary) recommend the following:</p> <ul style="list-style-type: none"> • The impact of the scheme of the former Mill Race to be closely examined and assessed before determination. • The former Rope Walk building warrants archaeological investigation and recording. • Archaeological investigation to be carried out on the open yard associated with the former garage (accessed off Caton Road). • The remains of Dickinson’s Buildings to be provided from the impacts of development and if not recording would be required. <p>Recommends an Archaeological Investigation condition to capture the above matters.</p> <p>Following the submission of the WSI, County Archaeology recommends further amendments to the submitted WSI before this would be acceptable.</p>
<p>Civic Society</p>	<p>Following the submission of amendments (2nd) the Civic Society maintain their objection. The initial reasons for objection and comments on the amendments are as follows:</p> <ul style="list-style-type: none"> • No further student accommodation is required. • The application site and the adjacent corner plot should be considered in conjunction with one another – CGI’s required • Proposal of this size and bulk hinder views onto the river and from the north of the river back towards Ashton Memorial – bland in the extreme. • No mention of the outward views from Ashton Memorial, adjacent retail park along Back Caton Road. • The relationship between the proposed two blocks and thee existing Caton Court has not been examined. • No dates have been given from when County Historic Environment Record were contacted, no reference to 1:500 OS of 1892. • LB’s have been referenced, however no info provided on current condition • Inconsistencies in Heritage Statement. • Townscape Assessment doesn’t refer to any map sources between 1890 and 1957. • The Rope Walk – is mentioned in passing, but not the shipbuilding industry in Lancaster or the Rope Walks’s association – should be an NDHA and the importance has not been discussed. • The Mill Race has been overlooked. <p>Comments to the amendments:</p> <ul style="list-style-type: none"> • Minor improvements in massing and spacing. • Swapping the five and six storey element to Block B is palliative rather than remedial. • Bulk Road will be dark and oppressive. • Parliament Street frontage is deserving of a building of elegance and distinction to complement the adjacent listed building. • Concerns over materials and lighter tones and being much the same as Caton Court and recommends stone cladding. • Fully supports the comments of the City Conservation Team and County Archaeologist.
<p>Historic Buildings & Places (working name for the Ancient Monuments Society)</p>	<p>Comments summarised as follows:</p> <ul style="list-style-type: none"> • The LPA should ascertain the genuine need for the proposed studio apartments for students in Lancaster, noting the cumulative impact of further development of this scale increases the risk of harm to the historic cityscape. • The Heritage and Townscape Report acknowledges the significance of the grade 1 listed 32 Parliament street, but downplays the buildings setting. <p>Concerns raised in relation to the following matters:</p>

	<ul style="list-style-type: none"> ○ Scale and bulk of the development would absolutely dominate the streetscape and detract from the prominence and position 32 Parliament Street has historically held within the street. ○ The development would have an overbearing and negative impact on the setting of No.32 and recommends amendments to revise and reflect the setting and significance of existing heritage assets. ○ Recommends combination of setbacks at upper levels, reduction in building height and greater variation to design and materials, which overall would help deliver high-quality development and to reduce the perceived bulk of the development to ensure the scheme better reflects local character and the wider heritage of the site. <p>Relevant paragraphs of the NPPF have been highlighted to the LPA.</p>
Environment Agency	<p>Following submission of further information, the EA's initial objection has been withdrawn. The EA have no objection subject to the following conditions:</p> <ul style="list-style-type: none"> ● The development to be carried out in accordance with the mitigation set out in the amended FRA.
Lead Local Flood Authority	<p>Following the submission of amended information, the LLFA has withdrawn their objection and recommend the following conditions:</p> <ul style="list-style-type: none"> ● Development to be carried out in accordance with the amended FRA and sustainable drainage strategy ● Detailed Surface water Drainage scheme ● Construction Surface Water Management Plan ● Sustainable Drainage Operation and Maintenance Plan
United Utilities	<p>Initially UU recommended the following the conditions:</p> <ul style="list-style-type: none"> ● A detailed surface water drainage and foul drainage scheme to be conditioned. ● A condition for the Management and Maintenance of Sustainable Drainage recommended. <p>Following the submission of amended plans, UU state the amended scheme is no longer acceptable as the scheme has failed to evidence why the surface water cannot discharge to the mill race.</p>
Community Protection Team (Environmental Health)	<p>Following the submission of additional information, subject to the following conditions, the EHO has no objections:</p> <ul style="list-style-type: none"> ● The development shall be constructed and operated by mechanical ventilation ● Development to be carried out in accordance with the submitted noise mitigation (glazing specifications) and side elevation glazing specification to be provided based on the specification proposed for Caton Road. ● Phase II Site investigation ● Provision of cycle storage ● Noise mitigation scheme during construction
Natural England	<p>No objection subject to mitigation being secured by condition. NE concur with the conclusion of the HRA which requires the provision of homeowner packs for future occupants of the development (controlled by condition).</p>
GMEU	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> ● CEMP (given the proximity to the River Lune MCZ) ● No demolition until the Licence from NE has been submitted to the LPA or NE confirm Licence is not required. ● No works of demolition or works to trees shrubs between 11st March and 31st August. ● Scheme for ecological protection measures and ecological enhancement proposals
RSPB	<p>No objection and recommends enhancement measures to support the Swift City Project – integrating nest bricks into the wall and planting fruit trees to provide enhanced biodiversity.</p>
Planning Policy Team (City Council)	<p>A summary of the comments received are as follows:</p> <ul style="list-style-type: none"> ● The proposal is deemed a Departure to the Development Plan by reason of the use not forming a commercial use as envisaged by DOS1 and because

	<p>the site is not within or adjacent to the Town Centre where purpose-built student accommodation should be provided (policy DM7).</p> <ul style="list-style-type: none"> • During the preparation of the Local Plan, residential uses were considered inappropriate in the context of flood risk matters in this location. • In terms of student needs/demands, the applicant's Market Analysis does not include information with regard to capacity and void rates in the existing PBSA to demonstrate the need for further development. Reference is made to freeing up housing but there is no evidence to validate this point. • The proposal would exacerbate the concentration of students within the locality (noting the density of HMO accommodation in the defined area exceeds 25% of residential properties). This increased concentration of student accommodation would be contrary to the aims of policy DM1 which seeks to promote balanced communities. • Flood Risk Sequential tests fails to consider campus sites as an alternative and fails to consider disaggregation of the development. • BREEAM 'Very Good' should be a condition of any planning consent, although questions why the applicant has not aimed for BREEAM 'Excellent'. • The application does not address emission reductions in terms of full operational emissions of the site. Nor is it clear if embodied carbon and life cycle emissions have been taken into account and if the applicant has sought to reduce them. • Energy Statement to be updated to reflect updated Building Regulation requirements and enhancement measures proposed beyond the regulations. • Insufficient details in relation to where, what and how air source, battery and PV installations would be provided and associated noises affects considered. • More consideration to be given to overheating and potential scope for architectural interventions to support this. • More information to be provided in relation delivery and maintenance of green roofs. • Concerns over the provision, type, security and location of the cycle storage. • No disabled parking provision on site.
Waste and Recycling Team (City Council)	<p>Following the submission of the Waste Management Strategy, it is noted waste will be collected by a private waste collection service. The Council are unlikely to service the development.</p> <p>Initial comments raised concerns over insufficient refuse storage for fortnightly collections by the council and service routing to the stores.</p>
Lancaster University	<p>Comments as follows:</p> <ul style="list-style-type: none"> • Request to see more evidence of the demand analysis to support a studio only scheme. The University wishes to see a mix of accommodation types to provide economic activity. • Recommends the accommodation is promoted and advertised under the LU Homes remit (as an accepted student housing accreditation scheme). • Recommends the proposal meets Fire Service requirements • The accommodation is close to Bulk Road, the A6 and adjacent industrial units and may be adversely affected by noise and poor air quality. Adequate levels of air quality need to be maintained throughout the building. <p>Additional concerns include:</p> <ul style="list-style-type: none"> • Privacy to studios to the east elevation close to Caton Court • Little or no drop off areas for either block, creating traffic and safety issues at peak times (arrivals and departures) • Proposals do not appear to comply with LCC HMO standards. • Insufficient cycle storage • Unclear how refuse collection operates from Block B. <p>Lack of parking forcing parking on residents streets to the detriment to the local residents.</p>

Morecambe Bay Clinical Commissioning Group (NHS)	Requests a financial contribution of £142,350 towards new infrastructure at Lancaster Medical Practice. Failure to secure the contribution amounts to an objection.
Lancashire Constabulary (Designing Out Crime Officer)	In summary, the following concerns/comments have been provided: <ul style="list-style-type: none"> • The scheme should be designed to Secure by Design Homes 2019, including measures to provide adequate security within and around the development (e.g CCTV, access control systems, internal security compartmentalisation, dust until dawn 24 hour lighting). • Concerns noted in relation to the vehicular access and parking facilities. • Cycle storage to be secure and covered by CCTV and illuminated. Secure mail delivery provision.
Lancashire Constabulary (Counter – Terrorism Unit)	Counter-Terrorism Unit requests their response is shared with the applicant at an early opportunity to discussed risks and threats and necessary security mitigation to be taken into account at an early stage in the development process.
Lancashire Fire and Rescue	No objection – standard recommendations provided in relation to Access for Fire Appliances and Water Provision under Part B of Building Regulations. NB: No comments provided in relation to the submitted Fire Safety report.
Economic Development (LCC)	No objection - provides a positive commitment to meeting the output requirements for the eight key performance indicators detailed in the Construction Industry Training Board's benchmarks band 6 for residential development.

