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| <b>Agenda Item</b>               | A5   |
| <b>Application Number</b>        | 25/01229/FUL   |
| <b>Proposal</b>                  | Relevant demolition of cafe and shop, laying of paving and erection of fencing |
| <b>Application site</b>          | Cafe And Shop<br>Williamson Park<br>Quernmore Road<br>Lancaster                |
| <b>Applicant</b>                 | Stuart McMinn  |
| <b>Agent</b>                     | HPA Architects   |
| <b>Case Officer</b>              | Mrs Petra Williams   |
| <b>Departure</b>                 | No   |
| <b>Summary of Recommendation</b> | Approve, subject to conditions.  |

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the application site is owned by Lancaster City Council, and as such the application must be determined by the Planning Committee.

**1.0 Application Site and Setting**

1.1 This application relates to the café and adjoining shop which is located within Williamson Park. The timber framed building which dates from 1987 is of a pavilion design with finial details to the glazed roof. The building is no longer open to public due to the deterioration of the structural condition rendering it unsafe. There is an outdoor seating area to the front of the building which has a mix of surface treatments (paving, cobbles and tarmac) and partially enclosed by white fencing. To the rear is a Mini Zoo with associated structures and to the north of the building there is a timber pitched roof cabin which provides an area for Council staff.

1.2 The Butterfly House is located to the south of the café and shop. This building is Grade II listed. The Ashton Memorial is sited approximately 50 metres to the west and is a Grade I listed building. Williamson Park is also a Grade II listed Registered Park and Garden but the subject building sits just outside this designation. The site lies within the Williamson Park Conservation Area.

1.3 Williamson Park is designated as Open Space (Recreation and Leisure) and Key Urban Landscape.

**2.0 Proposal**

2.1 The proposal is to demolish the café and shop building on the grounds of health and safety risks. It is proposed that the cleared site will be finished with York stone paving to be enclosed by a white

picket fence, pending the finalisation of a longer-term plan for the site. Planning permission is required for the demolition given the location of the site within the Conservation Area.

2.2 The submission sets out that the proposed works are the first stages of a redevelopment scheme which Lancaster City Council are currently exploring.

### 3.0 Site History

3.1 There are no relevant applications relating to this specific site within Williamson Park.

### 4.0 Consultation Responses

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

| Consultee               | Response  |
|-------------------------|---|
| Lancaster Civic Vision  | Regrets the loss of this building but accepts that the structure is no longer fit for purpose. We ask that a full photographic record is made before demolition. We regret that there are no proposals for a replacement of the café, shop and toilets and trust that work will be put in hand as soon as possible to provide appropriate facilities (even if only temporary) ahead of the next tourist season. |
| Historic England        | Advised that the views of the Council's Conservation Team should be sought.   |
| Gardens Trust           | Do not wish to comment on the proposal but this does not in any way signify either our approval or disapproval of the proposals.  |
| Conservation Team       | <b>No objection</b> - the proposal would result in a minor enhancement to the character and appearance of the Conservation Area, and of the significance of the Registered Park and Garden and would not result in harm to the significance of the Listed Buildings via their respective settings.  |
| Tree Protection Officer | <b>No comments</b> to make in respect of this application.  |
| Public Realm            | <b>No comments received</b>   |

4.2 No representations have been received from members of the public.

### 5.0 Analysis

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

- Design and Heritage Impacts
- Landscape Designation
- Open Space
- Ecology

5.2 **Design and Heritage Impacts** NPPF sections 12 (Achieving well-designed 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) and DM40 (Registered Parks and Gardens)

5.2.1 The issues to be considered in the context of this site are the potential impact the works would have on the character and appearance of the Conservation Area, on the significance of the Registered Park and Garden, and on the significance of neighbouring Listed Buildings via their settings.

5.2.2 The Local Planning Authority has a statutory duty to consider the impact of these proposals on the Conservation Area under section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is supported by paragraphs 212-215 of the National Planning Policy

Framework (NPPF), and by policy DM38 (Development affecting Conservation Areas) of the Local Plan. Policy DM38 requires that proposals preserve or enhance the character and appearance of the Conservation Area. Registered Parks and Gardens are designated heritage assets, and paragraphs 212-215 similarly apply in assessing impact of proposals on their significance, and policy DM40 (Registered Parks and Gardens) is relevant in this context.

5.2.3 The café building was erected in Williamson Park in 1987, having been reused following its erection at the National Gardens Festival in Stoke on Trent in 1986. While in its original form the structure may have shared a common architectural vocabulary with the nearby Butterfly House, subsequent alterations and deterioration have been such that it now sits as a harmful element in the context of all of the affected heritage assets.

