Agenda Item	A7
Application Number	23/01412/FUL
Proposal	Change of use of former YMCA building to 17 studios for student accommodation (C3) with ancillary storage areas; installation of glazing in existing door opening to front elevation; replacement door to north-west side elevation; replacement ground floor window to rear elevation; reinstatement of first floor window to rear elevation
Application site	YMCA Fleet Square New Road Lancaster
Applicant	MHO Mayar Ltd
Agent	Mr Michael Harrison
Case Officer	Ms Kate Henry
Departure	No
Summary of Recommendation	Approval, subject to delegation back to Head of Service to finalise Section 106 legal agreement and conditions.

(i) Procedural Matters

1.0 Application Site and Setting

1.1 The application site is the former YMCA building at the northern end of New Road in Lancaster, close to the junction with Damside Street and Cable Street; and the lower ground floor of 10 New Road, which is the adjoining property to the south.

1.2 The main building is a 5 storey (plus basement), roughly square-shaped, former warehouse building dating from c. 1881, constructed of sandstone with a slate roof. The main entrance, with a modern addition glazed canopy feature, is on the north-east elevation (facing towards Bridge Lane / Cable Street) and there is a secondary entrance on the south-east elevation (on to New Road). The building is grade II listed and the listing description refers to it as “Pye’s Building”.

1.3 No. 10 New Road is a 2-storey (plus basement), stone-faced terraced building attached to the former warehouse building and also to terraced properties stepping up New Road to the south.

1.4 The application site is within the defined Lancaster City Centre area and is within a Regeneration Priority Area. It is also within the Lancaster Conservation Area.

1.5 The application site is partly within Flood Zone 2. It is also partly at low to medium risk of surface water flooding.

1.6 The application site is within Zone 1 of the Air Quality Management Area.

1.7 A Regulation 7 direction relating to 'To Let' boards covers the application site.

1.8 The application site is within the Morecambe Bay and Duddon Estuary Special Protection Area Buffer Zone (3.5km).

2.0 Proposal

2.1 Planning permission is sought for a change of use of the building to student accommodation comprising 17x self-contained units, laid out as follows:

Basement	Storage
Ground floor	1x studio, 1x apartment, bin store, bike store
1st floor	4x studios
2nd floor	4x studios
3rd floor	4x studios
4th floor	2x studios + 1x apartment

2.2 Permission is also sought to install glazing in the existing door opening on the front (north-east) elevation; to replace an existing door on the side (north-west) elevation, which opens into the rear alleyway; to replace an existing ground floor window on the rear (south-west) elevation, which faces towards the rear alleyway; and to reinstate a first floor window on the rear (south-west) elevation, which also faces towards the rear alleyway.

2.3 The proposal also includes the removal of redundant signage on the building, albeit this does not require planning permission.

Revisions

2.4 The following revisions have been made during the course of the application:

- Main entrance on north-east elevation to be retained (rather than closing this entrance and creating main entrance on New Road side);
- Number of units reduced from 19 to 17;
- Relocation of bin and bike stores to ground floor (from basement);
- Alterations to 4th floor plan;
- Basement dedicated fully to landlord / servicing.

3.0 Site History

3.1 A number of applications relating to this site have previously been received by the Local Planning Authority. The following are of relevance:

Application Number	Proposal	Decision
24/00087/LB	Listed building application to facilitate the conversion of building into residential studios, including installation of glazing in existing door opening to front elevation; replacement door to north-west side elevation; replacement ground floor window to rear elevation; reinstatement of first floor window to rear elevation; and removal of signage / extract grilles and reconfiguration of the internal layout	**Pending determination**
08/01127/FUL	Internal refurbishment including replacement windows.	**Permitted 13.11.2008**
08/01128/LB	Listed building application for internal refurbishment including replacement windows.	**Permitted 13.11.2008**

02/01253/CU	Change of use from garages and offices in attached buildings to muti-purpose hall, changing rooms and fitness suite and refurbishment of existing office accommodation in former mill building.	**Permitted 13.01.2003**
02/01254/LB	Listed Building Application for the change of use from garages and offices in attached buildings to multi-purpose hall, changing rooms and fitness suite and refurbishment of existing office accommodation in former mill building.	**Permitted 13.01.2003**

