

SCHEDULE A: Applications with Recommendation

17/0167

Item No: 03

Date of Committee: 21/04/2017

Appn Ref No:
17/0167

Applicant:
Choose Occupational
Health

Parish:
Carlisle

Agent:

Ward:
Castle

Location: 14 Hartington Place, Carlisle, CA1 1HL

Proposal: Proposed Change Of Use From A Dwelling To Occupational Health Services

Date of Receipt:
28/02/2017

Statutory Expiry Date
25/04/2017

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Impact Of The Proposal On Residential Amenity
- 2.3 Impact Upon Grade II Listed Building
- 2.4 Impact Upon Chatsworth/Portland Square Conservation Area
- 2.5 Highway Impacts
- 2.6 Access
- 2.7 Biodiversity
- 2.8 Other Matters

3. Application Details

The Site

- 3.1 No.14 Hartington Place is a two storey property which forms part of a terrace of Grade II Listed Buildings situated within Chatsworth/Portland Square

Conservation Area. The property (last occupied as a residential dwelling) is located on the eastern side of Hartington Place and is situated centrally within a row of residential properties. The building is constructed from flemish bond brick work under a welsh slate roof. On the front elevation at ground floor level there is a bay window with a panelled door to the right. The remaining first floor windows comprise of sliding sash with flat brick arches and stone cills. To the rear of the site is an enclosed yard which is accessed from a lane which runs parallel to Hartington Place serving the properties on the eastern side of this road as well as those on the western side of Howard Place.

The Proposal

- 3.2 The proposal seeks Full Planning Permission for the change of use of No.14 Hartington Place from a dwelling house to an Occupational Health Service for a private company. The submitted drawings illustrate that an administration room, 2no. OHP clinic rooms, a screening clinic and disabled toilet will be provided on the ground floor, with 2no.offices, 2no.clinic rooms, a therapist room, staff WC and staff kitchen on the first floor. The second floor which is in the roof space is to remain for storage.
- 3.3 Internally it is proposed to install a timber stud wall towards the back of the property on the ground floor to form a corridor to the rear rooms. An existing opening between the WC and shower room is to be blocked up and a new opening formed between the kitchen and shower room to create a sound booth. Since receiving the application it has become transparent that the applicant has commenced these works at her own risk as well as internal cosmetic work which does not require Listed Building Consent. Although it is a criminal offence to commence works to a Listed Building prior to obtaining Listed Building consent, following a site visit, the Councils Heritage Officer was content that the works undertaken had not impacted on the significance or special character of the building and was content for the application to run its course. No further works have taken place that require Full Planning/Listed Building Consent.
- 3.4 Externally a disabled ramp is proposed to the front of the property to provide level access. To facilitate the ramp existing brick pillars and late 19th century iron work which delineate the existing front boundary are to be removed and replaced with authentic railings to match those at No.16 Hartington Place. The existing entrance gap is to be returned to its original size using bricks and coping to match existing. A new opening is also to be formed along the existing front boundary for the disabled access with the removed bricks reused to replace those that are defective to the front wall. The railings for the disabled access will be free from attachment to the existing property and all repointing is to be done in a cement free lime mortar. The ramp is to comprise of traditional sandstone flags. The railings will be painted black.
- 3.5 It is also proposed to enlarge the existing steel up and over garage door to the rear yard and create a new opening within the existing rear boundary wall to provide a timber pedestrian door as a means of fire escape.

- 3.6 The application is accompanied by a supporting statement which confirms that the proposed use will be for the headquarters of a private occupational health clinic which will house an administrative team (a total of 4 staff) on a permanent basis. It is also proposed to hold clinics at the property which would be a maximum of 2 per day but not on every week day. The applicant has confirmed that when a clinic is running an additional clinician (either a doctor/nurse) per clinic would be present in the building. The submitted application form indicates that a maximum of 8 staff would be present at any one time to take account of any additional staff that may call to the premises on an ad-hoc basis. Although the number of clinic/therapist rooms proposed are more than 2 the applicant has confirmed that different rooms will be used depending on what type of clinic (counselling, mobility clinic etc) they are holding. The applicant has clarified that number of rooms proposed is to give flexibility for staff and it is likely to be many days when some of the rooms would be unused. The proposed hours of operation are 08:30 - 18:00 hours however the supporting statement confirms that standard clinic times would be 09:30-16:30.
- 3.7 The supporting statement confirms that the business previously operated from an office complex off Warwick Road and was flooded during storm Desmond. The business has been operating from temporary premises within the City post floods and is now looking for a permanent location. The applicant has been granted planning permission for the change of use of a premises on Heather Drive in Carlisle but has confirmed that they were unable to purchase the property due to legal reasons.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice, press notice and by means of notification letters sent to 8 neighbouring properties. At the time of preparing the report 10 objections and 2 petitions (one with 8 signatories and one with 123 signatories) have been received from occupiers of neighbouring properties and interested parties.
- 4.2 The letters of objection (including the petitions of objection) cover a number of matters which are summarised as follows:
1. Internal work has commenced since application was submitted. Mature front garden has also been stripped and pegged out;
 2. Queries regarding information submitted on application form with regard to pre-application advice, hours of opening, number of persons employed, alterations to pedestrian/vehicular access and parking details;
 3. Queries regarding how intensive the business will be particularly with regard to the amount of clinic rooms, work stations etc shown on proposed floor plans;
 4. Proposals involve demolition of listed structures;
 5. Applicants previous application on Hether Drive had a desire for 5 spaces

