

Agenda Item	A6
Application Number	25/00073/FUL
Proposal	Change of use and conversion of the first, second and third floors of existing commercial building into 30 student studios including dormer extensions, a third floor extension and alterations to the roof and erection of a bin store to the rear, alterations to windows/external finishes and construction of a new entrance
Application site	3 - 12 Gage Street Lancaster Lancashire LA1 1UH
Applicant	47-51 North Road Limited
Agent	Mr Thomas Zub
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 The building which forms the subject of this application is a three-storey property located on the northern side of Gage Street and the corner with Great John Street within the centre of Lancaster. The building is comprised of multiple units consisting of commercial uses to the ground floor including a betting shop and retail units. The upper floors were formally office space and appear to be vacant or used as ancillary space to the commercial units below. To the rear is a parking area used by surrounding commercial premises. The building dates from the mid 20 century and is of no heritage significance. An intrusive modernist canopy wraps the front and side of the building.
- 1.2 The site is located within the Lancaster Conservation Area, the properties on the opposite side of Great John Street including No.13 are Grade II listed. No. 21 Dalton Square which occupies the corner of Gage Street is also Grade II listed. The site is located within a restricted parking/parking permit zone. The property is located within the Lancaster Air Quality Management Zone.
- 1.3 The site is close to public open space in Dalton Square, just beyond the air quality management area along the Lancaster gyratory road, within a smoke control area. The site is within the High Risk Urban Catchment Area with regard to policy DM33 and is covered by a medium groundwater flood risk. The site is within the impact risk zone for impact from residential development upon Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site and the Lune Estuary Site of Special Scientific Interest (SSSI). The site is within Lancaster City Centre primary shopping area, but along a secondary retail frontage and is part of the wider central Lancaster regeneration priority area.

2.0 Proposal

- 2.1 The application proposes the conversion of the first, second and third floors of the building to create 30 student studios. There will be 15 couple studios and 15 single studios. As part of this the scheme includes dormer extensions, a third floor roof extension and the erection of a bin store to the rear and alterations to windows and external finishes.
- 2.2 Access to the residential units will be created through one of the existing ground floor retail units by the reinstatement of a central common entrance on the ground floor, providing access to the upper floors. The remaining ground floor will accommodate bike store, a small gym, and a laundry for student use. A games room will be included on the third floor level.

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
25/00019/FUL	Conversion of existing ground floor unit into two new units (use class E) with installation of extraction duct to rear elevation, external bin storage and new shop front to Gage Street and Great John Street	Permitted
24/00403/PRENG2	Pre application advice for the conversion of upper floor of existing office blocks into 30 self-contained student accommodation units	Advice issued
22/00402/PRETWO	Change of use and conversion of upper floor offices to student accommodation	Advice issued
21/01046/PAC	Prior approval for change of use of ground floor shop and upper floor offices into 20 studio flats (C3)	Prior approval refused

4.0 Consultation Responses

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

Consultee	Response
Lancaster University	Concern regarding lack of social space and privacy first floor studios, due to large glazing areas and proximity to the Great John Street. Concerns regarding accessibility to bike store and location of bin store. Expressed a preference of mixed accommodation rather than all studio accommodation. Adequate air quality, noise mitigation, and fire safety should be provided, and recommend adherence to LU Homes remit.
LUSU Housing	No observation received
University of Cumbria	No observation received
Fire Safety Officer	No observation received
Conservation Team	No objection , none of the works would cause more harm to the conservation area than the existing buildings, with the works improving an uninspiring 1960s elevation. There would be no impact on the setting of listed buildings. Recommend that all new external materials are conditioned requiring the submission of samples
Waste and Recycling	As a minimum, the following communal waste containers should be provided in a well illuminated area: 2 x 1280l green for General Refuse 2 x 1280L wheelie bins for recycling (1 x Glass, tins, plastics, 1 x Paper/Cardboard)
Engineers	No observation received
Lancaster Civic Vision	Objection to yet more student accommodation in the city centre. However, it is noted that the applicants recognise that the space could be adapted for other residential

