

<b>Agenda Item</b>	A5
<b>Application Number</b>	23/00793/FUL
<b>Proposal</b>	Conversion of retail and storage building (E) into ground floor retail unit (E) and student accommodation (Sui Generis) to first, second, third and fourth floors comprising of four cluster flats and 20 studio flats with construction of dormer roof extensions to front and rear elevations
<b>Application site</b>	5 - 11 Brock Street Lancaster Lancashire LA1 1UR
<b>Applicant</b>	Mr Inayat Munshi
<b>Agent</b>	Mr David Morse
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	None
<b>Summary of Recommendation</b>	Approval

## 1.0 Application Site and Setting

- 1.1 The application site is located in the heart of Lancaster City Centre at the junction of Brock Street and Mary Street. The site is the former Oddfellows Hall, built in 1844 as a meeting room with terraced back-to-back residential accommodation below. The building is not listed, but is considered to be a non-designated heritage asset of local heritage importance, and lies within the nationally designated heritage asset of Lancaster Conservation Area, making a positive contribution to this wider heritage area (Character Area 3 – City Centre). The building is stone built under a gabled slate roof, and is four storeys in height. The building has random coursed stone to the Brock Street elevation, with a more formal ashlar gable elevation to Mary Street including a pediment to the upper gable, more ornate window surrounds, horizontal banding to the third floor, corner quoins and a date stone. The building is currently in a poor condition, disused for approximately a decade.
- 1.2 The ground and first floor of the premises were last used as a retail shop, specifically a bedroom showroom, with the remaining upper floor space used for informal storage in connection with the retail unit. Externally, the retail unit had an oversized fascia above a shop frontage running along both the Brock Street and Mary Street elevations, although these have been boarded up for a number of years, and more recently removed. To the west of the building is a three-storey property used as retail unit terminating with a bank on the corner of Penny Street. A narrow alley runs along the rear of the building, which serves the application site and several adjacent units to the west as a footpath right of way and fire escape route. To the north of the building and this alley is a long established restaurant, with a takeaway on the opposite eastern side of Mary Street. Opposite on the south side of Brock Street is a dentist, nightclub, retail and other city centre uses in the vicinity.
- 1.3 The site is within an Article 4 Directive, removing permitted development rights for conversions to small housing in multiple occupancy (HMO) uses from residential (Use Class C3) uses, and regulation 7 directive relating to control the display of 'To Let' signs. The surrounding streets are within parking permit zones, on an aspirational cycle route along Brock Street, with existing cycle

routes in the immediate vicinity. The site is close to public open space in Dalton Square, just beyond the air quality management area along the Lancaster gyratory road, within a smoke control area. The site is covered by a medium groundwater flood risk, with surrounding streets at low (1in1000 year event) risk of surface water flooding. The site is within the impact risk zone for impact from residential development upon Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site and the Lune Estuary Site of Special Scientific Interest (SSSI). The site is within Lancaster City Centre primary shopping area, but along a secondary retail frontage, part of the wider central Lancaster regeneration priority area.

## 2.0 Proposal

2.1 The application seeks to redevelop/restore the entire former Oddfellows Hall building. The proposals will change the use of the upper floors of the building into student accommodation, comprising 19 student studios and 4x 4-bed cluster flats, introducing a new floor within the upper floor open hall plus the creation of an additional floor within the roof space through mansard dormer extensions to the front and rear roof pitches. The upper floors will be accessed via a new entrance, reinstating the location and design of an original opening centrally on the Mary Street gable frontage. Two windows are to be reintroduced either side of the door to the Mary Street elevation, albeit with walls behind rather than clear glazed windows. New windows are to be reintroduced and extended to upper floors to ensure outlook and natural light to proposed student accommodation, with the taller top floor windows split internally to serve both the second and third floor residential uses. The dormers to facilitate the fourth-floor student accommodation is to be finished in grey aluminium cladding, with aluminium framed windows to these dormers directly inline above the windows below.

2.2 The ground floor will remain primarily as a single large retail unit (Use Class E) with part of the northeast section of the building to provide a staircase and lift to serve the upper floor proposed student accommodation. Access doors to the rear are to be retained and provide access to the rear alley and for fire escape to the ground floor retail unit only, and as a refuse and bike storage area for both the retail unit and the upper floor accommodation. The oversized fascia has been removed, with a new timber shop frontage is proposed, which incorporates reduced fascia exposing the cills to the first-floor windows, and column feature evenly spaces across the frontage and fascia. The shop frontage would reintroduce an active street elevation through large grey powder-coated aluminium framed glazing unit between columns.

