

Agenda Item	A8
Application Number	24/00939/FUL
Proposal	Change of use of chemist (Class E) to 9 residential units (Class C3) comprising of 7 studios and 1 flat for student accommodation and 1 dwellinghouse, demolition of rear extensions at ground floor and first floor level, erection of a single storey rear extension, installation of windows and doors to the front, side and rear elevations, installation of replacement windows to the side elevation and installation of roof lights to the front and rear elevations
Application site	Cohens Chemist 52 - 54 Ullswater Road Lancaster Lancashire
Applicant	Mr Tarik Jayousi
Agent	Mr Steve Donnelly
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Approval, subject to conditions

(i) Procedural Matters

The application is brought before Members as the initial proposal related to 11 units and was therefore deemed a 'major' application that was subject to the receipt of representations. During the course of the application 2 of the units have been omitted and the proposal is now for 9 units. The amended scheme for 9 units is out for consultation and further comments will be reported to members in the form of an update prior to presentation at committee.

1.0 Application Site and Setting

- 1.1 The site which forms the subject of this application is an end of terrace property located on the corner of Ullswater Road and Dalton Road. The building is 2/3 storeys in height and is comprised of stone and slate with a mix of timber and uPVC windows throughout. The building is likely to have originally been two separate units but is currently utilised as a single unit.
- 1.2 The site lies within the urban boundary of Lancaster and approximately 15m to the west of the Bath Mill Conservation Area.

2.0 Proposal

- 2.1 This application seeks consent for the change of use of chemist (Class E) to 9 residential units (Class C3) comprising of 7 studios and 1 flat for student accommodation and 1 dwellinghouse, demolition of rear extensions at ground floor and first floor level, erection of a single storey rear extension, installation of windows and doors to the front, side and rear elevations, installation of

replacement windows to the side elevation and installation of roof lights to the front and rear elevations.

2.2 The 7 studios and 1 flat are for student accommodation whilst the dwellinghouse is to be for the open market. The rear extension measures approximately 3m in depth and 4.5m in width and is single storey in height and features a monopitch roof finished in render and tiles. The dwellinghouse will be self-contained within the southern section of the building whilst the studios and flats will be self-contained in the ground, first and second floor of the remaining part of the building with communal hallways for access.

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
23/00869/PAC	Prior approval for the change of use of shop (Class E) to 2 dwellings (C3)	Prior Approval Granted
22/00296/FUL	Change of use of first and second floor flat to 2 2-bed flats, insertion of a door way to the side elevation, new steps to the side and installation of rooflights to the front and rear elevations	Permitted

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	No response
County Highways	Objection (Concern over the lack of parking for proposed development)
Environmental Health	No response
Fire Safety Officer	No objection (Advice note to be attached to any decision notice)
Waste & Recycling	No objection (Response highlights good design practices)

4.2 The following responses have been received from members of the public:

- **x11 letters of objection** citing the following concerns:
 - Lack of demand for student accommodation
 - Parking issues
 - Impact on neighbouring properties
 - Poor standard of accommodation
 - Development not in keeping/other better use for building
 - Drainage impacts
 - Existing site suffers from Japanese knotweed, poor boundary wall condition, rubbish, fly tipping and anti-social behaviour.
 - Potential for HMO use

5.0 Analysis

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

- Principle of Development
- Design and Streetscene Impact
- Residential Amenity
- Highways and Parking
- Impacts on Designated Sites and BNG

- Any other matters

5.2 **Principle of Development** (NPPF Sections 2 and 5; Strategic Policies and Land Allocations DPD policies SP1, SP2 and SP6; and Review of the Development Management DPD policies DM1 and DM56)

5.2.1 Policy SP1 of the Strategic Policies and Land Allocations DPD (SPLA DPD) states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF) whilst policy SP2 outlines the settlement hierarchy throughout the district. Policy DM1 of the Development Management DPD (DM DPD) states the Council will support proposals for new residential development that meet an evidenced housing need, however, there may be circumstances where this is not practical. Finally, policy DM13 states that proposal that involve residential conversions must provide accommodation that will address local housing needs and satisfy all other relevant planning policy.

