# **SCHEDULE A: Applications with Recommendation**

14/0547

Item No: 04 Date of Committee: 03/10/2014

Appn Ref No: Applicant: Parish:

14/0547 Devonshire Lodge Limited

**Agent:** Ward: Swarbrick Associates Castle

Location: 50 Victoria Place, Carlisle, CA1 1HP

**Proposal:** Change Of Use From Clinic To Shared Accommodation Comprising

50No. Bedrooms And Communal Facilities

Date of Receipt: Statutory Expiry Date 26 Week Determination

25/06/2014 16:00:49 20/08/2014 16:00:49

REPORT Case Officer: Stephen Daniel

## 1. Recommendation

1.1 It is recommended that this application is approved with conditions.

## 2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Proposal Would Be Acceptable
- 2.3 Impact Of The Proposal On The Conservation Area
- 2.4 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.5 Highway Matters
- 2.6 Other Matters

## 3. Application Details

#### The Site

3.1 The application site includes a large late Victorian property, which is constructed of dressed stone and which is sited on the corner of Victoria Road and Hartington Street; a large Edwardian red brick property, which has a prominent corner tower and prominent gables; and a two-storey flat roofed

brown brick building which links the other two buildings on the site. The link building, which has a semi-basement, is set back approximately 20m into the site and has a landscaped area to the front, whilst the adjoining buildings have elevations in close proximity to Victoria Road. The property is accessed via a ramp from Victoria Road, which links to a single-storey flat roof porch that is attached to the front of the link building. The rear elevation of the link building is three-storey in appearance.

- 3.2 A tarmac access road runs to north and east of the buildings and this provides access to both Hartington Street and Victoria Place. Eight car parking spaces (including two for disabled persons) and a block of four garages lie to the north of the access road near to Hartington Street, with eight car parking spaces lying adjacent to the access road that runs along the eastern side of the site. The access road also links to a nineteen space car park that adjoins the site to the north but which is not in the applicant's ownership.
- 3.3 Red Lodge, a large detached dwelling, adjoins the application site to the north. Residential properties on Strand Road lie to the north of the site and are separated from it by a car park. The Sacred Heart of Mary St Gabriel's Convent adjoins the eastern boundary of the site. Carlisle College lies to the west of the site and is separated from it by Hartington Street.

## The Proposal

- 3.4 This proposal is seeking to change the use of the link building and the Edwardian property into student accommodation, which would comprise 50 bedrooms and communal facilities. The majority of the Victorian building is excluded from the current application. The student accommodation would comprise the following:
  - the lower ground floor would contain eight single bedroom; one double bedroom; a communal lounge/ dining/ kitchen area; male and female showers and toilets (including provision for disabled people); and a laundry room.
  - the ground floor would contain sixteen single bedrooms (including two disabled accessible); two double bedrooms (including one disabled accessible); two communal lounge/ dining/ kitchen areas; male and female toilets; a disabled persons w.c.; a reception; and a laundry room. All of the bedrooms on the ground floor would either be en-suite or would have a bathroom shared by two bedrooms.
  - the first floor would contain sixteen single bedrooms; four double bedrooms; two communal lounge/ dining/ kitchen areas; one dining/ kitchen area; and a disabled persons w.c. All of the bedrooms on the first floor would either be en-suite or would have a bathroom shared by two bedrooms.
  - the second floor would contain two single bedrooms and a double bedroom all of which would be en-suite and a dining/ kitchen area.

There would be no external changes to the building.

3.5 There are sixteen car parking spaces (including two for disabled persons) and four garages within the site and these would be available for use by students. Six 1,100 litre eurobins would be provided within the single-storey lean-to that is attached to the rear of the Victorian building and this could be also be used to provide secure cycle storage.

# 4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as a notification letter sent to five neighbouring properties. In response eight letters of objection have been received (from six different households), which make the following points:
- these 51 bedsits are not primarily intended for student accommodation . The application states accommodation for individuals ,couples and student occupants are only anticipated. Understand that there is not a demand from Carlisle College for student accommodation and the need for additional accommodation from the University would have to demonstrated;
- these are bedsits with no cooking facilities. For 51 residents, which could be more if some rooms are rented to couples, there are only 6 kitchens with limited storage space. One of these kitchens being on the top floor. Trust fire regulations will be met. There are no other communal areas:
- there is a risk that this building could become a cheap rooming house in the city with minimal services and subject to the problems usually associated with such an establishment;
- the building directly overlooks the back of the dwellings on Strand Road;
- this accommodation will not be supervised only "monitored" by a letting agency, presumably a 9-5 operation;
- concerned about the potential disturbance from noise and light affecting the bedrooms of dwellings on Strand Road;
- concerned that the noise that 60 students will make in a very quiet residential area will be detrimental to residents;
- what actions is the developer taking to minimise the impact of having 50+ students living in a currently peaceful neighbourhood?
- concerned about potential anti-social behaviour, noise and litter;
- in a group situation students have little respect for others and authority;
- there does not appear to be a bin store marked on the plans. With 51+ residents

the refuse would be considerable:

