



Report to the Secretary of State for Communities and Local Government

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TOWN AND COUNTRY PLANNING ACT 1990
THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
LANCASTER CITY COUNCIL
APPLICATIONS BY CENTROS LANCASTER LP

Inquiry held on 16-19, 23-25 and 30 June, 1-2 July 2009

Canal Corridor North Site, Lancaster

File Refs: APP/A2335/V/09/2095002, 2098511, 2098517, 2098518, 2098519, 2098520, 2099389,
2098521, 2098522, 2098523, 2098524, and 2098525

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File Ref. APP/A2335/V/09/2095002

Canal Corridor North Site, Lancaster

- The application for outline planning permission was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 15 January 2009.
- The application is made by Centros Lancaster LP to Lancaster City Council.
- The application, ref. 08/00866/OUT is dated 3 July 2008.
- The development proposed is "comprehensive redevelopment comprising a retail led mixed use scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide retail, restaurants, cafes, workshop, rehearsal space and residential accommodation, together with ancillary and associated development including new and enhanced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 2 below.

Summary of Recommendation: that outline planning permission be refused.

File Ref. APP/A2335/V/09/2098511

Crown Inn, 18 St Leonard Gate, Lancaster, LA1 1NN

- The application for listed building consent was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00662/LB, is dated 11 May 2007.
- The works proposed are alteration "by the removal of the adjacent redundant spiritualist church and reinstatement of the western flank wall".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that listed building consent be refused.

File Ref. APP/A2335/V/09/2098517

Grand Theatre, St Leonard Gate, Lancaster, LA1 1NL

- The application for listed building consent was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00667/LB, is dated 11 May 2007.
- The works proposed are alteration "through removal of the adjacent no. 1 Lodge Street and making good and reinstatement of the north-eastern flank wall".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that listed building consent be refused.

File Ref. APP/A2335/V/09/2098518

Mill Hall, Moor Lane, Lancaster, LA1 1QD

- The application for listed building consent was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00668/LB, is dated 11 May 2007.
- The works proposed are alteration to the "curtilage wall through the removal of the adjacent structures and making good and reinstatement of the wall".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that listed building consent be refused.

File Ref. APP/A2335/V/09/2098519

11 Moor Lane, Lancaster, LA1 1QB

- The application for listed building consent was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00669/LB is dated 11 May 2007.
- The works proposed are alteration "through demolition of rear buildings and making good and reinstatement of rear flank wall.
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that listed building consent be refused.

File Ref. APP/A2335/V/09/2098520

Tramway, 127, 129 and 131 St Leonard Gate, Lancaster, LA1 1NL

- The application for listed building consent was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00674/LB, is dated 11 May 2007.
- The works proposed are alterations "through the removal of the rear extensions and making good and reinstatement of the southern elevations".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that listed building consent be refused.

File Ref. APP/A2335/V/09/2099389

Mill Hall, Moor Lane, Lancaster, LA1 1QD

- The application for listed building consent was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00665/LB, is dated 11 May 2007.
- The works proposed are alteration "through removal of part of the Heron Works building to the rear and making good and reinstatement of the northern elevation".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that listed building consent be refused.

File Ref. APP/A2335/V/09/2098521

Heron Chemical Works, Mill Hall Curtilage Wall, Moor Lane, Lancaster, LA1 1QQ

- The application for conservation area consent was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00666/CON, is dated 11 May 2007.
- The demolition proposed is of "structures adjacent to and abutting Mill Hall curtilage wall".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that conservation area consent be refused.

File Ref. APP/A2335/V/09/2098522

Part of Heron Chemical Works Site, rear of Mill Hall, Moor Lane , Lancaster, LA1 1QQ

- The application for conservation area consent was called in for decision by the Secretary of State by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00663/CON, is dated 11 May 2007.
- The demolition proposed is of "part of the Heron Works building to the rear of Mill Hall and associated structures".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that conservation area consent be refused.

File Ref. APP/A2335/V/09/2098523

1 Lodge Street, Lancaster, LA1 1QW

- The application for conservation area consent was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00670/CON, is dated 11 May 2007.
- The demolition proposed is of "1 Lodge Street and associated structures".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that conservation area consent be refused.

File Ref. APP/A2335/V/09/2098524

1-2 St Anne's Place, Lancaster, LA1 1QD

- The application for conservation area consent was called in for decision by the Secretary of State, by a direction, made under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00671/CON, is dated 11 May 2007.
- The demolition proposed is of "1-2 St Anne's Place and associated structures".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that conservation area consent be refused.

File Ref. APP/A2335/V/09/2098525

133-139 St Leonard Gate, Lancaster, LA1 1NJ; 1-5 Stonewell, Lancaster, LA1 1NJ; and 3-7 Moor Lane, Lancaster, LA1 1QD

- The application for conservation area consent was called in for decision by the Secretary of State, by a direction under section 77 of the Town and Country Planning Act 1990, on 5 February 2009.
- The application is made by Centros Miller Lancaster LP to Lancaster City Council.
- The application, ref. 07/00673/CON, is dated 11 May 2007.
- The demolition proposed is of "133-139 St Leonard Gate, 1-5 Stonewell, and 3-7 Moor Lane and associated structures".
- The reason given for making the direction and the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are given in paragraph 3 below.

Summary of Recommendation: that conservation area consent be refused.

THE APPLICATIONS

1. Application ref. 08/00866/OUT (APP/A2335/V/09/2095002) seeks outline planning permission for the comprehensive, retail-led, mixed-use redevelopment of what is known as the Canal Corridor North (CCN) Site, Lancaster. In essence, the site is bounded by Moor Lane, Stonewell, St Leonard Gate,^A Alfred Street and the Lancaster Canal.^B The applications for listed building consent and conservation area consent are for works consequent upon or ancillary to the overall proposal in the application for outline planning permission. The application for outline planning permission is a revision of a previous application, which explains the earlier dates of the applications for listed building consent and conservation area consent.

REASONS FOR CALL IN

2. The reason given for making the direction on the planning application (ref. APP/A2335/V/09/2095002) was that "the proposals may conflict with national policies on important matters". On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the planning application.
 - a. Whether the proposed development accords with the Development Plan for the area (in this instance the Regional Spatial Strategy for the North West, the Lancaster District Local Development Framework and saved policies from the Lancaster District Local Plan) having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004.
 - b. The physical suitability of the site for development of the kind proposed.
 - c. Whether the application would deliver a sustainable form of development, as outlined in PPS1 *Delivering Sustainable Development*, with particular regard to:
 - i. whether the proposed development would contribute appropriately to the sustainable economic development of the City and its surrounding area;
 - ii. whether it would ensure high quality development through good and inclusive design; and
 - iii. whether it would accord with the Key Planning Objectives set out in the PPS1 Supplement *Planning and Climate Change*.
 - d. The extent to which the proposed development is consistent with Government policies in PPG15 *Planning and the Historic Environment* with particular regard to:
 - i. the likely impact of the development on listed structures and the setting of the Conservation Areas within and adjacent to the site;
 - ii. the extent to which the proposed scheme accords with the historic character and townscape of the City, and respects the setting of the site itself having particular regard to enhancing the character and appearance of the Conservation Areas;
 - e. The extent to which the proposed development is consistent with Government policies in PPS6 *Planning for Town Centres*, with particular regard to:
 - i. whether a need for retail and other types of development, as proposed, has been adequately demonstrated;
 - ii. whether the scale of the proposed development has been demonstrated to be appropriate;

^A More commonly referred to as 'St Leonard's Gate' by the parties, I use 'St Leonard Gate', the spelling on the street nameplate, throughout this report.

^B Document CD2 shows the 'red line' boundary of the application site.

- iii. whether there are any more central, sequentially preferable sites capable of accommodating the proposed development, as a whole or disaggregated;
 - iv. the impact of the proposed development on the vitality and viability of Lancaster City Centre and other centres within and beyond the City, including Kendal, and
 - v. the degree to which the development would be accessible by a choice of transport modes.
 - f. The extent to which the proposed development is consistent with Government policies in PPG13 *Transport*, with particular regard to whether:
 - i. it would help to promote sustainable transport choices;
 - ii. it would provide a satisfactory level of accessibility by means of public transport, walking and cycling;
 - iii. it would pay due regard to the necessity to reduce the need to travel especially, by car.
 - g. Whether the housing elements of the development, in so far as they are amenable to analysis, generally accord with Government policies in PPS3 *Housing*.
 - h. Whether any permission which may be granted should be subject to any conditions and, if so, the form they should take.
 - i. Any other relevant matters.
3. On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the ancillary listed building consent and conservation area consent applications.
 - i. Whether the proposed development accords with the Development Plan for the area (in this instance the Regional Spatial Strategy for the North West, the Lancaster District Local Development Framework and saved policies from the Lancaster District Local Plan) having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004.
 - ii. Whether the applications will have a significant impact on features of archaeological and heritage importance, listed buildings and conservation areas in relation to the provisions of PPG15 *Planning and the Historic Environment* and PPG16 *Archaeology and Planning*.
 - iii. Whether any consent which may be granted should be subject to any conditions and, if so, what form they should take.
 - iv. Any other relevant matters.
4. Three matters to be added to the above are tourism, air quality and the consultation process, all raised by It's Our City (IOC), one of the Rule 6 objectors, and responded to by Lancaster City Council (LCC). I deal very shortly with the consultation process, for the reasons explained in paragraph 12 below.

PROCEDURAL MATTERS

The Applicant's Position

5. The applicant, Centros Lancaster LP (formerly Centros Miller Lancaster LP), made known its intention not to appear at the inquiry in a letter from its agent dated 12 March 2009.^A The letter indicated that the applicant remained committed to the project. It submitted no Statement of Case, relying on the documentation submitted in support of the applications, the LCC Committee report and other correspondence.

^A The letter is on file APP/A2335/V/09/2095002 (formerly PNW/5292/219/32).

The Pre-Inquiry Meeting

6. I held a pre-inquiry meeting on 20 April 2009.^A At it, LCC said that, in the absence of the applicant, it would call evidence on more wide-ranging matters than normally expected of a Council appearing in support of a proposal. In response to concerns expressed by several people, I explained that the applications had been properly made and, unless withdrawn, had to be determined; that appearance at the inquiry was a matter for the applicant; and that non-appearance posed no procedural problems, even if it might cause difficulties in dealing with specific aspects of evidence.

Statements of Common Ground

7. At the pre-inquiry meeting, it was put that a Statement of Common Ground between the applicant and LCC might be of little benefit since LCC was supporting the scheme. Also, given the applicant's stance, securing one might be unlikely. I encouraged the LCC to try to prepare Statements of Common Ground with the main objectors, probably topic-based, in an effort to highlight the differences to be explored at the inquiry. That proved impossible to secure, leaving what are called 'attempts' to secure common ground.^B Because the main objectors were unable to agree the contents, I consider that the submitted documents can carry little weight beyond their factual content.

The Inquiry

8. I opened the inquiry on 16 June 2009. It sat for 10 days – 16-19, 23-25 and 30 June and 1-2 July 2009. I adjourned it on 2 July, having set deadlines for the submission of supplementary evidence and closing submissions. The inquiry was closed in writing on 6 August 2009, those various submissions having been received by the due dates.
9. Flowing from events up to that point, LCC indicated on 24 June 2009 that it would take no further active part in the inquiry (save for officer participation in the session on conditions and the planning obligation). On 25 June, the Council submitted a 'Position Statement'^C and made an application for costs against the applicant.^D At that stage, four of its witnesses had given evidence and been cross-examined. The remaining three witnesses did not present their evidence, though it remained before the inquiry in written form.
10. As a consequence of LCC's actions, I reviewed the evidence submitted by the three Rule 6 objectors appearing at the inquiry – by English Heritage (EH), SAVE Britain's Heritage (SAVE) and IOC – concluding that, in the context of the evidence and cross-examination to date, I did not myself need to ask further questions, save of one of EH's witnesses.
11. Accordingly, I heard EH's evidence in chief and asked my questions, though there was no cross-examination by LCC. With the agreement of SAVE and IOC (after extensive discussion with their advocates), I did not hear their evidence but allowed them to submit in writing any additional evidence that they would have brought in chief as a result of events at the inquiry. Also with the agreement of all three objectors, I accepted closing submissions in writing.

^A Document G1 is my note following the pre-inquiry meeting.

^B Document G3: Attempts to Secure Common Ground – Site Description and Planning History;
Document G4: Attempts to Secure Common Ground – Historical Development and Heritage.

^C Document LCC24.

^D Document LCC25.

12. I had already made it clear both before and on opening the inquiry that I did not wish to spend inquiry time hearing evidence on the merits of the consultation processes at the pre-application and application stages. Separate evidence was submitted on that matter by IOC, and also by LCC; and there is the applicant's Statement of Community Involvement and other core documents.^A I explained my view that the consultation process is primarily a means to an end and that it was abundantly clear that all of the planning merits or demerits of the proposals would be fully aired at the inquiry. On that basis, my recommendations were not going to be influenced by whether or not earlier consultation processes could be argued as flawed. Nevertheless, all of the evidence on the consultation processes remains and may be found in written form in the documents accompanying this report.

Applications for Costs

13. At the inquiry, applications for costs^B were made by LCC and SAVE against Centros Lancaster LP. SAVE also made an application for costs in writing (before the close of the inquiry) against LCC. An application was also made by the Spiritualist National Union which may be interpreted as being against both Centros and LCC. These applications are the subject of separate reports.

Site Visits

14. I made numerous unaccompanied visits to all parts of the site and the city centre before and during the inquiry. I made an accompanied visit of the site and its immediate surroundings on 11 August 2009.

THE SITE AND SURROUNDINGS

15. Lancaster city centre is to a very significant extent defined and constrained by the A6 one-way system (gyratory). There are only a few city centre uses outside it. The retail core has its centre of gravity somewhat to the north of the area encompassed by the gyratory. Many of its streets are pedestrianized or open only to restricted vehicular traffic. The area retains much of its historic character, its street pattern being lined with buildings of mainly two and three storeys in traditional styles and materials. Most modern developments have attempted to maintain that traditional character. One exception is the Vue multiplex cinema, a bulky and relatively high building which is prominent in a number of views from outside the city centre but nevertheless virtually invisible within it. St Nicholas Arcades is a twentieth century retail development towards the north-east of the city centre whose design seeks a modern interpretation of traditional style but whose organisation (shopping malls above a service area and contained by multi-storey car parking) makes it inward-looking and tends to discourage pedestrian activity around its outer Stonewell and Church Street frontages.^C

^A Documents I/C-01 – I/C-05, Document L/MC/1 (Section 5), Document CD24 and Documents CD87-CD94.

^B Documents LCC25, SA/3 and SA/4; Documents LCC26 and SA/6 follow on from SA/4.

^C Document LCC6, submitted to show existing car parks, is probably the most useful map for an understanding of the city centre. The A6 south enters the city centre from North Road (*very small print*), turns south into Rosemary Lane, then runs along Great John Street, Dalton Square and Thurnham Street. The A6 north runs along King Street and China Street before turning east into Cable Street. The retail core is centred on Cheapside, Market Street and the northern half of Penny Street. The application site is to the north-east of the city centre, between St Leonard Gate and Moor Lane, and includes the existing St Leonard Gate, Lodge Street and Edward Street car parks. Not named on the map, Stonewell lies between Rosemary Lane and Great John Street.

The application site

16. The application site is an extensive one immediately to the north-east of the city centre.^A Its Stonewell frontage to the A6 gyratory (about 26m) stands directly opposite St Nicholas Arcades. In simple terms, the site is bounded by Stonewell on its west side, St Leonard Gate to the north-west, Moor Lane to the east-south-east and the Lancaster Canal to the east. The land falls some 14m from east to west; fairly uniformly along Moor Lane from the canal to Stonewell but largely in two steps between the canal and St Leonard Gate – at the canal retaining wall and some 20m from St Leonard Gate. The western part of the site is quite densely built-up; the eastern part is predominantly cleared land, used as surface parking, but with some significant buildings still standing.^B
17. The western part of the site has virtually continuous frontages of traditional buildings, some listed, from the Grand Theatre on St Leonard Gate westwards to Stonewell (about 110m), on Stonewell itself and eastwards along Moor Lane to the Golden Lion public house (about 120m). Themselves, and in conjunction with the buildings on the opposite sides of St Leonard Gate and Moor Lane, and also Rosemary Lane, Church Street and Great John Street (to the north, west and south of Stonewell), they offer a townscape of great character and a series of very attractive street scenes. The condition of some buildings – such as nos. 127/129/131 St Leonard Gate and most of the buildings on Stonewell, particularly their upper storeys – does, however, display disuse and neglect.
18. Behind the frontage buildings stands abundant evidence of the historical pattern of development in the area – a series of densely built-up yards or courts, some uses related to the frontage buildings and some not. St Anne's Place, adjacent to Duke's Theatre, leads from Moor Lane to a traditional range of workshops now disused and semi-derelict. It also gives sight of the utilitarian extensions to the Theatre itself. The access between nos. 9 and 11 Moor Lane leads to a narrow yard with the buildings on either side still in use as offices and storage. Gee's Court contains a traditional building recently converted to residential use. The buildings on Swan Court, accessed from St Leonard Gate, are visible from both Gee's Court and the yard to the rear of 9 and 11 Moor Lane – narrow residential buildings, perhaps single-aspect, now completely derelict but evidence of a way of life now disappeared. Lodge Street, alongside and to the rear of the Grand Theatre, is more open; abutting the theatre's fly tower is a double-gabled warehouse and, abutting it, is the single remnant of what used to be a terrace of houses. The frontage buildings on St Leonard Gate, Stonewell and Moor Lane are all within the City Centre Conservation Area but most of the area to their rears is not.
19. On the east side of Brewery Lane, acting in a way as a transition between the two halves of the site, stand the Mitchell's Brewery buildings. This is an attractive complex of buildings, albeit much altered and added to over the years. A tall four-storey building acts as a focal point and also pulls the various building forms together into a pleasing visual composition.
20. The terraced housing over most of the eastern part of the site was cleared many years ago and the land is now used as surface car parking. The change in levels

^A Document CD2. The areas of the site in Bulk Road, Caton Road, Parliament Street and Kingsway are included because of the road improvements incorporated in the development proposals. This plan is a better reference for the streets within the application site itself.

^B Documents CD27 (the applicant's Existing Building Analysis), L/50, L/51, L/57-L/64 and E2.2 contain views within the city centre, of the site and of individual buildings within the site.

across the site is particularly evident from around Seymour Street, where there are clear views towards the canal (to the east and significantly higher) and St Leonard Gate (to the north-west and significantly lower). A range of traditional buildings, the Heron Chemical Works, stand on a north-south axis in the south-eastern corner of the site; they are much altered but display the industrial character of development traditionally associated with the canal. The former Methodist Church is an important building to the townscape on Moor Lane.

21. There are various modern workshop and warehouse buildings across the site, interspersed between traditional buildings or, to the east, standing more openly. None is of any architectural merit.
22. Towards the north of the site, in what is almost an appendage to it (within it because of the road improvements associated with the proposed development), stand the former Crown Inn and the Britten Hall Spiritualist Centre. Somewhat isolated from the traditional buildings on the site itself, they and the buildings opposite (outside the site) nevertheless offer a hint of the more enclosed street scene which must have existed further to the south-west on St Leonard Gate, before clearance of the buildings there.

The immediate surroundings

23. Wherever one looks from the site, one sees attractive townscape and individual buildings. The Centenary Church on the corner of Rosemary Lane and St Leonard Gate (now converted and named the Friary) is a prominent feature in the street scene, made more so by the set-back frontage of Stonewell. Immediately to its east, 112-114 St Leonard Gate is a fine Georgian building.
24. South of Moor Lane is a more formally planned part of the city centre, including Dalton Square and the Town Hall on its south side. Despite a more formal layout, building here appears to have been carried out to some extent individually, which means that the character of the area blends nicely with that of the buildings on the essentially medieval (or older) line of Moor Lane itself.
25. To the south-east of the site stand the buildings of the Moor Lane Mills Conservation Area. The former mill buildings on the south side of Moor Lane have been converted for use by the NHS Trust; that on the north side, close to the Heron buildings, has been converted to student residential accommodation.

PLANNING POLICY

26. The Development Plan for the area comprises the North West of England Plan, the Regional Spatial Strategy to 2021, adopted in September 2008 (the RSS), the Lancaster District Core Strategy (2003-2021), adopted in July 2008, and the saved policies from the Lancaster District Local Plan, contained in the Strike-Through Edition of September 2008.^A
27. The **RSS** policies most relevant to the applications are, in my opinion:
 - DP1** – development principles – with DP4 and DP5, essentially to do with sustainability;
 - DP4** – making best use of existing resources and infrastructure;
 - DP5** – managing the demand for travel;
 - DP7** – environmental quality;
 - DP9** – reducing emissions and adjusting to climate change;

^A Documents CD61, CD62 and CD63.

RDF1 – main development locations – Lancaster being in the fourth priority category, after the regional centres of Manchester and Liverpool, the inner areas surrounding those two regional centres and the towns in the Manchester, Liverpool and Central Lancashire city regions;

W1 – strengthening the regional economy – realizing opportunities for sustainable development to increase the prosperity of Lancaster being a specific aim;

W2 – regionally significant economic development – seeking development close to transport nodes within, amongst other places, Lancaster;

W5 – retail development – encouraging comparison retailing facilities in, amongst other places, Lancaster;

W6 – tourism and the visitor economy – seeking to focus sustainable tourism activity on, amongst other places, Lancaster;

L4 – regional housing provision;

L5 – affordable housing;

RT9 – walking and cycling;

EM1 – integrated enhancement and protection of the region's environmental assets, the historic city of Lancaster being specifically named in EM1(C) (Historic Environment);

EM3 – green infrastructure;

EM16 – energy conservation and efficiency;

CNL4 – overall spatial policy – specifically supporting sustainable growth in Lancaster.

In addition, para. 13.11 states that, "*The overall aim in North Lancashire is to address the challenge of creating a model sustainable urban area, which serves and supports an extensive rural hinterland. ... There is potential to marry opportunity and need ... by exploring linkages with Lancaster and harnessing growth opportunities there in sustainable ways.*"

28. The **Core Strategy** has as part of its vision "Lancaster – a prosperous historic city with a thriving knowledge economy ... within which sustainable housing, economic and retail development to meet local needs will be supported". The most relevant policies, in my opinion, are:

SC1 – sustainable development – emphasizing location and design, construction and use;

SC2 – urban concentration – with 98% of new retail floorspace to be accommodated in Lancaster, Morecambe, Heysham and Carnforth;

SC4 – new housing development;

SC5 – design quality;

SC6 – community safety – seeking pedestrian-friendly designs, avoiding car-dominated environments, managing the vitality and viability of Lancaster city centre, achieving greater use of pedestrian and cycle networks, amongst other things;

SC8 – Recreational Open Space – including the Lancaster Canal;

ER2 – Regeneration Priority Areas – including central Lancaster;

ER4 – Town centres and shopping – Lancaster city centre being a sub-regional city centre and the main comparison shopping destination for the District;

ER5 – new retail development – with new comparison retailing to be focussed on a planned expansion of Lancaster's Primary Shopping Area and to meet regeneration needs in Morecambe;

ER6 – developing tourism – by creating a high quality historic environment in Lancaster city centre;

E1 – environmental capital – including protecting and enhancing listed buildings and conservation areas, ensuring that development in the city of Lancaster and other historic areas conserves and enhances their sense of place, and directing development to locations where previously developed land can be recycled and reused and dereliction cleared;

- E2** – transportation measures – minimizing the need to travel by car, focussing development on town centres, improving walking and cycling networks and reducing local traffic impacts on air quality;
- MR1** – planning obligations – working with developers to ensure that the long-term implications of development on existing infrastructure, services and facilities are addressed.
29. Relevant saved policies from the **Lancaster District Local Plan** are:
- H3** – housing opportunity sites – identifies the Canal Corridor and Stonewell;
- H10** – affordable housing – partially superseded by the Core Strategy;
- H12** – housing design;
- S1** – retail hierarchy - partially superseded by the Core Strategy;
- T10** – land safeguarded for road improvements;
- T11** – relief from through traffic and improved access to east side car parks;
- T15** – non-residential car parking – partially superseded by the Core Strategy;
- T17** – green travel plans;
- T24** – cycle networks – partially superseded by the Core Strategy;
- T26** – the National Cycle Network;
- T27** – development affecting the route or characteristics of rights of way;
- E17** – Sites of County Conservation Importance – including management of the canalside;
- E30** – green corridors – seeks to protect the Lancaster Canal from development;
- E32** – demolition of listed buildings;
- E33** – alterations and extensions to listed buildings;
- E34** – listed buildings at risk;
- E35** – conservation areas and their surroundings;
- E36** – changes of use in conservation areas;
- E37** – demolition in conservation areas;
- E38** – new building in conservation areas;
- E39** – alterations and extensions to buildings in conservation areas;
- E42** – Lancaster City Centre Conservation Area – shopfronts and adverts;
- R19** – Duke’s Theatre – safeguards land for expansion;
- R21** – accessibility – requires appropriate disabled access.
30. In addition to the Development Plan documents themselves, there are two relevant Supplementary Planning Guidance Notes – SPG6, The Lancaster City Centre Strategy and SPG8, Canal Corridor North Development Brief. Both date from 2004.^A

PLANNING HISTORY^B

31. An earlier application for development of the site (07/00672/OUT^C) was withdrawn in favour of the proposals subject of this report. Not all of the applications associated with these development proposals have been called in. Outline planning permission has been granted for redevelopment of the land east of the Golden Lion on Moor Lane for ground floor retail and offices above (intended for Mitchell’s) (07/00602/OUT). Planning permission and listed

^A Documents CD64 and CD65.

^B Document G3 explains at Section 3 that a Site History could not be agreed between the City Council and the Rule 6 objectors but includes the suggested text in Appendix 2 Note 2, with objectors’ comments in other appendices. The planning history in paras 3.12-3.16 thereof appears not to be disputed.

^C Document CD74 has the Parameter Plans, which may be compared with CD3-CD13.

building consent have been granted for alterations and extensions to the Grand Theatre on St Leonard Gate (08/00421/FUL and 08/00422/LB).^A LCC has also resolved to grant outline planning permission for residential development on a site at the junction of Alfred Street and St Leonard Gate (08/0864/OUT) and on part of the Heron Chemical Works site (08/00865/OUT).^B Both are subject to section 106 obligations which, on 2 July 2009, had yet to be completed.

THE PROPOSALS

32. The planning application is made in outline. Only access (vehicular access would be from St Leonard Gate) is not reserved for future consideration. The applicant has adopted a parameters-based approach, providing minimum and maximum scales of development for each proposed structure.^C The retail-led mixed-use proposal provides for 40,971-48,255sqm (gross) of retail floorspace (Use Classes A1, A2 and A3), 575-635sqm of rehearsal space, 202-224sqm of workshop space (B1), 25-37 residential units, 790-810 public car parking spaces and 20-28 residential parking spaces.^D The housing would face on to either the Canal or the open space proposed between it and Alfred Street.
33. The retail development is intended to have a bridge link across Stonewell from St Nicholas Arcades and a central pedestrian street running east from it to a central square. Pedestrian routes would run from the square south to Moor Lane, east to the Canal and north-west to St Leonard Gate; there would also be a second link from Moor Lane to the central street.^E There would be a department store on the south-east corner of the central square. A car park of some 800 spaces would lie to its north, off St Leonard Gate. Sections^F show the main pedestrian street at the same level as the bridge as far as the central square; from there, the route to the Canal would rise by about one storey, the route to St Leonard Gate would fall by about one storey (both by stairways) and the route to Moor Lane would be roughly level. Stairs would rise from Stonewell to the central pedestrian street.
34. The existing buildings on Stonewell, together with nos. 133-139 St Leonard Gate and nos. 3-7 Moor Lane, would be demolished, to be replaced by new buildings set further back from Stonewell. The Grand Theatre and nos. 113 and 127/129/131 Stonewell would be retained. So too would nos. 9-19 Moor Lane, together with the Duke's Theatre, the Golden Lion public house and the former Methodist church. All other buildings on the site would be demolished.
35. The proposals subject of the ancillary applications for listed building consent and conservation area consent are adequately described in the application details (pp1-3 above.)

^A Documents CD43, CD46 and CD47.

^B Documents CD44 and CD45.

^C Documents CD3-CD13 are the 11 Parameters Plans; CD7 and CD8 show the parameters for siting and heights.

^D Document CD1.1, Appendix 3, is the source of the figures.

^E Document CD5 shows the illustrative layout.

^F Document CD14, pp.103-131.

THE CASE FOR LANCASTER CITY COUNCIL

I give here the gist of the case for the City Council (LCC), which withdrew from further active participation in the inquiry on 24 June 2009. It submitted a 'Position Statement' at that time. Four of its witnesses had given evidence by then. Other evidence remained before the inquiry as written. It made no closing submissions.

The Position Statement^A

36. LCC regrets the absence of the applicant, leading to a number of problematic issues at the inquiry which it has been unable to address. It also notes that certain matters fundamental to consideration of the proposals had not been adequately considered at earlier stages. Importantly, though, it remains firmly committed to the principle of redevelopment of the application site, which is fundamental to the regeneration of the City and to delivery of the RSS and Core Strategy policies which strongly endorse its growth as a retail destination.
37. LCC has spent five years in exhaustive efforts to identify how a major retail-led regeneration of the city centre could be achieved on the Canal Corridor North (application) site. When it was considered at Committee, the Council was satisfied, on the information then available to it, that the application scheme should be firmly supported. It was unconvinced that any method other than the proposed pedestrian bridge would provide a successful connection with the existing city centre. The inquiry spotlight has, however, identified clear issues in the detail of the proposals which would have to be addressed to permit development to come forward. For the most part, those matters have not previously been articulated by others or were not available to LCC.
38. English Heritage (EH) has candidly recognized that representations made in advance of the inquiry had 'gone too far' in conceding the loss of heritage assets to the proposed development. It has substantially revised its position and the Council has had to take account of that. As a consequence, it has become clear that a number of the detailed parameters need to be revised, requiring a fundamental reassessment of the application itself. It is also now clear that the effect of the proposed bridge link cannot be properly assessed without a detailed design and that the demolition of buildings contributing positively to the townscape was proposed without any detailed consideration of viability. Lastly, the County Archaeologist's advice that an assessment should be carried out before the application was determined came only at a very late stage.
39. In short, LCC strongly supports the fundamentals of the proposed development but now finds, subsequent to consideration of the application by members, that there are serious questions about the details of the proposals.

Retail impact

The Development Plan

40. The RSS identifies Lancaster as a priority for growth and development. It is identified as one of 26 centres in which new comparison floorspace should be located.^B That is fundamental in considering the need for expansion of the City's primary retail core. The Local Plan recognises that Lancaster is the third largest centre in Lancashire, after Preston and Blackpool, that it has a large catchment area and that it must maintain and develop its role as a prosperous

^A Document LCC24.

^B Document CD61, p.51, Policy W5.

and successful sub-regional shopping centre.^A To do so, it must retain its existing market share in its existing catchment area and win back trade which it has lost in the past. The Core Strategy carries that forward, seeking to direct investment to enhance the viability of Lancaster and help regenerate Morecambe.^B It specifically states that, because there are few development opportunities, retail and other needs will have to be met in a planned extension of the primary shopping area, one which will require strong links with the existing centre and measures to avoid an unbalanced pattern of retailing. The application site is mentioned in the supporting text of the Core Strategy as the only opportunity for planned expansion to occur in the period to 2021.^C

Need

41. The proposals are in accordance with that up-to-date development strategy, which means it should not have to satisfy a test for need. Nevertheless, there is evidence of need based on an update of the Lancaster Retail Study (LRS).^D
42. The LRS was based on the most cautious expenditure growth rates available, figures which included the three recessionary cycles since 1964. It was challenged at the Core Strategy Examination in Public but the Inspector found it sound. The LRS was published in 2006. The economic climate has changed dramatically since then but revised forecasts and base data to take account of the most up-to-date information still show a significant need for future floorspace in Lancaster.^E Even if the existing 52% market share stayed unchanged, there would be capacity for nearly £66^F million of comparison expenditure by 2014. Existing commitments come to less than £32 million.^G
43. The surplus of around £34 million is insufficient to support the £126 million turnover of the proposed development, which means Lancaster's market share would have to increase dramatically. A market share increase from 52% to 65%, which ought to be achievable,^H would capture more than sufficient expenditure to support the proposed development. In fact, an increase to 61% would be enough to support the proposed scheme and existing commitments.
44. There is a clear strategy in place to focus growth on Lancaster and to win back customers it has lost in the past to such as Preston, Blackpool and Carlisle.^I Lancaster is an important sub-regional destination but is clearly not performing at the same level as major competitors.^J It is unrealistic to expect Lancaster to perform at the same level as Preston – but there are obvious areas where

^A Document CD63, p.73, para. 3.5.10.

