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## Appeal Decisions

Hearing held on 17 and 18 November 2015

Site visit made on 18 November 2015

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 May 2016**

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### **Appeal A Ref: APP/A2335/W/15/3011224**

#### **Galgate Mill, Chapel Lane, Galgate, Lancashire LA2 0PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by UK Mills Ltd against the decision of Lancaster City Council.
  - The application Ref 14/00989/CU, dated 12 September 2014, was refused by notice dated 7 January 2015.
  - The development proposed is the conversion and alterations of a retail showroom (use Class A1) plus associated storage and office into university student apartments (use class C3) with associated recreational facilities, and a silk weaving museum (Use Class D1) and the erection of a bicycle shelter.
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### **Appeal B Ref: APP/A2335/Y/15/3128839**

#### **Galgate Mill, Chapel Lane, Galgate, Lancashire LA2 0PR**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by UK Mills Ltd against the decision of Lancaster City Council.
  - The application Ref 15/00271/LB, dated 8 March 2015, was refused by notice dated 1 July 2015.
  - The works proposed are removal of external lift and reinstated openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, creation of atrium and light well, insertion of rooflights, repair to brickwork and repointing, glazed porch addition, creation of ramp and handrail, security gate, insertion of partitions, ceilings, air conditioning, lift, stairs, internal ramp and flues.
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### **Procedural matters**

1. At the opening of the Hearing, the appellant requested that amended plans ref. LB10, LB16/A, LB17/A LB18/A and LB19/A, be substituted for the relevant plans originally submitted. The substantive changes introduced by the amendments are the creation of an internal ramp to avoid damage to an underground tunnel, deletion of the set back of the railing to the front elevation, deletion of the removal of the redundant fire escape and increasing the width of the atrium to 5m. The Council did not object to this submission and as the modifications go towards preserving the fabric of the heritage asset and addressing a reason for refusal, I am satisfied that dealing with the appeal on the basis of the amended plans would not prejudice the interests of any party.
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2. In determining the application for listed building consent ref. 15/00271/LB, the Council issued a split decision with consent being granted for certain external, roof, porch, window and ramp works while those associated with the proposed change of use to student apartments were refused consent. The Planning Practice Guidance (PPG) advises that in cases where the local planning authority considers part of the development to be unacceptable, it will normally be best to seek amended details from the applicant prior to a decision being made. The PPG goes on to state that in exceptional circumstances it may be appropriate to use a condition to grant permission for only part of the development. Such conditions should only be used where the acceptable and unacceptable parts of the proposal are clearly distinguishable and with the agreement of the applicant.
3. In such cases, where an appeal is made, it may be dealt with as if the application had been made to the Secretary of State in the 1<sup>st</sup> instance. It is for that reason that all of the works applied for under listed building consent ref. 15/00271/LB appear in the heading above under Appeal B. However, despite not being strictly in accordance with the PPG, I consider that in partially granting consent, the Council was taking a pragmatic approach as the works that have been permitted go to the heart of recovering some of the significance of the heritage asset.
4. Against this background, I have dealt with Appeal B on the basis of the works that were refused listed building consent and I shall use the description of works from the Council's refusal notice; *internal and external works comprising the creation of an atrium and light well, insertion of internal partition walls, insertion of ceilings, air conditioning/ventilation systems with associated flues/plant, new internal lift and staircase*, as I consider this to be a more accurate description of what is under consideration.

### **Applications for costs**

5. At the Hearing applications for costs were made by UK Mills Ltd against Lancaster City Council and by Lancaster City Council against UK Mills Ltd. These applications are the subject of separate Decisions.

### **Decisions**

#### **Appeal A**

6. The appeal is allowed and planning permission is granted for the conversion and alterations of a retail showroom (use Class A1) plus associated storage and office into university student apartments (use class C3) with associated recreational facilities, and a silk weaving museum (Use Class D1) and the erection of a bicycle shelter at Galgate Mill, Chapel Lane, Galgate, Lancashire LA2 0PR in accordance with the terms of the application, Ref 14/00989/CU, dated 12 September 2014, subject to the conditions set out in the attached annex.

