# **SCHEDULE A: Applications with Recommendation**

ltem No: 05	Date of Committee: 02/06/2017	
<b>Appn Ref No:</b> 17/0311	Applicant: Carlisle Eden Mind	<b>Parish:</b> Carlisle
	Agent:	Ward: Castle
Location: 27 Spencer Street, Carlisle, CA1 1BE		
<b>Proposal:</b> Change Of Use From Use Class B1 (Business) To Use Class D1 (Non Residential Institution)		
<b>Date of Receipt:</b> 05/04/2017	Statutory Expiry Date 31/05/2017	26 Week Determination

# REPORT

Case Officer: Barbara Percival

### 1. Recommendation

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

### 2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.3 Impact on highway safety
- 2.4 Crime prevention, safety and fear of crime and anti-social behaviour
- 2.5 Impact of the proposal on designated heritage assets
- 2.6 Impact of the proposal on biodiversity
- 2.7 Other matters

### 3. Application Details

#### The Site

3.1 Number 27 Spencer Street is a two storey mid-terrace Grade II listed building located in the Chatsworth/Portland Square Conservation Area. The building is constructed from flemish bond brick work under a welsh slate roof.

17/0311

3.2 The premises, formerly occupied as offices for Cumbria CVS together with other charitable organisations, is located on the eastern side of Spencer Street one of the main arterial routes into the city centre on the outer fringe of the city centre. The property is identified in the local plan as located within a primary residential area.

### The Proposal

- 3.3 The proposal seeks full planning permission for the change of use of 27 Spencer Street from Use Class B1 (Business) to Use Class D1 (non-residential institution) for Carlisle Eden Mind. The documents submitted as part of the application, outlining that the use of the premises would provide is a completely new service for Carlisle which would fulfill a very well-documented gap in local mental health provision, part of a larger range of activity related to mental health provision.
- 3.4 The submitted drawing illustrate that there would be no internal or external alterations to the property with the following accommodation provided:

ground floor - meeting/training room; w.c.; kitchen; and office/small meeting/counselling space; first floor - 2no. offices and office/small meeting/counselling space; attic - store; and basement - vacant.

- 3.5 The supporting documents outlines that it is proposed that the premises would operate 7 days per week between 0900 hours and 2400 hours. Between the hours of 0900 and 1800 the building would be used as office accommodation for Carlisle Eden Mind 12-14 Carlisle staff team with an average of 8 staff and 3 volunteers present on any one day. There premises, during the aforementioned hours, would also be used to provide 'one to one' counselling facilities for its clients (averaging 10-15 clients per day). Training services, would be undertaken consisting of half daily courses attended by on average 12 people per course once per week.
- 3.6 Between 1800 hours and 2400 hours the building would again provide office space for 2 staff members and 2 volunteers. During this period the premises would also be used to operate 'Cumbria MindLine' a telephone based information, advice and emotional support service. An additional service intended to be provided by the applicant and known as 'The Haven' would also operate during this period. The aim of which is to provide counselling and emotional support on a one to one basis. The additional information highlights that is it envisaged that this service would operate between 1800 and 2300 hours with approximately 10-12 people attending each evening on an appointment only basis; however in practice this may also be as low as 5 with the majority of appointments offered at 1800 hour.
- 3.7 The supporting documents expands by outlining that during the evening hours (1800 hours to 2400 hours) no unexpected visitors are anticipated and that there would be no group based activities or any activity that would

generate any significant noise within the building. Clients would travel to the property by foot, either by public transport links or via their own transport parked in public car parks. Alternatively, some clients may choose to arrive via taxi with drop off/pick up being outside the front of the building. Details contained with the supporting documents highlighting that to avoid any intensification of noise the applicant would work with local taxi firms to avoid any disturbance to the occupiers of neighbouring residential properties.

