

<b>Agenda Item</b>	A5
<b>Application Number</b>	25/00913/FUL
<b>Proposal</b>	Relevant demolition of existing buildings and associated vegetation clearance
<b>Application site</b>	Canal Quarter Central Site Land To The East Of Brewery Lane Lancaster
<b>Applicant</b>	Russ Worthington, Lanmara Developments Ltd
<b>Agent</b>	Miss Rebecca Boston
<b>Case Officer</b>	Mrs Petra Williams
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approve, subject to conditions.

**(i) Procedural Matters**

This category of development would typically be determined under the Council's Scheme of Delegation. However, the application was called in by Cllr Paul Stubbins referring the decision to the Planning Regulatory Committee to ensure that the comments of Lancaster Civic Vision are given full consideration by the Committee.

**1.0 Application Site and Setting**

- 1.1 The site that forms the subject of this application is located in Lancaster city within an area to the east of Brewery Lane. The eastern part of the site fronts Edward Street and is bound by Lodge Street to the north. The application relates specifically to two buildings within the site. Building A lies within the north of the site and is a portal framed former warehouse constructed in part masonry, natural stone and profile metal cladding with an adjacent yard space. The site is bound by white security hoarding behind metal railings. This building and associated external space is currently occupied by Kanteena, which provides a community events venue. Building B is a former bus depot which fronts Edward Street and is comprised brick walls under a steel frame roof structure. Although there is currently no roof covering, historic images show this to have previously been formed by corrugated sheeting.
- 1.2 The Mitchells Brewery/Malthouse building lies to the south of Building A and west of Building B. The southwest corner of the site is an area of derelict land which until recently was secured by hoarding and fronts Moor Lane and Brewery Lane. Edward Street car park is located to east of the site and Lodge Street car park lies to the north in addition to the Lancaster Music Co-op and the rear of the Grand Theatre. Nos. 3 and 5 Edward Street are sited to the south of Building B and Moor Space is located further south beyond these properties and fronts Moor Lane. To the west of Brewery Lane there is a range of other redundant buildings which are in a range of disrepair and dereliction. The

Golden Lion public house is located at the junction of Brewery Lane and Moor Lane to the south-west of the site. The Dukes Playhouse lies further to the west adjacent to the Golden Lion.

1.3 The site is located within the Lancaster Conservation Area. The site falls within the Central Lancaster Regeneration Priority Area (as identified by policy EC5) and within the Lancaster Canal Quarter designation (as identified by policy SG5) and is within the associated Masterplan and Supplementary Planning Document boundary. The Mitchells Brewery/Malthouse building is Grade II Listed as is the Grand Theatre and Dukes Playhouse. There are number of Non-Designated Heritage Assets (NDHAs) in the vicinity of the site including Nos. 3 and 5 Edward Street, Moor Space and the Golden Lion.

1.4 The site falls within areas identified as being as medium-high and high risk of groundwater flooding and part of the site is also identified as being at low-medium risk of surface water flooding. Lancaster Canal Biological Heritage site lies approximately 60 metres to the west of the site. Lancaster Canal is also identified as an environmentally important area under policy EN7 and a Strategic Green and Blue Corridor under policy SC4.

## 2.0 Proposal

2.1 The applicant seeks full planning permission for the relevant demolition of Buildings A and B. Planning permission is required for the demolition of the buildings given the location of the site within the Conservation Area. The submission sets out that the application has been submitted (along with application 25/00912/FUL) in advance of proposals for a comprehensive future masterplan for part of the wider allocation for regeneration, as well as to create the potential for temporary uses in the interim.

## 3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
25/00973/FUL	Temporary change of use of vacant land to a car park with associated works	Pending consideration
25/00912/FUL	Part retrospective application for relevant demolition of existing buildings and associated vegetation clearance (Land west of Brewery Lane)	Pending consideration
19/00740/FUL	Temporary change of use of warehouse (B8) to community events venue (A3/A4/D1/D2/sui generis) for 5 years, the installation of enlarged door openings to the front and side and a new door opening to the front (Building A, Kanteena)	Permitted (5-year temporary consent)
08/00866/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, offices, workshop, rehearsal space and residential accommodation, together with ancillary and associated development including new pedestrian link bridge and entranced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Refused following Call In by SoS
07/00602/OUT	Outline application for the redevelopment of the site to provide a building for retail at ground floor level with offices above and associated car parking (at Land East Of Golden Lion)	Permitted
Other recent applications within the Canal Quarter area		

