

## SCHEDULE A: Applications with Recommendation

20/0246

**Item No: 03**

Date of Committee: 06/11/2020

**Appn Ref No:**  
20/0246

**Applicant:**

**Parish:**  
Carlisle

**Agent:**  
Day Cummins Limited

**Ward:**  
Cathedral & Castle

**Location:** 4-14 Victoria Place, Carlisle, CA1 1ER

**Proposal:** Change Of Use Of Redundant Office Building To Form 6no. Houses Of Multiple Occupation Together With Various Internal And External Alterations (LBC)

**Date of Receipt:**  
16/04/2020

**Statutory Expiry Date**  
11/06/2020

**26 Week Determination**  
18/09/2020

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

2.1 Impact Of The Development On The Heritage Asset

#### 3. Application Details

##### The Site

3.1 The application site relates to 4-14 Victoria Place, Carlisle which are six properties within a terrace of nine, three storey building with basements. The buildings are within the city centre set on a back of pavement linear form along Victoria Place, a main thoroughfare leading east. The buildings date from 1852-54 and are located within the Portland/ Chatsworth Square Conservation Area. The terrace was constructed in an early Victorian era but are of Georgian appearance. This area of Victoria Place is characterised by its linear form, established building line and tree lined street.

- 3.2 The buildings were originally constructed as townhouses which comprised of living accommodation, servants' quarters and working areas to the houses spread over a basement, ground and first floor with attic accommodation in the roofspace. The buildings have been subject to a variety of alternative uses over the years and the subsequent alterations to the buildings to facilitate these uses have eroded this historic character to a greater or lesser degree.
- 3.3 The buildings are constructed from ashlar sandstone under a slate roof and face directly onto another terrace on the opposite side of the road. The entrances are characterised by a porch with column supports. The windows to the front elevations are timber sliding sash with glazing bars. To the rear, the construction is brick in English garden wall bond. Some of the outriggers have been removed and the rear elevations have been rendered. A number of modern alterations are evident such a single storey extension, rebuilding of outriggers, fire escapes and blocking up of basement openings. Windows are a mix of original timber sliding sash and modern timber casement windows. To the rear of the buildings are a small courtyard which leads onto a lane that separates Victoria Place from Chapel Street.

### **The Proposal**

- 3.4 The buildings have been vacant for several years following the relocation of the previous occupant, Burnetts Solicitors. Listed building consent is sought for the change of use of redundant office building to form 6no. houses of multiple occupation together with various internal and external alterations.
- 3.5 The proposed alterations to the buildings are detailed in the Design & Access Statement accompanying the application and include (although not limited to):
- the reinstatement of individual townhouses with the infilling of doorways on the party walls and garden walls/ garden gates;
  - the removal of external fire escape stair to No. 14 and removal of the ground floor extension to No. 12 to return to the original building line and the reinstatement of windows and the ground & first floor to the original floor levels;
  - reinstate a staircase to No. 12 in the original location to serve all floor levels;
  - remove various partitions and in principle rooms (e.g. ground floor) reinstate to original wall lines;
  - form openings in archway features (at ground floor) to provide open plan lounge/kitchen (to match detail in house 6);
  - make all front doors operational and replace the window in No. 12 with a front door to match the original front door;
  - replacement and addition of dormer windows to the front roof elevation of all units to provide additional daylight and up-grade insulation levels and re-cladding with zinc cladding panels;
  - insert ensuites/bathrooms within existing rooms as a pod;
  - insert escape doors (to the rear of basements) and partition walls;
  - refurbish yard areas with raised planters, fixed seating to provide external amenity space for residents;

- all insertions will be scribed around architectural features to allow removal if required without damage to the original feature.

