

SCHEDULE A: Applications with Recommendation

20/0245

Item No: 02

Date of Committee: 06/11/2020

Appn Ref No:
20/0245

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

Date of Receipt:
24/04/2020

Statutory Expiry Date
19/06/2020

26 Week Determination
11/09/2020

REPORT

Case Officer: Richard Maunsell

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 Whether The Scale And Design Is Acceptable
- 2.3 The Impact Of The Development On Heritage Assets
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Affordable Housing
- 2.6 Highway Issues
- 2.7 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.8 Impact Of The Proposal On Biodiversity

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, eight letters of objection have been received (three of them from the same person) 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. the rear lane has been a mess for years now cleaned by residents. Bin stores in yards will create even more mess as shown by an existing HMO in Chapel Street where bags are left in rear lane due to tenants not placing them out for collection;
5. 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;
6. 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;
7. the applicant's suggest that 'parking permits might be possible' which has already been discounted as parking in Zone C is at maximum capacity;
8. as well as parking, the development would increase pressure on other infrastructure such as the sewage system. The sewers are weak as evidenced by surveys undertaken by the previous owner;
9. 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;
10. six separate individual dwellings would be a more favourable option

- reducing the number of tenants;
11. 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;
 12. this is overdevelopment of listed buildings within a conservation area.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

Local Highway Authority

As is stated in the Cumbria Development Design Guide normally for one bedroom dwellings one parking spaces per unit would be required. This cannot be achieved due to the limited parking availability to accommodate for the intensification of vehicles that will be the result of this development. However, taking into account the sustainable location of the proposed development with good access to public transport and city centre services, the Cumbria County Council has no objection to the proposed development. It should however be noted that the Cumbria County Council Parking Enforcement Team have stated that no resident parking permits are being allocated to new developments as there is currently no spare capacity.

If the application is approved the applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks Central centrals@cumbria.gov.uk for the appropriate permit.

Lead Local Flood Authority (LLFA)

The LLFA has no records of minor surface water flooding to the site and the Environment Agency surface water maps do not indicate that the site is in an area of risk.

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 SP2, SP6, SP7, HO2, HO4,

HO10, IP2, IP3, IP4, CC5, CM5, HE3, HE7 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) and Carlisle City Council's Supplementary Planning Documents (SPD) 'Achieving Well Designed Housing' and 'Affordable and Specialist Housing' are also material planning considerations. The proposal raises the following planning issues.

1. The Principle Of Development

6.3 The main issue to establish in the consideration of this application is the principle of development. Since the adoption of the local plan, the NPPF has been published by the government and is a material consideration in the determination of this application.

6.4 Policy HO2 of the local plan makes provision for windfall housing development within or on the edge of Carlisle subject to a number of criteria covering scale, design, location, proximity to services and the need to enhance or maintain the vitality of rural communities.

6.5 The supporting text to Policy HO2 states in paragraph 5.9:

“Windfall housing is recognised as contributing in a positive way to the supply of housing over the plan period. Within the built up areas of Carlisle, Brampton and Longtown, particularly but not exclusively within the Primary Residential Areas, there are likely to be opportunities for new residential development, either through the development of vacant sites, the conversion of vacant buildings, or as part of a larger mixed use scheme. Residential development in these areas will be acceptable, subject to the stated criteria in the above policy.”

6.6 Moreover, in recent years there has been a shift in demand for office accommodation with out-of-centre locations being favoured over city centre buildings. This is supported by the length of time that the building has remained vacant. As such, an alternative use has to be found for such buildings to make them viable for conversion and remaining as part of the existing urban form. Given these material considerations and the fact that the site is within the city centre, the principle of development is acceptable in policy terms. The planning issues raised by the development are discussed in the following paragraphs.

2. Whether The Scale And Design Is Acceptable

6.7 The NPPF promotes the use of good design with paragraph 127 outlining that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

6.8 It is further appropriate to be mindful of the requirements in paragraph 130 of the NPPF which states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

- 6.9 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Developments should therefore harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.10 This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.11 The development would involve the installation of eight dormers on the front elevation that would replicate the four that currently exist and which would be visible from the street scene. New railings would also be provided to replace those that were historically removed. To the rear of the buildings, further alterations are proposed that include the removal of an external metal fireplace, insertion of a window, removal of a modern extension, insertion of door and removal of air conditioning equipment.