2.3 Internally, the proposal seeks to redevelop and reintroduce circa 230sq.m of commercial (Use Class E) ground floor space. There are 4 studios to the first floor, with a communal lounge for studios, with all other upper floors providing 5 studios within each floor, and every floor including a 4-bed cluster flat, all for student occupation. The proposed studio units are all wholly self-contained, comprising a living area including a bed space, kitchen, dining area and study area with en-suite bathroom. The accessed via a central corridor leading form the communal stairwell and lift. The floor area of the studios vary from just over 19sq.m to 28.3sq.m, and have access to a 25.3sq.m first floor communal area. The proposed cluster flats are at the far end of the corridors, with en-suite bedrooms measuring at least 12.5sq.m, and communal lounges for the cluster flats just under 18sq.m to just over 21sq.m.

## 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
20/00063/ADV	Advertisement application for the display of three non-illuminated hoarding panels	Permitted
14/00961/CU	Change of use of upper floors from retail and storage to student accommodation comprising 35 studio apartments, creation of a fourth floor with alterations to the roof including new dormer windows to the front and rear, alterations to fenestration and installation of new retail frontages on the ground floor	Permitted
07/01008/FUL	Replacement shop front and windows at first floor level	Refused

## 4.0 Consultation Responses

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

Consultee	Response
County Highways	<b>No objection</b> , subject to construction management plan (including hours of construction), provision of cycle store, a scheme for footway improvements, and survey of impact of construction on existing pavements.
Environmental Health	<b>No objection</b> , subject to a scheme for dust control, full details of proposed ventilation, and unforeseen contamination planning conditions.
Strategic Housing	No observation received
Planning Policy	HMO density 53% within 100 metres
Fire Safety Officer	No observation received
Lancashire Constabulary	<b>No objection</b> , advice regarding secure by design principles
Conservation Section	<b>Unable to support the original submission</b> , as whilst bringing the building back into use is clearly a positive aspect of the scheme, the form and appearance of the building would suffer in the process. Elongation of windows would cause harm, remaining chimney should be retained. Originally proposed shop front and mansard dormers to horizontal in emphasis, overall causing a medium level of harm to the conservation area that lacks clear and convincing justification.
Archaeology	<b>Concern</b> with submitted building record and heritage statement deficient, harm from loss of internal features (wall stubs, roof structure) and further lengthened of windows to the second floor, although previously lengthened to south elevation likely reflecting its secondary use as a place of entertainment. The provision of large-block ashlar framing around them increases their significance and echoes the ashlar work of the east gable. The details of works to Mary Street elevation are not of sufficient quality to reflect the former status of this end of the building. Insertion of the new floor, mansard and dormers would have a significant negative impact that is not matched by the small improvements made to the scheme so far. Recommend planning condition for a full formal building record to level 3 as set out in "Understanding Historic Buildings"
NHS	<b>No objection</b> , unless £11,016 contribution provided to new infrastructure at Lancaster Medical Practice. <b>Objection</b> if not paid.
County Strategic Planning	No observation received
Natural England	<b>No objection</b> , subject to ecological homeowner pack mitigation measure controlled through planning condition.
University Of Cumbria Accommodation	No observation received
Public Realm	<b>No objection</b> , subject to contributions of £2,378 and £4,200 to Dalton Square and Williamsons Park for improved access and surfacing projects.
LUSU Housing	No observation received
Lancaster University	<b>Concern</b> regarding lack of social space and size of dining areas. Adequate air quality, noise mitigation, and fire safety should be provided, and recommend adherence to LU Homes remit.
Lancaster Civic Society	<b>Support</b> , but would strongly oppose rendering to gable elevation onto Mary Street, and would like to see refurbishments carried out promptly.
Engineering Team	No observation received
Waste And Recycling	3 x 1100 Euro bins for General Refuse 8 x 360L wheelie bins for recycling (4 x Glass,tins,plastics, 4 x Paper/Cardboard) In a well illuminated area
County Active Travel	No observation received

4.2 **Two objections** have been received from members of the public, raising the following concerns:-

- Dormers would significantly damage the aesthetic of this heritage asset, poor design

- Poor outlook from proposed studios
- Lack of accessible student accommodation
- No amenity space to studios
- Windows should not be blocked up
- Overdevelopment to the detriment of amenity and heritage assets
- Deficient bin storage
- Bins and bike store would obstruct fire escape route and right of way to neighbouring properties through rear alleyway.

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Design, scale and streetscene impact upon heritage assets
- Residential amenity, noise, pollution and security
- Accessibility, transport and waste
- Energy efficiency, employment and skills
- Ecology, flood risk and drainage
- Open space and contributions

5.2 **Principle of development (Development Management DPD Policies DM7 (Purpose Built Accommodation for Students), DM13 (Residential Conversions), DM16 (Town Centre Development), Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SG4 (Lancaster City Centre), EC5 (Regeneration Priority Areas), Residential Conversions and Houses in Multiple Occupation SPD, National Planning Policy Framework Section 2. (Achieving sustainable development), Section 4. (Decision-making), Section 5. (Delivering a sufficient supply of homes), Section 6. (Building a strong, competitive economy), Section 7. (Ensuring the vitality of town centres), Section 11. (Making effective use of land)**

5.2.1 The application site has been unused for circa a decade, progressively falling into a dilapidated state, within the long-standing regeneration priority area of central Lancaster. Whilst the building itself falls short of being listed as a nationally heritage asset, it is clearly of local heritage importance, contributing positively to the wider Conservation Area in a prominent location of the city centre, with large degree of pedestrian and public transport traffic. Whilst a similar redevelopment to the current proposal has been granted previously in 2014, this permission expired due to lack of commencement within the stipulated timeframes on the decision notice, resulting in the continuing deterioration of the condition and appearance of the building. The regeneration priority area for Lancaster central seeks to enhance the visual, historic and cultural environment within the city centre.