^B Document CD62, p.47.

^C Document CD62, p.49, para. 5.28.

^D Document CD101 is the LRS, commissioned jointly by LCC and South Lakeland District Council.

^E Document L/KN/1, Section 4, paras. 4.29-4.45. The LRS used the 'ultra long term' forecast of 3.8% annual growth in expenditure. White Young Green (WYG), auditing the proposals for LCC, uses actual growth in 2007 of 6.0%, forecast growth of 4.91% in 2008, then, taking account of the recession, 0.30% annually in 2009-2012 and 4.35% annually in 2013-2016. Using updated population figures, forecast available expenditure in 2014 (the earliest opening date for the development) in the primary catchment area (Zones 1-6 of the 16 used in the Study Area for the LRS) was reduced from £763.9m to £612.6m, representing growth from 2006 to 2014 of £159.9m.

^F **Inspector's note.** I am not convinced by this figure. It appears to me that inflow from the SCA and beyond assumes an increased rather than a constant market share. I make my own calculations in my Conclusions.

^G Document LCC10.2, Table 7.

^H Document L/KN/1, The applicant's retail agent considered a 67.4% market share realistic and a 75% share reasonable (para. 4.49); WYG considered 75% optimistic and based its calculations on a 65% share.

^I Document L/KN/1, Table 8.1 in para. 8.03 (p.37) and Table 8.4 in para. 8.09 (p.39).

^J One example of that is that a significant proportion of comparison shopping from Morecambe (Zone 2 in the LRS) takes place in Preston, even though shoppers must drive past Lancaster city centre to get there.

Lancaster can improve. Key concerns are the lack of a department store and of high quality retail premises attractive to major national multiple retailers.

45. The two most popular answers as to what would encourage shoppers to visit the centre of Lancaster more often were 'more high street shops' and 'more quality clothes shops'.^A This shopper survey evidence was supported by the business survey; 88% of traders felt that an increased choice/range of shops would improve the city centre and 75% supported the need for a department store.^B
46. The last significant investment in Lancaster city centre was the Marketgate Shopping Centre, 14 years ago. Since then, all major retail investment has been in out-of-centre locations, doing little to reinforce the city centre's vitality and viability. Investment in the city centre is needed now to ensure that it does not fall further in the national rankings and that it can compete more effectively with other sub-regional centres which are expanding. Indeed, Lancaster's status could be undermined by significant expansion at Preston and Blackpool.

Scale of development

47. The scale of the proposed development is wholly appropriate for a sub-regional centre with a catchment area extending well beyond the administrative boundary. That is recognized in both the RSS and the Core Strategy.

Sequential approach

48. The application site is in an edge-of-centre location. A sequentially superior alternative would therefore have to be within the city centre, though PPS6 recognises that, within the edge-of-centre category, preference should be given to sites that are, or will be, well-connected to the centre. There are no sites available in the city centre that could meet the identified need. Nor is there a good argument for disaggregation. Modern retailers rely on critical mass and proximity to major attractors such department stores or foodstores. There are no large sites in the city centre suitable for either.^C Also, the proposal must be viewed in a sub-regional context; Lancaster is the main comparison shopping destination for an extensive catchment area and it would be contrary to policy to put all, or disaggregated parts, of the proposal in Morecambe. Accordingly, the proposed development satisfies the sequential approach.

Accessibility

49. The site's location within 75m of the primary shopping area makes it highly accessible by a choice of means of transport.^D However, proper integration with the primary shopping area will require a dedicated pedestrian link.

Vitality and viability

50. The introduction of a major retail development on the edge of the primary shopping area will inevitably lead some retailers to relocate in order to secure bigger and better premises.^E That may shift the retail 'centre of gravity' towards the proposed development. Such an impact is to be expected from a

^A Document CD101, Appendix H(2), LAN.57, final bullet point.

^B Document CD101, Appendix H(2), LAN.73.

^C Document L/KN/2, Appendix KN08 has maps of the city centre indicating the size and location of vacant units.

^D Document CD63. Proposals Map Inset 2 shows the mall frontages of St Nicholas Arcades, opposite the application site and from which the pedestrian bridge to the development would run, as primary shopping frontages. The Map also shows the bus station as less than 200m from Stonewell.

^E More specifically, Mr Nutter thought that Next, possibly Wilkinsons and possibly Top Shop would move but Marks & Spencer and TK Maxx would not.

major new development which includes a department store – but it should be a short-term impact while the development establishes its trading patterns. The recycling of retail property is how centres evolve and develop over time. Any negative impacts in the short term will be far outweighed by positive impacts in the medium and long term. Drawing back trade which has been lost to competing centres will transform Lancaster’s retail performance as a whole. Shoppers attracted back to Lancaster by the proposed development will have spin-off benefits for the existing primary shopping area. That, however, is subject to a strong pedestrian link being formed between the two; the proposed pedestrian bridge is considered essential by potential tenants of the development.^A

51. The vitality and viability of Lancaster is not in absolute decline. All centres face significant challenges in the current economic climate. Despite that, there are clear signs of investor confidence in Lancaster, with large vacant units such as Woolworths being reoccupied in a short space of time. Lancaster’s performance is not as strong as it should be – but that is what the proposed development seeks to address. It should ensure the city centre can remain competitive despite major expansion plans in neighbouring centres such as Preston.^B

Tourism

52. Not unrelated to its retail deficiencies, Lancaster is also under-performing as a heritage asset. It is evident that the success of cities such as Chester, York and Cambridge is partly due to their retail offer alongside their historic environment.

Highways impact

Accessibility

53. The city centre location of the site makes it accessible by public transport, by cycle and on foot. The proposed development includes a significant range of improvements for the benefit of cyclists and pedestrians.^C

Car parking

54. The proposed car parking provision is well within the relevant guidelines.^D It will be short-stay, with no provision for staff parking. Displaced long-stay parking will be relocated to existing short-stay car parks and probably reduced. A review of the overall car parking strategy will be undertaken during the detailed design stage.

Trip generation

55. Due to its relative size, the retail element of the proposed development will generate by far the greatest volume of traffic. TRICS was not used by the applicant to forecast trips because of the lack of comparable sites in its database for city centre and associated mixed-use retail schemes. Instead, at the County Council’s request, traffic forecasts were based on the city centre’s existing traffic generation characteristics and retail floor areas. The use of data based on existing demand at the city centre’s short-stay car parks is an appropriate way to forecast future demand from new retail development.^E

^A Document LCC11 gives an estimate of likely pedestrian movement between the development and the existing shopping area with and without the pedestrian bridge, indicating why it is thought essential.

^B Document I/R-40 is the City Council report recommending no objection to the Tithebarn proposal in Preston.

^C Document L/DM/2 – the improvements are itemized in paras. 1.3.1 and 1.3.2.

^D 1/55sqm compared with the maximum standard of 1/22sqm.

^E The method has been used elsewhere in Lancashire – at Rossendale, Preston and Liverpool One.

56. The adopted methodology assumes no linked trips, makes no allowance for traffic related to existing businesses on the site, or for diverted traffic (some development traffic may already be on the network travelling to other retail destinations), or for construction of the M6-Heysham link (which would bring a significant reduction in traffic volumes on the local road network).^A It therefore represents a 'worst case' scenario.

Highway improvements

57. Analysis of the operation of the existing and proposed highway layouts, with and without development traffic, identified that:
- modelling of base traffic conditions forecast that no highway link would operate at over a 90% saturation level in any of the model periods;
 - the addition of other committed development traffic^B on to the base road network results in a worsening of performance, with several links operating above their reserve capacity in all three modelling periods; and
 - compared with the committed development traffic scenarios, the forecast development traffic combined with the proposed highway modifications would have a negligible/neutral impact on the local highway network, with fewer links over-capacity and no links as heavily over-saturated as in the 'committed' models.^C
58. Significant highway improvements to the north of the development site but within the application site have been agreed and would be secured by planning condition and s.278 agreement.^D
59. Without a pedestrian bridge at Stonewell, use of the at-grade crossing would be significantly greater and, with a reduced cycle time, the vehicular approach would become more congested, over-capacity during the morning peak.^E

Travel plan

60. The applicant has committed to operate a comprehensive travel plan on the site. LCC has outlined its requirements prior to the opening of the development as the identification of targets and timescales, details of monitoring regimes and the appointment of a travel plan co-ordinator.

Air quality

61. In 2004, part of the city centre was declared an Air Quality Management Area (AQMA)^F after LCC concluded (confirmed by subsequent monitoring^G) that the statutory UK air quality objective for annual mean concentrations of nitrogen dioxide (NO₂) in air at residential façades was, in places, unlikely to be achieved. LCC adopted an Interim Air Quality Action Plan (AQAP) in 2007.
62. Planning Policy Statement 23 *Planning and Pollution Control* (PPS23) says that, *"It is not the case that all applications for developments inside or adjacent to AQMAs should be refused if the developments would result in a deterioration of*

^A Document LCC20 shows significant reductions in traffic generally, the sole exception being marginal increases on the southbound link of the A6 gyratory; even so, traffic congestion on the city centre road network most affected by the proposed development is likely to reduce and making no allowance in the traffic assessments for the M6-Heysham link still represents a robust assumption.

^B Document LCC13 gives details of the other committed developments.

^C Document CD19, Section 4 (Summary). Documents CD17, CD18 and CD19 form the Transport Assessment.

^D Document CD17, dwg. no. CMLANCASTER.1/27, rev. D, shows the proposed highway improvements.

^E Document LCC7.

^F Document L/24.

^G Document L/25.

air quality". It notes that that could sterilise development. Instead, it suggests that authorities should work together to ensure that development has a beneficial effect on the environment, perhaps by exploring mitigation measures that would allow the development to proceed. One possibility is to ensure that developments reduce the need to travel and encourage more sustainable travel choices. The former Local Plan encouraged that.^A

63. The Environmental Statement (ES) contains an air quality assessment^B adequate to understand the likely impact of the proposed development. It predicts a small adverse impact, due to traffic emissions, for a small number of existing dwellings in the AQMA. Bearing in mind the guidance in PPS23, however, the modest adverse impact may be weighed in the balance with the other impacts of the proposed development.^C
64. The development proposal includes a pedestrian bridge across Stonewell. An at-grade pedestrian crossing would raise a new air quality consideration. Pedestrian flows on the crossing would interrupt traffic flows on the A6 gyratory more frequently and for longer periods, causing increased localized exhaust emissions, all the more so because of the uphill gradient at Stonewell.^D

Heritage matters

65. St Leonard Gate and Moor Lane may date back to Roman times. Development on the western part of the site is of some age but the street pattern over the majority of the site dates from around the end of the eighteenth century. Nineteenth century housing on those streets was cleared in the third quarter of the last century, the land now being used as surface car parking.
66. The buildings on the site have suffered continuing deterioration over recent years. A number of listed and unlisted buildings are vacant, some in the City Centre Conservation Area and some not. Three of the seven listed buildings within the site have been vacant for many years and can be regarded as at risk. They would be refurbished and brought back into use as part of the proposals.
67. The development brief for the site^E seeks:
- retention, refurbishment and re-use of the grade II listed buildings at risk;
 - investment in and enhancement of the Grand Theatre and Duke's Playhouse;
 - retention of unlisted buildings in Moor Lane and St Leonard Gate beyond the Stonewell 'nose';
 - a redevelopment of the wider vacant and semi-derelict site that relates well to the historic core of the city;
 - a pedestrian link into the city centre (and ultimately to the Castle and Priory Precinct) from the Lancaster Canal in the east;
 - a mixed-use redevelopment including cultural uses, shops and housing together with canal-side cafes/restaurants; and
 - new public spaces and retained spaces, including landscaped squares within the development, a green space adjacent to the canal, a more formalized canal towpath with new moorings and a much-widened footpath at Stonewell.

^A Document CD63, p.145, para. 5.27.

^B Document CD21, Section 13 – summarized in CD20 and with appendices in CD22.

^C Document LCC17 is an addendum to the proof of evidence, Document L/NH/1, taking account of errors pointed out by IOC in Document I/AQ-01 and concluding that rectification of those errors made no material difference to the conclusions originally drawn by LCC.

^D Document L/NH/1, Appendix 2.

^E Document CD63 (SPG8).

68. The parameters-based outline application and its supporting documentation are consistent with the development brief, with details of the scheme capable of resolution at the reserved matters stage, further controlled by condition. This approach appeared to be supported by EH.^A
69. All of the listed buildings within the site are to be retained (save for, as justified, some alteration or outrigger demolition). So too are the Key Townscape Features (KTFs)^B across the site, with the exception of the Stonewell 'nose'.

Archaeology

70. The site is archaeologically interesting in that it may contain evidence from the Roman, medieval, post-medieval and post-1800 periods. Conditions can secure archaeological/building recording if planning permission is granted – and also the retention and re-use of historical features. The Lancashire County Archaeological Service (LCAS) thought that an archaeological evaluation should be completed before determination of the application but also said that, if LCC was minded to grant permission, a condition requiring a programme of archaeological evaluation would be required.^C

Analysis

71. Analysis of the proposals has been based on the guidance in Planning Policy Guidance Note 15 *Planning and the Historic Environment* (PPG15) and informed by other EH and CABE publications.^D

The overall scheme

72. The reintroduction of the historic route/alignment of Edward Street is a positive amendment from the original outline proposal. So too is the enlargement and realignment of the central square. The indicated approach for the central street should enable more variety in the form of the buildings and shopfronts, better integrating the development with the historic grain of the city. The enlargement of the public space adjacent to the Grand Theatre and the pedestrian route to the central square are positive improvements. This and the Edward Street route provide greater north-south connectivity across the site. The alterations in the Stonewell area could be regarded as a recreation of the square that was lost with the development of St Nicholas Arcades in the 1960s. A high quality space here is absolutely essential to mitigate the loss of the Stonewell buildings.
73. In general, the application scheme should avoid any impression of a series of monolithic buildings with a few historic buildings interspersed. However, the new buildings will require careful design and detailing in order to integrate with the existing buildings, something which should be entirely possible at reserved matters stage. The multi-storey car park in St Leonard Gate is illustrated with open roof-top parking;^E screening will be essential to avoid any detrimental impact on key views across the city.

^A Document E1.2, Appendix HOJ13 – “the area’s vitality, urban grain, building typology, roofscape treatment, the alignment of Castle Street [sic] and potential buried archaeology have now been satisfied to the extent which we believe is reasonable in the context of a parameter-based outline application”.

^B Document CD63 – Key Townscape Features are important unlisted buildings in the City Centre Conservation Area identified in the Local Plan.

^C Document CD72 contains LCAS’s letter of 29 July 2008. Document L/24, the position statement, recognises that LCAS’s primary stance was that a pre-determination evaluation should be carried out.

^D Including: Building in Context; Constructive Conservation in Practice; Conservation Principles Policies and Guidance; and Retail Development in Historic Areas.

^E Document CD14 (the Design and Access Statement) has indicative views on pp. 94, 95, 99 and 101.

74. All of the listed buildings within the site and some of the KTFs would be retained, refurbished and brought back into economic use. However, a number of unlisted buildings would be lost to the development, some of them within the two Conservation Areas.^A EH conceded in 2008, albeit with regret, the loss of the buildings away from Stonewell.^B
75. The most contentious loss, apart from the buildings at the Stonewell 'nose', is Mitchell's Brewery. It is in poor condition; there has been no significant maintenance since brewing ceased in 1999. It would be possible to retain the buildings and refurbish them, removing later accretions and bringing a new use, though the 18th century malthouse would require major alteration. Substantial investment would be needed, without obvious funding to meet the conservation deficit. Previous attempts to list the brewery have been unsuccessful.^C
76. The settings of various listed buildings will be affected by the proposals. Reinstating a façade on the south-east side of St Leonard Gate should enhance the settings of St Leonard's House (the former Gillows' workshops) and the Grand Theatre, especially with the proposed public space adjacent to the theatre. The settings of the Centenary Church, the adjoining 108-114 St Leonard Gate and 1 Great John Street would be affected by the redevelopment of the Stonewell 'nose' and the proposed pedestrian bridge (discussed in paras. 78-81 below).
77. In addition, the application's proposed siting and height parameters could very easily lead to development harmful to the settings of certain listed buildings – in particular the Grand Theatre, Duke's Theatre, nos. 9 and 11 Moor Lane, Mill Hall and nos. 127/129/131 St Leonard Gate. Amendment of a number of parameters would be necessary to ensure appropriate designs and settings.^D

The Stonewell pedestrian bridge

78. The bridge is considered essential to:
- provide easy and unrestricted access for shoppers between the proposed scheme and the city centre in order to maintain vitality and viability;
 - avoid further impedance of traffic flows on the A6 gyratory and further unnecessary reductions in air quality; and
 - enable people with disabilities to enjoy easy at-grade access between the proposed development and the existing city centre.
79. To provide a bridge necessitates demolition of the Stonewell buildings and those in Swan Court and Gee's Court to their rear. If they were to be retained and refurbished, direct integration of the proposed development with the existing retail core would be seriously constrained. The at-grade route would not be particularly attractive, crossing the A6 gyratory and with no active frontage to St Nicholas Arcades. A pedestrian bridge across Stonewell into the remodelled Arcades, and above a purpose-built space, would act as a new focal point.

^A Document L/SG/1 lists the buildings at para. 6.13 and discusses them, with further references, at para. 3.12. Document LCC12 gives additional information on condition and possible repair/refurbishment costs for the Dance Studio in St Leonard's Place, 1 Lodge Street, 1-2 St Anne's Place and buildings at the Heron Chemical Works.

^B Document L/75; also in Document E1.2 at Appendix HOJ16.

^C Document CD26, Appendix 4, gives detailed information on the Brewery.

^D Document LCC18 sets out the changes thought necessary by Mr Gardner in cross-examination by EH and confirmed in re-examination. It was following this evidence that LCC decided it should take no further active part in the inquiry.

80. The Stonewell buildings are KTFs while Swan Court and Gee's Court behind them are of historical significance. Some of the Stonewell buildings are in poor condition, though a scheme of repair and enhancement would be quite feasible. The building in Swan Court is partly derelict. Retention and refurbishment is feasible, with substantial investment, but it is unlikely that refurbishment work could be subsidized by grant aid to cover the conservation deficit. The building would probably be unsuitable for housing. Alteration for another use would diminish its historic interest.
81. It is fair to say that the proposed bridge and new buildings on Stonewell would significantly change the historic townscape and the setting of some of the listed buildings outside the site – in particular, the Centenary Church, 108-114 St Leonard Gate and 1 Great John Street. However, subject to their detailed design, new buildings and a high quality contemporary bridge design could prove successful modern introductions into the historic townscape, with the potential, given also the enlarged public space, to enhance the character and appearance of the Conservation Area.

Conservation area consent applications

Part of Heron Chemical Works site, rear of Mill Hall, Moor Lane - 07/00663/CON
Heron Chemical Works, Mill Hall Curtilage Wall – 07/00666/CON

82. All of the buildings on the Heron site are in fairly poor condition. Many have been significantly altered to accommodate modern manufacturing operations. Most are not in the Moor Lane Mills Conservation Area. The extent of any industrial contamination of the site is unknown but likely to be limited. Retention and conversion to new uses would be a significant challenge – feasible but at very high cost and with limited options for viable re-use. Viewed from Alfred Street, and together with the Moor Lane Mills and the Cathedral, they form an interesting group of 19th century buildings. Replacement by new buildings of high quality design would, however, provide interesting views and a high townscape quality commensurate with the urban grain of the city.

1 Lodge Street - 07/00670/CON

83. No. 1 is a 2-bay warehouse style of building abutting the Grand Theatre to its south-east. Abutting no. 1 to its north-east is a single dwelling, all that remains of a long-demolished 19th century terrace. In their present poor condition the buildings do not make a positive contribution to the City Centre Conservation Area. Also part of the application is the detached building to the north-east currently used as a dance studio. It appears to be in fair condition but is not a KTF, stands in an isolated position and has lost any sense of place derived from the 19th century buildings that once surrounded it.

1-2 St Anne's Place - 07/00671/CON

84. The building stands in the City Conservation Area but is not a KTF. It appears to be in fair condition. It contributes to the attractive sense of enclosure in St Anne's Place but demolition could bring improvement because it would contribute to the introduction of an enhanced public space and offer further access to the north.

133-139 St Leonard Gate, 1-5 Stonewell and 3-7 Moor Lane - 07/00673/CON

85. As well as the frontage buildings, demolition would include the buildings in Swan Court and Gee's Court. All are discussed above (paras. 78-81) in relation to the proposed pedestrian bridge.

Listed building consent applications

Crown Inn, 18 St Leonard Gate - 07/00662/LB

86. The application relates to works to make good the flank wall of the listed building following demolition of the adjoining Spiritualist Centre. Demolition of that building, which is unlisted, not in a conservation area and of no intrinsic character, should enhance the setting of the listed building.

Grand Theatre, St Leonard Gate - 07/00667/LB

87. The application relates to works to the north-eastern flank wall following demolition of the adjoining 1 Lodge Street (para. 83 above), which may be acting as a structural restraint to the walls of the theatre. A structural assessment will therefore be necessary before any demolition is carried out.

Mill Hall, Moor Lane - 07/00665/LB & 07/00668/LB

88. The applications relate to works to the northern elevation (00665) and the curtilage wall (00668) of the listed building following demolition of parts of the Heron Chemical Works (para. 82 above).

11 Moor Lane - 07/00668/LB

89. The application is for demolition of buildings to the rear and alterations to and reinstatement of the rear wall. A detailed historic building recording has already been made and indicates the lack of architectural or historic significance of the areas to be demolished.

127, 129 and 131 St Leonard Gate - 07/00674/LB

90. The application is for demolition of rear extensions and outbuildings and alterations to and reinstatement of the rear elevations. A detailed historic building recording has already been made and confirms that the rear extensions are 19th century alterations. They were in such poor condition that entry was unsafe; accordingly, no existing or proposed rear elevation drawings have yet been produced and consent would have to be subject to appropriate conditions.

Housing

91. The scheme is intended to provide 179 new residential units overall (including the two applications not called in). Of those, 25% will be affordable units. LCC is preparing a Strategic Housing Land Availability Assessment^A which already demonstrates that there is sufficient brownfield land to afford a five year land supply. It takes account of the units to be provided on this site. Equally, it does not demonstrate any need for the site to provide more housing than is proposed. The new housing would be within walking distance of the city centre, the bus and railway stations, the general hospital and all main facilities.

The physical suitability of the site

92. The site is a brownfield one, parts of it derelict and underused and with a bleak and open aspect. It is the main regeneration opportunity in central Lancaster. Its redevelopment needs a comprehensive approach, linking new commercial development with infrastructure provision. It is in a highly accessible location close to the city centre. The application scheme is retail-led but that should not obscure the other component uses, including existing uses being retained.

^A Document L/28.

93. The scheme would bring greater efficiency to the Lancaster gyratory network, especially the roads north of the site and city centre. It would increase city centre shopper and visitor car parking without requiring traffic from the north to enter the city centre. It would also make the Lancaster Canal more accessible, particularly to pedestrians from the city centre.

Sustainability

94. The site abuts the city centre. The retail and highways evidence above shows that the proposals would contribute to the sustainable economic development of the city and its surrounding area, consistent with what is sought by the RSS.
95. In principle, redevelopment of such a large brownfield site so close to the city centre, one which is visually fragmented, contains derelict buildings and is dominated by surface car parking, is much to be desired. The scheme would be inclusive in that it would be linked directly with the existing city centre and would provide good connectivity with the canalside and neighbouring areas of the city. It would retain existing cultural uses within the site and would enhance their accessibility, albeit that some of the present design parameters could lead to harm to the settings of some listed buildings. There is no fundamental reason why detailed designs should not achieve visual integration with the surrounding townscape.
96. The scheme would bring an additional 500 public car parking spaces to the city but drawing back trade which has been lost to other centres would reduce the number of trips to those centres. Also, the location of the site makes it highly accessible for travel by public transport, cycle and on foot, further reducing the need to use the private car.
97. Specific energy efficiency matters would be resolved at the reserved matters stage. A planning condition is proposed to ensure that at least 10% of the development's energy requirements are generated by on-site renewable means.

The Development Plan

98. In considering the extensive range of policies which apply to this development proposal, the conclusion may be drawn that it accords with the Development Plan as a whole. The over-riding requirement of s.38 of the Planning and Compulsory Purchase Act 2004 is to consider the Development Plan as a whole and to balance any specific conflicts against broad compliance with the whole.
99. There will inevitably be some areas where there is an apparent conflict with some policy requirements. That is normal. In this case, the spotlight of the inquiry drew out conflicts with heritage policy, causing LCC to withdraw from further active participation. It accepts that that may affect the overall balance.

Conclusion

100. The Position Statement recognises that there remain question marks over some of the parameters of the application for outline planning permission. Those must be carefully considered. Nevertheless, LCC strongly urges the Secretary of State to endorse the principle of development, thus enabling Lancaster to continue to grow and flourish and thereby realise its potential.

THE CASE FOR ENGLISH HERITAGE

I give here the gist of the case for English Heritage (EH), drawn primarily from its written closing submissions and elaborating where necessary by reference to proofs of evidence and what was said at the inquiry itself.

101. EH, in general terms, supports the intention to regenerate the Canal Corridor North (CCN) site with a mixed use development containing a significant retail element. It is, however, firmly opposed to the present scheme. EH considers that insufficient efforts have been made to preserve the townscape qualities of the site, to retain buildings that make a positive contribution to the City Centre and Moor Lane Mills Conservation Areas and their settings and to respond to the historic environment. In short, EH believes that the applicant's approach has been to impose on the site the perceived requirements of the retail scheme instead of genuinely and imaginatively exploring how existing townscape and heritage assets could be integrated into the layout.
102. Failure to respond to the inherent character and quality of this important site is a fundamental flaw in the development concept for which permission is sought. The scheme would result in an unjustifiable loss not only of the historic fabric of the area but also of the opportunity to deliver a significant and long-lasting public benefit through their sympathetic integration and enhancement.
103. As the representatives of LCC themselves belatedly recognized, it is almost inevitable that the applications before the Secretary of State will have to be refused because of their lack of essential detail. It is vital that the opportunity is taken to identify the many underlying deficiencies in the approach that has been taken to date and to provide a robust basis for the "fundamental reassessment of the application" that LCC itself accepts is necessary.^A
104. The deficiencies include, in particular:
 - a failure both to appraise the special interest of the application site and to review the relevant Conservation Area boundaries;
 - an absence of compliance with the terms of the development brief for the site so that the proposals have been brought forward without any clear, site-specific policy context or justification;
 - the fact that no detailed and comprehensive investigation of the practicalities of preserving and reusing buildings of value to the Conservation Areas and the wider townscape has been undertaken;
 - a lack of sufficient precision in a number of critical aspects of the development, precluding a comprehensive assessment of the impact of the proposals on listed buildings, the character and appearance of the Conservation Areas and other features of townscape merit;
 - a long-standing refusal to entertain or to investigate the possibility of providing alternative means of connecting any new development with the existing city centre, other than by the high-level pedestrian bridge.

Failure to review the conservation area boundaries

105. Despite the statutory duty,^B no appraisals have been undertaken for any of the three Conservation Areas^C directly or indirectly affected by the development

^A Document LCC24, Position Statement, para. 3.4.

^B Planning (Listed Buildings and Conservation Areas) Act 1990, section 71.

^C The City Centre, Moor Lane and Bath Mill Conservation Areas.

proposals. Moreover, although all three were designated more than 20 years ago, their boundaries have never been formally reviewed.^A Whatever the reason,^B the simple fact remains that, despite the changes that have taken place within and around the Conservation Areas and the development pressures that have arisen, their boundaries remain as designated in the 1980s. The need for review is acknowledged by LCC^C and is particularly obvious in the case of the City Centre Conservation Area, an amalgamation of pre-existing conservation areas encompassing several smaller and distinct character areas.^D There, as the CCN Development Brief^E records, the current boundary was largely determined by subsequently abandoned proposals for a road scheme^F – as one can see in the arbitrary nature of the eastern boundary of the designated area, excluding the rear parts of a number of buildings that are either listed or are designated as being Key Townscape Features (KTFs).

106. Work on the much-needed review reached an advanced stage^G but was never formally completed, very likely because the CCN site proposals were beginning to emerge^H and it was obvious that the land on and adjoining the eastern edge of the City Centre Conservation Area would be subject to considerable change. Indeed, the applicant was seeking to negotiate an agreement with Mitchells as early as January 2005 and was being recommended for approval as LCC's preferred developer by March 2005.^I
107. The failure to carry through and formally complete the appraisal of the Northern Gateway Character Area was in direct conflict with the clear intention announced in SPG8 that the eastern boundary of the City Centre Conservation Area would be reviewed and that a Canalside Conservation Area would be considered.^J There is nothing to suggest deferment due to any possible redevelopment proposals. On the contrary,^K the proposed boundary review and potential additional conservation area would have been important in setting parameters for redevelopment. In the event, the failure to proceed with the review left the townscape significance of a number of valuable buildings without formal recognition and without the statutory protection they should have enjoyed. Quite simply, the applicant's proposals had the effect of pre-empting the very exercise that was intended to inform and guide the way in which redevelopment should have proceeded.
108. The appraisal^L specifically recommended the eastward extension of the City Centre Conservation Area to include the Mitchell's Brewery buildings. It also highlighted the significance of a number of individual buildings and spaces that have been the subject of close attention at the inquiry. And it set out 'Key Design Considerations' that future development should observe. These were all important to maintaining the special character of the area recognized in the appraisal. They highlighted the need for new design to respond to the pattern

^A Planning (Listed Buildings and Conservation Areas) Act 1990, section 69.

^B Document LCC21 indicates lack of resources as the reason.

^C By Mr Gardner in cross-examination.

^D Document E4, Northern Gateway Character Area Appraisal, p. 3.

^E Document CD65 – SPG8.

^F Document CD65, p.9, para. 4.12.

^G Document E4.

^H Accepted by Mr Gardner in cross-examination.

^I Documents E5 and L5.

^J Document CD65, p.9, para. 4.12.

^K Agreed by Mr Gardner in cross-examination.

^L Document E4.

of horizontal and vertical emphasis in the area, the variety of its roofscape, the topography of the area and its 18th- and 19th-century character, including building lines, plot layouts and important views.

109. No formal boundary change resulted – but, had the exercise proceeded, it is highly likely that the City Centre Conservation Area would have been extended eastwards to include, at the very least, the Brewery buildings.^A Thus, while section 72 of the 1990 Act cannot apply to these potential extensions, there is clear evidence that the areas should be regarded as having similar special character and value to the designated areas which they adjoin.
110. It would be illogical to give lesser significance to the preservation of buildings of perceived architectural, historic or townscape quality within the potential extensions than to those that have been identified as KTFs because they do fall within the designated boundary. It is also wholly apparent that these adjoining undesignated areas make a significant contribution to the settings of the designated areas and that demolition of buildings beyond the present Conservation Area boundaries may therefore have an adverse impact on the special interest of the Conservation Areas themselves. This is an important material consideration to be taken into account.^B

Lack of compliance with the Development Brief

111. The CCN Development Brief is intended to guide regeneration of this important area and to set out the main land use, design, access and infrastructure requirements,^C thus providing “certainty for the local community, potential developers and site owners”. Whilst it would not have been regarded as rigid or prescriptive, it was clearly intended to provide a policy framework within which the redevelopment proposals would be brought forward, identifying a number of priorities, objectives and requirements for development to meet.
112. There was to be a “seamless join” between the commercial and employment centre of the City and surrounding residential areas. A “key concern” was that new buildings should be sensitively integrated within the existing historic fabric.
113. In the south-western section of the study area, Site 1 was centred on the Brewery. It was envisaged that comprehensive development would incorporate “where practical” the existing frontage properties on St Leonard Gate, Stonewell and Moor Lane, including Swan Yard and the former Tramway public house. A number of these properties are listed. The area was to be developed for “a mixture of uses including a residential element to create variety and vitality”. That might include retail – though it was not a requirement. Any new retail floorspace was to be located at the western end, closest to the city centre. The need for strong linkages to the city centre was recognized, by improvements to the existing pedestrian crossing or by a pedestrian bridge across Stonewell.
114. Site 2, centred on the Alfred Street workshops and the Heron Chemical Works, was not considered suitable for retail use, in part because it was relatively remote from the city centre. If the Heron works were to close, residential redevelopment would be favoured. The opening up of views over the city from the canal was sought.