#### **Appeal B**

7. The appeal is allowed and listed building consent is granted for internal and external works comprising the creation of an atrium and light well, insertion of internal partition walls, insertion of ceilings, air conditioning/ventilation systems with associated flues/plant, new internal lift and staircase at Galgate Mill, Chapel Lane, Galgate, Lancashire LA2 0PR in accordance with the terms of

the application Ref 15/00271/LB, dated 8 March 2015, subject to the conditions set out in the attached annex.

## **Main Issues**

8. I consider the main issues to be the effect of the proposal on the supply of employment land, the effect of the proposed works/development on the special architectural and historic interest of the listed building, the effect on highway safety and whether the proposal would provide satisfactory living conditions for future occupiers.

## **Reasons**

### *Background*

9. The appeal site is situated at the northern end of the village and contains several buildings which are known as Galgate Silk Mill. This proposal relates to a 5 storey building on the eastern side of Chapel Lane. It is a Grade II listed building and has been used historically for uses within classes B1, B2 and B8. The mill complex is designated in the development plan as a rural employment site and adjoins other industrial and employment uses.
10. National Planning Policy Framework (NPPF) paragraph 47 states that local authorities should boost significantly the supply of housing and should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements, with an additional buffer of either 5% or 20% depending on previous delivery.
11. NPPF paragraph 49 makes clear that applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
12. I heard that although the parties dispute the size of the buffer to be applied it is nevertheless the case that a 5 year housing land supply cannot be demonstrated, with the Council estimating the supply at around 3.4 years. Thus the housing policies within the adopted Core Strategy and the Development Management Development Plan Document (DMDPD) of the Local Plan for Lancaster District 2011-2031 are deemed currently to be out of date. There is nothing before this appeal to show that this situation has or is about to change with little weight afforded to the emerging Land Allocations Development Plan Document which is at an early drafting stage. In the absence of evidence to the contrary, I consider that the Council is unable to demonstrate a 5 year supply of deliverable housing land and I have afforded this matter substantial weight in my consideration of these appeals.

### *Effect on the supply of employment land*

13. Proposed is the conversion of the mill building to form student apartments. The Council argued that this would conflict with saved Policy EC16 of the adopted Lancaster District Local Plan (LP) which allocates Galgate Mill for rural employment. It is 1 of 2 rural employment sites within the south of the District. The Council recently undertook an Employment Land Review<sup>1</sup> (ELR)

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<sup>1</sup> Review of the Employment Land Position for Lancaster District, July 2014

which was published in January 2015 to consider the ongoing suitability of its supply of employment land under paragraph 22 of the NPPF. The ELR identified Galgate Mill and the adjacent buildings as providing space for local start-up businesses.

14. The ELR also recognised the lack of marketing of the Galgate Mill premises over recent years and acknowledged their potential suitability for conversion to residential use as a viable long term prospect. The ELR noted that this would be consistent with DMDPD Policy DM42 which supports new housing in Galgate. This reflects NPPF paragraph 22 which states that planning policies should avoid the long term protection of sites allocated for employment use. Land allocations should be regularly reviewed and where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
15. In this regard, I heard from the previous owners of the mill who also submitted a letter<sup>2</sup> dated 6 June 2014 detailing how the building was marketed by Fisher Wrathall Chartered Surveyors & Estate Agents over 3 years. The previous owners confirmed that the whole of the market was tested and it was only student accommodation that attracted any interest. The reason for the lack of interest in other uses was given as the location of the building and unsuitable loading/unloading facilities. The marketing campaign was ended by the appellant when a Structural Appraisal by Victoria Design Group Ltd<sup>3</sup> concluded that the load capacity of the floors within the mill was suitable only for domestic use and that any other use(s) would need significant design intervention to carry out strengthening works to the building's structure.
16. In addition, the appellant submitted a Heritage Assessment<sup>4</sup> of Galgate Silk Mills (HA) carried out by Oxford Archaeology North which concluded that the proposal to convert the building to residential use would provide a suitable new use for the mill and ensure that there is investment available for the maintenance and long-term conservation of the historic building. This view was reiterated in a letter from Oxford Archaeology North<sup>5</sup> dated 4 March 2015 in response to the structural engineer's report which confirmed that the required strengthening of the building's structure for non-residential uses would have a negative impact on the historic character of the building.
17. While the ELR recommended that the mill should be protected to support rural employment opportunities it also notes that where an element of residential use would improve the viability of the scheme, proposals for mixed-use redevelopment of the mill should be considered. While the majority of the proposal under these appeals would be residential, it also includes leisure facilities, museum, café and gym. Given the marketing that has been undertaken without success, the findings of the structural report and the site restrictions that I observed due to very poor access and loading/unloading/servicing arrangements, I consider that the conversion of the mill to student accommodation would not conflict with saved LP Policy EC16 and DMDPD Policy DM15.