4.2 The following responses have been received from members of the public:

3 letters of objection. A summary of the mains reasons for opposition include:

- No need for student accommodation in Lancaster.
- More flats will make an already unsightly area even worse.
- Land should be utilised to provide low-cost homes for homeless individuals and families where there is the need is greatest.
- No diversity of land uses required – better shops, children centres and family homes for the people who live permanently in Lancaster.
- The proposed height of the building will make Bulk Road very dark with two buildings towering above it.
- Increased traffic would worsen existing congestion - likely lane closures to build he development would be disruptive to the community.
- Loss of employment

Additional publicity has been carried out following the amendments to reduce the scale of the development. The consultation period does not expire until 11 November 2022. Accordingly, any further representations will be presented verbally at the committee meeting.

5.0 Analysis

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

1. Land use principles and housing need
2. Heritage, design and townscape
3. Traffic, access and sustainable travel
4. Amenity (living conditions)
5. Pollution (noise and air quality)
6. Flood risk and drainage
7. Biodiversity
8. Climate Change
9. Health
10. Socio-economic benefits

5.2 **Consideration 1 - Land use principles and housing need (NPPF paragraph 7 – 12: Achieving Sustainable Development, paragraphs 39-42: Pre-application engagement and front loading, paragraph 47: Determining applications, Chapter 5 (paragraphs 61-62, 74 – 75) – Delivering a sufficient supply of homes, Chapter 7 (paragraphs 86-88 and 91): Ensuring the vitality of town centres; Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP6: The Delivery of New Homes, DOS1:Development Opportunity Site and EC5.2:Regeneration Priority Area; Policy TC2: Town Centre Designations and Development Management (DM) DPD policies DM7: Purpose Built Accommodation for Students and DM14: proposals involving Employment and Premises and the Meeting Housing Needs Supplementary Planning Document (SPD).**

5.2.1 Land Use principles

The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future growth (policy SP3). This is reflected in Policy SP2 which sets out the district's settlement hierarchy. Lancaster is identified as a regional centre where the majority of future growth will be directed. This approach aims to deliver sustainable growth across the district and further aims to maximise opportunities to support the regeneration of sustainable brownfield sites. In this context, the development seeks to regenerate a brownfield site within a highly sustainable settlement in accordance with these overarching strategic policies.

5.2.2 In recognising the importance of this part of the city and its need for regeneration, the Local Plan designates the proposed site (and the wider urban block) as a Development Opportunity Site (policy DOS1) which is located within the wider Central Lancaster Regeneration Priority Area (policy EC5.2).

5.2.3 Policy EC5.2 (Central Lancaster Regeneration Priority Area (RPA) seeks to support, in principle, the regeneration, reuse and redevelopment of land and buildings where it accords with other relevant policies in the Local Plan. For this area, policy EC5.2 recognises the area provides significant opportunities for improvement in both retail and cultural offer via regeneration of the Lancaster Canal Quarter and Lancaster Castle areas specifically. The proposed site sits outside these two areas but is connected by the existing gyratory and the regeneration aspirations associated with the wider movement strategy and public realm ambitions through the city. This policy does not strictly preclude residential development, although the spirit of the policy focuses largely on economic opportunities alongside the aspirations of reducing traffic movements through the city and creating a more pleasant and safe environment. Subject to all other considerations, the principle of the regeneration on this brownfield site could accord with policy EC5.

5.2.4 Policy DOS1 (Development Opportunity Site Land at Bulk Road, Lawsons Quay, Lancaster) reiterates the principles of policy EC5 but is specific to the application site and the wider urban block it sits within. Policy DOS1 promotes the redevelopment of the site for a broader range of uses including commercial, leisure and retail uses where such uses complement the neighbouring Canal Quarter site (policy SG5). The policy goes on to state proposals should not include uses that could be located on available, sequentially preferable sites either within or adjacent to the Primary Shopping Area. Both policies EC5 and DOS1 lean towards supporting commercial development in the regeneration of this site. This proposal is not a commercial development and is a fully residential scheme. On the other hand, policy DOS1 does not specifically state residential development would not be permitted but based on the site's location within floodzones 2 and 3, residential development is clearly not promoted or anticipated (via DOS1) on this site. Furthermore, Policy DM7 (Purpose Built Accommodation for Students) specifically states PBSA will be supported where it is located on campus, within or directly adjacent to Lancaster city centre (and not on allocated housing sites). Policy TC2 of the SPLAs DPD defined the districts town and city centres. The proposed site is located circa 200m north of the defined city centre. Arguably, therefore, the development for PBSA on the proposed site is a departure to the Local Plan. A local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed. This is a matter that shall be addressed in the concluding planning balance.

5.2.5 In addition, Policy DOS1 expects development proposals to address several key issues, including:

- No adverse impacts on the surrounding network, local amenity and highway safety.

- Any employment and commercial uses do not impact on residential amenity of existing properties on Bulk Road, in terms of noise, odours, light and air pollution.
- Applications are supported by a Flood Risk Assessment which must be to the satisfaction of the Environment Agency and Lead Local Flood Authority.
- Cycle and walking connections between the site and the city are generated.
- Proposals should seek to preserve or enhance the setting of heritage assets surrounding the site and across the wider townscape of Lancaster.
- Due regard to all relevant policies contained within the Local Plan.

These matters will be addressed throughout the assessment of the key issues.

5.2.6 Housing needs

Policy SP6 provides the strategic framework for housing delivery during the plan period. This sets a housing requirement of 10,440 dwellings of which 2,249 of these will be student accommodation. Student accommodation comprises an important component of the district's housing market and therefore contributes towards the Council's housing supply. Currently, the Council cannot demonstrate a 5-year land supply with only 2.6 years supply of deliverable housing. The consequences of not having a 5-year housing supply means paragraph 11d of the NPPF is engaged ('the presumption in favour of sustainable development') unless policies in the Framework that protect areas or assets of particular importance provides a clear reasons for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessment against the policies in the Framework taken as a whole.

5.2.7 Policy DM1 (New Residential Development and Meeting Housing Needs) supports proposals for new residential development that ensures land is used effectively and the natural environment, services and infrastructure can or could be made to accommodate the impacts of the development. This policy also supports proposals that seek to promote balanced communities that meet evidenced housing needs. There is a significant concentration of purpose-built student accommodation (PBSA) and student HMOs close to the application site, not least from the recent Caton Court development. The density of HMO accommodation exceeds 25% of residential properties, however the restrictions imposed by policy DM13 in terms of the 10% threshold in the concentration of HMOs in a specified area would not apply to this proposal (it only applies to conversions). Nevertheless, the proposal would add a significant number of student flats resulting in a significant concentration of student accommodation within a relatively confined area. Whilst policy DM1 seeks to ensure development contributes to well-balanced communities, this policy is directed at general residential development and therefore not strictly applicable to the proposed development.

5.2.8 In this case, the application proposes single occupancy studio apartments for students as the only form of accommodation. This is a model of accommodation that the applicant is satisfied meets current demands, targeting year 2, 3 undergraduate and post-graduate students. Policy DM7 and Appendix G, which relates specifically to PBSA, does not prescribe what specific student accommodation type (i.e. cluster flats or studios) or mix of such types should be provided as part of new development. Nevertheless, the local planning authority has generally encouraged a mix of accommodate types to ensure the development provides greater diversity of accommodation.

5.2.9 The application has been supported by a detailed Socio-Economic Assessment, Market Overview Report and Planning Statement setting out the applicant's position in respect of the demand for PBSA in the city. Despite some criticism of this assessment, there is no evidence to counter the detailed and thorough information provided which indicates there is an increasing unmet demand for PBSA to support the district's existing and future student population. This looks in detail at the pattern of student growth (which continues to increase locally), international and UK demands for university places, market demands and the availability of PBSA. The assessment also notes that the provision of PBSA has the potential to free up housing supply for general family accommodation, although this is not validated by evidence from the applicant, the universities or in deed the Council. Consequently, the proposal would clearly make a positive contribution to the supply of housing generally, and specifically for students, in the district which must be afforded great weight in the planning balance.