25/00615/FUL	Erection of 39 residential units comprising of four dwellinghouses, two 4-storey apartment blocks and one 2-storey apartment block with associated parking, landscaping, public realm, associated infrastructure and alterations to canal wall.	Permitted
25/00123/FUL	Change of use of land (formerly in use by Lancaster Homeless Action) to extend existing Edward Street public car park	Permitted
24/00531/FUL	Relevant demolition of existing outbuildings, removal of existing stone walls and the temporary installation of boundary hoarding	Permitted
24/00555/FUL	Relevant demolition of the Homeless Action Centre	Permitted

## 4.0 Consultation Responses

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

Consultee	Response
Historic England	<b>Concerns</b> over plans to clear large areas of the site with no details available of what will be replacing the current structures. Buildings A and B have limited heritage value in themselves; however, they provide context to the industrial nature of the site and the listed brewery buildings. Also concerned regarding the loss of historic stone boundary walls in the site (marked for clearance as 'remnant structures' in the Heritage Statement and on the demolition plans). Historic England is supportive of the desire to sensitively redevelop this site as part of the regeneration of the Canal Corridor North character area of the Lancaster Conservation Area and recognise that some site clearance will be necessary to redevelop the site in a way that enhances and better reveal significance of the conservation area and the listed brewery.
Conservation Team	<b>Objection</b> as the proposal would not preserve or enhance the character and appearance of the conservation area and cause harm to the significance of listed buildings due to its impact on their setting.
Lancaster Bid	<b>No objection</b> Lancaster BID welcomes work to tidy the site and begin the transformation that we hope will replace the current eyesore and make the site an asset for the city centre. With so many failed schemes, it is refreshing to see a developer willing to invest in the site to demonstrate a commitment to Lancaster. The site clearance is a welcome start and we look forward to inputting into long term plans for the site on behalf of city centre businesses
Regeneration Service Manager	It is accepted that some dangerous and low value buildings should be removed to open-up the development opportunity. Suggests that Kanteena (Building A) is retained for the meantime until an alternative venue can be found.
Lancaster Civic Vision	<b>Objection</b> to the wholesale demolition of this extensive inner city area, without any indication of the future use of the proposed cleared site. Support, in principle, for the regeneration of this area.
County Archaeology	Suggests that an Archaeological Desk Based Assessment with a visual inspection is carried out to fully assess the significance of the historic buildings on the site and to assess the potential for below ground archaeological structures, features and deposits. Given the proposed vegetation clearance to accompany the proposed demolition it may be necessary to carry out at least some vegetation clearance to facilitate the assessment of the structures.
Heritage Action Zone	No comments received
Tree Protection Officer	<b>No objections</b> original concern with regards to the loss of trees along Edward Street has been resolved, with the street trees bordering Edward Street removed from the demolition plan.
Environmental Health	No objection subject to the submission of a Demolition management plan
County Highways	<b>No objections</b> but raise concerns that the site will be left with no secure perimeter wall or fencing. Brewery Lane is a 'Highway Maintained at Public Expense' and as such should remain open for the passage of vehicles and pedestrians unless it is

	temporarily closed by traffic order. Concerns also raised regarding potential damage to the surrounding highway during the demolition phase and drainage of the cleared site. Suggests conditions relating to a Highway Condition Survey, Demolition Management Plan, Demolition deliveries and Wheel washing.
Engineers	<b>No objections</b> subject to the imposition of drainage conditions for demolition phase and post demolition
Lead Local Flood Authority	No comments to make in respect of this application
Canal and Rivers Trust	The Trust has limited comments to offer given the visual separation and distance from the canal corridor. The Trust would seek the Local Planning Authority to satisfy itself that it has sufficient information to assess whether the proposed demolition would not harm the character and appearance of the Conservation Area in the absence of a replacement scheme, with particular regard to the canal which is identified as a positive asset in the Conservation Area.
Cadent Gas	<b>No objection</b> informative note required.
BNG Officer	Satisfied with baseline habitat