	uses. Welcomes proposals to bring this site, which is in need of investment, back into use. The plans for the exterior look promising; but the design must be compatible with the Dalton Square Conservation Area and be acceptable to the Conservation Team.
Lead Local Flood Authority	No objection , subject to conditions.
Environmental Health	No observation received
Lancashire Constabulary	No objection , advice regarding secure by design principles
Planning Policy	A total of 40 cycle spaces and 3 mobility scooter spaces is considered to be reasonable for this proposal.
Housing Strategy Officer	We don't have any sound evidence regarding student numbers/need at present - no basis to sustain an objection.
County Highways	Comments awaited at the time of compiling this report (late consultation due to technical error)
Natural England	Comments awaited in response to Officer HRA/AA

4.2 The following responses have been received from members of the public:
77 public comments have been received in response to the application, 76 of which raise objections on the following grounds:

- Loss of the retail unit which is occupied by Hester's Haberdashery which is an essential business that many would struggle without. This is a business, serving our community, it's been around for years and there is nothing else offering the same service in Lancaster. The applicant has made no attempt to offer Hester's Haberdashery alternative retail space within the property.
- Not enough housing for local families. More social housing is needed. If conversions are to be made, we desperately need affordable accommodation for young professionals, people who have their first jobs and want to live independently but can't afford it. These properties should be converted to useable flats and available as either council housing or private rents, not restricted to only the student population.
- No need for more student accommodation - student numbers are falling
- Lancaster is already saturated with purpose-built student housing, and this development would exacerbate the existing problems facing our community.
- The city centre is becoming increasingly unbalanced, with a disproportionate amount of student accommodation and a lack of essential amenities to support both the student population and long-term residents. This saturation has created a situation where non-student residents are finding it virtually impossible to find affordable housing in the area.
- The site is located on the one-way system, which is already a heavily congested area. The addition of further student residences will undoubtedly lead to a significant increase in traffic, exacerbating existing traffic/parking problems and impacting air quality.
- Adding more students will place additional strain on services, making it even more difficult for both residents and students to access essential healthcare.
- This scheme does not consider student welfare, the environment or the needs of the wider community.
- The recent fire at a new, unfinished student accommodation building highlights serious concerns about the safety and oversight of such projects. The resources required to tackle that incident were substantial, and it raises questions about the long-term sustainability and management of further large-scale student housing developments.
- Lancaster needs investment in a diverse range of amenities, including shops, community spaces, and services for all residents. The people of Lancaster need real shops, not yet another coffee/phone/nail/vape shops.
- The building process would cause disruption to traffic and the disabled parking bays.
- No particular objection to the development of the building, if it were done to a high standard and all current businesses were offered the opportunity to stay.
- Not against the proposition in general as the development of an under used building is needed to help address economic issues in the area. The student accommodation aspect should be changed to just residential as in the last couple of years there has been a

substantial decline in student numbers at Lancaster university and with nearly 400 more beds coming online within the next academic year the demand is just not enough.

One item has been received in support of the application from the applicant seeking to address some of the concerns raised:

- The proposed development will retain two large commercial units on the ground floor, ensuring that retail and business activity continues in the area. Additionally, the now-vacant former pharmacy unit is subject to a separate application to be divided into two units, which will increase commercial opportunities and provide Hester's with a potential alternative location should they choose to relocate.
- The provision of high-quality, purpose-built student accommodation in the city centre offers multiple benefits:
 - Reduces pressure on traditional housing stock - By providing dedicated student accommodation, the proposal will help free up HMOs and traditional family homes, making more housing available to local residents.
 - Enhances the vitality of the city centre - Students bring economic and social benefits, supporting local businesses, cafes, and services, particularly in an area that has seen increased retail challenges.
 - Investment in a neglected site - The application site is currently in a severely dilapidated condition. This proposal will bring much-needed investment, preserving and enhancing the historic character of the Dalton Square Conservation Area through subtle and timeless external improvements.
- Contrary to some claims, student numbers in Lancaster remain stable, and demand for high-quality, well-located accommodation persists. Even if overall student numbers were to decline in the future, the need for purpose-built student housing remains critical to reducing the reliance on traditional residential properties in suburban areas.
- This proposal presents a balanced and forward-thinking approach to the sustainable development of Lancaster's city centre, ensuring continued commercial viability while addressing the housing needs of both students and local residents.