4.0 Consultation Responses

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

Consultee	Response
Conservation Team	Removed objection following submission of revised plans (subject to conditions).
Environmental Health	No objection subject to conditions relating to noise, air pollution, hours of construction, contamination).
Lancashire County Council Highways	No objection subject to condition (Construction Management Plan) and planning obligations (financial contribution to wider infrastructure improvements).
NHS	Request financial contribution towards new infrastructure at Lancaster Medical Practice (£5,814 based on 19 persons).
Waste Management Officer	No objection.
Lancaster Civic Vision	(Comments on original plans) Will continue to oppose, in principle, proposals for new-build and/or significant conversions into student accommodation until convincing evidence is forthcoming that there is not already an over-supply of such provision. Grade II listed building makes positive contribution to the Lancaster Conservation Area. Welcome the fact it will be kept in use, but would rather supported living or low cost housing. Internally, lack of communal spaces or facilities (e.g. laundry). Lack of privacy for occupiers of unit with new window to replace door. Ground floor accommodation should be avoided given flood risk.
Lancaster University	(Comments on original plans) Welcomes provision of additional student accommodation in the city. Would prefer mixed accommodation to studio units due to rent levels. Recommend LU Homes scheme. Would like all studios to adhere to fire service requirements in terms of escape, to provide natural light, adequate noise insulation, and adequate air quality. Lack of social space is of concern. Lift must meet current standards for disabled access. Number of concerns as follows: poor outlook, natural light; waste and recycling storage looks inadequate; lack of laundry facilities; irregular-shaped rooms may make furniture placement difficult; security and privacy concerns at ground floor; bike store only accessible via lift or stairs; noise transfer from lift; Studio 4 has door to alleyway. Use of gas boilers is not sustainable.
Natural England	No objection.

4.2 2 objections and 1 comment (neither objecting or supporting the application) have been received, summarised as follows:

- Concerns about bin storage and removal. Already issues with existing student lets in vicinity.
- Insufficient bin and bike storage.
- Already above threshold for concentration of HMOs in the area.
- Area is overrun with student accommodation.

- Bats / swifts potentially nesting at the building.
- Ground floor flats are not suitable as living accommodation due to flood risk.
- Insufficient light and outlook / overlooking from street.

5.0 Analysis

5.1 The key considerations material to the determination of this application are as follows:

- Principle of development;
- Standard of accommodation for future occupiers;
- Flood risk;
- Heritage and design;
- Sustainability / climate change;
- Impact on neighbours;
- Highways considerations;
- Ecology;
- Public open space;
- Contamination.

5.2 **Consideration 1 – Principle of development** – NPPF Chapter 2 (Achieving sustainable development); Chapter 6 (Building a strong, competitive economy); Chapter 7 (Ensuring the vitality of town centres); Chapter 8 (Promoting healthy and safe communities); Chapter 11 (Making effective use of land); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies SP1 (Presumption in favour of sustainable development); SP2 (Lancaster district settlement hierarchy); SP3 (Development strategy for Lancaster district); SP4 (Priorities for sustainable economic growth); SP6 (The delivery of new homes); EC5 (Regeneration Priority Areas); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM1 (New residential development and meeting housing needs); DM7 (Purpose built accommodation for students); DM14 (Proposals involving employment land and premises); DM16 (Town centre development)

Loss of employment space

5.2.1 Policy DM14 of the Local Plan resists the loss of employment land / buildings that are in active employment use, have a previous recent history of employment use, or still have an economic value worthy of retention. The policy states that proposals that involve the use of employment land for alternative uses, such as residential, will only be permitted if one of the following criteria are met:

> *VI. It has been demonstrated, through satisfactory and robust marketing which has taken place over a reasonable period of time (at least 12 months) that an ongoing employment use of the site / premises is no longer appropriate and viable. The marketing should include information on all offers made, together with copies of the sales particulars to demonstrate that the site / premises has been marketed using appropriate media sources at a realistic price for both the existing use and for redevelopment (if appropriate) for other employment uses; or*
>
> *VII. The location has such exceptionally severe site restrictions, due to very poor access or servicing arrangements, or surrounding land uses make a continuing employment use inappropriate; or*
>
> *VIII. The re-use of the employment land meets the wider regeneration objectives set out in the Local Plan in relation to Policy EC5 of the Strategic Policies and Land Allocations DPD and where it is clearly demonstrated that the benefits of the proposal outweighs the loss of the site for employment purposes.*

5.2.2 The Design & Access Statement states that the building was purchased by the YMCA in 2001 for their own occupation. They occupied the building until June 2023 when the building was offered for sale on the open market.

5.2.3 In terms of criteria VI (evidence to suggest that an ongoing employment use is no longer appropriate and viable), information from the planning agent suggests the following:

- Fisher Wrathall Commercial (FWC) were instructed by the YMCA to dispose of their Lancaster premises (the application building) because the number of office lets were dwindling and it was no longer viable to retain the building for letting.
- FWC were instructed to put the premises up for sale and in the meantime, if there were any active enquiries for office space to rent, they were to notify the YMCA.
- The premises were actively marketed for sale by FWC from 23/03/2023 until completion of the sale on 29/08/2023.
- Prior to completion of the sale, the possibility of letting the office space was discussed with the buyer and marketing was started accordingly after completion.
- There was interest from IFCA to let one floor but, ultimately, they decided against it due to lack of parking and being tied to a lease elsewhere.
- There was interest from GMC Supplies Ltd to let the whole building as they needed extra breakout space and easier catering facilities in relation to housing refugees at the IBIS hotel, but they decided against it due to logistical reasons.
- The building has been continually marketed on Rightmove Commercial and FWC's own website.
- There have been no other enquiries.
- FWC are also struggling to let other buildings in Lancaster (some of which include parking).

