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| <b>Agenda Item</b>               | A9                                                                                    |
| <b>Application Number</b>        | 25/01004/FUL                                                                          |
| <b>Proposal</b>                  | Installation of air source heat pumps with plant enclosure and construction of canopy |
| <b>Application site</b>          | The Storey<br>Meeting House Lane<br>Lancaster<br>Lancashire                           |
| <b>Applicant</b>                 | Lancaster City Council (Property)                                                     |
| <b>Agent</b>                     | Mrs Emma Wilsdon                                                                      |
| <b>Case Officer</b>              | Mrs Petra Williams                                                                    |
| <b>Departure</b>                 | No                                                                                    |
| <b>Summary of Recommendation</b> | Refuse                                                                                |

**(i) Procedural Matters**

This form of development would normally be determined under the Council's Scheme of Delegation. However, the site is under the ownership of Lancaster City Council, and therefore, the application is referred to the Planning Regulatory Committee for determination.

**1.0 Application Site and Setting**

- 1.1 The site which forms the subject of this planning application is The Storey (Storey Institute) and associated Storey Gardens located to the west of the main building. The building, which is of significant architectural and historic merit, is Grade II listed and occupies a prominent position at the junction of Castle Hill and Meeting House Lane. The building dominates the approach to the Castle Hill Precinct and contributes significantly to the city's townscape. The building is constructed in sandstone ashlar with a slate roof and is in Jacobean Revival style. It has façades on two fronts, with a turret on the corner, with a lead dome surmounted by a spirelet. The southern boundary wall and steps up from Meeting House Lane are also Grade II listed in addition to the wall which runs perpendicular with the boundary wall and dissects the Storey Gardens into two parts. The site is also located within the Lancaster Conservation Area.
- 1.2 The Storey Gardens were historically associated with Nos. 18-22 Castle Park which are Grade II\* listed buildings. The historic gardens, which can be seen on the 1849 OS maps, extended the full width of these buildings and used to step down from north to south towards Meeting House Lane, with short staircases between each level, culminating in the staircase which drops down to Meeting House Lane. All the other properties to the north of the gardens on Castle Park are also Grade II listed, forming part of the Castle Precinct and are also of high architectural significance. To the west of the site is the Friends Meeting House which dates from 1708 and is a Grade II\* listed building. Properties to the south of the site along Meeting House Lane are Non-Designated Heritage Assets and are predominantly commercial units at ground floor.

- 1.3 The Storey is a centre for creative industries and also contains a café. The building is used by a number of businesses and hosts a variety of events including conferences, seminars and networking, film, music and theatrical recitals, literacy performances, workshops, art exhibitions and weddings.
- 1.4 The gardens are also designated as Open Space within the local plan. There are a number of trees located close to the southern boundary wall of the gardens. These trees are afforded protection due to their siting within a Conservation Area.

## 2.0 Proposal

- 2.1 This application is for the installation of 13 Air Source Heat Pumps (ASHPs) to service The Storey. The proposed ASHPs would be installed on the southern boundary of the Storey Gardens, approximately 8 metres from the listed wall fronting Meeting House Lane and just above the second tier of listed steps. The ASHPs would be 1.7m high and housed within two 2.1m high hit-and-miss timber compounds which, together, would span the full width of gardens, with a gap for the stairs in between. The footprint of the ASHPs and enclosures would be 3.2 metres by 13.1 metres (western bank) and 15.3 metres (eastern bank).
- 2.2 A canopy for housing cabling and pipework connecting to the ASHPs is proposed along the west elevation of The Storey. The structure is to be clad with a lead mono-pitched roof and painted timber cladding, to replicate the existing roof materiality found elsewhere on the site. The rainwater drainage will connect into the existing network.