Subsequent to the comments made by the applicant, further comments have been received from a representative of Hesters Haberdashery who advises that possibility of the relocation of their business into any space within the now vacant old pharmacy unit has not been put to them. These comments also refer to the lease history of the premises which are not a material consideration of the proposal.

5.0 Analysis

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

- Principle of development
- Design, scale and streetscene impact upon heritage assets
- Residential amenity, noise, pollution and security
- Accessibility, transport and waste
- Energy efficiency, employment and skills
- Ecology and Biodiversity Net Gain
- Flood risk

5.2 **Principle of development** National Planning Policy Framework Chapter 2. (Achieving sustainable development), Chapter 4. (Decision-making), Chapter 5. (Delivering a sufficient supply of homes), Chapter 6. (Building a strong, competitive economy), Chapter 7. (Ensuring the vitality of town centres), Chapter 11. (Making effective use of land); Development Management DPD Policies DM7 (Purpose Built Accommodation for Students), DM13 (Residential Conversions), DM16 (Town Centre Development), DM17 Retail Frontages; Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SG4 (Lancaster City Centre) and EC5 (Regeneration Priority Areas)

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. 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. The site is situated in a central sustainable location, close to local services and facilities. It is within good walking distance of the University of Cumbria and close to good public transport (bus routes) to Lancaster University. Policy DM7 states that student accommodation should be situated in Lancaster City Centre (or adjacent) subject to the development being appropriate to the character of the local area in terms of design, layout and materials. Policy DM7 also states that proposals for student accommodation may be supported where they would provide an appropriate standard of self-contained accommodation (in accordance with Appendix G of this DPD) and would accord with all other relevant planning policies. Policy DM29 states that development should contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, layout, palate of materials, separation distances, orientation and scale.

5.2.2 The regeneration priority area for Lancaster central seeks to enhance the visual, historic and cultural environment within the city centre. The principle of the renovation and reuse of the upper floors of the building is considered to align with the regeneration aspirations of the wider area. The proposal would contribute to the vibrancy and vitality of the city centre, making effective use of the upper floors by ensuring this space above ground floor level is well used for student residential use, which is encouraged above shops in secondary frontage areas such as this.

5.2.3 Student accommodation comprises an important component of the district's housing market and contributes towards the Council's housing supply. Currently, the Council cannot demonstrate a 5-year land supply, with only 2 years supply of deliverable housing. Policies relating to the provision of student accommodation direct this to such city centre locations, or on campus. Provision of such accommodation directly within the city centre ensures accessibility to public transport and local services, helping to increase activity and custom in the commercial centre. Given the acute under supply of deliverable housing against identified housing requirements, the provision of new residential development, carries significant benefit that must be given significant weight in the overall planning balance.

5.2.4 Policy DM14 seeks to retain buildings in active employment use, have a 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; 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.

The submitted Design & Access Statement sets out that the upper floors above the former pharmacy unit have been vacant since 2021 (following the relocation of an advice and counselling centre). Despite efforts to sublet the upper floors there have been no enquiries. The application has not been accompanied by evidence of marketing as the applicant advised that this belongs to the current tenant (at the time the application was submitted). Notwithstanding the absence of marketing evidence, it is considered that the proposal represents an opportunity to contribute to the wider regeneration objectives for Lancaster central which seek to enhance the visual, historic and cultural environment within the city centre.