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<sup>2</sup> Appendix 35 appellant's Grounds of Appeal

<sup>3</sup> Appendices 7 & 7.1 appellant's Grounds of Appeal

<sup>4</sup> Appendix 8 appellant's Grounds of Appeal

<sup>5</sup> Appendix 8.1 appellant's Grounds of Appeal

*Effect on the special architectural and historic interest of the listed building*

18. The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Amongst other things, significance derives from a heritage asset's physical presence and may be harmed by development/works. When considering the impact of proposed development/works on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be.
19. In considering whether to grant listed building consent for any works to a listed building and planning permission for development which affects a listed building the decision maker shall, under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The appellant has described the significance of the asset in the submitted HA which is in line with the advice in paragraphs 128-9 of the NPPF.
20. The former silk mill is of high significance as an early and rare example of a silk spinning complex. Its external appearance provides evidential, aesthetic, communal and historical value giving a visual representation of the size and layout of the mill, displaying physical evidence of how it evolved as a building and showing by its scale and presence how important it was as a provider of local employment and as a producer of silk. Internally the iron frame, timber beams and the remnants of the mechanisation of silk production are of evidential and aesthetic value. All of these elements are intrinsic to the overall design concept and contribute to the listed building's special architectural and historic interest.
21. The Council raised concerns regarding the effect of the proposal on the heritage asset's significance, in particular the subdivision of the interior and the provision of a bicycle shelter. From my assessment, I consider that the modern lightweight design of the proposed bicycle shelter would sit well against the solid construction of the former mill and the 2 storey office and warehouse building (also listed Grade II), creating an attractive, subservient, free standing structure. By so doing it would preserve the settings of these listed buildings. I also consider that the proposed windows, as a key detail, would be acceptable in terms of proportion, subdivision, detailing and materials. Subject to the submission and approval of a sample which could be made a condition of any grant of planning permission and listed building consent, they would be a reasonable match for the original windows and would preserve the special architectural and historic interest of the listed building
22. However, part of the building's special interest is derived from the open nature of each of the internal floors. This is redolent of the building's historic function as a mill and contributes to its significance as a heritage asset. The subdivision of these spaces into smaller units of domestic accommodation would detract from this significance. The degree of subdivision under this proposal would be much greater than that which has previously occurred at the former mill and while part of the ground floor would be kept free of subdivision, a large part of the mill would lose its open character.

23. Accordingly, overall the proposal would detract from the significance of the heritage asset. As a result it would conflict with DMDPD Policy DM30, NPPF paragraph 134 and would fail to preserve the special architectural and historic interest of the listed building. The degree of harm would be less than substantial as it would not lead to the total loss of the significance of the heritage asset or anything approaching that, and requires to be weighed against any public benefits of the proposal, including securing the building's optimum viable use.

#### *Highway safety*

24. The mill is situated on the northern periphery of the village but in close proximity to several dwellings. Vehicular access to the site is taken from Chapel Lane. Concerns were raised that the proposal would compromise highway safety in the area. Chapel Lane has direct easy access on foot or cycling to the university and is designated as an on-road cycle route. While the lane is narrow, the appellant's uncontested evidence points out that improvements such as LED street-lighting, traffic calming and parking restrictions have recently been carried out. In addition, I observed a footpath runs along part of its length. Against this background, I consider that an increase in its use by occupiers of the proposal would be unlikely to compromise highway safety for those using the lane.