- to serve three clinic rooms;
6. Existing rear yard of the property is narrow limiting off-street parking to a maximum of three vehicles bumper to bumper;
 7. Impossible for business to meet the Cumbria Design Guide on-site parking requirements and visitor/clients would have to park elsewhere;
 8. Proposal will intensify existing on-street parking provision problems to the detriment of residential amenity;
 9. Residents have previously lobbied for resident only parking restrictions;
 10. Recent redrawing of parking lines in the area to increase parking capacity has not alleviated existing problem;
 11. Hartington Place has a high volume of traffic which speeds down the road;
 12. Business is not on a public transport route;
 13. Queries regarding surfaces of any access drives;
 14. Rear access lane is used for parking by residents, students/staff at Carlisle College and by town centre visitors;
 15. Existing local rear lane main sewer problem would be compounded as result of additional traffic;
 16. Alterations to front of the property will affect the group value of the Grade II Listed Terrace and the surrounding historic street scene;
 17. Changes to internal walls and fittings will detract from splendour of Victorian residence;
 18. The change of use of the building will provide no benefit to local residents;
 19. Converting Grade II Listed Family homes to commercial uses is against relevant planning policies;
 20. Any public benefit could be gained by relocating the business elsewhere in the city;
 21. Business would be better suited on a light industrial unit;
 22. Scale of business (client base of over 420 persons) in relation to its residential location;
 23. Impact of any business signage and lighting on Listed Terrace and the Conservation Area
 24. Development is contrary to future vision of the CDLP;
 25. Application contravenes Policies SP1, SP2, SP6, H012, HE3, HE7, IP3, IP6, CC5 of the CDLP
 26. Proposal will result in the loss of a 5 bedroom family home;
 27. Proposal will reduce the available housing stock within the City Centre;
 28. Proposal would create a precedent;
 29. Area is predominately residential and in a Conservation Area.
 30. An application to convert a house in multiple occupancy in parking zone A was refused in 2011 on parking grounds;
 31. Impact upon the residential community;
 32. Impact upon residential amenity;
 33. Highway Safety
 34. Existing traffic issues raised to Cumbria County Council 6 years ago have not been addressed
 35. Queries regarding commercial waste;
 36. Requirements for disabled parking
 37. What happens if the business was faced with financial difficulties?
 38. Lighting would affect the visual integrity of the Grade II Listed terrace and Conservation Area;

- 39. Noise and traffic pollution;
- 40. Schools should be consulted;
- 41. Proposal is contrary to a covenant restricting business use.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection subject to the imposition of one condition regarding any doors/windows abutting the highway and advice regarding work permits.

Planning - Access Officer: - no objection.

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBA), together with Policies SP1, SP6, H012, IP3, IP6, CC5, CM1, HE3, HE7 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030.
- 6.3 The proposal raises the following planning issues:

1. The Principle Of Development

- 6.4 The proposal seeks the change of use of the premises from a dwelling house to an occupational health service. As stated in paragraph 3.6 the application is accompanied by a supporting statement which confirms that the proposed use will be for the headquarters of a private occupational health clinic which will house an administrative team (a total of 4 staff) on a permanent basis. It is also proposed to hold clinics at the property which would be a maximum of 2 per day but not on every week day.
- 6.5 At the national level, Paragraph 6 of the NPPF confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 7 identifies three dimensions to sustainable development, namely: economic; social; and environmental. The social role including the support for vibrant and healthy communities by the creation of a high quality built environment with accessible local services. Paragraph 9 goes on to explain that pursuing sustainable development involves seeking positive improvements in the quality of the built environment as well as in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

- 6.6 At the local level it is appreciated that one of the main objectives of the Local Plan is to enhance health and wellbeing. Policy CM1 (Health Care Provision) of the CDLP supports proposals for the development of health care facilities where the scale and location of the proposal is appropriate for the catchment and is accessible by walking, cycling and public transport.
- 6.7 No.14 Hartington Place is designated in the maps accompanying the CDLP as being within a Primary Residential Area. Policy HO12 (Other Uses in Primary Residential Areas) of the CDLP confirms that planning applications for non-residential uses in primary residential areas will only be permitted provided that 1) such uses maintain or enhance the overall quality and character of the immediate area, 2) there is no detrimental effect on residential amenity and 3) the use will provide a beneficial service to the local community. The supporting text to this policy makes it clear that proposals which would result in an overall loss to residential amenity will not be permitted. Policy SP6 (Securing Good Design) of the CDLP reiterates the requirements of Policy HO12 confirming that proposals should ensure no adverse effect on the residential amenity of existing areas.
- 6.8 When assessing this application against the foregoing policies it is appreciated that No.14 Hartington Place is located close to the City Centre where there is access to a choice of different transport modes.
- 6.9 The applicant has confirmed that the company provides support to businesses within the Carlisle area such as Crown Bevcan, Trinity School, Riverside Housing, Pirelli Tyres etc. Whilst the proposed use of the property as an occupational health service would not particularly provide an immediate benefit to those living adjacent to the application site it is accepted that the proposal would provide a benefit to the wider community in providing a health service.
- 6.10 From the Officer Site Visit it was evident that the majority of properties along Hartington Place are within residential use. A property opposite the site does however operate a cake business but this appears to be ancillary to the domestic use of the property. There are also a number of businesses adjacent to residential properties on surrounding streets namely a B& B on the corner of Hartington Place and Warwick Road as well as a dental practice and complementary therapy rooms in Chiswick Street. There are also dentists, B&B/guest houses along Warwick Road, a guest house and B& B on Howard Place together with beauty rooms and offices on Chatsworth Square. There are also a number of flats in Chatsworth Square, Howard Place and opposite the application site.
- 6.11 In relation to the above, the principle of the proposed change of use is therefore deemed acceptable subject to the proposal not having an adverse impact upon the residential amenity of the occupiers of surrounding residential properties and maintaining the overall quality and character of the area which is discussed in the following paragraphs below.

2. Impact Of The Proposal On Residential Amenity

- 6.12 As previously discussed, the application site is located within a primary residential area and one of the main issues to consider in respect of this application is the effect of the proposal on the living conditions of the occupiers of residential properties surrounding the site in terms of noise and disturbance. The application has generated a number of objections from occupiers of surrounding residential properties in respect of this issue.
- 6.13 The supporting statement accompanying the application confirms that the proposed use will be for the headquarters of a private occupational health clinic which will house an administrative team (a maximum total of 4 staff depending on full/part time staff working days) on a permanent basis. The proposed hours of operation for the business are 08:30-18:00 hours Monday-Friday.
- 6.14 The supporting statement also confirms that it is proposed to hold clinics at the property which would be a maximum of 2 per day but not on every week day. Each clinic on average would see 6 persons per day. The applicant has confirmed that when a clinic is running an additional clinician (comprising of a doctor or a nurse) per clinic would be present in the building. Clinics operate by pre-arranged appointment of which patients are asked to arrive ten minutes before their appointment. Each appointment lasts 45-60 mins and the standard clinic times would start at 09:30 hours with the last appointment at 15:30 hours (thus finishing at 16:30 hours).
- 6.15 The applicant has also confirmed that additional staff may visit the property on an ad-hoc basis however it is not anticipated to be any more than 8 staff in the property at any one time.
- 6.16 When assessing the impact of the proposal on neighbouring properties it is evident that on days when there is not a clinic there will be little coming and goings from the property over and above what could take place if the property remained a 5 bedroom dwelling as only 4 administrative staff are anticipated to be present with the occasional ad-hoc visits from other staff. It is however clear on those days when there is a clinic there would be an increase in activity comprising of additional staff within the premises (a clinician for each clinic) as well as approximately 12 persons entering and leaving the property if each clinician sees 6 persons in total throughout the day. The proposed nature of the use itself (occupational health which is a consultative health profession) is unlikely to generate any noise once clients are in the premises therefore the main source of noise and disturbance would be from clients/staff entering and leaving the premises.
- 6.17 Due to the site's location in close proximity to the city centre the business may generate some clients on foot however it is expected that there would still be clients/staff that would be car borne and would park on Hartington Place or surrounding streets which are predominately disc zones. Thus there will be a degree of noise and disturbance from noise of car doors, engines starting up and the movements and voices of customers/staff close to residential properties. The proposed hours of operation are however day time hours when one would expect an increase in activity within surrounding