#### 4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of the occupiers of seven neighbouring properties and the posting of Site and Press Notices. In response, seven representations of objection has been received, one of which was anonymous, together with a letter of support.
- 4.2 The representations identify the following issues:
  - it has been alleged that the premises would be used as an alternative to A & E for mental health emergencies throughout the night.
  - 2. this is not a suitable use in a residential area.
  - 3. potential to have detrimental impact of living conditions through increase in noise, nuisance and traffic.
  - 4. there is an existing housing project on Spencer Street, any further services of this kind should be located elsewhere to avoid increase in noise and nuisance.
  - 5. residents would feel unsafe due to other similar services on Spencer Street.
  - 6. the use has already commenced as painters and builders are working in the building.
- 4.3 A joint letter of support has also been received from North Cumbria Clinical Commissioning Group and the Crime Commissioner for Cumbria. The letter highlights the following issues:
  - 1. this a vital component part of the key development of mental health crisis services in the local community and is fully supported by MACAS (Cumbria Multi Agency Crisis Service).
  - 2. the overall aim of MACAS is enabling partner agencies to provide an improved service for people who are experiencing mental health crisis.
  - 3. this facility is part of a wider project to support the vulnerable in our community who may be experiencing mental health problems, to prevent any escalation in their needs and to provide informal face to face support in the local community where it can be accessed early to prevent a crisis

occurring.

4. this service will be a vital link to people in our community and will be fully supported by, and delivered in partnership with Cumbria Partnership NHS Foundation Trust.

### 5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - taking into account the property's city centre location and existing use, it is considered that the proposal will be unlikely to have a material affect on existing highway conditions. The Highway Authority, therefore, raise no objections to the proposal;

Planning - Access Officer: - no objections.

### 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, HO12, IP3, CM1, CM4, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues:

### 1. Principle Of Development

- 6.4 The proposal seeks the change of use of number 27 Spencer Street from Use Class B1 (business) to Use Class D1 (non-residential institution) for Carlisle Eden Mind. As highlighted earlier in the report, the application was accompanied by supporting documents which detail how the premises would operate and the services provided.
- 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 In line with the objectives of the NPPF, the aim of the local plan is to facilitate sustainable development. It is therefore important to read the local plan as a 'whole' i.e. with reference to all the policies that may be relevant, as it is these policies taken collectively which determine what will be regarded as constituting sustainable development. Policies should not be taken out of context and will not be applied in isolation. The local plan operates alongside a policies map, allocations identified on the policies map should be read in conjunction with the relevant policy in the local plan which will set out criteria that any planning applications will need to comply with.
- 6.7 At a the local level, Members will be aware that as a recognised Healthy City, the council has a firm commitment to continue to positively improve health and wellbeing for all of the District's residents and is at the forefront of decision making.
- 6.8 In the context of the foregoing, the relevant policies to assess if the principle of development is acceptable are Policies CM1, SP6 and HO12. In respect of health care provision, Policy CM1 of the local plan 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.
- 6.9 The application is for use of the premises by Carlisle Eden Mind who is a is a local charity, affiliated to Mind, which supports people with mental health problems across the Carlisle and Eden Districts. The premises would be used to provide office accommodation and for counselling services. The scale of the development is considered appropriate to its location and is readily accessible by a variety of transportation modes. Accordingly, the proposal accords with the objectives of Policy CM1 of the local plan.
- 6.10 As highlighted earlier in the report, number 27 Spencer Street is identified in the local plan as within a primary residential area. Policy HO12 of the local plan seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings whilst recognising that certain proposals for non-residential uses, subject to compliance with three criteria, may be acceptable. The aforementioned criteria being: 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.
- 6.11 In respect of criterion 1, although the property is located within a primary residential area is located immediately adjacent to the A7 county highway, one of the main arterial routes into the centre of the city on the fringe of the city centre. Furthermore, although there are residential properties adjacent to and within the immediate vicinity it is also evident that there are also a number of other business premises along Spencer Street including a hairdressers, meditation centre, diet centre and opticians, some of which operate in the evenings. Given the existing planning use of the premises, the scale of the operation and that there would be no external changes to the

premises it is unlikely that the use of the premises would have such a detrimental impact on the character of the area to warrant refusal of the application.

- 6.12 Criterion 2 seeks to ensure that there is no detrimental effect of residential amenity either through noise, nuisance, damage to visual amenity or increase in traffic. This issue will be discussed in detail in paragraphs 6.15 to 6.24 below.
- 6.13 Criterion 3 outlines that development proposals for non-residential uses in primary residential areas will be acceptable provided that the proposed use will provide a beneficial service to the local community. As highlighted earlier in the report, the premises will be occupied by Carlisle Eden Mind which supports people with mental health problems. Accordingly, the proposal also complies with the objectives of criterion 3 of Policy HO12.
- 6.14 In overall terms, the principle of development is acceptable subject to no adverse impact upon the living conditions of the occupiers of surrounding residential properties which is discussed in following paragraphs.

