

DECISION DATE 14 June 2005	APPLICATION NO. 05/00540/DPA A30	PLANNING COMMITTEE: 27 June 2005
DEVELOPMENT PROPOSED CHANGE OF USE OF GROUND FLOOR FLAT INTO TEMPORARY OFFICE ACCOMMODATION FOR A PERIOD OF 12 MONTHS		SITE ADDRESS 61 - 63 ALBERT ROAD, MORECAMBE, LA4 4HY.
APPLICANT: Lancaster City Council, Strategic Housing Service, 56/58 Euston Road, Morecambe, LA4 5DG.		AGENT:

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Within the West End Renewal Area.

STATUTORY CONSULTATIONS

Engineering Services - No objections from a highway point of view.

Environmental Health - No adverse comments.

OTHER OBSERVATIONS RECEIVED

Any representations received will be reported at Committee.

REPORT

This property consists of two, three storey, mid terrace houses combined into one as the "Lynwood self contained holiday flats". It is currently vacant. Strategic Housing wish to use the ground floor as an office for a period of twelve months, in connection with the implementation of the West End Masterplan.

The total floorspace is 90 sq metres. It is expected that five people would be employed on the premises. No off street parking is available but the site is within easy walking distance of the area it is intended to serve.

The proposed use would offer a professional service to the general public, in the manner of a class A2 retail use, so the application has to be considered in relation to policy S15 of the Lancaster District Local Plan. This allows for the establishment of small local shops and shopping parades where they have a local catchment area and do not affect the vitality and viability of local shopping centres.

Policy R21 of the Local Plan is also relevant. It states that:

"In considering development proposals, the Council will where appropriate require access provision for people with disabilities. Where development is not subject to the building regulations the City Council will seek, via negotiation with developers, to secure access by disabled persons. Where access by disabled people must be provided, planning permission will be granted subject to conditions to secure this. Where a valid condition cannot be framed, planning permission will be refused."

The proposed use also comes within the scope of the Disability Discrimination Act. This applies whether or not the building is open to the general public since from 2006 it will impose a requirement on employers to provide accommodation suitable for use by staff with disabilities.

The premises are in many ways well located for the purposes of an area office, but have the disadvantage that the front door is at the top of a flight of steps, which means that it is unsuitable for wheelchair use. There is a small forecourt offering sufficient room to provide a ramp, but constructing it will be a substantial operation and will involve creating a new entrance in the boundary wall fronting the street.

It has been suggested that in view of this a vacant shop unit might be more suitable, as it would be simpler and cheaper to provide a level access. However, for the present Strategic Housing wish to pursue the option of using this property as it is already in City Council ownership. They are concerned that the cost of installing a ramp would add considerably to the cost of setting up an area office which is only intended to meet this need in the short term, until satisfactory long term accommodation is available. They have considered the implications of the Disability Discrimination Act but argue that as the accommodation is temporary, the most appropriate approach here would be to provide an alternative way of making their service available to disabled people. This would be to offer anyone unable to negotiate the steps the option of a meeting in an alternative venue such as their own home, or the Community Shop on Yorkshire Street.

Members are recommended to grant consent for the change of use, but with an advice note attached drawing attention to the need to meet the City Council's responsibilities under disability legislation.

HUMAN RIGHTS ACT IMPLICATIONS

The proposal has to be considered in relation to two sections of the Human Rights Act. These are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). As the report makes clear one of the issues to be considered is access for disabled people. Despite this the issues involved do not appear to be such as 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.

RECOMMENDATIONS

THAT PERMISSION BE GRANTED subject to the following condition:

Temporary consent - to expire 30 June 2006.