

<b>Agenda Item</b>	A8
<b>Application Number</b>	24/00637/LB
<b>Proposal</b>	Listed building application for installation of a gate and control panel, repair of wall and fence and realignment of pedestrian/cyclist path
<b>Application site</b>	East Lodge Aldcliffe Road Lancaster Lancashire
<b>Applicant</b>	Mr Michael Stainton
<b>Agent</b>	Mr David Hall
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Refusal

**(i) Procedural Matters**

An associated application for full planning permission (24/00638/FUL) has been called in to Planning Committee by Councillor Hamilton-Cox through the 'call in protocol', therefore this listed building consent application must also be determined by the Planning Regulatory Committee.

Where this report refers to the Strategic Policies and Land Allocations DPD and Development Management DPD, these are those policies set out in the adopted Climate Emergency Review of the Local Plan (CERLP). The CERLP was reported and adopted at Full Council on the 22 January 2025.

**1.0 Application Site and Setting**

- 1.1 The site to which this application relates is a gateway adjacent to East Lodge on Aldcliffe Hall Drive, which leads from Aldcliffe Road to Aldcliffe Hall Lane. East Lodge is a Grade II listed building and the wall and railings opposite (on the north west side) are identified as a Non-Designated Heritage Asset (NDHA) within Appendix 5 of the Aldcliffe-with-Stodday Neighbourhood Development Plan (NDP). The trees adjacent to the driveway are protected by a Tree Preservation Order (TPO) and also recorded as a NDHA within the NDP. The site faces Lancaster Canal.

**2.0 Proposal**

- 2.1 This application seeks listed building consent for installation of electric gates and control panel, repair of a wall and fence, and realignment of pedestrian/cyclist path. The proposed double gates are to be constructed of timber with metal railings and timber boarding at the base. The gates are to be hung from new metal posts set behind the existing stone gateposts across Aldcliffe Hall Drive. An intercom control panel is to be fitted to the railings of East Lodge, and a 2m wide pedestrian/cycle

path is proposed to bypass the proposed gates on the northwest side of the driveway. A 2m wide opening is to be created within the wall and railings on the northwest side to facilitate the new path.

### 3.0 Site History

3.1 A number of applications relating to East Lodge have previously been received by the Local Planning Authority. The most recent of these include:

Application Number	Proposal	Decision
23/00176/FUL	Erection of new boundary railings to the front and side	Approved
22/00795/LB	Listed building application for internal refurbishment, addition of lime plaster to internal walls and erection of a two storey side extension	Approved
22/00794/FUL	Erection of a two storey side extension	Approved

### 4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response received.
Conservation Team	<b>Comments.</b> Low harm from loss of wall section balanced by benefit in reinstatement of gates. No harm from intercom unit. Images of the old gate required to justify the design. Details of how the railing and stone wall would be made good required. Details of materials for footpath, gateposts and gate timber also required.

4.2 At the time of writing this report 4 letters of objection have been received from members of the public, raising the following main heritage issues:

- Lack of need and evidence for the gates

### 5.0 Analysis

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

- Heritage

5.2 **Heritage** (NPPF Section 16 (Conserving and enhancing the historic environment)); Policies ASNP3 (Protecting and Enhancing Local Character and Landscape), ASNP4 (Promoting High Quality and Detailed Design), SP7 (Maintaining Lancaster District's Unique Heritage), DM37 (Development Affecting Listed Buildings), DM39 (The Setting of Designated Heritage Assets) and DM41 (Development Affecting Non-Designated Heritage or their Settings))

5.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by the heritage policies of the Local Plan.

5.2.2 Section 16 of the NPPF seeks to conserve and enhance the historic environment; with Paragraph 212 affording 'great weight' to a designated heritage asset's conservation; Paragraph 213 requiring clear and convincing justification for any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting); and Paragraph 215 requiring decision makers to weigh 'less than substantial' harm against the public benefits of the proposal.