^A Confirmed in cross-examination by Mr Gardner, who also considered it likely that the Heron chemical works would have been brought within a conservation area, either an extended Moor Lane Mills Conservation Area or a new Canalside Conservation Area.

^B PPG15, para. 4.14.

^C Document CD65, para. 2.6.

115. The application scheme is in clear conflict with the requirements of the adopted development brief. The preponderance of retail use, distributed throughout the site, exacerbates a number of potential problems. Most significant is the potential impact upon the existing city centre. Retail uses would extend right up to the canal. It has become necessary to position the department store right at the eastern end. Other retailers are likely to want to locate as close as possible to this major draw, thus further attenuating the strong linkages to the city centre required by the brief. The perceived need to provide a direct visual and gradient-free link to the department store, plus underground servicing of the buildings at the eastern end of the site has also added to the demand for a high level pedestrian bridge, despite the very damaging impact it would have.
116. The brief remains an adopted policy document. There has been no suggestion that it is to be withdrawn or reviewed. The adoption of the RSS makes no difference whatsoever to the site-specific requirements for development of the CCN site and the Core Strategy makes no land use allocation, referring only in general terms to "an extension to the City's primary shopping area, new homes, work spaces and public realm".^A Thus, whilst the SPG cannot be regarded as having the weight to be accorded to Development Plan policy, the fact that the application scheme so clearly conflicts with the aims and constraints identified by the adopted policy document is a material consideration weighing heavily against the grant of permission.

The potential to re-use buildings of conservation area and townscape value

117. There is a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings.^B It is agreed that the application scheme would mean the demolition of buildings that make a positive contribution to the character or appearance of the existing Conservation Areas. That is self-evidently so when a building has been identified as a KTF and, by definition, makes a positive contribution – but absence of that designation does not mean that a building makes no positive contribution.^C In addition, it should not be thought that buildings outside the Conservation Areas cannot be of value in architectural, historical or townscape terms, or in contributing positively to the settings of those Conservation Areas.^D
118. Three particular matters are to be addressed when considering demolition.^E There is little information before the inquiry about the condition of the buildings threatened by demolition and very little about the cost of repair. What there is does not purport to be derived from any detailed structural survey or costing exercise.^F And there has been no attempt at all to relate the cost of repair of

^A Document CD62, para. 5.28.

^B PPG15, para. 4.27, referring to the criteria in paras. 3.16-3.19. Policy E37 of the adopted Local Plan, Document CD63, imposes criteria for demolition which are arguably more stringent than those in PPG15, requiring the applicant to demonstrate 'conclusively' that rehabilitation is impractical and that reasonable efforts have been made to sustain existing uses or to find viable new uses for the building and have failed, or, alternatively, that new development would produce substantial benefits to the community which would 'decisively outweigh' the loss resulting from demolition.

^C Moreover, the Key Townscape Feature designation applies only in the City Centre Conservation Area.

^D Document E2.1, p.48, para. 5.66, and Document E2.2, Appendices CET8, CET19, CET23, CET27, CET30, CET31, CET36 and CET40, identify a number of such buildings. The buildings in Swan Court (CET19) are the last surviving example of an early 19th century court in the city centre.

Document E6 identifies a degree of common ground which was confirmed by Mr Gardner in cross-examination.

^E PPG15, para. 3.19.

^F Document LCC12, prepared by Mr Gardner.

the buildings to the value that would be derived from their continued use, in other words the crucial information necessary to determine whether or not repair would be viable. Similarly, no attempt at all has been made to investigate the possibility of retaining these buildings in their present uses or in alternative new uses. There is not a shred of evidence that any marketing has taken place. Indeed, it is apparent that many of the buildings have simply been kept empty and, as a result, have slipped into a state of progressive disrepair.

119. The remaining question is whether any substantial benefits for the community can be prayed in aid. The nature of any such benefits has only been described in the most general of terms – increased economic activity, a reduction in the need to travel and a claimed boost to tourism in the city have nowhere been evaluated and set alongside the degree of harm that would result from the proposed demolitions. Part of the problem is, of course, the failure to ascribe proper value to the heritage resource that would be lost, though many of the claims never rise above the level of mere assertion.
120. It is necessary also to assess the damage that would be done in heritage and townscape terms by the loss of buildings which do not presently stand within the designated Conservation Areas. Some of this would arise simply from the loss of the contribution that many of the buildings make to the character and appearance of the townscape and from their own intrinsic architectural or historic value. That itself runs contrary to Development Plan policy,^A all the more so when there is a degree of common ground that the areas in which these buildings stand exhibit a similar character to the Conservation Areas from which they are presently excluded. The losses would undoubtedly affect the settings of the designated Conservation Areas and views from them and, for that reason also, the proposed demolitions beyond their boundaries should be regarded as contrary to local and national policy.

Lack of adequate detail

121. It became clear during the inquiry that Mr Gardner was unhappy with some of the parameters for the siting and height of many of the proposed buildings, in particular their relationship with listed buildings. He also conceded that a detailed design of the pedestrian bridge was necessary before its impact on the character and appearance of the Conservation Area could be properly judged. His stance was subsequently adopted by LCC in its Position Statement.^B It is apparent from the reference to the need to undertake a “fundamental reassessment of the application” that LCC does not consider its concerns about the application parameters capable of being resolved merely by the imposition of conditions. EH supports that view; indeed, it doubts that such conditions could be lawfully imposed. LCC’s position on the bridge design is unequivocal; it is now of the view that planning permission should not be granted for the bridge until a detailed design for it has been submitted for consideration.
122. EH recognises that it has been possible, on occasion, to support parameter-based outline applications for schemes which involve listed buildings and conservation areas – but much depends upon the level of information provided. The particular sensitivity of listed buildings and conservation areas to the detailed design and position of new development is self-evident. That is why government policy supports the need for full information to be provided by

^A Document CD62, p. 24, Policy SC1.

^B Document LCC24, particularly paras. 2.2, 2.6, 3.4 and 3.5.

applicants for listed building consent. It is also why there will often be a need within conservation areas for local planning authorities to ask for details of a proposed development, including elevations showing it in its setting, before considering a planning application.^A In this case, EH has always considered that the proposals were sufficiently clear to conclude that the development would harm the character and appearance of the Conservation Areas and the settings of the listed buildings. The only uncertainty was whether the evolution of the design at reserved matters stage would or would not compound the problem.^B

123. There has been considerable confusion in the way that LCC has approached the statutory test, including criticism of how EH has addressed it.^C The character and appearance of a conservation area is preserved where those qualities are not harmed. There is no requirement that development should take positive steps to preserve them. That is very different from saying, as LCC does, that radical change can still amount to preservation of the original special character or appearance for which the area was designated. That is a completely illogical position which wholly undermines its evidence to the inquiry.
124. Any high-level bridge, irrespective of its detailed design, would cause serious harm. Not only would its construction cause the demolition of as many as 12 buildings (all designated KTFs) forming the historic Stonewell frontage from St Leonard Gate to Moor Lane, it would also significantly change the historic landscape and seriously impinge upon the setting currently enjoyed by a number of listed buildings - the Centenary Church, the Reform Club at no. 1 Great John Street, nos. 108-114 St Leonard Gate and the buildings at the eastern end of Church Street. It would cut across and obstruct existing views of townscape significance down all of the roads that radiate from Stonewell.
125. EH believes it obvious and incontestable that the construction of a high-level bridge, no matter what its design, would have a fundamental impact on the character and appearance of the Conservation Area at this point. The change would not only be radical; it would also be unacceptably harmful.
126. The bridge has been presented as an essential feature of the retail case. EH believes there is scope for examination of alternatives but none is before the inquiry. It is the bridge that dictates the demolition in and behind Stonewell. It is so basic an element of the scheme as to be inconceivable that any planning permission, listed building consent or conservation area consent could be granted before its design is resolved. Given the acknowledged deficiency in the details of the application, all of the applications before the Secretary of State must necessarily be refused. Moreover, there is clear evidence that any bridge in this location would cause significant harm to important heritage assets. The Secretary of State should refuse the applications on this ground also.

Other means of connecting the application site with the city centre

127. LCC acknowledges that "the scheme would self-evidently preserve more assets of heritage significance without the bridge".^D The issue is therefore whether the bridge is justified because it is necessary to the achievement of an objective of which the benefits outweigh the consequent harm. The bridge is advanced solely on the basis of a retail need. The applicant must therefore show not only

^A PPG15, paras. 3.4 and 4.18.

^B Document E1.1, para. 7.27.

^C Document CD30, p.130, at the foot of the page.

^D Document L/SG/1, para. 7.12.

that the particular quantum of retail floorspace proposed would justify the bridge but also that a more appropriate balance cannot reasonably be achieved between retail requirements and the harm caused to heritage interests. This raises the question of whether a smaller retail development might be satisfactorily integrated with the existing primary shopping area without the construction of the bridge.

128. The Development Brief considered that to be possible. It recognized the importance of linkages between any retail development and the primary shopping area but considered major improvements to the pedestrian crossing at Stonewell to be one possibility.^A However, the proposal is a much more ambitious retail development than was considered appropriate when the brief was written. It is the extension of the retail element into the eastern part of the CCN site and the need to draw people down there that appears to determine the need for a pedestrian bridge.
129. The reluctance of the applicant and LCC to investigate alternatives is evidenced by the fact that, when EH, at its own expense, commissioned from the Transport Research Laboratory (TRL) a feasibility study of the pedestrian capacity of the Stonewell crossing^B, the applicant seems to have taken very little notice of it. It was never discussed with the highway authority. LCC cannot be absolved from responsibility, because the document was produced for the express purpose of encouraging consideration of this alternative and was copied to it.^C In fact, so little notice was taken of the report that no reference was made to it when the application was reported to committee, nor in any of the initial LCC proofs of evidence. LCC's highways consultant was not asked to consider any option without a bridge and had not previously seen the TRL report. In short, there is no evidence from which to draw the conclusion that an improved at-grade crossing could not function satisfactorily in highway terms.
130. In retail terms, the justification for the bridge relies largely upon matters of judgment and the clear desire of the retail consultants (and no doubt the potential occupiers of the development) to provide a gradient-free, visual link between St Nicholas Arcades and the new shops. However, there is no planning policy reason why the convenience of shoppers or retailers should necessarily take precedence over other important planning considerations. Whilst it may be correct that the city's present retail offer is not comparable with competing centres, it does not follow that the deficiency may be compensated for by a retail solution that would cause harm to other interests. The status of Lancaster in the retail hierarchy set out in the RSS and the need to enhance and encourage retail facilities have been pressed as justification for this proposed major expansion – but it is of note that the RSS gives no less weight to the need to protect and enhance the historic environment and to promote good quality design that respects its setting.^D The evidence also shows that the retail case is dependent upon a significant clawback of expenditure from other competing centres.^E The quantum of floorspace proposed goes beyond that needed to cater for the anticipated growth in expenditure based on current market share and adds weight to the argument that the proposed retail floor

^A Document CD65, paras. 5.5 and 6.12.

^B Document E1.2, Appendix HOJ12.

^C Document E1.2, Appendix HOJ13.

^D Document CD61, Policy DP7.

^E Document L/KN/1, paras. 4.49, 4.50 and 4.52.

space exceeds that which is strictly necessary to maintain the vitality and viability of Lancaster as a retail destination.

131. The argument that the bridge is needed to maximise accessibility is in part the result of the developer's decision not to follow the natural topography of the site. If the development were at ground level, there would be no need for disabled people's lifts or flights of steps to move from the Stonewell crossing into the new retail area. It would probably be necessary to create a new opening into the development from Moor Lane and/or St Leonard Gate, or even through the ground floor frontage of one of the Stonewell buildings – but wholesale demolition would be unnecessary. The committee report gave prominence to an estimate that 20-30% of shoppers who visited the new retail development would be attracted to visit the city centre by an at-grade crossing, compared with 60-70% if there were a bridge. The estimate, however, was solicited from its retail consultant rather than derived from a shopper survey.
132. Whatever the accuracy of such estimates, it appears to be common ground that, without a bridge, there would still be significant pedestrian movement between the existing city centre shops and the application site. Mr Nutter did not believe that, even without a bridge link, the new development would operate as a free-standing destination, contrary to the assertion by Mr Dobson.^A Thus, the undeniable harm that would be caused by the demolition of the Stonewell buildings has simply not been justified and the Secretary of State should, at the very least, conclude that permissions would be premature before a full investigation of alternative possibilities has been undertaken.

Call-in matters

The Development Plan

133. LCC's approach^B is simply incorrect. It is impossible to conclude that a proposal complies with the Development Plan merely because it conflicts with only a minority of policy areas. Policies are not usually ranked in any order of importance. Nor is compliance dependent upon some sort of arithmetical assessment of the number of policies with which a proposal complies. The failure to comply with a single policy, notwithstanding compliance with everything else, clearly constitutes a failure to comply with the development plan; that may well, and often does, lead to a refusal of planning permission.
134. In the RSS,^C the proposals would conflict with Policies DP2, DP4 and DP7 on conserving the region's heritage, giving priority to using existing buildings within settlements and protecting and enhancing environmental quality. The failure both to give adequate weight to the need to avoid loss or damage to heritage assets and to show proper appreciation of the significance and context of the area is also in conflict with Policy EM1. Had these policies been properly applied, the proposals would have sought to marry the opportunity provided by the historic environment with the need for mixed-use development by the adaptive re-use of buildings, the construction of new buildings sensitive to the locality and the creation of new townscape firmly grounded in an understanding of the special qualities and character of Lancaster.

^A Document L/KN/1, para. 7.07, compared with Document L/AD/1, para. 7.8.

^B Para. 98 above.

^C Document CD61.

135. In the Core Strategy,^A the proposals conflict with Policies SC1 and SC5 on the principles of sustainable development (specifically by involving loss of and harm to features of significant built heritage importance) and on reflecting and enhancing the positive characteristics of the area. They also conflict with Policy E1, which seeks to protect conservation areas and listed buildings and to resist development that would have a detrimental effect on environmental quality.
136. Saved Local Plan Policies^B E32-E39 on Historic Buildings and Areas are particularly relevant and, as discussed above, the proposals run contrary to them. They also conflict with Policy E46 in that no pre-determination archaeological evaluation has been undertaken.

PPG15

137. EH's strong contention is that, for the reasons given above, the applicant has completely failed to justify within the terms of PPG15 the demolition of so many buildings that contribute positively to the Conservation Areas and their settings. It is common ground that the absence of sufficient detail on a number of significant components of the scheme makes it impossible adequately to judge the degree of impact upon the character and settings of the listed buildings and the character and appearance of the Conservation Areas, including their settings and views into and out of them.^C The applications should be refused for that alone. In addition, enough is ascertainable and fixed in the application for the conclusion to be reached that the development concept is fundamentally flawed and would cause extensive and unwarranted harm.

PPS6 and the scale of development

138. The site is not allocated for retail use in any Development Plan document. Even if a retail need did exist, its fulfilment should not be regarded as an overriding objective and could be met, at least in part, by development more sympathetic to existing heritage assets and complying more closely with the development brief. The scale of the retail floorspace proposed should be regarded as inappropriate because of the consequent effect on heritage assets. There is also a real danger that the provision of new retail floorspace on this scale in an area described as "relatively remote" from the city centre^D may pose a threat to the continued vitality and viability of the existing shopping areas. Any impact of this kind would affect the character and appearance of the historic centre.

PPG16

139. It is common ground that the application site has a high archaeological potential and that there may well be *in situ* archaeological remains from the Roman, medieval and post-medieval periods.^E The Lancashire County Archaeological

^A Document CD62.

^B Document CD63.

^C Views are of particular significance in Lancaster. The topography creates a number of open vistas across the rooftops which contribute significantly to its character. Buildings within the CCN area are generally low-rise and the fairly homogenous scale of the historic townscape allows for good views across the area, punctuated by taller or larger scale buildings such as the brewery, churches and mills. The sloping topography of the site allows a visual connection to the core of the city centre. The City Council emphasized in negotiations with the applicant that roofscape treatment would be critical and sought a series of wireline photomontages (in Document CD26). Unfortunately, none of the chosen viewpoints provides any real impression of the impact of the pedestrian bridge. Elsewhere, there would be a significant increase in the height, scale and bulk of the buildings and the complete obstruction of the views west from the canal towpath and the Bath Mills Conservation Area.

^D Document CD65, para. 7.8.

^E Mr Gardner expressed this as a "very high likelihood" in cross-examination.

Service (LCAS) recommended a pre-determination evaluation of the site.^A However, for reasons that are not readily apparent, LCC did not accept the advice and resolved to grant permission subject to a condition requiring recording and a watching brief. In the absence of a field evaluation, there is insufficient information to enable the Secretary of State to take an informed decision on the applications. They should all be refused until such time as a proper evaluation has taken place.

Conditions

140. EH made detailed submissions, without prejudice to its case, on the nature and form of conditions that should be imposed on any planning, listed building or conservation area consents. It also questioned the lawfulness of certain conditions which had been proposed by LCC, either because they, in effect, required the payment of a consideration or the grant of an interest in land to a third party or because they would make fundamental changes to the applications which could not be brought within the scope of the *Wheatcroft* judgement.^B Insofar as those proposed amendments are concerned, there has been no indication from the applicant that it is willing to accede to them. While LCC's proposed conditions were intended to obviate the need for a section 106 obligation, the provision of premises for the Musician's Co-operative, one of the matters that the obligation had been intended to secure and therefore a precondition of LCC's support, had fallen by the wayside. A condition that had the effect of requiring the grant of a lease would almost certainly be unlawful.
141. Since the last day on which the inquiry sat, the applicant has submitted an executed section 106 obligation. That document continues to suffer from a number of basic defects, most of which had already been raised at the inquiry. There is still some difficulty in knowing the extent to which the applicant has a sufficient interest in the land which the covenants would bind. EH understands that the recitals of the executed version refer to a purchase agreement but, as that has not been produced, it is impossible to know the terms and effect of any conditionality of the agreement. The obligation would not come into effect until the conditions of clause 4 have been satisfied. One of those conditions requires LCC to execute a deed covenanting in the terms set out in Schedule 2. The LCC resolution of 13 October 2008 did not sanction such a deed and EH is unaware of any subsequent resolution which would have that effect. The obligation to use reasonable endeavours to acquire the Bridge Link Rights before the commencement of development^C remains ineffective because, under the conditionality clause, the provisions would not take effect until the commencement of development.^D Furthermore, the provisions of the obligation are stated to be of no effect until the deed has been dated.^E EH understands that that has not been done.
142. In the circumstances, neither the proposed conditions nor the section 106 obligation fulfil the terms of the planning committee's resolution and do not therefore effectively deal with or mitigate the adverse consequences of the development in the way that was intended and deemed necessary. The Secretary of State is asked to refuse the applications on this basis also.

^A Document E1.2, Appendices 25 and 26, and Document L7.

^B *Bernard Wheatcroft v S of S* [1982] 43 P&CR 233.

^C Document G6, Schedule 1, part 6, para. 9.

^D Document G6, clause 4(b).

^E Document G6, clause 10.

Conclusion

143. EH's primary submission is, in summary, that the scheme brought forward by the applicant for the redevelopment of the CCN site is so harmful to the historic environment that it contravenes legislative requirements and national, regional and local policies and guidance. In addition, EH has identified a number of other essential problems with the applications, any one of which would justify refusal. For these reasons, EH urges the Secretary of State to refuse all of the applications before him. It is nevertheless important that the experience gained and the lessons learned from the inquiry are not wasted. EH therefore looks to the recommendations of the Inspector and the decision of the Secretary of State to provide a clear and robust basis upon which the approach to the redevelopment of this important site may be redefined and, by responding more positively to the historic character and existing heritage assets of the site, may deliver substantial economic, social and environmental benefits.

THE CASE FOR SAVE BRITAIN'S HERITAGE

I give here the gist of the case for SAVE Britain's Heritage (SAVE), drawn primarily from its written closing submissions but with reference where necessary to proofs of evidence and what was said at the inquiry itself.

144. The inquiry was a highly unusual one. After the applications were called in, the applicant elected to take no further part in the proceedings. This decision had a real effect on the efficacy of the inquiry process, mainly because no party present was in a position to address gaps in information or to agree any amendments. LCC nevertheless took on the role of proposing the scheme. Four of its witnesses gave evidence and were cross-examined. However, following the evidence of Mr Gardner, LCC withdrew from any further active part in the inquiry. Its reasons for so doing are set out in its Position Statement.^A
145. Following LCC's withdrawal, the Inspector took the view (rejecting SAVE's submissions to the contrary) that the inquiry timetable (as amended) could be truncated, even though it followed that SAVE would not then be able to call oral evidence. EH was able to present its witnesses to the inquiry and they answered questions from the Inspector. IOC agreed to put forward submissions in writing.^B
146. On the basis of the above it is submitted that:
- little weight, if any, should be placed on the proofs of evidence of Mr Dobson and Ms Blamire; LCC withdrew from the inquiry before this evidence could be tested in cross examination and it would be unfair for it to benefit from that;
 - although LCC has not formally withdrawn its support for the applications, in light of the fundamental concerns conceded in the Position Statement, it must be taken to have withdrawn its support for the scheme in its present form;
 - on that basis, as all parties present at the inquiry are clear that the applications as submitted are not in a suitable form to be approved, the Inspector should recommend refusal of this particular scheme to the Secretary of State;
 - as SAVE was not able to present its evidence orally (as it is entitled to do^C), it would be unfair for the Secretary State to make a finding that contradicted its case as set out in the proofs of three witnesses. SAVE refers to the arguments set out in its note to the Inspector.^D

The Development Plan

147. The Development Plan comprises the Regional Spatial Strategy for the North West of England (RSS), the Lancaster District Local Development Framework

^A Document LCC24.

^B **Inspector's note.** I reviewed all of the Rule 6 parties' evidence in the light of the City Council's decision to take no further active part and concluded that, save for one of EH's witnesses (and on general matters rather than proposal-specific ones), I had no need to ask any questions of any witness. Accordingly, I did not need to take evidence orally if there were no questions to be asked and I could deal with that evidence in written form. I heard EH's witnesses because they were present and because I had some questions of them (they could have been put to only one but it was simpler to hear both). I offered both SAVE and It's Our City the opportunity to submit additional evidence in writing on matters they would have addressed in chief with their witnesses. And I allowed closing submissions to be submitted in writing. SAVE's witnesses were unable to attend the inquiry until the previously agreed resumption in September. I was not prepared to adjourn the inquiry for over two months when, in my considered opinion, there was no further need actually to take evidence orally.

^C Under Rule 15 of the Town and Country Planning (Inquiries Procedure) Rules 2000 (SI 2000/1624) as amended.

^D Document SA/2.

Core Strategy and the saved provisions of the Lancaster District Local Plan.^A It has been repeatedly suggested by LCC that the application scheme accords with the relevant policies of the Development Plan. SAVE vigorously disputes that.

The RSS

148. RSS Policy RDF1 controls the basic spatial strategy but its provisions are subject to qualification. The provisions of Policy CNL4 are subject to ensuring that “development is compatible with the conservation of the historic city”. Policy EM1 supports “conservation-led regeneration in areas rich in historic interest, and in particular exploiting the regeneration potential of ... the historic Cities of Carlisle, Chester and Lancaster”.
149. Policy W5 requires that comparison retailing should be encouraged in 26 centres across the region (including Lancaster) “to ensure a sustainable distribution of high quality retail facilities”. Between 2004 and 2008, Lancaster slipped a mere 18 places out of 6,721 in the national retail hierarchy – about 0.27%.^B It must follow that Lancaster is, to a large extent, maintaining its relative position in the retail hierarchy. On that basis, the following may be submitted.
- Lancaster is recognized as a regional centre and one where sustainable growth and development are to be encouraged; but there is no suggestion that this growth must be retail-led.
 - Policy W5 requires Lancaster to grow its comparison retail offer so as to ensure that regional distribution of comparison goods provision is *sustained*. While anecdotal evidence of regional development was led in chief, the only quantitative evidence before the inquiry suggests that, to a large extent, Lancaster *is* sustaining its position in the retail hierarchy. No detailed data was provided on which it would be possible for the Secretary of State to decide whether or not an increase of retail provision *on this scale* is required to maintain Lancaster’s relative position.
 - In any event, the RSS clearly and repeatedly classifies Lancaster as a great historic town^C and emphasises that all development in Lancaster must be regeneration-led and must preserve Lancaster’s historic environment. The proposed scheme is not regeneration-led and is clearly destructive of Lancaster’s historic environment.
 - In sum, the scheme as proposed does not comply with the policies set out in the RSS.
150. The Local Plan was superseded by the Core Strategy in September 2008. Its saved policies remain relevant.^D The policies dealing with the historic environment reflect PPG15 tests, which are addressed below. In short, the application scheme does not satisfy the saved Local Plan policies.
151. A detailed and specifically relevant interpretation of the Local Plan can be found in the CCN Development Brief.^E This calls for comprehensive regeneration with new buildings in a mixed-use scheme sensitively integrated within the existing historic fabric of the “high profile” site. It clearly envisages a smaller scale of mixed-use development, not the massive homogenous development proposed but one which would be more in line with the requirements of the Local Plan.

^A Documents CD61, CD62 and CD63.

^B Document L/KN/1, para. 8.03.

^C Document CD61, para. 2.2.

^D Document CD63: Policies E32-E42 are directly relevant.

^E Document CD65.

The Core Strategy

152. The Core Strategy recognises Lancaster's sub-regional role and encourages the development of Lancaster's retail offer on the CCN site.^A The strategy is not contentious. It does not, however, give development on the site *carte blanche*. It repeatedly affirms a commitment to Lancaster's role as an historic city and to preserving its heritage assets and emphasises the "design and heritage led regeneration of Central Lancaster".^B It cannot seriously be maintained that the application scheme satisfies these criteria.

Conclusion

153. The Development Plan sets out a clear and compelling picture. Lancaster requires general development and its comparison retail offer should be encouraged so as to ensure a sustainable distribution of retail facilities across the sub-region. The CCN site should be the home of much of this development. And any development must be design- and regeneration-led and respect the built heritage of the site. There is no inherent contradiction in these goals and no reason why satisfactory development on the site cannot be heritage-led. Neither the applicant nor LCC has made any attempt to show that this cannot be achieved. The application is clearly retail-led, of a scale not justified by the Development Plan, and one which does not respect the rich heritage value of the site or the settings of and views from surrounding Conservation Areas. It follows that the scheme as proposed does not comply with the Development Plan and should be refused.

PPG15

154. The scheme has been put forward by the applicant and supported by LCC on the basis that the bridge link from the proposed Central Street through St Nicholas Arcades to the main shopping streets of Cheapside and Market Street is a *necessary* part of the scheme. Thus, when assessing the scheme against the PPG15 tests, the *whole* scheme, including the bridge, must be considered as it is not possible to have a retail-led development with the advantages alleged without the bridge link. But there is insufficient evidence to show that the bridge link *is* a necessary part of the scheme.

155. If that is accepted, then the application must be refused. The bridge will require destruction of at least some of the buildings in the Stonewell 'nose'. It is accepted by all parties to this inquiry, and cannot reasonably be doubted, that those buildings make a positive contribution to the City Centre Conservation Area. By virtue of para 3.19(iii) in PPG15, it is only lawful to demolish those buildings in exceptional circumstances and where the substantial benefits to the community to be generated by the proposals have been weighed against the arguments in favour of preservation of the buildings. But, if it is accepted that a retail scheme on the site can generate the same or sufficient benefits for the community *without* a bridge and consequent destruction of buildings in the Stonewell 'nose', then there is clearly no balancing to be done; that scheme should be preferred and the present application must be refused.

156. Had the applicant been present at the inquiry, then it may have been possible for it to have responded to this submission, perhaps putting forward alternatives to a bridge link in the event that SAVE's submissions were accepted. However,

^A Document CD62, Policy ER4, p.48.

^B Document CD62, Policies ER2 and ER6 and para. 5.10, pp. 42 and 50.

no alternative has been proposed and it remains SAVE's position, if the bridge is not shown to be a necessary part of the scheme, that the application must be refused. And, if the bridge *is* found to be necessary, then the scheme as a whole must still satisfy PPG15's requirements if approval is to be granted.

Is the bridge necessary?

157. Neither the applicant nor LCC has demonstrated that a bridge is a necessary part of a major development on the CCN site. The principal evidence is that:
- pedestrian flows across Stonewell would be impeded by an at-grade crossing;
 - a pedestrian coming from the new development to the historic shopping core would be faced with the uninviting exterior of St Nicholas Arcades;
 - Great John Street and Church Street are unattractive and unlikely to draw people into the main shopping area and a bridge is needed to enable visitors to avoid these streets; and
 - it would be difficult to attract certain retailers without a bridge link in place.^A
- Looked at in more detail, none of these arguments supports the proposition that a bridge link is necessary to the success of a retail scheme.

Pedestrian flows across Stonewell

158. While it seems logical to assume that an at-grade crossing of Stonewell would impede pedestrian flows to some extent, there is no reliable evidence that this is so or, if it is, whether such an impediment would be sufficient to undermine the benefits of the scheme. The applicant's PPG15 Assessment says that, unless there is an easy, at-grade linkage, there is a real possibility that visitors to the new scheme - which will have an interceptor car park – will stay on the site and not visit the town. Of the estimated 8.0-8.5 million visitors annually, 60-70% would be likely to visit the rest of the city centre by a bridge link, only 20-30% without one.^B
159. However, these figures are not robust. There is no methodology, evidence, or reasoning as to how they were arrived at.^C They are no more than a purely professional judgement.^D In any event, the figures relate only to shoppers moving from the scheme into the historic retail core and not those moving in the opposite direction.
160. In fact, the evidence is that there would be sufficient linkages without a bridge to retail development on the CCN site to ensure that the scheme did not function as an out-of-town site. It would function as an edge-of-centre site. The criticism of the absence of a bridge is that spin-off benefits would not be maximized.^E But, without details, it is impossible to quantify any disbenefits and impossible to rely on this argument to establish that a bridge is necessary.
161. The highways assessment was carried out on the assumption that the scheme would have a bridge link.^F The best evidence is to be found in the TRL report commissioned by EH.^G It concludes that pedestrian wait times at Stonewell could be capped at 92 seconds regardless of increases in traffic volume caused by the scheme and that an increase in pedestrians will have little effect on the

^A The last point was made by Mr Nutter in oral evidence.

^B Document CD25, para. 1.20.

^C Document LCC11 is the email giving the estimate.

^D Conceded by Mr Nutter in his oral evidence.

^E Document L/KN/1, para. 7.07, elaborated upon by Mr Nutter in cross-examination.

^F Document L/DM/1, para. 3.3.8, confirmed by Mr Mullen in cross-examination.

^G Document E1.2, Appendix HOJ12.

delay to traffic because the SCOOT system will minimise delays to vehicles within the one way system.^A There is no evidence that a 92-second wait time would materially prejudice pedestrian flows across Stonewell. The response to the TRL report comes to a different view on the effect of an at-grade crossing on pedestrians and motorists. Really, however, it only makes plain that more investigation on the point is required.

162. It may be noted that the TRL report was predicated on privileging the motorist in Lancaster, a backward step in itself, and that a number of more pedestrian-friendly approaches at major crossing points have been adopted across the United Kingdom. A thorough and detailed analysis of these schemes would be required to reach a robust conclusion on the necessity of a proposed bridge link. But there is no evidence that any such potential solutions were even considered by the applicant.

The uninviting exterior of the St Nicholas Arcades

163. The unattractiveness of the exterior of the St Nicholas Arcades is not an argument in favour of a bridge because it would be equally off-putting to a pedestrian crossing either at-grade or on a bridge. It is extremely difficult to see how a bridge could provide a better visual link between the historic retail core and the proposed development than an at-grade crossing. Either way, the route must be through St Nicholas Arcades, which acts as a visual barrier; and there is no evidence on how the Arcades might be remodelled to provide a better visual link.