5.2.2 The principle of renovated and reusing the building is considered to align with the regeneration aspirations of the wider area, reintroducing a main town centre usage to a prominent frontage within the city centre, and reestablishing an active frontage along the entire Brock Street ground floor elevation of the property. This would stimulate economic activity within the building itself, and instil greater confidence in the wider commercial area to see a prominent large unit reoccupied for a commercial/retail usage. The proposal would benefit the vibrancy and vitality of the city centre, making effective use of the site and upper floors by ensuring this space above ground floor level is well used for student residential use, which is encouraged above shops in secondary frontage areas such as this.

5.2.3 Student accommodation comprises an important component of the district's housing market, and contributes towards the Council's housing supply. Currently, the Council cannot demonstrate a 5-year land supply, with only 2.4 years supply of deliverable housing. Policies relating to the provision of student accommodation direct this to such city centre locations, or on campus. Provision of such accommodation directly within the city centre ensures accessibility to public transport and local services, helping to increase activity and custom in the commercial centre. The consequences of not having a 5-year housing supply means paragraph 11d of the NPPF is engaged ("the presumption

in favour of sustainable development') unless policies in the Framework that protect areas or assets of particular importance (including heritage impacts) provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessment against the policies in the Framework taken as a whole.

- 5.2.4 There is a general presumption against new housing in multiple occupancy (HMO) within the district, with an Article 4 direction to manage this provision through removing permitted development rights for such uses converted from dwellinghouses to HMO. This presumption is due to the importance and prioritising the maintenance of an appropriate housing mix and safeguarding the character of residential area. There are exceptional circumstances, to justify such circumstance where the proposal for HMO accommodation could be supported, and then additional criteria with DM DPD policy DM13 to minimise noise and disturbance, storage for refuse and cycles, not harm character of built form, avoid unacceptable parking and not create sub-standard living conditions.
- 5.2.5 The proposal is located within Lancaster city centre, with the proposed cluster flat HMO accommodation accessed at the far end of corridors, beyond proposed student studio accommodation. Whilst an entirely student studio alternative has been discussed, it is understood the proposed would require a second stairwell to facilitate this due to corridor distances, which is why the end cluster flats have been proposed. Whilst these could be rented open market, given the location of the development within the heart of the city centre, and sharing an access with predominantly student studios within the proposal, the location and layout would not be conducive to open market or family occupation as 4-bed apartments. The associated Residential Conversions and Houses in Multiple Occupation SPD details exceptional circumstances of struggling to sell premises within high density HMO area as suitable reason to allow further HMO.
- 5.2.6 The density of HMO's within 100 metres of the site is just over 50%. Whilst no marketing has been undertaken for the proposed cluster flats, it is clear that the location and provision sharing access with the proposed student studios would be prohibitive to letting these cluster flats open market as 4-bed apartments, as opposed to HMO occupation. Issues of noise, amenity and provision will be assessed in following sections of this report. However, the character of the area is primarily commercial, and as such the proposed HMO would safeguard residential areas by being located outside of a residential area, where such occupation and concentrations of HMO would be far more noticeable and have greater impact upon housing mix than in such a city centre. The alternative for an entire student studio scheme would have no change upon character compared to the proposed inclusion of HMO cluster flats, but would necessitate a more convoluted access and development arrangement, having to provide additional stairwell and access. Furthermore, providing HMO cluster flats as part of a wider student accommodation conversion within such a city centre location would provide a greater variety of accommodation offer, to accommodate a broader demographic and budget level of students, and has the potential to modestly reduce demand for such accommodation in residential locations. As such, providing HMO student accommodation in the city centre, away from residential areas, as part of a wider student accommodation offer, is considered to be suitable in this instance, and meets exceptional circumstance. This is subject to achieving the criteria stipulated in policy DM13, assessed in following sections of this report.
- 5.2.7 Given the proposal relates to the conversion and extension of a local heritage asset within a national heritage asset area and regeneration priority area within the city centre, provision of a large prominent retail use at ground floor with student accommodation above is considered to be appropriate at the site. This should be delivered to an appropriate high standard of finish at this prominent and sensitive heritage site. Such matters will be assessed in the following section of this report, however the principle of the proposal is considered to be acceptable and policy compliant. The provision of student residential accommodation above the reintroduced commercial space covering the majority of the ground floor, and associated social and economic benefits of this, weigh moderately in favour of the proposal, with significant weight given to residential accommodation within the district. The proposal is considered to comply with the regeneration aspirations for Lancaster city centre.
- 5.3 **Design, scale and streetscene impact upon heritage assets** Development Management DPD Policies DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Heritage Assets or their settings), DM42 (Archaeology), DM46 (Development and Landscape Impact), and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations DPD Policy SP7 (Maintaining

