

<b>Agenda Item</b>	A11
<b>Application Number</b>	23/01441/FUL
<b>Proposal</b>	Change of use of an existing office building (Class E) into 4 self-contained flats (C3), installation of roof lights, alterations to window/door openings and replacement windows to all elevations, a new stone window head to the front elevation, installation of vents to the side and the roof, new rainwater goods and change of use of part of adjacent car park to site bin store
<b>Application site</b>	87 King Street Lancaster Lancashire LA1 1RH
<b>Applicant</b>	Mrs Jo Wilkinson
<b>Agent</b>	Mason Gillibrand Architects
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	None
<b>Summary of Recommendation</b>	Approval

**(i) Procedural Matters**

This form of development would normally be dealt with via the scheme of delegation. However, the landowner and applicant is Lancaster City Council, therefore the application must be determined by the Planning Regulatory Committee.

**1.0 Application Site and Setting**

1.1 The property that forms the subject of this application relates to a three-storey end terrace, which is a Grade II Listed Building located on King Street within the Lancaster Conservation Area. The building is adjacent to a city Council car park, located on the corner of Spring Garden Street. The property was most recently leased as offices until November 2021. The property is constructed of stone walls externally and timber stud walls with lath and plaster finish internally with timber windows and doors, under a gable natural slate roof. The majority of buildings fronting Queen Square are Grade II Listed Buildings, whilst the nearby Ring O'Bells is Grade II\* listed.

1.2 The site is located within the air quality management area for Lancaster gyratory road, in an area at medium risk of groundwater flooding, located in the primary shopping area of Lancaster City Centre, but beyond any designated primary or secondary retail frontages. The Lancaster gyratory road is a designated cycle network and public transport corridor, located with the regeneration priority area for central Lancaster. 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 This application seeks planning permission for the conversion of the office building (Use Class E) to 4x 1-bed apartments. The apartments are intended to be used as short-term supported housing for single homeless persons across the district, and envisaged to provide the final stage supported accommodation, where support will eventually taper off and provide a more independent setting for the client group. The units form 1-bed single occupancy self-contained apartments, with some communal areas and bike storage within the building. The ground floor apartment will benefit from circa 15sq.m of external garden area, with the remaining circa 15sq.m of rear garden space communal amongst other occupants.
- 2.2 To facilitate the proposed change of use, internal and external alterations are proposed. New windows are to be installed in place of modern equivalents to the ground and second floor frontage and, whilst historic windows at first floor are to be repaired, retained and secondary glazing installed proud of the architrave. Rear elevation windows are to be repaired and restored with secondary glazing installed. To the side elevation, a second floor opening previously blocked is to be reinstated with a new double glazed sash window, with a new double glazed sash window also installed to the side gable at third floor level. Three new heritage style rooflights are to be installed to the rear facing roof pitch, with roof vents to the front and rear pitches and new slate vents to the lower side elevation.

## 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
23/01442/LB	Listed building application for alterations to window/door openings, installation of two upper floor windows to the side elevation and replacement windows to all elevations, a new stone window head to the front elevation, installation of vents to the side and to roof, new rainwater goods, fixing of timber boarding to boundary wall, removal and construction of internal partition walls and installation of new ceiling to basement and drop ceilings to ground, first and second floor	Concurrent
22/01043/PRETWO	Conversion of existing vacant office building to 4no. residential 1bed self contained flats, to include a communal support office, kitchen and provision of external bin store	Advice provided
14/00351/LB	Listed Building application for internal alterations to create new partition to form lobby and wheelchair accessible toilet facilities	Approved
11/00264/LB	Erection of a non-illuminated fascia sign	Approved
11/00101/LB	Internal alterations to create accessible toilet facilities	Approved
92/0528/LB	Construction of a ramp access	Approved

## 4.0 Consultation Responses

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

Consultee	Response
Conservation Team	<b>No objection</b> , subject to planning conditions controlling precise details of doors, windows, natural stone lintel, vents, rainwater goods and secondary glazing.
County Highways	<b>No objection</b> , subject to planning conditions regarding a construction management plan
Environmental Health	<b>No objection</b> , subject to planning conditions regarding acoustic level glazing and mechanical extract ventilation details, and unforeseen contamination.
Property Service	No observation received

Fire Safety	<b>No objection</b> , advice informative regarding emergency vehicle and water access
Lancashire Constabulary	No observation received

4.2 No responses have been received from members of the public to the site notice, newspaper publication or neighbour letters.