Great John Street and Church Street

164. The retail offer along these streets could certainly be improved and made more attractive. But there is no bar to that taking place and it could occur naturally in response to increased pedestrian flows to and from the new development. In other words, not having a bridge would result in pedestrian flows to assist in the development of under-utilized parts of Lancaster while relying on one would simply cement the importance of St Nicholas Arcades.

Retailer requirements

165. There is no evidence that any retailer would definitely require a bridge link in order to come into the development. It was said that the applicant would still build the scheme without a bridge but that its make-up would be different.^B It was *not* said that the development could *not* take place without a bridge.

Conclusion

166. In sum, neither LCC nor the applicant has presented evidence that could lead to a conclusion that a bridge link across Stonewell is a necessary part of a retail development on the CCN site. In the absence of such evidence, this proposal (or any other retail scheme on the site that proposes a high level bridge link) must be refused.

Taking the scheme as a whole, is PPG15 satisfied?

The bridge link

167. A bridge link cannot be constructed without the destruction of a number of buildings of positive heritage value on the Stonewell 'nose' – buildings which

^A Document E1.2, Appendix HOJ12, p.3 in particular.

^B Mr Nutter in cross-examination.

stand within the City Centre Conservation Area. There is a general presumption against such demolition, any proposals for demolition falling to be assessed against the “same broad criteria” as proposals to demolish listed buildings.^A It is clear, and was accepted at the inquiry, that the first two of those criteria cannot be relied upon to support the demolition proposals. No viability study of the relevant buildings has been undertaken and no efforts at all have been made to find alternative uses for them.

168. The applicant’s entire case therefore rests on the third criterion, that there would be substantial benefits for the community which have to be weighed against the arguments in favour of preservation. The pedestrian bridge fails to meet those requirements. There is nothing to suggest that this is an exceptional case. Even if it were, there is no clear evidence as to what the benefits might be, whether in terms of retail offer, or jobs, or wealth creation. And there is insufficient evidence in the way of viability studies to come to a proper view on arguments about preservation of the buildings. On this basis, the proposals must be refused.
169. Moreover, the Secretary of State is required to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when exercising his planning powers. In no way can the construction of a bridge across Stonewell that requires the destruction of recognized key townscape buildings be considered to be either preserving or enhancing the character or appearance of the City Centre Conservation Area. It would not preserve the appearance of the Conservation Area. Nor can it be said that it would enhance the appearance of the Conservation Area. No design details have been produced and so preservation or enhancement of appearance cannot be properly assessed.
170. In fact, it is very unlikely that *any* bridge link over Stonewell could preserve or enhance its appearance as an 18th/19th century survival of artisan Lancaster. Moreover, the proposed bridge would cross the A6. It would be directly on the route of students and revellers returning from the three Lancaster nightclubs situated beyond the Stonewell ‘nose’. It would therefore (as Mr Fred Owens, a local resident, made clear to the inquiry would be likely) have to be designed in such a way so as to prevent people causing a danger by throwing things off the bridge onto the road below. It is therefore necessary to imagine a more bulky construction than indicated by the applicant.^B As such, a finding that a bridge link would *enhance* the appearance of the area is very difficult to come to.
171. As to character, no modern bridge link could enhance the character of the City Centre Conservation Area *as a conservation area*. It might change the character of the area – but it could not enhance it without improving or otherwise setting off the very characteristics that warranted conservation area status in the first place. It cannot reasonably be suggested that a bridge over Stonewell would do that. Whether a bridge would preserve the character of the Conservation Area, taken as a whole, is more complicated. Quite simply though, a bridge link across Stonewell would not preserve the character of the City Centre Conservation Area. It is a large Conservation Area made up of smaller ‘character areas’, acknowledged by LCC itself in its North Gateway Character Area Appraisal.^C Replacing the medieval street pattern and complex

^A PPG15, para. 4.27, which refers to para. 3.19.

^B Document CD14: p.131 shows indicative designs; pp.134/179/186 have illustrations.

^C Document E4, p.3.

of traditional artisan buildings on the Stonewell 'nose' with a modern bridge cannot reasonably be said to be preserving the character of the area. The argument that it is permissible to alter radically the character of one part of a conservation area because the rest of the conservation area will remain preserved leads very quickly to absurdity and must be rejected.

172. In addition, the effect of a proposal on the setting of a conservation area and views into or out of it must be taken into account when exercising planning functions.^A Insofar as it is possible to judge, given the lack of detail, the effect of the bridge on the views towards the listed Centenary Church on Rosemary Lane would seriously degrade its setting.^B

The proposals as a whole

173. The concerns with the applicant's proposals go well beyond objections to the proposed bridge link. They involve the demolition of a number of buildings of real heritage value, the Mitchell's Brewery complex and the Heron Chemical Works in particular. These important buildings are ripe for heritage-led regeneration, as demanded by the Development Plan and as demonstrated by Richard Griffiths in his alternative proposals for the site.^C
174. LCC now accepts that a fundamental re-assessment of conservation area boundaries across the CCN site is required.^D At the very least, it is arguable that a significant part of the site will be designated as a conservation area. LCC's admission makes it very difficult to argue that those buildings not yet in a conservation area are not a key influence in the character, setting and views of the City Centre, Moor Lane Mills and Bath Mill Conservation Areas to which they are adjacent.
175. The wire line drawings^E illustrate just how harmful the applicant's proposals would be to the views out of the Conservation Areas. The importance of these views is recognized by LCC^F and SAVE fully agrees. They ought to be protected and the settings of the City Centre, Moor Lane Mills and Bath Mill Conservation Areas ought to be maintained.

The basis on which to decide

176. The Inspector wondered at the inquiry whether, if he could see a number of design solutions that would lead to unacceptable results and one that would not, he (or the Secretary of State in this case) ought to grant outline planning permission in the expectation that the defective design solutions would be weeded out at the reserved matters stage. SAVE submits not.
177. Unless the proposed effective solution is set out for the parties to comment on at inquiry, the Inspector's view of its potential viability would not be open to challenge or revision. As the parties might well have submissions to make on a scheme that the Inspector thought acceptable (for example, that there are, in fact, no suitable solutions), to deny them the opportunity would not be fair. Further, if the Inspector came to the view that particular design solutions would certainly *not* be acceptable (or that only certain kinds of design solution *would* be acceptable), it would be logical for these to be conditioned so as to ensure

^A PPG15, para. 4.14.

^B Document SA/RG-02, Fig. 19.

^C Document SA/RG-02, Figs. 22-24.

^D Conceded by Mr Gardner in cross-examination.

^E Document CD26, Appendix 5, Photomontages 1, 10 and 11 in particular.

^F Document E4, p.22.

compliance. Such control is more important in PPG15 cases, when full applications may be required for this very reason.

Conditions and Obligations

178. SAVE relies on the submissions made at the inquiry. However, for the avoidance of doubt, two issues of principle fall to be repeated. First, by virtue of clause 4(c), the section 106 obligation provided by the applicant only comes into force if LCC covenants to the terms set out in Schedule 2. As such, this purported unilateral obligation is of no value. Second, clause 4 of the recital sets out the applicant's interest in the site. A significant portion of this land is controlled by the applicant subject to a development agreement. It is trite law that a section 106 obligation can only bind the covenantor's interest. Without sight of the development agreement, it is not possible to know what that interest actually is. This leaves open the prospect of planning permission being granted subject to the obligation, the development agreement collapsing and the way being left open for development to take place on that land formerly controlled by the development agreement – but no longer being bound by the obligation. No weight at all should therefore be given to the obligation.

Conclusions

179. The scheme as proposed does not accord with fundamental provisions of the Development Plan. Nor does it satisfy the necessary tests under PPG 15. A number of key elements have not been presented in sufficient detail to enable a determination.

180. The inquiry has not been assisted by the absence of the applicant. Crucial evidence on viability and pedestrian access has been missing altogether or presented in a way that cannot be relied upon with confidence. The direction of development on the CCN site is too important to be assessed in this way. There is no robust information on:

- the heritage value of the buildings to be demolished;
- the design of key elements of the proposals (the bridge in particular);
- the effects of an at-grade crossing on pedestrian flows and what effect that might have on the spin-off benefits of the development;
- the prospects of heritage-led regeneration of the CCN site – even if that were only to be rejected as impracticable.

181. Accordingly, SAVE invites the Inspector to recommend refusal of the scheme, recognizing that the CCN site has a heritage value that must not be ignored. By engaging in serious heritage-led regeneration, LCC can ensure that the site is redeveloped, that the Development Plan is complied with and that both financial and heritage value accrues to Lancaster. It is too important an opportunity to waste.

THE CASE FOR IT'S OUR CITY

I give here the gist of the case for It's Our City (IOC), drawn primarily from its written closing submissions and elaborating where necessary by reference to proofs of evidence and what was said at the inquiry itself.

182. IOC intended to field five witnesses at the inquiry, giving evidence on the five main aspects of its case against the proposed development – transport, retail, air quality and tourism impacts and the flawed consultation process.

Consultation

183. The proof of evidence^A highlighted the fundamental flaws in the consultation exercise for the proposed development carried out by the applicant up to the stage at which LCC resolved to grant planning permission. The Inspector ruled that the evidence on consultation would not be heard because it did not go to the planning merits of the proposals. He did, however, allow it to remain as written evidence to go to the Secretary of State (along with the documents and evidence on the subject already submitted in support of the scheme).

184. IOC objected to this both in writing before the inquiry began and also verbally at the inquiry itself. It considers that the need for developers and local authorities properly and fully to consult the public on development proposals is enshrined in national, regional and local planning policy. IOC cannot accept that matters relating to the public consultations, or lack of them, do not go to the planning merits of the case. If they do not, then the question arises as to why public consultation is given the emphasis that it has in planning policy at every level. Another question that arises is at what point in the planning and appeals process, and by whom, can developers and local authorities be properly judged on whether or not they have adhered to consultation policy. These are not matters on which IOC can comment any further, other than to point out that a precedent may have been set which is detrimental to the letter and the spirit of national, regional and local planning policy on public consultation.

185. Notwithstanding the Inspector's decision on the matter, IOC expects that its written evidence on the consultation process will be given due weight and taken fully into account by the Secretary of State in his consideration of this case.

186. The applicant's reporting, analysis, interpretation of data and representation of comments is of poor quality, misleading and inaccurate. The applicant failed to consult before plans were developed. Its consultation was fundamentally inadequate. It generated alienation and mistrust, it missed heritage as a key issue, the information it provided was biased, it was neither inclusive nor accessible, it misrepresented Centros's initial commitments, it failed to respond sufficiently to respondents' comments and it was dishonest in its stated intentions and parameters. LCC's public consultation was inadequate, given the scale and significance of the development and its own commitments. It did not comply with PPS1 and its own consultation strategy and associated guidance, Statement of Community Involvement, CCN Development Brief and Core Strategy.^B Nor did it comply with any general standard of good practice or other more generic policy.

^A Document I/C-01, supported by Documents I/C-02, 03, 04 and 05 and rebuttal evidence in Document I/C/R-01.

^B Documents CD48, CD62, CD65, CD87, CD88 and CD89.

187. The planning resolution is thus inappropriate. It relied substantially on the applicant's consultation, which was fundamentally inadequate, and did not meet LCC's own standards; it relied on inadequate reporting of LCC's consultations; it failed to take account of other relevant consultation; and it failed to recognize that inadequacy. It therefore failed to take sufficient account of consultees' views. The failure to consult adequately provides grounds to refuse the planning application.
188. Consultation is clearly a key element of planning policy. LCC presents the consultation conducted as unproblematic. However, as no evaluation of the consultation was conducted, there are no grounds for that assertion. The objective evaluation conducted by IOC contradicts LCC's positive assessment. The adequacy of the consultation carried out cannot be taken as fact and must therefore be scrutinized in detail.

Transport

189. The development proposals represent a totally inappropriate car-dependent development with the overwhelming budgetary and design elements focussed on encouraging car use to the site. They are contrary to formal policy in Delivering a Sustainable Transport System (DASTS), PPS1 and its Climate Change Supplement, PPG13, the saved policies of the Local Plan, the Core Strategy, the Development Brief for the site and the DfT Transport Assessment Guidance. They strike a blow at the UK's commitment to reduce greenhouse gases. They represent a significant lurch in the direction of encouraging car use; a new link road and an 800 space car park, providing 500 more spaces than presently on site, is a strong message aimed at car users to use their cars for the shopping trip. The lack of detailed attention to walking, cycling and public transport in the overall context of links across the city, to the bus station and across the site demonstrates a degree of neglect for sustainable modes (walking, cycling and public transport) which is completely at odds with current policy and guidance.
190. The development would add significantly to traffic congestion, queue lengths, air pollution, community severance, rat running and a lower quality of life for surrounding areas that provide homes and schools for over 6,000 people. No party to the inquiry disputes that it would increase traffic volumes in Lancaster.
191. The Transport Assessment^A (TA) falls short of the requirements of LCC's Development Brief^B as it does not indicate clearly by what extent traffic volumes will increase as a result of the development. The base data and methods employed by the TA predict that at least 14,208 extra shoppers' vehicles will be attracted to the city by the development in any given week, yet that figure does not appear in the TA. In fact, both are flawed. A proper like-for-like comparison between existing and proposed net retail floorspace predicts that 21,240 extra shopper's vehicles will be attracted to the city by the development in any given week. The TA is woefully inadequate. It does not follow guidance, it does not give full weight to multi-modal data and the importance of walking and cycling in Lancaster, it does not include a travel plan and it does not use accepted methodology, such as TRICS, for calculating trip generation. No account is taken of changes due to the increased attractiveness of Lancaster once the development is opened.

^A Document CD17.

^B Document CD65.

192. The lack of a travel plan is directly contrary to guidance and deprives the inquiry of the opportunity to discuss planning obligations that could deliver Traffic Demand Management and the Government's 'Smarter Choices' agenda. It is totally unacceptable to suggest that permission should be granted and that a travel plan can follow at some point in the future.
193. The proposals represent a fundamental failure to recognise the dynamics of how cities work. The existing city centre has pedestrian and cycle access, a heavily used bus network focussed on Common Garden Street, George Street and the bus station itself and a network of car parking provision encircling it. The future of sustainable transport and regeneration depends on an integrated approach to the totality of movement and access in the city as a whole. Such an approach is necessary to address car parking, pricing, access, walking, cycling and public transport provision across both the city centre and the new development. That has not been done. The result is a blow to city-wide regeneration aspirations and the success of its wider sustainable modal split aspirations. The lack of integration represents a dismal failure of the planning process.
194. The evidence to the inquiry does not address any of the deficiencies identified in the earlier documentation. The Inspector appeared to accept that congestion should be measured in relative terms – in other words that the increase in traffic caused by the development might be only be a small proportion of what was already on the roads.^A However, Lancaster's road network is already operating at full capacity. That conclusion may be drawn from the yearly traffic flow data in the TA. The evidence is that the scheme will attract shoppers from outside Lancaster's traditional catchment area,^B thus underpinning the viability of the development – but the effect of that appears not to be taken into account in the traffic assessment. The clear breach of Local Plan Policy T13 on car parking seems to be considered a minor point because LCC could, if it so chose, review its long stay parking strategy for the city as a whole at some future time.

Cycling

195. The issue is whether or not the development would make cycling provision in the area better or worse. This centres on whether cycling would be allowed within the development, so maintaining the current direct cycle route between De Vitre Street and Phoenix Street. The Design and Access Statement^C says that cyclists will have full access through the scheme 24 hours a day but will be required to dismount when they enter the pedestrianised areas of the scheme in the same way that they do in Penny Street. That clearly shows that cycling will not be allowed through the development. In reality, the existing cycle link will be replaced by a route around the northern edge of the development. This will make cycling provision in the area much worse than at present. The development will present a barrier to cyclists and the route around its northern edge will be unattractive because St Leonard Gate, along which it will run, will also be the access route to the proposed car park.

^A **Inspector's note.** What I tried to explain at the inquiry was that the position with the development and the proposed highway improvements should be no worse in the design year than the position without the development and without the highway improvements; in other words, it was not for the proposed development to ameliorate existing deficiencies in the highway network.

^B **Inspector's note.** This should perhaps be a reference to drawing back trade from within the catchment area that has been lost to other centres, not to drawing trade from beyond the traditional catchment area, though it depends firstly on how one defines the catchment area.

^C Document CD14.

Air quality

196. The promotion of such a development against the lamentable lack of progress in the city centre Air Quality Management Area (AQMA) is to be regretted and shows a lack of consideration for citizens who look to LCC to improve air quality. No action has been taken to improve air quality and no development generating extra traffic should be permitted unless and until action is actually taken. To do otherwise is to condemn residents to poor health.
197. In 2006, against a background of significant exceedance of the nitrogen dioxide (NO₂) Annual Mean Objective of 40µg/m³ (by 27µg/m³ in one case), LCC stated that a reduction of 60%-90% of local emissions of nitrous oxides (NO_x) would be necessary to meet the NO₂ Objective.^A The Lancashire Transport Plan^B shows that implementation of all potential measures to reduce the NO₂ Annual Mean Resident Exposure within the AQMA is expected to result in a reduction of only 0.9µg/m³. Every LCC NO₂ monitor location in the AQMA that was included as a receptor in the Waterman Assessment,^C except two at its northern periphery, is predicted to show an increase in emissions with the development, exceeding the Annual Mean Objective Limit even further. Lancashire County Council has made it clear that, even with the agreed highway improvements, congestion will increase.^D It is logical, therefore, to conclude that the development is likely to make achievement of the statutory NO₂ Objective unachievable and render any future Air Quality Action Plan (AQAP) ineffective.
198. LCC has not followed the intent or spirit of PPS23.^E The proposals undermine seven measures in the AQAP, which is also seriously compromised by its dependence on a report from consultants also employed by the applicant. RSS Policies DP7 and DP9 and Core Strategy Policies E1 and E2 are contravened. There has been no collaboration at any stage between either the applicant or LCC and the Environment Agency. The risk of extension of the AQMA due to the residential development on St Leonard Gate has not been evaluated. A recent study in the AQMA using an improved measurement technique shows that current EU limits for PM₁₀ concentrations are being significantly exceeded at several locations,^F though LCC modelling shows otherwise. The increase in congestion will make the Air Quality Zone initiative unworkable.
199. Superficially, the applicant's atmospheric diffusion modelling appears thorough but closer examination raises a high degree of uncertainty due to the failure to follow technical guidelines designed to minimize errors in the verification process.^G The methodology used does not factor in increasing primary NO₂ emissions. Several diffusion monitors were excluded from model verification,

^A Document CD79, anti-penultimate bullet point in the Executive Summary. **Inspector's note:** the para. says that "estimates suggest that local emissions of nitrous oxides (primarily from local roads) would need to be reduced by between 60[%] and 90% in order to meet the AQ objectives."

^B Document CD83, p.447, Table 9.7.5a.

^C Document CD21, Section 13, Table 13.8 on p.13-15 *et seq.*

^D **Inspector's note.** Lancashire County Council's consultation response of 15 September 2008, within Document CD72, notes the following under 'Impacts on Wider City Centre Network': congestion levels will increase significantly at a number of locations within the city centre; the primary source of additional congestion is from committed developments; the effect of those developments plus the application scheme, with all measures implemented, should not be at a level that compromises network safety; even so, queue lengths and journey times during weekday and weekend peaks will increase.

^E Document I/CS-01, para. 21, summarizes points from Mr Brooks' evidence (I/AQ-01, I/AQ/U-01 and I/AQ/R-01) and derived from Mr Howard's evidence (L/NH/1 and LCC17).

^F Document I/AQ-09.

^G Document I/CS-01, para. 22, summarizes the flaws found in the process and in LCC's conclusions.

which was not consistent with the 2006 Further Assessment.^A The PM₁₀ predictions are not related to measured data and are subject to the additional uncertainty arising from the flawed NO₂ verification procedure. Meteorological data from Blackpool Airport is used though the City and County Councils have both previously stated that Blackpool data is not appropriate for modelling air quality in Lancaster. The 2006 existing base-line predictions for the eight receptors that share an identical location with LCC NO₂ monitors show that there is no broad agreement between measured and predicted values, which is characteristic of a failed verification process. NO_x emissions could rise by over 17% during demolition and construction; the lack of assessment of traffic and dust impacts ignores the possible health effects for local residents and hundreds of school children. It is impossible to accept LCC's argument that the incorrect data originally used for model verification did not affect the predictions.

Retail

200. LCC fails to make the case that an increase of over 80%^B in the net retail comparison goods floorspace, relative to the existing city centre retail footprint, is justified and will not harm the vitality and viability of the existing centre.

Inadequacy of the quantitative need model

201. LCC submitted a new quantitative model in its retail proof of evidence^C which revised population data upwards and per capita comparison goods expenditure downwards. The destination data from the Lancaster Retail Study^D (LRS) was re-used despite the large overall catchment area and the small survey sample sizes in four of the six zones of the expanded Primary Catchment Area (PCA).^E The model was subject to further amendment^F following detailed rebuttal by IOC of the original evidence.
202. It is clear, however, that there is insufficient surplus expenditure capacity in 2014 to justify the scale of the proposed scheme. The reasoning used by LCC's consultant is inconsistent with the reasoning it presented at the Knowsley public inquiry,^G adopting unrealistic assumptions on floorspace productivity improvements, on expenditure growth in special forms of trading and on expenditure in other committed/implemented schemes within the PCA. Adjusting for that, the available surplus capacity in 2014 more than halves.^H
203. Untested assumptions on the amount of expenditure attracted from the secondary catchment area (SCA) and beyond it account for more than the remainder of the surplus capacity, illustrating that the scale of the development is also significantly dependent on increases in expenditure by people living beyond the already-extended PCA.

^A Document CD79.

^B **Inspector's note.** I calculate the increase as around 67%, based on the figures in Document L/KN/1, Table 8.3, p.38, and Document CD16, Table 2.1, p.4.

^C Document L/KN/2, Appendix KN04.

^D Document CD101 is the LRS.

^E Document CD101; Appendix A is a map showing the catchment zones; Table 6.1 on p.54 shows the sample size achieved in each zone. For LCC, Mr Nutter sought to explain that a household survey should use an overall sample size of 0.38% of population with a minimum actual number of 100 but that the variations below 0.38% in some zones were not critical because the objective was to identify the geographical spread within the overall area. He also explained that, while he took Zones 1, 2, 3 and 6 as the PCA, based on where the most significant proportion of trade comes from, he did not consider inappropriate the applicant's use of Zones 1-6 in the Retail Assessment (Document CD16).

^F Document LCC10.2.

^G Document I/R-32.

^H Document I/R/A-01, table 1.

204. However, the largest component of the projected surplus expenditure capacity is predicated on a wider definition of Lancaster to include edge-of-centre and out-of-centre destinations, and an increase in market share for this extended Lancaster shopping offer from 51.8% to 67.4%.^A This 30% increase in market share is required to make the figures fit the case. But there is no explanation as to how that increase would be achieved either across the six zones of the PCA or through the shopping offer, especially as nearly 40% of comparison goods expenditure is on bulky goods which are not generally found in town centre shopping schemes. The proposed anchor department store, Debenhams, is not a major outlet for such bulky goods. Instead of an evidence-based approach, it is simply an 'informed judgement' that such an uplift in market share is realistic and achievable.
205. The estimate of 8.5 million visitors to the scheme annually is based on a flawed comparison with the Trafford Centre in Manchester, which is an out-of-town centre and has a different range of shopping offer. Also, the estimated average visitor spend in the scheme suggests that very little would be left over to spend in the existing city centre. And, if there were 8.5 million visitors, it is clear that the additional traffic on the A6 gyratory would surpass existing peak-time numbers throughout the day and would therefore completely undermine the TA.
206. The quantitative model forecasts expenditure levels in 2018, beyond the five-year time horizon stipulated by PPS6. The projected expenditure growth depends on significant population expansion, which must be doubtful,^B and year-on-year increases in per capita comparison goods expenditure above the ultra long-term growth rate.^C
207. In conclusion, LCC has failed to present the quantitative evidence base necessary to prove that expansion on the scale proposed, 24,900sqm of comparison goods floorspace, is sustainable if the existing city centre is not to see its vitality and viability undermined by the migration of existing shops, and footfall, to the proposed scheme.

Current economic conditions

208. PPS6 requires an assessment of the impact on the vitality and viability of the existing town centre. This cannot ignore current economic conditions, which are leading to declining capital values and reducing rents. One outcome if planning permission were granted could be an extended period of blight for the CCN site. Alternatively, if a large quantum of new retail space is built in a period of economic decline, it is inevitable that retailers will migrate to the more modern space without there being the demand to fill the voids created.

Failure to prove the qualitative case

209. LCC appears to want to subvert the retail hierarchy laid out in the RSS by raising Lancaster above Kendal and Barrow so that Lancaster becomes the sub-regional shopping destination, drawing on an even wider catchment than the one proposed for the scheme. That is not what the RSS does.^D The LCC topic paper^E points out that Lancaster is already performing a sub-regional role by virtue of its existing floorspace capacity, the demand for that floorspace

^A Document LCC10.2, Table 8A.

^B Document I/R-31, para. 3-2-1 shows that recent population growth is a function of migration, not birth rates.

^C Document I/R-04, which forecasts to 2016 only.

^D Document CD61, p.42 *et seq.*

^E Document I/R-02.

reflected in the lower yield in the city centre, and also its accessible location. Lancaster is a location for retail growth but, as RSS Policy W5 makes clear, schemes should be consistent with the scale and function of the centre and should not undermine the vitality and viability of other centres.

210. The Core Strategy^A directs most new comparison goods retail development to Lancaster as part of the urban concentration strategy but does not, and cannot, direct development to a particular location. It refers to an existing proposal to develop the Canal Corridor site as the “key retail development opportunity” in the district. But the draft Land Allocation Development Document for the site is yet to be published. It appears that the retailing element of the Core Strategy has been made-to-measure in a development-led process.
211. The policies in the Local Plan, which implied a more modest expansion of Lancaster’s retail offer, laid down a sterner test for edge-of-centre locations and described an intention to protect and enhance Morecambe’s mixed retail offer, have been deleted. But the Development Brief for the site remains^B and its relevance is undiminished.^C It envisages a more modest scale of retailing as part of a mixed use development of the land largely owned by Mitchell’s in the west of the site.
212. All told, the Development Plan, taken as a whole, does not support this scale of retail development in this particular location.
213. The scheme is not congruent with PPS6 in that it is likely to undermine the vitality and viability of the existing city centre, as well as other centres, within the PCA and beyond. It is clearly a matter of concern to South Lakeland District Council.^D Nor is it proven that the scheme is a sustainable economic development in that it would reduce the net number of shopping-miles travelled by people in the catchment. Nor is there any serious analysis of the impact on Morecambe’s retail offer, even though the Core Strategy purports to direct new comparison retailing to support regeneration in central Morecambe.^E

Tourism

214. Tourism is an important component of the economy of the city of Lancaster, as both employer and income generator. Lancaster’s visiting public is drawn disproportionately from middle-class families with an independent cast of mind and an interest in seeking out distinctive places and experiences. LCC tourism policy acknowledges these points and has incorporated them into its tourism strategy. It is therefore surprising that the applicant makes no mention of tourism in relation to its proposals. This suggests that the scheme is not expected to have a positive impact on Lancaster’s tourism volume or profile.
215. The scheme, if approved, would damage Lancaster’s tourism economy by undermining the viability of the existing centre, rendering it less attractive to the kind of visitor on which the tourism industry depends. It would undermine Lancaster’s historic distinctiveness, by the demolition of buildings within the site and by increasing the severance of the historic quarter from the city centre through increasing traffic on the A6 gyratory. It would contribute to the erosion of attractive historic townscapes, again by demolitions but also by diminishing

^A Document CD62, pp.47-49.

^B Document CD65.

^C Confirmed by Mr Cassidy in cross-examination.

^D Document WR16.

^E Document CD62, Policy ER5.

the quality of views from popular tourist sites and routes. And it would compromise the capacity of the city centre to generate feelings of comfort, affection and familiarity among residents and visitors, by undermining the small independent traders who provide the kinds of cafes, restaurants and shops sought by tourists.

216. An alternative proposal on a more human scale, showing respect for the historic environment and offering detail, texture, diversity and individuality, could become a positive attribute in developing Lancaster's tourist economy. The application scheme therefore carries an additional burden of lost opportunity.

Conclusion

217. Neither IOC nor anyone associated with it is opposed to redevelopment of the CCN area. The opposition is to this proposed scheme and nothing more. If the development is not allowed, IOC is committed to working with LCC and other agencies to formulate proposals for a mixed-use development which is based on what the community needs and wants. IOC's case can be summed up with a quotation.^A

"The recent history of Lancaster might be seen in terms of the competing imperatives of retaining local controls and distinctiveness in circumstances where external pressures, increasingly of a global kind, impinge on local autonomy. The economic agents primarily influencing Lancaster's prosperity are no longer locally owned or controlled. The state, the banks and the chain stores operate policies national in scope and with little consideration for local sentiment. The most profitable industrial corporations are multi- or trans-national in provenance, and hence their strategies for the location of new businesses and the closure of old ones pay no regard for consequences for local populations. Equally, the culture industries – television, music, publishing, advertising – have become increasingly global operations, both in terms of targeting audiences and determining popular taste. Add to these forces a post-war tendency to reduce the autonomy of local political authorities and it would seem that the scope for control and independence at the local level is in sharp decline.

"Yet there are counter-tendencies. Now that big business can locate almost anywhere, the particular features of particular places become more rather than less influential in decision making. For personal as well as business reasons, low levels of congestion, an attractive residential environment and a rich local culture may make towns like Lancaster appealing to entrepreneurs, managers and professionals with mobile capital and movable skills. Likewise, tourists wish to visit, and revisit, those scenes that are distinctive, different and memorable. The preservation of Lancaster's distinctiveness including selected features of its past may be the necessary clue to the city's future."

218. IOC agrees with that and urges the Secretary of State to refuse the applications.

^A 'Challenge and Change in a New Century', Stephen Constantine and Alan Warde, in 'A History of Lancaster', Andrew White (Ed), Edinburgh University Press, 2001, pp.270-271, ISBN 0 7486 1466 4.

Inspector's note: I reproduce the quotation from IOC's closing submissions, not from the book itself.

THE CASES FOR INTERESTED GROUPS AND INDIVIDUALS

A total of 49 people spoke on Tuesday 30 June and Wednesday 1 July – three in support of the proposals, the others against. I summarise first what was said by the supporters. For simplicity, I combine what was said by different objectors on the same subjects, albeit that some may have had different slants on the same topic.

Supporting the proposals

219. **Lancaster Civic Society**^A is broadly supportive. The Stonewell and Moor Lane buildings proposed for demolition are not in good condition and have been the subject of unsympathetic alteration. The Brewery and Heron buildings are not listed and of little architectural quality. The restoration of the listed buildings is welcomed. So are the incorporation of the Duke's and Grand Theatres and the Musicians' Co-operative, and the upgrading of the Canal. A pedestrian bridge is the most realistic way of linking the city centre with the proposed development and is essential for both. The proposed development would have a sensitive pattern and massing would be appropriate. The Society would wish to comment on the detailed design of the proposals if outline planning permission is granted.
220. The **Lancaster District Chamber of Commerce**^B thought that Lancaster's uniqueness, as a fairly isolated community, was both a strength and a weakness. Many businesses in the city rely on each other. They also rely on the city's heritage. Other areas (mining communities, parts of Cumbria, Morecambe) could not progress their local economies and are now suffering. Lancaster should learn lessons from them and seek to progress.
221. **Howard Dodgson**^C thought that LCC had seen the bigger picture in resolving to approve the scheme. There is not enough decent shopping in Lancaster, which is why residents go to Preston and other places. They are not supporting local shops if they are going elsewhere. Lancaster is steeped in culture but also has its derelict and neglected areas, of which the application site is one. EH calls Lancaster the Bath of the North. But Bath has modern developments and two department stores. It is a myth to say that the modern and the historic cannot survive together. There is a silent majority who yearn for progress locally. Lancaster should not be left behind.

Objecting to the proposals

222. Some people said that Lancaster was a beautiful and/or unique place. Most implied that in what they said. A number of people said that they were not against development of the site, just against this particular proposal. The main sources of objection related to retail, traffic, air quality and heritage impacts.
223. Those raising retail impact objections^D were primarily concerned that:
- too much retail floorspace was being proposed for Lancaster's needs;
 - the estimate for trade drawn back from other centres was optimistic;

^A Document T1. There is the suggestion, however, (in Document S18) that the decision to support the proposals was made by the Committee without canvassing the opinions of individual members.

