

Agenda Item	A10
Application Number	25/00575/FUL
Proposal	Erection of a single storey extension to the rear and a first floor extension above existing ground floor, conversion of existing property to mixed use comprising commercial units on ground floor and 4-bed student cluster flats on upper floors
Application site	1 Spring Garden Street Lancaster Lancashire LA1 1RQ
Applicant	Ms Chloe Wilkinson
Agent	Mr Michael Harrison
Case Officer	Ms Melissa Martin
Departure	No
Summary of Recommendation	Approve subject to conditions

(i) Procedural Matters

While this category of development would typically be determined under the Council's Scheme of Delegation, the applicant is a relative of Councillor Wilkinson. Consequently, the application is referred to the Planning Regulatory Committee for formal determination.

1.0 Application Site and Setting

- 1.1 The site is located on Spring Garden Street in the centre of Lancaster, on the edge of the main retail area, within the Conservation Area. It currently comprises a long single storey building which has a monopitch roof, giving it the appearance of a one and a half storey building at the front. It is finished in stone on the front elevation, which is painted white, and has dark patent glazing above. The side and rear walls are constructed of brick. There is also a single storey flat roof outbuilding attached to the rear of the building, located towards the east of the site. Adjacent to this is a yard area accessed via a pedestrian passageway at the rear of 70 Penny Street. The building is in existing commercial use.
- 1.2 A large electricity substation immediately adjoins the western boundary, and its curtilage wraps partially around the rear of the application site. This also abuts the pavement and comprises a gated access immediately adjacent to the site, and a long rendered wall, approximately 4 metres high. To the east of the site is a terrace of traditional three storey stone buildings which front onto Penny Street and have retail units at ground floor. These are not listed but have been identified as contributing positively to the Conservation Area. On the opposite side of the road, to the north of the site, is a lower three storey building fronting Penny Street and two storey buildings which face onto Spring Garden Street, one of which is a public house.

- 1.3 The site is within the City Centre area and is identified as other key frontage, as opposed to protected or primary retail frontage, on the Local Plan Proposals Map. Common Garden Street is also part of the Strategic Cycle Network and the pavement adjacent to the site contains a cycle lane/path.

2.0 Proposal

- 2.1 Planning permission is sought for a building comprising mostly two storey to deliver 3 retail units and a landlord office at ground level with student accommodation above. The ground floor is retained in largely its existing plan form, with an extension to the existing rear outrigger to increase the floor space, incorporating the access to the student accommodation occupying the upper floors. The mono-pitched roof is proposed to be removed with glazing inserted at ground floor to create four separate shop fronts. The front elevation would be finished in coursed stonework, with the side gable and rear elevation being finished in Fintry K-render. The existing red brickwork to the rear and side at ground level being retained. The proposed pitched roof would be finished in natural slate and the proposal would comprise of grey steel fixed window frames. Solar panels are proposed to the southern roof slope.
- 2.2 The accommodation on the first floor would provide a 4-bedroom cluster flat with shared kitchen/living/dining room, as well as one bathroom and one shower room. Access is proposed to utilise the rear outrigger with access onto Spring Garden Street from the existing pedestrian access. Within the rear yard a bike and bin store are to be provided.

3.0 Site History

- 3.1 An earlier application in 2016 for a similar but larger student accommodation scheme, creating a three storey building (16/01394/FUL) was approved. The design varied with larger proportions of glazing to the shopfronts than currently proposed. The proposal created 4 retail units at ground floor as per the current application, however proposed two 4-bedroom student cluster flats compared to the 1 4-bedroom unit currently proposed.

Application Number	Proposal	Decision
16/01394/FUL	Partial demolition and alteration of existing building and erection of a two storey building above existing ground floor, with retail (A1) at ground floor and two 4-bed student cluster flats (C4) on upper floors	Permitted

4.0 Consultation Responses

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

Consultee	Response
Lancaster University	No comment received
Conservation	Consultation noted
University of Cumbria Accommodation Officer	No comment received
LUSU Housing	No comment received
Environmental Protection	No comment received
Lancaster Civic Society	Comments received as follows: <ul style="list-style-type: none">• Supports, in principle, the proposal to bring this neglected building back into use and notes it is an improvement on previous applications.• Believes the development itself would improve the appearance of this street.• Notes that proposals for the ground floor commercial use are left flexible and

