

Agenda Item	A6
Application Number	24/01166/FUL
Proposal	Part retrospective application for the change of use and conversion of five-storey property comprising of offices (E(c)(ii)) to one 1-bed flat and two 2-bed maisonettes (C3), installation of replacement windows and infill panels to the rear, replacement front door, installation of new windows and formation of new lightwell to the front and installation of boundary wall and metal railings
Application site	45 Victoria Street Morecambe Lancashire LA4 4AF
Applicant	Kate Knight
Agent	Mr Steve Donnelly
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Refusal

(i) Procedural Matters

This application would normally be dealt with under delegated powers but as the applicant is a ward councillor it is necessary for the submission to come before the Planning Committee. The application was deferred from the Planning Regulatory Committee on 10th March 2025 due to a typing error on the front page of the report and concerns that this may cause prejudice.

(ii) The application was originally submitted prior to the adoption of the Climate Emergency Review of the Development Management Development Plan Document (DPD). The application was subsequently invalidated when it came to light that the Applicant is a Councillor, but this was not acknowledged within the application form. At the point that the application was made valid through the submission of a correctly completed application form, the new DPD had been adopted and therefore the updated policies are now applicable to the consideration of the scheme.

(iii) It was apparent during the Case Officer site visit in November 2024 that some works were taking place at the property and it is now evident through Building Control Officer site visits that works to facilitate the conversion are nearly completed. The Written Ministerial Statement of 2015 provides that intentional unauthorised development is a material consideration to be weighed in the determination of planning applications. This arose from the Government's concern about the harm that is caused where development has been undertaken in advance of obtaining planning permission, and there being no opportunity to appropriately limit or mitigate the harm that has already taken place.

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is a mid-terraced property on Victoria Street in Morecambe which was last in use as a solicitor's office over the ground, first, second and third floors with associated storage and staff room within the lower ground floor. The rear of the site backs on to a public car park and there is also a car park opposite the front of the site. The adjoining properties appear to be in domestic use with commercial uses becoming more prominent along Victoria Street to the east. The domestic properties within the terrace have bay windows to the ground, first and second floors, with a number having dormer windows to the third floor. The subject property has been altered historically to create a shop frontage in place of the traditional bay window.
- 1.2 The site is within the Morecambe Conservation Area and within the Morecambe Area Action Plan designation. The site lies within Flood Zone 1 and based on the Strategic Flood Risk Assessment (SFRA) 2024 the building is not at risk of groundwater flooding. The site is located 144 metres from Morecambe Bay and the ecological designations which protect this environment including: Ramsar, Special Area of Conservation, Special Protection Area, SSSI. The site also falls within the Central Morecambe Regeneration Priority Area, on the periphery of the Arndale and Area development opportunity designation and is within an identified Key Pedestrian Route.
- 1.3 Victoria Street is subject to vehicle parking restrictions, but the site is within walking distance of shops and services as well as sustainable public transport routes. The site is also in close proximity to public car parks.

2.0 Proposal

- 2.1 The application proposes the change of use of the building to create one 1-bed flat and two 2-bed maisonettes. Proposed alterations include the installation of replacement windows and infill panels to the rear, replacement front door, installation of new windows and formation of new lightwell to the front and installation of front boundary wall and metal railings. Internal works to facilitate the conversion have already commenced.

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
90/01309/HST	Erection of a new shop front	Permitted
90/01310/HST	Erection of illuminated projecting sign	Permitted

4.0 Consultation Responses

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

Consultee	Response
Housing Strategy Officer	No objection but queries the room sizes of flat 1 and states that 1-bed flats in this location are generally discouraged.
Conservation	No objection following receipt of amended plans
Natural England	Habitats Regulations Assessment (HRA) required
Waste and Recycling Team	All the flats should have access to wheelie bins which would be 4x180ltr bin for each flat and 3x3 240 wheelie bins for the separation of recycling to be used communally. In a shared property a minimum 140ltr communal bin is suggested.