5.2.10 Loss of Employment Uses/Community Services

Policy DM14 is relevant in the context of the loss of employment land/uses operating from the site. The site is not specifically protected by policies EC1 and EC2 (strategic existing and future employment allocations). However, policy DM14 states that the Council will seek to retain land and

buildings in active (or previous recent history of employment use) or where it still has an economic value worthy of retention, unless robustly justified. A similar approach is advocated by policy DM56 (Protection of local services and community facilities), which requires proposals that would result in the loss of a building/use which currently (or have previously) provided the community with a local service. In this case, the proposal will result in the loss of a carpet shop and warehouse, hand car wash and the car hire rental office. At the time of the case officer site visit, only the carpet shop was still in operation, although during the course of the determination of the application this has now ceased. All the buildings and land associated with these exiting and former uses are in a poor condition and in need of significant investment and regeneration.

5.2.11 Both policies DM14 and DM56 require 12 months of marketing to demonstrate the existing use is no longer economically viable or feasible; that alternative provision of the key service can be reasonably accessed by pedestrians and public transport; and the current/previous uses no longer retains an economic and social value for the community it serves.

5.2.12 In relation to 'A Cut Above', this retail space (1,355m²) has not recently been marketed but the owner has sought to sell the site for some years, appointing Richard P Taylors as their commercial agents in 2007. The applicant has not provided any evidence of historic marketing and contends formal marketing would have been economical ruinous for this existing business. Furthermore, the applicant argues the poor condition of the building also makes it uninviting for future tenants without significant investment. The applicant goes on to argue alternative carpet retailers are available locally to serve the community and as such the loss of this retail premises would be detrimental to the community it serves. The absence of a full marketing exercise does result in a conflict with the requirements of policy DM56. However, given the sites wider context within a regeneration priority area and within the DOS, the level of harm arising from this conflict of DM56 would not be significant.

5.2.13 The Council's development strategy (policy SP3) for the district seeks to maximise development growth in a sustainable manner, focusing development in urban locations and maximising regeneration opportunities on brownfield sites, particularly through allocated Development Opportunity Sites. The degree of conflict with DM56 would not outweigh the wider benefits associated with the regeneration of the site with a high- quality development proposal.

5.3 **Heritage, Design and Townscape** (NPPF Section 16 Conserving and enhancing the historic environment - paragraphs 194-202 and 205; Section 12 Achieving well-designed places – paragraphs 126, 134; Strategic Policy and Land Allocation DPD Policy SP7 Maintaining the Districts Unique Heritage and Policy DOS1 Development Opportunity Site and Development Management DPP Policies DM38 Development affecting Conservation Areas, DM39 The setting of Designated Heritage Assets, DM42 Archaeology and DM46 (Development and Landscape Impact)

5.3.1 Strategic policy SP7 (SPLA) states that '*Lancaster District has an extraordinarily rich and varied historic environment*' and that its heritage assets shape the district's distinctive identity. Policy SP7 requires the Council, as well as fulfilling its statutory duty, and amongst other requirements, to protect and enhance local heritage assets and to maximise opportunities to reinforce the district's unique identity and the wider enjoyment of the historic environment. This also links in with the central Lancaster regeneration aspirations set out in policy ER7.

5.3.2 When assessing development that affects designated heritage assets the Council must demonstrate it fulfils its statutory duty. This is provided below:

The local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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***"; and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires ***special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.***

5.3.3 This legal framework to *preserve* and *enhance* is reflected in national and local planning policy. Paragraph 197 of the NPPF provides the starting point for determination planning application that affect heritage assets. It requires the local planning authority to take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

5.3.4 It does state when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm of loss requiring clear justification. Furthermore, the NPPF defines the setting of a heritage asset as the surrounding in which it is experienced. The extent is not fixed and could change as the asset and its surroundings evolve over time. The NPPF does make clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset the greater the weight that should be attached. Significance derives not only from its physical presence, but also the setting.

5.3.5 Lancaster is situated within a broad valley beside the River Lune with moorland to the east and Castle Hill to the west. The hilly skyline is an important part of the city's setting, with key civic buildings occupying the higher ground and breaking the skyline. The Castle, St Mary's Church and the Ashton Memorial, all grade I listed buildings and of the highest significance, provide the principal focal points to west and east respectively and provide the city with a distinctive sense of place. The hilly topography provides fine views and interesting level changes which are a distinctive aspect of Lancaster with more intimate framed views along streets. The river and canal provide strong landscapes within the city, lined by good groups of historic warehouses, mills and workers housing, complemented by recent development. The city centre is still predominately low-rise and finely grained, allowing landmark historic buildings to punctuate the townscape.

5.3.6 The proposed development is situated just to the north-east of the city centre near to the River Lune and close to the boundary of the conservation area. The Conservation Area covers the historic core of the city, as well as peripheral areas of 19th century urban expansion for housing and industry. The archaeologically sensitive Roman and medieval heart of the city has been overlaid with phases of 18th and 19th century development which have created a city of great richness, character and diversity.

5.3.7 The proposed development is awkwardly disposed on Parliament Street facing the River Lune and at the corner of Caton Road and Bulk Road. The other corner plot between the two sites is in separate ownership. The proposal lies outside of the conservation area and does not contain any listed buildings. Therefore, the proposal will not directly affect the fabric of any heritage assets (although there could be buried remains which will be discussed in Section 5.3.12). In this case, the main heritage considerations relate to the effect of the proposals on the setting of heritage assets, largely the conservation area, Ashton Memorial, St Johns Church (and other listed buildings on the city skyline), 32 Parliament Street, Skerton Bridge and 38 -42 Parliament Street and archaeological interests.

5.3.8 Impact on Conservation Areas
 Lancaster Conservation Area is sited around 100m to the south of the application site with the applicants suggesting that the setting of the Conservation Area will be largely unaffected by the proposed development. The Bulk area of the city forms part of the setting of the conservation area with distant views from across the River Lune are particularly important. Given the scale of the proposal there are views into, across and out of the conservation area where the development will provide a new prominent feature within the townscape. The main concern relates to Block A. Block A as initially submitted was of a scale and form that was not in keeping with the finer grain of Lancaster (more so to the east and south) and contrary to the applicant's assertions that the proposal would have a neutral impact to the significance of the conservation area overall, officers did not share this view. The amended scale and massing of Block A still results in a building of significant scale and bulk, therefore these concerns are not fully overcome. However, except for the neighbouring listed buildings, the immediate local area is of little historic character and is in need of significant regeneration. The reduction in height, the inclusion of setbacks, the stepping down in height to the north and high-quality material and fenestration breaks, together with enhanced architectural detailing has helped mitigate the concerns over massing. In views from across the

river, the development will sit below Caton Tower with prominent vertical features of important listed buildings in the skyline retained. Whilst the development is significant in height and massing the embodied design mitigation will deliver a high-quality form of development which overall would not lead to harm to the significance to the setting of the conservation area overall. Thus, continuing to preserve the special character of the heritage asset in accordance with statutory provisions and planning policy.

5.3.9 Impacts on 38-42 Parliament Street and Skerton Bridge

These Grade II* listed buildings and Scheduled Monument are not directly adjacent to the site. These designated heritage assets derive quite a high degree of significance from their setting and their relationship with one another. There are existing aspects of the setting which already detract from this significance, most notably the large buildings on the urban island and the poor quality of buildings that sit adjacent to the asset and the busy nature of the traffic over the bridge. The townscape quality is generally poor but is predominately low-scale and has a sense of openness (allowing expansive views of the city's townscape and skyline in the backdrop). The current site and buildings do not positively contribute to the setting of the asset. The proposed development, in particular Block B, will affect the setting of these assets especially in views looking north along Parliament Street and from Skerton Bridge. The proposed development will present a large mass of development and will result in an inevitably minor adverse impact on the setting of the assets. This is largely because the new buildings will become a new prominent feature on the townscape, detracting from the significance of the assets (more so 38-42 Parliament Street). Nevertheless, the development will substantially improve the townscape quality around the listed buildings compared to the current condition of the site. In this regard the proposal is now considered to have a neutral impact with the adverse impacts arising from the massing of the buildings balanced against the improvements to the townscape quality which is considered beneficial to the setting of the asset.

5.3.10 Impacts on 32 Parliament Street

Unlike the previous heritage assets considered, this listed building does not derive much of its significance from its setting. It is a rare example of Ventian Gothic style and provides a contrast to much of the city's Georgian features. It was designed to showcase its architectural interest and difference with most of the city at its time. Nevertheless, its setting is important and currently consists of the proposed vacant site to the north and poor quality (but low-scale) development to the immediate south. Caton Court and larger industrial buildings form part of the townscape setting detracting from the significance of this heritage asset.