## 3.0 Site History

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

| Application Number | Proposal                                                                                                                                                        | Decision              |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 25/01005/LB        | Listed building application for air source heat pumps with plant enclosure, canopy, internal works including replacement radiators and secondary window glazing | Pending consideration |
| 24/01076/PRENG2    | Pre application advice on decarbonisation works to include removal of boilers, installation of air source heat pumps, insulation and secondary glazing          | Advice issued         |
| 24/00831/FUL       | Creation of path, hardstanding and shelter and installation of gate and freestanding sign                                                                       | Permitted             |
| 17/01151/FUL       | Replacement of a timber door with a powder coated automated aluminium door to the rear elevation                                                                | Permitted             |
| 17/01207/LB        | Listed Building application for the replacement of a timber door with a powder coated automated aluminium door to the rear elevation                            | Permitted             |
| 15/01168/FUL       | Installation of 3 replacement gates                                                                                                                             | Permitted             |
| 15/01169/LB        | Listed building application for the fitting of 3 replacement gates                                                                                              | Permitted             |

## 4.0 Consultation Responses

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

| Consultee           | Response                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Conservation</b> | <b>Objection</b> - The installation of ASHPs would result in a high level of harm to the significance of the Storey Gardens and their association with the Grade II* listed 18-22 Castle Park, to the Grade II listed walls, steps and gates within the gardens and to the Grade II listed Storey Institute through its intrusive effect on the setting and |

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|                                                                                 | understanding of these heritage assets. It would cause harm to the significance, character and appearance of the Lancaster Conservation Area and the significance of nearby NDHAs through its impact on setting. The Conservation Officer fully supports the need to de-carbonise buildings throughout the city but notes this needs to be carried out without causing unjustified harm to heritage assets, as required by the 1990 Act and national and local policies.                                                                                                                                                                     |
| <b>Historic England</b>                                                         | <b>Concerns</b> regarding the location chosen for the proposed ASHPs in the gardens and their impacts on the setting of the nearby listed assets. They would form an inappropriate addition to the gardens that is at odds with the informal nature of the space, and a distraction from the highly graded listed assets nearby.                                                                                                                                                                                                                                                                                                             |
| <b>County Archaeology</b>                                                       | The probability of the works encountering significant early remains is quite low and as such a scheme of formal archaeological monitoring is not justified.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Environmental Health</b>                                                     | <b>No objections</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Property Services</b>                                                        | <b>No comments received</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Public Realm</b>                                                             | <b>No objections</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Commercial Marketing &amp; Tourism Manager - People &amp; Policy Service</b> | <b>Concerns</b> around the longer-term usage of the gardens from a commercialisation/income generation perspective.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Tree Protection Officer</b>                                                  | <b>No objections</b> a technical solution has been developed to mitigate the direct/indirect impacts of the development on trees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4.2                                                                             | <p>Two representations from the public have been received. Both raise objections on the following grounds:</p> <ul style="list-style-type: none"> <li>Concerns regarding the impact of scheme on the aesthetics of the stairways were originally laid out in the 1730s for giving access to the terraced gardens of houses on Castle Park, as described in the listing.</li> <li>Concern regarding the potential noise which may be generated by the pumps given that we bedrooms which look out over the Storey Gardens.</li> <li>Could some of the pumps be located adjacent to the building itself rather than in the Gardens.</li> </ul> |

## 5.0 Analysis

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

- Principle of development
- Design and impact on designated heritage assets
- Open space
- Noise and residential amenity
- Trees/biodiversity net gain

5.2 **Principle of Development** National Planning Policy Framework section 2 (Achieving sustainable development) Strategic Policies and Land Allocations DPD Policy SP1 (Presumption in favour of sustainable development); Development Management DPD Policies DM14 (Proposals involving employment land and premises); DM30a (Sustainable Design and Construction), DMCCH1 (Retrofit of buildings of traditional construction for energy efficiency), DMCCH2 (Micro-renewables in the setting of heritage assets) and DM53 (Renewable and Low Carbon Energy Generation)

5.2.1 In seeking to address climate change and the promotion of renewable and low carbon energy the National Planning Policy Framework (NPPF) states at paragraph 161 that the planning system should support the transition to a low carbon future in a changing climate. Paragraph 167 of the NPPF requires local planning authorities to give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in section 16 of the NPPF.