- 6.12 The alterations to the rear would not be visible from any public vantage point and would have a minimal impact on the occupiers of the neighbouring properties. The alteration to the principal front elevation would replicate existing features and has attracted no objection from the statutory consultees. Conditions are imposed on the listed building consent application which accompanies this planning application that require the applicant to submit further details in terms of the railing details, dormer construction and window and door detail.
- 6.13 The removal of some structures to the rear of the buildings would not only enhance the setting of the heritage assets, which is elaborated later in this report, but would allow for a larger amenity space. Given the scale of the land and the size of the buildings, this is limited but is not different to the previous use as an office and is commonplace for such proportions in city centre locations. A condition is imposed requesting the submission and agreement of an area for the storage and management of refuse bins and collections.
- 6.14 The scale and nature of the alterations would be acceptable in the context of the its immediate surroundings by incorporating appropriate materials. The conversion would therefore not form a discordant feature and would have a positive contribution to the character and appearance of the surrounding area and is therefore acceptable in this regard.

3. The Impact Of The Development On Heritage Assets

3a. Listed Buildings

- 6.15 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

- 6.16 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).
- 6.17 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.
- 6.18 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

6.19 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)."

6.20 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

6.21 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).

6.22 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.

6.23 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.

- 6.24 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).
- 6.25 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 (nonstatutory) 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.”

- 6.26 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.”

- 6.27 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.
- 6.28 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.

- 6.29 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.

- 6.30 The Heritage Statement S 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.”*

- 6.31 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 as part of the listed building application, 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 gf portioning 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."

- 6.32 A number of conditions are proposed as part of the recommendation for the listed building application which follows this report in the schedule, 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.

3b. Impact Of The Proposal On The City Centre Conservation Area

- 6.33 The application site is located within the City Centre Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG, Policy HE7 of the local plan are relevant.
- 6.34 Section 72 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 to any buildings or land in a conservation area. The aforementioned section states that:

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

- 6.35 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.36 Under the requirements of the NPPF, a *"balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 6.37 The principal elevation would only be subject to relatively minor changes, reinstating the railings and installing additional dormer windows. As stated as part of the listed building application, the council's Conservation Officer is content with these proposals subject to the imposition of conditions which are included separately as part of the recommendation under the listed building report.
- 6.38 On this basis, the proposal would preserve the character and appearance of the conservation area and would not prejudice important views into or out of the conservation area and is acceptable.

4. Impact On The Living Conditions Of The Occupiers Of Neighbouring

Properties

- 6.39 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.

- 6.40 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances." (para. 5. 45)

- 6.41 The buildings face onto the rear of those along Chapel Street and vary in distance between approximately 8 and 11 metres. Although less than the stated distances in the SPD, members must be mindful that the openings in the building are existing and that these distances already are already present. Nothing is proposed as part of the development that would intensify his issue, for example, through the construction of extensions that would project from the rear of the buildings closer to those along Chapel Street. Indeed, it has been accepted for other applications that the development does not make an existing situation worse, such an arrangement below these distances is acceptable.
- 6.42 It is inevitable that any development may lead to increased levels of traffic and noise; however, given that the size of the site the level of usage would not warrant refusal of the application on this basis.
- 6.43 Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.
- 6.44 In overall terms, taking into consideration the scale and position of the proposed application site in relation to neighbouring properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy or over dominance.

5. Affordable Housing

- 6.45 Policy HO4 of the local plan requires identifies three zones within the district

and the proportionate level of affordable housing that should be provided once the relevant threshold has been met. In this instance, the site falls within Zone B which requires that on sites of 11 units or over, 20% of the units will be required to be affordable housing.

- 6.46 The council's Housing Development Officer has commented that a financial contribution for off-site affordable housing is required in lieu of on-site provision due to the number of units exceeding the threshold. This would be based on the equivalent to providing 12 on-site affordable units at 20% of the total units.
- 6.47 The converted buildings will provide individual rooms with communal facilities. The submitted Design and Access Statement clarifies that:
- “The proposals seek to return the Townhouses back to individual stand alone units with a mixture of room sizes and facilities to rent on a shared house basis. This application seeks to provide modern, sustainable and appealing living space, while preserving and enhancing the building curtilages and working within the constraints of the Grade 2* listing.”*
- 6.48 The importance of Policy HO4 and the affordable housing SPD is acknowledged but in this instance it would not be appropriate to apply them to this development or to require the affordable housing contribution. The SPD refers to the numbers of dwellings or units to be created and the resulting number relative to the assessment of the affordable housing provision. In this instance, given that the ‘units’ comprise of rented ensuite bedrooms whose occupants share communal facilities such as the kitchen, lounge and laundry facilities, a contribution is not required. This does not undermine the council's position when assessing applications for flats, bedsits or self-contained sheltered accommodation which would be considered a residential unit due to facilities classifying them as ‘self contained’.
- 6.49 The Housing Development Officer also makes reference to the fact that housing policies support accessibility to and within properties and in particular, that Policy HO10 of the local plan is committed to the development of flexible and adaptable homes to meet the need of disabled persons. It is recommended that a number of the ground floor units incorporate design standards from Part M of the Building Regulations.
- 6.50 Policy HO10 refers specifically for dedicated specialist housing for a particular group within society such as vulnerable people, ageing people, those with physical or learning difficulties etc. This application is not intended to target a particular need such as this.
- 6.51 The buildings are elevated above the pavement level and are accessed via several steps. Some measures could be incorporated on the ground floor; however the buildings are Grade II* listed and consideration would have to be given to the alteration of the buildings in this manner. Development must comply with other relevant legislation which in this case would include the Building Regulations where accessibility would be taken into account.