5.2.2 The application site lies within a mixture of residential and some commercial uses within Ullswater Road including a takeaway, public house and two local shops. Lancaster city centre is located c.375m to the southwest of the site where a host of public transport and facilities are available. A bus stop is located directly outside of the building providing services into Lancaster and around Freehold. Consequently, the site is located within a sustainable area where the general principle of residential accommodation can be supported.

5.2.3 As outlined above, the proposal will provide for 7 studios and 1 flat for student accommodation and a single 3-bed open market dwellinghouse within an existing vacant building. The Council cannot currently demonstrate a 5-year housing land supply and the proposal which includes both an open market dwelling and student accommodation will contribute towards the Council's housing supply. This weighs in favour of the proposal.

5.2.4 Policy DM56 discusses the merits of the protection of local services which currently (or have previously) provided the community with a local service. A community facility is defined as any use which provides a wider benefit to the community in economic, environmental and social terms. Such facilities could, for example, include Public Houses, Local Shops, Post Offices, Village Halls and Community Meeting Spaces.

5.2.4 The ground floor of the building was previously used a chemist/pharmacy but appears to have been vacant since c.May 2023. A chemist/pharmacy could be considered a local shop as defined in policy DM56 however, it is recognised that this policy is directed to smaller settlements and rural villages where local services and shops are in short supply where there is significant benefit in their retention. The site has also been granted prior approval for the conversion of the ground floor to residential units which could still be implemented and still result in the loss of the chemist/pharmacy. As mentioned above, the site is located within Lancaster and is close to the city centre which offers various other similar services in relatively close proximity. As such, it is considered that the loss of a single unit here will not result in an adverse impact upon the community.

5.3 **Design and Streetscene Impact** (NPPF Section 12; and Review of the Development Management DPD policy DM29)

5.3.1 DM29 requires all development proposals to make positive contributions to the surrounding landscape or townscape.

5.3.2 The external alterations to the front and side of the building are relatively minor and is comprised of reopening of a window and a door opening and four small rooflights to the front elevation whilst the alterations to the side elevation are comprised of the installation of two replacement windows and a single door and installation of a new window. Windows and doors are to be of a sliding sash design with timber doors to the side and unspecified doors to the front. The design of windows and doors are considered acceptable and precise details can be conditioned. The rooflights indicate that these are to be small conservation style which are considered acceptable as these will not dominate the roof slope.

5.3.3 To the rear, the removal of the small extensions raises no concerns, and the provision of a single storey extension will sit alongside an existing extension. This extension is well contained within the

site and will also appear as a subservient addition. Consequently, the proposal will not result in any adverse impacts on the visual amenity of the street. Due to the relatively minor scale of the works and distance to the Conservation Area, there will be no detrimental impact upon its setting. The proposal is therefore seen to comply with policy DM29.

5.3.4 The proposal will also see small improvements to general landscaping within the site comprising of new railings and gates. It is recommended that the precise details are conditioned.

5.4 **Residential Amenity (NPPF Section 12; and Review of the Development Management DPD policies DM2 and DM29)**

5.4.1 Policy DM29 states that the Council will expect development to ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

5.4.2 It is considered that the use of the building for residential accommodation in this area would not give rise to any adverse impacts on neighbouring properties. The site is located in a residential area and is therefore considered an appropriate use and whilst studios are not commonplace along Ullswater Road, they will contribute to a varied housing mix. As the proposal is for self-contained 1-bed units, these should not result in significant levels of noise or disturbance as capacity within the individual units is limited. The site is also located within the urban boundary and is surrounded by existing development with an existing ambient noise background.

5.4.3 The rear extension to the proposed dwelling will run parallel to the shared boundary with 56 Ullswater Road and is in relatively close proximity to the windows on the neighbouring property. However, the proposed extension is limited to 3m in depth and is located to the north of the affected windows. Consequently, it is considered that the siting of an extension in this position would not result in a significant adverse impact on light levels when considering that solar orientation travels from east to west. In addition, the limited 3m depth should also not appear excessively overbearing on the neighbouring property. The initial scheme had included a raised patio attached to the rear extension, but this has been omitted from the scheme to reduce the overbearing and overlooking impacts. It is considered necessary to remove permitted development rights in order to ensure any potential further alterations to the dwelling can be fully considered by the Council.