	<p>hope tenants can be found.</p> <ul style="list-style-type: none"> • The small numbers of extra students to be accommodated would not affect the overall scheme of things. The proposed first floor plans need careful scrutiny e.g. Bedroom 4 looks very cramped indeed. • Hopes the response and recommendations from Peter Iles of the County Historic Environment Team are followed to the letter, and monitored with care.
Waste and Recycling	<p>Comments received as follows:</p> <ul style="list-style-type: none"> • A domestic dwelling will (with 4 people) require space for: 240 litre waste 240 litre recycling plastic/glass and tins 240 litre recycling paper/card 240 litre food Waste • 3 x Commercial Units with no access to the rear yard Recycling bags for Trade Collection Waste bags for Trade Collection <p>The officer considers the current size of the bin store to be adequate.</p>
County Highways	No objection subject to conditions regarding the submission of a Construction Management Plan, details regarding the cycle storage proposed, and restrictions on the hours for deliveries.
County Archaeology	No objection subject to a condition regarding a programme of archaeological monitoring and recording works.

4.2 No neighbour representations have been received.

5.0 Analysis

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

- Principle
- Scale, design and impact on heritage assets
- Highway Implications
- Impact on Residential Amenity

5.2 **Principle** (NPPF Chapter 2 (Achieving sustainable development); Chapter 6 (Building a strong, competitive economy); Chapter 7 (Ensuring the vitality of town centres); Chapter 8 (Promoting healthy and safe communities); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies SP1 (Presumption in favour of sustainable development); SP2 (Lancaster district settlement hierarchy); SP3 (Development strategy for Lancaster district); SP6 (The delivery of new homes); EC5 (Regeneration Priority Areas); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM1 (New residential development and meeting housing needs); DM7 (Purpose Built Accommodation for Students)

5.2.1 The site is located within the city centre on a secondary retail frontage. The scheme is for residential but retains the commercial use at ground floor and will therefore not have a detrimental impact on the vitality of the city centre. The use of the application site for student accommodation is acceptable in principle. It is situated in a central sustainable location, close to local services and facilities. It is also close to good bus routes to Lancaster University and University of Cumbria. The need for student accommodation in the city centre is identified within the DM DPD and Policy DM7 sets out criteria by which proposals will be assessed, so the principle of the scheme is accepted.

5.3 **Scale, Design and Impact on Heritage Assets** (NPPF Chapter 12 (Achieving well-designed places); Chapter 16 (Conserving and enhancing the historic environment); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policy SP7 (Maintaining Lancaster district's unique Heritage); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM29 (Key design principles); DM30a (Sustainable Design and Construction); DM38 (Development affecting conservation areas)

5.3.1 As set out above, the site is located on Spring Garden Street, within the Conservation Area, close to the junction with Penny Street. Views can be obtained of the site from both Penny Street and King Street, in addition to the road on which it is located. The existing building is poor in terms of its

design and does not contribute positively to the character and appearance of the Conservation Area, although its harm is limited given its relatively low height. The redevelopment of this site provides an opportunity to provide significant enhancements to this part of the Conservation Area.