streets particularly given the site's proximity to the town centre. The premises will not operate in the evenings or weekends when occupiers of residential properties would expect a higher level of amenity. It is appreciated that the proposed use would generate less comings and goings than a doctors/dentist surgery which are generally accepted uses within Primary Residential Areas and are in existence on surrounding streets adjacent to dwelling houses. Given the expected coming and goings to the premises coupled with the proposed hours of operation it is not considered that the use would have a significant adverse impact upon the residential amenity of the occupiers of surrounding properties sufficient to warrant refusal of the application on this basis. If Members are minded to approve the application it is suggested that conditions are imposed restricting the use of the property to an occupational health clinic only, limiting the hours of operation to that proposed and limiting the number of clinics operating from the property at any given time to 2.

3. Impact Upon Grade II Listed Building

- 6.18 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.19 Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.20 Paragraph 133 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 134, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.21 Policy HE3 of the CDLP highlights that listed buildings and their settings will be preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance. Policy SP6 of the CDLP confirms that proposals should respond to local context, respect local character/distinctiveness and take into consideration the historic environment including heritage assets and their settings.
- 6.22 There are over 374,000 listed buildings within England which are categorised

as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.

- 6.23 No.14 Hartington Place is Grade II Listed and the listing details are as follows:

Terrace now 8 houses. Late 1850s or early 1860s. Flemish bond brick work, some houses with light headers, on chamfered plinth (all dressings of calciferous sandstone) with stone-bracketed metal gutter. Common welsh slate roof, 2 houses with gabled dormers and others with skylights; shared ridge brick chimney stacks. 2 storeys, 2 bays each; of similar builds, some in pairs, but the same date and of similar detail. Each house has either a left or right panelled door and overlight in Tuscan doorcases; Nos 6-14 have dentilled cornices. Cantled bay windows, Nos 6 and 8 carried up to full height. Remaining windows are sashes, some with original glazing bars, all in brick reveals with flat brick arches and stone sills. INTERIORS not inspected. Asquith's survey of Carlisle, 1853, shows the street laid out but with no houses; the 1st edition OS map 1865, shows these houses ending as a cul-de-sac.

- 6.24 Current guidance from Historic England confirms that "a listing is not a preservation order, preventing change. It does not freeze a building in time, it simply means that listed building consent must be applied for in order to make any changes to that building which might affect its special interest".
- 6.25 No.14 Hartington Place forms part of a late eighteenth century terrace which is prominently located on the eastern side of Hartington Place. The terrace is also a prominent feature within Portland/Chatsworth Square Conservation Area. As detailed in the listing description above, the reasoning for the listing was primarily due to the external appearance of the terraced properties facing onto Hartington Place. Although interiors were not inspected at the time of listing it is appreciated that the listing does extend to interior features. The rooms to the rear of the property where the stud wall has been created, an existing opening blocked up and a new opening formed do not contain any fine features. The Heritage Officer has confirmed that these works do not affect fabric of any significance and existing panelled doors are to be relocated within the immediate area. The Heritage Officer notes that the more significant rooms to the front of the building are unaffected by physical works. The Council's Heritage Officer is therefore of the opinion that the proposed internal alterations, which have already been undertaken at the applicant's own risk, would not harm the historic character of the building.
- 6.26 Whilst no external changes are proposed to the front elevation of the property itself it is appreciated that there will be alterations to the front boundary and curtilage of the property to facilitate a disabled access ramp to provide level access into the property. A similar proposal has taken place to a listed building on Chiswick Street and it was evident from the Officer Site Visit that

there are properties on Hartington Place with handrails at the entrances. The ramp itself will be constructed from sandstone with iron railings which are considered to be traditional materials which respect the historic character of the building. The removal of the existing 20th century ironwork along the front boundary and the replacement of more authentic railings together with the reinstatement of the width of the access gap would enhance the setting of the Listed Building within the existing street scene. It is not considered that any of these external alterations to the front boundary of the property would significantly impact upon the living conditions of neighbouring properties in terms of poor design.

- 6.27 Objectors have raised concerns regarding the impact of the alterations to the front of the building on the setting of the Grade II Listed Terrace however the Heritage Officer has confirmed that the proposed ramp offers the opportunity to see the existing 1970s railings and gate piers removed and replaced more sympathetically. With appropriate materials to the ramp, the Heritage Officer considers that the proposal has a neutral or positive benefit on the frontage. Should Members approve the application it is however suggested that a condition should be imposed under the associated Listed Building Consent application, ensuring that the sandstone flags for the proposed ramp are buff sandstone.
- 6.28 There would be limited public views of the alterations to the rear of the property to create a pedestrian gate and an enlarged up and over garage door. A number of the properties which back onto the access lane to the rear of the site already have pedestrian gates and up and over garage doors. In such circumstances it is not considered that the alterations proposed to the rear boundary would form a discordant feature within the existing street scene or have an adverse impact upon the historic character of the Grade II Listed Terrace or its setting. The Heritage Officer concurs with this view.
- 6.29 It is appreciated that objectors have raised concerns regarding potential signage on the building and the resulting impact upon the existing street scene however Members will be aware that if any signage is proposed this would be subject to separate listed building consent and advertisement consent (if required). Concerns from objectors are however still acknowledged and it is considered that any future signage would need to be discreet in order to prevent any adverse impact upon the listed building or the character/appearance of the surrounding area.
- 6.30 Overall it is considered that the impact of the proposed internal works on the listed building constitutes a very low level of harm to the listed building and the Heritage Officer confirms that these alterations are acceptable in view of the functional requirements of the proposed operation. The Heritage Officer has confirmed that the changes to the frontage by the ramp installation will be ultimately reversible and in the interim, of neutral or positive impact, given the removal of the unsightly 1970s gate piers and railings. As such it is not considered that the changes to facilitate the proposed change of use would have any significant harm on the historic character of the building and the setting of the Grade II Listed terraced properties.