# 2. Impact Of The Proposal On The Living Conditions Of The Occupiers of Neighbouring Properties.

- 6.15 As previously discussed, the application site is located within a primary residential area. Accordingly, 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 neighbouring properties through unacceptable noise, damage to visual amenity or increase traffic generation.
- 6.16 The occupiers of neighbouring residential properties have raised a number of concerns in respect of the proposed development. These have been made available to Members of the Development Control Committee; however, in summary the objections appear to centre on: the alleged use of the premises; the compatibility of the use within a residential area; and the potential of the use to have detrimental impact of living conditions through increase in noise and traffic generation. A further issue raised is fear of crime and anti-social behaviour. This issue will be discussed in paragraphs 6.25 to 6.33 below.
- 6.17 The documents and drawings submitted as part of the application outlines that the proposed use will provide office and meeting/counselling rooms for Carlisle Eden Mind on the ground and first floor of 27 Spencer Street. The attic area would be utilised for storage whilst the submitted drawings indicate that the basement area would be vacant.
- 6.18 The proposed overall use of the premises would be between 0900 hours and 2400 hours 7 days per week including Sundays and Bank Holidays; however, between the hours of 1800 hours to 2400 hours only 'Cumbria MindLine', a telephone based information, advice and emotional support service together with 'The Haven' an appointment based counselling and support service would operate from the premises. Office hours would be between 0900 hours to 1800 hours Monday to Friday and 0900 hours to 1200 on Saturdays.

The average number of staff and volunteers present at any one time would be 8 staff and 3 volunteers; however, between the hours of 1800 to 2400 there will be 2 members of staff and 2 volunteers.

- 6.19 In respect of visitors to the premises the Operation and Management Plan (OMP) highlights that the vast majority of mental health support is available during 9-5 hours only. Most people experiencing early stage crisis report evenings as the critical time to get support. The ability to offer evening appointments would not only provide help when people are known to be need more help, but also access help outside of normal working hours. For those who need assistance, getting time off work can be added stress and is not always possible.
- 6.20 When assessing the impact of the proposal on neighbouring properties it is evident that there are other properties on Spencer Street which operate in the evening albeit not as late as the proposed operating hours of the application before Members. Nevertheless, the operating hours are relatively low scale with visitors to the premises attending by appointment only. Furthermore, there would be no overnight accommodation provided for either staff or visitors within the premises. The premises are also located adjacent to the A7 county highway, one of the main arterial routes into the city centre, close to a traffic light controlled junction on the fringe of the city centre. This location itself would generate a degree of background traffic noise not usually associated in a primary residential area.
- 6.21 The objections of the occupiers of neighbouring properties are noted; however, for the reasons explained above the proposal is acceptable and compliant with the relevant policies. To further safeguard the living conditions of the occupiers of neighbouring residential properties conditions are recommended, should Members approve the application, which would restrict the occupation of the premises to Carlisle Eden Mind and the operation of the premises should be in strict accordance with the details contained within the OMP.

#### 3. Impact Of The Proposal On Highway Safety

- 6.22 The OMP submitted in response to concerns raised by third parties anticipates that visitors to the premises will travel by public transport, by car (to be parked at nearby recommended local facility) or on foot. In respect of those visitors arriving by local taxi firms the OMP outlines that it would work closely with taxi firm to ensure that they understand both the nature of the visitors they will take to and from the centre, and the importance of minimising disruption to local residents.
- 6.23 Given that the property is located on one of the main arterial routes into the city scale, the existing planning use of the premises together with the scale and proposed operation of the premises as detailed in the OMP the proposal is unlikely to result in a significant increase in traffic movements to be prejudicial to the character of the conservation area. The proposal, therefore, accords with the objectives of the relevant development plan policies.

