

Agenda Item	A5
Application Number	24/00531/FUL
Proposal	Relevant demolition of existing outbuildings, removal of existing stone walls and the temporary installation of boundary hoarding
Application site	Former Macari's Site 55 St Leonards Gate Lancaster Lancashire
Applicant	Eric Wright Construction
Agent	Miss Ailsa Goudie
Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	Approval, subject to conditions

(i) **Procedural Matters**

This form of development would normally be determined under the Council's Scheme of Delegation. However, the site is within the ownership of Lancaster City Council and as such the application is required to be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site relates to a group of buildings and associated hardstanding located adjacent to the northern end of St Leonard's Gate car park close to Lancaster city centre. The buildings are currently vacant, and the site was previously used for ice cream manufacturing, accessed off St Leonard's Gate. To the south is the existing public car park, to the east is an area of hardstanding linked to the car park, to the north is an area of open land and to the west are retail units. There are also some residential properties in the vicinity of the site, the closest being to the east on Alfred Street and De Vitre Street.

1.2 The site is located within the Lancaster Conservation Area and the Canal Quarter designation and the Central Lancaster Regeneration Priority Area, as identified in the Local Plan. The nearest listed building is St Leonard's House, which is Grade II and is located approximately 55 metres to the southwest. Lancaster Canal is located approximately 90 metres to the southeast. The site is identified as having potential for groundwater flooding to occur below ground level.

2.0 Proposal

2.1 Planning permission is sought for the relevant demolition of the buildings and the erection of a temporary hoarding around the site which would be retained followed demolition to secure the site. Planning permission is required for the demolition given the location of the site within the conservation area.

3.0 Site History

3.1 There are no recent relevant applications relating to this site.

4.0 Consultation Responses

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

Consultee	Response
Conservation Team	No objection.
Environmental Protection	No objection subject to a condition requiring the demolition of the buildings in accordance with the submitted method statement to minimise dust, noise and asbestos emissions and other disturbances to neighbouring residents.
County Highways	No objections , although concerns that following the removal of the above ground structures this could become an access to the car park and request that the curb is reinstated. Requests conditions requiring a construction management plan, construction deliveries outside peak traffic, and wheel washing/ road sweeping.
County Archaeology	No objection , following submission of the amended Demolition Method Statement (Bradley Demolitions) and the Archaeological Demolition Strategy (Orion Heritage). Request condition requiring development to be undertaken in accordance with the details set out in these documents.
Canal and River Trust	Comments - Not required to consult.
Lancashire Constabulary	No comments received.

4.2 Two pieces of correspondence have been received (from the same person) in support of the application and raise the following comments:

- The buildings are an eyesore and a magnet for litter and the largest structure is now unsafe and should be removed before it deteriorates further.
- Will benefit the immediate neighbours and the conservation area as a whole.
- Suggest that the cleared site is covered with topsoil and lawn seed sown as an alternative to enclosing with hoarding which will be expensive to install and maintain.

5.0 Analysis

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

- Design and Impact on Heritage Assets
- Highway Impacts
- Impact on Biodiversity
- Residential Amenity and Pollution

5.2 **Design and Impact on Heritage Assets** NPPF sections: 12 (Achieving well-designed and beautiful places) and 16 (Conserving and enhancing the historic environment); Strategic Policies and Land Allocations DPD policy: SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (development Affecting Non-Designated Heritage or Their Settings) and DM42 (Archaeology)

5.2.1 The site comprises a collection of relatively small-scale buildings, constructed of brick and breezeblock with some rendered finishes, with a mixture of flat and sloping roofs, in addition to an area of hardstanding towards St Leonard's Gate. The buildings do not positively contribute to the special characteristics of the conservation area, and it is understood that the site has been vacant for a number of years. The area of land surrounding the site is now formed largely of cleared plots containing areas of grass verge and surface car parking following largescale slum clearances during the 1960s. In the Lancaster Conservation Area Appraisal, 2013 (Character Area 5. Canal Corridor: North) is sets out: "The large surface car park in the north of the area is poorly landscaped and has

a visually negative impact on the area.”. Regarding the Site itself, the Appraisal goes on to explain that *“The incidental open space and depot at the north of this space offers potential for improvement”*.