5.2.4 Policy DM14 requires satisfactory and robust marketing to take place over a reasonable period of time (at least 12 months) and the marketing should include information on all offers made, together with copies of the sales particulars to demonstrate that the site / premises has been marketed using appropriate media sources at a realistic price for both the existing use and for redevelopment (if appropriate) for other employment uses.

5.2.5 At the time of the application submission (December 2023), the applicant could not demonstrate 12 months of marketing evidence as the building had only been marketed since March of the same year. However, it is accepted that the building has now been marketed for more than 12 months and that a tenant has not been secured for ongoing employment use at the building. The Council has no evidence to suggest that the marketing has not been adequately undertaken.

5.2.6 With regards to criterion VII, no evidence has been provided to suggest that the building's location makes continued employment use inappropriate.

5.2.7 With regards to criterion VIII, whilst the application site is within a Regeneration Priority Area (EC5.2 – Central Lancaster), Policy EC5 does not mention housing in relation to Central Lancaster, instead stating that Lancaster City Centre will be strengthened as a sub-regional centre with improved retailing opportunities, enhancing the City's role as a visitor destination for its cultural heritage and historic environment via regeneration of Lancaster Canal Quarter, enhancements to Lancaster Castle and wider improvements to the public realm. Nonetheless, the building is listed and forms a key part of Lancaster's historic environment. The proposed change of use would allow for its continued use as opposed to it remaining vacant indefinitely. In this regard, the proposal would support the wider regeneration aims outlined in the Local Plan. It would also accord with the aims of the NPPF, which requires that, in determining applications, account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (paragraph 203). The continued occupation / use of the listed building weighs in favour of the development.

5.2.8 To conclude this section, the loss of the employment floorspace is considered to be acceptable.

Conversion to residential use

5.2.9 Policy SP1 of the Local Plan reflects the presumption in favour of sustainable development contained within the NPPF. The policy states that the Council will work proactively with applicants to jointly find solutions, which means that proposals can be approved wherever possible, and secure development that improves the economic, social and environmental conditions in the area. As detailed above, the loss of the employment space is considered to be acceptable, which means there is no reason, in principle, to refuse permission for a change of use.

5.2.10 Policies SP2 and SP3 of the Local Plan both support future growth in Lancaster city centre (as the Regional Centre in the district) and Policy SP6 sets out the Council's housing targets, which the Council is currently failing to meet. On this basis, the principle of a change of use of the building to residential use is considered to be acceptable.

5.2.11 Policy DM7 of the Local Plan relates specifically to purpose-built student accommodation. Proposals for new purpose-built student accommodation will be supported where relevant criteria is met (see later sections of this report).

5.2.12 Policy DM16 relates to town centre development and states that proposals for residential development within city or town centre locations will be considered favourably provided that they are above ground floor level and do not restrict the maintenance of an active street frontage, particularly within a designated retail frontage. Whilst the application site is within the defined city centre, it does not form part of a designated retail frontage and there would be no loss of an active frontage as a result of the proposed works because the building does not currently provide an active frontage. As such, the proposal is considered to be acceptable in this regard.

5.2.13 The principle of development is considered to be acceptable, subject to the detailed considerations below.

5.3 **Consideration 2 - Standard of accommodation for future occupiers** – NPPF Chapter 8 (Promoting healthy and safe communities); Chapter 12 (Achieving well-designed places); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies SP7 (Maintaining Lancaster District's Unique Heritage); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM2 (Space and accessibility standards); DM7 (Purpose built accommodation for students); DM14 (Proposals involving employment land and premises)

5.3.1 Policy DM2 of the Local Plan requires all new dwellings to meet the Nationally Described Space Standards (NDSS), whereas Policy DM7, which relates to purpose-built student accommodation, sets lower floorspace standards (Appendix G). The proposed unit measurements are as follows:

Location	Unit	Sqm
Ground floor	Studio 1	34
	Apartment 2	40
1st floor	Studio 3	22.5
	Studio 4	25.5
	Studio 5	26.5
	Studio 6	30
2nd floor	Studio 7	22.5
	Studio 8	25.5
	Studio 9	26.5
	Studio 10	30
3rd floor	Studio 11	22.5
	Studio 12	25.5
	Studio 13	26.5
	Studio 14	30
4th floor	Studio 15	22.5
	Studio 16	19
	Apartment 17	66

5.3.2 The studio units would fail to meet the NDSS as a studio unit (1-bed-1-person) should measure at least 39 sqm (37 sqm if a shower room is provided instead of a bathroom); however, they would all meet or exceed the student accommodation standards set out in Appendix G of Part Two of the Local Plan, which requires student studio accommodation to measure a minimum of 19 sqm with an en-suite (for single person occupancy).