5.3.11 Both Blocks A and B have the potential to impact this listed building, though Block B has a more intimate relationship, as it will effectively infill the gap and create a new street scene character. Block A will be seen in the backdrop to this heritage asset. There have been various amendments to the scale and design of Block B. Most notably the transposing of the highest part of this block to the northern element, subtle setbacks at roof level, and amendments to the architectural language of the development so it reads as two buildings (albeit connected). Design, fenestration, and material changes have also ensured the development now has a more vertical emphasis and a greater design variety to compliment the local townscape character. The massing of Block A, with the amendments, will still form a large and rather incongruous mass of development in the backdrop and setting of the asset (but not untypical of the area given the presence of Caton Court). Blocks A and B combined will create a sense of enclosure to the setting of this listed building and will to a certain extent have an overbearing presence (more so Block A). Block B, with its embodied design mitigation, will be taller than the adjacent listed building and will arguably detract from its presence. However, on the other hand, it will substantially improve the character and townscape quality along Parliament Street which is seen as a benefit. Overall, there would be a minor adverse impact to the significance of this listed building largely deriving from the increased scale and massing of the proposed development. This harm is considered less than substantial.

5.3.12 Buried Archaeology

Policy DM42 states development proposals should conserve or enhance those elements which contribute towards the significance of a Scheduled Monument or an archaeological site of national importance. The NPPF also places emphasis on the need to record and understand the significance of any heritage assets to be lost in a manner proportionate to their importance. In this case, the site is located in an area of high archaeological interest. The applicant has considered the effects on archaeology and has submitted an Archaeological Desk-Based Assessment and an initial Written Scheme of Investigation to facilitate the next stage on assessment and recording. The majority of

the existing buildings on site are of no historical interest, with the exception of the Rope Walk building. This building has been considered and assessed by the Council's Conservation Team who have concluded this building would not meet the criteria for a non-designated heritage asset largely because of the lack of survival of associated structures. However, a building recording condition is necessary to record what does remain and the associated history, including other historic structures on the wider site.

5.3.13 The history of the site has been carefully examined by the applicant and the County Archaeologist who have concluded the need for further archaeological investigations, which should also include consideration of the impact of ground works on the Mill Race. The applicant has submitted a WSI which following consultation requires further amendments, largely to take account of the timing of ground works, demolition and invasive investigations and the effect on the Mill Race and the type of recording needed for the Rope Walk building. The County Archaeologist has concerns over the timing of archaeological investigations and the timing for the proposed works to implement the development on the effect on the Mill Race. There has been no objection from statutory consultees in connection with the impact of the proposal on the integrity of the Mill Race. As such, it is contended that through the submission of an appropriate Surface Water Construction Management Plan (which needs to evidence the development will not impact the Mill Race) amendments to the submitted WSI (by condition), this could be reasonable controlled by planning condition.

5.3.14 Paragraph 202 of the NPPF and local planning policy states that '*where a development proposed will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal*'. Despite some objections and concerns over the effect of the proposal on the townscape character and significance of heritage assets, officers are satisfied the less than substantial harm identified to 32 Parliament Street, would be outweighed by the wider benefits associated with the development. These benefits include the regeneration of a prominent gateway site, improvements to the townscape quality through high-quality designed development and the housing benefits). The Council's Conservation Officer is now satisfied with the proposals and raises no objection to the development, subject to conditions to secure the design quality proposed. Consequently, the proposed development is considered compliant with Section 16 of the NPPF and policies DOS1 of the SPLA DPD and policies DM38, DM 39 and DM41 and DM 42 of the Development Management DPD.

5.3.15 Design and Townscape Considerations

Planning policy places an increasing emphasis on the need to deliver high-quality, beautiful and sustainable places. Policy DM29 and DM46 seek to achieve this overriding ambition by ensuring new development contributes positively to the identity and character of an area through good design that has regard to local distinctiveness, siting, layout, materials, orientation and scale. Recognising the scale of the development, the applicant has undertaken a townscape assessment (with a series of visualisations) and undertaken a lengthy design assessment in formulating the latest proposals. The design and access statement demonstrates a commendable effort in looking closely at Lancaster's architecture and overall character.

5.3.16 The proposed development has evolved during the determination period. This has led to a more interesting and varied design composition, which has taken careful and sensitive influences from local vernacular and the architectural detailing of significant buildings and structures locally. The contemporary interpretation of historic features is especially noticeable on Block B, which shall have a more intricate and prominent position in townscape terms to Block A. Block A is more tightly confined by the highway network and the existing built environment. Nevertheless, attention to the detailing of the development and the subtle changes in window forms and materiality alleviate some massing concerns with modest improvements to the public realm along the street frontages. The materials proposed at minimal - typical of Lancaster. Rather than introducing numerous materials, the applicant proposes the use of limited materials in different tones and textures (brickwork) to create variety and interest. It is noted that there have been concerns raised over the colour and tones of the upper levels noting Lancaster would typically see darker tones to reflect the roofscape. Officers are satisfied the lighter tones at this level will be acceptable given the interesting design of the roof level (to Block B). The aesthetics of the development has substantially improved and would now conform to the requirements of policy DOS1 and DM29 which seeks to secure good design.

5.3.17 In terms of place-making, this concept and approach is limited to the application site given the piecemeal nature of the proposal across the wider development opportunity site. Notwithstanding

this, the proposed public realm and landscaping to the rear of the buildings is of high quality and will create a distinct sense of place for future residents to enjoy. This a positive aspect to the scheme, particularly given the dense urban character of the site and its surroundings.

- 5.3.18 The immediate townscape is arguable of poor quality (the urban island between the gyratory system) and clearly recognised in the Local Plan as an area in need of significant regeneration. The building forms vary substantially from low-scale industrial warehouses, large and bulky residential development to important and intricate listed buildings. The site is located in a character area which despite being enclosed by the highway network occupies a prominent position overlooking the River Lune and has a distinct sense of presence in townscape terms. The character area to the east (Bulk area) is a much finer grain – dominated by dense rows of low-scale stone terraced housing.
- 5.3.19 The applicant's assessment concludes that the proposed development will have a minor adverse townscape impact on the character of the Bulk area but a moderate beneficial townscape impact on the urban site where the site is located. The effects on the other character areas assessed (including the canal corridor area, Newton area and residential areas to the east) would experience negligible effects on townscape character. Officers concur with this conclusions. The overall scale and massing of the development, despite the design mitigation to reduce the massing effect, will still lead to a degree of harm on the townscape character to the Bulk Road area. Arguably this relates Block A rather than Block B. In this sense there is a degree of conflict with policy DM29.
- 5.3.20 In terms of the visual effects of the proposal, a proportionate selection of viewpoints has been assessed including views from across the River Lune, where the city's topography and intricate skyline is particularly noticeable. For the ten viewpoints assessment, the views from Skerton Bridge looking across toward the site with the city's townscape in the backdrop would experience the greater level of impact. Whilst the development has been reduced in height, the massing of Blocks A and B combined, when forming the foreground to the recently constructed Caton Court, would represent a substantial parcel of large-scale development, which is notably not typical of Lancaster. It is accepted the reductions to the height of the development improve the relationship with Caton Court, allowing the tower to remain a focal point (standing approximately 10 metres taller than the proposed development), but the massing of the overall development creates an urban block dominated by significant mass and scale. However, the amendments have improved the visual impacts of the development in all other viewpoints. Concerns raised in relation to the sense of enclosure to Caton road (a consequence of the proximity of the development to Caton Court), are valid but given the set back from the highway and dropping in height to the northern element of Block A, these concerns would not be substantiated.
- 5.3.21 The adverse effects identified are balanced against some beneficial townscape and visual effects arising from the proposal. While the massing of the development is not typical of Lancaster's character more generally, it is not untypical of the townscape in the immediate locality. Furthermore, it will undoubtedly improve the street scene and townscape qualities along Parliament Street and regenerate an important gateway position, which currently fails to positively contribute to the area. Provided the quality of design can be secured (by condition), on balance, the proposal is considered compliance with the high-quality design aspirations of the NPPF, policy DO1 and DM 29 of the Local Plan.
- 5.4 **Accessibility, sustainable travel, and traffic impacts – (NPPF: Chapter 9 paragraphs 104-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policies SP3 (Development Strategy for the District), SP10 Improving Transport Connectivity and T2: Cycling and Walking Network; Development Management (DM) DPD policies DM29: Key Design Principles, DM57 Health and Well-being, DM58 Infrastructure Delivery and Funding, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan**
- 5.4.1 **Accessibility and sustainability**
Policy SP10 of the SPLA DPD and policies DM60, DM61 and DM63 seek to direct new development to sustainable locations, to ensure new development provides and encourages opportunities for a range of transport options and to reduce the overall need to travel. This policy approach aligns with the Council's development strategy (policy SP3) and is reflective of the principal objectives set out

in the NPPF (paragraphs 104-105) to promote sustainable transport in planning policy and decision-taking.