- 5.2.2 Lancaster City Council declared a climate change emergency in January 2019 and is committed to reducing its own carbon emissions to net zero by 2030, while supporting the district in reaching net zero by 2050. The Council Plan for 2024-2027 sets out the council's priorities and ambitions and a strategic vision for its services with the climate change emergency being one of four key themes. Lancaster City Council has been recognised as the best performing district council in the country for climate action. As part of the overarching Council ambition to reach net zero targets a partial review of the Local Plan was undertaken and adopted 22 January 2025. The new climate emergency policies in the updated local plan put an emphasis on development both mitigating and adapting to reduce greenhouse gas emissions.
- 5.2.3 As set out in policies DM30a and DM53, the Council is committed to supporting the transition to a lower carbon future and will seek to maximise the renewable and low carbon energy generated in the district where this energy generation is compatible with other sustainability objectives. Accordingly, the Council (as local planning authority) will support proposals for renewable and low carbon energy schemes, including ancillary development, where the direct, indirect, individual and cumulative impacts are, or will be made, acceptable with particular reference to the criteria I. – IV. (scale, siting, design, biodiversity, heritage and noise matters) set out in Policy DM53. Policy DMCCCH1 refers specifically to the retrofit of buildings of traditional construction for energy efficiency and policy DMCCCH2 refers to micro-renewables in the setting of heritage assets and advocates that harm should be avoided to the significance of the asset via its setting, through sensitive design.
- 5.2.4 Emissions are released as a direct result of the Council's activities, which includes the use combustible fuel for heating and electricity. The Council has secured external funding for major corporate decarbonisation and renewable energy projects. In 2022 the Council developed a Building Energy Decarbonisation Plan (BEDP) detailing what appropriate measures would be needed to decarbonise each of its buildings. The Council's Plan and the BEDP are material planning considerations in the determination of this application despite holding no planning policy weight. The BEDP analysed 18 buildings within the Council stock, with one being The Storey which is assessed as being the third most polluting council building regarding carbon emissions. The local planning authority has supported a number of the Council's climate adaptation and emission reduction projects where planning permission has been required, including Salt Ayre Leisure Centre (SALC), CityLab and Burrow Beck Solar Farm.
- 5.2.5 The submission sets out that the council secured £1.89M from the Public Sector Decarbonisation Scheme (PSDS) following a successful bid in 2024. The submission states that this funding will contribute towards the costs of decarbonising the heating systems at The Storey and two other sites (City Lab and Williamson Park), with completion required by March 2026. The submission clearly sets out the gas boilers at The Storey have reached end of life. The proposal is the applicant's solution to this.
- 5.2.6 The proposed ASHPs which are part of a package of measures proposed for The Storey, will contribute to the decarbonisation of the building and to both local and national climate mitigation targets and clearly supports the Council's climate change agenda. The principle of the development is therefore considered to be acceptable. However, there are a number of specific matters that also need to be taken into consideration, that are discussed in the sections below. The proposal clearly supports the Council's climate change agenda; however, it also needs to be considered alongside other relevant national and local policies.
- 5.3 **Design and impact on designated heritage assets** National Planning Policy Framework section 2 (Achieving sustainable development), Section 16 (Conserving and enhancing the historic environment); Strategic Policies and Land Allocations Policy DPD SP7 (Maintaining Lancaster District's Unique Heritage), Development Management DPD Policies DM29 (Key Design Principles), DM30a (Sustainable Design and Construction), DM37 (Development affecting Listed Buildings), DM38 (Development affecting Conservation Areas), DM39: The Setting of Designated Heritage Assets), DM42 (Archaeology), DMCCCH1 (Retrofit of buildings of traditional construction for energy efficiency), DMCCCH2 (Micro-renewables in the setting of heritage assets) and DM53 (Renewable and Low Carbon Energy Generation)