- concerned about traffic and parking issues most students now have cars;
- parking in this area is already exceeding breaking point;
- there is very limited parking provided and there is already great pressure on parking in this area by schools and Carlisle College;
- this proposal will add even more pressure on parking together with increased traffic making the area even more congested and dangerous;
- residents of Strand Road are still awaiting final decisions from the City Council regarding residents only parking with the college and 3 secondary schools within a few 100 yards of each other parking is already a nightmare;
- will each student be able to apply for parking permit to park in the already stretched Zone A it is already impossible at times to park within the zone due to student and teacher parking;
- there is no indication of the future use of the existing parking area that is not part of this planning application;
- this 51 bedsit accommodation is not suitable for this area which is predominately residential and surrounded by schools and Carlisle College;
- historically this is not a student area Strand Road is a school children friendly area by day and a quiet family residential area during evenings and weekends;
- there is no need for anymore student accommodation there is adequate accommodation in Denton Holme and Fusehill Street already;
- the residents of Strand Road have already had to accept the expansion of local schools such as Trinity, Richard Rose and Carlisle College and this is surely a step too far:
- the local council has a moral obligation to protect the needs of the local residents and this application is in direct conflict to this;
- this application should be refused and a more suitable use found for the building;
- more of the householders that will be affected should have been consulted.
- 4.2 Carlisle College has raised concerns about the application. Carlisle College does not have a need for residential student accommodation. It is also understood that the University of Cumbria has its own provision for residential student accommodation. Given the apparent lack of demand the college is concerned that if this development goes ahead and then fails to attract student tenants there will be a need to find an alternative use such as supported accommodation. This could be a potential problem given the close proximity to the college which provides education and training for a large

number of young people from the age of 14.

- 4.3 The following comments have been received from the occupier of Red Lodge:
- rear windows from the development look directly into the bedroom, dining room, conservatory and covered dining area of Red Lodge. There is some current tree cover mainly consisting of deciduous trees which does not provide privacy cover in the winter. There are long term plans to replace these old trees with evergreen trees. Would be willing to have this evergreen tree planting done now if it could be made part of the planning application and funded by the applicant;
- currently there are no residents in 50 Victoria Place on an evening or weekends, it has always been used from 9am-5pm on Monday to Friday. Concerned about loss of privacy by residents in the windows facing Red Lodge. Could windows facing Red Lodge have opaque glass to the bottom half and having restricted opening;
- concerned about location of bins can they be sited in the north-east corner of the application site to reduce noise levels in Red Lodge and can emptying be made only after 7am?;
- presume main entrance will still be on Victoria Place. Can use of the rear doors be restricted and need to prevent students using the car park beside Red Lodge as a recreational space;
- existing lighting is tolerable at the rear any new lighting needs to be low level down lighting to minimise light pollution to the windows of Red Lodge.

# 5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections, subject to conditions;

Local Environment - Environmental Protection: - no objections;

Northern Gas Networks: - no objections;

Access Officer, Economic Development - Building Control: - asked for clarification on a number of points;

Cumbria Constabulary - North Area Community Safety Unit: - suggested a number of crime prevention measures that should be considered by the applicant:

Local Environment - Streetscene - Highways Services: - under current regulations each of these properties could be entitled to a zone A permit. There are considerable amounts of unrestricted parking in the area which could be considered beneficial to this development if it were not for the fact there are businesses and colleges that employ a great many staff that use these areas for long stay free parking. City Engineering objects to the development unless a condition is applied to the development by Cumbria County Council that the unrestricted areas be included in the disc parking zone A. If these properties are to be developed as residential and the areas encouraged to grow then there must be adequate parking provision and supplementary restrictions to support them and not allow a free for all for businesses that have no adequate provision for their staff and clients; Local Environment - Waste Services: - no objections following receipt of

amended plans to show the provision of six 1,100 litre eurobins within an existing building. These bins need to be provided prior to the development being brought into use.

# 6. Officer's Report

#### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, LE19, LE27, CP5, CP6, CP12, CP15, CP16, CP17 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:
  - 1. Whether The Proposal Is Acceptable In Principle
- The building was formerly used as an NHS clinic but has been vacant since December 2007. The proposal is seeking to use the building as student accommodation. This site lies on the edge of the city centre and is within easy walking distance of shops and leisure facilities as well as the train and bus stations. In addition, the site is well located in relation to the University Of Cumbria's sites at Fusehill Street and Brampton Road. In light of the above, the proposal would be acceptable in principle.
  - 2. Whether The Scale And Design Of The Proposals Would Be Acceptable
- 6.3 There would be no external changes to the building. The existing parking areas and a block of four garages, adjacent to the building would be retained. An existing building on the site would be used for bin and cycle storage. All of the existing boundaries would remain as they are. The scale and design of the proposal would, therefore, be acceptable.
  - 3. Impact Of The Proposal On The Conservation Area
- 6.4 Given that there would be no external changes to the building and the external space would remain as it is, the proposal would not have an adverse impact on the Chatsworth/ Portland Square Conservation Area.
  - 4. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 6.5 The building was previously used as a clinic and would have been occupied during the day. It would also have generated significant vehicle movements by both staff and patients.
- 6.6 Red Lodge, a residential property, adjoins the application site to the north. Some rooms at first and second floor level in the development would look towards this dwelling and would also overlook the rear garden. The nearest windows would, however, be a minimum of 21m from Red Lodge and would not directly face the dwelling, with other windows being further away. This distance is sufficient to ensure that there is no loss of privacy to the occupiers