County Highways	No objection and suggests the imposition of a condition relating to a Construction Management Plan
Parish Council	No comments received
Fire Safety Officer	No comments received

4.2 No comments have been received from members of the public in response to neighbour notifications and site notice.

5.0 Analysis

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

- Principle
- Design and heritage
- Sustainable design/climate change
- Residential amenity
- Highways
- Biodiversity

5.2 **Principle** (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); 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); 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);

5.2.1 The strategic policies within the Development Plan promotes an urban-focused approach to new development, recognising Morecambe as a Key Service Centre within the district wide settlement hierarchy. Development growth in Morecambe, where it is proportionate in nature and scale and meets the strategic needs and functional role of the town, can be supported in principle. Policy DM13 of the Development Management DPD (the DM DPD) sets out the Council's approach to residential conversions. As part of this, the Council considers the importance of maintaining an appropriate housing mix and safeguarding the character of residential areas to be important priorities.

5.2.2 The property is in a sustainable location proximity to residential properties within the centre of the Morecambe and within the boundary of the Morecambe Area Action Plan (MAAP). The MAAP does not have any specific policies/allocations specific to this site or area, however the general principle of improving the condition and external appearance of building stock is contained within Action Set AS2. The site is located within the area designated by Policy EC5.1: Regeneration Priority Areas, where proposals for the renewal and regeneration of residential properties are supported in principle, subject to proposals being in accordance with other relevant policies in the Local Plan. The area, along with nearby areas, have been subject to interventions to improve the area and regenerate homes to enhance amenity.

5.2.3 The proposal seeks to create three residential units, one of which would be a 1-bed flat and two 2-bed units. As this application relates to the conversion of a large 3 storey mid-terrace dwelling, the development is confined by the form of the existing building. It is understood that it is not possible to provide another form of accommodation other than conversion to 1 large dwelling, or more flats of varying substandard sizes. Whilst larger flats or a single dwellinghouse would perhaps be preferred to smaller 1 and 2 beds units it is considered that the provision of 1 and 2 bed flats could not be refused and defended successfully at appeal. This is particularly the case when development would secure investment to a large building within the Conservation Area and contribute to the wider regeneration objectives of the Council for this area. Furthermore, although aimed at development in the West End, paragraph 18.75 of the SPLA DPD does state that as part of a mix of unit sizes a limited number of 1-bed units may sometimes be provided.

- 5.2.4 In view of this, such an accommodation offer could be supported in principle. However, the accommodation provided must be of a very high quality, providing apartments which are of high standard and with suitable layouts. This is discussed further in this report.
- 5.3 **Design and heritage** (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); DM30a (Sustainable Design and Construction); DM38 (Development affecting conservation areas)
- 5.3.1 The development site sits in a prominent position within the Morecambe conservation area. The Local Planning Authority has a statutory duty under the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. These requirements are reflected within Section 16 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policies DM38 and DM39 also states that proposals should conserve and where appropriate enhance heritage assets.
- 5.3.2 The change of use is an opportunity for enhancements to the property and although it would be desirable for the ground floor bay window to be reinstated at ground floor the applicant has resisted the Conservation Officers request for this. While this is disappointing it would not form a valid ground for the refusal of the application. The modern brick bay and fascia to the front of the property is to be retained, but will be improved by the application of a grey render finish and the timber signage board above the bay will be painted grey to match.
- 5.3.3 The scheme will also provide enhancements such as the installation of a more traditional front door in place of the modern existing one. Precise details will be conditioned. The scheme includes the provision of a low stone wall with railings above to define the front curtilage of the property and this is considered to be a welcomed enhancement. Precise details could be conditioned.
- 5.3.4 Due to the location of the basement window to the rear, and the fact that the other windows on the rear elevation are upvc, there are no concerns regarding the replacement of an existing upvc lower ground floor window with a new upvc window. An existing infill panel will also be replaced with a upvc window at lower ground floor to improve light and outlook.
- 5.3.5 While the amended plans do not incorporate all of suggestions made by the Conservation Officer, the character and appearance of the surrounding Conservation Area is preserved as required by paragraphs 203a and 219 of the National Planning Policy Framework and DM38 of the Local Plan, and the introduction of a new, traditional door and low wall with railing to the front elevation enhances the appearance of the conservation area. As such the scheme is considered to be acceptable in terms of design and heritage impacts.
- 5.4 **Sustainable design/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) Policy 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); DMCC11 (Retrofit of buildings of traditional construction for energy efficiency)
- 5.4.1 Lancaster City Council declared a climate change emergency in January 2019 and set a target date of 2030 to make the Council's activities net-zero carbon. Relevant policies to climate change formed part of the recently adopted Climate Change Review of the Local Plan, and as such, these policies are now given full weight. Policy CC1 of the Strategic Policies and Land Allocations DPD (Climate Emergency Review) sets out that Lancaster District will become a low carbon and water sensitive district and to achieve this, appropriate mitigation for the environmental and climatic impacts of development should be embedded within all development proposals from the outset. Policy CC1