4. Impact Upon Chatsworth/Portland Square Conservation Area

- 6.31 Under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 special attention has to be made to the desirability of preserving or enhancing the character or appearance of that area. This duty is reiterated in the explanatory text accompanying Policy HE7 of the CDLP which confirms that any alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of the conservation area, protecting important views into and out of conservation areas. Proposals should preserve or enhance features which contribute positively to an areas character/appearance. Development should not generate a significant increase in traffic movements/parking demands where these would be prejudicial to the character of the conservation area.
- 6.32 In the above context, taking into account the issues discussed in paragraphs 6.18-6.30 above, it is considered that the proposed works would not significantly harm the character and appearance of this part of Chatsworth/Portland Square Conservation Area. The Council's Heritage Officer concurs with this opinion. The impact of traffic impacts upon the Conservation Area is discussed in paragraphs 6.33- 6.37 below.

5. Highway Impacts

- 6.33 Concerns have been expressed by objectors that the proposal will compound existing parking problems in the area. An objector has also pointed out that an application for a House in Multiple Occupancy (HMO) was refused in 2011 as result of the Highways Authority stating that parking within zone A is at capacity. Members should be aware that the application in 2011 was for permanent occupation of a building on Warwick Road as a HMO. This application in comparison is for the change of use of a 5 bedroom residential property to a commercial use. With regard to parking permits the Highways Authority has confirmed that residential properties can apply for 3 permits in a parking zone compared to a business where one permit can be applied for.
- 6.34 The supporting statement confirms that the business currently purchases parking permits for staff to use at public car parks and the business would continue to do this for the new premises. The applicant has confirmed that it is proposed to widen the existing rear access to improve manoeuvrability into the existing rear yard however this parking area will be mainly used for loading/unloading only due to staff having parking permits for car parks elsewhere in the city centre. Members will however appreciate that the Council is not able to enforce that the staff for the proposed business have parking permits for private car parks elsewhere in the city therefore Members need to assess the application on the basis that these circumstances could change in the future.
- 6.35 A disc parking scheme (2 hours), is in operation on Hartington Place. Similar on-street parking is available in the immediate area. In addition, the property is located in close proximity to the city centre where there is access to different transport modes and a number of public car parks. Although the

applicant has confirmed that she does not intend to permanently use the existing off-street car parking spaces it is acknowledged that this area could provide 3 parking spaces for staff/clients if required.

- 6.36 The Highway Authority has been consulted on the proposal and has confirmed that based on the anticipated staff and patient numbers there would not be a severe intensification of the Highway. Taking into account the property's city centre location and existing use, the Highway Authority has confirmed that the proposal would be unlikely to have a material affect on existing highway conditions therefore the Highway Authority has no objection to the proposal. Highways have however suggested the imposition of one condition ensuring that any doors/windows abutting the highway do not open outwards into the highway. Advice has also been received regarding the need for permits for any works within the Highway.
- 6.37 In relation to the above it is not considered that the development would have a significant adverse impact upon highway conditions and refusal of the application on highway grounds could not be substantiated. A condition restricting the number of clinics running from the property to a maximum of 2 per day would ensure no significant detriment upon existing parking provision within the vicinity through the intensification of the use of the premises.

6. Access

- 6.38 Criterion 5 of Policy SP6 (Securing Good Design) of the CDLP states that proposal should ensure that all components of a proposal are accessible and inclusive to everyone.
- 6.39 When assessing the application against the foregoing policy it is appreciated that the installation of an access ramp to the property will enable access for all persons into the property. The submitted plans also illustrate the provision of a disabled WC on the ground floor and the supporting statement confirms that a ground floor clinical area will be available for disabled persons. In such circumstances it is considered that the site will provide inclusive access for everyone. The Councils Access Officer has been consulted on the proposal and has raised no objections. Accordingly it is not considered that there is any policy conflict.

7. Biodiversity

- 6.40 It is appreciated that existing shrubs have been removed to the front curtilage of the property which do not require planning permission. The rest of the curtilage of the property comprises of hard standings. In such circumstances it is not considered that the alterations proposed would harm a protected species or their habitat.

8. Other Matters

- 6.41 An objector has alleged that a local rear lane main sewer problem would be compounded as result of additional traffic using the lane. Neither United Utilities or the Lead Local Flood Authority have made any representations in

relation to this issue.

- 6.42 Objectors have confirmed that the business would be better suited elsewhere and the proposal would create a precedent for further development of residential dwellings within the area. Members have to determine the application that is before them and all applications are dealt with on their own merits.
- 6.43 It is acknowledged that objectors have queried where commercial waste will be stored. The submitted application form confirms that the site does not need to dispose of any trade effluent therefore it is assumed waste disposal will be the same as existing properties within the terrace.
- 6.44 Objectors have also raised concerns under this application and the associated Listed Building Consent application with regard to the safety of school children walking to school, highway safety and impact of additional traffic upon health. As discussed in paragraphs 6.33-6.37 the Highways Authority has raised no objections with regard to Highway Safety. It is not considered that any traffic associated with the development would have a significant adverse impact upon the health of any existing residents in close proximity to the site sufficient to warrant refusal of the application on these grounds.
- 6.45 Concerns have also been raised from objectors under the associated Listed Building Consent application with regard to rises in Council taxes and existing residents obtaining parking permits. These are matters outside the consideration of this application.
- 6.46 The Council has been made aware that there are trunked electricity cables and outlets across the middle of the wall in the front room of the property. The Council's Heritage Officer has confirmed that these works do not require planning permission.
- 6.47 Objectors have also raised queries as to what would happen to the property if the business is faced with financial difficulty. Members will be aware that each application is dealt with on its own merits.
- 6.48 An objector has also alleged that the property has a restrictive covenant prohibiting business use. This is a civil matter.
- 6.49 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken

by the Authority to regularize any breach of planning control;
Article 8 recognises the "Right To Respect for Private and Family Life".