5.3.3 Two of the units are labelled as apartments, although these are essentially studios too as there is no physical separation between eating and sleeping areas. Nevertheless, these units would meet the NDSS, as they exceed 37 sqm.

5.3.4 On the basis that the proposed accommodation is intended for occupation by students (which can be secured through a planning condition), it is considered to be appropriate to apply the standards set out in Policy DM7 and Appendix G, rather than Policy DM2. The size of the individual units is therefore considered to be acceptable.

5.3.5 Policy DM7 and Appendix G of the Local Plan set out criteria for student accommodation. Appendix G requires that all studio units demonstrate on a plan that the following can be accommodated:

- Bed (minimum size of 2m by 0.9m);
- Desk and chair;
- Wardrobe;
- Chest of drawers (minimum of 0.8m wide);
- Kitchenette, incorporating an oven, hob, sink, 2 cupboards (or equivalent) and adequate work surface space;
- Dining surface with seat / stall;
- Adequate circulation space;
- En-suite with a toilet, adequately sized wash basin, shower, circulation space for changing and hanging space for clothes, towels etc.

5.3.6 Appendix G also requires that studios should be set out to allow for separate "zones", to prevent living and sleeping arrangements being inappropriately combined to the detriment of the occupier (for example beds should not be placed in close proximity to kitchenettes). The applicant has shown an indicative furniture layout on the revised proposed plans. Each unit would accommodate a bed, desk and chair, wardrobe, chest of drawers, kitchenette and en-suite bathroom. A dedicated eating area is not indicated in all of the units; however, each unit does appear to benefit from adequate circulation space, and in each of the units the living and cooking facilities would be separated. The proposal is therefore considered to be acceptable in this respect.

5.3.7 Appendix G requires that all living spaces have an adequate level of natural light and adequate outlook. In terms of natural light, all of the units would have windows to outside, albeit the windows to Units 6, 10 and 14 face into the rear alleyway and Units 3, 7, 11 and 15 would be single-aspect and north-facing. Nevertheless, the windows facing into the alleyway are south-facing, and the north-facing windows are not overshadowed by other buildings as they enjoy uninterrupted views over Bridge Lane / Cable Street. As such, the proposal is considered to be acceptable with regards to natural light provision.

5.3.8 In terms of outlook, Units 6, 10 and 14 at the rear of the building would have limited outlook as their windows face into the rear alleyway. Furthermore, due to the land level rise along New Road, the windows to serve units 1 and 2 (at ground level) are located close to the pavement level when viewed externally, but are high-level windows internally, which means the outlook from these windows would also be constrained. However, on balance, the outlook from all of these windows is considered to be acceptable, on the basis that there is a communal area in the building (ground floor level foyer) with good outlook which residents could utilise, and the proposal relates to student accommodation rather than permanent living accommodation, thereby naturally limiting the length of time that an individual would be affected by poor outlook.

5.3.9 The outlook from the remaining units (namely numbers 3, 4, 5, 7, 8, 9, 11, 12, 13, 15, 16 and 17) is considered to be acceptable as these units would enjoy long-range views out towards the public sides of the building.

5.3.10 Appendix G requires that cycle storage is easily accessible from the street and there should be one cycle space per resident. The plans have been amended during the course of the application to relocate the cycle storage room from the basement to ground floor level. The route from the street to the cycle store involves internal stairs, 90-degree bends and internal doors, meaning it isn't easily accessible for someone carrying a bike. However, the constraints of the listed building are noted in this regard and the proposal is considered to be acceptable, on balance. The plans indicate dedicated cycle storage within Unit 1, which is considered to be acceptable as it is likely that the occupier of this unit would be able to use the communal store too, if desired.

5.3.11 Appendix G requires that provision is made for refuse storage. Where no external space is available within the building's curtilage, provision should be made internally, with easy access to the street for

collection. The plans have been revised to relocate the bin store from the basement to ground floor level, adjacent to the main entrance, with access to the foyer and also direct access to outside, which is welcomed. It is not clear what the refuse storage and collection arrangements are for Unit 1, but it is likely that this unit could have access to the communal refuse store, if desired.

5.3.12 Criterion VII of Policy DM7 requires that proposals be designed to be safe and secure for their occupants and Appendix G states that future residents should feel safe accessing the building and residing within it. It states that access to each self-contained unit should be via a single front door into a common area (i.e. a corridor or hall), and all main access points from the street must be secured with appropriate levels of security including lighting, natural surveillance, locks and potentially CCTV. All of the units except Unit 1 would be accessed via the main entrance to the building on the north-east (Bridge Street / Cable Street) side, which benefits from good natural surveillance. Unit 1 would have its own entrance directly onto New Road and the door would open straight into the living space. It would be preferable for all the units to be accessed from the same main entrance; however, the constraints of the listed building are noted in this regard and the occupier of Unit 1 would still be able to access the main building and the communal facilities therein. Furthermore, the entrance to Unit 1 would also benefit from good natural surveillance. On balance, the proposal is considered to be acceptable in this respect.