25. The Council was also concerned that the level of parking proposed would be inadequate, leading to on-street parking which would exacerbate existing parking problems and congestion within the village. However, the appellant confirmed that the proposal would be car free led by a Travel Plan which could be made a condition of any grant of planning permission. The appellant also confirmed that the tenancy agreements would be used to prevent car ownership. I observed that Galgate has several services that would be accessible on foot or by bicycle from the development and the village is identified in the development plan as a sustainable rural settlement. The university campus would also be within easy walking or cycling distance.

26. While the museum and café may attract visitors, I consider numbers would not of a magnitude that would be likely to compromise highway safety in the area. In all likelihood they would be at a similar level to those that visited the previous use on the site. Car parking spaces for these uses would be provided on-site. Furthermore, in my judgement, adequate cycle parking is proposed as part of the scheme as detailed on the submitted plans.

27. Against this background, I consider it unlikely that the level of car parking proposed would compromise highway safety on the local road network. Accordingly the proposal would not conflict with DMDPD Policies DM20, DM22, DM35, DM46, DMDPD Appendix D and NPPF paragraphs 17 and 32.

#### *Living conditions of future occupiers*

28. The proposed student accommodation comprises 107 no. en suite units to be occupied by students of the nearby Lancaster University. The Council raised concerns that the proposal would provide poor living conditions for future occupiers arguing that around 32 of the proposed apartments would have limited outlook as they would face onto the internal atrium. Furthermore, the Council argued that 5 no. studio apartments at semi-basement level, which are

- intended to be accessible rooms, would suffer from poor outlook and daylighting standards as they would have roof lights rather than windows.
29. While I note the previous appeal decisions referred to by the Council I am not aware of the detailed considerations of those cases. Taking this proposal on its merits, I consider that the nature of the tenure as student accommodation would mean that there is scope for some relaxation to be applied from the standards of residential accommodation intended for normal domestic occupation. Students would occupy the apartments for short time scales, mainly for sleeping, as intensive daytime activities would take place at the University campus. It is also reasonable to take a broad view of amenity as this is likely to be perceived by students. The convenient location of the site for the main facilities of the University, the units being fully en-suite, the degree of security, and the availability of communal areas are all aspects that could be expected to be highly appreciated by occupiers.
30. I note, with regard to outlook that it is no longer proposed to obscurely glaze the windows of the 32 apartments looking onto an atrium area as the fenestration would now be staggered which would prevent overlooking. These apartments would be inward facing with the windows facing into the building's core. I heard that the atrium width would be increased to around 5m. There is no doubt that the outlook from these apartments would be dominated by the built form of the mill. However, the space created by the atrium and the attractive appearance of this part of the mill would mean the outlook is unlikely to be perceived as oppressive by the occupiers.
31. With regard to daylighting within the accessible apartments, the appellant submitted a report by Lumenata Lighting Design<sup>6</sup> which demonstrates that minimum lux level would be around the mid 20s which is not uncommon within a normal domestic environment. The Council accepted the conclusion of the Lumenata Report and in my judgement the level of light within the proposed 5 accessible apartments would be acceptable. While it is the case that the 5 no. accessible apartments would not have windows, I consider that the nature of the use, with students likely to be out of the apartment for a good part of the day, and the access to communal spaces, would mean that these would not be oppressive spaces for the intended use.
32. In my judgement, although the proposal would not accord with the standards set out in DMDPD Appendix D, I consider that it would create rooms of a sufficient size with adequate daylight to provide satisfactory living conditions for students. In addition, the proposed amenities would include communal leisure and relaxation facilities with the wider amenities within the village within easy reach. Accordingly, the proposal would not conflict with NPPF paragraph 17.