of this dwelling. There would be some overlooking of the garden of Red Lodge but this would be limited by existing trees that lie to the south of the dwelling. Given that the proposal is seeking to convert an existing vacant building, which would generate an element of overlooking when it is brought back into use and the garden is already overlooked from dwellings on Strand Road, the impact of the proposal on Red Lodge is considered to be acceptable.

- 6.7 The occupier of Red Lodge has requested that the windows in the rear elevation of the student accommodation should be obscure glazed to the bottom half and have restricted opening to protect his privacy, given that the building would be occupied twenty four hours a day, seven days a week. Given that the nearest window in the student accommodation would be 21m away from the nearest window in Red Lodge this is not considered to be reasonable and would lead to sub-standard accommodation for the students. He has also requested that the applicant should pay for some evergreen planting along his southern boundary to limit overlooking but this is also considered to be unreasonable, given the separation distances and the presence of some existing planting.
- 6.8 Dwellings on Strand Road would lie to the north of the site but would be separated from it by a car park, which is not in the applicant's ownership. Some windows would face the rear elevations of these dwellings, but the nearest dwelling would be over 37m away from the rear elevation of the development and this distance is sufficient to ensure that there is no loss of privacy to the occupiers of these dwellings.
- 6.9 The convent that lies to the east of the application site has a number of windows in the side elevation facing the application site and there would be bedroom windows facing these. The nearest of these would be 17.2m away and this distance is considered to be sufficient, given that an existing building is being converted.
- 6.10 The occupier of Red Lodge has raised concerns about the location of the bins and has requested that they should be sited in the north-east corner of the site and not be emptied before 7am. The bins would be located within a building that lies adjacent to Hartington Street and this would reduce noise levels when they are used by the students. Whilst there might be some noise when the bins are emptied this would not be before 7am (as this is the earliest collection time) and would only be once every two weeks.
- 6.11 The occupier of Red Lodge and residents of Strand Road have also raised concerns about external lighting having an adverse impact on their living conditions. A condition has, therefore, been added to the permission to require the applicant to submit details of any external lighting for approval by the Local Planning Authority, prior to the occupation of the building.
- 6.12 The occupiers of Strand Road have also raised concerns about the use of the car park that lies between the application site and their dwellings. This is not, however, owned by the applicant and is not included within this application.

# 5. Highway Matters

- 6.13 A number of objectors have raised concerns about the impact that the development would have on traffic in the surrounding residential streets, particularly Strand Road, part of which is unrestricted parking.
- 6.14 The previous use would have generated significant vehicle movements from both staff and patients, a number of whom would have parked in the surrounding streets. Other uses of the building, for example offices, would also generate significant levels of traffic generation and parking.
- 6.15 The proposal is seeking to change the use of the building to 50 bedroom student accommodation, which could house up to 58 students. There are 20 spaces on site and this equates to 1 space for every 2.9 students. By way of comparison, the student accommodation at Norfolk Street provides 76 spaces for 492 students, which equates to 1 space per 6.5 students and the Carrock Hall student accommodation at Fusehill Street, which has 85 bedrooms, does not have any resident parking.
- 6.16 County Highways has been consulted on the application and has raised no objections, subject to conditions, given the proposed use as student accommodation (which generates low levels of traffic at peak times) and the location, on the edge of the city centre, which is considered to be a sustainable location. Given the proximity of schools and Carlisle College, County Highways has requested that a condition is added to the permission to require the applicant to submit a Traffic Management Plan to cover the construction period.
- 6.17 A condition has also been added to the permission to prevent any of the students from applying for resident's parking permits. A similar condition was attached to the permission for student accommodation in Denton Holme.
- 6.18 City Engineering objects to the application unless a condition is added to the consent to include currently unrestricted parking areas into Disc Parking Zone A. It would not be reasonable to include this within a condition but it is understood that County Highways is currently reviewing on-street parking in the Strand Road area.

