



Appeal Decisions

Site visit made on 24 October 2023

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal A: APP/A2335/W/23/3320196

Mill Hall, Moor Lane, Lancaster LA1 1QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Afar Properties Limited against the decision of Lancaster City Council.
 - The application Ref 22/00879/FUL, dated 27 July 2022, was refused by notice dated 6 March 2023.
 - The development proposed is change of use of 96-bed into 62 one-bed self contained student accommodation units, erection of a four storey front extension with roof terrace above linking the mill and annexe and demolition of part of enclosure wall.
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Appeal B: APP/A2335/Y/23/3320199

Mill Hall, Moor Lane, Lancaster LA1 1QD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Afar Properties Limited against the decision of Lancaster City Council.
 - The application Ref 22/00880/LB, dated 27 July 2022, was refused by notice dated 6 March 2023.
 - The works proposed are described as listed building application to facilitate the conversion from 96-bed into 62 one-bed self contained student accommodation units, erection of a four storey front extension with roof terrace above linking the mill and annexe and demolition of part of enclosure wall.
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Background and Preliminary Matters

3. In the interests of clarity, I have adopted the description of the development from the decision notice and the appeal form as this more accurately describes the proposal than the application form.
4. In the late 1980s, permission was granted to convert the mill to student accommodation¹ and for the demolition of old mill buildings². Following the demolition, the south gable wall windows to the lift tower in the mill building were restored, an entrance porch with Doric columns and portico was added and the right hand return wall of the ancillary mill building (the annexe) was rebuilt. There were also internal alterations and new partition walls to create 96 bedrooms with communal bathrooms, living and kitchen areas.

¹ Refs 87/01084/HST and 87/01085/HST002

² Ref 87/00896/HST

5. The proposed internal alterations include the stripping out of the former student accommodation, including the 96 bedrooms and the communal facilities. These would be replaced by a smaller number of en-suite studio apartments. A reception area, communal living areas, a gym and a meeting space would be provided in a 4 storey extension with roof terrace adjoining the south elevation of the mill.
6. At the time of my visit, I saw that internal works to create the proposed self-contained units have commenced and they are ongoing, including new internal walls, boarding and insulation of external walls and the creation of en-suite shower rooms. In addition, a number of windows were in the process of being replaced and there are numerous holes with ventilation covers in the east and west elevations. However, the works are not complete and therefore while I have taken into account what I saw, I have determined the appeal on the basis of the submitted plans and details.
7. During the processing of the applications, the Council accepted amended plans which, among other things, replaced the Cortene steel around the proposed roof terrace with a glass balustrade. Accordingly, I have determined the appeal on the basis of the plans that were considered by the Council.

Main Issue

8. The main issue is whether the proposal would preserve the Grade II listed buildings "Mill Hall, Moor Lane Mill North" (Ref: 1194975) and "Block 2, Moor Lane Mills North" (Ref: 1289915), and any features of special architectural or historic interest that they possess; whether it would preserve the setting of a Grade II listed building "Mill 1, Moor Lane Mills South" (Ref: 1289875); and the extent to which it would preserve or enhance the character or appearance of the Lancaster Conservation Area (the CA).

Reasons

9. The appeal site is an irregularly shaped parcel of land bounded by the Lancaster Canal and Moor Lane. It includes Mill Hall, Moor Lane Mill North (LB1), the annexe building Block 2 Moor Lane Mills North (LB2) and associated hardstanding and vegetated land. These former mill buildings are prominently sited adjacent to the Lancaster Canal, close to Moor Lane Bridge, and in an elevated location above the city centre.
10. Constructed in the early 19th century as a steam-powered worsted factory, LB1 was converted to a cotton spinning factory by 1828 and subsequently altered. It is a substantially large sandstone and slate building with 5 main storeys visible from Moor Lane and the canal side, with 10 bays to east and west elevations with regularly arranged multiple pane, mock sliding sash windows. The south elevation is set back from Moor Lane, with the earlier part predominantly blank except for a high level window and the modern porch entrance, while the lift tower has 5 vertical windows with rusticated round, arched heads. The building has been much altered internally by its conversion to student accommodation, but its early fireproof construction remains visible in the form of vaulted brick floors, cast iron beams and columns.
11. LB2 was constructed around 1880 as part of later additions to the Moor Lane Mills North complex. It is a 3 storey sandstone and slate building, with a central

wagon entrance leading from Moor Lane to a large yard area to the front of the west elevation of LB1.