6. Highway Issues

- 6.52 There is no dedicated parking for these buildings and parking along the frontage is prohibited by double yellow lines. The fact that there is no parking is not uncommon in city centre locations which is generally the 'norm' rather than the exception. Initially, Cumbria County Council as the Local Highway Authority raised an objection on the following basis:

"No parking provisions have been provided, therefore does not meet our requirements. If the application is approved I can confirm no parking permits area available for on street parking as this area is oversubscribed for parking. There are large private car parks in the area but the applicant would have to liaise with the car park owners directly.

With the above in mind I have no alternative but to recommend refusal."

- 6.53 This response conflicted with responses issued by the Local Highway Authority for other developments in the city centre, particularly given that the site is well-related to the city and is accessible by alternative means of transport including cycling, walking and public transport. It is also well-related to two public car parks. Following discussions with Officers, the consultation response was revised and the updated comments are reproduced in Section 5 of this report.
- 6.54 The proposed use also has to be considered against the existing lawful and previous use of the buildings as offices which were occupied by Burnetts Solicitors. A large number of staff worked in these buildings and there were also clients which would have visited the premises, all of whom would have to have made their own parking or travel arrangements. As such, any vehicle movements can be accommodated within the existing highway network and Cumbria County Council as the Local Highway Authority has raised no objection to the application. As such, the proposal does not raise any highway issues.

7. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

- 6.55 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form, submitted as part of the application, outlines that both foul drainage and surface water would drain to the mains drains as is the current arrangement.
- 6.56 Cumbria County Council as the Lead Local Flood Authority has raised no objection to this issue. In the representations that have been received, it is stated that the drainage infrastructure serving the property is in need of some repair. If this is the case, this is a matter for the applicant and the utilities company to resolve. As such, it is considered that the means of foul and surface water drainage are acceptable.

8. Impact Of The Proposal On Biodiversity

- 6.57 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.58 As the proposal would involve the conversion of an existing building within the city centre, the proposal would not harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.
- 6.59 It has been stated to Officers that there are known to be bats in the attic. There is no evidence of this and given the nature and location of the building, this is considered unlikely; however, the applicant has a separate obligation under the European legislation to protect the species if any are found once work commences.

Conclusion

- 6.60 In overall terms, the principle of the conversion of the buildings is acceptable. The scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of the area.
- 6.61 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. Based on the foregoing assessment 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 and the proposal would not be detrimental to the character or setting of any listed building
- 6.62 In the context of the site, the amenity of the occupiers of the neighbouring property would not be adversely affected. Adequate provision would be made for foul and surface water drainage. Although there is no dedicated parking

provision, the site is located in the city centre with access to alternative transport links and car parks. In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

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 listed building consent for the change of use of redundant office building to form 6no. houses of multiple occupation under application 20/0246.

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 Planning 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 permission.