#### 6. Other Matters

- 6.19 Local residents and Carlisle College have raised concerns that the building might not be used as student accommodation but might be used as supported accommodation or a cheap rooming house. A condition has been added to the permission to restrict the accommodation to students. If the property is no longer used as student accommodation, the applicant would need to apply to remove or vary the condition.
- 6.20 Local residents and Carlisle College consider that there is no need for additional student accommodation in Carlisle. The need for the proposal has been discussed with the University of Cumbria who have confirmed that they neither support nor oppose the scheme. Whilst there is enough

accommodation to meet the needs of students at present there is not a large over supply. This proposal would increase the range of accommodation available at the higher end of the market and would be in a sustainable location on the edge of the city centre. Given that there is not a large over supply of accommodation it would be unreasonable to refuse the application due to a lack of need. It is a commercial decision for the applicant to decide if there is a market for the proposed accommodation.

#### Conclusion

6.21 In overall terms, the proposal is acceptable in principle. The scale and design of the proposal would be acceptable and it would not have an adverse impact on the conservation area or on the living conditions of the occupiers of any neighbouring properties. The proposed access and parking would be acceptable. In all aspects, the proposal is considered to be compliant with the objectives of the relevant national and local planning policies.

# 7. Planning History

7.1 In June 1993, planning permission was granted for the upgrading and fire precaution works and provision of entrance porches (93/0381).

#### 8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2. The approved documents for this Planning Permission comprise:
  - 1. the submitted planning application form received 25th June 2014;
  - 2. the Block and Location Plans As Existing (drawing no. 1561-04 Rev A) received 18th September 2014;
  - 3. the Lower Ground Floor Plan As Existing (drawing no. 1561-01) received 25th June 2014;
  - 4. the Ground Floor Plan As Existing (drawing no. 1561-02) received 25th June 2014:
  - 5. the First and Second Floor Plans As Existing (drawing no. 1561-03) received 25th June 2014;
  - 6. the Block Plan As Proposed (drawing no. 1561-08 Rev B) received 18th September 2014;
  - 7. the Lower Ground Floor Plan As Proposed (drawing no. 1561-05 Rev A) received 16th September 2014;
  - 8. the Ground Floor Plan As Proposed (drawing no. 1561-06 Rev B) received 16th September 2014;
  - 9. the First and Second Floor Plans As Proposed (drawing no. 1561-07

Rev A) received 16th September 2014;

- 10. the Management Plan (Rev B September 2014) received 18th September 2014;
- 11. the Notice of Decision; and
- 12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The accommodation hereby permitted shall be used for student accommodation and for no other purpose.

**Reason:** To retain control over future use of the accommodation to ensure compliance accordance with Policies CP5, H1, H12 and H16 of the Carlisle District Local Plan 2001-2016.

4. Prior to the occupation of the student accommodation hereby approved, the applicant shall submit details of any external lighting for approval in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with these details

**Reason:** To safeguard the living conditions of neighbouring residents and to prevent adverse impacts on wildlife in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Prior to the occupation of the student accommodation hereby approved, the applicant shall provide bins in accordance with the details shown on the Block Plan as Proposed (Dwg No 1561-08 Rev A, received 16 September 2014). The bins shall be retained at all times whilst the development is in use.

**Reason:** To ensure that bins are provided for the development, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours and 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

7. The applicant shall submit a Traffic Management Plan for approval identifying highway works, safety measures, routes to the site, timing of deliveries and parking provision for contractors. Works so approved shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority prior to works commencing on site.

**Reason:** In the interests of highway safety.

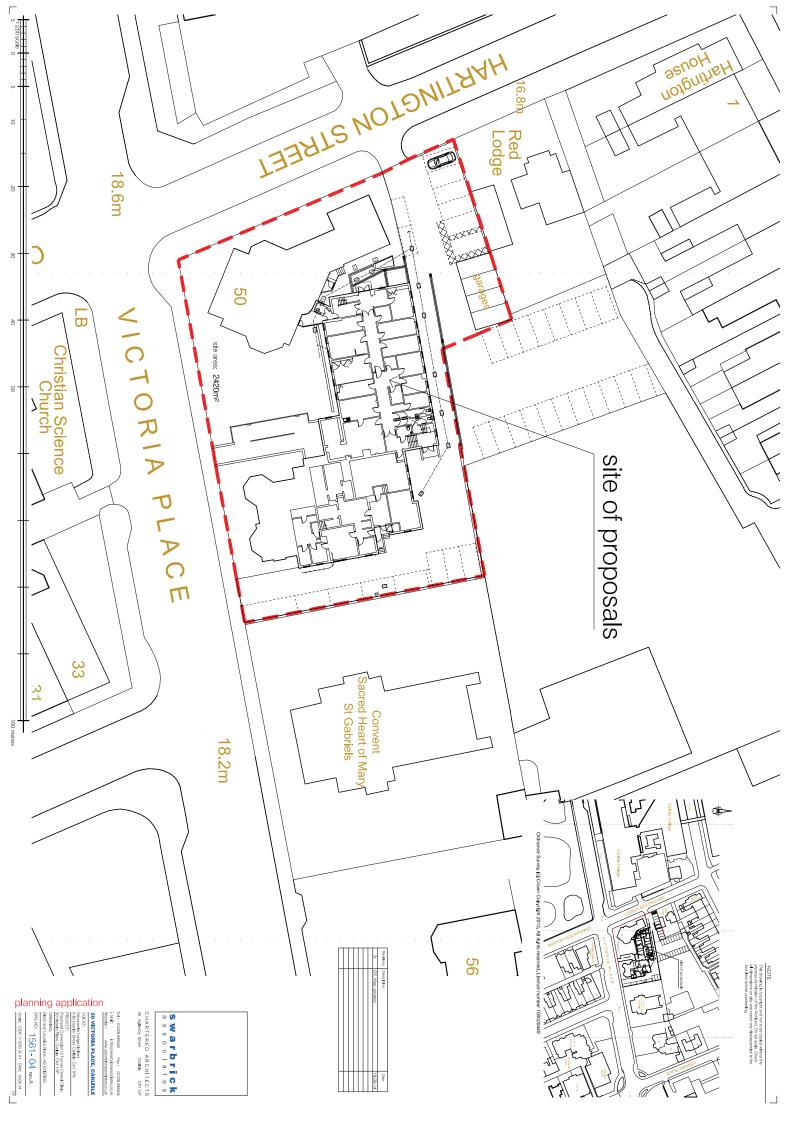
8. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