5.3.13 An Acoustic Survey and Assessment was submitted with the application. In terms of sound insulation between floors, it states that improvements will need to be made in order to meet Building Regulations. With regards to external noise, it states that the existing arrangement (single glazed windows with secondary glazing) should be sufficient to protect the internal environment. The Acoustic report also states that, in order to be able to keep windows closed, additional ventilation will be required, and it recommends a ventilation system with trickle ventilators in all windows to habitable rooms. A planning condition is suggested to ensure that a scheme for the control of environmental noise is submitted to and approved in writing prior to the commencement of development.

5.3.14 An Air Quality Impact Assessment (AQIA) was submitted with the application. In terms of the construction period, the AQIA states that it is unlikely to impact harmfully on local air quality and neither is the operational phase, insofar as there are no car-parking spaces associated with the building and so the development would not contribute to traffic in the city centre. With regards to the impact of poor air quality on future occupiers, monitoring results obtained for the area indicate no exceedances of any of the national objective limits for either nitrogen dioxide or particulate matter. A positive input ventilation (PIV) system is recommended. A planning condition is suggested to ensure that a scheme for ventilation is submitted to and approved in writing prior to the commencement of development.

5.3.15 Lancaster University have commented on the application. In response to the original plans, they raised concerns about natural light levels in some of the units, sound insulation, air quality, the lack of social space, disabled access, insufficient waste and recycling facilities, lack of laundry facilities, furniture placement, privacy and security, bike storage accessibility, and issues with Unit 4. The plans have since been amended to address concerns that were raised (see paragraph 2.3). The number of units has been reduced so that (former) Unit 4 (which had direct access into the rear alleyway) has been omitted; (former) Unit 1 has been omitted which allows for the retention of the main entrance into the building and for a communal space to be provided in the foyer; a laundry is provided; and the bin and bike stores are at ground level instead of being in the basement. In terms of disabled access, there is lift access to all floors, albeit it is not clear whether all the individual studios would be suitable for wheelchair users. Lancaster University have not commented on the revised plans.

5.3.16 In conclusion, it is considered that the proposed studio units would provide an acceptable form of living accommodation for future occupiers, subject to the suggested conditions to restrict their use to students and to ensure satisfactory schemes for noise and air quality mitigation.

5.4 **Consideration 3 – Flood risk** – NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies SO3 (Protect and enhance the natural, historic and built environment of the district); CC1 (Responding to climate change and creating environmental sustainability); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM29 (Key design principles), 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)

5.4.1 The application site is partly within Flood Zone 2. The Council's Strategic Flood Risk Assessment (SFRA) map indicates that it is also partly at low to medium risk of surface water flooding (now and in the future) and at medium risk of groundwater flooding.

5.4.2 Policy DM33 of the Local Plan seeks to minimise the risk of flooding to people and property by taking a sequential approach which directs development to the areas at lowest risk of flooding. A sequential test is not required, in line with footnote 62 of the NPPF which clarifies that changes of use should not be subject to the sequential or exception tests.

5.4.3 Policy DM33 requires the submission of a site-specific Flood Risk Assessment (FRA) in certain circumstances, including where the site is at risk of surface water flooding now or in the future, or if the development involves a change of use to a higher vulnerability classification (which is the case). The policy also requires that safe, suitable and appropriate flood prevention, resilience, adaptation, mitigation and emergency plan measures are agreed, implemented and maintained, including through design and layout, taking climate change into account, to ensure that development is appropriately flood resilient and resistant for its lifetime.

5.4.4 A site-specific FRA has been provided with the application. It notes that the building footprint extends to the site boundaries and the proposed works would not result in any loss or gain of impermeable surfaces. The site was subject to flooding due to Storm Desmond in December 2015. Remedial works have been undertaken to address the building's resilience (e.g. raising electrical switchgear, installation of removable flood barriers on Damside entrance). Furthermore, the property is within an area that benefits from new public flood defences completed in 2018 and flood alerts from the Environment Agency.

5.4.5 The original plans submitted with the application included a ground floor studio unit on the northern side of the building, and the FRA notes that the unit had been designed to have its sleeping accommodation above the recorded flood level (the unit was split-level). Nevertheless, the plans have been amended during the course of the application such that the unit in question has been omitted and the lower area will instead house the communal bin store and building foyer, which is preferable in terms of the safety of future occupants.

5.4.6 The application is considered to be acceptable in this respect.

5.5 **Consideration 4 – Heritage and design** – NPPF Chapter 12 (Achieving well-designed places); Chapter 16 (Conserving and enhancing the historic environment); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policy SP7 (Maintaining Lancaster district's unique Heritage); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM29 (Key design principles); DM37 (Development affecting listed buildings); DM38 (Development affecting conservation areas)

5.5.1 The application building is grade II listed. The Council has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, the application site is in the Lancaster Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

5.5.2 Policy DM37 of the Local Plan states that proposals affecting listed buildings should conserve and, where appropriate, enhance those elements which contribute to their significance. Any harm (substantial or less than substantial) to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. Policy DM38 states that proposals affecting conservation areas should preserve or enhance the character and appearance of the conservation area. It requires that 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. Policy DMCCH1 of the Local Plan relates to the retrofitting of buildings of traditional construction for energy efficiency.