- 5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM37 and DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:
- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
  - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
  - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.
- 5.3.2 The application site is not a listed building, but is a heritage asset of local importance (non-designated heritage asset NDHA), which positively contributes towards the national heritage asset of Lancaster Conservation Area. The Oddfellows Hall dates from 1844, and originally consisted of two storey cottages, which were arranged back-to-back, with the hall above this on the upper floor. Designed in classical style in ashlar and dressed stone, it retains a fine east gable facing Mary Street, with stone coping, three upstairs sash windows and stone plaque with "Hall 1844", the "Oddfellow's" element having previously been removed. There is evidence of a simple portico entrance to the building in the centre of this elevation, since replaced with a modern shop frontage and more recently blocked up.
- 5.3.3 Such local heritage assets have less protection than those that are nationally designated, and policy does not attach great weight to such impacts, but weighs this within the overall planning balance, in accordance with NPPF paragraph 203. The effect of a proposal on the significance of a non-designated heritage asset will be taken into account, and in weighing proposals a balanced judgement should be made having regard to the scale of any harm or loss and the significance of the heritage asset. The Conservation Area is a national heritage asset, and any loss of harm to this designated area should require clear and convincing justification, with great weight given to the assets conservation. There are nationally designated listed buildings in the vicinity, with Grade II of 42 Penny Street and 18 Brock Street within 50 metres, and further afield Grade II and II\* listed buildings around Dalton Square.
- 5.3.4 In terms of impact, the effect of the proposed alterations through the changes to the windows and the addition of dormers would cause harm to the architectural character of the Hall. Amended plans have been received, reducing the level of harm generated by the proposed dormers through improved design, materials and addressing issues of overt horizontal emphasis. The amended mansard dormer design has improved the relationship with the existing architecture, aligning with openings beneath, which is less intrusive and introduces some skyline interest through the architectural merit of these amendments. Whilst the impact on the traditional pitched roof form of the building causes harm, this is minimised through the amended design. The recently revised NPPF seeks to allow mansard roof extensions to suitable properties, and whilst such roof forms are not prevalent in Lancaster, and were not in 1844, there are several examples in the city centre and within Lancaster Conservation Area. As such, this extension on this property would not appear conspicuous or incongruent, particularly given the height of the existing building and tight urban grain focusing views from closer and lower perspectives, rather than broader vistas. With the amendments submitted, this intervention would cause a moderate level of less than substantial harm to the NDHA, and much more limited harm upon the wider Conservation Area and its significance.
- 5.3.5 Other interventions to upper floors includes windows to serve the proposed student accommodation. The tall, and previously elongated, windows to the top floor hall south elevation facing Brock Street are proposed to be elongated further, upwards towards the eaves, and matched with similar elongated opening to the more visually contained north elevation. Whilst this would introduce intervention and harm, given the more prominent elevation windows have been extended downwards previously, this harm would be limited and is justified to provide suitable living standards

and outlook to future occupants of the proposed apartments. This would continue to differentiate the upper floors from lower use of the building, as originally occurred with lower floors residential and hall above. At first floor level, just above the shop frontage, reducing the fascia, exposing the full extent of these openings, and reopening some previously blocked windows to the rear offer potential design and heritage benefits. These benefits would depend on the precise details and materials of proposed timber frames windows to be installed, which could be controlled through planning condition.