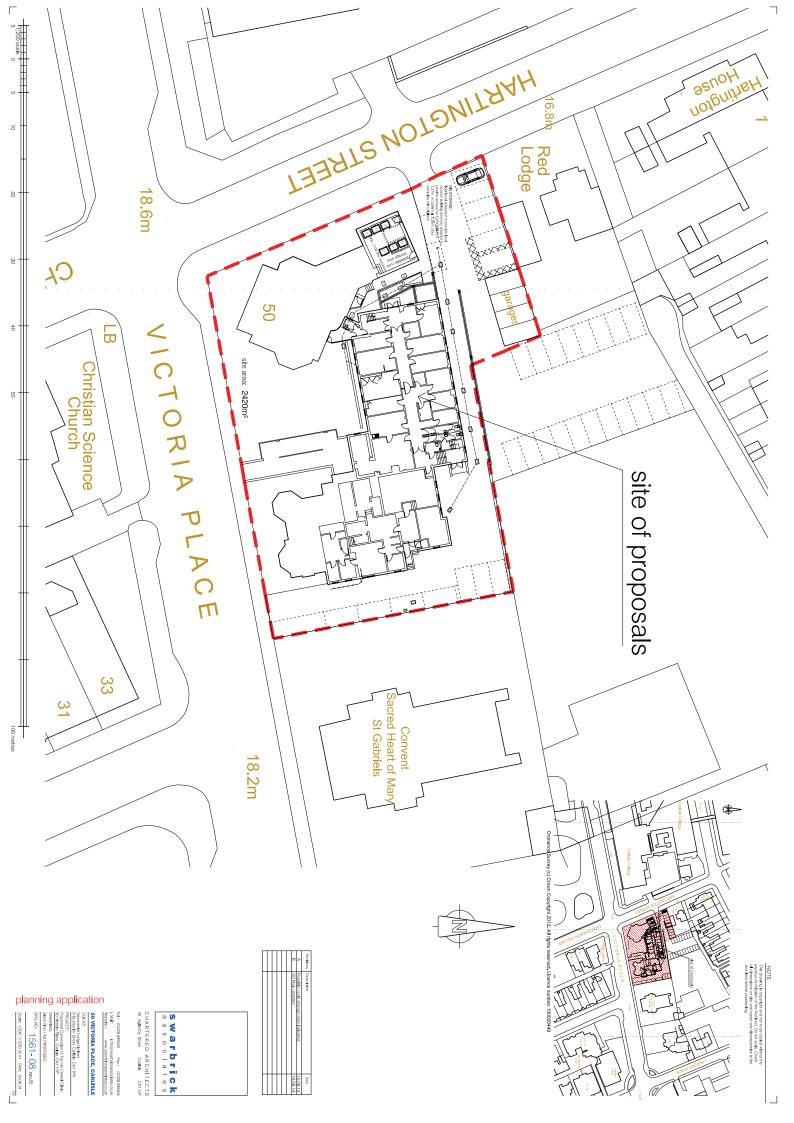
**Reason**: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 & LD8.