## 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 and pollution
- Accessibility, transport and waste
- Ecology, flood risk and drainage

5.2 **Principle of development** Development Management DPD Policies Policy DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM8 (Accommodation for Older People and Vulnerable Communities), DM13 (Residential Conversions), DM14 (Proposals involving Employment Land and Premises), DM16 (Town Centre Development) and DM56 (Protection of Local Services and Community Facilities), Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP6 (The Delivery of New Homes), SG4 (Lancaster City Centre), EC5 (Regeneration Priority Areas) and TC2 (Town Centre Designations), 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 is within the long-standing regeneration priority area of central Lancaster, and seeks reuse from offices to form 4x 1-bed apartments. In certain circumstance, such a change of use would benefit from General Permitted Development Order Schedule 2 Part 3 Class MA for change of use of commercial buildings to dwellinghouses, however this is not applicable for Listed Buildings such as this. The previous office use of the site was Citizens Advice Bureau, which vacated this premises a year and a half ago, moving to an alternative site nearby on George Street, operating this community service more centrally within Lancaster City Centre. In planning terms this is an office use, within Use Class E, not a Local community use in Use Class F.2 or defined in the local plan as such, and in any case this valuable community use has found an alternative site nearby, but the application site has remained vacant since. Whilst within the primary shopping area of Lancaster City Centre, the site is beyond any designated retail frontage, and the area is characterised as mixed residential and commercial. Immediately adjacent to this end terrace property is understood to be a 9-bed house in multiple occupancy (HMO), with student apartments opposite facing Queen Square, amongst a number of professional services for registry office, medical practice, computer repairs, accountants, engineers, recruitment professionals and a religious centre. Whilst there are retail and restaurant uses with more active frontages, the majority of properties in the vicinity have low key professional and domestic frontages, including the application site, which has two largely obscure glazed ground floor windows, a domestic scale door and relatively modest signage.

5.2.2 DM DPD Policy DM16 supports residential development within city centre locations, although this is when they are above ground floor, and maintain an active street frontage, and this applies particularly to designated retail frontages. The application site is beyond any designated retail frontage, and whilst just within the primary shopping area and Lancaster gyratory road, the character of the area is clearly mixed, with the opposite side of King Street having a number of apartments, and Queen Street just beyond becoming primarily residential. Furthermore, the long-standing office use of the building did not present an active frontage, with obscure glazing of domestic scale and viewed beyond an access ramp, presenting an inactive frontage. The proposed replacement windows with clear glazing would be more active, albeit domestic rather than commercial.

5.2.3 City centres have evolved from places of work and retail to have more mixed and complimentary uses, included the nighttime economic, leisure and dining enterprises alongside residential uses

within the centre. This diversification of uses helps create longer periods and greater variety of activities in the city centre, to the benefit of vibrancy and vitality of such centres. This evolution has been reflected in national general permitted development rights, and the flexibility to change use from commercial to residential to boost the supply of much needed residential properties. This need is even more acute for this proposed, with a pressing need to increase the number of bedspaces available to bring all rough sleepers indoors despite the current lack of suitable move on accommodation becoming available within the existing social housing stock, resulting in people being placed in bed and breakfast accommodation within the district. The proposal would provide more suitable and much needed supported housing stock to help address the current capacity issues, with all existing schemes at capacity and further individuals currently awaiting placement. This demand is anticipated to remain in the medium to long term. As such, whilst the proposed would result in the loss of current unused office space, this would meet an acute need for supported housing. The proposal is considered to be policy compliant, outside of a retail frontage designation and having no adverse impact upon active frontages through the proposal.