5.5.3 Policy DM29 of the Local Plan sets out key design principles for new development. New development should contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale. Policy DM7 also requires that proposals for student accommodation should be appropriate to the character of the local area in terms of design, layout and materials used.

5.5.4 The significance of the application building derives from its aesthetic and illustrative value, as a well-preserved mill with a functional north-east elevation with distinctive loading bays and a more formal elevation to New Road with pedimented entrance; and the evidential value of its functional form and means of construction. The building also makes a positive contribution to the character and appearance of the Lancaster Conservation Area as a result of its position, well-preserved character and imposing scale.

5.5.5 With regards to external changes to the building, permission is sought to install glazing in the existing door opening on the front elevation; to replace a door on the north-west elevation; to replace a ground floor window on the rear elevation and to reinstate a first-floor window on the rear elevation. None of these proposed changes are considered to detract from the character and appearance of the application building or the wider area.

5.5.6 With regards to internal changes, the plans have been amended during the course of the application to address concerns raised by the Council's Conservation Officer. For example, a large, undivided space has been retained at the fourth floor to allow a sense of the scale of the original building to be appreciated.

5.5.7 Overall, it is considered that the proposals would result in "less than substantial harm" to the application building, in the context of paragraph 215 of the NPPF. The harm is outweighed by the public benefits of the proposals, namely the re-use of the building and the provision of residential accommodation. The proposal is therefore considered to be acceptable in this respect.

5.6 **Consideration 5 – Sustainability / climate change** – NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies CC1 (Responding to climate change and creating environmental sustainability); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM30a (Sustainable design and construction); DM30b (Sustainable design and construction – water efficiency); DM30c (Sustainable design and construction – materials, waste and construction); DMCCH1 (Retrofit of buildings of traditional construction for energy efficiency)

5.6.1 The Climate Emergency Review of the Local Plan (CERLP) was adopted on 22nd January 2025. Newly introduced strategic policy CC1 requires all development to integrate the principles of sustainable design and construction into the design of proposals. Within the Development Management Policies DPD, Policy DM30a requires details of measures to address energy demand in line with the energy hierarchy; Policy DM30b relates to water efficiency measures; and Policy DM30c relates to the construction phase. Such details should be outlined in a Sustainable Design Statement and Energy and Carbon Statement, which can be secured by planning condition in this case. The listed status of the building may limit the measures that can be utilised and therefore full regard will be had to the listed status of the building and the associated limitations with regards to installing energy efficiency measures when assessing the details that are submitted to discharge the condition.

5.6.2 Policy DMCCH1 of the Local Plan relates to retrofitting energy efficiency measures to buildings of traditional construction. The policy notes that the Councill will generally be supportive of responsible retrofitting of energy efficiency measures and appropriate use of micro-renewables in heritage assets which are buildings of traditional solid-walled construction, provided that it is demonstrated that the energy hierarchy has been followed; that proposals avoid compromising permeability, ventilation and structural stability; and that proposals avoid harm to historic fabric and significance of the building. As noted above, additional ventilation will be required and a condition is suggested to require the submission and approval of details prior to commencement of development.

5.7 **Consideration 6 – Impact on neighbours** – NPPF Chapter 12 (Achieving well-designed places); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM7 (Purpose-built accommodation for students); DM29 (Key design principles)

5.7.1 Policy DM7 of the Local Plan requires that proposals for student accommodation should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance. Appendix G requires that the conversion of any property must be designed to minimise loss of privacy and amenity for neighbouring residents. Similarly, Policy DM29 requires that there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution as a result of development.

5.7.2 Concerns have been raised about the over-concentration of HMO's / student accommodation in the area. However, as noted above, the principle of development is considered to be acceptable. Indeed, the supporting text to Policy DM7 of the Local Plan states: "*The city centre is considered to be an acceptable location for new student accommodation. Most parts of the city centre are within reasonable walking distance of the University of Cumbria and have good public transport and cycling connections to Lancaster University. A specific policy approach to concentrate new student accommodation within the city centre will ensure that the district benefits from concentrating activity and spend in this central location*." (N.B. Policy DM13 places a restriction on the number of Houses of Multiple Occupation within a certain radius but the policy is not relevant to student accommodation).

5.7.3 Concerns have also been raised about bin storage and collection, based on bad experiences relating to other student accommodation in the vicinity of the application site. Each case must be assessed on its merits. In this case, a bin store would be provided at ground level inside the building with easy access to the street, which should limit issues relating to the storage of waste outside. The Council's Waste Management Officer raises no objection to the proposals. Any future problems relating to waste at the property could be dealt with through Environmental Health legislation.