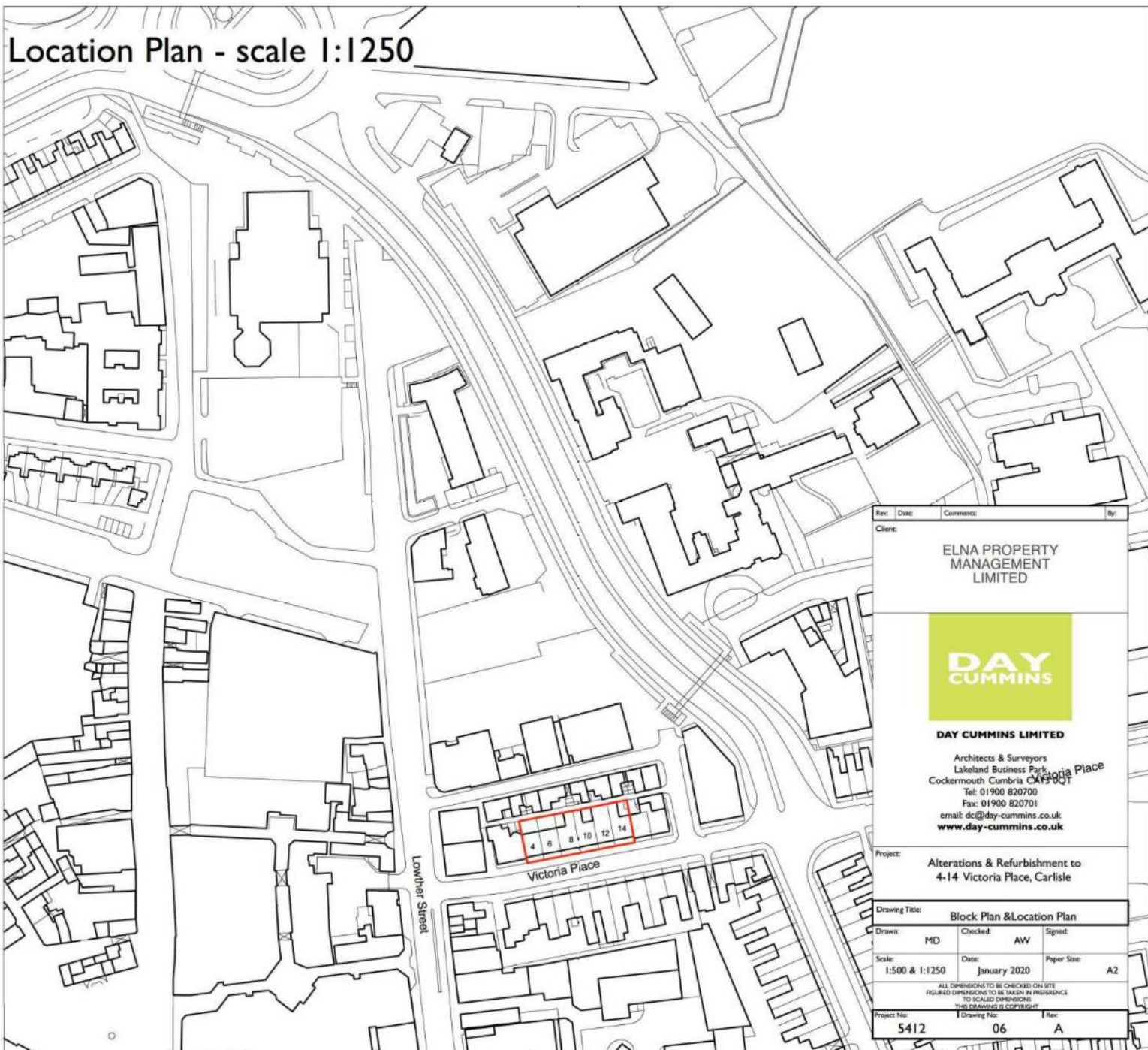
- 3. The bin storage area serving each property (shown on the Proposed Plans and Elevations Drawing no. 02 Rev G) shall be provided, together with appropriate refuse receptacles, prior to the first occupation of each individual

property and shall be retained thereafter.

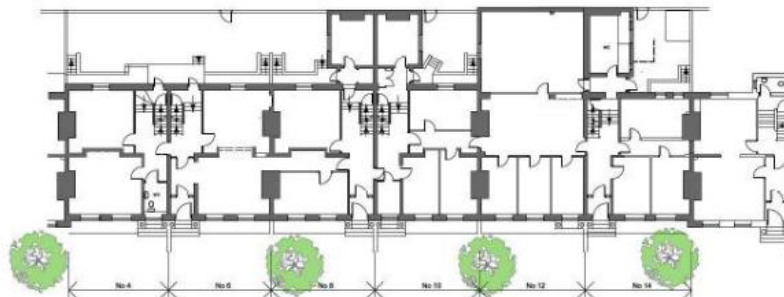
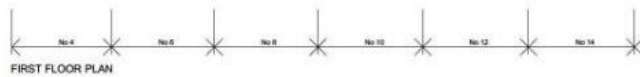
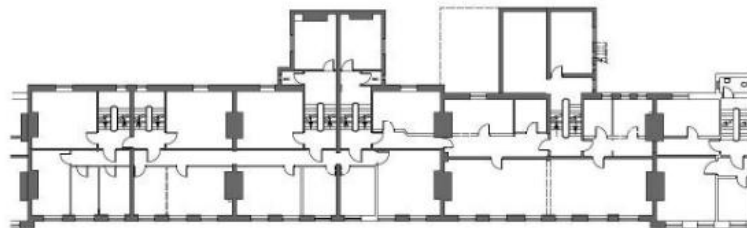
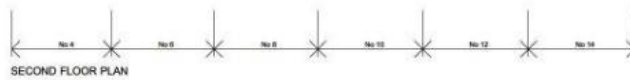
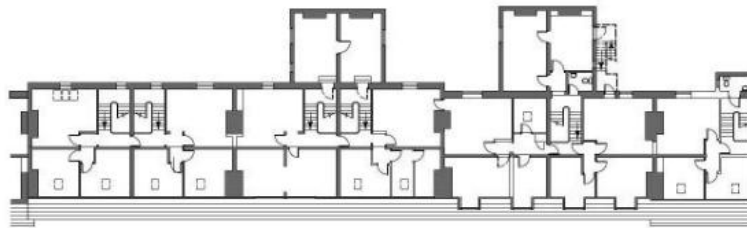
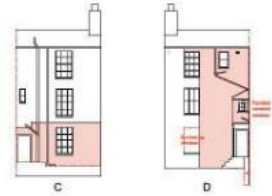
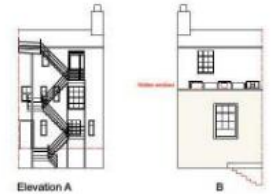
Reason: To ensure that adequate provision is made for refuse in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