6.24 Furthermore, Cumbria County Council, as Highway Authority, has been consulted and raise no objections to the proposal taking into account the property's city centre location and existing use, it considers that the proposal will be unlikely to have a material affect on existing highway conditions. Accordingly, based on the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

# 4. Crime Prevention, Safety and the Fear of Crime and Anti-social Behaviour

- 6.25 Objections have been raised by third parties in respect of the intensification of uses along Spencer Street by vulnerable people in society. These objections appear to centre on the occupiers of residential properties feeling unsafe and uncomfortable in their own street and homes.
- 6.26 In terms of the issues of crime and safety, there are two aspects to consider in assessing this proposal. The first is the adequacy of the proposals in order to deter crime, and the second is the weight to be given to the opposition to this change of use, generated by the fear of crime and anti-social behaviour that could result if Carlisle Eden Mind were to occupy 27 Spencer Street.
- 6.27 Taking the first point, in order to comply with Policy CM4 of the local plan, all new development should make a positive contribution by creating a safe and secure environment by integrating measures for security and crime prevention and minimising the opportunity for crime. The policy lists a range of criteria that should be applied to all development proposals.
- 6.28 As indicated in the background to the application referenced elsewhere in this report, this is a completely new service for Carlisle which would fulfill a very well-documented gap in local mental health provision, part of a larger range of activity related to mental health provision. Objectors cite the use of the premises by Carlisle Eden Mind would result in them being made to feel 'unsafe and uncomfortable' should the scheme be granted planning permission especially in light of a further property within Spencer Street which provides a supported living-scheme for people with severe and enduring mental health problems.
- 6.29 On this basis, the views of Cumbria Constabulary has been sought who have advised that There appears to be a perception amongst some residents that there is already a risk to their personal safety from persons being supported by mental health services in this locality; however, there have been no incidents reported to police to justify these concerns or that highlight this locality as a 'hotspot' with the neighbourhood policing team.
- 6.30 With regards to the second aspect, Paragraph 69 (second bullet point) of the NPPF states that "planning policies and decisions should aim to achieve places which promote 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion". This policy statement and planning case law confirms that people's perceptions, and in this case, the fear of crime or anti-social behaviour is capable of being a material planning consideration but what

needs to be considered is the weight to be attached to this matter in this case and whether this is sufficient to justify refusing the proposed change of use. This requires an assessment of the concerns actually experienced, not a subjective and paternalistic view. In order to justify refusal of a planning application therefore, there needs to be some reasonable evidential basis for that fear.

- 6.31 In making this assessment it is necessary to firstly understand the nature of the proposed service. The applicant has supplied an OMP in support of the proposed change of use which provides an explanation of the service that it is proposed and how it would operate.
- 6.32 The premises would be used to support people in low level mental health crisis through one to one support sessions together with telephone based support. The particular emphasis of the service is to engage with people at an early stage of crisis thus reducing the risk of engagement with acute NHS services if the crisis escalates. As a result, Carlisle Eden Mind expects that there are very few problems associated with the delivery of this service. Furthermore, the service users would visit the centre by appointment only.
- 6.33 Whilst the fear expressed by objectors to the proposal is understandable, these fears and perceptions must be considered in the context of the information provided by the applicant and intended delivery of the service and the expert advice provided by Cumbria Constabulary. Considering all of these factors, there is little evidence to suggest that residents would be at greater risk from crime and anti-social behaviour if the proposed change of use were to be permitted. It is considered then that only limited weight can be given to these fears as they cannot be substantiated. Refusal of permission on this basis would be therefore be unreasonable and unjustified.

### 5. Impact Of The Proposal On Designated Heritage Assets

- 6.34 Sections 66 (1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBCA) highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings and conservation areas.
- 6.35 In respect of listed buildings the LBCA 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".

6.36 Section 72 of the LBCA highlighting that:

"special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".

6.37 The preservation and enhancement of heritage assets are reiterated in the

NPPF, PPG and Policies HE3 and HE7 of the Local Plan.

6.38 As previously highlighted in the report, the application seeks full planning permission for the change of use of the premises from Use Class B1 (business) to Use Class D1 (non-residential institutions) which would involve no external or internal alterations. Accordingly, the character and setting of the designated heritage assets would remain unaffected by the proposal. Furthermore, the proposal would also ensure the active use of the building, thereby, protecting it from falling into disrepair.

## 6. Biodiversity

6.39 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. As the proposed development would involve no external or internal alterations, it is unlikely that the development would harm a protected species or their habitat. However, it is recommended that an informative be included within the Decision Notice should Members approve the application ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed

### 7. Other Matters

- 6.40 The proposal will have a limited impact on the residential, business and general amenity of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) are minimal and proportionate to the wider social and economic interests of the community.
- 6.41 It is alleged that the use has commenced as workman are undertaking works to the building. As Members are aware, internal decoration of premises do not require planning permission.