5.7.4 Taking into consideration the application site's city centre location and the nature of the proposed works (i.e. conversion without extension), it is not considered that there would be any undue harmful impacts to neighbouring properties as a result of the proposals, for example by reason of overshadowing, visual amenity or loss of privacy. The application is therefore considered to be acceptable in this respect.

5.8 **Consideration 7 – Highways and transport** – NPPF Chapter 9 (Promoting sustainable transport); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies SP10 (Improving transport connectivity); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM60 (Enhancing accessibility and transport linkages); DM61 (Prioritising walking and cycling); DM62 (Vehicle parking provision and electric vehicle charging points)

5.8.1 Policy DM60 of the Local Plan seeks to direct new development to sustainable locations where sustainable travel patterns can be achieved. Proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM61 relates to walking and cycling and seeks to prioritise pedestrians and cyclists. The application site is in a sustainable location in the city centre, adjacent to the bus station. The dedicated bike store would encourage cycling. Furthermore, there would be no impact on the pedestrian environment surrounding the building. The proposal therefore complies with Policies DM60 and DM61 in this respect.

5.8.2 Policy DM62 relates to vehicle parking provision. The policy notes that car-free development will only be considered acceptable in appropriate locations, taking into account availability of alternative transport modes, highway safety, servicing requirements, the need of potential users and the amenity of occupiers of nearby properties and other parking facilities. The lack of dedicated car parking is considered to be acceptable on the basis of the sustainable location and easy access to public transport.

5.8.3 Policy DM60 also seeks to ensure that there is no harmful impact during the construction period. To this end, Lancashire County Council Highways team raises no objection to the proposals, subject to a planning condition to secure a Construction Management Plan to mitigate the impact during the construction period.

5.8.4 Policy DM64 of the Local Plan relates to Lancashire County Council's Highways and Transport Masterplan for Lancaster District, which sets out a range of strategic transport interventions to address existing transport issues within the district. The policy states that, where appropriate, the Council will require contributions towards the delivery of new infrastructure to achieve the aims and objectives set out in the Highways and Transport Masterplan where such contributions are reasonable and directly related to the development proposed, in line with national planning policy. To this end, Lancashire County Council has sought a financial contribution towards highway works initiatives across the district. They seek £2,995.07 per studio (total £50,916.21) towards Initiative 8 (Lancaster City Centre Gyratory in The Lancaster Travel and Transport Infrastructure Strategy.

5.8.5 The applicant has provided a response to the County Council's request, stating that their request does not meet the statutory tests for an obligation. They highlight that there is no committed scheme to which the money would go; they claim that the County has not evidenced any unacceptable impact on the road network that would prevent the development on highways grounds; and they suggest that the proposed

change of use to student accommodation would have a lesser impact on the local highway network than the former office use, and that any impact would not be severe.

5.8.6 Para 116 of NPPF states that: "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*." It is agreed that

5.8.7 Regulation 122 (2) of The Community Infrastructure Levy Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

5.8.8 In this particular case, it is agreed that the proposed financial contribution requested by the County Council would not meet the CIL Regs tests as the impact of the proposed change of use on the local highway network is likely to be less than the existing office use, and therefore the lack of a financial contribution would not represent a reason to refuse permission.

5.8.9 Overall, the application is considered to be acceptable in this respect.

5.9 **Consideration 8 – Ecology** – NPPF Chapter 15 (Conserving and enhancing the natural environment); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies CC1 (Responding to climate change and creating environmental sustainability); SP8 (Protecting the natural environment); EN7 (Environmentally Important Areas); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM44 (The protection and enhancement of biodiversity)

5.9.1 The application site is within the Morecambe Bay and Duddon Estuary Special Protection Area Buffer Zone (3.5km). The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) to consider the potential impacts on Morecambe Bay as a designated site. Morecambe Bay is very important for many species of birds. 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. In addition, there is potential for pollution through runoff. It is considered that these impacts could be avoided, but only through mitigation.

5.9.2 In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant effects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required. The AA (separate document) concludes that, with the implementation of mitigation the development would 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. Natural England has reviewed the application and AA and raises no objection to the application.

5.9.3 The applicant has provided 'Morecambe Bay Information Packs' which include details of the nearby designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and to promote the use of alternative areas for recreation; and it is proposed that the information packs be provided to new occupants and form part of the lease packs. A planning condition is suggested to ensure that copies of the information pack are provided within the individual units and form part of the lease packs.

5.9.4 Subject to the suggested condition, the proposals are considered to be acceptable in this respect.

5.10 **Consideration 9 – Public open space** – NPPF Chapter 4 (Decision-making); Chapter 2 (Achieving sustainable development); Chapter 8 (Promoting healthy and safe communities); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policy SC3 (Open space,

recreation and leisure); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM27 (Open space, sports and recreational facilities)

5.10.1 The NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Similarly, Policy DM27 of the Local Plan recognises the value of, and seeks to protect, existing designated open spaces, sports and recreational facilities in the district, particularly given that a deficiency exists across most of the urban areas of the district.