- 5.4.2 The application has been supported by a Transport Assessment. This considers accessibility and traffic impacts associated with the development. Firstly, policy DM7 directs new PBSA to the university campus or within or directly adjacent to the city centre. Fundamentally this is because of the good sustainable travel connections between the city (and all its services and facilities) and the university. In this case, the site is located outside the city centre itself, but it is in a highly sustainable and accessible location with public transport and local amenities within 400m of the site. The nearest bus stops are within 150 metres of the site with the city's bus stop around a 5 minute walk from the site. There are regular bus services available for future occupants with public transport anticipated to be the main modal choice. The Uni-rider ticket will be promoted through the Travel Plan.
- 5.4.3 The existing pedestrian infrastructure provides a good basis for future pedestrian trips to and from the site. Improvements to the pedestrian network are proposed to ensure pedestrian movements are efficient and safe. This includes widening of the Caton Road frontage footway to 2mtres, provision of tactile paving at crossing points and a new controlled crossing at the Bulk Road/Caton Road junction. There are also ramped and step access points into the development.
- 5.4.4 Existing cycle routes are within easy reach of the application site, which provide both leisure and commuter routes between the city and the universities. These routes shall be promoted in the Travel Plan (to be conditioned). Cycle parking provision equates to around 70% of the total number of studio units. Policy indicates 100% cycle parking should be provided. However, from the applicant's own experience delivering PBSA and having regard to the level of provision provided across other schemes, including Caton Court, the proposed cycle storage provision is deemed acceptable and sufficient to support sustainable travel options. Precise details of the cycle storage proposals and their provision before occupation shall be controlled by planning condition.
- 5.4.5 Given the sites accessible location, the development is car-free, other than three spaces located on the Caton Road frontage for staff and an accessible space. Each of these spaces will have access to electric vehicle charging.
- 5.4.6 The proposal includes a new loading bay located on Caton Road. The location of this has been amended to address concerns raised by the highway authority. This loading bay will form part of the off-site highway improvements works and will facilitate safe loading for servicing and taxi drop off and pick up. The site is in close proximity to other public car parks for visitors of the development. the proposed access off Caton Road, intended only for the developments access strategy and for emergency vehicles is considered suitable for its intended purpose. There is no vehicle access proposed off Parliament Street.
- 5.4.7 Overall, the proposal would adequately comply with the requirements of local and national planning policy regarding the prioritisation of sustainable travel modes and ensuring the development can be safely accessed.
- 5.4.8 Traffic Impacts
The submitted Transport Assessment also assesses the traffic impacts through an assessment of the anticipated trip generation. TRICS data has been used to establish the vehicles trips associated with the development. This predicts around 45 vehicles trips per day. This is based on an assumed average parking level of 4.5% (for student accommodation), which is significantly higher than the proposed development. Therefore, this traffic forecast provides an overestimation of likely traffic flows on the network. This level of traffic will have a negligible impact on the highway network, particularly factoring in the traffic generated by the former uses and especially the car wash.
- 5.4.9 Given the nature of the proposed development, on a typical day, the proposal will generate a low level of traffic, which will be mainly associated with servicing, taxi and staff movements. However, an Access Strategy to manage student arrival and departures each term will be required. The applicant accepts the need to address this as part of the wider management of the development to ensure, during these periods, there would not be unacceptable impacts or safety concerns on the highway network. This is particularly important given the location of the site on an extremely busy (and at peak times) congested part of the gyratory. The TA provides a framework of how the development would manage arrivals and departures by allocating allotted times for drop off/pick up.

The central courtyard would be utilised for this with access taken off Caton Road. Like other developments, this can be controlled and managed by planning condition.

- 5.4.10 In terms of highway safety, the proposal will remove several access and egress points from the network – most notably those associated with the former car wash which were poorly sited close to the Caton Road/Bulk Road junction. The amended loading bay position, which is located further north on Caton Road, has addressed initial safety concerns raised by the highway authority. Given the negligible traffic generated by the proposal and improvements to the safety of the network in the vicinity of the Caton Road/Bulk Road junction, together with the provision of a suitable loading bay and improved pedestrian crossing facilities, the development is considered acceptable and compliant with policies DOS1, DM29, DM60 and DM61 of the Local Plan and the NPPF. The highway authority has raised no objections to the development from an accessibility and highway safety perspective.
- 5.4.11 The local highway authority has, however, indicated that all new development should contribute to the district wide highway infrastructure strategy. This is intended to help support and facilitate extensive new highway changes and improvements to existing infrastructure to ensure development does not compromise existing and future movement needs and supports the delivery of infrastructure to accommodate planned growth. This approach is supported by policy DM58. The applicant accepts the principle of a likely contribution provided it meets the CIL tests as set out in paragraph 57 of the NPPF (and DM58). At the time of writing this report, the highway authority has not provided details of their S106 request to support the infrastructure strategy. A verbal update will be provided. Should their requests be supported, this would require the applicant entering into a planning obligation with the local planning authority and local highway authority.
- 5.5 **Residential Amenity and Pollution** (NPPF: Chapter 8 paragraph 92 and 98 (Promoting Healthy and Safe Communities), Chapter 12 (Achieving Well-Designed Places) paragraph 130 and paragraphs 183 – 187 (Ground Conditions, Pollution and Agent of Change); Development Management (DM) DPD policies DM7 (PBSA), DM29 (Key Design Principles), DM32 (Contaminated Land) and DM57 (Health and Well-Being)).
- 5.5.1 Residential amenity standards set out in the NPPF and in the Local Plan are equally applicable to student accommodation. The proposed development has been designed to ensure all the studios meet the requirements of policy DM7 and specifically appendix G which sets out the required amenity standards to ensure acceptable living standards can be provided. For single occupancy, this requires all studios to be at least 19 square metres, to have an acceptable level of outlook and natural light. The proposed layout of the development sufficiently meets these standards. The preamble to Policy DM29 (applicable to all new development) provides additional criteria to ensure new dwellings are private and free from overlooking and overshadowing. This includes expected interface distances between habitable and non-habitable space within new and existing buildings. In this case, the proposed development marginally falls below these expected levels between Block A and Caton Court (around 19 metres) and Block A and existing buildings to Parliament Street (c18.5m). The rear of Block B has an interface distance of 16.2m to the rear of the laundry building. Policy does recognise that there will be instances where interface distances may need to be increased or reduced depending on circumstances such as topography and density. Given the characteristics of the site and surrounding development, the reduced interface distances in the locations identified, would not result in unacceptable living conditions for future occupants of the development.
- 5.5.2 The proposed development has provided adequate provision for refuse storage, which will require a private waste management strategy, as well as high-quality external amenity space to ensure future residents have access to open space to support their health and well-being. These elements of the scheme are considered compliant with the local plan and NPPF.
- 5.5.3 In terms of the effects of the development on neighbouring residential development and given the scale of the proposed development, the applicant has undertaken an appropriate daylight and sunlight assessment based on the methodologies and guidance set out in the Building Research Establishment (BRE) Guidelines titled 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011). This assessment has been carried out based on the original proposals and does not account for the amendments which have resulted in a minor increased in separation between Block A and Caton Court, the reduction in height to Block A (by a storey across the whole

block and a storey and a half to the northern element of Block A) and the transposing of the taller section of Block B to the north. Against the baseline, the assessment does identify a level of impact to adjoining development, this mainly relates to the property to the rear Parliament Street, side of Bulk Road and the lower floors of Caton Court.