^B Document T2, which has the Chamber's letter of 7 August 2008 to LCC attached.

^C Document T7.

^D Primarily **Cllr Anne Chapman** (Document T3), **Cllr Jude Towers** (T4), **Cllr Chris Coates** (T5), **Pascal Desmond** (T6), **Anthony and Wendy Haslam** (T8/T9), **Rhiannon Westphal** (T10), **Anna Friewald** (T13), **Jo Guiver** (T14), **Steve Dealler** (T16), **Daniel Tierney** (T17), **Matthew Wilson** (T29), **Ceri Mumford** (T31), **Bryony Rogers** (T32), **Alys Jenkins** (T35), **Marian McClintock** (T43), **Cllr John Whitelegg** (T45), **Paul Smith** (T47), **Jacqueline Skinner** (W2), **Marian Leece** (W6), **Gary Foxcroft** (W8), **Helen Ashman** (W12), **Corina Redmore** (W15), **Eleanor Levin** (W16).

- it was unreasonable to think that Lancaster could compete with Preston and the proposed Tithe Barn development there;
- Preston should be considered the sub-regional shopping centre, being easily accessible by road and rail;
- such a large development would operate separately from the existing city centre; at the least, it would alter the centre of gravity of the shopping area;
- existing retailers would leave the city centre to go into the new development;
- the development would undermine existing city centre businesses, with fears particularly for independent traders being displaced by multiple retailers;
- it would undermine the vitality and viability of the existing city centre, partly by attracting existing retailers and partly because of its size, at a time when there is already a large number of vacant shops;
- it would also affect other centres such as Morecambe, Carnforth and Kendal; and
- the scheme was not itself a viable proposition, with expenditure estimates based on too large a catchment area, taking no account of the recession and failing to allow adequately for internet shopping.

One person in particular^A gave examples of what had been done elsewhere, both good and bad, in order to highlight the potential harm from the scheme.

224. Those raising traffic objections^B were primarily concerned that:

- the scheme is essentially car-dependent, providing an 800-space car park, 500 more than would be lost to the development;
- it would lead to additional congestion throughout Lancaster, when parts of the network are already operating at capacity;
- it would increase the use of rat-runs; and
- the scheme fails to provide adequate alternative transport links.

225. Some,^C more specifically, objected to a failure to cater for cyclists, because:

- Lancaster is a Cycling Demonstration Town and ought, therefore, to be encouraging provision for cyclists;
- the city centre should be made permeable for cyclists but there would be no designated cycle route through the proposed development;
- the existing cycle route would be made longer as a result and would have to cross the inevitably busy access route to the new car park; and
- insufficient cycle parking stands would be provided.

226. Flowing from the traffic objections were the concerns for pollution and air quality,^D primarily that:

- traffic pollution is a public health issue of immense proportion, demonstrated by numerous studies from all over the world;

^A **Steve Dealler** (T16).

^B Primarily **Cllr Anne Chapman** (Document T3), **Cllr Jude Towers** (T4), **Cllr Chris Coates** (T5), **Anthony Haslam** (T8), **Anna Friewald** (T13), **Daniel Tierney** (T17), **Sharon Hayton** (T21), **Desna McKenzie** (T26), **Aurora Trujillo** (T28), **Ceri Mumford** (T31), **Cllr John Whitelegg** (T45), **Paul Smith** (T47), **Jacqueline Skinner** (W2), **Robert McKittrick** (W4), **Marian Leece** (W6), **Matt Dower** (W10), **Helen Ashman** (W12), **Corina Redmore** (W15), **Cllr Andrew Kay** (W19).

^C Primarily **Cllr Anne Chapman** (Document T3), **Noel Cass** (T19), **Matthew Wilson** (T29), **Alys Jenkins** (T35), **Richard Follows** (W1), **Ian Wilson** (W13), **Cllr Sam Riches** (W17).

^D Primarily **Cllr Jude Towers** (T4), **Mark Rotherham** (T12), **Jo Guiver** (T14), **Desna McKenzie** (T26), **Aurora Trujillo** (T28), **Cllr John Whitelegg** (T45), **Paul Smith** (T47).

- Britain already suffers from the most widespread levels of dangerous traffic fumes in Europe;
- the situation in Lancaster is informed by research carried out in the city itself, which shows a direct relationship between traffic levels and symptoms of poor health and a particularly serious problem for children;
- LCC has so far done nothing to improve air quality in its AQMA; and
- the traffic modelling and air quality modelling used raise serious doubts about the conclusions drawn to support the application.

227. The heritage objections^A took various forms, primarily that:

- significant parts of Lancaster's built heritage would be destroyed, both listed and unlisted buildings and also the historic street pattern, reducing the city's 'cultural capital';
- the buildings on the Stonewell 'nose' should be retained and refurbished; so too should the Brewery buildings and the dance studio; and
- important views across the city centre would be lost or harmed;

228. Closely related to the heritage objections, some^B were concerned about the design of the scheme:

- Lancaster would come to look and feel like any other town or city centre ('clone zone' was the expression used);
- it was an outdated form of development;^C
- it was a thinly disguised 'big box' retail development;
- the design would be modern and bland;
- it would have buildings whose mass and scale would dwarf the adjacent historic buildings;
- it was difficult, even impossible, to see how the bridge could fit successfully into its historic context; the need for a safe and secure design would militate against the illustrative design; and
- the historic Grand and Duke's Theatres would be locked within a bland retail environment.

229. Some objected that the scheme was not sustainable, did not address climate change and paid no attention to energy efficiency and renewable energy.^D One objector^E assessed the proposals against PPS1, the Lancashire Climate Change Strategy 2009-2020, the NorthWest Climate Change Charter and the RSS and concluded that the scheme either failed against what was sought or had not undergone an assessment that could lead to an informed view.

230. Other objections were to:

^A Primarily **Cllr Anne Chapman** (T3), **Cllr Chris Coates** (T5), **Anna Friewald** (T14), **Daniel Tierney** (T17), **Stephen Allen** (T22), **Ruth Jenkins** (T25), **Aurora Trujillo** (T28), **Ceri Mumford** (T31), **Marion McClintock** (T43), **Paul Smith** (T47), **Jacqueline Skinner** (W2), **Robert McKittrick** (W4), **Gary Foxcroft** (W8), **Matt Dower** (W10), **Helen Ashman** (W12), **Joe Wood** (W14), **Corina Redmore** (W15), **Cllr Sam Riches** (W17), **Cllr Andrew Kay** (W19).

^B Primarily **Aurora Trujillo** (T28), **Matthew Wilson** (T29), **Sue Garner** (T36), **Robert McKittrick** (W4), **Gary Foxcroft** (W8), **Corina Redmore** (W15), **Cllr Andrew Kay** (W19), **Fred Owens** (no written statement).

^C **Inspector's note.** Some of the comments about an outdated form of development may have been prompted by my own comments in opening the inquiry. I noted that the block plan looked not unlike developments I had designed in the 1970s and schemes I had dealt with earlier in my Inspectorate career, so I wondered if there was perhaps a generic skeleton for retail development on this sort of scale.

^D **Daniel Tierney** (T17), **Noel Cass** (T19), **Aurora Trujillo** (T28), **Matthew Wilson** (T29), **Steve Jenkins** (T40), **Cllr John Whitelegg** (T45), **Marian Leece** (W6), **Simon Gershon** (W7), **Helen Ashman** (W12).

^E **Simon Gershon** (W7).

- the privatisation of public spaces (the likelihood of private security within the development preventing activities which are legitimate in truly public spaces);^A
- the impact on tourism (Lancaster would be a less attractive place because of the loss of historic buildings and because tourists seek places with individuality);^B
- the lack or inadequacy of community facilities, green space and affordable housing;^C
- the impact on the surrounding residential area (essentially rat-running traffic and noise and disturbance spilling over from the site);^D
- the failure to address biodiversity, particularly in relation to the proposals adjoining the Lancaster Canal (and particularly in relation to bats and trees);^E and
- the threat to community spirit.^F

There were also a number of objections to what was seen as a flawed consultation process.^G

231. Lastly, there was a specific objection in relation to the Britten Hall Spiritualist Centre in Bulk Road.^H The Centre is still open despite it being wrongly described in the press notice as “derelict”, despite various proposals over some 30 years, including the present one, which have threatened demolition, and despite those proposals making it impossible to take positive steps for the future. The Spiritualist National Union intends to continue with its activities and would want alternative freehold premises in the city if this property were to be acquired for demolition. It requested an award of costs for having to attend the inquiry.

^A Cllr Anne Chapman (T3), Cllr Jude Towers (T4), Noel Cass (T19), Desna McKenzie (T26), Jacqueline Skinner (W2), Ian Wilson (W13).

^B Jo Guiver (T14), Daniel Tierney (T17), Alys Jenkins (T35).

^C Cllr Chris Coates (T5), Stephen Grew (T18), Ceri Mumford (T31), Simon Gershon (W7), Eleanor Levin (W16).

^D Cllr Chris Coates (T5), Joe Wood (W4).

^E Noel Cass (T19), Sharon Hayton (T21), Bryony Rogers (T32).

^F Daniel Tierney (T17, with a supporting CD video at WR17).

^G Cllr Jude Towers (T4), Steve Dealler (T16), Stephen Allen (T22), Desna McKenzie (T26), Cllr John Whitelegg (T45), Robert McKittrick (W4), Joe Wood (W14), Corina Redmore (W15).

^H Beryl Freeman (T41), Graham Hewitt (T42).

WRITTEN REPRESENTATIONS

232. A large number of emails, letters and statements (249) was submitted before the inquiry opened.^A Also, 31 people who had initially indicated a wish to speak at the inquiry opted instead to submit written representations.^B All of those representations can be summed up as raising the matters addressed one way or another by those speaking at the inquiry (reported above at paras. 219-231) but not raising any new objection.
233. **Allied (Lancaster) Limited**, represented by Chase & Partners, was originally a Rule 6 party. Subsequent to the pre-inquiry meeting, it decided to proceed by way of written representations, submitting a full statement with appendices and two follow-up letters.^C
234. LCC has failed adequately to assess the application scheme's compliance with prevailing retail planning policy. There is insufficient quantitative capacity in the catchment area to support the scale of development proposed. The scheme is predicated on increases in market share that have not been fully justified. The scheme would have a poor relationship with the existing primary shopping area and have an adverse impact on the vitality and viability of the city's historic core, inhibiting investment there. In addition, present economic conditions fundamentally compromise the scheme. The likelihood of the proposals being realized in their present form or in a reasonable timescale is small. If approved but not implemented, it would create uncertainty detrimental to the vitality and viability of the existing historic city centre. There is at least one potential site, centred on Spring Garden Street, which is sequentially preferable to the application site. Lastly, there are inadequate safeguards in place to ensure delivery of the proposed bridge link; if that were not provided, the scheme would operate as a free-standing destination, delivering no benefits to the wider city centre. The scheme has the potential fundamentally to alter the retail geography of Lancaster to the detriment of the existing primary shopping area in the historic core of the city centre.
235. The **CPRE** was initially to speak at the inquiry, represented by Andy Yuille, who agreed, in the light of events at the inquiry, that its case^D could proceed by way of written representations.
236. Most applications find support from some parts of the Development Plan while conflicting with others. An appropriate balance has to be struck. Here, there has been clear disregard for the Development Plan policy imperative to protect, enhance and utilize Lancaster's heritage assets in order to continue to contribute to economic growth and quality of life. It also appears to undermine the aims of the Development Plan in relation to retail and transport policy. The long-term impact of the scheme would be to reduce prosperity, not increase it, to diminish the quality of life, to degrade the historic environment and to harm the prospects for overall enhancement of Lancaster's historic character.
237. **GEP (West) Limited**,^E the freehold owner of 30-38 Penny Street in the city centre, wrote raising the same retail impact concerns addressed by others at

^A Document WR15.

^B Documents S1-S32.

^C Documents WR1, WR2 and WR3.

^D Documents WR4 and WR5.

^E Document WR6.

- the inquiry. **Seeds for Change**^A expressed all of the same concerns addressed by the local people who spoke at the inquiry.
238. **Dr Simon Bradley**, Editor of Pevsner Architectural Guides, wrote extolling the richness and interest of Lancaster's urban fabric and saying that there was ample scope for retention and repair instead of demolition.^B The **Council for British Archaeology** expressed concern at the number of demolitions, especially the Mitchell's Brewery and Heron Works buildings, and the lack of detail in the scheme.^C
239. **South Lakeland District Council**^D wrote referring to RSS Policy W5, which says that investment should be consistent with the scale and function of the centre and not undermine the vitality and viability of any other centre, in this case Kendal. It disagreed with the level of trade diversion forecast in the Retail Assessment, saying that overtrading in Kendal had been identified primarily in convenience and not comparison provision and that the scale of the proposed development could impact on the already fragile economy of the town.
240. **Andrew Barker**, Joint Managing Director of **Mitchell's Brewery**, a major land owner in relation to the scheme, wrote in support and to give an assurance of continued support for some form of beneficial redevelopment were this application to be refused.^E **Ben Wallace MP** supported the proposals, saying they would play an important role in future economic regeneration.^F **Rockspring Hanover Property Unit Trust**, freehold owners of St Nicholas Arcades, wrote through its agent, Woodswift Project Services Limited, to say that it was supportive of a link being created through its shopping centre and was happy to co-operate with LCC in considering all practical options to achieve a successful and visually satisfactory pedestrian link. **Michael Hardy**, Chairman of Lancaster Footlights, wrote in support of the improvements that the application scheme would bring to the Grand Theatre.^G
241. The **Northwest Regional Development Agency**, strongly supporting the proposals, submitted a statement and four appendices. Lancaster has been identified in the Regional Economic Strategy as an important area with strong economic drivers, a strong service-based economy, historic and cultural assets and a retail offer reflecting its role as a sub-regional centre. It is important to support and sustain conditions for growth in Lancaster. The Lancaster District Regeneration Strategy recognises that Lancaster has suffered retail leakage in the past and needs to increase its retail offer in size, quality and range if it is to continue to compete with other centres. Its heritage and environment assets should help to deliver sustainable growth. The RSS identifies Lancaster as a place where development should be focussed. A retail-led mixed-use scheme of the type proposed, with a sensitive and high quality design, would help Lancaster's retail, leisure and cultural offer.^H

^A Document WR12.

^B Document WR7.

^C Document WR11.

^D Document WR16.

^E Document WR10.

^F Document WR9.

^G Document WR14.

^H Document WR8.

OBLIGATION AND CONDITIONS

Obligation

242. The applicant had submitted a draft unilateral undertaking to LCC before the inquiry opened.^A It was discussed by the parties attending the inquiry on its final sitting day, 2 July 2009.
243. EH saw three particular problems with the undertaking. First is the question of land ownership. EH was not aware that the applicant had any interest in the land beyond a conditional contract, a serious problem for the undertaking which, until resolved, meant no weight at all could be given to it. Second, clause 4(c) makes the deed conditional on a covenant in the terms set out in Schedule 2, which appears to bind LCC to undertake something it has not resolved to do; again, no weight could be given to the undertaking unless LCC so resolved. Third, clause 4(b) makes the undertaking conditional on the commencement of development and therefore contradictory with clause 10.2 of Schedule 1, which requires action before commencement; that could be remedied by a drafting amendment but, without one, clause 10.2 means nothing.
244. SAVE agreed with EH and went slightly further in relation to clause 4(c) because LCC's stance now cast serious doubt on whether it would actually do what the clause sought.
245. Because of doubt over whether an obligation would be executed, and given its stance, LCC had taken the view that it would seek to secure by way of condition some of the matters originally sought in an obligation. The only matter which it seemed might be impossible to secure by condition was the town centre management contribution.
246. A copy of an executed obligation was submitted to LCC that very afternoon,^B too late for consideration at the inquiry. I received a copy by email on 3 July 2009. Though signed, it is undated. The terms of the executed undertaking appear unchanged from the draft in relation to the points raised by EH and SAVE.

Conditions

247. The applicant submitted written comments on the original list of suggested conditions.^C I had various comments and queries on some of those suggested conditions, which I put in writing for the parties to consider before the inquiry session on 2 July 2009.^D Annex C below contains the gist of the comments by other parties on the amended lists of suggested conditions,^E followed by the conditions I recommend should be attached to any outline planning permission, listed building consent or conservation area consent which may be granted.

^A Document L/2.

^B Document G6.

^C Document LCC5, commenting on the conditions in s.17 of Document L/MC/1.

^D Document G5.

^E Documents LCC22 and LCC23.

CONCLUSIONS

Superscript numbers in these Conclusions refer to earlier paragraphs of this report. I continue to use footnotes where they would be helpful, identified alphabetically.

248. I shall address the main considerations in these applications in the following order:

- **retail matters** (call-in matter e. for the planning application) encompassing relevant policy (call-in matter a.), the suitability of the site (call-in matter b.) and tourism (raised by IOC);
- **highways matters** (call-in matter f.), encompassing relevant policy (call-in matter a.), the suitability of the site (call-in matter b.) and leading into air quality (raised by IOC);
- **heritage matters** (call-in matters d. for the planning application and ii. for the listed building consent and conservation area consent applications), encompassing relevant policy (call-in matters a. and i. respectively);
- **housing** (call-in matter g.);
- **sustainability** (call-in matter c.);
- **the Development Plan** (call-in matters a. and i.), essentially to sum up on the main considerations and deal with any other policy matter; and finally
- **obligation and conditions** (call-in matters h. and iii.).

I shall also deal very briefly with the **consultation** process.

249. The rationale of this order is to start by considering the principle underlying the proposed development (that Lancaster needs significantly to increase its comparison retailing provision) before moving into the effects that might arise (most importantly in highways and heritage terms) from implementation of that principle by way of these particular proposals

Retail matters ^{40-52, 115, 130-132, 157-160, 200-216, 221, 223, 230, 232-237, 241}

250. Lancaster is identified as a priority for growth and development in the North West of England Plan, the Regional Spatial Strategy to 2021 (RSS). Policy W1 seeks opportunities to increase the prosperity of Lancaster, amongst other places.²⁷ Policy W5 identifies Lancaster as one of 26 centres in which new comparison floorspace should be located.⁴⁰ I disagree with IOC's assertion²⁰⁹ that it subverts the retail hierarchy of the RSS to put Lancaster above Kendal and Barrow, which are also among the 26 centres; RSS Policies RDF1 and W1^A clearly put Carlisle and Lancaster in a tier above other towns outside the City Regions. The Core Strategy seeks to direct investment to enhance the viability of Lancaster.^{B, 28, 40} And the Local Plan recognises that Lancaster must maintain and develop its role as a prosperous and successful sub-regional shopping centre.⁴⁰ This strategic context must, in my opinion, carry considerable weight in any assessment of impact – and not simply retail impact.

251. The Core Strategy also mentions the application site as the only opportunity for planned expansion of the city centre in the period to 2021.⁴⁰ However, since that document does not make allocations,²¹⁰ it is an assertion which I think must be considered on its merits and in the context of the acceptability or otherwise of the scale of what is proposed.

^A Document CD61, pp. 32 and 42.

^B Document CD62, Policies SC2, ER4 and ER5.

Need

252. The Lancaster Retail Study^A (LRS) may reasonably be used to assess the need for additional comparison floorspace. It was commissioned by LCC and South Lakeland District Council, published in 2006^{41,42} and covers an extensive catchment area. There were objections about the size of the catchment area defined in the LRS and also about the primary catchment area (PCA) adopted for Lancaster.²⁰¹ However, because the household survey identifies the proportion of expenditure going to Lancaster from each zone, the LRS affords a comparatively detailed picture. The survey sample may have been small in some zones but, while the 0.38% of population said to be required for statistical acceptability over the survey area as a whole might have been better applied to each zone individually,²⁰¹ I am content that the variations below 0.38% are small enough for the household survey to remain a valid base for forecasting.
253. The majority of expenditure in Lancaster may come from Zones 1, 2, 3 and 6 but that should not preclude Zones 1-6 being defined as the primary catchment area.²⁰¹ If there is scope for inconsistency, I cannot see that it could arise other than in assessing the level of trade that might be drawn back to Lancaster from other centres (Preston and Blackpool would be as attractive geographically as Lancaster to some of the population in Zone 4 while Kendal would be as attractive to some of the population in Zone 5^B).
254. White Young Green (WYG), for LCC, used up-to-date population estimates in its evidence to the inquiry and specific annual expenditure growth rates in light of the present recession.⁴² That is not the same as a “new quantitative model”²⁰¹ – it is simply amending the LRS model to take account of more recent information. In my opinion, the growth rates used between 2006 and 2016 are not unreasonable for generating estimated expenditure forecasts.^C
255. On that basis, WYG calculates that the available expenditure in 2014, allowing for existing commitments, would be about £34 million (though I have reservations about that).⁴² WYG also says that the expected turnover of the proposed development is £126.31 at 2006 prices. IOC says it should be £132.21 million, which I have to prefer, because it corresponds with the applicant’s retail assessment.^D
256. If the total available expenditure in 2014, the earliest full year in which the development would be operating,⁴² would be £579.56 million (at 2006 prices),^E expenditure retained from the PCA would be £300.21 million (still 51.8%, the existing market share, because clawback could not occur until the development became established). Adding the estimated expenditure from the secondary catchment area (SCA)^F and beyond (about £14.34 million and £31.45 million respectively^G) would give about £346 million. The turnover of existing

^A Document CD101.

^B Document CD101, the map at Appendix A.

^C For comparison, starting from the LRS base and including 6% known growth in 2006, the figures used by WYG represent growth to 2016 of close to 26% whereas the 3.8% long-term growth rate would give close to 40%.

^D Document CD16, p. 31, Table 6.1. I can find no reason for the increase in the area of the department store in Mr Nutter’s evidence to 9,058sqm gross, 6,082sqm net, save the note on the illustrative map (Document LCC2) that the store has been “reduced” to 97,500sqft (9,058sqm). A smaller department store means a larger area for other comparison retailing, which means a higher projected comparison turnover for the development as a whole. Document LCC10.2, Table 6, uses a department store sales density of £2,203/sqm based on Debenhams occupying it but it seems safer to use the £2,400 used in Document CD16.

^E Document LCC10.2, Table 8.

^F Document CD101, Appendix A – Zones 7-16 form the SCA.

^G Which I have calculated on the basis of Document LCC10.2, assuming no increased market share in 2014.

floorspace plus commitments within the PCA is given as £323.36 million.^A Thus, in 2014, there would be less than £23 million available to a development with a potential turnover of about £132 million. Two things may be balanced against that. Firstly, only a proportion of the overall floorspace would likely be retailing from the opening date – though how much can be no more than speculation. Secondly, one might reasonably assume a small amount of trade drawn back from other centres over the course of the first full year.

Trade drawn back from other centres

257. Whatever figures are taken, a substantial amount of expenditure would have to be clawed back from other centres in order to justify what is proposed. The appellant suggested that an increase in the PCA from a 51.8% market share to 67.4%, or even 75%, was achievable. WYG considers 67% at the upper end of what could be achieved and bases its calculations on a 65% market share.⁴³
258. IOC is sceptical about even that²⁰⁴ – but I think its fears can be allayed. By 2018 (which seems to me a reasonable point at which to assess a development which would not open until around the beginning of 2014), calculating as above and with the existing (51.8%) market share, there would be around £98.00 million available to the development. That is only about 75% of its estimated turnover. However, if clawback increased the market share to 65%, the available expenditure would rise to £209.30 million,^B some £77 million more than the estimated turnover. Thus, by 2018, even a significantly lower clawback than hoped for would leave available expenditure more than ample to sustain both the existing centre and the proposed development.
259. There is also a comparison with competing centres to be made. Lancaster has been falling behind in the retail hierarchy.^C That must be indicative of some flaw in Lancaster's retail offer. Some other centres are planning for major retail developments^{46, 51} which, if implemented, could lead to Lancaster falling further behind, perhaps endangering its role as a sub-regional centre.⁴⁶ There is also the significant statistic that 9.7% of comparison expenditure from nearby Morecambe (Zone 2) actually goes to Preston.^D Put another way, shoppers living just a few miles north-west of Lancaster pass less than a mile from the city centre in order to go to another centre about 25 miles further away.⁴⁴
260. Accordingly, I conclude that there is clear scope to claw back trade which has leaked to other centres. And I consider it a reasonable expectation that Lancaster's market share could be increased from the existing level, about 52%, to around 65%. However, there would not necessarily be a problem if the scale of increase proved to be lower. What is likely to be more important is the point at which the estimated turnover of the proposed development would be exceeded by the expenditure available to Lancaster, whatever proportion of that was trade clawed back from other centres.

Scale of development proposed

261. I do not think there is any doubt that development on the scale proposed would succeed in drawing back trade from other centres. The anchor of a department

^A Document LCC10.2, Table 8.

^B Document LCC10.2, Table 8.

^C From 140 in 2004 to 158 in 2008, compared with Preston (34 to 42), Blackpool (89 to 98), Carlisle (68 to 79) and Kendal (208 to 199). I consider SAVE's representation¹⁴⁹ misleading because the meaningful comparison is with comparable centres, not with the entire national hierarchy.

^D Document CD101, Appendix C, p.52, Zone 2 column.

store and the availability of modern retailing space, which would surely attract retailers not presently represented in the city centre, would improve Lancaster's offer in comparative terms and encourage shoppers to the city centre who are presently going elsewhere. The principle seems not to be in dispute – instead, the arguments are about the extent to which it would happen or whether Lancaster actually needs to improve its retail offer at all.

262. Bearing in mind that, however precise the above figures might seem, they are all estimates (population, available expenditure, market share retained by Lancaster and turnover of the development, some of those dependent on the evolving state of the economy), then it must be the case that small changes to any of them could have significant implications. The ability to claw back trade from other centres is critical to the impact, good or bad, which the development would have on the existing city centre.
263. IOC remarks on what it sees as inconsistency between WYG's evidence to this and the Knowsley inquiries.²⁰² However, I do not know the circumstances of the latter case and am drawing my conclusions purely on the merits of the arguments put forward to this inquiry. IOC also has concerns about how WYG makes its calculations;^A of those, only the allowance for special forms of trading might be increased, which would further diminish the expenditure available to the development, though not, in my view, to the extent suggested by IOC.
264. To sum up, I consider that the scale of the proposed development could easily prove to be too great at the time I anticipate it might first open (2014), the available expenditure then being less than a quarter of the potential turnover of the development. However, the likelihood of significant clawback of trade from other centres, even if it did not achieve the 65% market share aspired to, would render the scale of development appropriate by 2018.

Sequential test

265. On the evidence, there is no alternative city centre or edge-of-centre site that could accommodate the proposed development.⁴⁸ Even disaggregated, I can see no combination of sites that are available and which could provide for the quantum of retail development proposed. If I were to conclude that a lesser amount of retail floorspace was desirable, then the situation might possibly be different. However, the application is for a specific size of development and my consideration of alternative sites must be on that basis.
266. The city centre is tightly constrained by the A6 gyratory. Within it, the only site promoted at the inquiry is by Allied (Lancaster) Limited at Spring Garden Street.²³⁴ That is a redevelopment opportunity. It is only a fraction of the size of the proposed development. And a substantial proportion of the land is already in retail use, whether efficiently or not. Accordingly, if it could count as contributing, it could accommodate only a small part of what is being proposed.
267. Outside the A6 gyratory, any site or sites would mean redevelopment of existing property and, in all probability, an extended period of land acquisition and

^A Including: a) whether calculations should be based on Lancaster as a whole or just the city centre (in effect irrelevant because it is the degree of clawback that is critical); b) which developments are or are not included in Lancaster's existing turnover (Mr Nutter's evidence was that allowance had been made for those about which IOC seemed concerned); c) productivity increases for existing floorspace (which I consider has been adequately allowed for by assuming 1% over the whole period, irrespective of economic circumstances); and d) the allowance for special forms of trading (a variable which might be increased, IOC suggesting £45.95 million).

preparation. While any such site or sites might abut the existing city centre over a longer frontage than the application site, the A6 would remain a physical barrier, almost certainly to be overcome by improved at-grade crossing facilities rather than, as is possible at the application site, by a pedestrian bridge.

268. Accordingly, in the context of this application, there is no available and sequentially preferable site or combination of sites.

Accessibility and links to the existing city centre

269. This is a potentially major problem. I consider the site highly accessible from outside Lancaster city centre. The proposed car park is very well situated for traffic coming to Lancaster from Heysham, Morecambe and places north and north-east. It is not significantly less accessible for traffic coming generally from the south than the existing car parks on the east side of the city centre. It is close to the bus station. It lies between two important pedestrian and cycle crossing points of the canal (Moor Lane and De Vitre Street). Only for people travelling by train could it be considered less accessible than the existing city centre, being on the opposite side of it from the railway station.

270. The problem lies in the links between the site and the existing city centre. In essence, the link is a singular one, the city centre lying on the opposite side of Stonewell, on the A6 gyratory, from the western apex of the application site, which is effectively a large triangle. Moreover, that link is not, at present, an attractive one.¹⁵ The St Nicholas Arcades development, on the west side of Stonewell and Great John Street, does not have an active frontage. Its lower floor levels are occupied by car parking and its service entrance is off Church Street. There is a pedestrian exit from the Arcades on to Great John Street but anyone following that route is then faced with the A6 gyratory and the almost inevitable need to use the signalised crossing.

271. There are other routes. People could walk north along Great John Street, across Moor Lane and into a development behind the retained frontage – but that, in my opinion, would amount to leaving the city centre and entering the development rather than passing directly from one part of the city centre into another. Alternatively, they could walk west along Church Street, cross Stonewell and enter the development from St Leonard Gate or Moor Lane, or even through one of the frontage buildings on Stonewell – but that, coming past the St Nicholas Arcades service area and car park entrance, would be less attractive than coming out of the Arcades themselves.

272. The scheme proposes as essential a bridge link from St Nicholas Arcades across Stonewell to a high level pedestrian street between new buildings.⁵⁰ Having such a bridge seems inevitably to mean demolition of the existing buildings on Stonewell and into St Leonard Gate and Moor Lane (the Stonewell 'nose').¹²⁷ A bridge would come from the shopping level in the Arcades, which is effectively (there being no steps) the level of their entrance from Cheapside to the west (part of the main shopping spine of the city centre). That makes the raised pedestrian level of the proposed scheme more appropriate in purely retail terms than development using the natural contours, as advocated by some.¹³¹

273. Accordingly, based on PPS6 and related retail policy in the Development Plan, I conclude that the proposed bridge link is the only way that any sort of appropriate linkage with the existing city centre could be achieved. I do not consider that the proposed development could operate as an integral part of the city centre without one.

Vitality and viability of Lancaster city centre

274. The fears expressed at the inquiry were that the proposed development would either function as a separate shopping destination to the city centre or replace the city centre as the primary shopping area, in part by drawing existing city centre retailers to it.^{138, 207, 223, 234, 237} LCC's view was that some retailers could be expected to move to the new development but that others would not, thus maintaining the importance of the existing centre.⁵⁰
275. I am not sure that can be taken as a reliable guide. If, for example, the city centre is able to accommodate roughly a two-thirds increase in comparison retail floorspace,^A then one might reasonably expect Marks & Spencer to seek additional floorspace to enable it to secure a share of the increased expenditure coming into the city. Though not something considered at the inquiry, my view is that that would probably be more easily achieved in the new development than by expanding into existing adjoining properties. However, irrespective of which traders might or might not move, I consider that a pedestrian bridge link would be essential in retailing terms, the better to enable the whole centre, old and new, to operate as one.
276. If the amount of floorspace proposed in the development can be justified by expenditure growth in the catchment area plus the amount of expenditure that can be drawn back from other centres, then there should be no harm to the vitality and viability of Lancaster city centre. The centre of gravity of the shopping centre would shift, more obviously so the more existing traders were to relocate to the new development, but the overall expenditure available would be adequate to support both the existing centre and the new development.⁵⁰
277. If available expenditure did not grow as expected, or if it proved impossible to draw back as much trade from other centres as is now considered achievable, then there could be a threat to the vitality and viability of Lancaster city centre. In my opinion, that threat would be more likely to fall on the existing historic city centre than on the new development, if only because the modern floorspace offered in the latter, plus the proximity of a department store and car park, would likely be more attractive to retailers. The absence of a pedestrian bridge link would, in my opinion, give further impetus to the new development in competition with the existing centre.
278. There is also a question of timing. My conclusion above is that, if the development were to open around the beginning of 2014, there would not then be the expenditure available to support both it and the existing centre. That could have two different effects. It could delay the occupation of the new floorspace because retailers considering locating there would have to assess the viability of so doing. Or the occupation of the new floorspace, whether by new retailers to Lancaster or by existing retailers relocating, could deal a blow to the vitality and viability of the existing historic centre. If a reasonable degree of clawback from other centres was forthcoming, any harm to the existing city centre would not necessarily be long-term – because the calculations for 2018 suggest that there would be ample expenditure available to sustain both the new development and the existing centre.