- 5.3.6 At ground floor level, further heritage, design and streetscene benefits are proposed. The lack of active frontage and boarding to this prominent city centre location has cause harm for a significant number of years, and before this the previous retail frontage had an oversized fascia to both Brock Street and Mary Street, in a colour and design that was not befitting of this positive building within the Conservation Area. The proposed new timber shop frontage is much more sympathetic, with a reduced height fascia, broken horizontally with columns across this and to pavement level, presenting a rhythm and pattern more coherent with the openings above. The greatest improvements are to Mary Street, to be finished in natural stone to match this remaining original elevation, and reintroducing a portico entrance with look-alike glazing units either side, akin to the historic gable end of the Hall facing Mary Street. The detailing and architecture of the Mary Street elevation is important to this building, as the Brock Street elevation has less detailing and would have original provided frontages to the more modest back-to-back dwellinghouses, whereas the upper floor hall would have been accessed from Mary Street. The level of benefit would be dependant upon precise detailing, again controllable through planning condition, but that has the potential to offer limited to moderate level of heritage and design benefits to this NDHA, providing a tangible street level benefit and helping to reintroduce the differentiation and importance of the Mary Street elevation within the Conservation Area.
- 5.3.7 Bringing the building back into use is clearly a positive aspect of the scheme. Whilst some aspects of the form and appearance of the building would suffer in the process of development, particularly to the roof and top floors, subject to suitable high-quality materials and detailing to the proposed dormers, windows, shop frontage and St Mary elevations, the physical interventions could balance benefits to harm. Other aspects of fire escape stairwell removal and installation of a canopy for bike storage are negligible to very limited benefits and harm respectively, given the highly concealed location in the rear alleyway. There is archaeological interest in the site, and whilst the building is currently restricted to effectively the external building envelope, there is still historic interest that should be recorded and reported upon, controllable through pre-commencement planning condition.
- 5.3.8 The benefits to the lower levels are considered to be more tangible and immediately experienced than the harm to upper levels and roof, although these would be noticed within the roofscape and broader views further east and west along Brock Street. Overall, subject to precise details and samples for the proposed external developments, these physical interventions finely balance to limited harm to the NDHA hall, with negligible overall impact upon the significance of the Conservation Area. The site is sufficiently separated from neighbouring listed buildings that such intervention would have no adverse impact upon the setting of listed buildings. The proposal is considered to present clear and convincing justification for the harmful interventions, and largely offset these with benefits, including the optimal viable retail and residential use of the building, and ensuring the longevity and maintenance of the building. This is of particular importance to this building, the future of which is far from certain without such intervention given the duration that this has been left idle and in a deteriorating conditions. The harm identified is considered to be justified in heritage terms, and subject to conditions controlling precise details and samples of high quality external developments and works, the scheme would preserve an important historic building and NDHA within Lancaster Conservation Area, whilst limiting the harm to these assets.
- 5.4 **Residential amenity, noise, pollution and security** Development Management DPD Policies DM29 (Key Design Principles), DM32: (Contaminated Land, Strategic Policies), Appendix G (Purpose Built Student Accommodation), Strategic Policies and Land Allocations DPD Policy EN9: (Air Quality Management Areas), and National Planning Policy Framework Section 8. Promoting healthy and safe communities
- 5.4.1 Each proposed studio all exceed 19sq.m, and whilst none of these studios meet nationally described space standards, the studio apartments are policy compliant with DM DPD Policy DM7 and Appendix G, subject to planning condition to ensure single full-time student occupation only. These

are considered to be acceptable for the more transient occupancy of students whilst studying. Given the location off-campus and predominantly self-contained studio accommodation within, a first floor communal area is proposed to allow socialising and alternative communal space for occupants of studios who would otherwise be confined to a single studio apartment space. This is considered to be a positive and important inclusion for socialising within the building given the distance from campus, and at circa 25sq.m this is considered to be a good size to allow a good number of occupants to use this at a given time, without facilitating particularly large gatherings. The cluster flats offer good sized bedrooms, and whilst the floor plans only show 3x sofa seating spaces in the living/kitchen areas, at almost 18sq.m to 21sq.m these are considered to be an appropriate size to accommodate 4 individual student residents, in addition to the good sized en-suite bedrooms available to such occupants.

- 5.4.2 The first floor north facing studio, one cluster flat bedroom and communal lounge to the cluster flat have window outlook across and towards the roof slope of the neighbouring restaurant, with a north facing aspect shadowed by the application building itself. However, given the proposal must work within the existing confines of the site and area, combined with the relatively squat height of this neighbouring building and increasing view distance with height, the outlook and light from these openings is considered appropriate for residential occupation in the urban grain of Lancaster city centre for student accommodation. Similarly, to the south the apartment above the public house on the corner of Brock Street and Penny Street is within 11 metres of the application site, as are other properties along Brock Street, however this interrelationship is reflective of the dense urban and historic environment of the city centre, which is considered appropriate for conversion of existing buildings in this environment. The existing hall is taller than the surrounding built form, and as such with the elongated upper floor windows, there is a good level of privacy, outlook and natural light to 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floor residential units, particularly for such a city centre location. The proposed student accommodation apartments, with ensuite bathrooms, in addition to communal areas, is considered to meet the standards of residential amenity for future occupants, subject to controlling single full-time student occupation through planning condition.
- 5.4.3 To protect future residents from noise, odour and air quality, standard double glazing and ventilation mitigation is required. Given the heritage sensitivity of the site and avoiding sources of odour and air quality, this would need to be suitable mitigation measures in the form of Positive Input Ventilation (PIV) Systems to ensure no adverse impact on the future occupants, as recommended in the relevant reports submitted as part of this application. This can be controlled through planning condition for details of windows and PIV System, including details of ventilation ducts, fans and motors. The greater impacts in terms of dust and disturbance would likely occur during construction, particularly given the proximity to existing neighbours. As such, a construction management plan (CMP) should be controlled through planning condition. Subject to these measures and an unforeseen contaminated land planning condition to protect workers and future occupants, Environmental Health have no objection to this proposal, which is considered to offer safe and suitable amenity to future student occupants.
- 5.4.4 Lancashire Constabulary recommends a number of security measures. Security details of surveillance, lighting, window opening restrictions and other security measures could be adequately controlled through planning condition, to ensure suitable security for the proposed development and uses.
- 5.5 **Accessibility, transport and waste** Development Management DPD DM29 (Key Design Principles), DM57 (Health and Well-being), DM61 (Walking and Cycling), DM62: (Vehicle Parking Provision), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations DPD T2: Cycling and Walking Network, PAN08 (Cycling and Walking), National Planning Policy Framework Section 9. (Promoting sustainable transport)
- 5.5.1 Waste and recycling bins for both proposed commercial and student accommodation uses are to be stored externally within the rear alleyway, and accessed by a gate onto Mary Street between the application site building and the restaurant to the north. The provision of bins is slightly less than would be expected for collection by the Council, however it is understood that these would be collected privately, and likely more frequently, the arrangements for which can be controlled through planning condition. The bins are to remain uncovered, but they would be visually contained within the rear alleyway. Subject to appropriate lighting, collections, surfacing and management