5.3 **Design, scale and streetscene impact upon heritage assets** Development Management DPD Policies DM29 (Key Design Principles), DM37 (Development affecting Listed Buildings), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Heritage Assets or their settings), DM46 (Development and Landscape Impact), and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations DPD Policy SP7 (Maintaining Lancaster District's Unique Heritage), National Planning Policy Framework Section 12. (Achieving well-designed places) and Section 16. (Conserving and enhancing the historic environment), and Listed Building and Conservation Areas Act 1990

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 forms a national heritage asset Grade II Listed Buildings, making a strong positive contribution to the city scape and Conservation Area, particularly when viewed in the context of other Grade II Listed Buildings fronting Queen Square, which is identified as a positive space of the Conservation Area. The site is a late 18<sup>th</sup> century house with 19<sup>th</sup> century alterations, with significance is derived from its aesthetic, illustrative and evidential values as a house of its era of typically classical design and locally characteristic material palette. The proposal seeks the installation of two upper floor side facing windows, one reinstating a previously blocked up opening, plus three rooflights to the rear facing roof pitch and vents to the roof and lower side elevation. A bound bin store within the adjacent carpark is to be provided, with modern windows replaced with new slimline double glazed timber framed units to match existing design. The ground floor front facing windows are proposed to be modified to form 2x new double glazed sash 4 over 4 design either side of a new central mullion, with historic windows repaired and secondary glazing installed to those units.

5.3.3 The Conservation Officer originally raised objection to the proposal, primarily due to internal alterations assessed within the concurrent Listed Building application. However, amended plans have addressed these concerns, with no objection to these amendments, subject to details and samples of developments and works proposed. The proposed installation of three rooflights to the rear elevation would be harmful, as it would reduce the aesthetic value of the building, although this is mitigated to some degree through the conservation style rooflights proposed, located to the less prominent rear roof slope and staggered layout. As such, this harm, and the addition of sympathetically designed windows to the side elevation, would be cumulatively limited. The replacement windows to the front elevation are considered to be a limited heritage benefit,

introducing narrower sash windows, mullion and raised cill. Combined with returning the property to the optimal viable heritage use of residential for this historic house, the heritage benefits are considered to mitigate and outweigh the limited harm caused by other justified alterations proposed to facilitate this use. The amended proposal has no objection from the Conservation Officer, subject to planning conditions regarding precise details and samples for developments and works, and the proposal would ensure a suitable use of the vacant property, providing a scheme for the refurbishment and long term use and maintenance of this national heritage asset.

5.4 **Residential amenity, noise and pollution** Development Management DPD Policies DM29 (Key Design Principles), DM31 (Air Quality Management and Pollution), 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 All proposed apartments are one-bedroom units covering a floor each, with additional amenity benefits of some modest external space, individual ground floor storage within the existing single storey outrigger, and some communal areas to the first and second floors as part of support to future occupants. Three of these apartments comfortably achieve and exceed to Nationally Described Space Standards (NDSS), benefits from good levels of outlook and natural light from improved (repaired or upgraded) window openings. The top floor attic room apartment provides circa 40sq.m of floorspace, but some of this is forms entrance ways and space with under 1.5 metre headroom, not habitable space. Excluding the entrance areas and low height areas (less than 1.5-metre-tall ceiling), the proposal provides circa 32 sq.m, beneath the 37sq.m minimum for such accommodation. Being within the roof space, top floor apartment cannot achieve over 75% of floorspace with at least 2.3 metre height, a further NDSS requirement.

5.4.2 Whilst this top floor apartment is beneath minimum standards for unfettered occupation, the proposal is not unfettered, but for short-term supported housing for single homeless across the district, envisaged to provide the final stage supported accommodation with greater independence. It is understood that the maximum period of occupancy would be 2 years, but hopefully even shorter term to facilitate moving on into permanent housing. The top floor apartment has good levels of natural light and outlook from new windows and rooflights, and far exceeds the amenity accepted for student studios, albeit the occupancy of these is often less than a year being student occupied. Subject to the top floor apartment being controlled for single occupancy for no more than two years, the proposal is considered to offer suitable amenity for this duration for the intended end user. This should be controlled through planning condition for the top floor flat only, as whilst the other three apartments are also intended to be occupied in this fashion, they offer ample provision and amenity for unfettered occupation, so in planning terms there would be no justification to restrict occupation of these larger apartments.

5.4.3 The application site fronts the Lancaster gyratory road in Lancaster city centre, located within the noise and air quality environment of this trafficked and active area of Lancaster. In terms of air quality, concentrations of NO<sub>2</sub> and PM<sub>10</sub> are likely to be below their respective long and short-term objectives at the proposed development site, which is considered suitable for residential use with regards to air quality. Noise levels within the current building exceed those required to be considered habitable, and therefore mitigation is required in the form of secondary glazing, double and triple glazing, plus ventilation to ensure windows do not need to be open to ventilate rooms. Whilst sympathetic trickle vents could be incorporated into new double/triple glazed sliding sash windows, given the retention of historic windows to the front first floor, mechanical ventilation to these rooms at least is anticipated, as trickle vents to historic windows would likely cause unjustifiable harm. The details and implementation of glazing and ventilation can be controlled through planning condition, and subject to such details being agreeable in consultation with the Conservation Team, along with occupancy restriction to the top floor apartment, it is considered that the proposal would offer suitable residential amenity for the intended use.

