

Agenda Item	A10
Application Number	22/01432/VCN
Proposal	Change of use and conversion of existing warehouse (B8) to student accommodation (C3) comprising of 16 1-bed studios, erection of 3-storey side extension, installation of dormer extensions, installation of new window and door openings, installation of rooflights and solar panels to the roof and erection of a 3-storey building for student accommodation comprising 8 1-bed studios with associated plant room and bin store and erection of a bin store and installation of drainage infrastructure (pursuant to the variation of condition 2 on planning permission 20/00964/FUL to amend approved plans by moving position of proposed new 3-storey building away from the North boundary by 925mm)
Application site	J Wedlake And Son Wheatfield Street Lancaster Lancashire
Applicant	Mr K Jayousi
Agent	Mr Chris Harrison
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is a former engineering works situated within a rectangular plot and which includes a large 3-storey building at its eastern end and a large forecourt service yard at the western end. There are also remnants of previous smaller ancillary buildings located on the western and northern boundaries. The site fronts and is accessed from Wheatfield Street and is located close to the junction with Meeting House Lane. The frontage of the site consists of a wide gated access. The existing building is set back within the site, this has a rendered frontage with natural stone walls to the side and rear elevations. The roof is a natural slate pitched roof which sits behind a parapet to the front elevation.
- 1.2 The site is wholly surrounded by residential properties with the 4-storey side elevation of St James Court immediately abutting the northern site boundary. To the south lies Wheatfield Court a complex of residential properties. On the opposite side of Wheatfield Street to the west of the site is a recently built residential development which includes houses and flats on the site of a former car dealership and service garage. Beyond this lies the west coast railway line. To the east are the residential dwellings located on Dallas Road. Land levels to the north of the site are slightly higher as levels decrease from Meeting House Lane down the length of Wheatfield Street.

1.3 The site is located within the Lancaster Conservation Area, and in close proximity to the Lancaster Air Quality Management Area. The surrounding highway network forms part of the residential parking permit scheme. A number of designated heritage assets are located along the northern side of Meeting House Lane including the Grade II* listed Friends Meeting House.

2.0 Proposal

2.1 Planning permission was granted in October 2021 for the change of use of the existing warehouse building to form student accommodation (Use Class C3) comprising 16 studio apartments and ancillary plant rooms and bicycle storage space. The approved development also included the erection of a 3-storey side extension to the southern elevation, installation of two dormer extensions to the southern roof slope, installation of rooflights and solar panels and installation of new window and door openings throughout the existing warehouse. In addition, a new part 3-storey and part single storey building was also approved at the western boundary of the site fronting Wheatfield Street which comprised of a further 8 student studios (Use Class C3) and associated ancillary plant rooms and bin storage area. An additional bin storage facility was also included on the southern boundary of the site.

2.2 This Section 73 variation of condition application seeks to vary condition 2 (approved plans) on the original permission to allow for the siting of the 3-storey new building to be moved 925mm to the south. Following further ground investigations, this relocation is required so as to enable suitable foundations to be installed.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
22/00075/DIS	Discharge of conditions 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 on approved application 20/00964/FUL	Split decision
20/00964/FUL	Change of use and conversion of existing warehouse (B8) to student accommodation (C3) comprising of 16 1-bed studios, erection of 3-storey side extension, installation of dormer extensions, installation of new window and door openings, installation of rooflights and solar panels to the roof and erection of a 3-storey building for student accommodation comprising 8 1-bed studios with associated plant room and bin store and erection of a bin store and installation of drainage infrastructure	Permitted
20/00256/PRETWO	Conversion of existing warehouse and construction of new block for residential / student accommodation	Advice provided
17/01219/OUT	Outline application for the erection of a 2 storey and one 4 storey buildings comprising 12 apartments (C3) with associated access and relevant demolition of general industrial building (B2) and ancillary outbuildings	Permitted
16/01412/OUT	Outline application for the erection one 3 storey and one 4 storey buildings comprising 14 apartments (C3) with associated access and Relevant Demolition of general industrial building (B2) and ancillary outbuildings	Withdrawn

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Environmental Health	No response received.
United Utilities	No response received.
Lead Local Flood Authority	No objection.
Engineering Team	No response received.
County Strategic Planning and Transport	No response received.
Network Rail	Requests that a Basic Asset Protection Agreement (BAPA) is agreed with Network Rail.
Arboricultural Officer	No response received.
University of Cumbria	No response received.
LUSU Housing	No response received.
Lancaster University	No response received.
Fire Safety Officer	No response received.
Lancashire Constabulary	No response received.
Lancaster Civic Society	No response received.
Planning Policy	No response received.
Waste and Recycling	No response received.
NHS	Contribution required towards the extension and reconfiguration at Queens Square Medical Practice & King St surgery amounting to £8546.00.
Strategic Housing	No response received.
Conservation Team	No comments on this application.
County Highways	No objection.