12. Mill 1, on the opposite side of Moor Lane, was constructed before 1826 as a steam powered cotton mill, with a gatehouse built by 1877 and a brick water tower added around 1900. It is substantially large and broadly rectangular in plan, in squared coursed sandstone with a hipped slate roof. It has 1 and 2 storey buildings attached to its Moor Lane elevation.
13. The special interest of each of these buildings, insofar as it relates to the appeals, is associated with their imposing and architecturally distinctive appearance and the legibility of the significant historic contribution to the early industrial development and prosperity of Lancaster. By virtue of their elevated siting, large scale, cohesive palette of materials and their proximity to one another and the canal, LB1, LB2 and Mill 1 are read as a group. In this regard, their close physical, visual and functional relationship to one another and the canal, which comprises part of the setting, contributes to their special interest as important early industrial townscape buildings.
14. The CA covers a large part of the city broadly enclosed by the railway line, the Lancaster Canal and the River Lune. It comprises a number of distinct areas including the Canal Corridor: North Character Area (the CCNCA) in which the buildings are situated. This is an architecturally diverse area with a variety of buildings of different ages and uses. Low quality buildings, interspersed by areas of vacant land and car parking are also present. The Moor Lane bridge is a distinctive gateway to the city, where the Moor Lane mills dominate the lower-lying surrounding townscape and frame views across the city. The significance of the CA, insofar as it relates to these appeals, is associated with the prominent historic industrial buildings and the prevailing Georgian architecture along Moor Lane with details including ashlar, raised quoins and pediments, window and door openings reflecting the age and function of buildings, and the cohesive palette of sandstone and slate.
15. The proposed internal alterations to LB1 would affect the previous modern interventions, including the partitions that were constructed to divide the student accommodation. The external building envelope would be altered by the creation of the ground floor entrance, new doorway openings in the south elevation to provide access to each floor of the extension plus its roof terrace, and ventilation openings. Consequently, there would be some limited loss of historic fabric of LB1. However, based on the evidence, there would be no loss of historic fabric of LB2.
16. The proposed extension to the Moor Lane frontage would be a 4 storey flat roof building measuring roughly 10m by 10m and approximately 13m tall. At first floor and above, it would be clad in perforated Cortene steel sheets interrupted by full height curtain glazing to its south and east elevations. The modern porch that it would replace does not contribute to the architectural or historic interest of the mill buildings.
17. The extension would be set away from the mill buildings by recessed glazing and it would be set in from the lift tower windows and just down from the level of the fourth floor window sills in LB1. Consequently, it would be read as a clearly differentiated, contemporary addition which would be subservient in scale to the substantially larger LB1. Even so, by virtue of its scale, proximity to the footway and its flat roof design, it would obscure the south elevation of

LB1 in views from Moor Lane, from the front of the appeal site and from Mill 1. It would screen much of the older part of the south elevation including the quoin stones juxtaposed with the later lift tower, a former opening at second floor level and the clear marks where the former link building attached to LB1. Furthermore, the new doorway openings at first floor and above would appear to be poorly related to existing window openings.

18. Although it would be set slightly back behind the Moor Lane building line of LB2, the extension would largely obscure LB2 in views from the east around Moor Lane bridge and the canal. Moreover, the extension would be clearly visible rising above, and its bulky, incongruent form would overwhelm, the distinctive hipped roof of LB2 in views from lower-lying areas including along Moor Lane and nearby Edward Street.
19. Little detail has been provided in relation to the former mill building that linked LB1 and LB2 prior to its demolition in the late 1980s. However, the evidence suggests that it was a 3 storey building spanning the full width of the south elevation of LB1, with a pitched roof finishing roughly level with the third floor lift window and its roof sloping to the height of the eaves of LB2. While it may have had a similar, if not larger, footprint than the proposed extension, it appears to have been a lower building with a traditional roof form in keeping with the surrounding historic buildings. In contrast, the extension would be overtly contemporary and it would be materially different and it would have a markedly different relationship with LB1 and LB2. The reinstatement of a link building, in the form of the proposed extension, would diminish the historic legibility of the mill buildings and lead to a distracting, highly incongruous feature. As a result, it would not make a positive contribution or better reveal their special interest.
20. The extension would be separated from Mill 1 by the road and it would be subordinate in scale to this large neighbouring mill building. However, particularly in views from the east, it would largely obscure LB2. As a result, the visually imposing extension would be a strident feature that would interrupt the visual connection between the mills and it would disrupt the architectural harmony of the group. Consequently, it would harm the setting of Mill 1.
21. The evidence with the appeal explains that that pattern of perforation in the Cortene steel was inspired by mill punch cards for programmed patterns. While this may be a reference to the historic mill use, this would not be obvious without interpretation. Consequently, the perforation would not better reveal the historic significance of the listed buildings.
22. Notwithstanding that Cortene steel is an industrial material, its extensive use in a large contemporary building with a slab form, extensive linear glazing and elevated rooftop terrace would result in a prominent feature that would be conspicuously at odds with its distinctive 19th century hosts. Moreover, the extent and pattern of artificial illumination arising from the curtain wall glazing, perforated steel and rooftop terrace would ensure that the extension would also be discordant and visually obtrusive during the hours of darkness. Consequently, the proposal would not be integrated into its surroundings and it would detract from the views and the appreciation of the listed buildings as well as the surrounding built environment.
23. My attention has been drawn to Cortene steel buildings elsewhere in the UK and in Spain. While these illustrate that modern materials and forms of

development can be successfully integrated into the historic built environment, they are not the same in all respects given their widely varying contexts.