- 5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. Section 16 of the NPPF seeks to conserve and enhance the historic environment; with Paragraph 212 affording 'great weight' to a designated heritage asset's conservation; Paragraph 213 requiring clear and convincing justification for any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting); and Paragraph 215 requiring decision makers to weigh 'less than substantial' harm against the public benefits of the proposal.
- 5.3.2 At a local level policy SP7 seek to protect and enhance Lancaster's Listed Buildings and historic environment. Policy DM37 sets out that proposals affecting Listed Buildings should conserve and, where appropriate enhance those elements which contribute to its significance. Policy DM37 also advises that the Council will support proposals that seek to reduce the carbon footprint of a Listed Building provided that it does not harm elements that contribute towards the significance of the Listed Building. Policy DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated 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. Policy DM38 also seeks to ensure that proposals will not result in the loss or alteration of features which contribute to the special character of the building and area. Policy DM39 expects new development to preserve or enhance the setting of heritage assets.
- 5.3.3 Policy DMCCCH2 gives consideration to micro-renewables in the setting of heritage assets and offers support where such proposals demonstrate they are consistent with the energy hierarchy by firstly reducing energy demand in the building, secondly increasing energy efficiency, and finally looking to generate renewable energy. Such proposals should avoid harm to the significance of the asset via its setting, through sensitive design including appropriate mitigation and enhancement measures.
- 5.3.4 The submitted Heritage Statement states that the gardens "have been assessed to not hold any specific heritage values in itself". However, the local planning authority strongly refutes this view and considers the site to be of considerable architectural interest and evidential value. As set out in paragraph 1.2 of this report, the Storey Gardens, as they are now known, were historically the extensive rear gardens belonging to numbers 18-22 Castle Park; a row of three buildings dating to the early-mid 18th century. The gardens extended from the rear of 18-22 Castle Park southwards to Meeting House Lane, stepping down in terraces with sets of steps. The southern half of the gardens were partitioned off in the 1930s and sold to the council and now form part of the publicly accessible Storey Gardens. Although the gardens are now associated with the Grade II listed The Storey to the east, they remain part of the setting of the Grade II\* 18-22 Castle Park. The gardens have high heritage significance in themselves, and they contribute to the significance and understanding of the surrounding Grade II\* listed buildings. The spaces and features around these Grade II\* listed buildings is consistently of high quality; demonstrated by the Grade II listed pebble pavement forecourt to the north, Grade II listed garden boundary walls, and Grade II listed 18th century steps and gate piers at the southern end of the gardens.
- 5.3.5 Contrary to the assertion made within the submitted Heritage Statement the ASHPs and plant enclosure would be highly visible from Meeting House Lane. The existing hedge is currently visible, particularly from Dallas Road, and the hit and miss fenced compounds are proposed to be at least 600mm higher. The ASHPs and compounds would also be visible from all locations within the garden, particularly the northern side where land levels are higher. The visible connection to Meeting House Lane, the gateway and stepped entrance would be harmed, with the attractive, elegant entrance being framed by the dominant hit and miss fenced compounds. The industrial nature of the installation would be highly intrusive and incongruous in this historic setting. Although the steps from Meeting House Lane have, unfortunately, been closed for some years (presumably because of their steepness) they still contribute greatly to the historic understanding of the former gardens and the character of the former entrance and wider streetscene. The Heritage Statement fails to consider this impact. The proposed mitigation of screening, consisting of hedgerows, would take many years to grow to the necessary height and require considerable maintenance. Furthermore, a high formal hedge would be an intrusive landscape feature within the gardens and its informal landscape setting.