#### **4. Summary of Representations**

4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers 14 of the neighbouring properties. In response, two letters of objection have been received and the main issues raised are summarised as follows:

1. there are an excess number of bedsits which could potentially lead to more than 100 people living here if occupied by couples which will put a strain on local resources;
2. the development will give rise to increase noise levels;
3. the yard from the lane could not comfortably house the recycling/ bins. Who would be responsible for taking them out from the yard at the back of the property down the lane and on to the street for collection? This would be a hazard on the day of collection on the public paths and it not regularly looked after, give rise to smell and vermin issues;
4. traffic and parking has also been a longstanding issue in the area with residents struggling to park with shoppers visiting the city centre. This has been somewhat resolved recently with the introduction of residents only parking;
5. where are these potential 63 plus new residents going to park? There will be again high demand for the few free spaces in the area. There is also likely to be increase of cars pulling over outside this properties dropping off and picking up residents on an already constantly busy road where stopping isn't permitted;
6. as Grade II\* listed the renovation to include 63 bedsits within 6 properties would not be achievable within the keeping of the guidelines, health and safety (appropriate access and fire escapes etc.) or within the spirit of listed properties, surely rooms being divided etc., would cause damage to ceiling features and other characteristics;
7. there is no objection to these buildings being residential properties such as houses or apartments as long as they are in keeping with the surrounding buildings and Grade II\* characteristics which also have a reasonable number of residents. However 63 bedsits is an excessive number of people crammed into these properties, with minimal outdoor space for refuse and recycling. No allocated parking and an increase pressure on surrounding roads and parking and an increase of noise.

#### **5. Summary of Consultation Responses**

**Historic England - North West Office:** - the following comments have been received:

##### Summary

The applicant seeks permission to carry out works to convert 4-14 Victoria Place in Carlisle from an office to a residential use, as well as for the

associated internal and external alterations. The properties form part of a terrace of nine mid-nineteenth century houses, of exceptional architectural significance.

Historic England remains supportive of the proposals to bring the buildings back into their historic residential usage, and notes that the amendments proposed have improved the impact of the scheme on the significance of the listed building. However, given that the amendments are relatively minor in scope, they are not identified to have fully addressed the previously identified concerns. Historic England therefore continues to express some concerns in relation to proposed internal subdivision, which need to be weighed against the public benefits of the proposals.

### Historic England Advice

#### *Significance*

As set out previously, 4-14 Victoria Terrace form six of a terrace of nine houses, which form an attractive architectural set piece, and are listed grade II\*. They form part of a wider group of early Victorian buildings, which together allow an understanding of the nineteenth century character and evolution of Carlisle, and make an important positive contribution to the Chatsworth Square and Portland Square Conservation Area.

#### *Impact*

In a previous response, Historic England stated that they were supportive of the principle of returning the terrace from an office use to a residential one, particularly as the internal alterations would physically subdivide the building on historic lines, to re-establish the division between the six original houses. However, concerns were raised in relation to two elements; the subdivision of the principal rooms at first floor, and the introduction of individual ensuite pods into these rooms.

The revisions have removed some of the subdivision from two of principal first floor rooms (in numbers 8 and 10), and are therefore considered to be an improvement on the previously submitted scheme, as they would allow the form and character of these rooms to be better experienced. However, these changes are relatively minor in their scope and do not fully address the wider concerns previously raised. Therefore, while the revised proposals are considered to improve the impact which the scheme has on the significance of the listed building, they are not identified to fully resolve the previous concerns.

#### *Policy*

National policy relating to the conservation and enhancement of the historic environment is articulated in section 16 of the National Planning Policy Framework. This is supported in local planning policy, in this instance set out within the Carlisle District Local Plan (adopted 2015).

#### *Position*

Historic England continues to be supportive of both the proposed residential

use of the building, and the proposal to re-establish the historic internal subdivision between the six dwellings. However, we would reiterate our previously stated concerns in relation to the extent of additional subdivision proposed to facilitate this conversion. It is however accepted that the optimum use for the building from a heritage perspective, its conversion back into six houses, is not considered to be viable, due to factors such as the lack of associated parking or associated external private space. A degree of additional subdivision is therefore identified to be necessary.

Historic England concludes that while the proposals would result in some harm to the significance of the listed building, there is also considerable heritage benefit to the principal of what is proposed. If the local planning authority concurs with the applicant that this heritage benefit is only deliverable from a scheme that causes the identified harm, we would accept that the identified benefits would outweigh the harm caused.

