

SCHEDULE A: Applications with Recommendation

17/0186

Item No: 04

Date of Committee: 21/04/2017

Appn Ref No:
17/0186

Applicant:
Tyler Design Services

Parish:
Carlisle

Agent:

Ward:
Castle

Location: 14 Hartington Place, Carlisle, CA1 1HL

Proposal: Internal And External Alterations Associated With The Proposed Change Of Use From A Dwelling To Occupational Health Services (LBC)

Date of Receipt:
06/03/2017 11:02:41

Statutory Expiry Date
01/05/2017 11:02:41

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 Impact Upon Grade II Listed Building
2.2 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 part retrospective Listed Building Consent for internal and external alterations to the property associated with 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/interested parties. At the time of preparing the report 14 objections and 2 petitions (one with 8 signatories and one with 123 signatories) have been received.
- 4.2 The letters of objection and petitions of objection cover a number of matters which are summarised as follows:
1. Internal work has commenced since the application was submitted. Mature front garden has also been stripped and pegged out;
 2. Queries regarding drawings submitted and information submitted on the application form, design/access statement, heritage statement and supporting statement;
 3. Queries regarding opening hours;
 4. No information has been submitted with regard to signage;
 5. Lighting would affect the visual integrity of the Grade II Listed terrace and Conservation Area;
 6. Changes to the facade/external appearance and associated impact on the setting of the Grade II Listed Terrace and Conservation Area;
 7. Changes to internal walls and fittings will detract from splendour of Victorian residence;
 8. Application is contrary to Policies SP1, SP2, SP6, H012, HE3, HE7, IP3,

- IP6, CC5 and the spatial strategy of the CDLP
9. Change of use is of no benefit to local residents;
 10. Scale of business (client base of over 420 persons) in relation to its residential location;
 11. Property better suited to a light industrial unit;
 12. Any public benefit could be gained by relocating the business to another part of the city;
 13. Applicant already has planning permission for another site within the city;
 14. Existing local parking and infrastructure problems will be compounded;
 15. No off-street parking has been provided;
 16. Inadequate parking facilities for existing residents;
 17. Impact of additional traffic on health;
 18. Impact upon residential amenity;
 19. Queries regarding disabled parking provision;
 20. The width of the existing rear yard will restrict on-site parking provision;
 21. There are no bus stops within close proximity;
 22. Previous parking issues highlighted to the County Council have not been addressed;
 23. Impact upon Highway Safety
 24. Queries regarding the disposal of commercial waste;
 25. Impact upon safety of School Children;
 26. Property has been a residential dwelling for over 150 years;
 27. Area is predominately residential;
 28. Principle of adding a business in the middle of a residential terrace;
 29. Hartington Street is the only street left without commercial business development;
 30. Impact upon the residential community;
 31. Noise impacts;
 32. Property could be used to hold presentations which would attract more numbers;
 33. 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;
 34. Proposal would create a precedent
 35. Proposal will reduce the available housing stock within the City Centre;
 36. Existing local rear lane main sewer problem;
 37. Proposal will multiply existing noise problems for shift workers trying to sleep during the day;
 38. There is too much red tape/compliance for those residents wanting to obtain parking permits;
 39. Complaints about rise in Council taxes
 40. An application to convert a house in multiple occupancy was refused in 2011 in parking zone A on parking grounds;
 41. There are trunked electricity cables and outlets across the middle of the wall in the front living room of the property.
 42. Schools should be consulted;
 43. Proposal is contrary to a covenant restricting business use.

5. Summary of Consultation Responses

Historic England - North West Office: - application does not need to be

referred to Historic England.

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 SP6, HE3 and HE7 of the Carlisle District Local Plan (CDLP) 2015-2030.
- 6.3 The proposal raises the following planning issues:

1. Impact Upon Grade II Listed Building

- 6.4 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".*
- 6.5 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).
- 6.6 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.
- 6.7 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.

- 6.8 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.

- 6.9 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. Canted 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.

- 6.10 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".

- 6.11 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.

- 6.12 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.

- 6.13 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 is imposed ensuring that the sandstone flags for the proposed ramp are a buff sandstone.
- 6.14 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.
- 6.15 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.
- 6.16 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.

8. Other Matters

- 6.17 It is appreciated that objectors have raised a number of concerns associated with the change of use of the property (parking, impacts upon residential amenity etc) these issues have been considered under the associated Full Planning Application (reference 17/0167) as this application is required to assess the impacts of the internal and external alterations on the Listed Building only.
- 6.18 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 or listed building consent.
- 6.19 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".

- 6.20 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.
- 6.21 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

- 6.22 To conclude 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. Accordingly the application is considered to be compliant with the criteria of the relevant Development Plan policies and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBA). The

application 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 approved documents for this Listed Building Consent comprise:
 1. the submitted planning application form received 28th March 2017;
 2. the site location plan received 6th March 2017;
 3. the block plan received 6th March 2017;
 4. the existing floor plans received 6th March 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.

2. Notwithstanding the description of the materials on the application form the hard surface materials for the disabled access ramp hereby approved shall be buff sandstone.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030.