arrangements, suitable waste and recycling provision can be provided at the site, and controlled through planning condition.

- 5.5.2 The rear alleyway is to provide a fire escape route to the ground floor commercial unit, and it is understood that there is a legal right of footway, drainage and fire escape for neighbouring commercial units to the west. The application details a route largely 900mm wide, with a very localised obstruction to 850mm, to be kept free from obstacles to ensure this right of footway is maintained at all times. The dimensions provided on plan provide widths for fire escape and M4(2) accessibility widths. Furthermore, the existing the alleyway contained an external stairwell, to be removed entirely through this proposal, which narrowed to a greater degree, and it appears bins have been stored in this area historically through the retail use of the site. Subject to planning conditions regarding maintenance of a clear escape route, in addition to the condition regarding waste and recycling, the proposed is considered to provide satisfactory and accessible provisions for both. Given there are private legal matters of right of way, details of waste and recycling provision should be controlled through condition given possibility to explore alternatives within the site, should those detailed on plan ultimately prove unimplementable. Bins should only be beyond the site area when practically required for collections and emptying, again controllable through planning condition, to prevent any undue blocking of pavements.
- 5.5.3 The application site is within the heart of the city centre, with no access to off nor on-street parking in the vicinity. However, the site is extremely well served by public transport, with Common Garden Street bus stops and the train station short walks away. Private transport arrangements are to be provided within the rear alleyway for student accommodation. Externally stored and accessed beyond bins is far from ideal, and a weak point of this proposal. 14 spaces are to be provided under canopy, and whilst this falls short of one for every student, given the proximity to public transport this is considered suitable quantity. However, the quality is poor, less secure and weathertight stored externally, albeit under canopy. The external access is circa 100mm wider than mountain bike handle bar width, which must be wheeled past the proposed bins area via the external alleyway, which would be discouraging of this form of sustainable transport. Whilst provision is provided is suitable in quantity, the poor quality of this weighs against the proposal, albeit to a limited level of harm given the highly sustainable location due to the city centre location. Precise details of the bicycle parking can be controlled through planning condition, and should include a minimum of 14 spaces as proposed.
- 5.6 **Energy efficiency, employment and skills Development Management DPD Policies DM28 (Employment and Skills Plans), DM30 (Sustainable Design), PAN09: Energy Efficiency in New Development**
- 5.6.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities. One of the primary areas for emissions reductions for development in supporting the transition to net zero is in building to high fabric standards and supplying the new buildings with renewable and low carbon energy. This is highlighted in the Local Plan in policies DM29: Key Design Principles and DM30: Sustainable Design and supported by PAN9 – Energy Efficiency in new Development Planning Advisory Note.
- 5.6.2 Whilst this proposal includes elements of new construction through roof extensions, importantly this retains the majority of the existing building, with savings in embodied carbon when compared to an entirely new build development. The submitted Energy Statement details measures to reduce energy demand, through specific measures such as building management system and automated control of LED lights, panel heater controls, ventilation and air tests. Other aspects, such as how the commitment to 10% savings in energy over standards stipulated in Part L of the Building Regulations and 15% saving in CO2 and primary energy demand would need to be detailed through planning condition, which can also control the implementation of this and the specific mitigation already proposed in the aforementioned statement. Furthermore, the mansard dormer roof extensions propose PV solar panels, and subject to the details and implementation of these, this offers sustainable energy generation through the proposal, again controllable through planning condition.

Subject to such planning condition, the proposal is considered to provide suitable energy efficiency and sustainability credentials, compliant with policy, and significant weight is attributed to the benefits of such sustainable energy generation, albeit public benefits are limited due to the modest scale of the proposal.