^A 37,397sqm existing (Document L/KN/1, Table 8.3, p.38) 24,900sqm proposed (Document CD16, Table 2.1, p.4).

Vitality and viability of other centres

279. I see very little likelihood of material harm to the vitality and viability of other centres. Those most likely to be affected (if at all) are Preston (above Lancaster in the retail hierarchy), Carlisle (on the same level), Kendal (below) and Morecambe (closest to Lancaster). There was no objection from the local planning authorities for Preston and Carlisle. South Lakeland District Council disagrees with the level of trade diversion forecast in the retail assessment^A and says that overtrading in Kendal is in the convenience, not the comparison sector – but its argument is confined to saying only that the scale of the proposed development “could impact on the already fragile economy of the town”.²³⁹ I have nothing with which to appraise that assertion but consider that the estimated trade diversion of 5.5% would have no significant impact.
280. The Core Strategy says that new comparison retailing will be focussed on a planned expansion of Lancaster’s OCA and “to meet regeneration needs in Morecambe”.^B Morecambe, however, is clearly subordinate to Lancaster. Development ought not to be directed to Morecambe at the expense of Lancaster’s position as a sub-regional centre. Trade diversion from Morecambe is estimated at 5.7%,^C which ought to have no significant impact. Indeed, from the household survey, the impact seems more likely to fall on the amount of comparison expenditure already going out of Morecambe to other centres.^{D, 44}

Physical suitability of the application site

281. Without prejudice to my consideration of the highways or heritage arguments below, I agree with LCC⁹² that the site is physically suitable for the kind of development proposed, for a number of reasons.
282. It is physically well-contained by the principal street pattern (St Leonard Gate, Stonewell and Moor Lane, with the Lancaster Canal as its eastern boundary) – though some argue that the traditional street pattern within the site would be lost. Much of the site is cleared land used for car parking and many of the buildings are of no architectural or historic interest. Thus, redevelopment would be an appropriate use of previously developed land in principle – though some argue that the proposal pays inadequate respect to existing buildings of merit. The location is such that traffic to the development from an arc to the north would not need to enter an already busy gyratory system – though the impact of additional traffic coming into the city from all directions must be carefully considered. The location is also a generally accessible one, as discussed above.
283. Against that is the particular need for very good accessibility between the site and the existing city centre if they are to operate as a single, unified shopping centre. Potentially, it acts against that need that the site abuts the existing centre at, in effect, a single point – and that is irrespective of the heritage arguments surrounding the proposed bridge link.

Tourism

284. IOC raised objections in terms of the impact of the development on tourism in Lancaster.²¹⁴⁻²¹⁶ It is true that tourism is an important component of the city’s

^A Document CD16, Appendix I, Table 10.

^B Document CD62, p.49, Policy ER5.

^C Document CD16, Appendix I, Table 10.

^D Document CD101, Appendix C, p.52 – Zone 2 (Morecambe) retains 18.4% of comparison expenditure while 39.1% goes to Lancaster and 9.7% to Preston.

economy. It is also almost certainly true that tourists visiting or staying in Lancaster are doing so because of its distinctive historic character. However, and as IOC seems itself to say, it would only be if the proposed development undermined the vitality and viability of the historic city centre that Lancaster would become less attractive to tourists, in part due to erosion, through under-use, of historic fabric and in part because the types of independent trader likely to be sought out by tourists might find their businesses no longer viable.

285. I do not consider that the development itself would be a deterrent to tourists. It would be physically well contained and outside the traditional historic core. Visually, the most significant change would be in Stonewell, where the existing buildings would be replaced by new buildings and a bridge. The highest quality of design for the bridge and the new buildings could, however, render the intervention of little consequence in tourism terms.

Overall conclusion on retail and related matters

286. What is proposed is, in general terms, in accordance with the Development Plan for the area. Analysis of the detail, however, casts doubt. If the development were to open around the beginning of 2014, there would not then be the expenditure available to support both it and the existing centre, with possible harmful consequences for the vitality and viability of the existing historic centre. On the other hand, if a reasonable degree of clawback from other centres was forthcoming, any harm to the existing city centre would not be long-term – because the calculations for 2018 suggest that there would be ample expenditure available to sustain both the new development and the existing centre by (and even before) that date. There is certainly scope to claw back trade which has leaked to other centres, increasing Lancaster's market share perhaps to around 65% from the existing 52%. It is when that could be achieved, rather than if, that is important.

287. The site is physically suitable for the kind of development proposed. It is highly accessible from outside Lancaster city centre but a pedestrian bridge is the only way an appropriate link with the existing city centre could be achieved, enabling the development to operate as an integral part of a single shopping centre.

288. If the amount of floorspace proposed in the development can be justified by expenditure growth in the catchment area plus the amount of expenditure that can be drawn back from other centres, then there should be no harm to the vitality and viability of Lancaster city centre, even though its centre of gravity would shift. There is very little likelihood of material harm to the vitality and viability of other centres. I also see no harm to the tourism industry from what is proposed, provided that the scheme is otherwise satisfactory in retailing terms and that it can be accommodated in highways and heritage terms.

Highways matters ^{53-60, 189-194, 224, 232}

289. Put simply, I do not believe that there are compelling objections to the highways proposals. Developments already committed would have the effect of worsening the performance of the highway network.⁵⁷ The improvements forming part of the application scheme⁵⁸ would help to reverse the impact of those committed developments^{A, 57} as well as accommodating the traffic generated by the development itself. The application proposal cannot be

^A Document CD72 – Lancashire County Council's consultation response of 15 September 2008 confirms this.

- expected to do more; it cannot be expected to remedy any existing deficiencies on the highway network.
290. I can understand local people's concerns about traffic in Lancaster, especially around the A6 gyratory. I suspect, however, that there is a difference between what people perceive as highly congested conditions¹⁹⁴ and what the highway authority assesses the local road network to be capable of accommodating without unacceptable effects for traffic flow or highway safety.
291. Contrary to IOC's views,^{191, 194} I find entirely reasonable the means of assessing the traffic flows generated by the development.⁵⁵⁻⁵⁶ It cannot be right simply to assess the traffic generated by existing retail floorspace and apply that *pro rata* to the amount of proposed floorspace – because a significant proportion of shoppers coming to the new development will also be visiting the existing city centre, and *vice versa*. The extent of additional traffic is identified in the Transport Assessment,^A though in terms of peak hour flows rather than weekly movements, IOC being concerned at the absence of reference to the latter.¹⁹¹ Peak hour flows give a better indication of the likely effects on traffic flow, unless a particular development proposal would create significant peaks of its own (which is not the case here).
292. Thus, while there would certainly be more traffic, it would not significantly add to congestion and it is difficult to see how the development would cause (or add to) community severance, rat running or a lower quality of life for people living in the surrounding areas.¹⁹⁰ In that respect, the site is well contained by the existing street pattern and the canal and, from a glance at a map, no approach to it would require traffic to pass through neighbouring residential areas.
293. The proposed car park providing about 800 spaces would replace around 300 existing spaces on the site. That is not necessarily an encouragement to car owners to use their cars for shopping trips. The net retail floorspace in the proposals would, in isolation, justify providing 1,326 spaces and even as many as 1,468.^B Thus, parking provision clearly assumes that many users of the car park would be coming to Lancaster in any event and that many users of the development would come by other means of transport.
294. The new car park would be particularly well located to avoid car users from an arc to the north from having to negotiate any part of the city centre gyratory, potentially adding to congestion there. Also, while a review of car parking strategy has yet to be undertaken, the likelihood is that the number of long-stay spaces in the city centre will be reduced,⁵⁴ deterring commuter journeys by car.
295. IOC regrets the absence of an integrated approach to the totality of movement and access in the city¹⁹³ but it is not clear to me why decisions on individual projects or issues can be interpreted as denying an integrated approach. In my opinion, if the proposed amount of retailing is acceptable in principle, the implications of the use of this site and the provision of car parking within it will not prejudice positive decisions in other parts of the city or on other aspects of LCC's approach to highways and transportation.

^A Document CD17, in particular Section 8, Figures 8.1-8.71.

^B From PPG13, Annex D, using net floor areas derived from the Retail Assessment (Document CD16, Tables 6.1 and 6.7, pp. 31 and 36) – 1 space per 14sqm food retail = 223; 1/20sqm non-food retail = 1,245; total = 1,468. From Document I/TR-06 (Review of regional Parking Standards – 1/16sqm food retail = 195; 1/22sqm non-food retail = 1,132; total = 1,327.

Cycling

296. Objections by IOC¹⁹⁵ and others²³² warrant a specific response on the provisions for cycling. Very simply, the application scheme would not benefit cyclists. They would not be allowed to cycle through the development (having access but being required to dismount is not the same thing). They would also be required to follow a longer route to bypass the development than they can use at present to cycle across the site; and part of that route would be along St Leonard Gate and across the sole access to the 800-space car park. All of that sits uneasily with Lancaster's status as a Cycling Demonstration Town.
297. That said, I do not consider that the consequences for cyclists would be unduly detrimental. The 'detour' around the northern edge of the site would amount to little more than an additional 30m. St Leonard Gate would change from an unrestricted vehicular route to a cul-de-sac serving only the car park and the existing properties on the street, so it is not clear how big a difference in traffic flows there would be. Phoenix Street offers an alternative route – but no shorter and still crossing St Leonard Gate (though not cycling along it). I see little obvious benefit from being able to cycle through the development because the crossing points of the canal to the east are at De Vitre Street and Moor Lane, effectively to the south and north of the site; Moor Lane offers a direct route to the city centre but the route from De Vitre Street would be along St Leonard Gate, with its car park access. The other main objection, that there would be inadequate provision for cycle parking within the development, can be simply overcome by a planning condition.

Air quality ^{61-64, 196-199}

298. My conclusions above on traffic do not mean that there should be no harmful effect on air quality. There would be more traffic on the road network than at present; therefore, emissions would be greater. The question is what the impact of that would be.
299. IOC points to a lack of action by LCC in relation to the city centre Air Quality Management Area (AQMA)¹⁹⁶ but that, to whatever extent it may be true, cannot be a reason to refuse this application. That almost every NO₂ monitor location would show an increase in emissions if the development were built¹⁹⁷ is similarly not a reason to refuse – it depends on what those increases would be.
300. In fact, most of the predictions in the applicant's Environmental Statement (ES),⁶³ while increasing by a small amount, also remain comfortably below the 40µg/m³ objective. Only at four locations (out of 32) is the objective predicted to be exceeded. At all four, it would be exceeded even without the development and with the development would be just 1.1%-3.6% higher.^A Even taking into account IOC's various reservations about the modelling, verification and prediction processes,¹⁹⁹ I consider that the margins are sufficient that no serious deterioration in air quality should arise.
301. In concluding thus, I am bearing in mind LCC's reference to the guidance in PPS23 that, "It is not the case that all applications for developments inside or adjacent to AQMAs should be refused if the developments would result in a deterioration of air quality".^{B, 62-63} To do so would likely sterilise development in

^A Document CD21, Section 13, Table 13.8 on pp.13-15 *et seq.*

^B PPS23, Annex 1, Appendix 1G, para. 1G.2.

the very places where other policy encourages it. In this case, if Lancaster is to sustain a role as a sub-regional centre, if a significant amount of retail development is necessary to achieve that, if previously developed land is to be efficiently used, and if out-of-centre development is to be avoided, then not only the application site but other sites in or around the centre of Lancaster would be unable to provide for the very sorts of development encouraged in the Development Plan for reasons of sustainability.

302. The assertion that emissions could rise by 17% during the construction process¹⁹⁹ may be true in theory but makes no reference to whether adequate controls might be secured by way of planning condition. I believe they could.
303. It is worth saying at this point that the proposed pedestrian bridge across Stonewell would have two potential benefits compared with an improved at-grade crossing. Not having a bridge but providing a pedestrian crossing which created a satisfactory link between the development and the existing city centre would lead to continuous interruption of the flow of traffic on the A6 gyratory, increasing congestion and car journey times.⁵⁹ That interruption would also have a localized effect on air quality due to vehicles pulling away from the crossing on an uphill gradient.⁶⁴ Neither was quantified for the purposes of the inquiry because the application scheme includes the pedestrian bridge. Even so, both weigh alongside the retail evidence that a bridge is essential element in the proposal.

Overall conclusion on highways and related matters

304. While the proposed development would clearly bring additional traffic to the centre of Lancaster, I am satisfied that, bearing in mind the highways improvements forming part of the application, there would be no significant detriment to traffic flow and highway safety, provision for cyclists or air quality.

Heritage matters 65-90, 105-139, 154-177, 227-228, 236, 238

305. The objectors argue that, LCC having withdrawn from active participation in the inquiry following the evidence of its Conservation Officer, I have no option but to recommend refusal of all of the applications.¹⁴⁶ That is not strictly correct. It would still be possible to find in favour of the applicant's evidence on heritage matters, as contained in the documentation submitted with the applications, provided I was able to explain why I preferred that evidence to the objections from EH and SAVE and the position taken by LCC. The applicant's absence, however, meant that its 'evidence' was not open to cross-examination at the inquiry, even though it provided a basis for the objectors' evidence. On the other hand, LCC's evidence, by a qualified and experienced professional officer, was fully cross-examined, leading, at least in part, to LCC's concession that there were aspects of the proposals that it could no longer support.
306. I have to say that I agree with the generality of the views expressed at the inquiry by LCC's Conservation Officer and the objections presented in evidence by EH (orally) and SAVE (in writing). That enables me to be briefer in my conclusions on heritage matters than might otherwise have been possible.

The proposed layout and buildings

307. I do not find the overall layout inappropriate for the site in principle. It would introduce a new pedestrian street from Stonewell through a central square to the Canal. The existing vehicular and pedestrian route through the site along Alfred Street, Seymour Street and Edward Street would be lost but pedestrian access from Moor Lane on the line of Edward Street would be retained and a

new link to St Leonard Gate, to a square adjacent to the Grand Theatre would be provided. There would be access to the scheme on the line of St Anne's Place, opposite Friar Street, but Brewery Lane would be lost.

308. Loss of the historic street pattern is criticised²²⁷ but I do not find that a compelling objection in itself. Much of the street pattern dates from the middle of the 19th century, from residential development, now long cleared, between the much older routes of St Leonard Gate to the north and Moor Lane to the south. The earlier forms of development on the western part of the site are as much to do with the buildings as the streets, yards and courts. Any new development on the application site should be permeable but, other things being equal, I do not consider it necessary to insist on preservation of the existing street pattern for its own sake.
309. Levels across the proposed development would not relate to the existing topography.¹³¹ That is understandable. The fall across the site from the Canal in the east to Stonewell in the west is some 14m. Simply to link development with the Canal, which I fully support as furthering permeability and enabling new life to be brought to part of the towpath, influences levels in the eastern part of the site (there is a substantial drop from the towpath to the site). At the western end of the site, the pedestrian bridge to link the development with the existing city centre shopping area is said to be essential from a retailing point of view; that more or less dictates the level proposed for the central street, very much higher than the existing ground level, so as to enable access between new and old unfettered by steps or by having to cross a busy road.
310. The consequence of the proposed levels is that the new buildings in the western part of the site will be very much higher, in absolute terms, than the existing buildings being retained on Moor Lane and St Leonard Gate. In the absence of detail, however, it is very difficult to judge to what extent the new would be visible above the old and whether, if it were, it would have a harmful effect on the historic townscape of the City Centre Conservation Area.^A
311. An example is at Moor Lane, close to where it meets Great John Street and Stonewell. The bench mark at 1 Great John Street is at 10.13m. The road level some 25m west is 10.4m. The ridge heights of 13/15 and 17/19 Moor Lane must be around 18.0m and 19.0m respectively.^B The height parameters for Blocks B13 and B14 are 21.90m minimum and 26.98m maximum. It may be that final designs for the new buildings would not be visible over the existing roofs from within Moor Lane – but Block B14 would be visible above 17/19 Moor Lane to someone walking north along Friar Street.^C In the absence of detail, however, one can only speculate as to whether that would necessarily harm the character or appearance of the Conservation Area.^D
312. A number of local people assume that the development would be a bland and anonymous shopping centre of the sort they say is seen in too many other towns and cities.²²⁸ The block layout, by its nature, almost encourages that point of view. However, the application documentation suggests, albeit briefly, the potential for detailed design to sit comfortably with the surrounding

^A This is a matter which really only came to light on the accompanied site visit, after the close of the inquiry, rather than in evidence at the inquiry. It flowed from estimating the height of the pedestrian bridge and the height of the proposed buildings in relation to the retained buildings on St Leonard Gate, which I deal with below.

^B Estimated from the photographs in Documents CD26 and CD27.

^C Document CD26 – Photomontage 7, looking down Friar Street from Dalton Square, illustrates this.

^D And I consider it would be wrong to grant outline planning permission in the hope that harm could be avoided.

townscape and retained older buildings.^A In my opinion, rigorous scrutiny at reserved matters stage could ensure a development that generally reflected and respected the traditional character of the city centre. Similarly, although care would be needed in roof design generally, and to screen roof-top car parking in particular,^B I see no fundamental reason why the proposed development should look out of place in views from higher vantage points to the east and west.

313. That said, my own view of some of the illustrations in the Design and Access Statement^C is that, were outline planning permission to be granted, they should not automatically be regarded as indicative of a design style that would be sensitive to, and acceptable in, the context of the existing traditional townscape. They indicate a neat, modern design style but without the information on materials, finishes and details to demonstrate that that style would integrate successfully with the robust and traditional character of the surroundings.
314. There is also the question of the height of some of the new buildings.^{77, 121} Two examples suffice. Firstly, the new building adjacent to the listed 127/129/131 St Leonard Gate is illustrated as having a similar eaves height to those buildings,^D which is entirely sensible (and, frankly, to be expected) in terms of their setting and the street scene; but the height parameters show a building with a considerably higher eaves, even at its minimum. Secondly, from where Moor Lane crosses the Canal, the maximum height parameters of the buildings which would be seen to either side of the listed Mill Hall^E seem likely to cause harm by diminishing the traditional prominence of the building in its setting.
315. Related to the latter point, the proposals along the length of the towpath are very much higher than anything that has gone before.^{77, 227} To judge from the Heron Chemical Works buildings, there may well have been good views across the historic city centre to the Castle and Priory Church even when there was housing on the application site. I am not convinced, however, that those views over the City Centre Conservation Area^F are so important to the character of the canal or to an understanding of the character of the Conservation Area that they need be preserved as they are. In my opinion, it is more important that buildings adjoining the towpath, intended to bring new or additional life to the area, should be designed to a high architectural standard as an integral part of the canalside while still allowing glimpsed views towards the historic centre.

Stonewell and the pedestrian bridge ^{78-81, 124-132, 157-172, 227-228}

316. Perhaps the most keenly-held objections are to the loss of the existing buildings on the Stonewell 'nose', their replacement by new buildings, set further back, and the introduction of a pedestrian bridge across Stonewell from St Nicholas Arcades. EH, at one point, was prepared to concede other heritage losses across the site if an acceptable design solution could be found for Stonewell.⁷⁴
317. The possibility of an improved at-grade crossing of Stonewell, as an alternative to a bridge, was raised at the inquiry.¹²⁸⁻¹²⁹ However, a bridge is an integral part of the application scheme and argued as essential.⁷⁸ Also, how access to

^A Document CD14, Section 8.

^B Clearly visible in the illustration in Document CD14, p.99, and likely to be visible in views from lower angles.

^C Document CD14 – for example, the illustrations on pp. 029, 99, 167.

^D Document CD14, p.95, differs substantially from Document CD26, Photomontage 3; Document LCC16 was produced to relate the parameter heights to an elevation of the listed building.

^E Document CD26, Photomontage 10.

^F Document CD26, Photomontage 11 (north and south), from the east side of the Canal, can give an indication of whether views west from the towpath would have been obstructed by buildings in the past.

an amended scheme could be achieved from an at-grade crossing is no more than speculative.¹³¹ I shall appraise in detail only what is proposed.

318. The buildings on the Stonewell 'nose' are a Key Townscape Feature (KTF)⁸⁰ in the Local Plan, confirming their value to the City Centre Conservation Area. They are not listed and some look rather uncared for at present⁸⁰ – but their townscape merit is not in dispute.¹⁵⁵ If they are proposed to be demolished, one would expect an assessment consistent with the guidance in PPG15 to have been carried out. None has been.¹¹⁸ There is no indication of the cost of repair and maintenance, nor of any efforts to maintain the buildings in full and effective use. The architectural merits of the proposed replacement buildings cannot be prayed in aid because this is an outline application. EH and SAVE saw no substantial benefit to the community that might be weighed against the arguments for preservation other than, in general terms, that redevelopment might bring about a re-establishment of Lancaster's sub-regional retail role; and saw scant evidence to support that.^{119, 168} Nor am I sure that this is the sort of community benefit that the authors of PPG15 might have had in mind when framing para. 3.19.iii – though I think it a valid consideration.
319. All of that said, the provision of a bridge seems to make demolition of the buildings on the Stonewell 'nose' inevitable.¹⁶⁷ I cannot see how an effective link to a major retail development on the application site could be achieved without demolition. The only possibility might be to demolish a single building in order to create a gap for a bridge (and perhaps also a ground level access) to pass through.^A I am not sure, however, that that would enable the sort of visual and functional link necessary to ensure that the proposed development would act as an integral part of a single shopping centre. I rather think that, as well as a pedestrian bridge link from the existing centre, the location of the development would also require a public face, as opposed to being entirely concealed behind existing buildings.
320. If the frontage buildings must be demolished, so too must the buildings immediately to their rears. The derelict building in Swan Court and the general arrangement of it and the buildings in Gee's Yard are a reminder of life in a now distant past. As such, they are an historically important part of the fabric of Lancaster. They are, however, outside the tightly-drawn boundary of the City Centre Conservation Area (though there are arguments that the boundary should have been reviewed¹⁰⁵⁻¹¹⁰). They are also virtually inaccessible to the public. This all leads me to conclude that their loss need not seriously affect the character, appearance or setting of the Conservation Area as presently perceived or understood by the vast majority of the residents of Lancaster.
321. If a scheme could be developed which retained the frontage buildings, then it might be possible to restore or refurbish the buildings and spaces behind. To do that with a retail-led scheme seems unlikely. In broader planning terms, effective retail use of the land beyond seems unlikely if there would be no direct visual or functional link with the existing shopping centre.
322. I can envisage that new buildings to replace the existing ones, on the same or a set-back building line, could be satisfactorily introduced. It would be difficult to argue that new buildings in a modern design idiom, the more so on a new building line, would preserve or enhance the character or appearance of the Conservation Area – but I can imagine a solution in which the plus of high

^A Not wholly dissimilar to EH's thoughts at para. 131.

quality new buildings might outweigh the minus of the loss of the traditional street scene. The difficulty lies in the design of a bridge, perhaps even in the principle of introducing one into an historic setting.

323. There are illustrative designs for a bridge in the Design and Access Statement.^A But, quite simply, that is insufficient when dealing with such a sensitive location.^{38, 126, 169} Moreover, the text leaves considerable scope for variation in the design.^B It is wholly unclear what form of structure would provide for the necessary span and what sort of design would give appropriate enclosure and provide for health and safety requirements. Only a detailed design can allow a proper appreciation of what a bridge would look like and what its effect would be on the historic townscape and on views towards important listed buildings immediately north and south. While I am inclined to think that a sleek and minimalist modern design could prove successful, the absence of detail means I have no idea whether such a design could be achieved in this location and could meet the functional requirements placed upon it. It would be wrong, in my opinion, to grant outline planning permission without being certain that an appropriate solution can be achieved.

The Brewery

324. Attempts to have the Brewery buildings listed have been made and failed. They do not stand within the City Centre or Moor Lane Mills Conservation Areas. They could, if someone so desired, be demolished tomorrow. That said, LCC conceded that it might have reviewed its conservation area boundaries, that the Brewery would almost certainly have been included in any extension of the City Centre Conservation Area and that, if the buildings were in a conservation area, they would count as making a positive contribution to its character and appearance.¹⁰⁸ I agree with that latter assessment.
325. There has been no assessment of the cost of repair and refurbishment of the buildings, of the likelihood of viable use(s) if that work were carried out or of the potential for the buildings to be incorporated in any redevelopment of the larger application site. While there was no onus on the applicant to carry out such an investigation on buildings neither listed nor in a conservation area, they are sufficient of a landmark in the area that I would like to have seen some evidence on the matter.

The Heron Chemical Works

326. Some of the buildings constituting the chemical works are in the Moor Lane Mills Conservation Area and, in conjunction with the adjacent buildings, make what I consider to be a positive contribution to its character and appearance. The buildings, both in and out of the Conservation Area, are much altered and probably contaminated by virtue of their use. A skeleton assessment of the cost of repair and refurbishment was submitted to the inquiry by LCC^C but there is no indication of likely viable use(s) or potential for incorporation in redevelopment of the wider area.

^A Document CD14 – there are sectional diagrams on p.131 and illustrative view from street level on p.0179.

^B Ibid, p.130. "Nature of construction and structural approach yet to be finalised. Options include post tensioned, cable stayed and box girder." "Degree of enclosure to protect from elements and high winds together with aspects of Health and Safety."

^C Document LCC12 gives a brief appraisal of condition, repair works, conversion works and a broad estimate of costs for the Dance Studio (Musicians' Co-op), 1 Lodge Street, 1-2 St Anne's Place and the Heron Chemical Works – but not the Brewery. It is no more than an indication and cannot, in my opinion, be given significant weight.

Other unlisted buildings inside and outside the Conservation Areas

327. I ventured my opinion at the inquiry that the warehouse at 1 Lodge Lane and the attached remnant of terraced housing make a positive contribution to the character and appearance of the City Centre Conservation Area but that that did not automatically mean they should be preserved. It would require a detailed assessment of the cost of repair and refurbishment and the likelihood of viable use to enable a conclusion on that. On the face of it, their attachment to the Grand Theatre could make it more possible to retain them as part of a larger development – without appraisal, though, that cannot be cogently argued.
328. Demolition of the building identified as the Musicians' Co-op is part of the same application for conservation area consent and the same lack of assessment applies. The building is somewhat isolated from other existing buildings and might, therefore, be a significant constraint on a larger redevelopment scheme. However, without an appraisal, one cannot be certain.
329. 1-2 St Anne's Place are not listed but are within the City Centre Conservation Area. They are seen from Moor Lane and, in my opinion, their form and style contribute positively to the character and appearance of the Conservation Area. On the other hand, I see no reason in principle why an alternative, such as access into a redevelopment scheme, should not be designed without detriment to the general character and appearance. Again, however, there is no proper assessment of the cost of repair and refurbishment, the likelihood of viable use(s) or the potential for incorporation into redevelopment of the larger area.
330. The buildings behind 1-2 St Anne's Place, reached by a passageway through that building, are outside the Conservation Area. One might have expected them to be within the Conservation Area, given that they seem to be an integral part of the historic development of the area. Had they been, their age and traditional appearance would have contributed positively. On the other hand, their semi-derelict condition seems likely to make repair and refurbishment costly and it is not clear how effective access could be achieved unless they were used in tandem with 1-2 St Anne's Place. Understandably, because they are not in the Conservation Area, no assessment has been carried out, which means there is also no indication of any effective new uses or of whether retaining them would seriously constrain redevelopment of the wider area.
331. The Spiritualist Centre on Bulk Road is neither listed nor in a conservation area. It is of very modest architectural and historic interest. Its demolition might affect the setting of the adjoining 18 St Leonard Gate (leaving it, in effect, surrounded by highways) but is not subject to control. The objection by the National Spiritualist Union²³¹ goes simply to the Union's use of the building.

Archaeology

332. LCC conceded in its Position Statement that the County Archaeologist had requested an archaeological assessment before determination of the application for outline planning permission.^{38, A} Given that the site may well contain important *in situ* remains from various periods,¹³⁹ the absence of a field evaluation and the possibility that finds might prompt alteration of the proposals together weigh against a grant of outline planning permission.

^A Document CD72 contains the consultation response.

Conclusion on heritage matters

333. In itself, the overall layout of the proposed development need not be inappropriate and there is no reason why detailed design should not integrate successfully with the surrounding townscape and retained buildings. The problems lie in the specific relationship of what is proposed with certain existing buildings, in the failure to address the potential options for unlisted buildings in the Conservation Areas (and some outside the Conservation Area boundaries) which are proposed to be demolished and, probably most importantly, in the absence of any detail on how the Stonewell 'nose' might be redeveloped and how a bridge might be designed so as to span Stonewell in a way that would not harm, or would be complementary to, the existing townscape and the settings of the adjacent listed buildings.
334. The failure to address the possible options for the unlisted buildings in the Conservation Areas and the relationship of the proposed development to listed buildings both run contrary to the guidance in PPG15.
335. Notwithstanding this conclusion, I give below my brief assessment of the merits of the proposals in the individual listed building consent and conservation area consent applications, on the assumption that outline planning permission might be granted for the overall development proposal.

The listed building consent applications

Crown Inn, 18 St Leonard Gate

336. The application relates to making good the flank wall of the listed building following demolition of the adjoining Spiritualist Centre. There can be no compelling objection to that, subject to conditions to secure appropriate appearance and detailing of that making good.

Grand Theatre, St Leonard Gate

337. The application relates to works to the north-eastern flank wall following demolition of the adjoining 1 Lodge Street. In principle, there can be no compelling objection to that, subject to conditions to require a structural assessment and secure appropriate appearance and detailing. However, the original application plan was ambiguous about precisely what was proposed; it could have been taken to suggest that some demolition of the listed building was intended. A drawing was submitted by LCC to rectify that but no request has been received from the applicant to amend the application accordingly. In the circumstances, it is my view that the application should be refused.

Mill Hall, Moor Lane

338. There are two applications, relating to works to the northern elevation and the curtilage wall of the listed building following demolition of parts of the adjoining Heron Chemical Works. There can be no compelling objection to that, subject to conditions to secure appropriate appearance and detailing.

11 Moor Lane

339. The application is for demolition of buildings to the rear and alterations to and reinstatement of the rear wall. There is no compelling objection, subject to conditions to secure appropriate appearance and detailing.

127, 129 and 131 St Leonard Gate

340. The application is for demolition of rear extensions and outbuildings and alterations to and reinstatement of the rear elevation. There is no compelling objection, subject to conditions to secure appropriate appearance and detailing.

The conservation area consent applications

Heron Chemical Works, Mill Hall Curtilage Wall, Moor Lane

341. There are two applications. Absence of proper consideration of repair and refurbishment costs, possible effective uses or any seriously constraining effect from retention on redevelopment proposals counts against grants of consent. Nevertheless, if the redevelopment proposal in the application for outline planning permission were to be found acceptable, I would be disinclined to resist these conservation area consent proposals.

1 Lodge Street

342. Failure properly to consider repair and refurbishment costs, possible effective uses or any seriously constraining effect from retention on redevelopment proposals counts against a grant of consent. In the absence of that information, I am not convinced that the warehouse and the remnant of the former terraced housing could not be satisfactorily retained, even if the overall redevelopment proposal were found to be acceptable. The ambiguity in the Grand Theatre³³⁷ application plan³³⁷ applies also to this application and the position is precisely the same. The other building included in this application is the dance studio and musicians' co-op; it is relatively isolated and its demolition would be more difficult to resist if the wider redevelopment proposal were to be found acceptable, perhaps suggesting a split decision.

1-2 St Anne's Place

343. The building contributes to the character and appearance of the Conservation Area. Failure properly to consider repair and refurbishment costs, possible effective uses or any seriously constraining effect from retention on redevelopment proposals counts against a grant of consent. In principle, however, what is proposed could constitute an enhancement. I therefore find no compelling objection to a grant of consent.