- 5.3.2 A previous application for a three storey building was approved by the Planning Committee back in 2017. The approval allowed a three storey building, with a pitched slate roof, linked to the adjacent property on Penny Street by a predominantly glazed flat roof element, with a lower height than the main part of the building, with the link providing a visual separation between the buildings. The massing and scale of the three storey was considered acceptable and related to the surrounding built form.
- 5.3.3 The proposed application results in a two storey building, and thus would be of a smaller scale and mass of that previously approved. The development would comprise of a pitched slate roof, with a glazed flat roof element linking to the adjacent property on Penny Street as per the previous approval. As such, the massing and scale is considered acceptable.
- 5.3.4 In terms of materials, the front elevation would comprise of glazed shopfronts at ground floor separated by the existing coursed stonework. The first floor front elevation created would comprise of coursed stonework to match the existing. There were previous concerns regarding the use of render to the front elevation, thus the use of stonework to match the existing would preserve the appearance of the building. A stone coloured render has previously been deemed acceptable on the side and rear elevations, thus there are no objections in this regard. The extent of glazing has been reduced beyond the previous approval and better relates to the upper floors.
- 5.3.5 The proposal would result in dark grey painted timber shop surrounds at ground level, and natural stone surrounds to the first floor windows. The proposed includes timber sliding sash or casement windows finished in grey. It is considered that the proposal provides a visual break between the adjoining more traditional buildings and a more contemporary design that respects its surroundings.
- 5.3.6 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is reiterated in Policy DM38, setting out that development proposals or alterations to buildings in Conservation Areas will be required to demonstrate that:
- Proposals respect the character of the surrounding built form and its wider setting, in terms of design, siting, scale, massing, height and the materials used;
 - Proposals will not have an unacceptable impact on the historic street patterns / boundaries, open spaces, roofscape, skyline and setting including important views into and out of the area;
 - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and
 - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area
- 5.3.7 The current building on the site does not contribute to the historic or architectural interest of the area and the proposed redevelopment will take a contemporary approach which is sympathetic in scale and height to the surrounding buildings within the Conservation Area. It is considered that the proposal will preserve the character and appearance of this part of the Conservation Area, and it likely to enhance this, given the appearance of the existing building.
- 5.3.8 Detailed comments have been received from the Lancashire Archaeological Advisory Service. The site falls within the known bounds of Lancaster's Roman cemetery, and evidence of a number of burials of this period was found on the site of 77-79 Penny Street prior to its redevelopment. Further evidence of Roman activity, including some bone fragments, was also found during works to the west side of the Spring Garden substation. These discoveries would suggest that the site lies outside the formal boundary of the Roman town, although it may be only just outside it. Little is known of the town's layout between the end of the Roman period and medieval times. It seems probable, however, that there was continued occupation on a similar pattern to before, which resulted in the preservation of the two main Roman road lines in the modern Penny Street/Cheapside and St Mary

Gate/Church Street. Both Penny Street and King Street are noted during the medieval period and are shown on Lancaster's earliest map, that of John Speed of 1610. This map does not show Spring Garden Street, and it seems probable that it (and the parallel Common Garden Street) were later additions to bring former back lands into use in the early post medieval period.

- 5.3.9 The redevelopment of the site has a reasonably high potential for the preservation of Roman burials, medieval 'back land' development and buried remains of the earlier buildings on the site. Whilst it is unlikely that any such remains would be considered so important as to require preservation at the expense of development, they would merit 'preservation by record'.
- 5.3.10 The additional information recently submitted by the applicants (*SGS Planning app archaeology support info 140725*) states that the new upper storey will be supported by steelwork attached to the existing walls, and that no new excavation will be required. This significantly reduces the ground disturbance required for the proposed development.
- 5.3.11 It also notes that the proposed new outrigger falls into an area where a pre-1950s structure was present and demolished into its own cellar, prior to the construction of the existing outrigger and the wall separating the site from the adjacent substation. Whilst we do not have any evidence to support or deny the former existence of a cellar within this area, we do note that the adjacent 70/72 Penny Street are said to have been cellared, so it is certainly possible and we would accept the statement. Any cellar is however very unlikely to have extended into the former narrow yard behind the present/former outriggers shown on the OS 1:1,056 map of 1849, sheet Lancaster 10. It is noted that this map shows a "Pump" in the yard. Our experience would indicate that this would have been located over a well, probably cut from the yard level. It might have been back-filled with rubble at the time of the building demolition, but they can survive and have been encountered just under paving (e.g. next to the former Slip Inn, James Street, Lancaster) or otherwise capped under buildings as deep, open stone-lined shafts on development sites before. The excavation of the well removes another area where earlier buried archaeology might survive.
- 5.3.12 Finally, it is noted that existing services to 74-76 Penny Street run through the rear yard area, which will also have reduced the area potentially retaining Roman archaeology and human remains.
- 5.3.13 Whilst lower than previously thought, there is still a potential for significant archaeology (such as human remains) to exist on the proposed development site. The LPA consider that this can be limited to a scheme of archaeological supervision, monitoring, and recording (formerly termed a 'watching brief') during ground excavation works. Such a scheme is significantly less onerous than that previously suggested but can be required by a planning condition.
- 5.3.14 Under the previous approval, Lancashire Constabulary advised that from a crime and incident search of the nearby areas there have been recorded crimes and incidents such as theft, criminal damage and assault. Student accommodation can often be targeted by offenders for criminal activity such as burglary and theft, facilitated by unauthorised entry being gained by methods such as human tailgating. Security measures were recommended for this scheme. Many of these cannot be covered by planning legislation, but heights of access gates and lighting can be addressed by planning condition.
- 5.4 **Highway Implications** (NPPF Chapter 9 (Promoting sustainable transport); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies SP10 (Improving transport connectivity); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM60 (Enhancing accessibility and transport linkages); DM61 (Prioritising walking and cycling))
- 5.4.1 The scheme does not propose any parking or vehicular access to the site. Cycle storage is proposed in the rear yard. This does not appear to be covered, and it would be expected to be to ensure that it is more secure and likely to be utilised. However, this could be controlled by condition. The site is easily accessible by a choice of sustainable travel modes including foot, cycle and public transport. The surrounding pedestrian environment is of an acceptable quality, with footways being well-lit adding to a sense of personal security. Signage and the built form add to a good level of legibility with adjacent pedestrian footway links providing an acceptable means of access to the application site. The site also lies adjacent to a designated cycle route which provides access to the city centre and surrounding cycle network. There is a city centre car park located within 50 metres of the site