5.6.3 During the construction phases, an employment skills plan will be required through planning conditions to support local people sure experience and upskilling in the construction and design sector. Implementation of measures to be agreed would provide opportunities for, access to and upskilling local people through the construction phase of the development proposal, proportionate to the scale of the development.

5.7 **Ecology, flood risk and drainage** Development Management (DM) DPD Policies DM7 (Purpose Built Accommodation for Students), DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), DM44 (The Protection and Enhancement of Biodiversity), DM57 (Health and Wellbeing), and the Flood Risk Sequential Test and Exception Test Planning Advisory Note 6, Strategic Policies and Land Allocations (SPLA) DPD Policies SP8 (Protecting the Natural Environment), EN7 (Environmentally Important Areas), and EC5 (Regeneration Priority Areas); National Planning Policy Framework (NPPF) Section 14. (Meeting the challenge of climate change, flooding and coastal change) and Section 15. (Conserving and enhancing the natural environment)

5.7.1 With regards to ecology and biodiversity, the vast majority of the site is developed land and sealed surfaces, and the ecological value of the site is negligible. Morecambe Bay is very important for many species of birds, and the application site is within the impact risk buffer zone of the Morecambe Bay and its environmental designations. As such, there is the potential for development and recreational use close to the designated sites to have impacts on birds associated with the SPA and Ramsar designations. It is considered that these impacts could be avoided, but only through mitigation. In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant affects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required. This is contained within a separate document and concludes that, with the implementation and retention, where appropriate, of mitigation the development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. Subject to the implementation of the mitigation measures within the AA, including homeowner packs including details of adjacent designated sites and alternative for recreation to mitigate such recreation pressure, the proposal is considered to have an acceptable impact upon the environment, habitats and protected species and sites. Subject to these planning conditions, the proposal is considered to adequately mitigate the impacts upon ecology and risk of contamination, compliant with relevant policies, with no objection from Natural England.

5.7.2 The site falls within Flood Zone 1, over 200 metres from Flood Zone 2 and at a higher topography than the northern section of the city centre that is more liable to flooding from the River Lune and Mill Race. Whilst surface water flooding impacts surrounding streets, and the majority of those within the city centre during 1in1000 year events, this is not a flood risk within the site itself. The site is at medium risk of groundwater flooding. New development in areas vulnerable to flood risk are required to meet the Sequential and Exception Tests as appropriate, and provide site-specific Flood Risk Assessments (FRA) to demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere.

5.7.3 The sequential test is to be applied to steer development to area with the lowest risk of flood from any source. A sequential assessment and exceptions test has been submitted as part of this application to address this matter. The proposal is located within an area which is in specific need for regeneration through priority area EC5.2, where the Council is supportive of the regeneration of the Lancaster central area. The proposal is for retail/commercial space to the ground floor and student accommodation above, the latter of which policy DM7 directs to university campus', within or directly adjacent to Lancaster city centre. The application site is in the heart of Lancaster city centre, but looking for alternative sites beyond those directed by policy DM7 would not be policy compliant, and therefore the sequential test is limited to the areas stipulated in DM7. The application site is considered to be immediately deliverable in terms of timeframe for development, with strip out and remediation works currently being undertaken to facilitate the development of the site.

5.7.4 The submitted sequential test has assessed various sites both within and beyond the above agreed parameters for the sequential assessment for the development. The sequential test concludes that none are suitable, either due to site size, policy constraints, implemented permissions being delivered already or ongoing use rendering them unavailable. This included sites within the strategic housing land assessment and various online marketing and property searches. Furthermore, the proposal offers particular circumstances that are extremely difficult to replicate elsewhere, particularly the retention and conversion of a non-designated heritage assets falling into disrepair through circa a decade of inactivity, and achieving the aspirations of the regeneration priority area and addressing a prominent building in poor and worsening condition, which could not be delivered elsewhere. For these reasons, and no identified sites appropriate for the scale and type of student accommodation similar to that proposed, development of the application site for this purpose is considered to pass the sequential assessment. For these reasons, and no identified sites appropriate for the scale and type of commercial and student accommodation proposed, development of the application site for this purpose is considered to pass the sequential assessment.

5.7.5 In terms of the exception test, the floor level of the ground floor is over 16 metre AOD, outside of flood risk areas from the River Lune, and 0.15 metres above the adjacent pavement, which is considered to be suitable mitigation to ensure the development will be safe for its lifetime. The proposal would not exacerbate flood risk to surrounding properties, being largely impermeable as existing and proposed, subject to planning conditions for drainage arrangements. As such, the proposal is considered acceptable in terms of flood risk without further mitigation. Whilst there is a basement proposed to the site, as there is as existing, this is to be used as storage only, and a sequential approach within the site places more vulnerable uses (residential) to upper floors, elevated above and away from the medium risk of groundwater flooding. These risks are given limited weight, however the economic and social benefits to the community of this proposal within a regeneration priority area, contributing to addressing the under provision of housing supply cumulative carry significant weight, and outweigh the limited flood risk from the proposal designed to minimise this impact.