133-139 St Leonard Gate, 1-5 Stonewell and 3-7 Moor Lane

344. Failure to consider repair and refurbishment costs, possible effective uses or any seriously constraining effect from retention on the redevelopment proposals counts against a grant of consent. So too does the absence of any detail of what would take their place. Even though I accept that a retail-led development with a bridge link to the city centre would almost inevitably require their demolition, I conclude that the information supporting the application is wholly inadequate to support a grant of consent.

Housing

345. There is no material dispute relating to the proposed housing. LCC dealt briefly with the matter⁹¹ in what became written evidence. There is no conflict with policy, national or local. The supply of housing land does not require additional housing to be provided for on this site. Affordable housing related to this site is intended to be provided on the two other sites already granted permission. For consistency, the affordable housing condition attached to those two permissions should also be attached to permission for this application, should it be granted.

Sustainability

346. In principle, the redevelopment of such a large brownfield site so close to the city centre is much to be desired.⁹⁵ The retail and highways evidence shows how the proposals would contribute to the sustainable economic development of the city and surrounding area.⁹⁴ The proposals would retain existing cultural uses within the site.⁹⁵ Accessibility would be good.⁴⁹ Substantial additional public car parking would be provided but drawing trade back from elsewhere would mean shorter shopping trips.⁹⁶ Specific energy efficiency matters can be controlled by planning condition and resolved at reserved matters stage.⁹⁷
347. IOC¹⁸⁹ and a number of local people²²⁹ thought that the scheme was not sustainable. The reasons included (in no particular order) increased car journeys, increased service journeys, increased traffic, increased emissions, failure to create a thriving community in the area, failure to integrate properly with the city centre, reliance on cheap energy, damage to the city centre economy, inadequate green infrastructure and, more philosophically, that the advocacy of growth in the context of sustainability is highly problematic and that too much growth can become uneconomic and therefore undesirable.
348. I have dealt with many of these matters in my reasoning above on the more specific issues arising from the inquiry. Some objections suffer from addressing in the comparatively narrow context of Lancaster, or even of the city centre, matters intended to be addressed on a regional or sub-regional basis. Thus, if Lancaster is to play the role of sub-regional centre, as the RSS sets out, then any impact (good or bad) on Lancaster, or any particular part of it, ought to be considered in the wider sub-regional or regional context. One objector thinks that 'less unsustainable development' might be a more accurate term than 'sustainable development'.^A In not dissimilar vein, if conclusions in terms of Development Plan policy and the retail, highways and heritage issues were to weigh in favour of the proposal, then I consider that this is, or could be, as sustainable a proposal as is likely to come forward.

The Development Plan

349. The scale of the proposed development is generally consistent with what is sought by RSS Policies RDF1, W1, W2 and CNL4 in terms of spatial priorities and economic development, by RSS Policy W5 and Core Strategy Policies SC2, ER4 and ER5 in retail terms and by Core Strategy Policy ER2 on regeneration. Nor is it inconsistent with RSS Policy W6 and Core Strategy Policy ER6 on tourism. In sustainability terms, the proposal is consistent with RSS Policies DP1, DP4 and DP9 and Core Strategy Policy SC1. And detailed design can be controlled by condition to incorporate energy efficiency measures consistent with RSS Policy EM16.
350. On the other hand, the proposal does, or may, conflict with some RSS and Core Strategy Policies. It conflicts with RSS Policies DP2, DP7 and EM1 and Core Strategy Policies E1, SC1 and SC5 because it does not demonstrate respect for the character and distinctiveness of the historic townscape, or protection of it, or, so far as can be said at this stage, an appropriate quality of design in relation to its setting. It fails RSS Policy RT9 because, technically, the existing quality of cycling provision would not be maintained, though I conclude that no serious harm would arise. Compliance with Core Strategy Policy SC6 is in doubt

^A Document G7 – Simon Gershon.

- because the scheme might fail to maintain or promote the vitality and viability of the city centre. And there is conflict with Core Strategy Policy E1 because it would fail satisfactorily to conserve or enhance the historic environment.
351. The proposal largely satisfies Core Strategy Policy E2 because the site is accessible to a choice of modes of transport and because, despite introducing more traffic into Lancaster, it ought to minimize the need to travel by car to more distant centres. The effect on air quality would not be what seems to be sought by Policy E2 (or RSS Policy DP9), although I have concluded above that the impact would not be such as to warrant refusal. Cycle provision would be slightly poorer but, again, I conclude that the impact does not warrant refusal.
352. It is a matter of judgement whether the proposal satisfies RSS Policy E3 on green infrastructure and Core Strategy Policy SC8 on recreation and open space. My view is that it does, primarily because it would provide a new area of useful open space close to new and existing housing and would open up the canal towpath to greater use. Otherwise, this would be a distinctly urban development and I judge that the pedestrian streets and spaces in the indicative layout could provide an entirely satisfactory environment.
353. There is no material issue in relation to housing and therefore no conflict with RSS Policies L4 and L5, Core Strategy Policy SC4 or saved Local Plan Policies H3 and H10. Compliance with Local Plan policy H12 can be secured at the detailed design stage.
354. Various saved policies from the Local Plan apply. I see no significant problem in terms of the relevant transport policies. I have considered cycle provision above, in relation to the RSS and Core Strategy. A travel plan was not submitted with the application but can be secured by planning condition. There is no reason why detailed proposals should lead to harm to the canal corridor in terms of Policies E17 and E30. There should also be no insuperable problem in relation to most of the suite of policies on historic buildings and areas – though there would be conflict with Policy E37 on the demolition of unlisted buildings in conservation areas and possibly also with Policy E38 on new building in conservation areas. Lack of a pre-determination archaeological evaluation conflicts with Policy E46.
355. Overall, the application proposal accords with the spatial and strategic policies of the Development Plan which direct development towards Lancaster as a sub-regional centre. The likely opening date, however, seems a little premature in terms of the amount of comparison retail floorspace the scheme would bring and the likely capacity of the enlarged shopping centre to sustain it. The consequences of that are potentially damaging to the vitality and viability of the existing shopping centre and its important historic character. More crucially than that, I consider that the proposal offends against Development Plan policy by failing to demonstrate appropriate respect for the character and distinctiveness of the historic townscape on and around the site, by failing to protect or enhance it and, potentially (because the detail with the application does not enable a firm conclusion), by failing to introduce in its new buildings a quality of design appropriate to its setting. I believe that these failings more than outweigh compliance with other aspects of the Development Plan.
356. Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to the listed building consent and conservation area consent applications, because they are made under the Planning (Listed Buildings and Conservation Areas) Act 1990. However, what they propose is integral to the application for

outline planning permission and decisions on those applications must, in my view, be influenced by my conclusions on how the outline application scheme responds to the Development Plan.

Obligation and conditions

357. I hesitate to give any weight to the executed unilateral obligation, for the same reasons pointed out by EH and SAVE in relation to the draft available at the inquiry – concern about the status of the applicant's interest in the land, the apparent binding of LCC to undertake something it has not resolved to do, the contradiction relating to the commencement of development and the inadequate provision for the bridge link.^{141, 243, 244}
358. LCC also sought to avoid reliance on an obligation, though more because, in the absence of the applicant, it was uncertain that an executed obligation would actually materialize.²⁴⁵ LCC sought to control by planning condition all that might otherwise have been in an obligation. The only provision which I consider cannot be secured by condition is a financial contribution towards town centre management.²⁴⁵ While a regrettable loss, I do not consider it one on which, alone, a grant of outline planning permission should founder. Indeed, if the conclusion were that outline planning permission should be granted, the contribution might be secured by seeking a satisfactorily amended obligation.

Consultation^{183-188, 230, 232}

359. Without in any way wishing to undermine the importance of good consultation at pre-application and application stages, I can confidently conclude that all of the planning concerns and objections held by local groups and individuals were very well aired at the inquiry. That being so, any flaws that there may have been in the consultation processes (and I cannot say whether there were or were not any flaws) have not led to any group or individual being prejudiced by being unable to appear at, or write to, the inquiry to raise matters not otherwise brought to my attention.
360. As a result, I see no need to consider in detail the merits of the consultation processes. Any flaws there may have been in terms of good practice have not caused me to be unable to consider fully and properly the planning merits of the proposals. And I do not believe that flaws in the consultation process should, on their own, be a reason for refusal of a proposal except when their effect has been to prevent material planning considerations from being properly raised.

Other matters²³⁰

361. In addition to those I have already considered, local people raised objections concerning privatisation of public spaces, lack of community facilities, impact on surrounding residential areas, biodiversity and a threat to community spirit.
362. I understand the concern about the privatisation of public spaces but it seems to me that that is more a question of the quality of the security measures rather than a necessary flaw in a development of this nature.
363. It is not clear what sorts of community facilities are sought – but the proposal, if executed properly would enhance the context of the Grand and Duke's Theatres and provide replacement accommodation for the Musicians' Co-operative.
364. I cannot see that there should be any significant impact on the environment of nearby residential areas; on the evidence, the highways improvements should ensure no more rat-running through residential streets than there is at present. Also, the site is fairly self-contained, particularly with the canal along its eastern

boundary; the likelihood of any activity spilling out of the site and causing serious noise and disturbance is remote and I do not envisage the type of uses proposed on the canal-side (restaurants and cafes but not drinking establishments) having any unacceptably noisy impact on the residents of the Bath Mill estate opposite. The fact that the development itself would have housing very close by lends support to this conclusion.

365. The concerns about biodiversity seem to me, like some other concerns, to fall under the description of 'fearing the worst'. There is no automatic reason why harm to the canal as a wildlife corridor should arise. The development would have an active frontage to the canal but the precise details of its size, layout and landscaping can be satisfactorily controlled at a later stage. The green corridor would remain; more people might take advantage of it but that does not mean it would be deserted by wildlife.
366. There are different views in the ES and by one objector about the importance of the site for bats. It is difficult to criticise the conclusions in the ES on the basis of the objection. There are precautions that can be taken during and after construction (identified in the ES) and capable of being controlled by planning conditions (for example, controlling the construction methodology and securing appropriate lighting design). In addition, bat species are protected under the Wildlife and Countryside Act 1981, which I consider should provide an appropriate safeguard were the findings in the ES to prove incorrect when development commenced.
367. Lastly, it seems to me that any perceived threat to community spirit arises from the assumption that this would be a wholly inappropriate type and scale of development for the size and nature of Lancaster. I have largely addressed that above in considering the retail, highways and heritage aspects of the scheme. There is also the argument that Lancaster should not be striving to be a sub-regional centre of any greater significance than it is at present; that, however, is not what is sought by adopted policy in the RSS and Core Strategy.

Overall conclusion

368. In purely retail terms, I find a clear need for a substantial increase in comparison retail floorspace provision in Lancaster. However, if outline planning permission were granted on this application and the development were to open by around the beginning of 2014, the floorspace requirement would not be as high as the amount actually proposed. Thus, if the scheme were developed fully and quickly, it could well harm the vitality and viability of the existing shopping centre, with consequent harm to its historic fabric; it could do that either by operating as a separate destination or by attracting too many retailers away from the existing centre. Capacity would be more than adequate by 2018, however, so this objection is essentially a matter of timing; on the other hand, I do not consider the analysis so clear-cut as to lend itself obviously to a permission conditioned by a phasing of floorspace provision. (That may be especially so in the current uncertain economic climate, a factor raised by IOC,²⁰⁸ albeit not in this particular context.)
369. An important aspect of the retail issue is the link with the existing shopping centre. The application site is edge-of-centre but with effectively only a single point actually abutting the existing centre. As such, I consider the bridge link across Stonewell essential to a satisfactory form of development. No other site in or abutting the existing centre was suggested that could provide for the amount of retail floorspace justified by the data. In weighing the need for

additional retail floorspace against locational policy, I favour development on the application site for two reasons – because there seems no alternative if Lancaster is to maintain the sub-regional role identified in the RSS and because, if the amount of floorspace is appropriately controlled, there should be no harmful impact on either the vitality and viability or the historic fabric of the existing centre.

370. Not unrelated to retail provision in terms of how the objections were put, I do not believe that the proposal would cause any serious harm to the tourism potential of Lancaster.
371. I find no serious harm in highways and transportation terms. The highways improvements proposed as part of the application would mean that the local road network operated no less efficiently than it would without the development and without those improvements. The site is highly accessible on foot, by cycle and by public transport. There would be a small amount of harm to the existing cycle network but I do not consider that so significant as to warrant refusal of the application. Similarly, there would be a small reduction in air quality in some nearby areas because of the additional traffic generated by the proposal but, bearing in mind guidance on the matter, not so much as to warrant refusal.
372. There are three distinct objections to the proposals in heritage terms.
373. Firstly, where unlisted buildings in the Conservation Areas are being proposed for demolition, there has been no assessment, in line with the guidance in PPG15, of the costs of repair and refurbishment or of the potential for viable re-use. In addition, there is no indication of whether those buildings, if they were not to be demolished, could be satisfactorily incorporated in a redevelopment scheme for the larger area. The potential benefit to the community that might outweigh this absence of analysis – that the proposal would re-establish or consolidate Lancaster as an effective sub-regional centre – might actually be a disadvantage, at least in the shorter term, because, on opening, the development would be capable of providing more comparison retail floorspace than could be sustained by the thus enlarged shopping centre.
374. Secondly, design detail for the replacement buildings on Stonewell and for the bridge from St Nicholas Arcades is wholly lacking. It is impossible to conclude, on the information available, that they could be satisfactorily designed in a manner that would be complementary to the surrounding existing townscape and the settings of nearby listed buildings.
375. Thirdly, the relationship of proposed buildings to the Grand Theatre, 127/129/131 St Leonard Gate and Mill Hall, Moor Lane, to the extent that it is defined by the application parameters, seems almost certain to damage the settings of those listed buildings.
376. I find no other objections to the overall proposal but it is my conclusions on the retail and heritage aspects that lead me to my recommendation on the application for outline planning permission.

RECOMMENDATIONS

377. I recommend that application ref. 08/00866/OUT for outline planning permission (file ref. APP/A2335/V/09/2095002) be refused.
378. I recommend that all of the applications for listed building consent and conservation area consent be refused. They are incidental to the application for outline planning permission and, if that is refused, then there is no requirement for the works of demolition or alteration involved. While redevelopment of the site would be appropriate in principle, the proposals subject of these various applications would not automatically be required as incidental to an alternative proposal for the site as a whole.
379. If, contrary to my recommendation, the Secretary of State concludes that outline planning permission should be granted, then I recommend that application for listed building consent ref. 07/00667/LB (Grand Theatre, St Leonard Gate, file ref. APP/A2335/V/09/2098517) and applications for conservation area consent ref. 07/00670/CON (1 Lodge Street, file ref. APP/A2335/V/09/2098523) and ref. 07/00673/CON (133-139 St Leonard Gate, 1-5 Stonewell and 3-7 Moor Lane, file ref. APP/A2335/V/09/2098525) should still be refused, for the reasons given in paras. 337, 342 and 344 above.
380. The conditions I recommend in the event of the proposals being granted outline planning permission, listed building consent and conservation area consent are at Annex C below.

John L Gray

Inspector

ANNEX A: APPEARANCES

FOR LANCASTER CITY COUNCIL

Paul Tucker, of Counsel

instructed by the Head of Legal Services, Lancaster City Council.

He called

Mark Cassidy MSc(Dist)EP MRTPI

Assistant Development Control Manager, Lancaster City Council.

Dominic Mullen BSc DipTE MILT MIHT

MVA Consultancy Ltd, Manchester.

Keith Nutter MRTPI

Director, White Young Green Planning and Design, Manchester.

Stephen Gardner MCIAT

Senior Conservation Officer, Lancaster City Council.

Dip.BLDG.CON(SRICS) IHBC

The City Council having decided to take no further active part in the inquiry, the following were not called.

Nicholas Howard BSc(Hons) MSc MCIEH

Environmental Protection Manager, Lancaster City Council.

Andrew Dobson DipEP MRTPI PDDMS

Head of Planning Services, Lancaster City Council.

Cllr Eileen Blamire

Cabinet and Committee member when the Council resolved to approve the applications.

FOR ENGLISH HERITAGE

Eian Caws, of Counsel

instructed by the Legal Director, English Heritage.

He called

Henry Owen-John BA(Hons) MIA FSA

Regional Director, Planning and Development, English Heritage North West Region.

Cathy Tuck BSc(Hons)

Historic Environment Advisor, English Heritage North West Region.

FOR SAVE

Andrew Deakin, of Counsel

instructed by Richard Buxton Solicitors on behalf of SAVE.

Had the Council continued to take and active part in the inquiry, he would have called

William Palin BA MA

Secretary of SAVE.

Richard Griffiths MA DipArch(Cantab)

Richard Griffiths Architects, London.

Grad.Dipl.Cons (AA) RIBA AABC

Ptolemy Dean BSc DipArch RIBA AABC

Ptolemy Dean Architects, London.

FOR IT'S OUR CITY

Billy Pye

co-ordinating the objections of It's Our City.

Had the Council continued to take and active part in the inquiry, he would have called

Prof John Whitelegg BA PhD LLB FRSA

Prof John Walton BA PhD FRHistSoc

Tim Hamilton-Cox BTech(Hons) MSc

Jonathan Brooks BSc(Hons)

I declined to hear evidence from

Dr Jane Hunt BA(Hons) PhD

INTERESTED GROUPS AND INDIVIDUALS

Lancaster Civic Society	Alys Jenkins
Lancaster Chamber of Commerce	Sue Garner
Cllr Anne Chapman	Steve Jenkins
Cllr Jude Towers	Beryl Freeman
Cllr Christopher Coates	Graham J Hewitt LLB
Pascal Desmond	Marian McClintock
Howard Dodgson	Cllr John Whitelegg
A R Haslam	Dr P J Smith
Wendy Haslam	Richard Follows
Rhiannon Westphal	Jacqueline Skinner
Mark Rotherham	Robert McKittrick
Anna Friewald	Marian Leece
Dr Jo Guiver	Simon Gershon
Dr Stephen Dealler	Gary Foxcroft
Daniel Tierney	Matt Dower
Stephen Grew	Helen Ashman
Noel Cass	Ian Wilson
Sharon Hayton	Joe Wood
Stephen Allen	Corina Redmore
Ruth Jenkins	Eleanor Levin
Desna McKenzie	Laura Deacon
Aurora Trujillo	Cllr Sam Riches
Matthew Wilson	Cllr Andrew Kay
Ceri Mumford	Fred Owens
Bryony Rogers	

ANNEX B: INQUIRY DOCUMENTS

Core Documents

- 1-112 An itemized list is provided with the Documents.
- Notes: Document CD1 is on file APP/A2335/V/09/2095002;
Documents CD32-CD42 are on the respective listed building consent and conservation area consent files;
Documents CD48-CD60 are PPGs and PPSs and not submitted with this report.

Lancaster City Council Documents

- L/1-L/84 Background documents (in two files with an itemized list).
- L/MC/1 Proof of evidence of Mark Cassidy.
- L/MC/2 Summary of evidence of Mark Cassidy.
- L/DM/1 Proof of evidence of Dominic Mullen.
- L/DM/2 Summary of evidence of Dominic Mullen.
- L/KN/1 Proof of evidence of Keith Nutter.
- L/KN/2 Appendices to proof of evidence of Keith Nutter.
- L/KN/3 Summary of evidence of Keith Nutter.
- L/SG/1 Proof of evidence of Stephen Gardner.
- L/SG/2 Summary of evidence of Stephen Gardner.
- L/NH/1 Proof of evidence of Nicholas Howard (not given orally).
- L/EB/1 Statement of Cllr Eileen Blamire (not given orally).
- L/AD/1 Proof of evidence of Andrew Dobson (not given orally).
- L/R/1 Rebuttal of Henry Owen-John's evidence (for English Heritage).
- L/R/2 Rebuttal of Cathy Tuck's evidence (for English Heritage).
- L/R/3 Rebuttal of SAVE's evidence.
- L/R/4 Rebuttal of Prof John Whitelegg's and William Pye's evidence (for It's Our City).
- L/R/5 Rebuttal of Prof John Walton's evidence (for It's Our City).
- L/R/6 Rebuttal of Andy Yuille's evidence (for CPRE).
- LCC1 Opening statement by Paul Tucker.
- LCC2 Annotated plan describing changes from the April 2007 application.
- LCC3 Draft unilateral undertaking, 28 May 2009.
- LCC4 Draft outline planning permission ref. 08/00866/OUT with conditions.
- LCC5 Applicant's comments on proposed conditions, email dated 11 June 2009.
- LCC6 Map showing city centre car parking.
- LCC7 Information note on the impact on the Stonewell pedestrian crossing.
- LCC8 Email correspondence on the absence of knowledge of the TRL report commissioned by English Heritage on use of the at-grade Stonewell crossing.
- LCC9 Note on errors in LCC's air pollution monitoring data, 18 June 2009.
- LCC10.1 Errata sheet for Keith Nutter's evidence (Document L/KN/1).
- LCC10.2 Amended tables for Keith Nutter's appendices (Document L/KN/2).
- LCC11 Email correspondence, December 2007, estimating pedestrian movement with and without the bridge link to St Nicholas Arcades.
- LCC12 Skeleton condition surveys and works schedules for buildings to be demolished as part of the application proposals.
- LCC13 Descriptions and locations of other approved developments having an impact on the highway network.
- LCC14 Illustrations from PowerPoint presentation by Stephen Gardner.

- LCC15 Amended drawings for listed building consent application ref. 07/00667/LB.
- LCC16 Discrepancy between parameter heights of development and perspective illustration adjacent to 127/129/131 St Leonard Gate.
- LCC17 Addendum to proof of evidence of Nicholas Howard (Document L/NH/1), with update by Waterman Energy, Environment and Design and letter from Prof Duncan Laxen, Managing Director, Air Quality Consultants Limited.
- LCC18 Plan Parameter and Height Parameter variations thought appropriate by Stephen Gardner in cross-examination and re-examination.
- LCC19 OS site plan overlaid with proposed development.
- LCC20 Traffic modelling in relation to the M6-Heysham link (response to It's Our City).
- LCC21 Text of Conservation Area Appraisal statement read to the inquiry.
- LCC22 Revised planning conditions.
- LCC23 Conditions for listed building and conservation area consent applications.
- LCC24 Position Statement, 26 June 2009.
- LCC25 Application for costs against Centros.
- LCC26 Response to costs application by SAVE (received 5/8/09).

English Heritage Documents

- E1.1 Proof of evidence of Henry Owen-John.
- E1.2 Appendices to proof of evidence of Henry Owen-John.
- E1.3 Summary of evidence of Henry Owen-John.
- E2.1 Proof of evidence of Cathy Tuck.
- E2.2 Appendices to proof of evidence of Cathy Tuck.
- E2.3 Summary of evidence of Cathy Tuck.
- E3.1(1) Heritage characterisation criteria and assessment of buildings on and adjacent to the application site.
- E3.1(2) Plan showing locations of buildings assessed in Document E3.1(1).
- E3.2 Opening statement by Eian Caws.
- E3.3 References to Core Documents within the proofs of evidence (E1.1 & E2.1).
- E4 LCC Northern Gateway Character Area Appraisal, 2004.
- E5 LCC letter to Montagu Evans, dated 10 January 2005.
- E6 Schedule comparing the views of the applicant (Core Documents CD25 & CD26), LCC and English Heritage.
- E7 Letter from Lancashire County Archaeology Section (LCAS) to LCC, dated 8 October 2008.
- E8 Letter, CABE to Reid Architecture, dated 28 November 2006.
- E9 Extract, *Guidance on the management of conservation areas*.
- E10 Extract, *Retail Development in Historic Areas*.
- E11 Granada Hospitality Limited v SSETR and Another, [2001] 81 P.&C.R. 36.
- E12 Extract, Planning Encyclopaedia – P72.14 and P72.15.
- E13 Extract, Pins Website – Planning Conditions and Obligations.
- E14 Closing Submissions.

SAVE Documents

- SA/WP-01 Proof of evidence of William Palin.
- SA/WP-01A Summary of evidence of William Palin.
- SA/WP-02 Extract, *The Sack of Bath, 1973*.
- SA/WP-03 SAVE Manifesto, 1975.
- SA/WP-04 *The Concrete Jerusalem, New Society, 1976*.

SA/WP-05	<i>City Centre Carve Up</i> , SAVE, 1982.
SA/WP-06	<i>Catalytic Conversion</i> , SAVE and the Architectural Heritage Fund, 1998.
SA/WP-07	<i>Leeds – a lost opportunity?</i> , SAVE, 1986.
SA/RG-01	Proof of evidence of Richard Griffiths.
SA/RG-01A	Summary of evidence of Richard Griffiths.
SA/RG-02	Appendix to evidence of Richard Griffiths.
SA/PD-01	Proof of evidence of Ptolemy Dean.
SA/PD-01A	Summary of evidence of Ptolemy Dean.
SA/PD-02	Drawing of Moor Lane / Stonewell by Ptolemy Dean.
SA/PD-03	Drawing of Moor Lane / Stonewell by Ptolemy Dean.
SA/PD-04	Letter, Ptolemy Dean to Mark Cassidy, dated 10 October 2008.
SA/PD-05	Photograph of Moor Lane / Stonewell by Paul Barker.
SA/PD-06	Photograph of Moor Lane / Stonewell by Paul Barker.
SA/PD-07	Photograph of shops on Moor Lane by Paul Barker.
SA/PD-08	Photograph of Mitchell's Brewery by Paul Barker.
SA/PD-09	Photographs of Centros's Fremlin Walk Centre, Maidstone, Kent.
SA/1	Opening statement by Andrew Deakin.
SA/2	Note on witness evidence, 30 June 2009.
SA/3	Application for costs against Centros, 30 June 2009.
SA/4	Application for costs against LCC, 7 July 2009.
SA/5	Closing submissions.
SA/6	Response to LCC's rebuttal of costs application (received 13/8/09).

It's Our City Documents

I/TR-01	Transport proof of evidence of Prof John Whitelegg and Billy Pye.
I/TR-01A	Summary of evidence of Prof John Whitelegg and Billy Pye.
I/TR-01B	Erratum to Document I/TR-01.
I/TR/A	Addendum to transport proof of evidence.
I/TR/R/01	Rebuttal of Dominic Mullen's evidence (Document L/DM/1).
I/TR-02	Trip Attraction Rates of Developments with Multiple Retail and Leisure Uses, TRICS Research Report 05/1,
I/TR-03	Letter from Mayer Brown to Mark Cassidy, dated 12 August 2008.
I/TR-04	Existing city centre retail floor area spreadsheet, provided by LCC in 2008.
I/TR-05	Modelled daily traffic flows with M6-Heysham link, December 2005.
I/TR-06	Review of regional parking standards, Mouchel, December 2008.
I/T-01	Tourism proof of evidence of Prof John Walton.
I/T-01A	Summary of evidence of Prof John Walton.
I/T/R/01	Rebuttal of LCC's evidence.
I/T/R/01A	Rebuttal of LCC's rebuttal evidence.
I/T-02	Lancaster City STEAM Report, 2007.
I/T-03	Neighbourhood Statistics, Office for National Statistics, April 2001.
I/T-04	Tourism and Leisure, Lancashire Profile, Lancashire County Council, 2007.
I/T-05	<i>Northwest Visitor Segmentation Research</i> , Locum Consulting, July 2006.
I/T-06	<i>Historic Towns and Cities in England's Northwest, Position Statement</i> , Northwest Regional Development Agency and English Heritage, March 2007.
I/T-07	Extract, http://www.information-britain.co.uk/county19/townguideLancaster/ .
I/T-08	Extract, http://www.citycoastcountryside.co.uk/site/historic-lancaster .

- I/T-09 Extract, http://www.touruk.co.uk/lancs/lancs_lanca.htm.
- I/T-10 *Lancaster City, Morecambe & Coast, Lune Valley & Countryside, Visitor Guide 2009*, LCC.
- I/T-11 View from Castle Precinct with proposed development superimposed.
- I/T-12 Extracts, *Consumption, Place, Identity*.
- I/T-13 Extract, *Lancsenvstrat*.
- I/T-14 Extract, *Lancashire Life*, February 2009.
- I/T-15 *Tourism Strategy for Morecambe, Lancaster and the Lune Valley*, LCC, June 2006.
- I/T-16 *The Money Trail*, The Countryside Agency and New Economics Foundation.
- I/T-17 Selected Objectives from
http://www.lancashire.gov.uk/environment/ltp/ltp_web/chapter_83.asp
- I/T-18 *Not used*
- I/T-19 Extract, *Heritage Counts 2003*, English Heritage.
- I/T-20 Extract, *Tourism, Culture and Regeneration*, ed. Melanie K Smith.
- I/T-21 *Clone Town Britain*, New Economics Foundation, 2004.
- I/T-22 Extract, *Key Business Management Functions in Tourism*.
- I/T-23 Extract, <http://thanetstar.com/article/thanet-s-reaction-to-westwood-cross>.
- I/T-24 Extract, <http://www.whitbygazette.co.uk/news/Whitby-voted-best-seaside-resort.1499452.jp>.
- I/T-25 *What is a seaside resort: from eighteenth century to the twentieth*, J K Walton.
- I/T-26 *The Economic Value of the Historic Environment*, 2008.
- I/T-27 Extract, *Geographies of Exclusion*, 1995.
- I/T-28 Extract,
<http://www.guardian.co.uk/politics/2005/may/13/fashion.fashionandstyle>.
- I/T-29 *The privatisation of public space*, Anna Minton, RICS.
- I/T-30 Extract, *Main Currents in Western Environmental Thought*, P R Hay.
- I/T-31 Extract, speech by Tom Buchanan on Heritage Development, November 2008.
- I/R-01 Retail proof of evidence of Tim Hamilton-Cox.
- I/R-01A Summary of evidence of Tim Hamilton-Cox.
- I/R/A/01 & I/R/A/01/ APP - Addendum to evidence of Tim Hamilton-Cox plus Appendices.
- I/R/R/01 Rebuttal of Keith Nutter's evidence (Document L/KN/1).
- I/R-02 Extract, Topic Paper 5, Economic Regeneration, LCC Local Development Framework.
- I/R-03 Report to Portsmouth City Council Cabinet, 9 March 2009, with letter dated 19 February 2009 from Centros and *Northern Quarter Portsmouth* report, DTZ, February 2009.
- I/R-04 *Retail Spending Outlook*, March 2009, Oxford Economics Retail Briefings Update.
- I/R-05 *Retail Planner Briefing Note 5.1*, Experian, November 2007.
- I/R-06 *Goods Based Retail Expenditure Estimates and Price Indices*, Mapinfo, September 2008.
- I/R-07 *ditto*, September 2007.
- I/R-08 Copy letter, Andrew Dobson to Julian Stephenson, Montagu Evans (undated but March/April 2006).
- I/R-09 *Shopping and Town Centres*, Lancaster District Local Plan Monitoring Report, January 2004.
- I/R-10 Impact Appraisal, Final Report, White Young Green, September 2008.
- I/R-11 *High Street Britain: 2015*, report of the House of Commons All-Party Parliamentary Small Shops Group, 2006.