- 5.3.6 In heritage terms the impact of the proposed ASHP installation would cause a high level of less than substantial harm to the significance of the Storey Gardens and their association with the Grade II\* listed 18-22 Castle Park, to the Grade II listed walls, steps and gates within the gardens and to the Grade II listed Storey building through its intrusive effect on the setting and understanding of these heritage assets. Unlike listed buildings, the significance of a Conservation Area is dependent upon how it is experienced. Case law has established that proposals must be judged according to their effect on a Conservation Area as a whole and must therefore have at least a moderate degree of prominence. It is considered that the ASHP development would also cause harm to the significance, character and appearance of the Lancaster Conservation Area due to its impact on setting as a consequence of inappropriate design, prominence, size and scale.
- 5.3.7 The proposal includes the installation of a canopy to the western elevation of the building to provide a housing for cabling and pipework connecting to the ASHPs. The structure would be finished with a lead mono-pitched roof and painted timber cladding, to reflect the existing materials which are evident to the rear of the building. Although this element could in itself be acceptable, it is necessary to facilitate the ASHP installation, which as outlined above, would cause a high level of heritage harm.
- 5.3.8 The submission sets out that following an extensive review of the possible locations and considering the heritage significance of the space, the Storey Gardens represents the only viable location for the ASHPs to be located. Although the submission includes alternative options considered for the siting of the ASHPs within the gardens, the application is not supported by appropriate justification assessing the various options of different types of micro-renewables that may have been considered along with an examination of the constraints and the relative impacts of various different proposals. For example, during the pre-application site meeting the case officer suggested the option of ground source heat pumps. However, there is no evidence that this option has been explored within the application. However, even if such evidence was available, in your officers' opinion, it is unlikely to justify the proposals given the level of harm identified to the identified heritage assets.
- 5.3.9 The LPA is fully supportive of the need to de-carbonise buildings which is evident by the successful planning applications referred to in paragraph 5.2.4. However, such schemes must be undertaken without causing unjustified harm to heritage assets, as required by the 1990 Act and national and local policies. It must be demonstrated that the harm that would be caused is necessary and cannot be avoided in order to deliver other public benefits. Historic England Advice Note 18 "Adapting Historic Buildings for Energy and Carbon Efficiency" advocates a whole building approach when considering adapting historic buildings. This explores a building's context to find a range of effective solutions that save energy and carbon, sustain heritage significance, and provide a safe and comfortable indoor environment. The LPA would like to work with the applicants to explore other solutions in this case, such as smaller installations elsewhere within The Storey complex, or less intrusive schemes (e.g. ground source heat pumps), or a mix of different equipment in order to find a less harmful solution. Such a solution which demonstrates good practice in relation to decarbonisation within the historic environment, could create an exemplar precedent for other similar proposals elsewhere in the district. While the LPA fully appreciates that decarbonisation inevitably has cost implications, this, and the availability of grant funding, are not material planning considerations or justification for the high level of less than substantial harm identified. The submission states that the ASHPs could be removed when no longer required. However, whilst they may be time limited by the longevity of their technology, no indication as to the likely lifespan of the units or possible timescale for their removal is given. In practical terms, it is likely that the ASHPs would be in place for a number of years. As such, the harm that would be caused, even over a temporary period, would still be significant.
- 5.3.10 While the LPA recognises the threat of climate change and commends the applicant's ambitions to reduce their own carbon footprint, the contribution is considered to be comparatively limited and would not outweigh the high level of harm that has been identified. Designated heritage assets are finite structures and as such great weight should be given to their preservation. It is noted that the LPA has successfully defended refusals at appeal in respect of Full and Listed Building applications for micro renewable proposals. (e.g. linked appeals APP/A2335/W/23/3331144 and APP/A2335/Y/23/3331141 and linked appeals APP/A2335/W/23/3324540, APP/A2335/Y/23/3324545) with one Inspector citing them as "highly distracting and incongruous modern additions".

5.3.11 Overall, it is considered that the proposed ASHPs would cause a high level of less than substantial harm to the setting of listed buildings and structures as well as the Conservation Area. This harm has not been sufficiently justified and is not outweighed by public benefits. Furthermore, it is considered that even if robust justification were to be provided, on balance, the harm identified to heritage assets in this case is simply too great. This view is consistent with the advice provided at pre-application stage and the current submission provides no changes which would address the significant concerns raised at that time. Consequently, the proposal is contrary to policy SP7 of the SPLA DPD, policies DM29, DM37, DM38, DM39 and DMCCCH2 of the DM DPD and Section 16 of the National Planning Policy Framework.

5.4 **Open Space** National Planning Policy Framework Section 2 (Achieving sustainable development) and Section 8 (Promoting healthy and safe communities); Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in favour of sustainable development) and SC3 (Open Space, Recreation and Leisure); Development Management DPD Policies DM27 (Open Spaces, Sports and Recreational Facilities) and DM29 (Key Design Principles).

5.4.1 The site is located within an area of Open Space (Parks and Recreation typology), which policies SC3 and DM27 seek to protect. Open Space is at a premium within the City Centre, and the Storey Gardens provide a unique, enclosed, outdoor space within a tranquil setting. The site is open to the public and is also used to host outdoor events and wedding ceremonies linked to The Storey building.