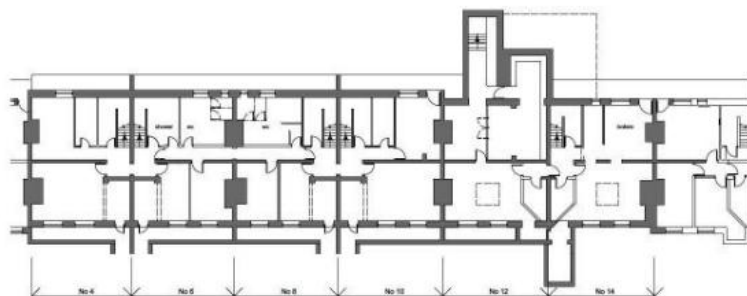
Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.



Rev:	Date:	Comments:	By:
Client:			
<p>ELNA PROPERTY MANAGEMENT LIMITED</p>			
<p>DAY CUMMINS</p>			
<p>DAY CUMMINS LIMITED</p>			
<p>Architects & Surveyors Lakeland Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk</p>			
Project:			
<p>Alterations & Refurbishment to 4-14 Victoria Place, Carlisle</p>			
Drawing Title:			
<p>Block Plan & Location Plan</p>			
Drawn:	MD	Checked:	AWV
Scale:	1:500 & 1:1250	Date:	January 2020
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Project No:	5412	Drawing No:	06
		Rev:	A

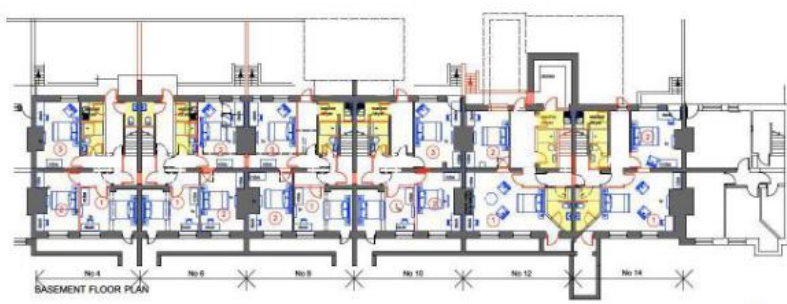
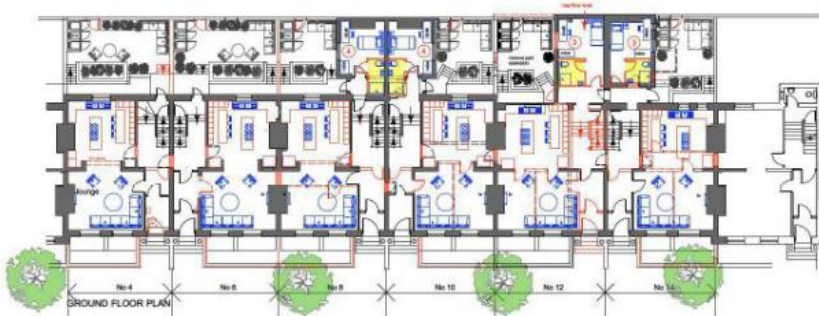
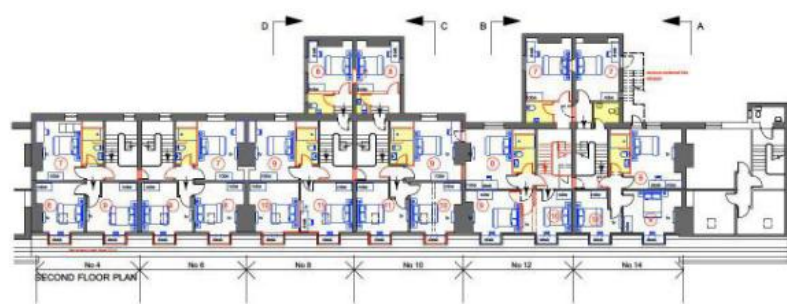
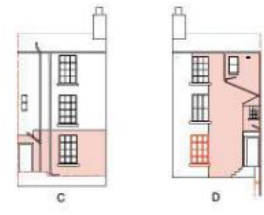
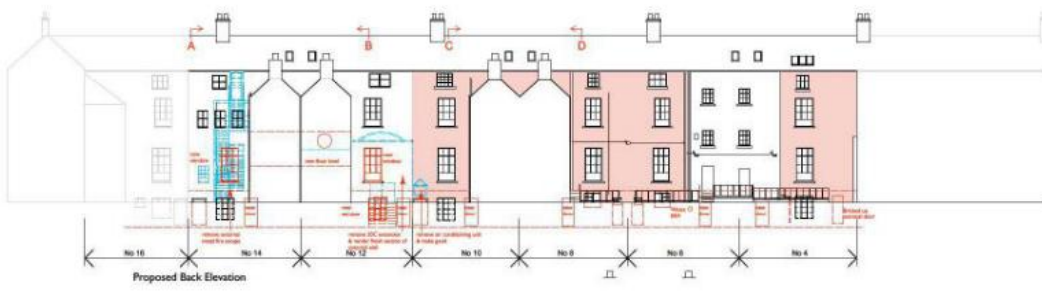
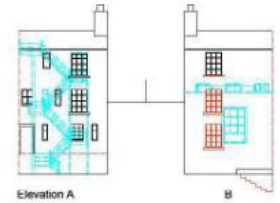