- 5.5.4 The assessment confirms that of the 384 windows assessed on Caton Court, 333 windows would meet the BRE guidelines for Vertical Sky Component (VSC – from a single point at the centre of the window the quantum of sky visible) with 51 not meeting the guidelines. Of the 303 rooms considered for the No Sky Line (NSL – a simple test to establish if the sky will be visible with the proposed room) assessment 261 rooms continue to be the BRE Guidelines (42 rooms falling below the guidelines). The assessment for Annual Probable Sunlight Hours (APSH - the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloudiness at the location in question) shows all rooms affected to continuing to meet the guidelines. For 30 Parliament Street the results are as follows:
VSC – of 30 windows, 18 windows continue to meet the BRE guidelines and 12 do not
NSL – of the 14 rooms, 7 rooms meet the BRE guidelines and 7 do not
APSH – of the 6 rooms assessed only 1 meets the guidelines and 5 fall below the guidance.
For Bulk Road: of the two rooms assessed both the VSC and NSL fall below the BRE guidelines.
- 5.5.5 Caton Court comprises a high-rise student development providing a mix of student accommodation types (cluster flats and studios) with significant communal space provided, including a sky lounge and study space offering existing residents alternative habitable space from their own bedrooms/studios. The design of Caton Court (like the proposed scheme) is self-limiting on the availability of daylight (generally a rectangular floorplan with single window) meaning daylight can only penetrate so far into the rooms. The development will cause a reduction to the NSL daylight but the level of impact is not considered significant overall. Development to the rear of 30 Parliament Street also has consent also for student accommodation, with habitable windows facing over the proposed courtyard to Block A at an interface distance of c25m. Whilst interface distances are acceptable, given the height and form of the development there will be an inevitable impact on natural light and sunlight (as the applicant's assessment indicates). In the case of Bulk Road, the site is unoccupied at present and previously used for storage (at the first floor) and commercial uses at ground floor. The pending planning application (at Bulk Road) proposes two windows facing east which would be impacted by the development. As this does not have planning consent and there are no occupants to experience the change in daylight/sunlight, the impacts are equally not considered significant. In all cases, the sensitivity of changes to daylight/sunlight will vary dependant on the receptors and the character of the area. In this case, all residential development surrounding the site is for student occupation. Furthermore, it is in a highly urbanised location where the expectation for changes to the build environment would be greater than in a suburban location.
- 5.5.6 Furthermore, the BRE guidelines are just guidelines. Meeting particular targets or values from the BRE is not prescribed in planning policy. Equally, the National Planning Practice Guidance (NPPG) recognises that *“appropriate levels of sunlight and daylight will depend to some extent on the context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.”* There are many factors to be taken into account aside from the physical separation between buildings. It is important to have regard to location, context and the nature and character of surroundings uses. Overall, it is considered that the impacts identified would not result in significantly adverse living conditions to existing occupants to warrant the development contrary to the requirements of DM29 and paragraph 130 of the NPPF.
- 5.6 Noise and Pollution - NPPF paragraphs 183-186; Development Management (DM) DPD policy DM31 (Air Quality Management and Pollution) and the Council's Low Emissions and Air Quality Planning Advisory Note 11.
- 5.6.1 Paragraph 185 of the NPPF states decisions should ensure new development is appropriate for its location taking account the likely effects of pollution on health, living conditions and the natural environment. Policy DM29 seeks to secure the same. Given the sites location on a busy section of the gyratory and nearby industrial uses, the application is supported by a noise assessment. The submitted noise assessment suggests glazing specifications achieving 37dB R_w+C_{Tr} to the façade facing Caton Road and 29dB R_w+C_{Tr} to the rear are required to safeguard future residents from

adverse environmental noise conditions. This level of mitigation can be controlled by condition. The noise assessment fails to give a glazing specification for the side elevation. The Council's Environmental Health Officer (EHO) suggests the same glazing specification to that on Caton Road, unless additional information is provided. The applicant is agreeable to a further noise assessment to be submitted by condition to establish the required specification to the side elevation. The initial assessment indicated trickle vents within the windows, however, the applicant now proposes the development to be fully mechanically ventilated which will secure acceptable noise levels with the windows closed. It is noted the applicant intends to provide air source heat pumps and other plant to service the development. The noise assessment purposes noise limits for the plant to meet the required standards. This can be controlled by planning condition.

- 5.6.2 Given previous uses on the site, a phase II site investigation and remediation strategy will be required. This is to ensure the ground conditions and risk arising from land stability and contamination can be fully considered and mitigated against. This will be required as a pre-commencement condition and is an approach supported by the Council's EHO.
- 5.6.3 Noise and vibration impacts during construction are capable of being minimised to acceptable levels through the submission of a scheme for the control of noise and vibration to be secured by conditions. This can form part of the CEMP.
- 5.6.4 Air Quality - The site lies within the Lancaster Air Quality Management Area and has been supported by an Air Quality Assessment (AQA). This assessment has been subsequently updated to address initial concerns raised by the Environmental Protection Team. It is accepted that the proposal has the potential to cause air quality impacts as a result on potential dust emissions during construction and road traffic emissions associated with vehicles travelling to and from the development once operational. Policy DM31 states all development proposals must demonstrate that they have sought to minimise the levels of air polluting emissions generated from the development and to adequately protect existing and new users from the effects of poor air quality. Paragraph 186 of the NPPF is relevant and requires planning decisions to sustain and contribute towards compliance of relevant limit values or nationally objectives for pollutants and to take opportunities to improve air quality or mitigate identified impacts.
- 5.6.5 In terms of the air quality impacts during construction (including the demolition, earthworks, construction and track out) the assessment concludes there would be a negligible to low risk on human health. In accordance with good practice guidance (IAQM), mitigation measures to reduce fugitive dust emissions during construction phases are proposed and would be covered through the submission of a Construction Environmental Management Plan (CEMP). With appropriate mitigation controlled by the CEMP, the residual impacts from dust generating activities during construction are predicted to be not significant.
- 5.6.6 The main air quality considerations once operational relate to the protection of new occupants given the sites location within the AQMA (and their exposure to existing pollutants) and the effects on new and existing occupants from the potential increase concentrations of NO₂ as a result of increased road traffic exhaust emissions associated with the vehicles travelling to and from the development. The submitted AQA has assessed the potential for air quality impacts as a result of traffic emissions and using standard screening criteria, in accordance with the Institute of Air Quality Management (IAQM) guidance, concludes the development would not lead to significant air quality impacts. This is because of the low number of vehicles trips anticipated to be generated (44 vehicle movements per day). The assessment submitted also includes a review of local monitoring results in order to identify potential for exceedance of the long and short-term AQOs for NO₂ at the development site. This concludes the annual mean NO₂ concentrations recorded close to the site (Caton Road) have not exceeded the AQO in recent years. There is no local authority NO₂ monitoring along Parliament Street. However, the assessment indicates levels recorded at 1 Parliament Street were also below the AQO. Subsequently, the assessment concludes exposure of exceedances of NO₂ for future occupant is not considered likely and as such the site is considered suitable for residential use without the inclusion of mitigation.
- 5.6.7 Whilst future occupants would not be exposed to unacceptable pollutant levels, the amended AQA has now included an emissions assessment in accordance with the Council's PAN. Based on the assumed level of traffic generated from the development, the assessment calculates a damage costs value of £2,242. The proposal includes standard mitigation in the form of the production and

implementation of a CEMP and the provision of electric vehicle charging infrastructure (three in total). In addition, the proposal includes a few measures to support and encourage sustainable travel options, such as improvements to existing pedestrian footways, a new crossing facility at Caton Road/Bulk Road, cycle parking infrastructure, parking management and travel planning. The AQA summarises the associated costs for this additional mitigation, which considerably exceeds the damage cost value set out in the emissions statement. Furthermore, and whilst not explicitly required for air quality reasons, the proposed development will also be fully mechanically ventilated thereby adding an additional level of protection for future occupants.

- 5.6.8 The application had initially been submitted without an odour assessment to assess the effects of the adjacent laundry on future occupants of the proposed development. Given the requirement to consider the agent of change principle, on request, the applicant provided further information in relation to the effects of the emissions from the laundry. Having regard to the assessment undertaken on the adjacent development site (Caton Court) and the proposed development orientation and height/window position relative to the chimney (some 6.5 metres lower than the height where the concentrations of NO_x are reported – the height of the top of the flue), it is considered that the impact of unacceptable exposure to pollutants from the adjacent laundry are not significant. Furthermore, and notwithstanding the above conclusions, the proposal includes a fully mechanical ventilation and heat recovery system, which allows the studios to operate with windows closed. The inlets for the development for the northernmost section of Block A (the section closest to the flue) are located on the east and western building facades meaning air will not be drawn from the north where the emissions (whilst below AQO) are most likely.
- 5.6.9 The Council's Environmental Health Service has assessed the amended AQA and further information in relation to the risk of emissions from the adjacent laundry and is now satisfied emissions from the flue would not result in exceedances of the AQO and nor would the development be adversely affected by odours associated with the laundry. Overall, there is an acceptance that air quality will not result in any adverse impacts and therefore accords with DM31 and the NPPF.
- 5.7 **Consideration 2 Flood Risk and Drainage** (NPPF: Chapter 14 (Planning for Climate Change) paragraphs 152-154, 157, (Planning and Flood Risk) paragraphs 159--169; D01 (Development Opportunity Site); Strategic Policies and Land Allocations DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure) and the Application of the Flood Risk Sequential Test and Exception Test Planning Advisory Note 6
- 5.7.1 National and local planning policy aims to direct development to areas within the lowest probability of flooding (floodzone 1). This is particularly important for development that would be vulnerable to flood risk. The proposed site lies within floodzones 2 and 3 and as such would be at risk of flooding. Accordingly, the applicant is required to undertake and satisfy the sequential and exception tests. Paragraph 162 of the NPPF states that development should not be allocated or permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding. This paragraph goes on to state that the Strategic Flood Risk Assessment (SFRA) forms the basis for applying the sequential test. The NPPG indicates a pragmatic approach to the availability of alternative sites for the purposes of the sequential test should be taken. The scheme proposal is for 388 residential studios for student occupation with ground floor communal facilities/accommodation. The initial Flood Risk Sequential Test has been updated with a more comprehensive assessment following officer concerns.
- 5.7.2 The applicant's sequential test limits the area of search (for alternative sites) to the city and the university campus. It considers sites contained in the Local Plan (allocations), the SHLAA and has considers sites from a general market survey. The scope of this assessment is now considered reasonable and proportionate and reflects the policy expectations for where student accommodation should be delivered in the district. Furthermore, it is noted that the Councils PAN 6 indicates proposals located in areas in specific need for regeneration identified in the local plan provides a legitimate reason to depart from the district-wide approach.
- 5.7.3 The sequential test has been satisfied and satisfactorily demonstrates that there are no alternative sites reasonable availability and appropriate for the development in sequentially preferable locations (in the context of flood risk). In accordance with DM33 and paragraphs 163 and 165 of the NPPF,

if it is not possible for development to be in areas with a lower risk of flooding, the exception test may have to be applied.