goes on to state that all development should integrate the principles of sustainable design and construction into the design of proposals.

- 5.4.2 Policy DM30a relates to Sustainable Design and Construction and sets out that where existing structures are being converted to new uses, which will also result in a change in the energy status of the building, the submission must demonstrate that energy demand has been addressed in line with the energy hierarchy, reduced to the lowest practical level using energy efficiency measures, heating/cooling systems have been selected sustainably, and that on-site renewable energy will be installed unless evidenced to be unfeasible. Policy DM30a requires these issues and requirements to be evidenced in a Sustainable Design Statement which shall include an Energy and Carbon Statement.
- 5.4.3 Policy DM30b relates to Water Efficiency and sets out that all new residential developments must achieve, as a minimum, the optional requirement set through the Building Regulations Requirement G2: Water Efficiency. The policy goes on to advise that the design of new developments should optimise the inclusion of water efficiency and consumption measures, such as low flow taps and showers, low flush toilets. These issues and requirements are to be evidenced in a Sustainable Design Statement.
- 5.4.4 Internal conversion works to facilitate the proposal have already commenced and it is considered that the change of use to three residential units will result in an increased energy demand. The application was validated on 21st January and following the adoption of the new DPD the agent was requested to provide a Sustainable Design Statement (and Energy and Carbon Statement) in accordance with the requirements of the sustainable design policies. Although the agent acknowledged the requirements of the above policies, he advised that he had not been appointed to undertake the work in relation to the additional information required and that he would need to agree such work with the applicant. It is regrettable that despite the further time elapsed since the last committee meeting, at the time of compiling this report the requested Statements have not been provided and as such the application conflicts with the requirements of the recently adopted policies.
- 5.5 **Residential amenity** NPPF Chapter 8 (Promoting healthy and safe communities); Chapter 12 (Achieving well-designed places); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM2 (Space and accessibility standards) and DM29: Key Design Principles).
- 5.5.1 Policy DM2 requires that all new dwellings (this includes any dwellings resulting from conversions) to meet the Nationally Described Space Standards (NDSS). The application as amended proposes three flats as follows:
- Flat 1 – 2-bed maisonette over the lower ground and ground floor
Flat 2 – 1-bed flat at first floor
Flat 3 – 2-bed maisonette over the second and third floors
- 5.5.2 Flat 1 as originally submitted was proposed as a one bed self-contained flat within the lower ground floor. Due to concerns regarding poor outlook from this unit amended plans were provided indicating that this flat will be a 2 bed maisonette over the lower ground and first floor. This unit will be accessed from the existing rear lower ground floor entrance and ground floor entrance. Existing windows and infill panels to the rear will be replaced with white UPVC double glazed units and a new lightwell will be formed to front to allow for a new window to serve the study at lower ground floor.
- 5.5.3 Bedroom one of Flat 1 will have a floor area of 10.9sqm (excluding staircase) and bedroom two will have a floor area of 8.5sqm and the total floor area of this unit accords with the provisions of the NDSS. Flat 2 at first floor will comprise one bedroom and a living/kitchen/dining area as well as a shower room. This unit meets the NDSS.
- 5.5.4 The maisonette (flat 3) over the second and third floors as originally submitted was a 3 bed unit but this arrangement was more akin to an HMO rather than as a single dwelling and there were concerns regarding room sizes. Amended plans now propose this as a 2 bed unit with a living/kitchen/dining area and shower room. This unit meets the NDSS.