4.2 The proposal has generated a high level of public interest with 825 (including duplicates) items of comment received from members of the public. Of these comments 818 raised objection. A summary of the main issues are as follows:

- Loss of Kanteena as community/cultural asset, including impacts on local and nighttime economy, loss of viable business and loss of venue for musicians/bands
- Conflict with parking/sustainability policies and local plan policy DM60 – Vehicle Parking Provision,
- Conflict with national and local planning policy (NPPF paragraph 98 and local plan policy DM24)
- Conflict with Climate Emergency policy
- Land use and regeneration impacts
- Heritage implications on Conservation Area/Listed Buildings conflicting with local plan policy DM37 – Development Affecting Heritage Assets and NPPF paragraph 197
- Conflict with Canal Quarter Masterplan
- Unjust demolition without any detail of proposed future use
- Opposition to a proposed replacement car park/more parking areas

Four items support for the proposal are summarised as follows:

- Support closing of Kanteena venue due to opening hours/noise/licence issues.
- Sympathetic to the councils plan to regenerate the Canal Quarter
- Welcome the general plan to clear away ruined buildings and make new space for life, culture, and business to flourish.

A representation has also been made by Lancaster Footlights & Grand Theatre CIO who fully recognise the potential benefits to the city, residents, and visitors, that future redevelopment of the Canal Quarter area may offer. Concerned how demolition will impact theatre and building envelope and concerned that demolished buildings/derelict site will cause anti-social behaviour but fully recognised that the demolition works will likely facilitate future improvements that will eventually mitigate this hazard.

A representation has also been made by the Dukes Playhouse querying whether their building/parking/access/business will be impacted.

## 5.0 Analysis

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

- Principle of demolition
- Impact on Heritage Assets
- Impact on Biodiversity
- Highway Impacts

- Flood Risk and Drainage
- Residential Amenity and pollution

5.2 **Principle of demolition** NPPF Chapter 2 (Achieving Sustainable Development), Chapter 7 (Ensuring the vitality of town centres) and Chapter 11 (Making Effective Use of Land); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SG5 (Canal Quarter, Central Lancaster); EC5 (Regeneration Priority Areas); Canal Quarter Supplementary Planning Document (SPD); Canal Quarter Masterplan; Development Management (DM) DPD policies DM14 (Proposals Involving Employment Land & Premises) and DM24 (The Creation and Protection of Cultural Assets)

5.2.1 The application site sits within the Canal Quarter regeneration area, which is a partially derelict and underused 16 hectare site. The Council's objectives for redevelopment of this area with a more diverse mix of uses, including further housing and business opportunities are set out within the Canal Quarter Masterplan and the Canal Quarter SPD (CQ SPD). These documents set out a bold and imaginative vision for transforming the area into vibrant cultural hubs that celebrate Lancaster's heritage while encouraging contemporary urban life. The area is central to the regeneration strategy and seen as a catalyst for cultural enrichment, community engagement and economic vitality. This area of the Canal Quarter is seen as pivotal to the success of the entire regeneration effort. Councillors will be aware of the long term aims and ambitions for the Canal Quarter area which stretch back approximately two decades.

5.2.2 The CQ SPD sets out the Council's commitment to the regeneration of the Canal Quarter in partnership with landowners, to realise the full potential of the area. The SPD acknowledges that a sensitive, phased approach to delivery will encourage incremental growth over time, ensuring that the Canal Quarter is embedded into the fabric of the city. The CQ SPD recommends that development proposals must first consider the retention and reuse of existing buildings and advises that the reuse of buildings from the different periods represented across the site will preserve the evolved townscape and its uses, which is distinctive from the rest of the city centre. That being said, the CQ SPD identifies Buildings A and B within the site as "Derelict/Unused" and the subject buildings are highlighted as "New Development Plots".

5.2.3 Building A - Although highlighted as "Derelict/Unused", the Kanteena building (Building A) is currently operating as a highly popular community venue which offers a range of food and drink events, performance and live music. The venue has also been used as a community hub for a variety of Canal Quarter consultation events. The Kanteena building was granted a temporary 5 year planning permission for a community events venue in 2019. The proposal was considered acceptable as an interim use (for the then vacant warehouse building) to allow wider regeneration ambitions for the Canal Quarter area to progress without being prejudiced. However, the 2019 consent expired in October 2024 and the use is currently operating without the benefit of planning permission. The operator of Kanteena has not applied for a further temporary consent, sought to regularise their unauthorised use of the property or relocated elsewhere since their permission expired.