GROUND FLOOR PLAN




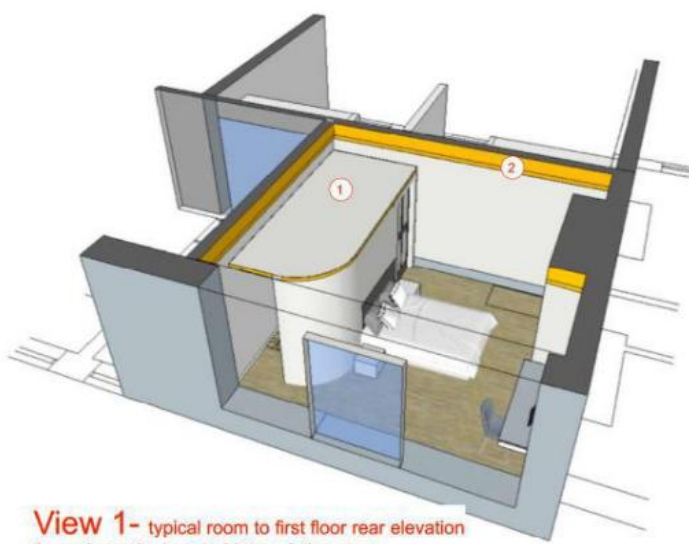
BASEMENT FLOOR PLAN

No.	Date	Revision	No.
Client:			
ELNA PROPERTY MANAGEMENT LIMITED			
			
DAY CUMMINS LIMITED Architects & Surveyors Lifford Business Park Cadishead, Cumbria CA13 9QT Tel: 01900 820700 Fax: 01900 820701 email: d@day-cummins.co.uk www.day-cummins.co.uk			
Project:			
Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title:			
Existing Plans and Elevations			
Drawn:	HD	Checked:	AW
Scale:	1:200	Date:	January 2020
		Page No.:	A1
All references to be checked and confirmed by the client prior to construction. The client is responsible for the accuracy of the information provided.			
Project No.:	5412	Drawing No.:	01



- no 4 - Nine rooms**
gross internal area 284.1m²
- no 6 - Nine rooms**
gross internal area 284.1m²
- no 8 - Eleven rooms**
gross internal area 348.5m²
- no 10 - Eleven rooms**
gross internal area 348.5m²
- no 12 - Ten rooms**
gross internal area 359.7m²
- no 14 - Ten rooms**
gross internal area 349m²
- total - 60 Rooms**
lounges/dining, shower rooms
& laundry to each townhouse