5.2.4 The submission states that the building is structurally unsafe and has been closed to the public for some time. It suffered extensive storm damage earlier this year and is now considered a serious risk to public safety. The building consists of five structural bays with a lightweight steel frame clad in glazed timber. Its condition has worsened due to defective or missing guttering and downpipes, allowing rainwater to penetrate the structure. Timber framing and surrounding windows are badly deteriorated, with widespread rot and failure. As a result, the glazing, cladding, and overall structural integrity are compromised. With increased wind pressures expected over winter, the building is highly vulnerable to collapse.

5.2.5 The dangerous condition of the building has resulted in the Council's Building Control department serving a section 78 (s.78) Dangerous Building - Emergency Notice under the Building Act. This notice sets out that the structure is wholly dangerous and requires its demolition to remove the danger it currently represents to the public. As Councillors will be aware, the Building Act is a regulatory regime which is separate to planning. Notwithstanding this, the fact the Council's Building Control service deem the building dangerous reaffirms the applicants position that the buildings are structurally unsound and unfit for purpose. It is considered that the proposed demolition has been robustly justified.

5.2.6 Following demolition, the submission sets out that the site (including existing tarmac areas) would be finished with York stone paving. It is considered that the proposed paving would represent an enhancement of the significance of the heritage assets and provide a safe level area for the use of park visitors. White painted timber fencing at approximately 1.9 metres high is proposed around the footprint of the former building in order to separate the mini zoo to the rear of the site from the wider parkland. There will be gated access to the Butterfly House to the south and the staff areas to the north. The proposed boundary fencing is similar to that visible elsewhere in the immediate surroundings.

5.2.7 In this case, the proposals would not result in harm to the significance of the Listed Buildings, Conservation Area and the Registered Park and Garden via their respective settings and would instead sustain their significance. Overall, the proposals would result in a minor enhancement of the significance of all heritage assets. As such it is considered that the scheme accords with the provisions of policies SP7, DM38, DM39 and DM40.

5.3 **Landscape Designation** National Planning Policy Framework Section 2 (Achieving sustainable development) Strategic Policies and Land Allocations Policies SP1 (Presumption in favour of sustainable development) and EN5 (Local Landscape Designations) Policy DM46 (Development and Landscape Impact)

5.3.1 This site lies within a Key Urban Landscape designation (Williamson Park). Policy EN5 states that development proposals within these areas will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings. The preamble goes on to state that the Council attaches great weight to maintaining the open nature of the Key Urban Landscapes (KULs) and will look to protect them from inappropriate development. Policy DM47 sets out that the contribution that KUL designations make to the character and setting of the urban areas will be conserved and important natural features safeguarded, providing particular regard to the historic townscape and built form of the urban areas. Within these areas the Council will only support development that preserves the open nature of the area and the character and appearance of its surroundings.

5.3.2 The application relates to an existing developed area within the KUL designation. The demolition and replacement hard landscaping would provide enhancements to the character of the area and would not, therefore, result in any conflict with the purposes of policies EN5 and DM47.

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 designated Open Space (Parks and Recreation typology), which policies SC3 and DM27 seek to protect. Policy SC3 states that existing open space identified for recreation, environmental and/or amenity value will be protected from inappropriate development. Policy DM27 states 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'.

5.4.2 The application relates to an existing developed area within the Open Space designation and does not propose a net loss of open space. It is considered that the scheme would provide enhancements as identified within section 5.2 of this report and would not result in adverse impacts on the landscape and ecological value or the functionality of the space. As such it is considered that the proposal would not conflict with the aims of policies SC3 and DM27.

5.5 **Ecology** (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)

5.5.1 Given the materials, form and construction of the building, it is considered to be unsuitable to provide roosting opportunities for bats. Notwithstanding the substantial tree coverage within Williamson Park, it is considered that the removal of the building, laying of paving and installation of fencing will not result in adverse impact to trees. The submission includes a Construction Design and Management (CDM) plan which sets out the access route (from Quernmore Road) for site operatives during the demolition phase as contractor welfare and parking area and location for the siting of skips. It is considered that the CDM will ensure that surrounding trees are not impacted by the demolition operation.

5.5.2 Due to the scale and nature of the proposal the scheme is exempt from BNG requirements. The development does not conflict with national or local planning policy in relation to ecological impacts.

## **6.0 Conclusion and Planning Balance**

6.1 The removal of the building, which is in a dangerous and poor state of repair, followed by the laying of new York paving and the erection of fencing will serve to enhance the appearance of the site and that of the Conservation Area as well as the Registered Park and Garden. Furthermore, the proposal will not result in harm to the setting of the surrounding listed buildings and will not compromise the Open Space or KUL designations.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

| Condition no. | Description    | Type    |
|---------------|----------------|---------|
| 1             | Timescale      | Control |
| 2             | Approved plans | 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