5.10.2 The application site does not benefit from outdoor amenity space to serve the occupiers and it is not possible to provide any on site or nearby. As such, in order to mitigate against the impacts of additional residents, a contribution towards new / improved public open space in the vicinity is required. Using the Council's accepted methodology, the Public Realm team have calculated a contribution of £12,033.45, which they suggest should go towards funding improvements to Green Ayre Skate Park in Lancaster. This can be secured by legal agreement.

5.10.3 Subject to the suggested planning obligation, the application is considered to be acceptable in this respect.

5.11 **Consideration 10 – Contamination** – NPPF Chapter 11 (Making effective use of land); Chapter 15 (Conserving and enhancing the natural environment); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policy DM32 (Contaminated land)

5.11.1 The NPPF requires that a site is suitable for its proposed use taking into account ground conditions and any risk arising from land contamination. Similarly, Policy DM32 of the Local Plan requires that, if there is a possibility that land may be affected by contamination, all works of investigation should be able to be undertaken without causing unacceptable risk to health or the environment; suitable methods of mitigation must be proposed; and there should be no risk to people, buildings, services or the environment as a result of the proposed development.

5.11.2 Whilst the likelihood of contamination risk is considered to be low, a planning condition to secure a watching brief is suggested. Subject to the suggested condition, the proposals are considered to be acceptable in this respect.

6.0 Planning obligations

6.1 A section 106 legal agreement is sought to secure the following:

- Public open space contribution - £12,033.45.

6.2 The NHS has sought a contribution towards new infrastructure at Lancaster Medical Practice; however, the request is not considered to be CIL compliant on the basis that there are healthcare services available for students on campus, meaning Lancaster Medical Practice would not necessarily be unduly impacted by the proposed development.

7.0 Conclusion and planning balance

7.1 Planning permission is sought for a change of use of the building to student accommodation comprising 17x self-contained units.

7.2 The loss of employment space is considered to be acceptable, on the basis that the applicant has marketed the property for over 12 months without being able to find an office tenant, and also on the basis that the continued active use of the listed building, as opposed to it remaining vacant indefinitely, contributes to wider regeneration aims in Lancaster City Centre.

7.3 The conversion of the building to residential use is considered to be acceptable on the basis that the Council is currently failing to meet its housing targets, the application site is in a sustainable location where residential development is encouraged, and the proposal would not result in the loss of an active retail frontage.

7.4 The standard of accommodation for future occupiers is considered to be acceptable, on balance, subject to a condition to ensure that the units are occupied by students, thereby limiting the amount of time individuals would occupy the units, and also conditions relating noise and air quality.

7.5 The proposal is considered to be acceptable in terms of flood risk, both to future occupiers and the wider area.

7.6 The application building is listed and special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, the application site is in the Lancaster Conservation Area, wherein special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. The proposals would result in "less than substantial harm" to the application building, in the context of paragraph 215 of the NPPF. The harm is outweighed by the public benefits of the proposals, namely the re-use of the building and the provision of residential accommodation.

7.7 The proposal is considered to be acceptable in terms of the impact on nearby and neighbouring properties, particularly given its city centre location.

7.8 The proposal is considered to be acceptable in terms of highways and transport considerations, on the basis that the application site is in a sustainable location and a planning condition will secure a Construction Management Plan to minimise any impacts during the construction period.

7.9 The proposal is considered to be acceptable in terms of ecology impacts, subject to a planning condition to secure the provision of the information packs to highlight the nearby designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and to promote the use of alternative areas for recreation.

7.10 The proposal is also considered to be acceptable in terms of the impact on public open space provision, subject to a financial contribution towards funding improvements to Green Ayre Skate Park in Lancaster.

7.11 The proposal is also considered to be acceptable in terms of contamination risk, subject to a condition to secure a watching brief.

7.12 Overall, subject to the suggested planning conditions, it is considered that planning permission should be granted for the conversion of the building into student accommodation.

Recommendation

That Planning Permission BE GRANTED subject to a legal agreement to secure:

- Public open space contribution - £12,033.45.

And the following conditions:

Condition no.	Description	Type
1	**Time limit (3 years)**	**Control**
2	**Approved plans**	**Control**
3	**Student occupation**	**Control**
4	**Homeowner packs (HRA mitigation)**	**Control**
5	**Hours of construction**	**Control**
6	**Noise mitigation measures**	**Pre-commencement**
7	**Air quality mitigation measures**	**Pre-commencement**
8	**Construction Management Plan**	**Pre-commencement**
9	**Contamination watching brief**	**Control**

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to

secure development that improves the economic, social and environmental conditions of the area. The recommendation has been 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