

<b>Agenda Item</b>	A6
<b>Application Number</b>	25/00912/FUL
<b>Proposal</b>	Relevant demolition of existing buildings and associated vegetation clearance
<b>Application site</b>	Canal Quarter Central Site Land To The West 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 relates to a group of buildings, which predominantly date from the early 19 century through to the early 20 century as well as some later 20th century buildings. The site is largely bound by Brewery Lane, Lodge Street, Stonewell, Moor Lane and St Leonards Gate and contains a number of Non-Designated Heritage Assets (NDHs) - Swan Court, former Timber Yard buildings, the rear of 11 Moor Lane, Thompson and Jackson in St Anne's Court and D C Wilson garage and workshop on Brewery Lane. The site also contains a more modern large warehouse building and 20<sup>th</sup> century extensions. The buildings are in a deteriorated state and all but one of the structures is subject to a s.77 notice issued by the Councils Building Control department. This notice requires the applicant to demolish the buildings as they are structurally unsafe.
- 1.2 There are several Grade II Listed buildings in proximity to the site, these are: the Grand Theatre, the Tramway Hotel (127 St Leonard's Gate), 129 and 131 St Leonard's Gate, 11 Moor Lane, 17 and 19 Moor Lane, Duke's Playhouse, and the Mitchell's Brewery/ Malthouse at the former Mitchell's Brewery complex to the west.
- 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.

- 1.4 The site falls within areas identified as being as medium-high and high risk of groundwater flooding and parts of the site are also identified as being at low, medium and high risk of surface water flooding. Lancaster Canal Biological Heritage site lies approximately 110 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 Planning permission is sought, part retrospectively, for the relevant demolition of a number of buildings in order to address urgent health and safety concerns associated with a number of dangerous structures on the site. Planning permission is required for the demolition given the location of the site within the Conservation Area. The submission sets out that the application has been submitted (along with 25/00913/FUL which relates to land to the east of Brewery Lane) in advance of proposals for a comprehensive future masterplan as well as to create the potential for temporary uses in the interim.
- 2.2 The submission sets out that after decades of abandonment, the current buildings on the site have fallen into a severely dilapidated condition. The submission highlights that the structural integrity of the buildings has been significantly compromised, with a number of dangerous defects identified. The vacant nature of the site has also led to ongoing security concerns, including frequent unauthorised access and break-ins, which have contributed to incidents of anti-social behaviour impacting the surrounding community. These issues further underline the need for prompt demolition to remove the danger to the public and prevent further deterioration.

## 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
25/00913/FUL	Relevant demolition of existing buildings and associated vegetation clearance (Land east of Brewery Lane)	Pending consideration
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
07/00671/CON	Application for Conservation Area Consent to demolish 1 - 2 St Annes Place and associated structures 1 -2 St Annes Place	Refused following Call In by SoS
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
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	Permitted (5-year temporary consent)

## 4.0 Consultation Responses

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

Consultee	Response
Historic England	<b>Concerns</b> that the demolition of Swan Court (H), the former timber yard (J1A, J1 and J2), the former offices of Thompson and Jackson in St Anne's Court (F1A and F1B), would cause harm to the significance of the conservation area. It is regrettable that the historic buildings on the site have been left to deteriorate to such a condition over the last decade, resulting in a situation where many are now beyond saving. Their loss would be harmful to both the Canal Corridor North character area and to the overall Lancaster City Centre Conservation Area. This harm would result from the loss of key buildings which have immense historical and evidential value, and the resulting loss of the fossilised medieval pattern of property boundaries and alleyways. Concerns that the Condition Inspection report does not provide adequate justification for the demolition of all 'F' buildings. Welcomes the removal of the former D C Wilson garage and workshop from the demolition plan.
Conservation Team	<b>Objection</b> the loss of buildings at this site would constitute substantial harm given the scale of demolition, the significance of the buildings affected and the contribution they make to the understanding of Lancaster's Conservation Area.
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	In the context of regeneration ambitions it is considered there is no current reasoned justification for the wholesale loss of non-designated heritage assets particularly to the west of Brewery Lane , although - pragmatically - it is accepted that loss of some dangerous and low value buildings should be removed to open-up the development opportunity.
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.
Heritage Action Zone	No comments received
Tree Protection Officer	<b>No comments received</b>
Environmental Health	<b>No objection</b> 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 condition post demolition
Lead Local Flood Authority	No comments to make in respect of this application
Cadent Gas	<b>No objection</b> informative note required.
BNG Officer	Satisfied with baseline habitat

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

Two representations have been received in respect of this application:

- Lancaster Footlights & Grand Theatre CIO 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.
- The Dukes Playhouse query whether their building/parking/access/business will be impacted.