#### Recommendation

Historic England would still identify concerns regarding the application on heritage grounds, and consider that the issues and safeguards outlined in the advice need to be justified in order for the application to meet the requirements of paragraphs 184 and 193 of the NPPF. In determining this application, the council should bear in mind the statutory duty of sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting, and to the desirability of preserving or enhancing the character or appearance of conservation areas;

**National Amenity Society:** - no response received;

**Georgian Group - Amenity:** - no response received;

**Ancient Monument Society - Amenity:** - no response received;

**Council for British Archaeology - Amenity:** - no response received;

**Twentieth Century Society - Amenity:** - no response received;

**Victorian Society - Amenity:** - no response received.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) 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 is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP7 and HE7 of the

Carlisle District Local Plan 2015-2030 are also relevant. Section 66 of the Planning (Listed Building and Conservation Areas) is also a material planning consideration. The proposal raises the following planning issues.

1. The Impact Of The Development On The Heritage Asset

- 6.3 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

Impact Of The Proposal On The Character And Setting of the Grade II\* Listed Buildings

- 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. 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).
- 6.5 Paragraph 195 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 196, 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.
- 6.6 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting

- 6.7 The buildings are Grade II\* listed buildings and the description reads:

*“Includes: No.2 ALBERT STREET. Terrace of 9 houses (one on the return), now offices, club and house. 1852-4. Calcareous sandstone ashlar on moulded plinth, with string course, cornice and dwarf parapet. Graduated slate roof with some skylights and C20 boxed dormers; shared ridge brick chimney stacks, partly rebuilt or heightened. 2 storeys, 3 bays each, except No.2 Albert Street which is 2 bay. Right and left paired doorways have panelled door and overlights, up steps, in prostyle Ionic porches. Sash windows, most with glazing bars in plain stone reveals over recessed aprons. Cellar windows under ground floor windows, the voids of No.12 and No.18 with cast-iron patterned railings. No.12 has door replaced by sash window, but within porch. The end of the terrace Nos 16 and 18 project slightly from*

*the rest of the terrace of No.2 at the other end. 2-bay return of No.18 is on Albert Street and continues as No.2 Albert Street with right panelled door and overlight in pilastered surround. Sash windows in plain reveals. Railed cellar void carried round from No.18. INTERIORS not inspected. See description of Nos 3-17 for further details. This terrace is not on the 1851 census, but appears on Asquith's Survey of Carlisle 1853. The Carlisle Journal (1852) records the finding of Roman remains in digging foundations for houses. The deeds for No.4, listing the builder, plasterer and joiner, are dated July 1854. No.12 formerly listed on 13.11.72. (Carlisle Journal: 28 May 1852)."*

- 6.8 There are also a large number of listed buildings in the vicinity of this city centre location which includes both sides of Victoria Place together with the buildings to the north along the south side of Chapel Street.
  - ii) the effect of the proposed development on the settings of the listed buildings
- 6.9 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.10 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.11 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 196, 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.
- 6.12 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and 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).
- 6.13 A key objective in the NPPF is "*the desirability of sustaining and enhancing the significance of heritage assets*" (paragraph 126). The NPPF advises that the more significant the heritage asset the greater weight should be given its conservation (paragraph 132). In 2008, English Heritage issued Conservation Principles which in part explains the importance of understanding what is significant before making changes to a historic building. The document sets out four main aspects of significance: evidential (or archaeological), historical,

aesthetic and communal. In accordance with the Conservation Principles, the Heritage Statement outlines that there are four main categories of significance that can be measured:

*“Exceptional – an asset important at the highest national or international levels, including scheduled ancient monuments, Grade I and II\* Listed buildings and World Heritage Sites. The NPPF advises that substantial harm should be wholly exceptional.*

*High – a designated asset important at a national level, including Grade II listed buildings and locally designated conservation areas. The NPPF advises that substantial harm should be exceptional.*

*Medium – an undesignated asset important at local to regional level, including buildings on a Local List (non statutory) or those that make a positive contribution to a conservation area. May also include less significant parts of listed buildings. Buildings and parts of structures in this category should be retained where possible, although there is usually scope for adaptation.*

*Low – structure or feature of very limited heritage value and not defined as a heritage asset. Includes buildings that do not contribute positively to a conservation area and also later additions to listed buildings of much less value.*

*Negative – structure or feature that harms the value of heritage asset. Wherever practicable, removal of negative features should be considered, taking account of setting and opportunities for enhancement.”*

- 6.14 The proposal involves works to the listed building which are summarised in paragraph 3.5 of this report. Historic England initially commented that:

