

Agenda Item A12	Committee Date 19 September 2011	Application Number 11/00604/CU
Application Site 15 King Street, Lancaster. Lancashire	Proposal Change of use of first and second floors to student accommodation (8 units) over a retained ground floor retail (A1) unit	
Name of Applicant Mr Yusuf Musa	Name of Agent Mr Richard Parker	
Decision Target Date 26 August 2011	Reason For Delay Committee Cycle	
Case Officer	Mr Ian Lunn	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The building the subject of this application is a grade II Listed three storey end terraced property constructed of natural stone and slate. It is located approximately 40 metres north of the junction of King Street and Windy Hill on land forming part of Lancaster City Centre and a Conservation Area. The building is currently vacant but was last used as a shop at ground floor level with storage space at first and second floor levels.

2.0 The Proposal

- 2.1 Planning permission is sought to use the first and second floors of this building as student accommodation. This is to comprise eight separate bedrooms with communal lounge, kitchen and bathroom accommodation. The ground floor of the building is also to be brought back into use as a shop. However, this element of the proposal does not require formal planning permission as it is contended that the ground floor already benefits from planning permission for retail (A1) use. A separate application has been submitted seeking Listed Building Consent for all of the proposed conversion works (11/00605/LB).
- 2.2 For Members information, the building is deemed to be structurally unsound and dangerous and emergency remedial works are required in order to ensure that it does not collapse. To this end part of the building is currently being demolished and rebuilt in advance of receiving planning permission and Listed Building Consent. These works are being monitored by the Council's Development Management Building Control Officers and the Conservation Team, and the applicant has worked in co-operation with both Service Areas.

3.0 Site History

- 3.1 This property has not been the subject of any planning history that it is deemed relevant to the consideration of this application.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections provided that any loading/unloading associated with the development is undertaken at times when the time limited restrictions do not apply.
Environmental Health	No objections
Strategic Housing	Support this proposal. The premises occupy a sustainable location in the town centre, there are good transport links between the site and the University Campus, and the provision of dedicated student accommodation would help to safeguard the stock of existing private sector housing which might otherwise be occupied by those students.
United Utilities	No objections

5.0 Neighbour Representations

- 5.1 One letter of objection has been received in respect of this proposal. The objections are:-
- that the site is unsuitable for 8 units of student accommodation;
 - that the yard area to the rear of the property should be used for car parking purposes not for the storage of waste bins;
 - that an approval of this proposal would not be in the best interests of highway safety;
 - that the works may cause damage to a sewerage outlet pipe which would then represent a hazard to health;
 - that the existing cycle rack is not suitable for overnight use; and,
 - that this property has damaged the objector's property (this is a private matter between the parties involved).

6.0 Principal Development Plan Policies

6.1 Government Policy

PPS1 ('Delivering Sustainable Development') sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS3 ('Housing') sets out the national planning policy framework for delivering the Government's housing objectives. It reflects the Government's commitment to improving the affordability and supply of housing in all communities, including rural areas, informed by the findings of the Affordable Rural Housing Commission.

PPS4 ('Planning for Sustainable Economic Growth') sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

PPS5 ('Planning for the Historic Environment') sets out the Government's planning policies on the conservation of the historic environment.

There are two emerging national documents. The first, the '**Planning for Growth**' paper (Minister of State for Decentralisation, Ministerial Statement 23 March 2011) – is a Statement which is capable of being regarded as a material planning consideration and carries significant weight in determining planning applications. The Statement identifies that planning has a key role in

rebuilding Britain's economy. The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

The paper advises that local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. They should also consider the likely economic, environmental and social benefits of the proposal including long term and indirect benefits such as consumer choice, more viable communities and more robust local economics.

The Draft National Planning Policy Framework sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. **Whilst it is a consultation document and therefore subject to potential amendment nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy.** Therefore the Draft National Planning Policy Framework is capable of being a material consideration although national advice is that the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case.

6.2 Lancaster District Local Plan

The site is identified in this Plan as forming part of Lancaster City Centre, a Conservation Area and an 'Other Key Frontage'.

Saved Policy **E33** states that proposals to alter Listed Buildings will not be permitted where they would adversely affect the character of the building or its surroundings.

Saved Policy **E34** states that appropriate new uses for Listed Buildings may be permitted if the building is deemed to be at risk and the proposals will both secure its future and retain its historical and architectural integrity.

Saved Policies **E35, E36, E38** and **E39** collectively set out the criterion against which proposals to change the use, alter and extend buildings located within Conservation Areas will normally be judged. They also state that proposals that would adversely affect the character or setting of a Conservation Area will not normally be permitted.

Saved Policy **H22** sets out the criterion against which proposals for the creation of houses in multiple occupation and hostels will normally be judged.

6.3 Lancaster District Core Strategy

Policy **SC1** seeks to ensure that new development proposals are as sustainable as possible, that they minimise greenhouse gas emissions, and that they are adaptable to the likely effects of climate change.

Policy **SC2** essentially states that proposals for new residential, employment and retail development should predominantly be focussed within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC5** essentially seeks to achieve high quality development.