5.2.4 Policy DM24 sets out that the Council will seek the protection of existing cultural assets in the district that are considered to be of value to the local and / or wider community. The policy goes on to state that any proposals that involve the re-use of existing cultural facilities for alternative uses will be required to demonstrate that the previous use of the premises is no longer viable through a robust marketing exercise of no less than 12 months, and that the facility is no longer of value either economically or to the local and / or wider community. Paragraph 98 of the NPPF sets out that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

5.2.5 It is clear that Kanteena is a highly popular venue which is demonstrated by the significant number of public objections to its loss. However, the current use of this building was granted temporary planning permission in 2019 to preclude long term harm or adverse impacts on any potential future development proposals for the Canal Quarter area. It is noted that a number of public comments object to the loss of this building on the grounds that it is to be replaced by a car park. However, although the applicant has submitted plans for a temporary car park (25/00973/FUL) this does not include the site of the Kanteena building (Building A). In the absence of planning permission for the

current use only limited weight can be attributed to policy DM24. Notwithstanding this, the community value of this venue is acknowledged, and it is noted that the applicant has now extended the lease (which was due to end on 31<sup>st</sup> December 2025) with the operators of Kanteena while they explore the potential for creating a permanent cultural venue as part of the developers masterplan for the wider Canal Quarter area. The lease arrangements are strictly between the applicant and Kanteena and lie outside the planning remit. Notwithstanding this, the applicants have also suggested a condition in relation to the timing of the demolition of this building, to ensure its loss is within the later phases of the demolition across the applicant's land interests.

- 5.2.6 With regard to the fallback position of the previous warehouse use (B8), policy DM14 would be applicable and refers to the loss of employment land and premises. This was considered as part of the 2019 application with the associated officer report noting that the warehouse use ceased operation in 2016 and subsequently remained vacant. Criteria VII of DM14 allows for the loss of employment use where the location has such exceptionally severe site restrictions, due to very poor access or servicing arrangements, or surrounding land uses make a continuing employment use inappropriate. Criteria VIII of DM14 allows for the re-use of employment land where it meets the wider regeneration objectives set out in policy EC5 of the Strategic Policies and Land Allocations DPD and where it is clearly demonstrated that the benefits of the proposal outweighs the loss of the site for employment purposes. It is considered that existing traffic and highway limitations in this area of Lancaster significantly reduces the appeal of the premises to be used as warehousing in the future and the site is geographically central within the planned regeneration of the Canal Quarter area. In this regard, the proposal is considered not to conflict with policy DM14.
- 5.2.7 Building B - With regard to Building B, this is understood to have been a former bus depot and dates from the first half of the 20<sup>th</sup> century. This building consists of brick walls and a steel frame roof structure which is currently uncovered and unoccupied.
- 5.2.8 Both Buildings A and B are earmarked as "New Development Plots" in the CQ SPD. The submission states that the applicant is firmly committed to bringing forward a comprehensive masterplan for its landholdings to the east and west of Brewery Lane and have briefed Council Officers in respect of this plan and vision for the area. It is understood that the applicant will imminently be releasing further information on this as well as preparing for meaningful public consultation ahead of a planning application in early 2026. Although it would have been preferable for the proposed demolition of these buildings to have come forward as part of a comprehensive redevelopment plan, the local planning authority acknowledges the applicant's positive engagement with regard to forthcoming plans which align with the Councils long standing ambitions for the regeneration of this site. As such the principle of the loss of these buildings is acceptable, subject to other material considerations discussed in the forthcoming sections of this report.
- 5.3 **Impact on Heritage Assets** NPPF Chapter 12 (Achieving well-designed and beautiful places) and Chapter 16 (Conserving and enhancing the historic environment); Strategic Policies and Land Allocations (SPLA) 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) and DM42 (Archaeology)
- 5.3.1 The Listed Building and Conservation Area Act 1990 sets out that when considering development proposals within Conservation Areas, the Local Planning Authority has a statutory duty under the Act to pay special regard to the desirability of preserving the setting of a listed building and special attention and a presumption in favour of preserving the character and appearance of the conservation area. This is reflected within Section 16 of the NPPF This is reiterated in policy DM38 states that proposals should conserve and where appropriate enhance character and appearance of conservation areas.
- 5.3.2 The site lies within Lancaster Conservation Area Character Area 5: Canal Corridor North. The buildings do not positively contribute to the special characteristics of the conservation area and are identified as "Low Grade Environment" within the Conservation Area Appraisal (2013). The proposed demolition works will not result in any direct impact on the listed Mitchells Brewery/Malthouse building but consideration is required in respect of indirect impacts on the setting of this building as well as other nearby listed buildings, in particular the Grand Theatre and Dukes Playhouse. The Mitchells Brewery/Malthouse building is highly visible along Brewery Lane and is of considerable