4.2 No responses have been received from members of the public.

5.0 Analysis

5.1 The principle of the development has already been established through the granting of the previous planning permission in 2021. This application just seeks to vary condition 2 of that permission, which relates to the approved plans. As such the key considerations in the assessment of this application are:

- Layout, design and heritage
- Amenity and standard of accommodation
- Highways and parking
- Flood risk and drainage
- Other material considerations

5.2 **Layout, design and heritage** Development Management DPD DM7: Purpose Built Accommodation for Students, DM29: Key design principles, DM30: sustainable design, DM38: Development Affecting Conservation Areas, DM39: The Setting of Designated Heritage Assets. National Planning Policy Framework sections 12 and 16.

5.2.1 The impact of the proposal on the Conservation Area must be assessed according to the statutory duties of the Local Planning Authority under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, Development Management DPD policies DM38 and

DM39 are also relevant to this proposal. NPPF Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 5.2.2 This application relates to and follows on from the previously granted planning permission for the change of use of the existing warehouse to student accommodation, along with the erection of a new building at the front of the site. Following the granting of this planning permission, detailed ground investigations have taken place on site to assess the structural nature of the boundary wall to St James Court. The investigations concluded that it would be inappropriate to construct the new building as previously approved on the site boundary as the construction work would undermine the existing boundary wall and the newer block wall (of St James Court) behind. The solution to this is to re-locate the whole of new building 925mm further south, the new foundations would not then affect the existing wall.
- 5.2.3 The internal layout of the new building remains unchanged. However, because the flat roof connection of the previously approved scheme has been omitted, the pitch roof of the new building now has to have a longer span, this results in a central ridge which is approximately 250mm higher than the previously approved design. Relocating the new building 925mm to the south also reduces the width of the site access from Wheatfield Street, despite this vehicular access and a separated pedestrian access can still be retained. The resultant alley which is formed between the new building and the side elevation of St James Court will be secured with gates at each end and used for maintenance only.
- 5.2.4 The amendments sought which are driven by construction requirements do not significantly alter the design or character of the development. Other than the amendment to the position of the new building and a slightly taller ridge, the appearance of this part of the development remains as approved. On this basis, it is considered that the design, layout and appearance of the proposed development is appropriate to the character of the local area.
- 5.3 **Amenity and standard of accommodation** Development Management DPD DM7: Purpose Built Accommodation for Students, DM29: Key design principles. National Planning Policy Framework section 12.
- 5.3.1 The internal layout of the new building remains unchanged to that which was approved in 2021. As a result, the standard of accommodation provided within this building is acceptable.
- 5.3.2 The relocation of the new building further to the south increases the separation distance between the new structure and the side elevation of St James Court. The side elevation of St James Court features windows to the first and second floor flats which serve bedrooms, kitchens and bathrooms of the flats within. The relationship of the new building with these adjoining neighbours has already been supported as part of the previously approved application. The relocation of the new building further to the south will increase the separation distance and improve the relationship between the new building and the windows of the opposite flats. The slight increase in the ridge height by 250mm would not significantly impinge views or daylight.
- 5.4 **Highways and parking** Development Management DPD DM29: Key design principles, DM60: Enhancing Accessibility and Transport Linkages; DM61: Walking and Cycling; DM62: Vehicle Parking Provision. National Planning Policy Framework sections 9 and 12.
- 5.4.1 The relocation of the new building 925mm further south reduces the width of the vehicular and pedestrian access into the site. Despite this, a vehicular access measuring 3.2 metres in width can be provided along with a separate pedestrian gate. Vehicular turning area and parking spaces within the site remains unaltered. County Highways have reviewed the revised site layout and raise no objection to the proposal.
- 5.5 **Flood risk and drainage** Development Management DPD DM29: Key Design Principles, DM33: Development and Flood Risk, DM34: Surface Water Run-off and Sustainable Drainage, DM35: Water Supply and Waste Water. National Planning Policy Framework section 14.