5.4.4 In addition to ventilation and glazing requirements to ensure noise and air quality impacts are mitigated as recommended in reports submitted as part of this application, Environmental Health have recommended an unforeseen contaminated land planning condition to protect workers and future occupants. However, given that the minimal developments breaking ground as part of the proposal, and the previous office use of the site, it is considered that contamination risk is extremely unlikely, and it is not reasonable or necessary to attach this planning condition.

- 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, T4 (Public Transport Corridors), PAN08 (Cycling and Walking), National Planning Policy Framework Section 9. (Promoting sustainable transport)
- 5.5.1 Waste and recycling bins for the proposed accommodation are to be stored externally within the far corner of the carpark adjacent towards the rear of the building. Whilst this area is visible within the Conservation Area, and would conceal an area of tall natural sandstone wall, this would be inconspicuously located in a shadowed corner at the far end of the carpark. Subject to suitable dark painted timber materials, this would cause no undue harm to the Conservation Area. This provision provides suitable and accessible waste and recycling services for future residents and for collections, which is considered to be acceptable provision in the absence of externally accessible curtilage within the existing site.
- 5.5.2 The application site is within the city centre, with no access to private 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 outrigger, with individual storage spaces for bicycles for each apartment. This is considered to be very good provision to encourage sustainable and individual transport, not solely reliant on public transport in the absence of car parking. The provision of this secure cycle storage will encourage uptake in cycle travel amongst future occupants and those that may visit the site. County Highways have no objection to the proposal, but have requested a construction management plan. However, given the proposed physical developments relates just boundary treatment to a bin area, new openings and internal works, it is considered that such a planning condition cannot be justified as necessary and reasonable in this instance, as planning conditions should be kept to a minimum.
- 5.6 **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) and DM57 (Health and Wellbeing), 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)
- 5.6.1 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, namely for 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 this planning condition, 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.
- 5.6.2 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. 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, in a class that has potential for groundwater flooding of property situated below ground

level. The proposal seeks a change of use within the existing built form, with no extensions to this, and as such is exempt from the Sequential and Exception Tests. Whilst no specific flood risk mitigation is proposed, given the proposal is impacted by groundwater flooding only, and the basement is to remain unused in this proposal other than for services whilst the ground floor level is elevated above the external land, this is considered to be suitable in this instance. The proposal will use existing drainage arrangements unchanged, and will therefore not exacerbate any flood risk beyond the site. As such, the proposal is considered to be acceptable in terms of flood risk.

## **6.0 Conclusion and Planning Balance**

6.1 The proposal would change use from a commercial office space to residential within the city centre. However, this would return this national heritage asset back to the optimal viable use of residential for this historic residential end terrace. The change of use sought would have no adverse impact upon activity of the streetscene, whilst providing 4x units of supported housing to address homelessness in the district, a social benefit of significant weight, albeit limited by the modest scale of the proposal. The proposal includes sympathetic developments and alterations to cause no undue harm to the national heritage assets, and provides suitable provisions and amenity for the future occupants, controlled as such for the top floor apartment. In the absence of any identified undue harm, and with public benefits of addressing an acute local housing need, particularly for the intended end user group, the proposal is considered to weigh in favour of approval, subject to planning condition.

### **Recommendation**

That Planning Permission BE GRANTED subject to the following conditions:

<b>Condition no.</b>	<b>Description</b>	<b>Type</b>
1	Standard 3 year timescale	Control
2	Development in accordance with the amended approved plans	Control
3	Precise details and samples external materials	Prior to works above ground, implement prior to first use
4	Details of ventilation and secondary, double and triple glazing	Prior to installation and first use
5	Implementation of bike and bin stores, including details of the enclosure	Prior to first use
6	Ecological homeowner pack – HRA mitigation	Prior to first use
7	Single occupation for up-to 2 years top floor apartment 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