which could be utilised by occupants for the loading/unloading of belongings. No objections have been raised by the Highways Authority, and it is not considered that the proposal would have a detrimental impact on highways safety. The development is considered to accord with relevant transport-related planning policies of the Local Plan and NPPF.

5.5 Impact on Residential Amenity (NPPF Chapter 8 (Promoting healthy and safe communities); Chapter 12 (Achieving well-designed places); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM2 (Space and accessibility standards) and DM29: Key Design Principles)

5.5.1 The upper floors of the adjoining building, 70-72 Penny Street contain student accommodation which was granted consent in 2000. There are no windows facing the site, with the exception of some serving the stair well. The outlook to the rooms is onto Penny Street and Spring Garden Street. As such, it is considered that the proposal will not have a detrimental impact on occupiers of this property. There are windows in the rear on numbers 74 and 76 Penny Street. However, outlook and light are already impacted by the existing outrigger at 70-72. Given this, and the position of the building to the northwest of these properties, it is considered that there will not be a significant adverse impact on the amenities of the occupiers of these properties. There are also some windows at the first floor of the property on the opposite side of the highway, at the rear of 66 Penny Street. There is approximately 11 metres between the site and this building which is not a distance which would usually be accepted between facing rooms in residential accommodation. However, the city centre location does need to be taken into consideration. It is not clear if it is residential accommodation, but it is considered likely. However, on balance, given the city centre location and that some of the windows are offset from each other, the relationship is considered to be acceptable.

5.5.2 The scheme provides one shared student flat at first floor level. The flat would consist of four bedrooms with one shared bathroom and one shared shower room, as well as a shared kitchen/living area. The size of the rooms, light and outlook are considered to be acceptable.

5.5.3 The site is located in a busy city centre location, directly opposite a nightclub and other nearby licensed premises that are permitted to operate into early morning hours and regularly extend operating hours through the Licensing Act regime. Under the 2016 approval, it was noted that records held by the Environmental Health Service showed that noise complaints had been received from nearby businesses and local residents about music noise and people noise at and around this location.

5.5.4 A noise assessment has been carried out and submitted with the application. The noise assessment shows that noise associated with the Hustle Nightclub and noise incidents typically associated with the night-time economy usually found within and around city centre locations such as this, will have significant observed effect levels on future occupants unless satisfactory mitigation measures are implemented. It is considered that noise levels can be controlled with construction materials and specific acoustic glazing to meet internal design criteria recommended within BS8233:2014 for both night-time and day-time periods. The noise mitigation can be controlled by condition, in addition to mechanical ventilation to serve the bedrooms.

6.0 Planning Obligations

6.1 There are none to consider as part of this application

7.0 Conclusion and Planning Balance

7.1 The proposal for student accommodation is considered to be appropriate in this city centre location and should help to enhance this part of the Conservation Area. It is also considered that the development will provide an acceptable standard of amenity and will not have an adverse impact on nearby residential properties or highway safety.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Approved Plans	Control
3	Materials – details and samples including stonework, render, doors and windows, roofing material, ridge, verge and eaves details, window surrounds, rainwater goods, materials for cycle store, any external surfacing material, all means of enclosure, external lighting, details of shopfronts	Pre-commencement
4	Archaeological monitoring and recording	Pre-commencement
5	Provision of bike and bin store	Prior to occupation
6	Student accommodation restriction	Control
7	Noise Mitigation Measures	Pre-commencement
8	Construction Management Plan	Pre-commencement
9	Cycle Storage Details	Pre-Installation
10	Hours for deliveries	Control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made 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