historic significance, both as a rare surviving example of a multi-floored maltings, built on an industrial rather than domestic scale, and as a relatively rare building typology in the north-west. The Brewery is a landmark in the local area, with the taller northern wing towering over surrounding development also has considerable architectural presence.

- 5.3.3 Historically the area comprised a mix of larger scale industrial buildings and uses, including the Mitchells Brewery/Malthouse itself, a rope-walk and chemical works, with the canal embankment and Moor Lane Mills forming the backdrop. A chapel, a school and Sunday school and workers housing, all now largely demolished, sat between these industrial uses. The areas of land surrounding the site to the north and east is now formed largely of cleared plots containing areas of surface car parking following largescale slum clearances during the 1960s. The Conservation Area Appraisal (2013) acknowledges that buildings within Canal Corridor North are falling into neglect, and the area is clearly in need of a new role and new development that will enhance the significance of the area. It is considered that this neglect has a negative impact on the character and appearance of the Conservation Area.
- 5.3.4 Building A dates from the 1970s and with its associated boundary in the form of white hoardings behind metal railings does not contribute positively to the significance of the Conservation Area or the setting of the listed building. It is the view of Historic England that the loss of this building would not enhance or better reveal significance of the Conservation Area and raises concerns that the impact of demolition, with no firm plans for what will be replacing the current structures, would risk harming the significance of the Conservation Area and the setting of the listed brewery. The Council's Conservation Team have raised objections to the demolition of this building as it would result in the loss of enclosure to the listed Mitchells Brewery/Malthouse in the absence of proposals for the future re-development of the wider site as required by national and local policies. Building B dates from the 1940s and is in a very poor state of repair and is currently not contributing positively to the Conservation Area or the listed building.
- 5.3.5 The Conservation Team have highlighted the requirements of NPPF paragraph 217 which states that Local Authorities should not grant permission for the loss of heritage assets without taking reasonable steps to ensure new development will proceed thereafter. However, it is important to note that neither of the buildings in question are designated or non- designated heritage assets.
- 5.3.6 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. Paragraph of the NPPF 213 sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 215 goes on to say that the level of harm should be weighed against the public benefits of the proposal. This is reiterated in policy DM38 which states that development in Conservation Areas should preserve or enhance the character and appearance of the area and policy DM39 has regard to the setting of designated heritage assets which includes listed buildings.
- 5.3.7 Impact on Conservation Area – Paragraph 219 of the NPPF sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Historic England Planning Note 3- The Setting of Heritage Assets advises that conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed, change may be positive, for instance where the setting has been compromised by poor development. This document also acknowledges that the setting of a heritage asset is subject to some degree of change over time. It is clear that the loss of the buildings will result in change to views into and through the Conservation Area. It is considered that this change would equate to a low level of less than substantial harm. As set out within paragraph 215 of the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is regrettable that the current submission is being considered in absence of redevelopment plans as part of this application.
- 5.3.8 The Heritage Statement and Supporting letter submitted with the application set out that the demolition is a first step to developing sensitive regeneration plans for the area. The Supporting letter puts forward that the clearance and demolition will create an accessible, development-ready site while providing the opportunity for temporary uses that can provide early benefits whilst the comprehensive mixed-use masterplan is worked up. The long term ambitions of the applicant are

commendable and welcomed by the Local Planning Authority. Officers recognise such plans would undoubtedly provide public benefits by unlocking regeneration opportunities of the wider site. However, the details of those plans are not currently before the Local Planning Authority for determining and could change. Therefore, only limited weight can be given to any benefits that could arise from their potential regeneration proposals at this stage. However, demolition is considered to provide a catalysis for development opportunity, which on this stalled site, is considered to be beneficial.