In addition to the above the case officer has been contacted by a Planning Consultant representing the owner of 127, 129 ad 131 St Leonardsgate querying boundary treatments following demolition.

## 5.0 Analysis

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

- Principle of demolition
- Impact on Heritage Assets
- Highway Impacts
- Impact on Biodiversity
- 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) and EC5 (Regeneration Priority Areas); Canal Quarter Supplementary Planning Document; Canal Quarter Masterplan

5.2.1 The application site sits within the Canal Quarter regeneration area, which is a partially derelict and underused 16 hectare site. The Councils 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 Councils 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 acknowledges that the area contains an abundance of derelict buildings, some of which are of heritage significance. The SPD also recommends that development proposals must first consider the retention and re-use of existing buildings and advises that the re-use 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. The CQ SPD identifies an aspiration to retain a number of existing buildings within the site but also highlights some areas as 'New Development Plots'.

- 5.2.3 Although it would have been preferable for the proposals for demolition to have come forward as part of a comprehensive redevelopment plan, with the retention of buildings of historic interest where possible, a section 77 (s.77) notice under the Building Act has been served by the Council in respect of the majority of the buildings on site. As Councillors will be aware, the Building Act is a regulatory regime which is separate to planning. As part of the Building Regulation process, a Building Condition Inspection report (by Fairhurst) has been prepared on behalf of the applicant and the findings of this assessment have been verified by the Councils independently appointed surveyor who confirmed that it was clear that deterioration of the buildings were accelerating at an alarming rate, to the point where he considered that collapse was inevitable. This resulted in the issuing of the s.77 notice by the Councils Building Control department. This notice requires that the buildings are demolished due to their dangerous condition. The s.77 notice is a significant material consideration in the determination of this application.
- 5.2.4 The application as originally submitted also included the demolition of the DC Wilson garage and workshop (Building D) and an outrigger to the rear of 13 Moor Lane (part of Building I). These structures are not covered by the s.77 notice and as they are considered to have some historic value they have been removed from the demolition proposals at this stage by officers. A small part of Building I remains within the proposed demolition plans and this element is a two-storey brick built extension to a traditional outrigger which the CQ SPD identifies as “Low Value”.
- 5.2.5 The Canal Quarter SPD (CQ SPD) acknowledges that existing architecture and heritage is considered to be one of the defining characteristics of the Canal Quarter area and highlights a strong desire for this character to be retained. The CQ SPD encourages the sensitive retrofitting and reuse of heritage assets with consideration given to the reuse of existing buildings. The CQ SPD also acknowledges the abundance of derelict buildings within the area. The application site has been subject of a series of landowners over the last 20 years and despite the Councils aspirations for the redevelopment and regeneration of this area preceding plans have not come to fruition. The applicants have recently acquired the site, and the issuing of the s.77 notice confirms its derelict and dangerous condition. At the time of writing this report, demolition of buildings covered by the s.77 is underway under the supervision of the Council’s Building Control Team.
- 5.2.6 While the Regeneration Service Manager is broadly supportive of the urgent need to demolish dangerous structures, as well as the rationale for some wider demolition, it is considered that preserving more elements of the existing built form on this site would contribute positively to the character, grain, and punctuation of any future development. To address this, the Canal Quarter Masterplan sets out that decisions on retention or demolition are made based on rational analysis including consideration of:
- Viability assessments - including market demand and deliverability.
  - Strategic priorities - such as cultural provision, housing delivery, and public realm improvements.
  - Funding availability - particularly from public sources and developing schemes which could attract such interest.

Although the above points would need to be fully considered and assessed as part of a comprehensive scheme for redevelopment of the site, such proposals do not form part of this application. 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. 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.

- 5.2.7 While it is regrettable that these buildings are to be lost, their deterioration is understandable given their long term neglect by differing landowners. There is clearly an element of conflict with the heritage led ambitions of the Canal Quarter Masterplan and the Canal Quarter SPD and the extent of demolition proposed (and currently underway under the Building Regulation regime). However, as set out above, the s.77 notice is a material consideration in this case and requires the majority of the buildings subject of this application to be demolished for safety reasons. The remaining element proposed for demolition (Building I) is a minor feature and not considered key to the Canal Quarter

aspirations. As such the principle of the loss of these buildings is reluctantly accepted, subject to other material considerations discussed in the forthcoming sections of this report.

**5.3 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)

5.3.1 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. 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, which has regard to the setting of designated heritage assets, including listed buildings.

5.3.2 The site lies within Lancaster Conservation Area Character Area 5: Canal Corridor North. Swan Court (H), the former timber yard (J1A, J1 and J2), the former offices of Thompson and Jackson in St Anne's Court (F1A and F1B) are Non-Designated Heritage Assets and identified as "Positive Buildings" within the Conservation Area Appraisal (2013). Other areas within the site are identified as "Low Grade Environment".