- 5.2.5 It is acknowledged that the proposal has attracted a large number of public objections, with particular concern relating to the loss of the ground retail unit which is currently occupied by Hesters Haberdashery. With regard to Secondary Retail Frontages, Policy DM17 states that within such frontages the Council will seek to retain an appropriate mix of 'A' Class uses whilst permitting a limited number of non-A1 uses. This policy is somewhat outdated due to subsequent changes to the use class order with retail use now falling within Class E, which now allows a range of uses. Nevertheless, when considering a change of use of ground floor retail premises, the policy requires an adjoining building to be in retail use. That will be the case in this instance. Furthermore, the adjoining retail unit has recently been granted planning permission to be subdivided into two units (Class E).
- 5.2.6 When considering the change of use of a retail unit policy DM17 advises that the proposed use should support the retail function and character of the town centre and its vitality and viability. In seeking to achieve this the Council will consider whether the proposed use would provide a service to shoppers; whether the proposed use of the ground floor would provide an active frontage; and whether the proposal has a significant adverse effect on the character of the street or locality or the amenity of neighbouring residents or businesses. The proposal poses a degree of conflict with part of policy DM17 in that it would not provide a service to shoppers but this would be balanced against bringing the upper floors into an active use and the external enhancements suggested by the scheme which will be discussed further in the following section of this report.
- 5.2.7 Matters of design and residential amenity are discussed in more detail below. Subject to the proposal satisfying relevant criteria in this regard and all other material considerations, the site is considered to be suitable for the proposed use as self-contained studio accommodation for student use.
- 5.3 **Design, scale and streetscene impact upon heritage assets** National Planning Policy Framework Chapter 12. (Achieving well-designed places) and Chapter 16. (Conserving and enhancing the historic environment); Development Management DPD Policies DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas) and DM39 (The Setting of Designated Heritage Assets); Strategic Policies and Land Allocations DPD Policy SP7 (Maintaining Lancaster District's Unique Heritage)
- 5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM38 and DM39. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:
- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
 - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
 - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.
- Policy DM39 relates to the Setting of Designated Heritage Assets and sets out that the Council will look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Development proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset will be treated favourably.
- 5.3.2 The application site is not a listed building but is in close proximity to such designated heritage assets and lies within a Conservation Area. The existing building is comprised of two distinct elements. The western side has a stone façade with single-glazed windows with frames of a poor condition and appearance. The eastern side which turns the corner onto Great John Street is a mid-20th century style office block which includes cement cladding. A PVC-clad canopy which is in a poor state of repair spans the full length of the building along Gage Street and Great John Street. Overall, it is considered that the building does not make a positive contribution to the Conservation Area or the setting of nearby listed buildings.
- 5.3.3 As part of the scheme the cement cladding is to be replaced with dark grey metal cladding and the existing white painted metal windows are to be replaced with dark grey aluminium frames. Dark grey

cladding will also be applied to the existing canopy projection. It is considered that these changes will enhance the appearance of the building. A roof extension to the rear of the western side of the building will be provided in order to convert the roof void into accommodation units. Although this is a sizeable addition views of this element will be restricted to the rear commercial parking/delivery area. Six small box dormers will be installed to the pitched slate roof of the western side of the Gage Street elevation. While not a strong feature within the conservation area, the use of modern box dormers over a new pitched roof is not an inappropriate means to re-model this element of the building, bearing in mind it is of no heritage significance.

5.3.4 The existing windows to the front elevation of the western side of the Gage Street elevation are currently positioned relatively high and it is necessary for them to be repositioned for the purposes of the proposed accommodation. The windows will be finished with stone heads and cills to match existing with some of the stone to be reused to infill blocked-up window openings on the side (car park entrance) elevation. The majority of existing window openings on the rear elevation of the western wing will be repositioned and enlarged to align with the proposed layout and allow sufficient light to the accommodation. The new main entrance for the student accommodation will be created at the centre of the front elevation in place of the retail unit. This will comprise of a window and glazed door.