Rev	Date	Comments	By
01			
ELNA PROPERTY MANAGEMENT LIMITED			
 DAY CUMMINS LIMITED Architects & Surveyors Labelled Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project: Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title: Proposed Plans and Elevations			
Drawn: PD	Checked: AVV	Signed:	
Scale: 1:200	Date: January 2020	Project Size:	All
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Project No:	5412	02	G



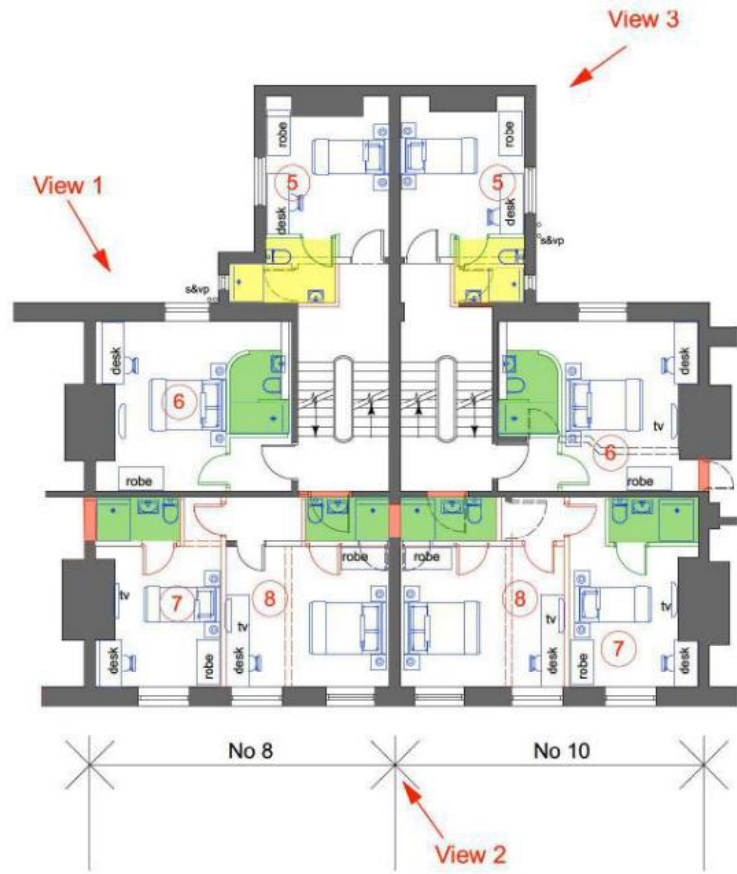
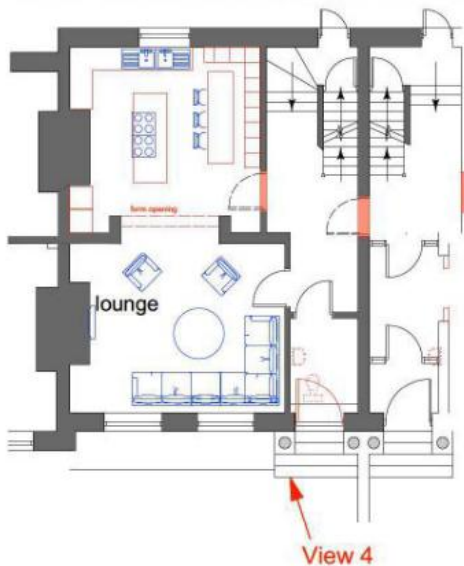
View 1 - typical room to first floor rear elevation
1 - pod ensuite inserted into existing room
2 - Existing cornice



View 2 - typical room to first floor front elevation
1 - pod ensuite inserted into existing room
2 - Existing cornice



View 4 - typical ground floor lounge/kitchen
1 - form new opening in existing archway (as house 6 - see photo)



View 3 - typical room to first floor rear elevation
1 - pod ensuite inserted into existing room
2 - Existing cornice