*“Historic England is therefore supportive of both the proposed residential use of the building, and the proposal to re-establish the historic internal subdivision between the six dwellings.*

*However, we would express concerns in relation to the proposed internal configuration at first floor, which is comparatively invasive, and would serve to erode the ability to understand the historic character and form of the important first floor rooms.*

*This impact could be avoided if the terrace was converted back into six houses, which would be our preference. However, we have previously accepted that this use is unlikely to be viable, given the lack of sufficient external space or parking provision. We would therefore accept that a degree of additional subdivision will be necessary to bring the building back into active use, even if this will in part have a negative impact on the architectural character of the building. We would also acknowledge that the interior of the building has already been altered in an unsympathetic manner.*

*However, any harm is a material consideration, and any application should demonstrate that this harm is both necessary, and has been mitigated as far*



*as possible. We would therefore suggest that further consideration is given to whether a layout that did not require the subdivision of the principal rooms at first floor or the introduction of ensuite 'pods' could be achieved, particularly by reducing the number of bedrooms and proposing a greater number of shared bathroom facilities.*

*If the applicant contends that these changes to the layout cannot be achieved, the local authority should consider whether they feel that the supporting justification is clear and convincing, and whether the heritage benefit delivered by the proposal is only achievable from a scheme that causes the identified harm."*

- 6.15 The Heritage Statement provides an appraisal of the different areas and features within the buildings and categorises them as being of high significance, moderate/ medium significance, low/ medium significant. The principal elevations are classified as high significance and this is a consistent status across all the levels. Within the buildings themselves, the basement is of low and low/ medium significance which is reflective of the historical functional nature of the space. The ground floor is generally of high significance with the exception of some internal doors, architrave and stud partitions which are of low and low/ medium significance. This is reflected on the first floor with chimney breasts, fire places and ornate coving and ceiling roses attaining high significance but again, internal doors, architrave and stud partitions being of low and low/ medium significance. The staircases leading to the attic space of high significance but the remainder is of low/ medium and moderate/ medium significance, again this is reflective of the historical use as servants quarters or small bedrooms.
- 6.16 The scheme has been amended following the initial submission further to the comments made regarding the first floor principle rooms with alterations to Nos. 8, 10, 12 and 14 first floor rooms to introduce pod bathrooms and a reduction in the number of bedrooms in Nos. 8 and 10.
- 6.17 The detailed Heritage Statement which has been submitted in support of this application highlights that over the years, the buildings have been subject to physical alteration and change to adapt to their alternative uses. Fundamentally, the main physical changes proposed under this application are the subdivision of the former board room between Nos. 12 and 14, the formation of dormer windows and the installation of ensuite pods. The remaining works are considered to be sympathetic alterations to the buildings such as the removal or reversal of modern additions and repair to the fabric of the building.
- 6.18 The Heritage Statement concludes that:

*"My conclusions have found that Victoria Place is a significant heritage building with elements of the highest significance and therefore most sensitive to change is its principal elevations, in particular the Victoria Place elevation which for the most part will remain unchanged. The building merits is listing at grade II\* and whilst the building has been impacted by a number of later changes which have irrecoverably changed the overall aesthetic of*

*the building, there is recognition that a programme of sympathetic regeneration and comprehensive internal upgrading is required to enable the building to be reinstated back to its intended use as residential. The slight internal reordering of spaces and decorative uplifting would help ensure that the building is attractive making a positive contribution to the local area."*

- 6.19 The issue in determining such applications is making a balanced planning judgement which in this instance relates to the less than substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. This point is highlighted in the Historic England's response and when asked specially to comment on this, the council's Conservation Officer advised that:

*"The issues to me are that the buildings have sat idle for a couple of years now, and have been actively marketed, but with little interest. The lack of parking possibly limits appeal, as does Carlisle's depressed market and a number of other former commercial listed buildings being available elsewhere...(Portland Square). The benefits of this scheme are the removal of significant partitioning and approved works to the gf, which reinstates these spaces, and overall re-use of the building. The most significant ff rooms are to the front of buildings 8-14 with 4 and 6 already subdivided. The proposals reveal the proportions of ff rooms at 8 and 10, albeit with bathroom pods to all frontage rooms. The bathroom pods are designed at our request to have curved edges and stop short of the ceilings and cornices – emphasising them as insertions into the space. This mitigates somewhat against the subdivision originally proposed which was conventionally boxy.*