- 6.50 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.
- 6.51 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.52 The proposed development would provide a health service within the city which would provide a benefit to the wider community. Although the site is situated within a primary residential area the scale of the use is deemed acceptable. Subject to the imposition of relevant planning conditions within the Decision Notice restricting opening hours, the use of the property and number of clinics it is not considered that the proposal would have such a significant adverse impact on the living conditions of the occupiers of neighbouring properties to warrant a refusal of the application on the basis.
- 6.53 Furthermore given the scale and design of the internal and external alterations proposed the proposal will not have an adverse impact upon the historic character of the building, the setting of the Grade II Listed Terrace or the character/appearance of the Chatsworth/Portland Square Conservation Area. Nor would the proposal have a detrimental impact upon highway safety or biodiversity.
- 6.54 On balance it is considered that the benefits of the proposed development (a health service) would significantly outweigh its limited adverse impact upon the living conditions of the occupiers of neighbouring properties. Accordingly the application is considered to be compliant with the criteria of the relevant Development Plan policies and is therefore recommended for approval subject to the imposition of relevant conditions.

7. Planning History

- 7.1 There is no relevant planning history on this site.

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 27th February 2017;
 2. the site location plan received 27th February 2017;
 3. the block plan received 27th February 2017;
 4. the existing floor plans received 27th February 2017 (Drawing No.SH/CONV/FP1 Rev A);
 5. the proposed floor plans received 21st March 2017 (Drawing No. SH/CONV/FP2 Rev B);
 6. the existing and proposed front elevation received 21st March 2017 (Drawing No. SH/CONV/FRONT ELEVATION REV A);
 7. the existing and proposed rear wall floor plans and elevations received 21st March 2017 (Drawing No. SH/CONV/REAR WALL Rev A);
 8. the floor plans of the disabled access received 20th March 2017 (Rev A);
 9. the heritage statement received 27th March 2017;
 10. the design and access statement received 27th March 2017;
 11. the supporting statement received 21st March 2017;
 12. the Notice of Decision; and
 13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The premises shall be used for occupational health services and for no other purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policy HO12 of the Carlisle District Local Plan 2015-2030.

4. The use of the premises as a occupational health clinic hereby approved shall not take place other than between 08:30- 18.00 hours Monday-Friday.

Reason: To prevent disturbance to nearby residential occupiers in accordance with Policies HO12 and SP6 of the Carlisle District Local Plan 2015-2030.

5. There shall be no more than 2 clinics operating from the property on any given day.

Reason: To prevent disturbance to nearby residential occupiers in accordance with Policies HO12 and SP6 of the Carlisle District Local Plan 2015-2030.

6. New doors abutting the highway shall be of a type which cannot open outwards into the highway.

Reason: To minimise possible danger to other highway users. To support Local Transport Plan Policies LD7 and LD8.



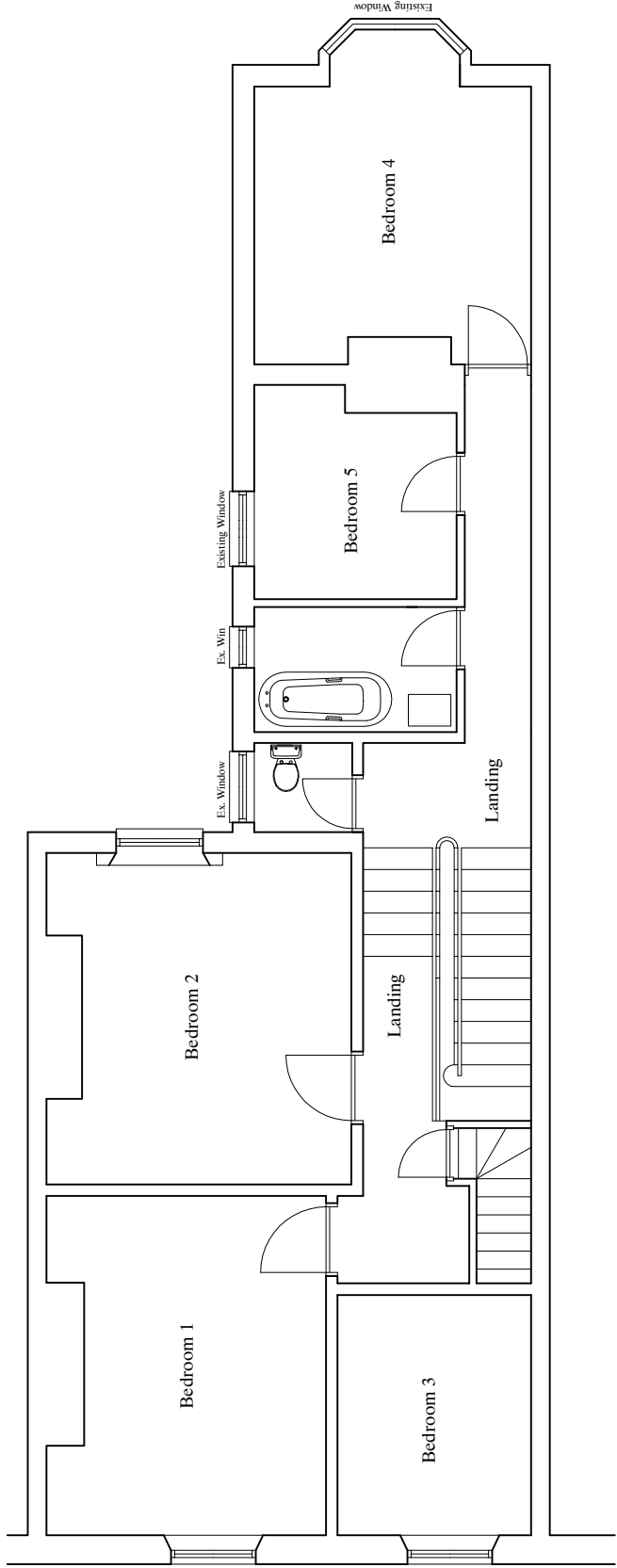
Nº14 HARTINGTON PLACE
 SITE LOCATION PLAN
 SCALE 1:1250