Policy **ER1** seeks to facilitate the growth of the Universities in order to provide the maximum economic benefits to the wider District. It seeks to do this, in part, by seeking to concentrate new student accommodation on campus where possible and failing that in sustainable locations which have good transport, walking and cycling links to the institutions that they are to serve.

6.4 Supplementary Planning Guidance

SPG 12 ('Residential Design Code') has been produced as supplementary planning guidance and sets out the key design principles which the Council will use when determining applications for all new housing developments, including proposals where housing is one element in a mix of uses. It contains general design guidance to be applied to all housing and specific guidance for particular

areas.

7.0 Comment and Analysis

7.1 Principle

Given that the proposal involves the creation of student accommodation it is considered that it needs to be judged against the requirements of Policies E34 and H22 of the Local Plan, Policies SC2 and ER1 of the Core Strategy, PPS3, the Draft National Planning Policy Framework Consultation Document and the Government's statement 'Planning for Growth'. It is contended that it will essentially meet the requirements of these policies/this guidance for the following reasons:-

- a) The property is to be erected in a sustainable location within Lancaster City Centre and will have good transport links to Lancaster University and University of Cumbria Campuses;
- b) The provision of dedicated student accommodation such as this will help to safeguard the stock of existing private sector housing which might otherwise be occupied by those students;
- c) It is contended that the accommodation will afford a satisfactory level of living space for the students;
- d) The proposal is considered to be 'in line' with the aims of PPS3 which encourages the re-use of the upper floors of buildings, located in urban centres, for 'residential' purposes;
- e) It is contended that the proposal will not adversely affect the character and appearance of the street scene or the amenities currently enjoyed by the occupiers of the nearby properties (for reasons given below).

In view of the above the proposal is considered to be acceptable in principle.

7.2 Design

The conversion works involve the demolition and rebuilding of part of the building in the same/matching materials, alterations to the shop frontage and fenestration, the installation of replacement rainwater goods, and the removal of existing signage. The Council's Conservation Team consider that these works will essentially retain the character of this Listed Building but have requested conditions in order to control the fine detailing. Conditions to this end are therefore recommended.

7.3 Amenity

a) Light: - The building will not be enlarged as a result of these proposals. As such the level of light currently received by the surrounding properties should not be adversely affected by the development.

b) Overlooking: - The proposal should not give rise to any problems of overlooking of neighbouring properties. First and second floor 'habitable room' windows will face the boundary of a nearby residential property (1 Penny's Hospital Almshouses) but at a distance of approximately 10 metres. This is considered to be sufficient of a distance to prevent unacceptable overlooking of that property from occurring. All other premises surrounding the site are in 'non-residential' use.

7.4 Highway Safety

No 'off street' car parking facilities are proposed to be provided in conjunction with this development and none could reasonably be provided given that the building occupies the whole of the defined application site. However, no such facilities are considered necessary in this instance given the sustainable City Centre location that these premises occupy. One letter of objection has been received to this proposal on highway safety grounds but it is not envisaged that this proposal will give rise to any undue highway safety issues in this instance.

County Highways raise no objections to the proposal but have a slight concern about vehicles loading/unloading outside of the site when the loading/unloading restrictions are in force. In order to overcome this they are suggesting that loading/unloading associated with the development is restricted so that it can only be carried out outside of the restricted loading times. Such restrictions

would however be difficult to enforce under the current planning legislation and with this in mind a judgement needs to be made as to whether to accept the scheme without such restrictions or refuse the whole proposal on such grounds. On balance, given that the loading/unloading activities are likely to be relatively infrequent given the size of the property, and would be undertaken for very short periods of time it is contended that they would have little impact on highway safety. As such it is contended that it would be difficult to sustain a refusal of this proposal purely on these grounds.

7.5 The concerns of the objector to the scheme have been considered in determining this proposal. However, they are not accepted for the reasons given above and below:-

- a) it is considered that the site is suitable in planning terms for eight units of student accommodation (for the reasons given above);
- b) the applicant has indicated that provision is to be made for the storage of waste bins within the building and a condition can be imposed on any approval to control this;
- c) the applicant is not proposing to provide any cycle storage facilities in conjunction with the development but rather to use existing facilities located nearby;
- d) a planning application cannot be legitimately refused on the grounds that damage has allegedly been caused to, or may subsequently be caused to, land or property. Where such damage is proven to have been caused it is open to the injured party to pursue a private legal case against the alleged offender.

8.0 Planning Obligations

8.1 None.

9.0 Conclusions

9.1 For the reasons contained in the report, it is concluded that the proposal is considered to be acceptable subject to the following conditions.

Recommendation

That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:-

- 1) Standard timescale of development
- 2) Development to be in full accordance with Approved Plans
- 3) Submission of corbel, fenestration, shop frontage, rainwater goods, vents, roof repair and external treatment details
- 4) Re-use of existing/use of matching walling and roofing materials
- 5) Occupancy limited to students
- 6) Bin storage details

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.