5.7.4 The Flood Risk Vulnerability Classification identified in the NPPG considered the development a 'more vulnerable' development. Given the vulnerability of the development, the exception test also needs to be satisfied. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.7.5 The applicant's exception test assessment focuses on the benefits of the proposal, including: -

- the opportunity to regenerate a long standing, derelict, brownfield site identified as a development opportunity site in the Local Plan;
- the development has a energy and climate change strategy and will incorporate several sustainable design measures (aiming for BREEAM Very Good standard), and;
- The site is highly accessible with excellent links to services and facilities in the city and the university and is a highly sustainable location to support the proposed use.

5.7.6 As set out earlier the proposal is a departure from the local plan allocation based on the fact the allocation did not envisage residential development coming forward. The departure from the allocation must be weighed in the planning balance. Policy DOS1 also sets a number of criteria to be satisfied to demonstrate compliance (see paragraph 5.2.5 of this report). The assessment so far indicates the development can meet the required policy criteria and that the proposal (despite it being a residential scheme) would accord with the regeneration aspirations of policy EC7 of the SPLA. NPPG (Paragraph: 036 Reference ID: 7-036-20140306) indicates that where a site is part of a regeneration site/strategy it is likely it will provide the wider sustainability benefits to pass the first part of the Exception test. Subject to the overall planning balance weighing in favour of the development, officers are satisfied the first test of the exception test could be passed.

5.7.7 The second test requires the development to be '*safe for its lifetime, taking account of the vulnerability of its users without increasing the flood risk elsewhere, and where possible, will reduce flood risk elsewhere*'. The application has been submitted with a Flood Risk Assessment and Drainage Strategy, which have both been amended and updated to reflect initial concerns from the Lead Local Flood Authority (LLFA) and the Environment Agency (EA).

5.7.8 It is recognised that the buildings have been sequentially located to the drier areas of the site (FZ2) and the design of the development has considered the flood heights. The amended flood risk assessment indicates the peak design flood level would be 8.06 metres AOD. The building FFLs are proposed as follows:

- Block A - FFL of 7.5m AOD
- Block B – FFL of 7.7m AOD

Whilst this is below the peak flood level, the ground floor use of the development does not incorporate residential studios and comprises communal space only. The FFL of the first-floor accommodation is above the peak flood height meaning residents would be safe. Notwithstanding this, access and egress would be through flood zone 3. The amended information confirms there would be a safe wet route between Blocks A and B (flood depths of around 0.56m (at peak) of low velocities), which is deemed accepted to the Environment Agency. Flood mitigation and resilience measures would be required including the provision of flood gates, flood warning and evacuation procedures and general resilient design advice. The precise details of this can be adequately controlled by condition.

5.7.9 The management of surface water also poses a flood risk, particularly given the sites location within a flood risk area, including surface water flooding. Paragraph 167 and 169 of the NPPF and policy DM34 of the DM DPD requires major development to incorporate sustainable drainage systems, based on the SuDS hierarchy, and to demonstrate the drainage proposals would not pose a flood risk on site or elsewhere. The site currently drains and at unrestricted rate to the existing combined sewer. In accordance with policy and best practice guidance, the applicant proposes to significantly reduce the proposed surface water discharge to 4.4l/s (QBAR), through the use of cellular attenuation on site. This provides a significant betterment from the existing situation if discharging to the combined sewer (as proposed in the latest Drainage Strategy). This, in principle has been

supported by the LLFA. However, United Utilities (UU) have indicated this is not acceptable to them, as the applicant has failed to adequately demonstrate compliance with the SuDS hierarchy. UU query why the surface water could not discharge to the Mill Race (as a watercourse) rather than the combined sewer. The applicant's position is that the Mill Race itself is a flood risk generator and should be discounted for this reason, as any discharge would increase the flood risk downstream as there is no connection as existing. This seems a reasonable position and given the LLFA have raised no objection to the current strategy, would not substantiate a refusal of planning permission on flood risk grounds. There are ongoing discussions regarding the point of discharge, but it is apparent that with the reduced discharge rate (compared to existing), there will be a sustainable solution which would not lead to an increase in flood risk. A verbal update will be provided if clarification is sought ahead of the planning committee. Alternatively, this can be adequately controlled by planning condition. On this basis, officers are satisfied that the surface water is capable of being managed and drained in a sustainable manner subject to detailed design in accordance with local and national planning policy.

5.7.10 To ensure the development is safe for the lifetime of development, planning conditions are recommended to secure the proposed FFLs, a flood warning and evacuation scheme, flood resilience design measures including details of the flood gates, a detailed sustainable surface water design scheme (based on the proposed greenfield rate) and a management and maintenance plan. With these conditions, the development would satisfy the second strand of the exception test. Overall, therefore the development can be supported having passed the sequential and exception tests.

5.8 **Sustainable Design and Renewable Energy (NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Development Management (DM) DPD policies: DM29 (Key Design Principles) and DM30 (Sustainable Design).**

5.8.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities. One of the primary areas for emissions reductions for development in supporting the transition to net zero is in building to high fabric standards and supplying the new buildings with renewable and low carbon energy. This is highlighted in the Local Plan in policies DM29: Key Design Principles and DM30: Sustainable Design and supported by PAN9 – Energy Efficiency in new Development Planning Advisory Note.

5.8.2 The application has been supported to an updated Energy Statement. The applicant states the design approach adopted follows the energy hierarchy of Be Lean, Be Clean and Be Green. Given the timing of the submission of the application and the intention to commence development before June 2023, the applicant claims the development will be assessed against Building Regulations Part L 2013. However, the submitted strategy demonstrates a 12% overall betterment in terms of Co2 reductions over the Part L 2013 requirements and a commitment to achieve BREEAM 'Very Good' rating. In addition, the application proposal includes an array of photovoltaic panels estimated to cover 359m² on the roof of Block A and 242m² on the roof of Block B with air source heat pumps as the heating source for the centralised hot water systems on both blocks. In addition, the applicant proposes no fossil fuel burning heating systems within or gas connection to the development, providing a potential pathway to net zero in the future as the grid decarbonises. Conditions are recommended to secure the BREEAM 'Very Good' rating as well as a detailed scheme setting out compliance to achieve the 12% betterment above building regulations and all renewable energy proposals. The proposed development will positively contribute to the Council's ambitions to move towards more sustainably designed development in order to tackle the effects of climate change. The proposal is considered compliant with current national and local planning policy in this regard.