5.4.4 The units will largely utilise existing windows for the outlooks and as such, the level of overlooking from the building is already established. It is considered necessary to condition the bathroom window in studio 4 to be obscure glazed in order to reduce overlooking between studio 3 and 4. The proposal also includes the provision of fencing along the existing terrace to prevent overlooking of the garden space of the proposed dwelling.

5.4.5 In terms of securing an acceptable level of amenity for the proposed units, the Council would expect an open market dwelling to comply with the Nationally Described Space Standards (NDSS) as outlined in policy DM2. With regards to the studios and flat that are to be utilised for student accommodation, as these are not occupied full time, they are not required to meet the NDSS but would be expected to meet the minimum requirements for studio accommodation as outlined in Appendix G of the DM DPD.

5.4.6 Considering the proposed dwellinghouse in the first instance, this will provide a 3-bed dwellinghouse with c.126sqm of floor space spread over four floors (including basement and part roof space). The NDSS does not give an example for a 3-bed dwelling house over four floors but states that three floors should provide for 108sqm. Therefore, the provision of c.126sqm is considered sufficient. All habitable rooms are served with windows proportionate to the size and layout of the room whilst the basement will provide for an area of storage for any future occupiers. To the rear, the dwelling will be provided with a c.12m deep garden with c.53sqm of space with new fencing to provide for a private garden space. There is likely to be elements of overlooking of this garden but this similar to others in the area due to the layout and narrow design of the gardens. DM29 requires new build properties comprised of 3-beds to provide 60sqm and whilst this proposal falls slightly short of this requirement, the site is constrained by existing urban grain of the area and this outdoor space will still provide for a suitable and proportionate space when considering the size of the dwelling.

- 5.4.7 Whilst the studios do not meet the NDSS, all exceed the minimum space requirements outlined in Appendix G of the DM DPD (19sqm). It is considered necessary to condition this to ensure full-time student occupation only. The flat meets the NDSS but has been confirmed for student use which is considered appropriate given it would be surrounded by existing student accommodation. It is recommended that the student occupation condition is applied to this unit as well. All of the units will feature windows within the habitable rooms offering natural light and an outlook. The units in the roof space feature 2no. rooflights each which are thought proportionate to the room sizes. The view from studio 3 will be towards an existing single storey outrigger in close proximity, which is not ideal but there are still likely to be views above this as well as angled views to the north. Considering the above, the overall scheme is considered to provide for an acceptable level of amenity to future occupants. The rear outdoor space can accommodate a bin storage area for the occupiers which will be contained within the site.
- 5.4.8 Comments have been made regarding potential use of the building being occupied as a HMO. The applicant is not applying for such a use and the description of the development has been agreed with the agent. Any change to the proposed use would require a further planning application.
- 5.5 **Highways and Parking (NPPF Sections 9 and 12; Development Management DPD policies DM29, DM60 and DM62)**
- 5.5.1 Appendix E of the DM DPD outlines the maximum car parking spaces for development proposals. A 3-bed dwellinghouse should provide a maximum of 2 spaces whilst the studios and flat should provide a maximum of 1-space per unit. Consequently, the proposed development should provide no more than 10 spaces. The application does not propose any off-street parking as the rear is to be used for an outdoor area in conjunction with the studios. This area will provide for bin storage and a bike storage area for 10 bikes as a form of mitigation. Both of which can be conditioned for retention.
- 5.5.2 It is recognised that on street parking is at a premium in the area with most dwellinghouses not having their own off street parking provision. The conversion is not thought to cause vehicle displacement immediately outside of the building as a large section of this highway is covered by double yellow lines. As outlined above, the site is located within a highly sustainable area near bus stops and close to the city centre which offers a comprehensive offer of services, facilities, retail and leisure as well as train and bus stations with links to the wider district and beyond. This puts significantly less pressure on the demand for private motor vehicles for future occupiers as there are good alternative modes of transport. The Council recognises the existing parking issues affecting the area, however, considering the sustainability of the site and inclusion of bike storage for the proposal, it is considered that the provision of 9 small residential units would not result in a significant adverse impact on parking matters or highway safety.
- 5.6 **Impacts on Designated Sites and BNG (NPPF Section 15; Strategic Policies and Land Allocations DPD policy SP8; and Review of the Development Management DPD policy DM44)**
- 5.6.1 The application site lies within the median distance travelled of 3.454km (identified through the Recreational Disturbance Study for the Local Plan) to get to the European designated sites of Morecambe Bay and the Lune Estuary which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and Site of Special Scientific Interest (SSSI).
- 5.6.2 As a result of the proximity of the residential development to the sensitive site, it is considered that a proportionate Habitats Regulations Assessment (HRA) is required to assess the recreational disturbance impacts on the coastal designated sites resulting from the development, the report is contained within a separate document.
- 5.6.3 The potential impacts from increased recreational pressure are considered to be limited by the small size of the proposed development and the distance from the designated areas and other options for recreation in closer proximity. However, to mitigate any potential increase in recreational pressures caused by the development, homeowner packs can be provided to the proposed dwellings, as identified within the HRA for the Local Plan. The homeowner packs would be expected to include details of the adjacent designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. This can be adequately covered by a condition on a planning consent.