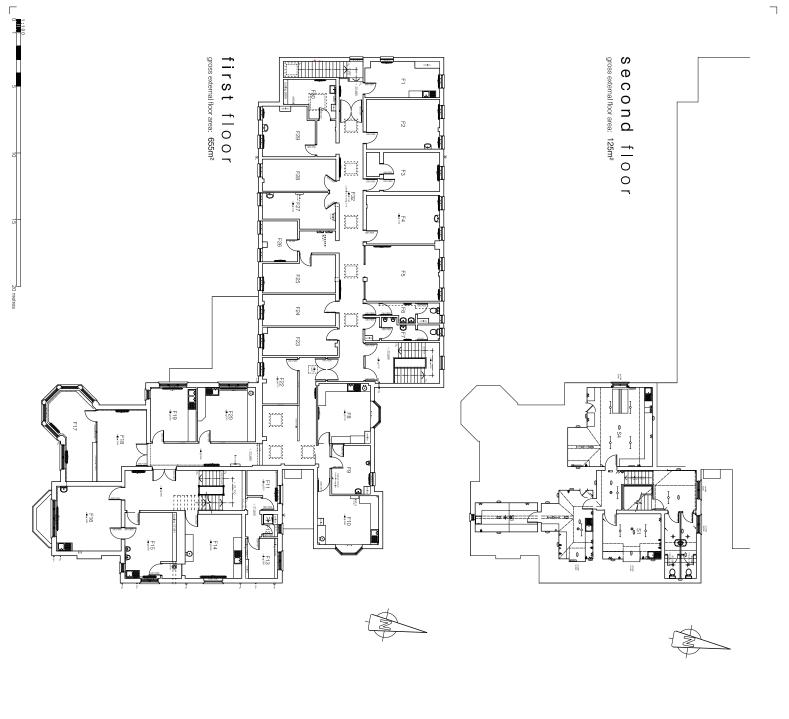
9. Prior to the occupation of the student accommodation hereby approved, arrangements shall be agreed in writing (with the Local Planning and Traffic Authorities) and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's or visitor's parking permit within Carlisle Controlled Parking Zone A, (or such other Zone as may supersede A) that applies to the surrounding streets in the area.

Reason:

To ensure that the development does not result in additional on-street parking in the interests of highway safety and to safeguard the living conditions of neighbouring residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