- 5.2.2 The site also includes some historic stone walls which have been retained from earlier buildings. The northern boundary wall, which incorporates an original stone rubble wall and a stone fire surround to the former ground floor room of East Court, and appears to date to possibly the 18th/19th century. The submitted Heritage Statement sets out that this provides some negligible, local historic interest, however the site as a whole is of no significance and a detrimental contributor to the character and appearance of the area. Whilst negligible, the loss of the walls still equates to a degree of 'less than substantial harm' on the character and appearance of the conservation area.
- 5.2.3 There is a presumption in favour of preserving the character and appearance of the conservation area, as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is reiterated in policy DM38 which states that development in Conservation Areas should preserve or enhance the character and appearance of the area. Paragraph 206 of the National Planning Policy Framework (NPPF) sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 208 goes on to say that the level of harm should be weighed against the public benefits of the proposal.
- 5.2.4 The proposal also includes the erection of a hoarding around the site, which will be retained following the demolition of the buildings to ensure that the site remains secure. It is the intention that the hoarding will be kept in place until the site is redeveloped. As there is no planning permission in place for the redevelopment of this site, and the wider area, this could be a number of years. The hoarding was originally proposed to comprise a 2.4-metre-high solid steel fencing, finished in green. There were concerns raised regarding the visual impact of this, particularly as it would abut the rear of the pavement, and it was considered that it would result in a level of the harm to the conservation area, having an overly industrial appearance. As such, the hoarding is now proposed to be constructed of timber and finished in a dark blue colour. In addition, the existing stone walls, on the northern and southern boundaries, are now proposed to be retained to limit the visual impact of the hoarding. It is considered that this will minimise the visual impact of the hoarding and ensure that the site is secure.
- 5.2.5 The use of painted timber potentially raises issues regarding maintenance to ensure that it does not become untidy, however there is the intention for this site to be brought forward for development and, as such, the hoarding would only be required on a temporary basis, and a period of 3 years has been agreed and can be conditioned. If a longer period is required, then the visual impact of the hoarding can be reviewed at that time and possibly an alternative solution considered. It has been queried whether the site could be left open, however this would be challenging given the change in levels between the lower and upper sections of the adjacent car park and it is the intention to keep the site secure until any future redevelopment.
- 5.2.6 The demolition of the buildings is considered to be positive, in terms of the impact on the conservation area and the appearance of the area in general. The stone walls are now proposed to be retained, primarily to limit the impact of any hoarding once the site is secured. The erection of timber hoarding will cause a level of harm, although this will be mitigated by the retention of the stone walls, including the wall and railing at the entrance to the site, in addition to the finish in a dark blue colour. Whilst there will be a limited level of less than substantial harm from the proposed hoarding, this will only be for a temporary period of time and the removal of the buildings and the securing of the site to ensure that it does not become a focus for antisocial behaviour is considered to provide public benefits to outweigh this harm.
- 5.2.7 County Archaeology have also provided comments in relation to the proposal and initially raised concerns regarding the grubbing up of the ground slabs and foundations to a depth of 1 metre. They advised that the methodology would result in substantial damage to any surviving early building remains, as well as the loss of any prehistoric, Roman, Anglo-Saxon, or medieval archaeological remains present. As a result, the demolition method statement has been amended and an archaeological demolition strategy submitted which now proposes the demolition works to slab level. Trial holes will be undertaken next to the existing slab, monitored by a suitably qualified Archaeologist which will inform the understanding of the depth of the slab and foundations, as well as informing the demolition and archaeological strategy for the main works across the site. This is

considered to be acceptable and ensure that any buried archaeology is adequately protected as this stage.

5.2.8 The proposal is therefore considered to be acceptable in terms of its impact on designated and non-designated heritage assets, and would comply with policies DM29, DM38, DM39, DM41 and DM42, in addition to the aims and objectives of section 16 of the NPPF.

5.3 **Highway impacts** NPPF section: 9 (Promoting Sustainable Transport); Development Management (DM) DPD policies DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages).

5.3.1 The site benefits from an existing access off St Leonard's Gate which will be utilised during the demolition works. The submission sets out that a vehicle marshal / banksman will be in attendance to assist safe access egress to the demolition zone. County Highways have raised no objections to the proposal, although they have requested a construction management plan. Given the relatively small scale of the site and proposed demolition works, and the information contained within the submitted demolition method statement and risk assessment, this is not considered to be necessary in this instance. It is considered that the proposal would not have a detrimental impact on highway safety in accordance with policy DM60 and section 9 of the NPPF.

5.3.2 County Highways have also advised that the pavement should be reinstated where the dropped crossing exists to prevent access to the adjacent car park, although they have not requested this as a planning condition. As some of the boundary walls are to be retained and hoarding erected, rather than the site being opened up, this would prevent the dropped crossing being used to access the adjacent car park.

5.4 **Impact on Biodiversity** NPPF section: 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment; Development Management (DM) DPD policy DM44 (Protection and Enhancement of Biodiversity)

5.4.1 A bat survey report has been submitted with the application, which includes a desk study and field survey to check the buildings for the evidence of use by bats which are a protected species. The submitted report sets out that the buildings have low potential for use by bats and no indication of use by bats was found during the survey. It recommends precautionary mitigation during demolition to ensure that bats are appropriately protected, if found during the duration of the works. The proposal is therefore in accordance with policy DM44 and section 15 of the NPPF.

5.4.2 The application was submitted after the requirement for 10% Biodiversity Net Gain (BNG) became mandatory. However, from the evidence submitted with the application, it is considered that this falls within the de minimus exemption as the proposal would impact less than 25 square metres of onsite habitat.

5.5 **Residential Amenity and pollution** NPPF sections: 12 (Achieving well-designed and beautiful places) and 15 (Conserving and enhancing the natural environment); Development Management (DM) DPD policy DM29 (Key Design Principles), DM31 (Air Quality Management and Pollution and DM32 (Contaminated Land)

5.5.1 There are some residential properties in the vicinity of the site, although not immediately adjacent. The submission includes measures to ensure that residential amenity is protected during the demolition of the buildings, including in relation to hours of works and measures to minimise dust. The submitted documents also include detailed procedures for asbestos removal and methods for demolition. As such, it is considered that the proposal would not result in a detrimental impact on residential amenity or pollution of the environment, in accordance with policies DM29, DM31 and DM32 in addition to sections 12 and 15 of the NPPF.

6.0 Conclusion and Planning Balance

6.1 The demolition of the buildings would be positive, in terms of the impact on the conservation area and the appearance of the area in general and measures have been taken to reduce the impacts of

the security hoarding which would be retained for a temporary period post development. The proposal is also considered to be acceptable in terms of its impact on highway safety, the environment and residential amenity. It is therefore considered to comply with the Development Plan and the aims and objectives of the NPPF, as discussed above.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	In accordance with approved plans and method statements (including archaeology)	Control
3	Erection of fencing in accordance with the approved details, including colour. Fencing to be removed after 3 years.	Control

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

Lancaster City Council has made the decision 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 decision 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