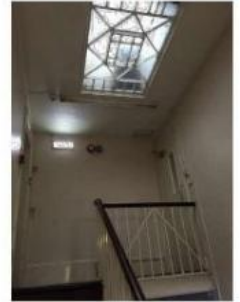
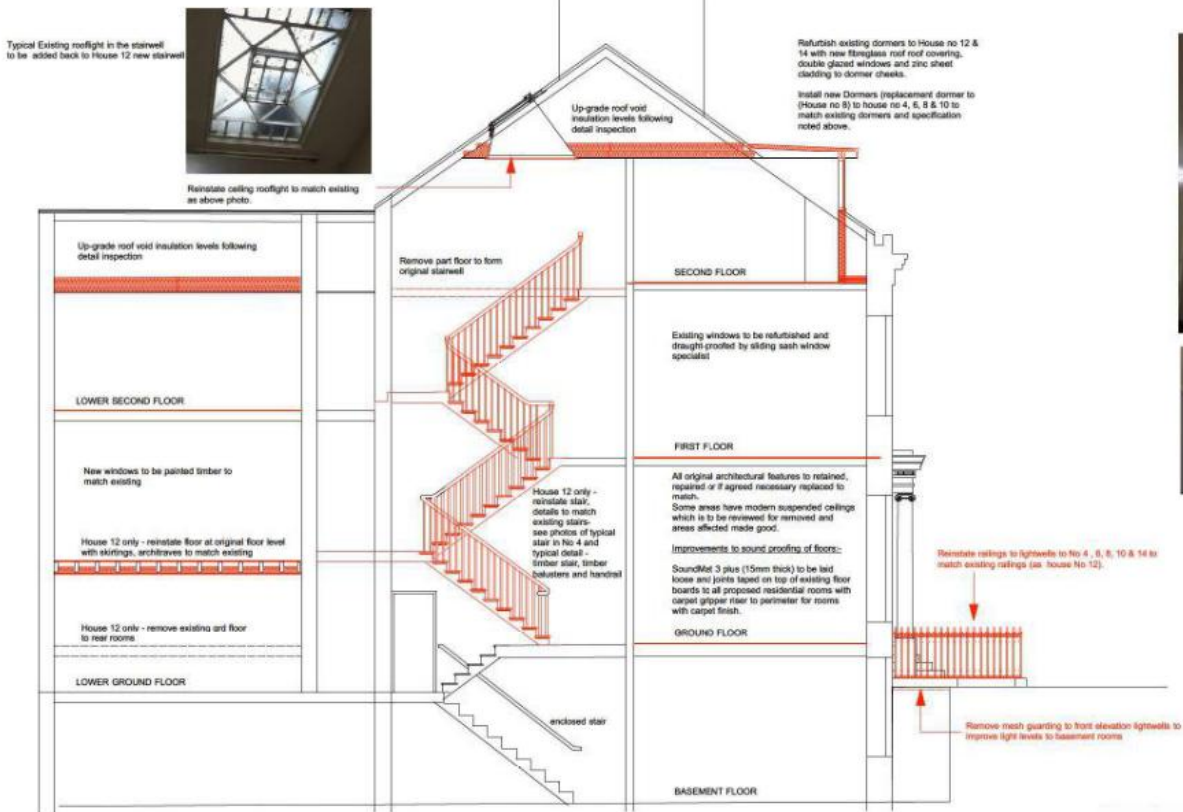


Example of archway feature treatment - House No 6

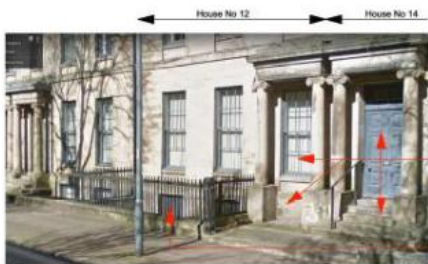
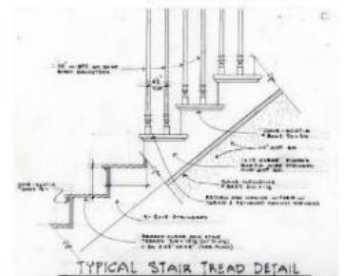
Rev	Desc	Comments	By
Client:			
ELNA PROPERTY MANAGEMENT LIMITED			
			
DAY CUMMINS LIMITED Architects & Surveyors Lakeland Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project:			
Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title:			
Typical ensuite & Ground floor			
Drawn:	MD	Checked:	AWW
Scale:	1:200	Date:	January 2020
		Paper Size:	A1
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Existing dormers houses 12 & 14 front elevation - to be refurbished and new dormers added to match on houses 4, 6, 8 & 10



Typical stair to be added back to house 12



Reinstate front door to No 12 and front door stone steps to match original doorsteps (as house No 14)

Reinstate railings to lightwells to No 4, 6, 8, 10 & 14 to match existing railings (as house No 12).

Remove mesh guarding to front elevation lightwells to improve light levels to basement rooms



Rev	Draw	Comments	By
Client	ELNA PROPERTY MANAGEMENT LIMITED		
DAY CUMMINS LIMITED Architects & Surveyors Lakeland Business Park Cuddephun Road, Carlisle, Cumbria, CA3 9QT Tel: 01900 837700 Fax: 01900 837701 email: dc@day-cummins.co.uk www.day-cummins.co.uk			
Project: Alterations & Refurbishment to 4-14 Victoria Place, Carlisle			
Drawing Title: Proposed Section			
Drawn: MD	Checked: AW	Signed:	
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