*On balance, the removal of gf partitioning and some ff partitioning outweighs the impact on room proportions arising from the pods. I do not think the applicant's have clearly conveyed this but on aggregate I would consider the works to be of beneficial to revealing the significance of the building, and the original spatial arrangements."*

- 6.20 A number of conditions are proposed including the requirement to provide scale drawings of the dormer windows, submission of further window details, details of any mechanical extraction systems, an obligation to record the building to Historic England Level 3, use of lime mortar for any interior or exterior brickwork, agreement of insulation to attic spaces and any rewiring or plumbing to be made good in lime plaster. In this context, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

## **Conclusion**

- 6.21 Historic England has raised some relevant issues in the consideration of this application. Unquestionably, the significance and integrity of heritage assets need to be properly taken account of and protected as part of any development proposal. In determining this application, a planning balance has to be made which in this instance primarily relates to the less than

substantial harm that would occur as a result of the works to the building offset by the fact that the development would allow the viable reuse of the building rather than the continued period of vacancy of potential deterioration of the building. The building has remained vacant for a considerable period of time with little prospect of that changing. It is accepted that some alterations are necessary to convert the building and make it practical and viable for an alternative use, one which will secure the future of this heritage asset. Historic England has not objected to the application, rather they would prefer to see the development undertaken in a different manner which is reasonable; however, based on the foregoing assessment and subject to the imposition of conditions, it is considered that an appropriate equilibrium has been struck between the conversion and future use of the buildings together with the protection of the heritage assets and would be of wider public benefit. In overall terms the proposal would not be detrimental to the character or setting of any listed building and in all aspects the proposal is considered to be compliant with the objectives of the NPPF and the relevant local plan policies.

## **7. Planning History**

- 7.1 Historically there have been several applications for planning permission for alterations to the buildings.
- 7.2 More recently, in 2002, listed building consent was granted for the creation of link doors at ground floor and 1st floor between 14 and 16 together with additional internal alterations.
- 7.3 An application is currently being considered for planning permission for the change of use of redundant office building to form 6no. houses of multiple occupation under application 20/0245.

## **8. Recommendation: Grant Permission**

- 1. The works identified within the approved application shall be commenced within 3 years of this consent.

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:
  - 1. the Listed Building Application Form received 20th April 2020;
  - 2. the Block Plan & Location Plan received 15th April 2020 (Drawing no. 06 Rev A);
  - 3. the Proposed Plans and Elevations received 9th July 2020 (Drawing no. 02 Rev G);
  - 4. the Typical Ensuities & Ground Floor received 9th April 2020 (Drawing no. 04);
  - 5. the Proposed Section received 9th April 2020 (Drawing no. 03);
  - 6. the Design and Access Statement received 9th April 2020;

7. the Heritage Statement received 9th April 2020;
8. the Notice of Decision;
9. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the consent.

3. All new windows and doors to be installed in the extension to the listed building shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the frames, means of affixing to the wall, the size and opening arrangements of the window, the method of glazing, frames, cill and lintol arrangement.

**Reason:** To ensure that the works harmonise as closely as possible with the listed building, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. Prior to the carrying out of any construction works, the following elements of the historic fabric of the building, which will be impacted upon by the development, shall be recorded in accordance with a Level 3 Survey as described by Historic England's document 'Understanding Historic Buildings A Guide to Good Recording Practice, 2016': Within 2 months of the commencement of construction works a digital copy of the resultant Level 3 Survey report shall be furnished to the local planning authority.

**Reason:** To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration as part of the proposed development, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. All new mortar and plaster used in the repairs/ refurbishment of the listed buildings, hereby approved, shall be lime mortar without the use of cement, coloured and of a type, mix and joint finish matching in accordance with details which have been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure the works harmonise as closely as possible with the existing building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

6. Prior to the installation of any mechanical ventilation extraction system, their details shall be submitted to and approved in writing by the local planning authority. Development shall be undertaken in strict accordance with these approved details.

**Reason:** In order to safeguard the character and apperance of the listed building in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