5.3.5 Overall, it is considered that the works of external refurbishment and alterations would not result in harm to the Conservation Area and would improve an uninspiring 1960s elevation. There would be no impact on the setting of listed buildings. The Conservation Officer has raised no objection to the scheme subject to all new external materials being conditioned and requiring the submission of samples for agreement.

5.4 **Residential amenity, noise, pollution and security** National Planning Policy Framework Chapter 8. Promoting healthy and safe communities; Development Management DPD Policies DM29 (Key Design Principles), DM32: (Contaminated Land, Strategic Policies) and Appendix G (Purpose Built Student Accommodation), Strategic Policies and Land Allocations DPD Policy EN9: (Air Quality Management Areas)

5.4.1 Each studio all exceed 19sq.m, and whilst none of these studios meet nationally described space standards, the studio apartments are policy compliant with DM DPD Policy DM7 and Appendix G, subject to planning condition to ensure full-time student occupation only. These units are considered to be acceptable for the more transient occupancy of students whilst studying. While the proposal does not provide a large common room, it will provide a small gym area and a separate games room within the building both of which will provide some communal space for occupants of studios who would otherwise be confined to a studio apartment space.

5.4.2 In terms of outlook, 14 of the units will be north facing and overlook the commercial parking area. One of the first floor couples studios will have a window outlook partially towards the roof of the neighbouring building on Great John Street. However, given the proposal must work within the existing confines of the site and area, combined with the fact that height of neighbouring buildings falls away to the north along Great John Street, the outlook and light from these openings is considered appropriate for residential occupation in the urban grain of Lancaster city centre for student accommodation. Windows of the southern facing apartments would be approximately 13 metres from the three storey buildings on the opposite side of Gage Street. However, this relationship is reflective of the dense urban and historic environment of the city centre, which is considered appropriate for conversion of existing buildings in this environment. Overall, the proposed studios are considered to meet the standards of residential amenity for future occupants.

5.4.3 In order to protect future residents from noise and air quality, standard double glazing and ventilation mitigation is required. Mitigation in the form of enhanced glazing to the Gage Street, and Great John Street elevations and standard glazing units to the rear of the property will be required. The inclusion of mitigation measures to all habitable rooms will ensure that the internal and external sound levels are acceptable. Precise details of windows will be conditioned. Impacts in terms of dust and disturbance would likely occur during construction. As such, a construction management plan (CMP) should be controlled through planning condition.