5.6.4 Biodiversity Net Gain (BNG) is a mandatory requirement from 2 April 2024 for most planning applications. BNG is a way of creating and improving natural habitats by making sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. However, there are exemptions to the requirement, and it is considered that this development is subject to the de minimus exception in so much that it does not affect a priority habitat and impacts less than 25sqm of onsite habitat, or 5m of linear habitat such as hedgerows. The proposal is considered to fall below these thresholds and as such, the BNG requirement would not be triggered.

5.7 **Any Other Matters**

5.7.1 Some of the comments received by the Council state that Japanese knotweed is within the site and requires removal. This is noted, however, it is not a planning matter as it is covered by other legislation, and it is the responsibility of the owner to address this issue. Other comments relate to the existing untidiness of the site and state of the boundary wall and again, whilst not strictly relevant to this application, bringing the site back into use should see this issue addressed.

5.7.2 The inclusion of a small rear extension will not have a significant impact on any surface water run-off rates. The existing building is already connected to existing drainage infrastructure, and the proposed use should not result in any adverse impacts on this existing arrangement. Finally, comments relating to lack of demand for student accommodation are noted however, no evidence has been provided to substantiate this claim.

6.0 **Conclusion and Planning Balance**

6.1 This application would provide a small contribution to meeting the districts housing need as well as reusing an existing vacant building which would weigh positively in favour of the scheme. The proposal would not result in any adverse impacts on the visual amenity of the street scene, nor would it result in a significant adverse impact on the amenity of neighbouring properties. The proposal would provide a level of accommodation that would meet the internal space requirements as outlined by the relevant policies and any possible impacts on the special designations of Morecambe Bay can be mitigated by the provision of homeowner packs. Whilst the Council recognises the existing parking issue, considering the location of the site, form of development and proposed mitigation, it is unlikely that this would result in a significant adverse impact on parking matters and highway safety. On balance, the proposal is seen to comply with the development plan when read as a whole and as such is recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescales	Standard
2	Development to accord with plans	Standard
3	Submission of details	Pre-commencement
4	Submission of landscaping	Pre-commencement
5	Submission of homeowner packs	Pre-occupation
6	Provision of bike/bin stores	Pre-occupation
7	Provision of gardens/boundaries	Pre-occupation
8	Student occupation condition to studio and flat	Control
9	Obscure glazing	Control
10	Removal of PD rights	Control
11	Store in basement to remain	Control

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

In accordance with Article 35 of the above Order, your decision notice contains reasons for the imposition of planning conditions (where planning conditions are imposed), and in the case of each pre-commencement condition, a justification for the pre-commencement nature of the condition(s).

Lancaster City Council has made the decision 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 decision 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