5.3.3 The area behind the main highway frontages of Moor Lane, St Leonards Gate and Stonewell grew during the 18th and 19th Century, with a fine-grained character of lanes, courtyard housing and small-scale industry. While of lower status than the grander buildings to the street frontage, these buildings are of equal importance as evidence of Lancaster's historic development and in reflecting the poor conditions and overcrowding experienced by workers and inhabitants. The courtyard housing of Swan Court which is accessed via a passage between buildings fronting St Leonards Gate, is a rare survival, a building typology which has all but disappeared from many northern cities. The building has long been acknowledged as being of high significance, including by Historic England. Nearby, the survival of former industrial buildings in the area, such as the Timber Yard and Thompson and Jackson offices, is no less important in its illustrative and evidential value. 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.

5.3.4 Impact on Conservation Area and loss of Non-Designated Heritage Assets – Paragraph 217 of the NPPF states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. The demolition will result in a large open area to the rear of properties on Moor Lane and St Leonard's Gate, resulting in a stark change to the townscape and harm to the significance of the Conservation Area. Proposals for how the site will be redeveloped have not been submitted with this application. 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 a significant change to views into and through the Conservation Area. It is considered that this change would equate to less than substantial harm at a moderate level. Less than substantial harm includes alterations that have a noticeable impact but do not fundamentally change our ability to appreciate its significance. As set out within paragraph 215 of the NPPF where a development would lead to less than substantial harm to a heritage asset the proposal may be justified if the public benefits of the proposal significantly outweigh the harm.

- 5.3.5 The Heritage Statement and supporting letter submitted with the application highlights that the proposal for demolitions on the site is underpinned by significant and urgent health and safety concerns, which has resulted in the Council serving the s.77 notice. The supporting letter also indicates the applicant's intention for the submission of a comprehensive mixed-use masterplan for the site. The submission includes the Condition Inspection report (by Fairhurst) which was provided to and considered by the Council's Building Control department. Fairhurst first visited the site in 2018 with subsequent visits in November 2024 and February 2025. Fairhurst have also reviewed similar building condition reports prepared by Ian J Potts Associates in 2012 and by Graham Schofield Associates assessing the structural condition of the buildings in 2021. The condition is reviewed against previous inspections, and the buildings were all noted as being in poor condition in 2021 and have deteriorated further since. This is evidenced by the collapse of part of the roof and floors of Buildings J by 2024, the collapse of the canopy of Building F3 and the large sag in the roof of Building E3 indicative of imminent collapse. All the buildings are overgrown with trees, ivy and other plants. The roots of these are causing damage to masonry walls and most likely foundations. Timber elements are exposed to weather and are succumbing to rot and decay. The Fairhurst report finds that the buildings are structurally unsafe and should not be entered. Clearing the growth to expose the structure was thought likely to cause structural collapse of parts of the structures.
- 5.3.6 As set out within paragraph 5.2.3 of this report, the applicants Condition Inspection report has been verified by an independent surveyor instructed by the Council. This independent verification confirms that the damage observed has reached a point where trying to repair or salvage the structures would be extremely dangerous for a contractor to undertake, as any attempt to enter the structures would be hazardous due to the possibility of collapse. The independent verification confirms the recommendations of the Condition Inspection report that the buildings should be demolished to ground level and advises that this should be carried out as a matter of urgency and public safety.
- 5.3.7 Where development results in harm to heritage assets, the harm must be justified and outweighed by public benefits. Unfortunately, the wider regeneration proposals for the site are not before the local planning authority, and as such it is not possible to ascertain whether there would be wider regeneration benefits that would outweigh the harm arising from the loss of a significant number of buildings in the conservation area. However, the applicant has sufficiently evidenced that the buildings proposed for demolition are dangerous and on the whole in a very poor condition. The condition of the buildings are such that the Council (in its building regulation capacity) has served a notice requiring their demolition in the interests of public safety. The removal of the buildings will give way to development opportunities, but regrettably the extent of demolition is such that the site would no longer support the integration of as many NDHAs as initially hoped for when the CQ masterplan was evolving. This is an unfortunate consequence of years of lack of investment and the delays in the regeneration of the CQ regeneration site. It is anticipated that the proposals will act as a catalyst for redevelopment, but nevertheless, the demolition is not strictly justified in the context of heritage policy.
- 5.3.8 Impact on the setting of listed buildings - The proposed demolition works will not result in any direct impact on the nearby listed buildings but consideration is required in respect of indirect impacts on the setting of these buildings. The site is surrounded by a number of Grade II Listed Buildings: the Grand Theatre, 129 – 131 St Leonards Gate, 11, Moor Lane, Dukes Playhouse, Mitchells Brewery/Malthouse, 17 -19, Moor Lane and 127 St Leonards Gate. The proposed demolitions will undoubtedly have negative impact on the setting of nearby listed buildings with the loss of historic grain which provides context to this setting. Officers consider this harm to be less than substantial. 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.
- 5.3.9 It is considered that the demolition would result in less than substantial harm to the setting of the listed buildings. Like the impacts on the conservation area, the harm is not strictly justified in the context of heritage policy, i.e. we cannot ascertain the public benefits arising from any redevelopment of the site as this is not before the local planning authority. But the applicant has justified and evidenced that the buildings are in a very poor condition and have been deemed dangerous by the Council's Building Regulations team.
- 5.3.10 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 historic buildings on the site and to assess the potential for below ground archaeological structures, features and deposits. Given the historic nature of the majority of the buildings this is considered reasonable. However, as per the requirements of the s.77 notice demolition of the buildings is well underway and consequently this requirement cannot be fulfilled. 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.