*Other matters*

33. Concerns were raised regarding the accessibility and security of the bicycle shelter, and the provision of refuse storage. However, the shelter would be within easy reach of the apartments and there is no evidence before me to substantiate the claim that bicycles would not be secure. Furthermore, from the evidence I am unable to conclude that the location of the bin store would be inconvenient to occupiers and cleaners. In which case, I do not consider

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<sup>6</sup> Appendix 12 appellant's Grounds of Appeal

these to be matters on which planning permission should be withheld. In addition, I note from the Council's statement that it was not considered that the proposal would harmfully change the living conditions of the occupiers of nearby dwellings to an extent that would justify refusing planning permission. From my assessment, I have no reason to disagree.

34. At the Hearing, the appellant submitted a Viability Appraisal<sup>7</sup> carried out by Enterprise Development Services NW Ltd dated August 2015. This document completed a cost comparison for various mixes of residential and commercial uses over the 5 floors of the building. The document concludes that taking all factors relating to build/renovation costs, running costs and income into consideration, a scheme of 107 no. student apartments on the upper floors with the ground floor used as a cafeteria, museum and student leisure was the most viable option.
35. While the Council expressed concern about the late submission of this document, having been given time to consider it the Council indicated that it did wish to have the appraisal independently assessed. From my assessment, I have no reason to dispute the findings of the appraisal and consider that it shows that the scheme as proposed, given the conclusions of the Structural Appraisal and the HA regarding the need for and implications of structural intervention, represents the most sustainable long term option for the building. In the absence of other options and given the condition of the building, a matter to which I return below, I have no reason to conclude that the proposal would not be the optimum viable use for the heritage asset.
36. I also heard concerns from the appellant regarding the Council's handling of the applications. However, this is not determinative to my decisions and is dealt with in the related applications for Costs.

### *Benefits*

37. The parties agree that the mill is in a poor state of repair as set out in the HA and Structural Appraisal, and from what I observed I have no reason to disagree. Parts of the mill have suffered from the ingress of damp with areas of dry rot in evidence. The proposal would arrest this decay and give the asset a sustainable long term future. As part of the proposal, the surviving historical features of the mill would be retained in-situ and the museum/café space would be cleared of modern additions to provide an area with public access from where the open nature of the former mill could be appreciated.
38. The proposal would also recover the historical significance of the asset by removing the modern lift tower abutting the southern elevation and would repair and restore damaged and decayed elements of historic fabric, or where necessary, replace on a like-for-like basis. Most significantly, it would provide a sustainable new use for the mill building and ensure that investment was available for the maintenance and long-term conservation of the designated asset. The marketing and viability exercises, along with the HA and the Structural Appraisal demonstrate that student accommodation is the optimum viable use for the building, without which it is at high risk of being lost through disrepair.

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<sup>7</sup> Hearing document 2



39. Moreover, the proposal would deliver housing in the form of student accommodation to an area where the Council is unable to demonstrate a 5 year supply of deliverable housing land. These public benefits weigh very heavily in favour of the proposal.

*NPPF paragraph 134 balance*

40. The proposal would result in less than substantial harm to the significance of a heritage asset as the proposed works/development would be detrimental to its special architectural and historic interest. However, I heard that the parties agree that the condition of the building is a cause for concern as set out in the Structural Appraisal and the HA. Furthermore, it is apparent that without this proposal and its attendant public benefits which include securing the optimum viable use for the asset, the mill would be at high risk from disrepair which would be exacerbated by there being no other scheme in place to secure its longer term future.
41. Consequently, giving considerable importance and weight to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the claimed public benefits would outweigh the harm and the proposal would accord with NPPF paragraph 134 and DMDPD Policy DM30.

*Sustainable development*

42. Having established that the relevant development plan policies for the supply of housing are out of date, the presumption in favour of sustainable development in NPPF paragraph 14 is engaged. The NPPF confirms that there are 3 dimensions to sustainable development: economic, social and environmental.
43. With regard to the economic and social dimensions, the proposal would be likely to provide construction work and bring new inhabitants to the area, which would help to support the local facilities. As for the environmental dimension, the proposal would be located within a village identified in the development plan as a sustainable rural settlement and would safeguard the longer term future of a heritage asset which is in a poor state of repair. Against this background, I am satisfied that the proposal, in its totality, would amount to sustainable development.