5.4.2 Policy SC3 states that existing open space identified for recreation, environmental and/or amenity value will be protected from inappropriate development. Policy DM27 resists the loss of Open Space unless:

- I. An assessment has been undertaken to demonstrate that it is surplus to requirements;
- II. An assessment has been undertaken to demonstrate that it no longer has an economic, environmental or community value, which shall be evidenced based and include consultation with key stakeholders and the local community;
- III. An assessment of the environmental, climate mitigation and climate adaptation value has taken place;
- IV. The loss resulting from development would be replaced by equivalent or better, high quality provision in a suitable location;
- V. The development is for alternative open space, sports and recreation provision, the benefits of which clear outweigh the loss.

Policy DM27 goes on to say that *'development proposals that are adjacent to designated open spaces, sports and recreational facilities will be required to incorporate design measures that ensure that there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The Council will only permit development that has identified negative impacts on open space, sports and recreational facilities where appropriate mitigation measures or compensation measures have been provided'*.

5.4.3 The submission includes an Open Space Assessment which acknowledges that the proposal would result in the reduction of the area of gardens to accommodate the ASHP's. The Assessment also acknowledges that the local value of the site will be reduced and that the lost Open Space would not be replaced.

5.4.4 It is considered that the installation and planting (for mitigation) would impact a substantial area within the gardens and would significantly detract from the character and appearance of the designated Open Space. The visual intrusion and noise pollution resulting from 13 industrial sized ASHPs would form an inappropriate addition to the gardens that is at odds with the informal nature of the space and would undermine and diminish the existing function and value of the gardens. As such, it is considered that the scheme also conflicts with the objectives of policies SC3 and DM27.

5.5 **Noise and residential amenity** National Planning Policy Framework Section 8 (Promoting healthy and safe communities); Development Management DPD Policy DM29 (Key Design Principles)

- 5.5.1 Paragraph 200 of the NPPF sets out that planning decisions should ensure that new development can be integrated effectively with existing surrounding businesses to ensure that appropriate standards of amenity can be achieved for surrounding occupants. This is known as the agent of change principle.
- 5.5.2 In light of the proximity of residential properties to the north and south of the site a Noise Assessment accompanies the application, which has confirmed that the rated noise level from the proposed ASHPs falls below the measured background sound level at the closest residential receptors (24 Castle Park and 1 Meeting House Lane). As such, the Environmental Health Officer is satisfied that there is no requirement for noise mitigation in order to preserve nearby residential amenity. However, no evaluation has been provided with regard to the level of noise which would be experienced by users of the gardens. The Noise Assessment refers to manufacturer noise level data of 72 decibels at 1m for each ASHP. For context, 70 decibels is as loud as a washing machine and extended exposure to levels above 55-60 decibels can be considered disturbing
- 5.6 **Ecology, Trees and BNG** (National Planning Policy Framework Section 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations DPD SP8 (Protecting the Natural Environment); Development Management DPD DM44 (The Protection and Enhancement of Biodiversity) and DM45 (Trees and Woodland))
- 5.6.1 The submission is accompanied by an Ecological Appraisal which found a low level of nature conservation interest on the site, with the most ecologically valuable habitats on site being the existing trees. There is no suitable roosting habitat within the site boundary, and the other habitats are only suitable for commuting bats. It is considered that the development would not impact this commuting capacity. The trees on site could potentially provide some nesting opportunities for bird species but the area of the site which is being developed is exclusively grassland and pre-existing hard standing with no vegetation clearance planned.
- 5.6.2 The ASHPs will be located entirely within the Root Protection Area (RPA) of the trees to the south of the site. An Arboricultural Impact Assessment (AIA) accompanies the proposal and the ASHPs are to be sited on a floating mesh raft built on piles, thus limiting their impact on the RPA and allowing water/gaseous exchange. The AIA includes tree protection measures to ensure no harm to the trees during development, with ground protection across the lower lawn and Heras fencing to prevent access to the upper lawn and T8. All trenching to connect the two banks of pumps and to connect the pumps to the building is to be completed by hand. It is proposed that one tree (Elder) is to be felled in order to allow relocation of the footpath through the garden. This tree has been felled previously and grows from the base of the wall; the removal of this tree is acceptable. Tree protection measures could be secured by condition in event of an approval and as such, the proposal accords with policy DM45. Given the proximity of the proposal to trees and their canopies, it is reasonably likely that leaf fall will occur. However, this would be an operational management issue.
- 5.6.3 The proposed development will result in a loss of -0.02 habitat units. For the required statutory requirement of 10% net gain, 0.11 habitat units will need to be created either by the creation of new habitat or the enhancement of existing habitat. In order to meet the required trading rules the habitat units created will need to be of low distinctiveness or higher. Given the context of the proposal it is considered that BNG obligations can be achieved on site.