5.9 **Biodiversity (NPPF: Chapter 15 paragraph 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).**

- 5.9.1 Strategic policies SP8 and EN7 both recognise the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity and the districts green infrastructure. This strategic policy position is reflected in the Development Management DPD policies. Policy DM44 goes on to state development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. This policy states that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused.
- 5.9.2 The application has been supported by a Preliminary Ecological Appraisal (PEA) (including a Biodiversity Net Gain Assessment), a Bat Survey Report and Agricultural Impact Assessment (AIA) to assess the impact of the proposal on biodiversity. Given the built-up character of the site (consisting of a complex of existing commercial and industrial buildings, hardstanding, bare ground and some dense scrub) the ecological value of the site is considered to be low. The site is not designated or protected for its nature conservation and is separated from the River Lune by highway infrastructure, existing development and open space.
- 5.9.3 The site includes a range of existing buildings all except one building have low to negligible potential for use by bats. The existing workshop building associated with the former carpet shop offers moderate potential but during the building inspections there was no definitive evidence of bats using the site. Activity surveys have been carried out which confirm bat activity to be very low. However, despite this, during the survey a single bat was observed emerging from the northern gable of the workshop building indicating a potential roost site for a single male common pipistrelle bat. Consequently, a derogation licence would be required from Natural England. Given the nature of the proposals, avoidance of the bat roost is not possible. Given the very low levels of bat activity at the site and the low conservation significance of the roost and the provision of three replacements roosting habitats on the site would provide an acceptable form of mitigation. Consequently, the local planning authority can be confident a licence could be obtained from Natural England. GMEU (our ecology advisors) are satisfied with the proposals in this regard. A condition is recommended to secure appropriate measures to minimise impacts on protected species during demolition and construction, together with a scheme for habitat mitigation and enhancement measures. With this condition, the development would accord with the NPPF and policy DM44.
- 5.9.4 The submitted PEA and AIA demonstrates the site is not constrained by significant trees and existing scrub habitat. There is one off-site sycamore tree (west of Block A) and a group of young, self-seeded Willow and Birch trees where Block B is proposed. The Sycamore tree is located outside the red edge and is separated from the site by an existing wall. It is considered an AMS and tree protection will not be required given the presence of this wall. The group of trees on site are not significant landscape features and are not worthy of retention. The proposed development and the landscaping scheme will offer greater landscape and biodiversity benefits than the existing trees on site. In this regard, the proposal accords with policy DM45 of the Local Plan.
- 5.9.5 The River Lune Biological Heritage Site (BHS) and Marine Conservation Zone is located less than 100m to the west of the site, and the River has direct connectivity with the Morecambe Bay European protected site (SPA). There are no direct impacts on the River Lune itself or the designated sites (SPA, SSSI, SAC and Ramsar) arising from the development. This is because the site is separated by existing highway infrastructure, existing built development and the public open space that runs alongside parliament Street. Any indirect effects arising from the development during the demolition and construction works can be carefully minimised and mitigated through appropriate construction and environmental management practices and procedures (to be controlled through a CEMP). Indirect effects once the development is operational would be limited to recreational disturbance. The impacts, however, are relatively low and can be adequately mitigated by the preparation and provision of homeowner packs. The Council have undertaken its own HRA and Appropriate Assessment (as the competent authority) and conclude the proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The mitigation measures can be adequately covered by a condition attached any planning consent. These conclusions are supported by Natural England and GMEU whom raise no objections to the proposals.

The application has been supported by a biodiversity net gain assessment. Given the condition of the existing site and the extent of landscaping proposed within the public realm space and the inclusion of green roofs to the buildings, the proposal will deliver a meaningful net gain in biodiversity equating to 31.2%. Subject to mitigation and enhancement measures, the applicant has adequately demonstrated overall, the proposed development would comply with local and national planning policy and the Habitat Regulations.

5.10 **Health** (NPPF paragraphs: 55 – 57 (Planning conditions and obligations); **Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs), (DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding).**

5.10.1 The response from the NHS sets out that the proposal will generate approximately 618 new patient registrations based on average household size of 2.4. The site falls within the catchment area of Lancaster Medical Practice (Dalton Square) and they have advised that this need can only be met through the development of a new practice premises in order to ensure sustainable general practice. The NHS have not provided further comments to the amended scheme. Their response goes on to say that the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice but would trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options and a figure of £142,350 has been requested. This figure should be reduced given the proposed amendments to the scheme and the fact the units are for single occupancy. The response also sets out that the physical constraints of the existing site means the current premises cannot be extended. Therefore, it is not clear how the requested contribution would be used and, with a lack of evidence to support this request, it is considered that it fails to meet the requirements of the CIL regulation tests and could not therefore be supported at this time.

5.10.2 **Socio-economic**

The proposed development will lead to a number of benefits during the construction phases and operation phases. During the construction phases, the applicant has committed to the implementation of an employment skills plan which seeks to support local people sure experience and upskilling in the construction and design sector. A condition is recommended to this effect. The proposal will also lead to a number of construction jobs. This is estimated by the applicant to amount to 75 full-time construction jobs and around 100 indirect full-time jobs over a two year period. The GVA arising from the construction of the development would amount to an estimated £13.14 million and indirect GVA of £17.48 million. Once operational, only 3 full-time jobs are anticipated on site, but around 74 indirect full-time jobs arising from the proposals. The GVA per annum is established to amount to £3.9 million and additional £345,000 per annum of Council Tax. The applicant claims the proposal could create opportunities to release 171 houses used as HMOs back to family homes by providing PBSA. These are all benefits to be weighed in favour of the proposal and to be given moderate weight.

6.0 Conclusion and Planning Balance

6.1 As set out at the head of this report, the proposed development is considered a departure of the Local Plan because of the residential nature of the proposal within the development opportunity site. Aside from the fact the scheme does not conform to the policy intention to deliver commercial, leisure or retail on the site, all other requirements are considered to have been satisfied, which includes:-

- ensuring the proposal does not present a flood risk and is safe for the lifetime of the development.
- that safe access can be provided, and appropriate connections are made between the site and the city centre to encourage sustainable travel.
- The development would not lead to adverse highway conditions; and,
- that the proposal takes account of the need to preserve and enhance heritage assets.

6.2 A local planning authority can depart from their Local Plan if there are material considerations of the particular case that indicate the plan should not be followed. This is a substantial development proposal which occupies a prominent gateway position, with the site having been vacant and in a poor condition for several years. The assessment here confirms there is a degree of conflict with policy DM56 regarding the lack of marketing for the loss of former commercial uses, DM39 relating

to the less than substantial harm identified to 32 Parliament Street and DM29 an DM46 in terms of the townscape impacts arising from the large-scale nature of the development. The assessment identifies some impacts to the daylight/sunlight to neighbouring property but not such that would on balance outweigh the benefits of the proposal (DM29). Matters pertaining to drainage, ecology, archaeological investigation, noise, sustainable design, architectural detailing and materials, and highway improvements works are matters that can be made acceptable using conditions (to largely accord with the submitted details).

- 6.3 The impacts identified must be weighed against the benefits of the proposal in the context of the presumption in favour of sustainable development (paragraph 11d). This means approving development proposals that accord with the Development Plan without delay; and where the development plan is out-of-date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole.
- 6.4 On balance, it is considered that the impacts identified would not significantly or demonstrably outweigh the benefits of the proposal, in particular the opportunity that the delivery of this scheme could have in terms of bringing regeneration to this important city centre site and the contribution the proposal would make to meeting the districts housing needs. It is recommended to Members that the scheme is approved subject to the conditions as outlined below and any reasonable contribution the highway authority may request ahead of the planning committee. Members will note that the publicity of the application does not expire until after the committee date and there is a remaining issue relating to highway contributions and the final discharge point for the drainage (with United Utilities). Subject to these matters being resolved, the recommendation seeks delegation back until this publicity period has expired and then subject to a legal agreement (if required), approve the development.

Recommendation

Delegation back to the Head of Planning to await the expiry of the publicity of the application and that subject to the completion of a legal agreement (if required) that Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Time Limit (3 years)	Control
2	Approved Plans	Control
3	ESP	Pre-commencement
4	CEMP (including pollution control, noise and vibration mitigation during construction and protection of protected species)	Pre-commencement
5	Surface Water Construction Management Plan and Scheme for the Protection of the Mill Race	Pre-commencement
6	Notwithstanding the submitted WSI, an amended WSI to be submitted and approved	Pre-commencement
7	Phasing Scheme	Pre-commencement
8	Surface Water Drainage Scheme	Pre-commencement
9	Foul Drainage Scheme	Pre-commencement
10	Phase II Site Contamination Report and Remediation	Pre-commencement
11	Highway access and off-site highway work details	Above-ground/slab level
12	External materials and finishes, including samples, to building (including windows/doors, details of RWGs) and hard landscaping	Above-ground/slab level
13	Habitat mitigation and enhancement scheme	Above-ground/slab level
14	Precise details of the cycle store and trigger for full implementation	Above-ground/slab level

15	Details of glazing and ventilation specification (informed by updated noise report)	Above-ground/slab level
16	Precise scheme for all renewable energy technology and associated plant	Above-ground/slab level
17	External lighting details and security measures	Above-ground/slab level
18	Planting Schedules including details of the green roofs	Above-ground/slab level
19	Scheme for landscape maintenance including green roofs	Pre-occupation
20	Homeowner Packs – HRA Mitigation	Pre-occupation
21	Waste Management Strategy	Pre-occupation
22	Sustainable Drainage Management and Maintenance Plan	Pre-occupation
23	Servicing, Access, Parking Management and Maintenance Plan	Pre-occupation
24	Travel Plan	Pre-occupation
25	Parking to be provided and operational before first occupation	Control
26	In accordance with submitted FRA	Control
27	Noise limitation to plant	Control
28	Single Occupation Student Occupation Only	Control
29	Removal of PD (Telecoms)	Control
30	BREEAM Very Good	Control

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

Officers have made this 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 taken 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

None