- 5.4.4 Lancashire Constabulary recommends a number of security measures. Security details of surveillance, lighting and other security measures could be adequately controlled through planning condition, to ensure suitable security for the proposed development and uses.
- 5.5 **Accessibility, transport and waste** National Planning Policy Framework Chapter 9. (Promoting sustainable transport); Development Management DPD Policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM60 (Enhancing accessibility and transport linkages), DM61 (Walking and Cycling), DM62: (Vehicle Parking Provision) and Appendix E (Car Parking Standards); Strategic Policies and Land Allocations DPD Policy T2: Cycling and Walking Network
- 5.5.1 Policy DM60 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, in close proximity to public transport routes. The application site is within the heart of the city centre, with no access to off or on-street parking in the vicinity. However, the site is extremely well served by public transport, with bus stops and the train station short walks away.
- 5.5.2 The proposal includes a dedicated cycle storage area at ground floor but with an area of 6 metres squared this would provide limited capacity to serve 30 units. The applicant is exploring options for upright wall mounted cycle storage within the main entrance hall and Councillors will be updated on this point during the meeting.
- 5.5.3 Waste and recycling bins are to be stored externally to the immediate rear of the building. The Waste and Recycling Officer has advised that generally, access for the collection of containers should be from the adopted highway and the Refuse Collection Vehicle should be able to approach to within a maximum of 8 metres of the bins store (or agreed collection location). As the bin store is more than 8 metres away from the kerbside collection point on Gage Street the applicant has advised that these would be collected privately, the arrangements for which can be controlled through planning condition. Subject to appropriate lighting, collections, and management arrangements, suitable waste and recycling provision can be provided at the site and controlled through planning condition.
- 5.6 **Energy efficiency, employment and skills** National Planning Policy Framework Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management DPD Policies DM28 (Employment and Skills Plans), DM30a (Sustainable Design and Construction), DM30b (Sustainable Design and Construction Water Efficiency) and DM30C (Sustainable Design and Construction Materials, Waste & Construction); Strategic Policies and Land Allocations DPD Policy CC1 (Responding to climate change and creating environmental sustainability)
- 5.6.1 The Climate Emergency Review of the Local Plan (CERLP) was adopted on 22nd January 2025. The new 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.
- 5.6.2 In major development schemes for 20 or more new dwellings the Council will expect an applicant to undertake and implement an 'Employment and Skills Plan' that will set out opportunities for, and enable access to, employment and the up-skilling of local people through the construction phase of the development proposal. The implementation of measures to be agreed by condition would provide opportunities for access to and up-skilling of local people through the construction phase of the development proposal, proportionate to the scale of the development.
- 5.7 **Ecology and Biodiversity Net Gain** National Planning Policy Framework Chapter 15 (Conserving and enhancing the natural environment); Development Management DPD Policy DM44 (The protection and enhancement of biodiversity); Strategic Policies and Land Allocations DPD Policies CC1 (Responding to climate change and creating environmental sustainability); SP8 (Protecting the natural environment); EN7 (Environmentally Important Areas)

- 5.7.1 As the scheme involves alterations to the roof of the building a Bat Survey has been provided as part of the submission. The Survey concludes that following an inspection of the building the property has negligible potential for bats to be roosting within it. All aspects of the building appear to be well-sealed and there was no evidence of any bats in the building. Therefore, the proposed development, to convert the building into accommodation, can proceed without any mitigation required on behalf of bats. During the survey, a jackdaw nest was observed within the eaves. Therefore, the Survey recommends that works to the roof should be scheduled outside the bird nesting season (March to early August). If this is not possible then a pre-works inspection should be completed by a suitably qualified ecologist and the works only completed if no birds are nesting at the time. These recommendations will be conditioned.
- 5.7.2 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). As a result of the proximity of the residential development to the sensitive sites, 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. It is considered that disturbance impacts could be avoided, but only through mitigation. In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant affects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required. The AA concludes that with the implementation of mitigation the development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. Subject to the implementation of the mitigation measures in the form of homeowner packs including details of adjacent designated sites and alternative for recreation to mitigate such recreation pressure, the proposal is considered to have an acceptable impact upon the habitats and protected species and sites. Subject Natural England's confirmation of the acceptability of the mitigation condition, the proposal is considered to adequately mitigate the impacts upon ecology.
- 5.7.3 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 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.
- 5.8 **Flood risk** National Planning Policy Framework Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); 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); Strategic Policies and Land Allocations DPD Policies SO3 (Protect and enhance the natural, historic and built environment of the district); CC1 (Responding to climate change and creating environmental sustainability)
- 5.8.1 The site falls within Flood Zone 1 but in an area of medium risk of ground water flooding where there is a risk of flooding to subsurface assets but surface manifestation of groundwater is unlikely. 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. New development in areas vulnerable to flood risk are required to meet the Sequential and Exception Tests as appropriate and provide site-specific Flood Risk Assessments (FRA) to demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere.
- 5.8.2 The submitted FRA includes a Sequential Test but this fails to consider other sites within the agreed parameters (cite centre and university campus) for the sequential assessment for the development. This is clearly a failing of the submission. In taking a pragmatic approach, it is acknowledged that a Sequential Test would not be required for a change of use but is only required in this instance as the scheme involves operational development by way of a roof extension. Furthermore, the

development will not increase impermeable areas and the building lies within an area which is in specific need for regeneration through priority area EC5.2, where the Council is supportive of the regeneration of the Lancaster central area.