## **6.0 Conclusion and Planning Balance**

- 6.1 The National Planning Policy Framework (NPPF) provides clear support for decarbonisation schemes in order to transition to a low carbon future and requires local planning authorities to give significant weight for the need to support energy efficiency and low carbon heating improvements to existing buildings. Notwithstanding this the NPPF also requires the application of section 16 when such proposals would affect listed buildings and conservation areas. Whilst the local planning authority is supportive of proposals for renewable and low carbon energy generation, this is subject to compliance with all other material considerations. In this case while it is acknowledged that the ASHPs are proposed in the context of the climate emergency, which the Council declared in January 2019, the site is within the setting of a high number of designated heritage assets including Grade II\* and Grade II listed buildings and structures within Lancaster Conservation Area. As outlined within this report, the proposal would result in a high level of unjustified less than substantial harm within

this historic setting and this harm would not be outweighed by public benefits. As such the proposal conflicts with policies SP7, DM29, DM37, DM38 and DM39 of the DM DPD and section 16 of the NPPF in relation to conserving and enhancing the historic environment.

- 6.2 It is also considered that the proposal amounts to the loss of an established area of designated open space. Although this loss relates to only part of the gardens it is considered that the proposal would result in unjustified harm to the character of this space through the introduction of the ASHPs, which through their industrial appearance and associated noise would undermine the function of this tranquil garden area. As such the proposal is considered to also conflict with policies SC3, DM27 and DM29.
- 6.3 The identified conflicts with national and local planning policies are each afforded significant weight within the overall planning balance. Consequently, the proposal is considered contrary to the development plan when read as a whole and as such, is recommended for refusal.

## **Recommendation**

That Planning Permission BE REFUSED for the following reasons:

1. By reason of the inappropriate scale, design, appearance and siting, the proposed Air Source Heat Pumps and associated enclosures, would result in an incongruous, industrial and utilitarian form of development in a highly sensitive location. It is considered that such development would cause a high level of less than substantial harm to the significance and special interest of the surrounding Grade II and II\* Listed Buildings, Grade II Listed walls and steps and the character and appearance of the Conservation Area. The identified harm is not outweighed by public benefits nor is it clearly and convincingly justified. Consequently, the proposal would fail to conserve and enhance the historic environment and is contrary to the aims and requirements of Policy SP7 of the Strategic Policies and Land Allocations Development Plan Document, Policies DM29, DM37, DM38, DM39 and DMCCH2 of the Development Management Development Plan Document and Section 16 of the National Planning Policy Framework.
2. The proposed development would result in the loss of, and adverse impacts to, designated open space. Policy DM27 of the Development Management DPD expects development proposals that are adjacent to designated open spaces, to incorporate design measures that ensure that there are no negative impacts on the amenity and functionality of the space. Policy DM27 also sets out that the Council will not permit the loss of designated open space, unless it is assessed as being surplus to requirements and demonstrated that it no longer has an environmental or community value. No such mitigation or justification as required by this policy has been provided and it is the view of the LPA that the impacts of the proposal on this important area of open space represents a significant and unacceptable conflict with policy SC3 of the Strategic Policies and Land Allocations DPD and policies DM27 and DM29 of the Development Management DPD and Section 8 of the National Planning Policy Framework.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant had originally taken advantage of this service prior to submission of their application, the resulting proposal is unacceptable for the reasons prescribed in the Notice. Unfortunately, some of the problems associated with the scheme are so fundamental that they are incapable of being resolved as part of the current submission.

## **Background Papers**

None