*Planning balance*

44. I have concluded that the proposal would cause less than substantial harm to the significance of a designated heritage asset but that this would be outweighed by the public benefits which would include the securing of the optimum viable use for the mill building. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In circumstances where relevant policies are out of date, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
45. The provision of 107 dwellings in a District where there is a shortfall in the provision of housing land is a material consideration, to which I attribute substantial weight. I have also considered the 3 dimensions of sustainable development as set out in the NPPF and found that the proposal would be in

conformity. While the Council expressed concern that the appellant had not made a case for *Enabling Development* following Historic England guidance, I have found that the proposal would accord with NPPF paragraph 134.

46. Accordingly, although the proposal would not be in complete conformity with DMDPD Appendix D standards, it would be sustainable development that would deliver the optimum viable use for a heritage asset that is in danger from disrepair and would contribute to the supply of housing in an area where a 5 year supply of housing land cannot be demonstrated. Overall, I consider that the balance is in favour of the proposal.

### *Conditions*

47. The parties suggested several conditions which were discussed at the Hearing. I have considered all of the conditions and where necessary amended the wording in the interests of clarity and in the light of the tests within the NPPF and the PPG. In respect of Appeal A, in the interests of good planning, it is necessary to attach conditions setting out a commencement time for the development and to relate development to the submitted plans. I shall also attach conditions regarding the submission of full details and/or samples in respect of windows, roof lights, external doors, porch, external ramp, security gate, external flues and vents, and roof in the interests of protecting the character of the listed building.
48. I shall also attach a condition regarding hours of construction and in this regard I agree with the Council that 14:00 is a reasonable time for a Saturday in the interests of safeguarding residential amenity. In addition, a condition is necessary to restrict the occupation of the building to full time students. I agree that in order for the Council to be able to enforce the condition it would be necessary for the lease arrangements to be agreed with the Council, in the interests of controlling the occupation of the accommodation.
49. In addition, a condition is necessary to restrict the use of the café and museum to those uses only. I heard concerns that this would prevent the use of those spaces for events such as weaving demonstrations. However, in my judgement, such occasional events would not constitute a change of use for the purposes of the condition which is necessary to give the Council control over how this part of the development is used in the interests of residential amenity.
50. Conditions are also necessary in respect of security measures and a travel plan in the interests of visual amenity and to ensure sustainable transport options are provided. Finally, a condition requiring the submission of a construction method statement is necessary in the interests of highway safety. I shall not however attach a condition requiring off-site highway improvements as such a condition would not accord with the advice in the NPPF and the PPG.
51. With regard to appeal B, in addition to standard commencement time, conditions are necessary requiring the submission of full details and/or samples in respect of windows, brick and stone cill/head samples to reinstated openings, mortar specification and sample, lead hoppers and downpipes, cast iron hoppers and downpipes, roof lights, external and internal doors, glazed porch, external ramp, security gate, paint colour for external railings, water tank and fire escape, roof to single storey lean-to (east elevation), atrium stair, atrium lift, colour and finish of exposed beams, internal ramp, method of internal brick cleaning and atrium windows, in the interests of protecting the

character of the listed building. A condition is also necessary with regard to building recording in the interests of recording the archaeological and historic interest of the building.

**Conclusion**

52. For the reasons given above, I conclude that the appeals should be allowed.

*Richard McCoy*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Miss S Clover	Legal Counsel
Mrs R Hussain	Agent for the appellant
Mr A Hussain	Director UK Mills Ltd
Mr A Pilling	Museum Coordinator and local resident
Mr P Price	Highways Consultant, Modal Group Ltd
Mr I Patel	Director UK Mills Ltd
Mr D Gallagher	Community Liaison Officer, DCG Consultants