- I/R-12 Letter, Paul Shuker, White Young Green, to Mark Cassidy, dated 6 July 2007.
- I/R-13 Copy Letter, Julian Stephenson to Paul Shuker, dated 1 October 2008.
- I/R-14 PPS12 (*not submitted with report*).
- I/R-15 Assorted correspondence (email and letter, between June 2007 and September 2008) regarding the retail assessment for the application site.
- I/R-16 Extract, Lancaster and Morecambe spreadsheet showing retail change 2005-09.
- I/R-17 Extract, CD63, Appendix 10 (*not submitted with report*).
- I/R-18 Email, South Lakeland District Council objection, dated 8 June 2008.
- I/R-19 Development Agreement (*restricted document – not printed*).
- I/R-20 BSCS slide giving details of Centros proposal (undated).
- I/R-21 Development Agreement Lease, Alternative A.
- I/R-22 Development Agreement Lease, Alternative B.
- I/R-23 Property Week article (re. Modus, Wakefield).
- I/R-24 Property Week article (re. Modus).
- I/R-25 Property Week article (re. Modus).
- I/R-26 Property Week article (re. Lancaster).
- I/R-27 Retail Week article (re. recession).
- I/R-28 PPS6 Statement, Lawson’s Quay East, Lancaster.
- I/R-29 Extract, spreadsheet on planning permissions, including completion information.
- I/R-30 *see IR/16*.
- I/R-31 Annual Monitoring Report 2008, Lancaster District LDF.
- I/R-32 Extract, White Young Green evidence on Tesco application, Kirkby, on behalf of the Combined Authority Objectors.
- I/R-33 *Preston Retail Study, 2008 Update*, Drivers Jonas.
- I/R-34 Extract, *City and Town Rankings in the North West*, Central Lancashire City Region, Sub-regional Strategy, First Detailed Proposals, March 2005.
- I/R-35 Retail Week article (re. empty shops).
- I/R-36 Extract, *Town Centre Health Checks*, South Lakeland LDF, 2008/9.
- I/R-37 Extract, *Town Centre Health Checks*, South Lakeland LDF, 2008/9.
- I/R-38 Peston’s Picks, BBC news, 31 March 2009.
- I/R-39 *Town centres, planning and supermarkets*, Note SN/SC/1106, House of Commons Library, 13 May 2009.
- I/R-40 LCC Officer recommendation of no objection to Comprehensive Redevelopment of the Tithebarn Regeneration Area, Preston, 10 November 2008.
- I/AQ-01 Air quality proof of evidence of Jonathan Brooks.
- I/AQ-01A Summary of evidence of Jonathan Brooks.
- I/AQ/U-01 Update of evidence of Jonathan Brooks.
- I/AQ/R-01 Rebuttal of Nick Howard’s evidence (Document L/NH/1).
- I/AQ-02 Average wind speed maps.
- I/AQ-03 *Lancaster Air Quality Monitoring: January-December 2008*, Air Quality Consultants Ltd.
- I/AQ-04 Air Quality Action Plan Steering Group: notes from meeting of 6 July 2007.
- I/AQ-05 Air Quality Action Plan Steering Group: notes from meeting of 3 August 2007.
- I/AQ-06 Extract from CD72, letter dated 15 September 2008.
- I/AQ-07 Memo from Nick Howard to Development Control, 11 August 2008.
- I/AQ-08 *The Precautionary Principle: Policy and Application*, ILGRA, 2002.
- I/AQ-09 *Evaluation and application of biomagnetic monitoring of traffic-derived particulate pollution*, Atmospheric Environment 43 (2009).

I/AQ-10	<i>Spatial variation in vehicle-derived metal pollution identified by magnetic and elemental analysis of roadside tree leaves, Atmospheric Environment 42 (2008).</i>
I/AQ-11	<i>Deriving NO₂ from NO_x for Air Quality Assessments of Roads – Updated to 2006, Air Quality Consultants Ltd, March 2007.</i>
I/C-01	Consultation proof of evidence of Jane Hunt.
I/C-01A	Summary of evidence of Jane Hunt.
I/C/R-01	Rebuttal of LCC evidence.
I/C-02	Extract, http://www.thebay.co.uk/goto.php .
I/C-03	Extract, http://www.castle-view.info/news/22_nov_2005.html .
I/C-04	Extract, http://www.thecornerhouse.org.uk/item.shtml?x=107362 .
I/C-05	R on application Greenpeace Limited v Secretary of State for trade and Industry, [2007] EWHC 311 (Admin).
I/OS-01	Opening statement.
I/CS-01	Closing submissions.

Interested Persons' Documents

Statements by those who spoke on Tuesday 30 June

T1	Lancaster Civic Society	T21	Sharon Hayton
T2	Lancaster Chamber of Commerce	T22	Stephen Allen
T3	Cllr Anne Chapman	T25	Ruth Jenkins
T4	Cllr Jude Towers	T26	Desna McKenzie
T5	Cllr Christopher Coates	T28	Aurora Trujillo
T6	Pascal Desmond	T29	Matthew Wilson
T7	Howard Dodgson	T31	Ceri Mumford
T8	A R Haslam (read by Wendy Haslam)	T32	Bryony Rogers
T9	Wendy Haslam	T35	Alys Jenkins
T12	Mark Rotherham	T36	Sue Garner
T13	Anna Friewald	T40	Steve Jenkins
T14	Dr Jo Guiver	T41	Beryl Freeman
T16	Dr Stephen Dealler	T42	Graham J Hewitt
T17	Daniel Tierney	T43	Marion McClintock
T18	Stephen Grew	T45	Cllr John Whitelegg
T19	Noel Cass	T47	Dr P J Smith

Statements by those who spoke on Wednesday 1 July

W1	Richard Follows	W12	Helen Ashman
W2	Jacqueline Skinner	W13	Ian Wilson
W4	Robert McKittrick	W14	Joe Wood
W6	Marian Leece	W15	Corina Redmore
W7	Simon Gershon	W16	Eleanor Levin
W8	Gary Foxcroft	W17	Cllr Sam Riches
W9	Laura Deacon (read by Eleanor Levin)	W19	Cllr Andrew Kay
W10	Matt Dower		

Written statements by those opting not to speak

S1	Cllr Jon Barry	S17	Dr Valerie Anderson & Jenny Betts
S2	Sally Laver	S18	D & C Austin, V Anderson & S Price
S3	Rick Johnson	S19	see <i>WR10</i>
S4	Andy Baxter	S20	Andrew Bardsley
S5	Jon Sear	S21	Dr Richard Gould

S6	Iris Woodford	S22	Steffi Westphal
S7	Simon Hawkesworth	S23	Lauren Walker
S8	Ruth Haigh	S24	Dr V Anderson & J Betts
S9	Rose Lerner	S25	Tiki Hurley
S10	Eleanor Lamb	S26	Dr Bronislaw Szerszynski
S11	Chris Norburn	S27	Rebecca Smith
S12	E M Stirrup	S28	Marion Dawson
S13	Diane Thatcher	S29	Cllr Maia Whitelegg
S14	Matthew Wootton	S30	Karen Tusting
S15	Tom Roberts	S31	Dr Jane Hunt
S16	Annie Frances	S32	Anthony Cooke

Written Representations

- WR1 Written statement by Chase & Partners on behalf of Allied (Lancaster) Limited.
- WR2 Letter from Chase & Partners dated 22 June 2009.
- WR3 Letter from Chase & Partners dated 30 June 2009.
- WR4 Proof of evidence of Andy Yuille on behalf of CPRE.
- WR5 Rebuttal by Andy Yuille of Andrew Dobson's evidence for LCC (Document L/AD/1).
- WR6 Letter from GEP (West) Limited (freehold owner of 30-38 Penny Street, Lancaster), dated 21 May 2009.
- WR7 Letter from Dr Simon Bradley (Editor, Pevsner Architectural Guides) dated 8 June 2009.
- WR8 Statement with appendices by the Northwest Regional Development Agency, submitted by letter dated 11 June 2009.
- WR9 Letter from Ben Wallace MP, dated 15 June 2009.
- WR10 Letter from Andrew Barker, Joint Managing Director, Mitchell's of Lancaster (Brewers) Ltd, dated 15 June 2009.
- WR11 Email from Lynne Walker, Historic Buildings Officer, Council for British Archaeology, dated 15 June 2009.
- WR12 Letter from Seeds for Change, Lancaster, dated 29 June 2009.
- WR13 Letter from Woodswift Project Services Limited, on behalf of RHPUT (freehold owner of St Nicholas Arcades, Lancaster), dated 1 July 2009.
- WR14 Statement by Michael Hardy, Chairman, Lancaster Footlights, Grand Theatre, Lancaster.
- WR15 Bundle of 249 letters, emails and statements received between 28 January and 3 April 2009.
- WR16 Letter of objection from South Lakeland District Council dated 24 February 2009.
- WR17 CD of Lancaster Carnival.
- WR18 Letter from Mrs Beryl E Freeman, Chairman of Britten Hall, dated 16 June 2009.

Other Documents

- G1 Inspector's note following pre-inquiry meeting.
- G2 Typed copy of English Heritage's notes from pre-inquiry meeting.
- G3 Attempts to Secure Common Ground – Site Description and Planning History.
- G4 Attempts to Secure Common Ground – Historical Development and Heritage.
- G5 Inspector's comments/queries on conditions and section 106 obligation.
- G6 Section 106 Obligation (unilateral undertaking) submitted by the applicant to LCC by letter dated 2 July 2009 and thence to PINS.

ANNEX C: CONDITIONS

I give below the gist of discussion at the inquiry on the suggested conditions in Documents LCC22 and LCC23, bearing in mind my note to the parties (Document G5). I give my conclusions, if any are necessary, in italics. I then set out the conditions I recommend should be attached to outline planning permission, listed building consents and conservation area consents, should they be granted. (The applicant's comments on the earlier suggested conditions in Document L/MC/1 are at Document LCC5.)

Discussion on suggested conditions

Application for outline planning permission

Condition 1 Five years would perpetuate uncertainty. EH and IOC agreed that a balance had to be struck. *I agree that five years would perpetuate uncertainty; I prefer three years.*

Condition 2 EH thought that to seek additional parameter plans was tantamount to amending the application by condition. The test should be whether what is involved would amount to a substantial alteration or amendment to the application. Even if what is proposed seemed acceptable in relation to the *Wheatcroft* judgement, which EH thought it was not, what is suggested should not take place without the agreement of the applicant to such change. There is limited authority in *Granada Hospitality Limited v SSETR and Another [2001] 81 P&CR 36* – but EH and SAVE would wish to see details, not amended parameters. *My recommended condition is based on the parameter plans submitted with the application.*

Condition 3 The concern is for the unlisted buildings outside the Conservation Areas. EH thought the condition reasonably related to the development.

Condition 4 The principle of the condition is appropriate. The question that I raised was about the control that could be exercised over lorry routes. Here, the lorries would be under the control of the applicant so it ought to be possible to control routing (see Circular 11/95, para. 71, also model conditions 24/25.) Some wording modifications were suggested. *Parts of this condition may be included instead in a condition seeking a construction methodology/management plan (suggested condition 26). Subsequent conditions may be modified to refer to commencement of development on particular phases rather than development as a whole.*

Condition 5 The applicant says it has already done this – but it should nevertheless be controlled by condition. *I agree. It is important to ensure appropriate relocation of existing uses and occupiers; if the necessary work has indeed been done, then it will not be an onerous task to satisfy the condition.*

Condition 6 EH thought the suggested condition significantly different to the provision in the undertaking because the latter has an escape clause. *My view is that the condition is an appropriate one for visual reasons, not simply cultural ones, because the Grand Theatre occupies one of three sides of a new square off St Leonard Gate. The condition might better be qualified by reference to the phasing programme to be approved under condition 4.*

Condition 7 The condition probably ought to refer to the Duke's Theatre and its curtilage. EH thought the condition rather vague and preferred a negative condition. *I consider consistency with the construction of condition 6 important.*

Condition 8 The requirements of this condition could be specifically included within a general hard landscaping condition and linked to the phasing programme. Works required to the canal towpath might have to be subject to a separate negative condition.

Condition 9 The provision of the Management Suite is acceptable. EH thought the provision of the scheme difficult, very unlikely unlawful, since the scheme is essentially a financial contribution.^A Not entirely unrelated to the provision of the town centre management suite is the provision of accommodation for the Musicians' Co-op, which LCC agreed was an oversight.

Condition 10 LCC considered salvage and re-use desirable in principle. EH thought that 'lintol and door jambs' would be a more accurate description. *I agree.*

^A It was at this point that EH submitted Documents E12 and E13.

Condition 11 EH would not want to see the Stonewell buildings demolished and then no bridge constructed; there should be a specific reference to the right to construct a bridge being demonstrated prior to the commencement of development; there should also be a specific reference to the detailed design of the bridge. *I think EH is correct on both counts.*

Condition 13 *There was no comment on this condition but its content can be included in the landscaping condition replacing suggested condition 8.*

Condition 14 *Similarly, this can be covered in the replacement for condition 8.*

Condition 15 *There was no comment on this condition but I consider that it may be omitted on the basis that roofs and unit frontage widths would form part of the appearance reserved matter. A reference to green roofs in the landscaping condition would be appropriate.*

Condition 16 *This may be superseded by the hard and soft landscaping condition(replacing condition 8. In my opinion, there are no trees within the site of a quality demanding retention rather than replacement as part of a landscaping scheme, rendering unnecessary condition 17 as well as the final part of condition 16.*

Condition 18 The floorspace figures are those recommended by WYG. The application refers to A1/A2/A3 uses. EH thought that the figures could be affected by revised parameters, even though they were maxima; a qualifying clause could refer to the parameter maxima. *I shall round up the indicative comparison and convenience figures set out in the Retail Assessment (Document CD16, p.4).*

Condition 20 *There was no comment on this condition but I consider that it should be negatively worded because, while it is reasonable for the developer to prepare a temporary strategy, implementation of it may fall to LCC.*

Condition 21 The 6% to be designed to mobility standards is from the planning parameters report. No part of the car park should be potentially available for commuter parking. EH wondered if (as originally) the strategy should be approved before the start of construction. *Technically, I think EH is correct.*

Condition 22 IOC wished to be assured that cycle parking would be to the appropriate standards. SAVE wondered about the precision of the reference to other identified cycle measures; for example, shower facilities are referred to in the ES. *For clarity, I prefer separate conditions to deal with cycle parking and cycle routes.*

Condition 24 EH wondered what this condition actually covered – hours, yes, but routes? *I do not consider that routes can be controlled since deliveries would be by and for the retailers occupying the development, not under the control of the developer, and vehicles could be coming from a variety of directions, depending on starting points or other branches.*

Condition 25 EH suspected that this was not a valid condition. IOC thought the starting point should be where in the development the service areas would be, in which case the Plan should be approved before development commenced. *I agree with IOC. More importantly, for the reasons outlined in relation to condition 24, I shall omit the condition because I do not consider it lawful.*

Condition 27 LCC thought it useful to have this as a separate condition rather than part of what was to be approved under condition 26. IOC was worried that exceptions could be made if an effort was being made to catch up on construction delays. *I favour a condition simply stating the hours, in which case any request to deviate from those hours would have to be considered on its merits by LCC.*

Condition 28 EH wondered if the condition was an attempt to require a lease by the developer to the Musicians' Co-op. *In my view, if the accommodation is clearly part of the application, then requiring sound insulation is reasonable.*

Condition 37 *As framed, this condition is not particularly clear; there are no mitigation measures included on the plans; there is no mention in the ES of barn owls; some of the measures mentioned in the ES are not capable of being "retained". The condition may be substantially reworded and aspects included in the construction methodology condition.*

Condition 38 *This condition is similarly not clear; in fact, the ES suggests only that clearance of vegetation should take place outside the nesting season.*

Condition 40 The intention has always been to provide two moorings; EH thought a negatively worded condition preferable. *I agree.*

In addition, IOC raised the question of affordable housing. Affordable housing within the application site is referred to in the Committee report (Document CD30). LCC agreed that there should be a condition to secure affordable housing; it was possible that the total amount of affordable housing required could all go on one of the three sites but the same condition should be attached here as on permissions 00864 and 00865. *LCC is correct.*

Listed building consent applications

Some points had a general application. A 'building recording' condition should apply to all the applications. Where possible, details should first be approved in writing. On 18 St Leonard Gate, condition 4(iv) on materials was thought unnecessary. On the Grand Theatre, a structural survey may not be necessary if it is secured on conservation area consent for 1 Lodge Street; and condition 4(iii) should refer to damage caused by demolition of 1 Lodge Street. On Mill Hall, re-facing the curtilage wall (condition 3(i)) could be better phrased. *I agree with all of those points.*

Although I prefer a period of three years for the submission of reserved matters on any outline planning permission that may be granted, it seems to me highly unlikely that any of the works proposed in the applications for listed building consent would be capable of being started within that period. Purely in the interests of avoiding unnecessary resubmissions, I suggest a period of five years for implementation of listed building consents.

In my opinion, suggested condition 2 for each application is unnecessary as the terms of the consent itself will (should) refer to the application plans.

I suggest a condition in relation to the Grand Theatre that, notwithstanding the application plans, consent relates to the amended plan submitted to the inquiry. I am uncertain that this condition may be attached without a request from the applicant that the amendment involved be accepted.

Conservation area consent applications

Most of the points raised applied to more than one application. Conditions on archaeology, akin to suggested condition 34 for outline planning permission, should be added. Structural surveys would be necessary in relation to the Heron Chemical Works and 1 Lodge Street. Several phrasing amendments were suggested, including that approvals required by conditions should be 'in writing'. Condition 5(v) on 133-139 St Leonard Gate, 1-5 Stonewell and 3-7 Moor Lane should include a reference to the stone setts. LCC was content with all the suggestions. *So, too, am I.*

For the reason explained in relation to listed building consents, I suggest a period of five years for implementation of conservation area consents.

Also, and subject to my comment above on the Grand Theatre application, I suggest a condition in relation to 1 Lodge Street that consent relates to the amended plan submitted to the inquiry.

RECOMMENDED CONDITIONS

Outline planning permission

Application ref. 08/00866/OUT – Canal Corridor North Site, Lancaster (file ref. APP/A2335/V/09/2095002)

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins. Development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The reserved matters shall be in accordance with the parameter plans submitted with the application, drawings nos. 043018-D-02Q, -04P, -05R, -06N, -11M, -07P, -08Q, -09N, -14P, -15Q and -16Q.
- 5) Development shall be undertaken in accordance with a phasing programme first submitted to and approved in writing by the local planning authority. The programme shall include demolitions and site clearance and preparation.
- 6) No demolition within any approved phase of the development site shall take place until the reserved matters for that phase have been approved and a contract for the carrying out of the works of redevelopment for that part of the site has been made.
- 7) No demolition within the approved phase of the development containing Swan Court shall take place until a scheme for the removal, storage and re-use of the historic stone lintol and door jambs therein has been submitted to and approved in writing by the local planning authority. Development shall be carried out as approved.
- 8) Development shall not commence before implementation of a relocation strategy in respect of all existing uses and occupiers within the application site which has first been submitted to and approved in writing by the local planning authority.
- 9) No phase or phases of development abutting the curtilage of the Grand Theatre on its north-east or south-east sides shall be brought into use until the extension to the Grand Theatre approved under applications 08/00421/FUL and 08/422/LB has been constructed and is available for use.
- 10) No phase or phases of development abutting the curtilage of the Duke's Theatre shall be brought into use before completion of a scheme of improvements to the Duke's Theatre which has first been submitted to and approved in writing by the local planning authority.
- 11) The landscaping reserved matters referred to in condition 1 above shall include full details of hard and soft landscaping works. The landscaping scheme shall include Central Street, Central Square, Seymour Street, St Leonard's Place, Canal Link, Canal Walk, Edward Street and St Anne's Place (all as identified on drawing no. 043018-D-15Q), the canalside park (between Alfred Street and the Canal), all roof-top parking areas and all green roofs. The details shall include proposed finished levels and gradients or contours, means of enclosure, hard surfacing materials, minor artefacts and structures (such as street furniture, play equipment, signs, lighting and public art) and any retained historic or landscape features (together with proposals for their restoration), planting plans and specifications and schedules of plants (noting species, plant sizes and proposed numbers/densities). The works shall be carried out as approved in accordance with a programme of implementation and subsequent maintenance and management which has first been submitted to and approved in writing by the local planning authority.
- 12) Development shall not commence before details of the accommodation to be provided for the Town Centre Management Suite and for the Musicians' Co-operative have been submitted to and approved in writing by the local planning authority. Details of the accommodation to be provided for the Musicians' Co-operative shall include sound

- insulation to reduce noise emanating from the building. Development shall be carried out as approved.
- 13) Development shall not commence until a scheme for the delivery of the pedestrian bridge across Stonewell has been submitted to and approved in writing by the local planning authority. The scheme shall include full details of the design of the bridge and the design of the consequent alterations to St Nicholas Arcades. The scheme shall be implemented as approved and no part of the development hereby permitted shall be brought into use before the bridge has been completed and is available for use.
 - 14) No phase of development shall commence until full details, including samples, of the materials to be used in the construction of the external surfaces of the buildings in that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 15) Notwithstanding the siting parameters shown on drawing no. 043018-D-08Q, gross comparison retail floorspace shall not exceed 38,000sqm, gross convenience retail floorspace shall not exceed 5,000sqm and overall gross retail floorspace shall not exceed 42,000sqm.
 - 16) No demolition, site preparation or development shall take place before details of all site accesses and all highway alterations and improvements, whether on-site or off-site and broadly as described on pages 5-7 of the letter from Lancashire County Council to Lancaster City Council dated 15 September 2008, have been submitted to and approved in writing by the local planning authority. All site accesses and highway works shall be completed in accordance with the approved details before any part of the development hereby permitted is first brought into use.
 - 17) Existing car parking on the site shall be removed in accordance with the implementation of a temporary car parking strategy for the city centre first submitted to and approved in writing by the local planning authority.
 - 18) The car park forming part of the development hereby permitted shall not be brought into use before a car park management strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include details of parking layouts, means of access and egress, barrier systems, maximum permissible duration of stay, charges and enforcement provisions. No part of the car park shall be available for long-stay parking. Parking spaces designed to mobility standards shall comprise no less than 6% of the total number of spaces. The strategy shall be implemented prior to the car park first being brought into use and retained thereafter.
 - 19) No development shall take place until quantitative, locational and design details of cycle parking provision, in accordance with the standards set out in the NWRA Review of Regional Parking Standards, and including details of ancillary provisions such as shower facilities, have been submitted to and approved in writing by the local planning authority. No phase of the development shall be brought into use before cycle parking for that phase has been provided in accordance with the approved details.
 - 20) No phase of development shall be brought into use until cycle route provision through or adjoining that phase, including signing, has been provided in accordance with details first submitted to and approved in writing by the local planning authority.
 - 21) No phase of the development shall be brought into use until a travel plan has been submitted to and approved in writing by the local planning authority and a Travel Plan Co-ordinator has been employed. The approved plan shall include targets, implementation timescales, monitoring regimes and provisions for auditing and updating.
 - 22) A deliveries, collections and servicing strategy for the development shall be submitted to and approved in writing by the local planning authority before any part of it is brought into use; the strategy shall be implemented on first use of any part of the development and adhered to thereafter.
 - 23) No development, including any works of demolition or site clearance, shall take place until a construction methodology and management strategy has been submitted to and approved in writing by the local planning authority. The strategy shall provide for:

- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoardings, including decorative displays and facilities for public viewing where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling and/or disposing of waste resulting from demolition and construction works;
 - viii. measures to avoid harm to the canal and towpath; and
 - ix. lighting designs to avoid harm to the canal as a wildlife corridor.
- The approved strategy shall be adhered to throughout the construction period.
- 24) No demolition, site clearance or construction work shall take place outside 08:00-18:00 hours on Mondays to Fridays or 08:00-14:00 hours on Saturdays or at any time on Sundays or Bank Holidays.
- 25) No phase of development shall commence until full details of the design, siting and mounting of all ventilation equipment to be provided in that phase have been submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details before any part of that phase is brought into use.
- 26) No phase of development shall commence until the following have been implemented in respect of that phase:
- i. a strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
 - ii. an investigation has been carried out in accordance with the approved strategy;
 - iii. a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and a proposing remediation scheme has been submitted to and approved in writing by the local planning authority;
 - iv. remediation work has been carried out in accordance with the approved remediation scheme;
 - v. any contamination identified during remediation works that has not been considered in the approved remediation scheme shall be treated in accordance with further remediation proposals which have first been submitted to and approved in writing by the local planning authority;
 - vi. evidence has been submitted to and approved in writing by the local planning authority verifying that the remediation work has been carried out in accordance with the approved scheme.
- 27) At least 10% of the predicted energy requirements of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (Supplement to PPS1, December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted in tandem with the submissions on the reserved matters identified in condition 1 above and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.
- 28) No development shall take place until a scheme for foul and surface water drainage has been submitted to and approved in writing by the local planning authority. Development shall be carried out as approved.
- 29) No part of any phase of development shall be brought into use until provision for commercial and/or residential waste management for that phase, including refuse storage areas and recycling areas, has been made in accordance with details first submitted to and approved in writing by the local planning authority.

- 30) No development or site clearance shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.
- 31) No development or site clearance shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.
- 32) No development shall take place until a habitat creation and management plan, informed by the Lancashire Biodiversity Plan, has been submitted to and approved in writing by the local planning authority. The approved plan shall be implemented before any part of the development is brought into use.
- 33) No demolition, site clearance or development shall take place until:
 - i. a survey to identify any bat roosts within the site has been undertaken in accordance with a specification first submitted to and approved in writing by the local planning authority; and
 - ii. any mitigation measures recommended by that survey have been implemented or a programme for their implementation has been approved in writing by the local planning authority.Mitigation shall include lighting along the canalside designed to minimize light spillage and illumination over the water course. Mitigation measures subject to an approved programme of implementation shall be carried out in accordance with that programme.
- 34) No clearance of existing vegetation on the site shall be undertaken during the nesting season, in accordance with details submitted to and approved in writing by the local planning authority as part of the phasing programme required by condition no. 5 above.
- 35) No development shall take place until a scheme for the treatment and disposal of soils affected by Japanese Knotweed has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.
- 36) No phase of the development which abuts the canal shall be brought into use until two new moorings have been provided and any necessary works to structures associated with the canal have been carried out, all in accordance with details first submitted to and approved in writing by the local planning authority.

Listed building consent

***Application ref. 07/00662/LB – Crown Inn, 18 St Leonard Gate, Lancaster LA1 1NN
(file ref. APP/A2335/V/09/2098511)***

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 3) The works hereby authorised shall not be carried out before a programme and methodology for their implementation has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. the making good of damaged masonry and recesses using salvaged stone;
 - ii. the cleaning of exposed masonry walls by an approved method; and
 - iii. the repointing of masonry walls to an approved specification.

Listed building consent

**Application ref. 07/00667/LB – Grand Theatre, St Leonard Gate, Lancaster, LA1 1NL
(file ref. APP/A2335/V/09/2098517)**

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) Notwithstanding the application plans, the works hereby authorised shall be carried out in accordance with amended drawing no. 063033-D-05D submitted to the inquiry.
- 3) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 4) The works hereby authorised shall not be carried out before a programme and methodology for their implementation has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. the removal of any wall plaster;
 - ii. the repointing of masonry with hydraulic lime mortar to match the repointing carried out in 2002; and
 - iii. the making good of the slate roofing of the cottages and provision of new cast iron rainwater goods.

Listed building consent

**Application ref. 07/00668/LB – Mill Hall, Moor Lane, Lancaster LA1 1QD
(file ref. APP/A2335/V/09/2098518)**

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 3) The works hereby authorised shall not be carried out before a programme and methodology for their implementation has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. the refacing of exposed curtilage walls with salvaged stone;
 - ii. the cleaning of exposed masonry walls by an approved method;
 - iii. the making good of damaged masonry and recesses using salvaged stone;
 - iv. the repointing of masonry walls to an approved specification; and
 - v. the making good of the top of the curtilage boundary wall with salvaged copings.

Listed building consent

**Application ref. 07/00669/LB – 11 Moor Lane, Lancaster, LA1 1QB
(file ref. APP/A2335/V/09/2098519)**

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 3) The works hereby authorised shall not be carried out until a structural assessment of the listed walls and a programme and methodology for implementation of the works has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:

- i. making good of exposed walls (including the removal of any wall plaster), roof construction and coverings, rainwater goods and drainage;
- ii. the cleaning of exposed masonry walls by an approved method;
- iii. the repointing of masonry walls to an approved specification;
- iv. the salvaging of materials for re-use on this site or other parts of the site of application ref. 08/00866/OUT.

Listed building consent

Application 07/00674/LB – 127, 129 and 131 St Leonard Gate, Lancaster, LA1 1NL (file ref. APP/A2335/V/09/2098520)

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 3) The works hereby authorised shall not be carried out until a structural assessment of the listed walls and a programme and methodology for implementation of the works has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. details of the elevations and means of construction of the new rear walls;
 - ii. the weather protection to be provided to existing windows;
 - iii. the provision of cast iron rainwater goods to the main roofs following demolition of the rear extensions;
 - iv. the salvaging of materials for re-use on this site or other parts of the site of application ref. 08/00866/OUT.
- 4) No works shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.

Listed building consent

Application ref. 07/00665/LB – Mill Hall, Moor Lane, Lancaster, LA1 1QD (file ref. APP/A2335/V/09/2099389)

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 3) The works hereby authorised shall not be carried out before a programme and methodology for implementation of the works has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. the removal of the abutment flashings;
 - ii. the infilling of the flue opening with salvaged stone;
 - iii. the making good of damaged masonry with salvaged stone;
 - iv. the repointing of masonry walls to an approved specification;
 - v. the cleaning of exposed masonry walls by an approved method.

Conservation area consent

Application ref. 07/00666/CON – Heron Chemical Works, Mill Hall Curtilage Wall, Moor Lane, Lancaster, LA1 1QQ (file ref. APP/A2335/V/09/2098521)

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 3) The works hereby authorised shall not be carried out before a programme and methodology for their implementation has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. the making good of damaged stonework and recesses in adjoining retained structures using salvaged masonry;
 - ii. the cleaning of exposed masonry walls by an approved method;
 - iii. the repointing of exposed masonry walls to an approved specification;
 - iv. the salvaging of materials for re-use on this site or other parts of the site of application ref. 08/00866/OUT.
- 4) No works shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.

Conservation area consent

Application ref. 07/00663/CON – Part of Heron Chemical Works Site, rear of Mill Hall, Moor Lane, Lancaster, LA1 1QQ (file ref. APP/A2335/V/09/2098522)

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 3) The works hereby authorised shall not be carried out before a programme and methodology for their implementation has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. the making good of damaged stonework and recesses in adjoining retained structures using salvaged masonry;
 - ii. the cleaning of exposed masonry walls by an approved method;
 - iii. the repointing of exposed masonry walls to an approved specification;
 - iv. the salvaging of materials for re-use on this site or other parts of the site of application ref. 08/00866/OUT.
- 4) No works shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.

Conservation area consent

**Application ref. 07/00670/CON – 1 Lodge Street, Lancaster LA1 1QW
(file ref. APP/A2335/V/09/2098523)**

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) Notwithstanding the application plans, the works hereby authorised shall be carried out in accordance with drawing no. 043018-D-903C submitted to the inquiry.
- 3) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 4) The works hereby authorised shall not be carried out until a structural assessment of the relationship of the building with the Grand Theatre and a programme and methodology for implementation of the works has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. the making good of damaged stonework and recesses in adjoining retained structures using salvaged masonry;
 - ii. the cleaning of exposed masonry walls by an approved method;
 - iii. the repointing of exposed masonry walls to an approved specification;
 - iv. the salvaging of materials for re-use on this site or other parts of the site of application ref. 08/00866/OUT.
- 4) No works shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.

Conservation area consent

**Application ref. 07/00671/CON – 1-2 St Anne's Place, Lancaster, LA1 1QD
(file ref. APP/A2335/V/09/2098524)**

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 3) The works hereby authorised shall not be carried out until a programme and methodology for their implementation has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. the making good of damaged stonework and recesses in adjoining retained structures using salvaged masonry;
 - ii. the cleaning of exposed masonry walls by an approved method;
 - iii. the repointing of exposed masonry walls to an approved specification;
 - iv. the salvaging of materials for re-use on this site or other parts of the site of application ref. 08/00866/OUT.
- 4) No works shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.

Conservation area consent

Application ref. 07/00673/CON – 133-139 St Leonard Gate, 1-5 Stonewell and 3-7 Moor Lane, Lancaster, LA1 1NJ and LA1 1QD (file ref. APP/A2335/V/09/2098525)

- 1) The works hereby authorised shall begin not later than five years from the date of this consent.
- 2) The works hereby authorised shall not be carried out before reserved matters approval has been granted on application ref. 08/00866/OUT and a contract for the carrying out of the approved works of redevelopment of the site has been made.
- 3) The works hereby authorised shall not be carried out before a scheme for the removal, storage and re-use of the historic stone lintol and door jambs in Swan Court has been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved.
- 4) The works hereby authorised shall not be carried out until a programme and methodology for their implementation has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved programme and methodology. The methodology shall include:
 - i. the making good of damaged stonework and recesses in adjoining retained structures using salvaged masonry;
 - ii. the cleaning of exposed masonry walls by an approved method;
 - iii. the repointing of exposed masonry walls to an approved specification;
 - iv. the salvaging of materials for re-use on this site or other parts of the site of application ref. 08/00866/OUT.
- 4) No works shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.