- 5.5.5 The Waste and Recycling Officer has made suggestions with regards to bin and recycling storage. These details could be conditioned.
- 5.5.6 Although the proposal will create three residential units in the former office building it is considered that this will be compatible with neighbouring residential uses in terms of noise, particularly given the existing level of activity in this town centre location. It is also considered that noise and disturbance does not raise concerns with regard to the amenity for future occupants of the proposal site.
- 5.5.7 Overall, it is considered that the proposal will provide an acceptable level of residential amenity in terms of light, outlook and room sizes.
- 5.6 **Highways** 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)
- 5.6.1 The site does not provide any off-highway parking however it is located within a sustainable location with good access to public transport and local amenities. There are also parking restrictions on the surrounding roads to control on-street parking. County Highways has no objections to the proposal stating that whilst there is no off street parking associated with the development, the same can be said if the existing use remains. Therefore, on balance the proposal is considered acceptable in terms of highways impacts.
- 5.6.2 The County Highways request for a condition relation to the submission of a Construction Management Plan is considered unreasonable in this instance given the small scale nature of the development proposed.
- 5.7 **Biodiversity** 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); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM44 (The protection and enhancement of biodiversity)
- 5.7.1 The site falls within the 3.5km buffer for Morecambe Bay designated sites. Any new residential units within this buffer have the potential to increase recreational pressure on the coastal designated sites. A Habitats Regulations Assessment has been undertaken, and mitigation in the form of homeowner packs would be required. This could be secured by condition.

6.0 Conclusion and Planning Balance

- 6.1 As discussed above, the principle of residential conversion in this sustainable location can be supported. The proposal will provide three residential units which meet the Nationally Described Space Standards ensuring a satisfactory level of amenity for the occupiers. Furthermore, the proposal will provide some minor enhancements to the surrounding Conservation Area.
- 6.2 Moderate weight is afforded against the proposal with regard to intentional unauthorised development given the retrospective nature of the application. As highlighted within section 5.4 of this report the submission has failed to demonstrate that energy demand has been addressed in line with the energy hierarchy and has failed to give consideration to water efficiency and consumption measures. Although the proposal provides additional residential units, this factor alone does not mitigate the need to require with policy CC1 of the Strategic Policies and Land Allocations DPD (Climate Emergency Review) policies DM30a and DM30b of the Development Management DPD (Climate Emergency Review).

Recommendation

That Planning Permission BE REFUSED for the following reasons:

1. The proposal relates to a change of use of the subject property from an office to three residential units and as such would result in a change in the energy status of the building. Proposals for the conversion and material change of use of existing buildings must demonstrate that energy demand has been addressed in line with the energy hierarchy and the design of new developments should optimise the inclusion of water efficiency and consumption measures. The submission fails to consider these requirements through the provision of a Sustainable Design Statement (including an Energy and Carbon Statement). As such the application is contrary to policy CC1 of the Strategic Policies and Land Allocations DPD (Climate Emergency Review), policies DM30a and DM30b of the Development Management DPD (Climate Emergency Review) and section 14 of the National Planning Policy Framework.

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

In accordance with the above legislation, the City Council can confirm that it takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a formal pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take full advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None