24. As set out above, the extension would be a prominent feature that would be out of keeping with the historic mill buildings, which are a key positive attribute of the CA. It would also be poorly related to the Georgian buildings and architecture that characterise this part of the CA. Consequently, it would diminish the well-established sense of place and local distinctiveness of the Moor Lane bridge gateway to the city of Lancaster. Moreover, from locations around the bridge, by virtue of its elevated location and prominence in the streetscene, its unusual design, and its height and bulk, the extension would detract from views across Lancaster towards landmarks such as Castle Hill and Lancaster Priory Church. For these reasons, the proposal would harm the character and the appearance of the CA and therefore it would fail to preserve its significance.
25. For the reasons set out above, I find that the proposal would harm the special architectural and historic interest of LB1 and LB2. It would also harm the setting as it contributes to the special interest of Mill 1 and the significance of the CA. Taking into account the scale and nature of the proposal, I find the harm to be less than substantial but nevertheless of considerable importance and weight.
26. In such circumstances, paragraph 202 of the National Planning Policy Framework 2023 (the Framework) advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits are stated as including the continuing optimum viable use of the appeal site as student accommodation, the contribution to the Council's housing land supply and to the vibrancy and regeneration of the area, and the longer-term maintenance of the historic buildings.
27. I note that the 96-bed accommodation has not been used for a number of years, prior to which it was not fully occupied, and that there is a significant shortfall in the Council's 5-year housing land supply. I also note that the quantity of student accommodation would be reduced as a result of the proposal, which would add to the housing land supply shortfall. It is clear that the building has been underutilised and that there is a need to provide modern, en-suite facilities, as well as more space, in order to secure its optimum viable use. However, I have no substantiated viability evidence before me to suggest that the proposed extension would be integral to this use or that it could not be achieved simply through upgrading the private living space. As such, this benefit only attracts moderate weight. There would also be moderate but temporary economic benefits during the conversion works, which are already being realised, as well as from the construction of the extension.
28. Given the above, I find that the public benefits are not sufficient to outweigh the considerable and widespread harm that I have found.
29. Therefore, I conclude that the proposal would fail to preserve the special interest and the setting of the Grade II listed buildings and it would fail to conserve or enhance the character or appearance of Lancaster Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and it would conflict with Policies DM29, DM37, DM38, DM39 and DM41 of A Local Plan for Lancaster District 2011-2031 Part Two: Review of

the Development Management DPD Adopted July 2020 and Policy SG5 of A Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD Adopted July 2020. These require, among other things, that proposals should conserve the significance of listed buildings; development in the setting of heritage assets should preserve or better reveal significance; and that development should be sympathetic, and contribute positively, to the local character and distinctiveness of the area, including conservation areas.

Other Matters

30. The Council can currently demonstrate only a 2.1 year supply of deliverable housing. As such, notwithstanding a reduction in demand for the type of student accommodation proposed, the proposal would contribute towards the Council's 5-year housing land supply. Nevertheless, paragraph 11(d)(i) of the Framework advises that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect assets of particular importance, including designated heritage assets, provide a clear reason for refusing the development.
31. The applications subject of the appeals follow the refusal of earlier applications for planning permission³ and listed building consent⁴ for the erection of a two storey extension linking Mill and annexe, 62-bed ensuite student accommodation with associated facilities, and demolition of enclosure wall. While the proposal was amended, which included an increase in the height of the extension and a reduction in its footprint, this does not weigh in favour of the proposal.
32. The applications were refused contrary to the advice of Council officers, including the conservation officer who considered that, among other things, the minor reduction in the extent of Cortene steel rendered the scheme acceptable. However, while the amendments overcame some of the concerns of the conservation officer in relation to the degree of verticality and the likely patina of the steel, their initial concerns nevertheless remain valid. This related to the challenges at this site, taking into account the proposed colour and extent of Cortene steel, the bold contemporary design contrast, the sensitive cohesive surroundings and the potential for the proposal to draw the eye and affect views of the historic mills and the visual relationship between them.

Conclusion

33. For the reasons set out above, and considering all other matters, I conclude that the appeals should be dismissed.

Sarah Manchester

INSPECTOR

³ Ref 21/00489/FUL

⁴ Ref 21/00490/LB