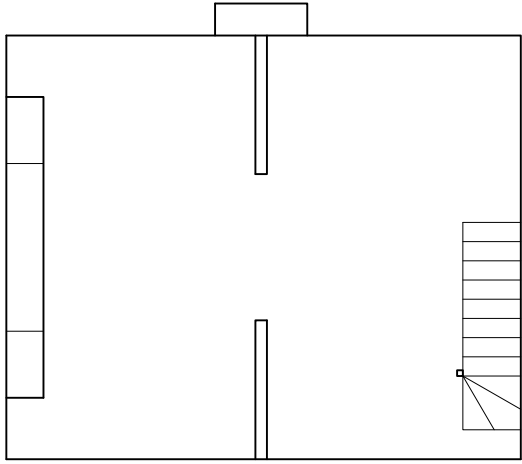


SIZE BLOCK PLAN
SCALE 1:500

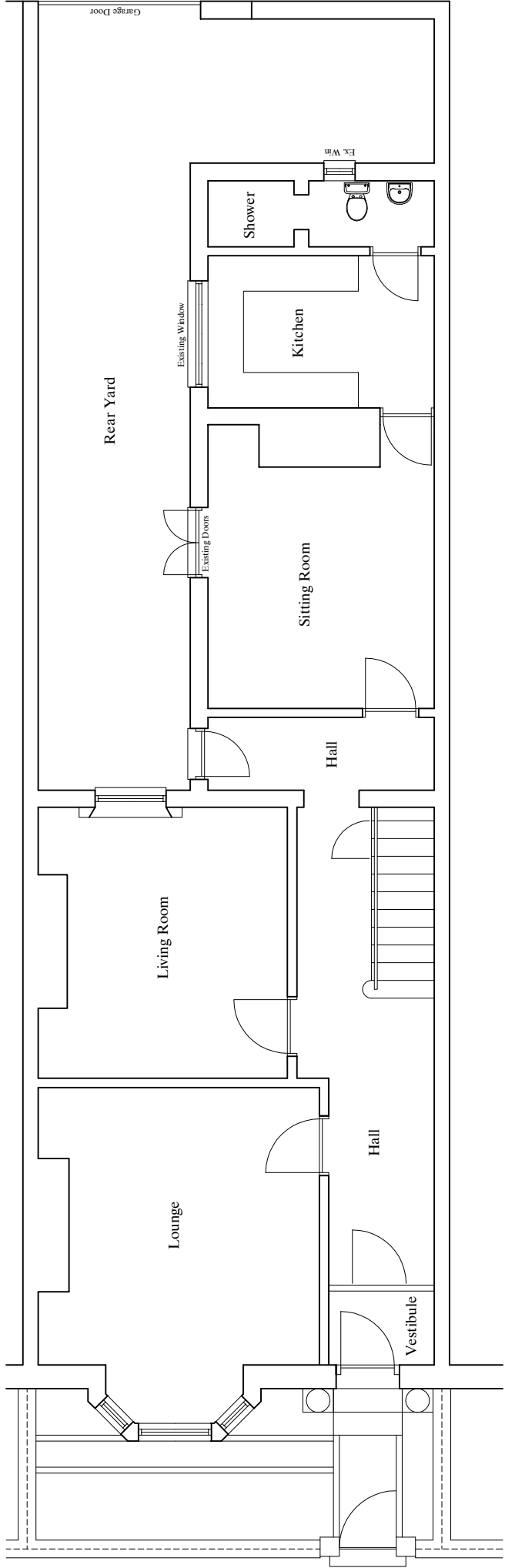
NO. 1A
HARTINGTON PLACE



Existing First Floor Plan

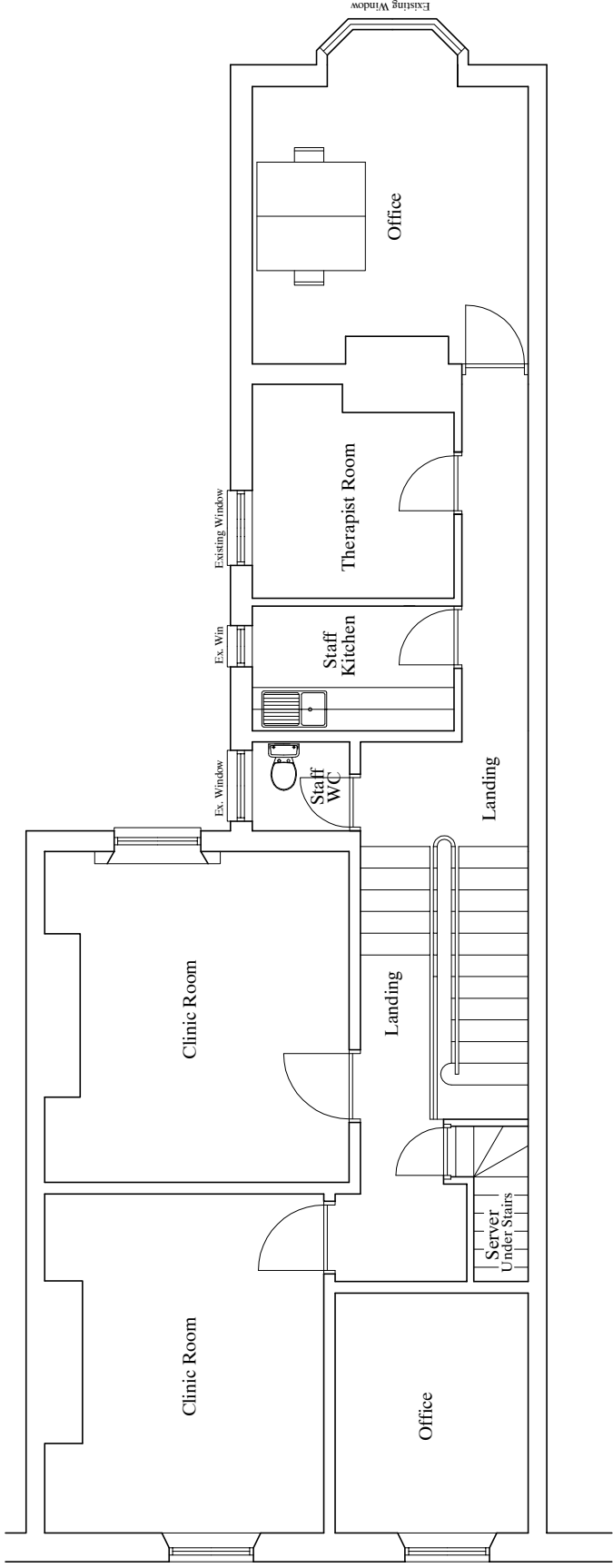


Existing Second Floor Plan

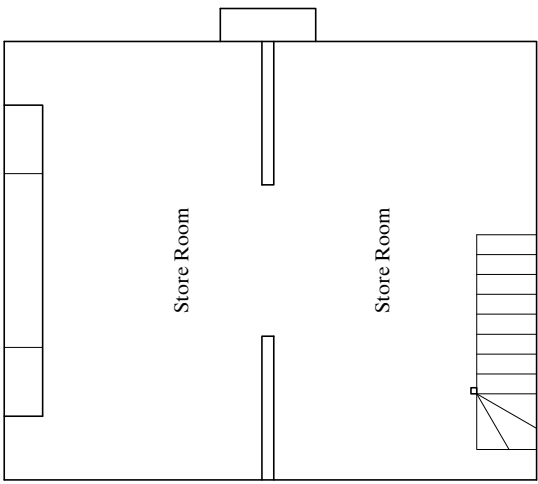