### FOR THE LOCAL PLANNING AUTHORITY:

Mr P Megson BSc(Hons), MA, MRTPI	Senior Officer, Major Applications, Lancaster City Council
Ms E Coffey MA, MSc, IHBC	Conservation Officer, Lancaster City Council
Mr P Hatch BA(Hons), DipEnvPI, MRTPI	Senior Planning Officer, Lancaster City Council
Ms R Richards BSc(Hons), MCD, MRTPI	Planning Officer, Lancaster City Council
Mr R Bennett I.Eng, MCIHT	Highways Officer, Lancashire County Council
Mr M Doran BSc(Hons), IHIE	Development Control Officer, Lancashire County Council

## **DOCUMENTS**

- 1 Council's letters of notification of the Hearing
- 2 Viability Appraisal
- 3 Lancaster University Campus Plan and bus timetable
- 4 Five year housing land supply position
- 5 APP/A2335/A/14/2224757 decision letter
- 6 APP/A2335/A/12/2185124 decision letter
- 7 Extract from *The Engineering Toolbox*
- 8 Suggested conditions for Appeal A
- 9 Suggested conditions for Appeal B
- 10 Suggested highways conditions
- 11 Index of appendices relating to appellant's Costs application

## **Annex**

### **Conditions**

#### **Appeal A**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings: A001, A002, A003, A004, A005, A006, A007, A009, A010, A011, A031, LB08, LB01, LB02, A001/A, A002/A, A003/A, A004/A, A005/A, LB06, LB07, LB09, GM0150001, LB10, LB16/A, LB17/A, LB18/A and LB19/A.
- 3) Notwithstanding the details shown on the plans hereby approved, no development shall take place until full details and/or samples of the following items have been submitted to and approved in writing by the local planning authority.
  - a. a window sample
  - b. roof lights
  - c. external doors
  - d. glazed porch including lead fascia
  - e. external ramp
  - f. security gate to south elevation
  - g. all external flues and vents
  - h. roof to single storey lean-to (east elevation) including trusses, slate sample, verge, eaves and rain water goods

The development shall be carried out in accordance with the approved details.

- 4) No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 14:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.
- 5) The occupation of the dwellings hereby approved shall be limited to students in full-time education and the arrangement for the accommodation leases shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwellings.
- 6) The museum (Use Class D1) and cafe (Use Class A3) of the development hereby approved shall not be used for any purpose other than purposes within those Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

- 7) No development shall take place until details of all of the external security measures have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 8) No development shall take place until a Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein. The Framework Travel Plan shall include a schedule for the submission of a Full Travel Plan within a timeframe to be agreed with the local planning authority with the elements of the Full Travel Plan to be implemented in accordance with the approved timetable. Thereafter, the Full Travel Plan shall be implemented for as long as any part of the development is occupied.
- 9) No development shall take place, including works of demolition, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used during the construction period; the erection and maintenance of security hoarding and HGV routing to/from the site.

## **Appeal B**

- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
- 2) Notwithstanding any other details shown on the plans hereby approved, no works shall take place until full details and/or samples of the following items have been submitted to and approved in writing by the local planning authority.
  - a. A window sample
  - b. Brick and stone cill/head samples to reinstated openings
  - c. Mortar specification and sample
  - d. Schedule of restoration to lead hoppers and downpipes
  - e. Cast iron hoppers and downpipes
  - f. Roof lights
  - g. External and internal doors
  - h. Glazed porch including lead fascia
  - i. External ramp
  - j. Security gate to south elevation
  - k. Paint colour for external railings, water tank and fire escape

- l. Roof to single storey lean-to (east elevation) including trusses, slate sample, verge, eaves and rain water goods
- m. Atrium stair (including treads, balustrade, handrail, and half-landings)
- n. Atrium lift
- o. Colour and finish of exposed beams
- p. Internal ramp including handrail
- q. Method of internal brick cleaning
- r. Atrium windows

The works shall be carried out in accordance with the approved details.

- 3) No works shall take place until a scheme of investigation for the purposes of building recording and analysis has been submitted to and approved in writing by the local planning authority. Recording and analysis shall be carried out in accordance with the approved scheme prior to the occupation of the student accommodation.