## Conclusion

- 6.42 The proposed development would provide a completely new service for Carlisle which would fulfill a very well-documented gap in local mental health provision, part of a larger range of activity related to mental health provision. The appropriate location of which requires to be close to the city centre, local amenities and public transport facilities.
- 6.43 Although the site is situated within a primary residential area the scale of the use is deemed acceptable; however, the imposition of recommended planning conditions ensuring the restriction of the use of the building by Carlisle Eden Mind together with compliance with the submitted OMP would further safeguard the living conditions of the occupiers of neighbouring properties through unacceptable noise or traffic generation.
- 6.44 Whilst the public's fears and concerns relating to this proposed change of use are acknowledged and understood, considering the advice provided by Cumbria Constabulary, there is no evidential basis for these perceived fears.

The objectors concerns about the negative impact on residents have not been substantiated.

- 6.45 In addition, the use in this location would not be detrimental to any heritage assets. Nor would the proposal have a detrimental impact upon highway safety or biodiversity.
- 6.46 In conclusion, it is considered that the benefits the proposed change of use would bring, in terms of providing a much needed service for the people of Carlisle, clearly outweighs the objections, largely based on unsubstantiated fears, received in response to this application. The proposal complies with development plan policy, as evidenced above and it is recommended that planning permission is granted, subject to the imposition of planning conditions.

### 7. Planning History

- 7.1 In 1991, Listed Building Consent was granted for the formation of ramp and handrail for disabled access (application reference 91/0544)
- 7.2 In 1994, Full Planning Permission was granted for internal alterations for disabled access to rear office, w.c., kitchenette and escape route (application reference 94/0335).
- 7.3 Also in 1994, Listed Building Consent was granted for raise rear ground floor level, relocate internal doors, raise rear exit door, reglaze lower panels of windows in safety glass. Build external wheelchair escape platforms/stairs. Form new disabled kitchenette area. Upgrade the buildings fire resistance and install fire alarm and emergency lighting systems (application reference 94/0343).
- 7.4 Again in 1994, Listed Building Consent was granted for demolition of chimney to rear of building (application reference 94/0918).
- 7.5 In 1995, Listed Building Consent was granted for widening of existing rear access and formation of disabled parking space (application reference 95/0108).
- 7.6 In 1997, Listed Building Consent was granted for widening of rear doors for disabled car parking (application reference 97/2828).
- 7.7 In 2001, Full Planning Permission was granted for single storey extension to rear of property to replace outbuildings for use as office space (application reference 01/0909).
- 7.8 Also in 2001, Listed Building Consent was granted for an extension to rear and internal alterations to increase office space and demolition of stores to rear (application reference 01/0939).
- 7.9 In 2006, Listed Building Consent was granted for alterations to add rooflights

and remove partitions in the attic (application reference 06/0299).

7.10 In 2016, applications for Full Planning Permission and Listed Building Consent were withdrawn for change of use from B1 (business) to C3 (dwelling houses) to provide 4no. flats and 1no. studio (application references 16/0935 and 16/0936 respectively).

## 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 development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  - 1. the submitted planning application form received 5th April 2017;
  - 2. the Additional Information received 5th April 2017;
  - 3. the Operational and Management Plan received 3rd May 2017;
  - 4. the Heritage Statement received 25th April 2017;
  - 5. the site location plan received 5th April 2017;
  - 6. the current use received 5th April 2017 (Drawing No. 06);
  - 7. the proposed use received 5th April 2017 (Drawing No. 06);
  - 8. the Notice of Decision; and
  - 9. 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 office accommodation for Carlisle Eden Mind and for the execution of services provided by Carlisle Eden Mind and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.
  - **Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality occupiers in accordance with Policies SP6 and HO12 of the Carlisle District Local Plan 2015-2030.
- 4. Notwithstanding the hours of opening detailed within the submitted application form, the development shall be operated in complete accordance with the Operation and Management Plan received 3rd May 2017.
  - **Reason:** To safeguard the living conditions of the occupiers of neighbouring properties from unacceptable noise, disturbance

and nuisance in accordance with Policies SP6 and HO12 of the Carlisle District Local Plan 2015-2030.

27 Sponcer Street Scall 1:2000