- 5.3.9 Impact on the setting of listed buildings - Buildings A and B have no heritage value in themselves, however they provide context to the industrial nature of the site and the listed brewery buildings. Paragraph 219 of the NPPF sets out that Local Planning Authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals which better reveal its significance should be treated favourably. It is considered that the demolition would result in a low level of less than substantial harm to the setting of the listed building, by the loss of enclosure which is provided by the proposed buildings. However, on the other hand, the removal of the buildings, which are of little heritage value, could also serve to better reveal the existing Mitchells Brewery/Malthouse building once demolition has occurred. In addition, the demolition also acts as a potential catalyst for future development opportunities across the Canal Quarter regeneration allocation. Whilst acknowledging the concerns raised by the Conservation team, on balance, officers are of the view the demolition proposed by this application would have a neutral impact to the setting of the listed building.
- 5.3.10 It is considered that neither Building A or B materially affect the setting of the Grand Theatre or the Dukes Playhouse and their demolition will have a neutral impact on the setting of these listed buildings.
- 5.3.11 The County Archaeologist consultee has advised that initial demolition and vegetation clearance proposed should not have significant impact on potential below ground remains. The consultee has recommended an Archaeological Desk Based Assessment with a visual inspection carried out to fully assess the significance of the buildings on the site and to assess the potential for below ground archaeological structures, features and deposits. As set out above, the buildings do not hold historic significance, but it is considered reasonable to include reference to the methodology of demolition within a condition in order to ensure that any requirement for below surface level works would trigger the expectation for below ground archaeological recording.
- 5.3.12 The Council is supportive of the desire to sensitively redevelop this site as part of the regeneration of the Canal Corridor North character area of the Lancaster Conservation Area, and it is acknowledged that site clearance is necessary to redevelop the site in a way that enhances and better reveals significance of the Conservation Area and the listed Mitchells Brewery/Malthouse. It is also notable that the subject buildings are identified for removal within the Canal Quarter SPD (CQ SPD). The identified low level of less than substantial harm to the Conservation Area and setting of the listed Mitchells Brewery/Malthouse is weighed against the wider masterplan objectives of the Canal Quarter SPD and those aspired to by the applicant, which will undoubtedly bring public benefits. Notwithstanding the concerns raised by Historic England and the Council's Conservation Officer, on balance, the proposal is considered to be acceptable in terms of its impact on designated and non-designated heritage assets, and would comply with policies DM29, DM38, DM39 and DM42, in addition to the aims and objectives of section 16 of the NPPF.
- 5.4 **Highway impacts** NPPF section: 9 (Promoting Sustainable Transport); Development Management (DM) DPD policies DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages).
- 5.4.1 The Local Highway Authority (Lancashire County Council) has reviewed the proposal and has confirmed that they have no objection to the development. Concerns were raised that the site will be left with no secure perimeter wall or fencing which may allow random vehicle access to the site across footway that is not suitable constructed, nor would there be any indication to pedestrians that there may be vehicle movement across the footway. However, this application relates to the demolition of the buildings and does not seek permission for a change of use of the land. A condition is proposed to ensure details of site boundaries are submitted and agreed. The County Highways consultee has also raised concerns about the potential damage to the surrounding highway during the demolition phase and suggests that a pre commencement highway survey should be conditioned



and any damage attributed to the demolition will need to be suitably repaired. However, it is considered that the imposition of such a condition would not be reasonable and potentially unenforceable.