- 5.8.3 The FRA sets out that the nearest Flood Zone 2 land which is approximately 70 metres to the north of the site is at a level of 9.90m AOD. The floor level of the ground floor is approximately 16 metre AOD. The FRA sets out that the site will maintain a comprehensive Flood Warning and Evacuation Plan and more vulnerable uses (residential) will be to upper floors, elevated above and away from the medium risk of groundwater flooding. These risks are given limited weight, however the economic and social benefits to the community of this proposal within a regeneration priority area, contributing to addressing the under provision of housing supply cumulative carry significant weight, and outweigh the limited flood risk from the proposal designed to minimise this impact. The submitted FRA has been considered by the Lead Local Flood Authority (LLFA) who have raised no objections subject to conditions.

6.0 Conclusion and Planning Balance

- 6.1 The proposal would renovate this prominent building and bring the upper floors back in to use, with moderate weight afforded to the social and economic benefits of providing student accommodation in this City centre location. The site is within a regeneration priority area and the proposal would positively contribute to addressing the provision of housing within the district which is afforded significant weight. The development of student accommodation would positively contribute to the District's acute housing supply needs and should be considered in the context of the presumption in favour of sustainable development. Permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole.
- 6.2 The extension and dormers as well as external works of refurbishment would not result in harm to the wider Conservation Area or the setting of nearby listed buildings. The bike storage is not a positive aspect of the scheme but the applicant is seeking to improve this provision. Nevertheless, the site is within a highly sustainable location. Concerns are acknowledged regarding the loss of a long standing business at ground floor but in policy terms there are limited grounds to resist this element of the scheme. The Sequential Test has failed to give consideration to alternative sites at a lower risk of flooding but the limited flood risk is outweighed by the opportunity for regeneration which is provided by the proposal. Cumulatively, the negative aspects of the scheme are limited, and need to be considered as to whether the adverse impacts outlined would significantly and demonstrably outweigh the benefits.
- 6.3 On balance it is considered that the shortcomings of the proposal do not individually nor cumulatively, significantly and demonstrably outweigh the identified economic, social, and accommodation provision benefits, which is the key balance when considering such a proposal to address the acute housing need. As such, it is recommended that planning permission is granted, subject to the appropriate planning conditions.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Development in accordance with the amended approved plans	Control
3	Sustainable Design Statement	Pre-commencement
4	Precise details and samples (including precise external materials, windows, and rainwater goods)	Pre-commencement
5	Construction environmental management plan CEMP (including pollution control, noise and vibration mitigation,	Pre-commencement

	construction hours, dust control, vehicle movement and protection of pedestrian movements)	
6	Construction Surface Water Management Plan	Pre-commencement
7	Employment Skills Plan	Pre-commencement
8	Surface Water Sustainable Drainage Strategy	Pre-commencement
9	Sustainable Drainage System Operation and Maintenance Manual	Prior to occupation
10	Verification Report of Constructed Sustainable Drainage System	Prior to occupation
11	Security measures and external lighting	Prior to occupation
12	Noise mitigation details of mechanical ventilation and implementation of secondary glazing	Pre-installation and prior to student occupation
13	Waste and recycling arrangements (including precise provision, space, lighting, collections, management and surfacing)	Prior to student occupation
14	Precise details of the cycle store and trigger for full implementation	Prior to student occupation
15	Ecological homeowner pack – HRA mitigation	Prior to student occupation
16	Development is in accordance with the submitted Flood Risk Assessment	Control
17	Student occupation only	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