5.7 **Open space and contributions Development Management DPD DM27 (Open Space, Sports and Recreation Facilities), DM29 (Key Design Principles), DM57 (Health and Wellbeing) and Appendix D: Open Space Standards and Requirements**

5.7 The application site does not benefit from any external amenity space, with the rear alleyway to provide access and functional provision. Contributions can be sought towards the provision of open space facilities to meet the demands of population growth arising from the development. Following the Councils' accepted methodology, a contribution towards amenity green space and park and garden provisions has been identified. The Public Realm team have calculated a contribution of £2,378 towards improved accessibility and surfacing projects at Dalton Square and £4,200 for similar projects at Williamsons Park, both short walking distance for future student occupants of the proposal. This should be sought and controlled through legal agreement, to mitigate the impacts of the development. An NHS contribution is also sought, however the contribution to a new build medical practice at King Street surgery is unfortunately not CIL compliant, due to lack of specifics regarding projects this would contribute towards, nor justification for contribution to this particular practice given the healthcare services available to students on campus. The omission of the NHS contribution is not at the request of the applicant, but unfortunately because this is considered to fail to meet the requirements of the CIL regulation tests and could not therefore be supported at this time.

## **6.0 Planning Obligations**

6.1 A Section 106 Legal Agreement is sought to secure the following:

- £6,574 to the amenity green space and parks and gardens contributions to access and surfacing projects at Dalton Square (£2,378) and Williamsons Park (£4,200).

## **7.0 Conclusion and Planning Balance**

7.1 The proposal would renovate and bring a prominent local heritage asset back into use, with moderate weight afforded to the social and economic benefits of re-establishing a retail use of the

site, with student accommodation above making best use of the land. The reuse of this brownfield site within a regeneration priority area and positively contributing to addressing provision of housing within the district are afforded significant weight, as is the sustainable energy generation provision, albeit limited to the scale of the proposal. This would deliver retail and student accommodation, in a sustainable city centre location benefitting from a related land and regeneration allocations. The development of student accommodation would positively contribute to the District's acute housing supply needs, and should be considered in the context of the presumption in favour of sustainable development. Permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole.

7.2 To facilitate the proposed developments and use, overall the alterations have limited adverse impact to the non-designated heritage asset building, with positive alterations largely offsetting the harm of the mansard dormer extensions and other alterations to the historic fabric, with harm to the wider Conservation Area even more limited, but attached great weight. Given the proposal brings the longstanding dilapidated property back into optimal viable use, the proposal is considered to be justified and acceptable in heritage terms. The bike storage is unideal but offers suitable quantity of provision in a highly sustainable location, and again harm is limited by these factors. Cumulatively, these adverse impacts are limited, and need to be considered as to whether the adverse impacts outlined would significantly and demonstrably outweigh the benefits

7.3 Whilst there remains limited harm to the non-designated heritage asset, this has been justified and minimised through positive engagement during the application process, reducing the levels of harm to a limited and justified degree. Whilst a more usable and palatable solution to cycle storage could not be reached, negotiations have provided suitable quantity of cycle provision, and concerns regarding quality of these only generate limited harm in such a sustainable central location. Importantly, the harm identified does not individually nor cumulatively significantly and demonstrably outweigh the identified economic, social, sustainable energy and accommodation provision benefits, which is the key balance when considering such proposal that deliver contributions to addressed the acute housing need whilst avoiding a clear reason for refusal. As such, it is recommended that consent is granted, subject to the assessed and below obligations and planning conditions

## Recommendation

That Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting or delegated to the Chief Officer – Planning and Climate Change should exceptional circumstances exist beyond the period of 3 months and subject to the following conditions noted below.

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Development in accordance with the amended approved plans	Control
3	Scheme for building recording	Pre-commencement
4	Precise details and samples (including precise external materials, vents, rainwater goods and openings)	Pre-commencement
5	Construction environmental management plan CEMP (including pollution control, noise and vibration mitigation, construction hours, dust control, vehicle movement, protection of pedestrian movements and ecology)	Pre-commencement
6	Employment Skills Plan	Pre-commencement
7	Security measures and external lighting	Prior to occupation
8	Drainage connections	Prior to occupation
9	Noise mitigation details of mechanical ventilation and implementation of secondary glazing	Pre-installation and prior to student occupation

10	Waste and recycling arrangements (including precise provision, space, lighting, collections, management and surfacing)	Prior to student occupation
11	Precise details of the cycle store and trigger for full implementation (including precise storage method, security and cover)	Prior to student occupation
12	Ecological homeowner pack – HRA mitigation	Prior to student occupation
13	Details and installation of PV solar panels	Pre-installation
14	Energy efficiency measures	Control
15	Clear alleyway accessway maintained	Control
16	Unforeseen contamination	Control
17	Single student occupation only	Control

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

In accordance with the above legislation, Officers have 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 made 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