- 5.4.2 The Highways Authority has recommended conditions to secure a Demolition Management Plan and to restrict delivery hours to the site. Given the site's location along a busy road with high pedestrian activity and its proximity to junctions with Moor Lane, Brewery Lane, Lodge Street and Edward Street, it is considered reasonable to require such a plan to ensure the safe operation of the highway network and pedestrian environment. Due to the scale of the buildings to be demolished, it is highly likely that the demolition process will affect the functioning of the road network during this phase.
- 5.4.3 An advice note is also recommended highlighting the possible requirement for relevant permits to be obtained from the Highways Authority for works on, or immediately adjacent to, the adopted highway network. Overall, it is considered that the proposal will not have a detrimental impact on highway safety, and the proposal would accord with policy DM60 and section 9 of the NPPF.
- 5.5 **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)
- 5.5.1 A Preliminary Bat Roost Assessment in respect of each building has been provided with the application. Building A is a steel portal-framed structure and the construction materials, design, condition and use of the building are not typically associated with roosting bats due to the absence of cavities/crevices and suitable roof voids. Building B comprised a large, disused warehouse structure. No potential roost features for bats were observed on any building. The structures were of a construction type or condition which are not associated with supporting bats roosts. Consequently, the Preliminary Bat Roost Assessment concludes that no further detailed assessment (i.e., dusk emergence survey) or mitigation measures are required, and bats do not present a potential constraint to the demolition proposals. A condition would be imposed in the event of an approval to ensure the demolition is carried out in accordance with the recommendations of the Preliminary Bat Roost Assessment in the unexpected event that a bat is discovered during the works.
- 5.5.2 Building B and associated vegetation, and to a lesser extent Buildings A, present suitable habitats for nesting birds. Consequently, the submitted assessment recommends that any works which will potentially impact bird nests should be undertaken outside of the main nesting bird season of March to August (inclusive). If this is not possible, any works potentially affecting bird's nests must be preceded by a nesting bird check, undertaken by a suitability qualified ecologist. If an active nest is found, it must be left in-situ until no longer in use. These recommendations will be conditioned.
- 5.5.3 There are a number of trees within the red edge boundary along the northern end of Edward Street. Although these trees were originally proposed for removal, revised plans have been received to confirm that they are to be retained to the satisfaction of the Councils Tree Protection Officer. It is considered reasonable to impose a condition regarding the submission of a Tree Protection Plan to safeguard these trees during the demolition process. With these measures, the proposal is considered to comply with policy DM44 and section 15 of the NPPF.
- 5.6 **Flood Risk and Drainage** NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM36 (Protecting Water Resources and Infrastructure).
- 5.6.1 Within our Strategic Flood Risk Assessment and updated EA maps, the site falls within areas identified as being as medium-high and high risk of groundwater flooding and part of the site is also identified as being at low-medium risk of surface water flooding. Consequently, the application is supported by a Flood Risk Statement. This is relatively brief but considered proportionate given the proposed scale and nature of development. Ultimately, the development involves the demolition of existing buildings and would not include the creation of any additional hardstanding. However, to

minimise any flood risk or impacts on water quality a during demolition, a condition relating to a surface water management is considered necessary. With the imposition of this condition, the development would not conflict with the relevant local and national flood risk and drainage policies.

**5.7 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)

5.7.1 There are some residential properties in the vicinity of the site. As suggested by the Environmental Health consultee, it is considered reasonable and necessary to condition measures within a demolition method statement and management plan to ensure residential amenity is protected during the demolition of the buildings. Such measures include hours of working and measures to minimise dust. As such, it is considered that detrimental impacts on residential amenity or pollution of the environment can be avoided 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 result in a low level of less than substantial harm to the Conservation area and setting of a grade II listed building. However, is considered that the proposal will provide a catalyst for the redevelopment of an existing brownfield site and unlock the wider regeneration opportunities set out within the Canal Quarter Masterplan. The strength of public feelings in respect of the loss of a cultural venue is acknowledged. However, notwithstanding the lack of planning permission for the use of this building, it will continue to operate in the short term with phasing for demolition to be incorporated into the demolition method statement and management plan.

6.2 The proposal is considered to be acceptable in terms of its impact on highway safety, drainage, biodiversity, the environment and residential amenity subject to the imposition of appropriate conditions. 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	Timescale	Control
2	Approved plans	Control
3	Submission of a desk based assessment of the sites archaeological potential	Prior to commencement
4	Demolition method statement and management plan including phasing of Building A demolition and inclusion of archaeological recording in the event of any subsurface activity.	Prior to commencement
5	Remediation plan including surfacing	Prior to commencement
6	Demolition Phase Surface Water Management Plan	Prior to commencement
7	Tree Protection Plan	Prior to commencement
8	Details of site boundaries/security	Prior to commencement
9	Ecology	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