5.2.3 Policies DM37 and SP7 also seek to protect and enhance Lancaster's Listed Buildings and historic environment. Policy DM39 expects new development to preserve or enhance the setting of heritage assets, whilst Policy DM41 calls for alterations to NDHAs to be designed sympathetically, with any loss in whole or part of an NDHA requiring clear and convincing justification. NDP Policies ASNP3

and ASNP4 required development designs to be of high quality and sensitive to the character and significance of any nearby heritage assets, including the NDHAs listed in Appendix 5 of the NDP.

- 5.2.4 Grade II-listed East Lodge dates to 1827 and related to the former Aldcliffe Hall (now demolished). The building is of Elizabethan style in coursed sandstone and ashlar dressings under a decorative slate roof with spike finials. The lodge sits adjacent to the driveway at its junction with Aldcliffe Road and is surrounded by a low sandstone wall with metal railings atop.
- 5.2.5 Appendix 5 of the NDP notes that the railings opposite East Lodge on Aldcliffe Hall Drive are included due to their historical significance contributing to the “collective memory” of the area, and that they are all that remain of the entrance to the drive leading to the now demolished Aldcliffe Hall. The railings comprise of decorative metal railings atop a low stone wall. The avenue of trees is included as an NDHA as a designated landscape feature, with many planted in 1827 when the drive was laid out as part of Edward Dawson’s landscaping vision for the Hall.
- 5.2.6 The proposed gates are of a distinctive design, constructed from timber with vertical metal rods. The submitted Heritage Statement sets out that the design of gates has been based on an old photograph and a painting. Copies of the aforementioned photograph and painting have not been submitted with the application, and provision of these would be useful in confirming and justifying the proposed design. It is understood that there have been no gates on the driveway for many years, and the reinstatement of gates could help to enhance the historic environment by way of reinstating lost features.
- 5.2.7 The new gate posts would be functional on design but reasonably slim and discretely sited, and have potential to be acceptable subject to details of their finish. The intercom unit will be a small feature, and the mechanical feature would be underground, resulting in no material harm from these elements of the proposal.
- 5.2.8 The proposed pedestrian/cyclist path requires the removal of a 2m section of the NDHA wall which will result in a degree of harm from its loss. This harm to the NDHA, overall, is of low level, but such an impact, and the potential impact upon the trees/ ecology, is collectively attributed moderate harm.
- 5.2.9 No formal planning permission has been granted for the development, and for the reasons detailed in the Committee Report for associated planning application 24/00638/FUL, the proposed development is considered unacceptable on a number of grounds. With no planning permission in place for the associated development, the proposed works to the heritage assets are not fully justified, and it would be premature to support a scheme for listed building consent at this time.

## **6.0 Conclusion and Heritage Balance**

- 6.1 The reinstatement of the gates can be considered a public benefit and is afforded positive weight in the heritage balance. Any harm to heritage assets (less than substantial in the context of the NPPF) is given negative weight, and the harm must be clearly and convincingly justified. It is noted that the Conservation consultee considers that the loss of the NDHA wall and railings section is balanced by the reinstatement of the gates. However, Officers take a different view and consider that the loss of the wall and railings is not properly justified given the lack of convincing justification and identified harm to protected trees, biodiversity and cycle movements. Without such justification the Local Planning Authority cannot conclude that the harm identified would be outweighed by any public benefits of the proposal. Therefore, on balance, the proposal is unacceptable in terms of impact on the historic environment.

## **Recommendation**

That Listed Building Consent **BE REFUSED** for the following reason:

1. The proposed gates and pedestrian/cycle path have no formal planning consent for the development, therefore the proposed works and their associated harm to the Grade II Listed Building and Non-Designated Heritage Assets, are not clearly and convincingly justified. Consequently, the proposal fails to comply with the aims and objectives of Policies ASNP3, ASNP4 and Appendix 5 of the Aldcliffe with Stodday Neighbourhood Development Plan, Policy SP7 of the Strategic Policies and Land Allocations DPD, Policies DM37, DM39 and DM41 of the Development Management DPD, and Section 16 of the National Planning Policy Framework.

## Background Papers

N/A