Existing Ground Floor Plan

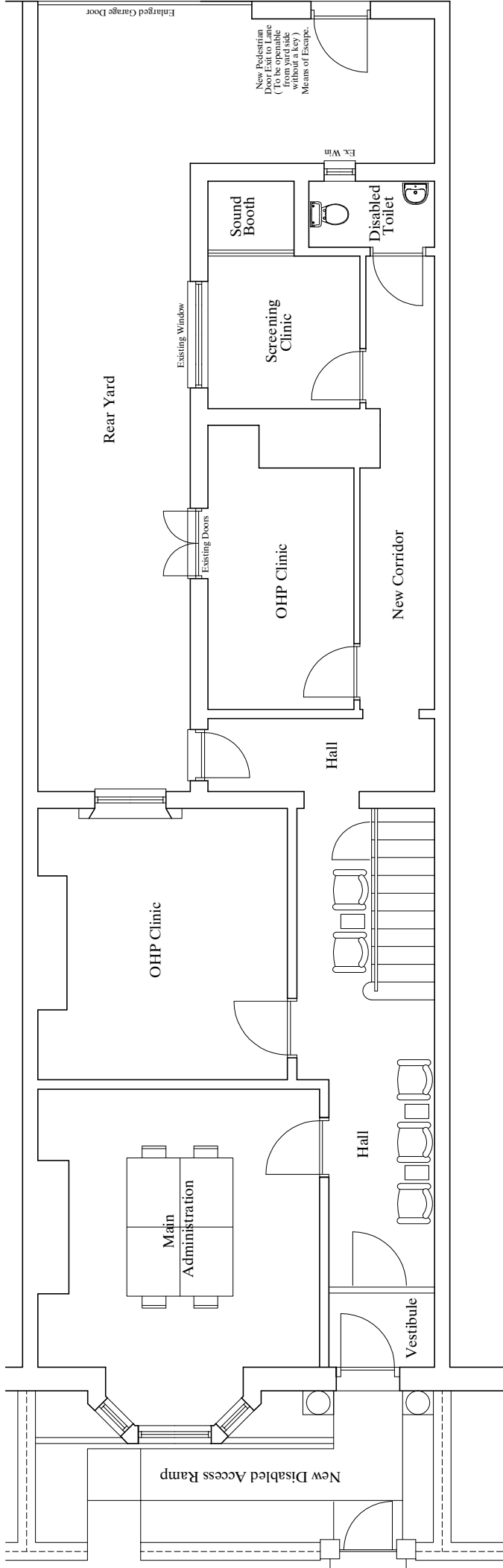
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A	25 / 11 / 16	Original Issue				
Rev.	Date	Description				
			Drawing No	SH / CONV / FP1	Rev A	
			Date	25th November 2016		
			Scale	1:100 @ A3		
			Drawn By	G.Tyler		