- 5.3.11 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 requirements of the s.77 notice in consideration of this application, which does not strictly justify their loss in terms of heritage impacts, but is a significant material consideration in the assessment of this application.

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 County Highways Authority has reviewed the proposal and has confirmed that they have no objections 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.

- 5.4.2 Conditions to secure a demolition management plan and to restrict delivery hours to the site have been recommended by the Highways Authority. However, the demolition process is well under way as part of the s.77 notice and as such the recommended conditions are considered unreasonable and unnecessary.

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 has been provided with the application. The assessment was undertaken within the main active season for bats (April to October) when signs of a bat roost are most evident. However, due to the dangerous conditions of all buildings, internal access to all buildings was not safe. This access constraint was not considered a significant limitation to the assessment as most buildings did not have a loft / internal space which would be suitable for void-dwelling bats. Full visual assessments were compromised by very dense vegetation on certain aspects of buildings. An element of precaution was adopted when assessing buildings with limited visual access. Categories of bat roost suitability were assigned to each of the buildings and range from none, negligible to low. No notable deep stonework crevices or other features typically associated with providing suitable hibernation roost conditions were observed. The buildings and surrounding vegetation provide numerous opportunities for use by nesting birds. Buildings E1, E4, F3, G1, G1A, G2, G3, H, I, J2 were found to have none or negligible suitability to support bats. Buildings E2, E3, F1A, F1B, F2, J1, J1A, J4 were found to have low suitability to support bats. Good practice dictates that for the buildings with a low roost suitability, a single dusk emergence survey should give sufficient confidence that bat roosts are absent from the buildings. However, the survey season is limited to between May and the end of August. The assessment sets out that in the



absence of dusk emergence survey data, mitigation measures for the demolition works are recommended to be incorporated into the demolition methodology and such measures are considered sufficient to mitigate the low risk and allow the demolition to commence. The submitted assessment acknowledges the legislative requirements afforded to nesting birds. These recommendations will be conditioned.

5.5.2 The Building Condition Inspection report identifies a number of self-sown trees growing from and between the buildings. The submitted Arboricultural Impact Assessment identifies groups containing Buddleia, Sycamore, Birch, Poplar, and Willow saplings. These groups are to be cleared as part of the proposals along with T1, T3 and T4 to the satisfaction of the Council's Arboricultural Officer.

5.2.3 The submission includes a Biodiversity Net Gain (BNG) Assessment which sets out a baseline of medium distinctiveness habitats (mixed scrub and individual urban trees) has been calculated at 2.18 biodiversity units in the statutory metric. However, as the application is retrospective the scheme is exempt from the BNG requirements.

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 parts of the site is also identified as being at low, medium and high 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. To minimise any flood risk or impacts on water quality during demolition, a condition relating to a surface water management has been suggested by the Council's Engineer. However, given the retrospective nature of the works such a condition is unnecessary.

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 that residential amenity is protected during the demolition of the buildings, including in relation to hours of works 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 less than substantial harm to the Conservation Area through the loss of Non-Designated Heritage Assets and less than substantial harm to the setting of a number of grade II listed buildings. While it is disappointing that the buildings have deteriorated to such a degree such as to warrant the issuing of the s.77 notice, it is considered that such a notice is a material consideration in the determination of this application. In light of this, the identified harms are justified in the interest of public safety.

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	Approved plans	Control
2	Before any works below existing ground level or subsurface activity details of archaeological recording to be submitted	Prior to subsurface works
3	Remediation plan including surfacing	Prior to demolition of the last building or within 1 month of decision whichever occurs first
4	Details of site boundaries/security	Prior to demolition of the last building or within 1 month of decision whichever occurs first
5	Submission of a scheme for the retention and reuse of stone on site	Prior to demolition of the last building or within 1 month of decision whichever occurs first
6	Ecology mitigation recommendation as set out in ecology appraisal.	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