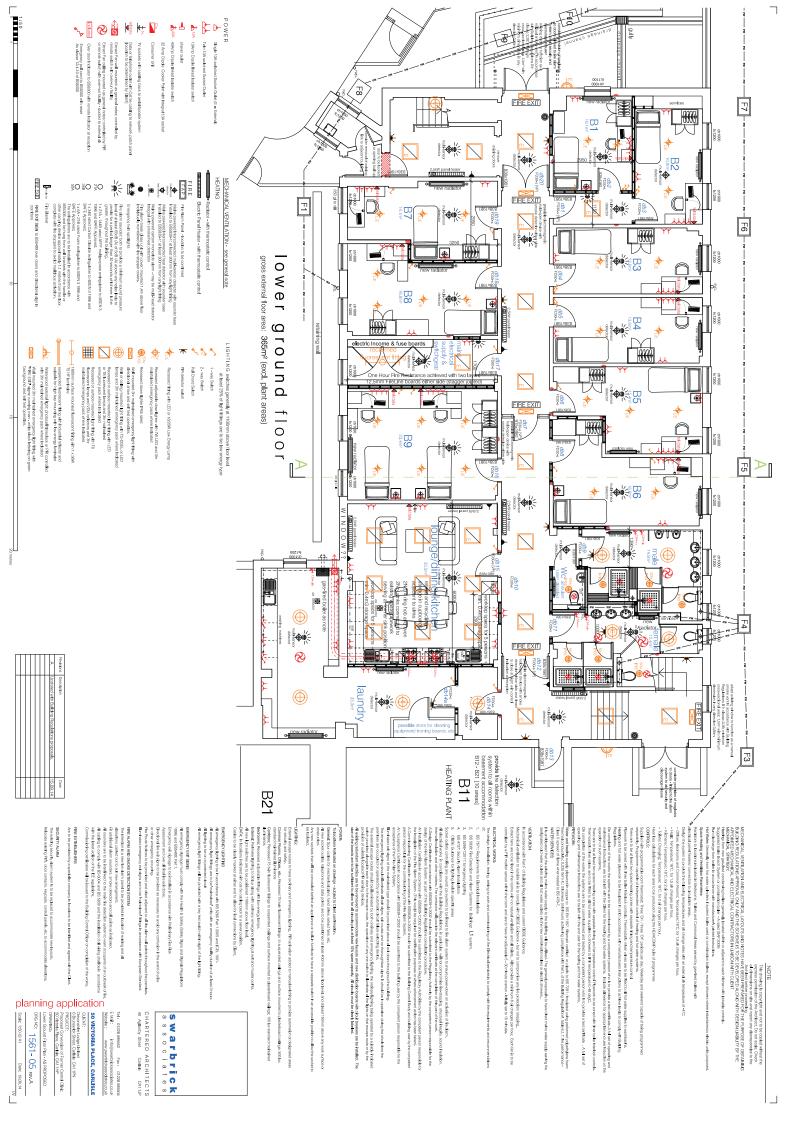


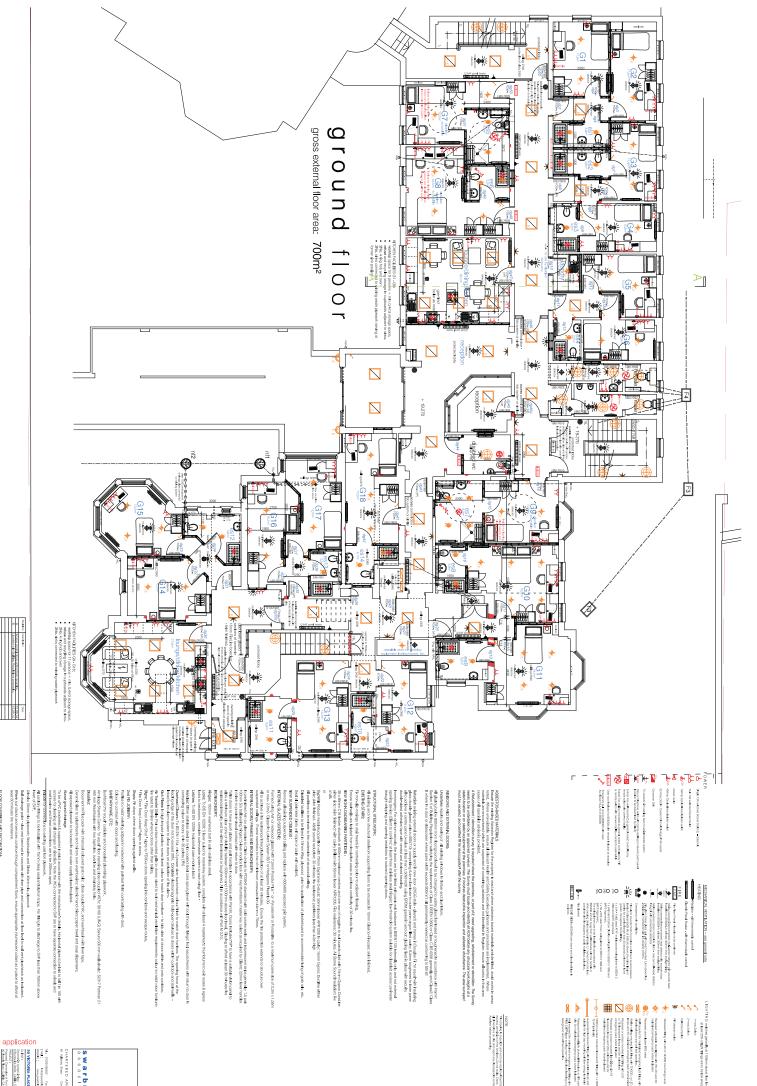


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50 VICTORIA PLACE, CARLISLE

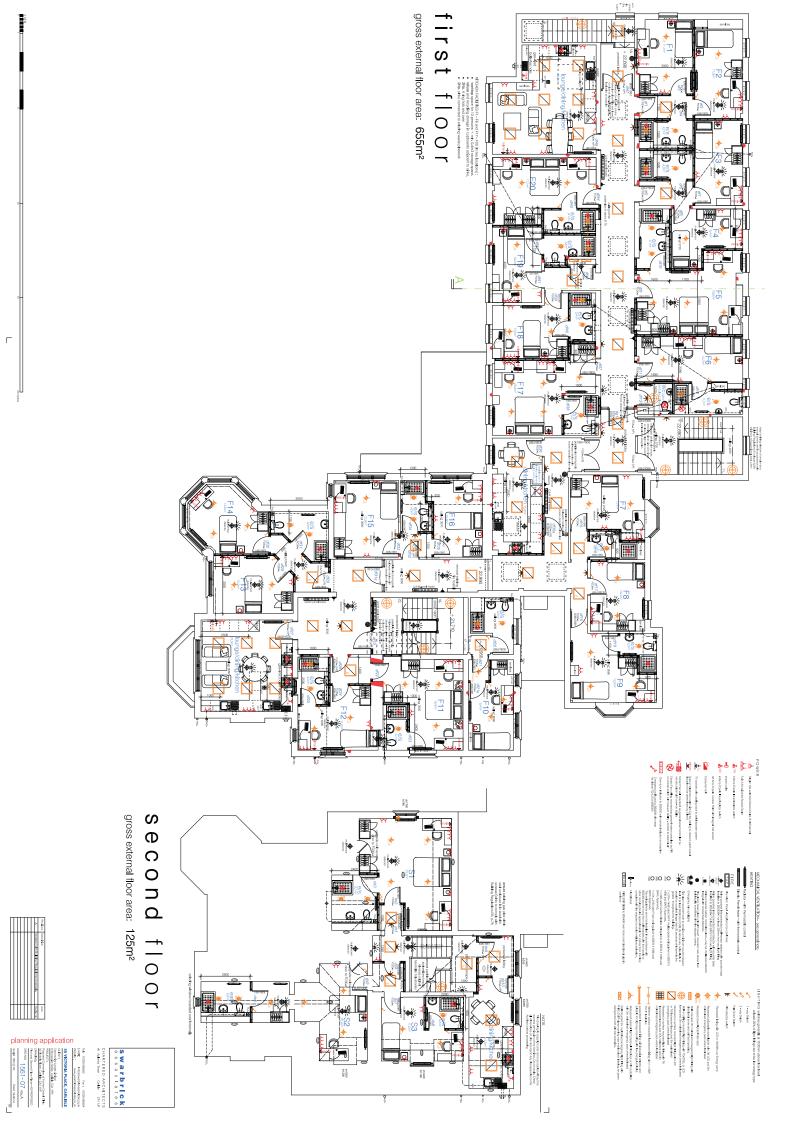
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PROJECT:



# DEVONSHIRE LODGE LIMITED PROPOSED STUDENT ACCOMMODATION AT DEVONSHIRE LODGE, 50 VICTORIA PLACE, CARLISLE

MANAGEMENT PLAN (revision B September 2014)

#### **BACKGROUND**

The proposals include for the change of use of the former Central Clinic to student accommodation with shared facilities, offering high class accommodation for students as individuals and couples.

We have undertaken discussions and had meetings with University of Cumbria to identify the type and level of accommodation most suited to the University's needs. The City has a lack of rooms which accommodate students living as couples, so the proposals include for the inclusion of 8 double and twin rooms. The scheme also provides en-suite facilities to the ground and first floor bedrooms, a requirement identified by the University as preferable and lacking in some other halls of residence.

The buildings are presently unoccupied and are sited within a locality of predominately college, school and community uses.

#### SITE MANAGEMENT

Devonshire Lodge are endeavouring to provide safe, monitored and convenient student living accommodation in substantially improved accommodation with large welfare areas for students and lounges and dining areas annexed to each block of rooms.

In line with other student accommodation locally, the proposals include for the provision of in house management to ensure that the students are given an appropriate level of care and servicing on site by representatives of Devonshire Lodge throughout their occupation and on a regular and monitored basis.

The location is considered as ideally situated for students attending University of Cumbria with the main campus at Fusehill Street only 5 minutes walk away.

#### PHYSICAL SECURITY

The buildings will be adapted retaining the bulk of the existing structure with alterations made to ensure a good level of security for occupiers, visitors and other users. All entrance doors are securable, whether by electromagnetic lock systems accessible via swipe cards or by traditional locks and keys

#### **CLEANING RESPONSIBILITIES**

Campus cleaning services will be provided by contract cleaners and full details of proposals to confirm.

## **RECYCLING FACILITIES**

Full recycling facilities will be provided with access to Biffa type bins to the rear of the property and all occupants are encouraged to utilise the facilities where possible.

# **REFUSE DISPOSAL**

Refuse disposal will be carried out by Carlisle City Council from a collection point to the rear of the property in large paladin or 'Euro1100' bins sited in a central compounds

# DEVONSHIRE LODGE LIMITED PROPOSED STUDENT ACCOMMODATION AT DEVONSHIRE LODGE, 50 VICTORIA PLACE, CARLISLE

MANAGEMENT PLAN (revision B September 2014)

#### **CAR PARKING**

It is considered that the vehicle movements to and from the site will be less than the previous use as a clinic, where employees and patients had more of a requirement to use vehicles. Historically students generally have little need of cars and the general provision on the site is greater than that of other campuses. At the University of Cumbria facility (85 bedrooms), at Carrock Hall Fusehill Street for instance resident parking is not available on-campus, except for those students with a disability. However, at this site a scheme operates whereby students can purchase permits for parking at Carlisle United Football Club, a five minute walk away. The student accommodation, phase 1 at Norfolk Street there are 249 bedrooms with 43 car parking spaces on site. A ratio of 1 space per 5.8 bedrooms

This proposal provides 20 on site car parking spaces (including 2 disabled and 4 garages). A ratio of 1 space per 2.5 bedrooms. Additionally, there will be a restriction within each tenancy agreement whereby students cannot apply to the Local Authority for off-street parking permits. Therefore, there would be no increased on-street car parking affecting the local neighbourhood.

All of the parking is to the rear of the property and would be governed by a permit scheme for use only by residents of the accommodation with disabled residents being given priority for parking spaces. The facility will be monitored and managed to ensure proper and valid use.

#### **ACCESS**

Access will be via the existing main entrance from Victoria Place. The access will be controlled through the main reception and all other access points will be alarmed and act as emergency exits only.

### **CYCLE PROVISION**

As with the other University campuses within the city, provision will be made for a cycle shelter to the rear of the property to encourage the use of cycles.

#### MECHANICAL AND ELECTRICAL SERVICES

Devonshire Lodge Ltd employ an IEE approved contractor to provide reactive mechanical and electrical services, details of which are provided for each occupant.

Planned and cyclical M & E works (including statutory compliance inspections) are organised by Devonshire Lodge.

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