5.5.1 A detailed drainage strategy for the proposed development was submitted and approved as part of discharge of condition application 22/00075/DIS. This included both surface water and foul drainage being directed towards the combined public sewer. The already approved detailed drainage layout plans have been updated to reflect the amended proposed site layout. The Lead Local Flood Authority have reviewed this proposal and raise no objection to the proposed changes. A condition to ensure the development is undertaken with the detailed drainage strategy submitted as part of 22/00075/DIS and the amended detailed drainage layout plans is recommended.

5.6 **Other material considerations**

5.6.1 **Waste Storage** – As per the previously approved scheme, the proposal includes the provision of two waste storage facilities within the site. The Waste and Recycling Officer has confirmed that they consider the storage areas to be too far from the entrance to the site. Council collection crews would not move the bins from the storage areas to the front of the site for collection whilst the bin lorry would also not enter the site. The applicant has advised they intend to use a privately managed waste collection service which resolves the matter of bin storage location.

5.6.2 **Planning obligations** – A contribution of £8546.00 has been requested by the NHS to mitigate the effects of the development. Specifically, the consultation response states '*towards the extension and reconfiguration at Queens Square Medical Practice & King St surgery*'. However, the request fails to meet the required standard tests relating to planning obligations, as precise details of the project to which the money will contribute has not been provided.

5.6.3 **Network Rail** – The application site is located approximately 35 metres from operational Network Rail land. Between the site and the operational Network Rail land is Wheatfield Street and the residential development of Thomas and Harrison House. As part of the previously approved application, a noise assessment was submitted which established background noise levels in this location and recommended a specific glazing and ventilation strategy. This was reviewed by the Councils Environmental Health Officer who considered the noise assessment methodology to be robust and the glazing specification satisfactory. A condition was recommended to ensure that the windows are installed in accordance with the correct glazing specification and that detailed ventilation strategy be agreed.

5.6.4 As part of the previous application, the Councils Environmental Health Officer also considered the location of the development and its relationship with the operational rail network with particular reference to the impact of vibration. The previous application was supported by a letter from the applicant's representative setting out that a full vibration assessment would not be necessary in this instance. The application site lies 38 metres from the nearest railway track and 55 metres from the railway station. In light of this separation distance and the approach taken with other planning applications closer to the rail network, the Councils Environmental Health Officer considered that a vibration assessment was not required in this instance. Network Rail have provided a consultation response to this Section 73 application stating that they request the developer to complete an initial enquiry questionnaire and subsequently a basic asset protection agreement (BAPA). In light of the separation distance between the development site and Network Rail infrastructure, the presence of intervening development including a road and residential development, and the conclusions of the Councils Environmental Health Officer pertaining to the previous application, it is considered the requirement to engage with Network Rail through a basic asset protection agreement (BAPA) is onerous in this instance.

5.6.5 **Conditions update** – A discharge of conditions application (22/00075/DIS) was submitted following the approval of original planning permission 20/00964/FUL and which agreed various details. Relevant conditions will therefore be updated to reflect the details agreed as part of 22/00075/DIS, to prevent the need for these details to be submitted and agreed for a second time.

6.0 **Conclusion and Planning Balance**

6.1 The relocation of the new building 925mm to the south will have minimal impacts in design and heritage terms whilst acceptable residential amenity, vehicular access and site layout can still be retained. The proposed development is considered to be acceptable with regard to the other specified material considerations.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time limit	Control
2	Approved plans	Control
3	Details and sample of materials to be agreed – Stone walling, render, quoins, window surrounds, boundary treatments, bin store walling and fencing	Prior to above ground works
4	Contaminated land assessment	Prior to occupation
5	Employment Skills Plan	Prior to occupation
6	Homeowner Information Packs	Prior to occupation
7	Cycle storage details	Prior to occupation
8	Security and lighting details	Prior to occupation
9	Provision of parking spaces	Prior to occupation
10	Provision of two 7.3kW electric vehicle charging points	Prior to occupation
11	Provision of bin storage facilities	Prior to occupation
12	Windows in accordance with noise assessment glazing specifications	Prior to occupation
13	Drainage Operation and Maintenance Plan and Verification Report	Prior to occupation
14	Details agreed - slate and ridge tiles, zinc cladding, windows and doors, rooflights, ridges, verges and eaves, dormers, rainwater goods and soil vent pipes, flues and vents, gates, solar panels	Control
15	Surface water drainage strategy	Control
16	foul drainage strategy	Control
17	Ventilation details	Control
18	Landscaping details	Control
19	Approved tree works	Control
20	Ecological mitigation measures	Control
21	Hours of construction	Control
22	Gated access arrangement set back a minimum of 5 metres from highway	Control
23	Restriction to student accommodation	Control

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None