Proposed First Floor Plan



Proposed Second Floor Plan

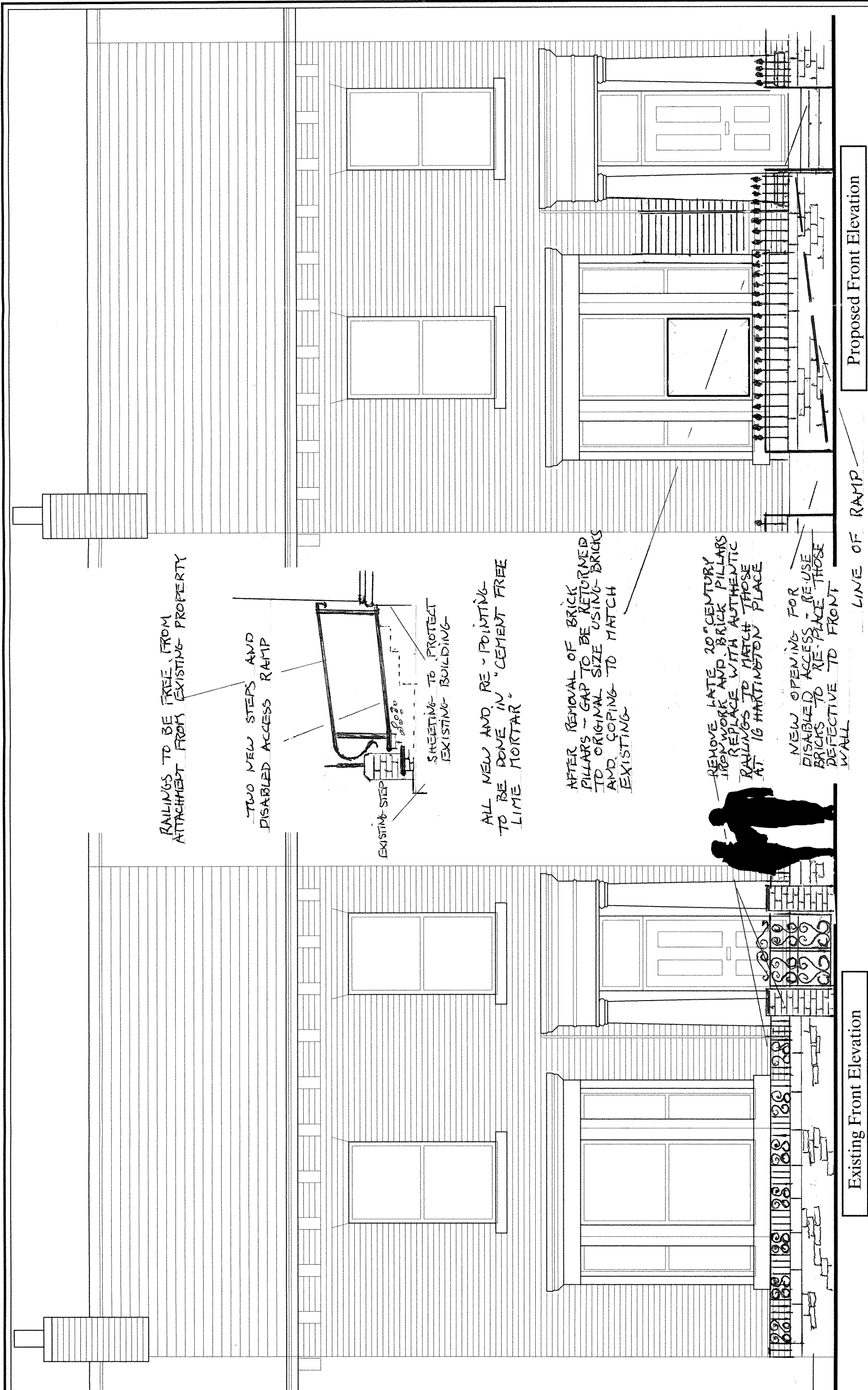


Proposed Ground Floor Plan

Rev.	Date	Description
B	20 / 03 / 17	Amended
A	25 / 11 / 16	Original Issue

Proposed Conversion of Existing Dwelling to Offices at
No 14 Hartington Place Carlisle Cumbria CA1 1HL

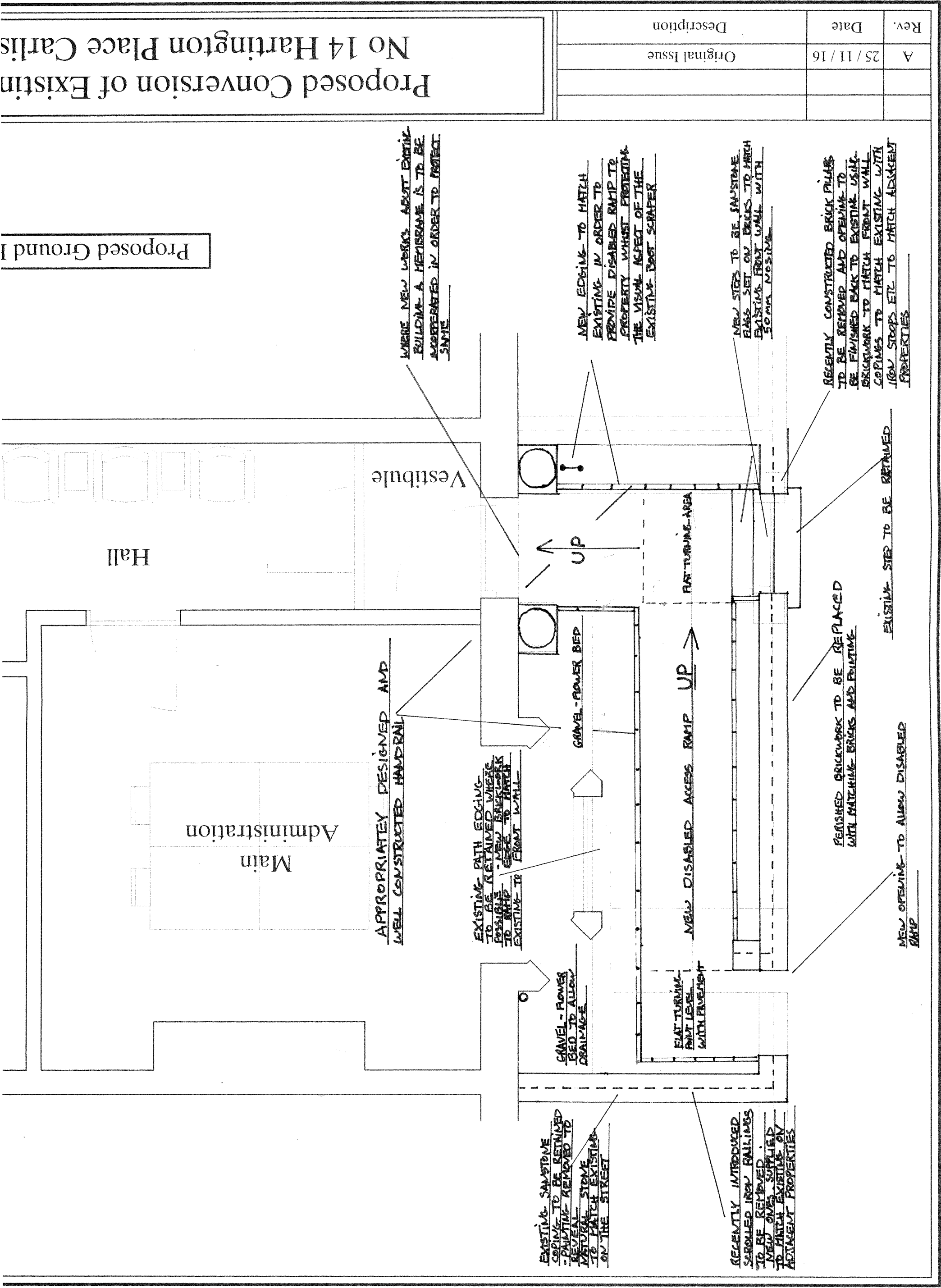
Drawn By	G.Tyler
Scale	1:100 @ A3
Date	25th November 2016
Drawing No	SH / CONV / FP2
Rev	Rev B



Existing Front Elevation

Proposed Front Elevation

<div>Proposed Conversion of Existing Dwelling to Offices at No 14 Hartington Place Carlisle Cumbria CA1 1HL</div>		Drawn By	G.Tyler
		Scale	1:50 @ A3
		Date	25th November 2016
		Drawing No	SH / CONV / FRONT ELEV Rev A
Rev.	A	25 / 11 / 16	Original Issue
			Description



Proposed Ground I

Proposed Conversion of Existing No 14 Hartington Place Carlis

Rev.	A	Date	25 / 11 / 16
Description	Original Issue		