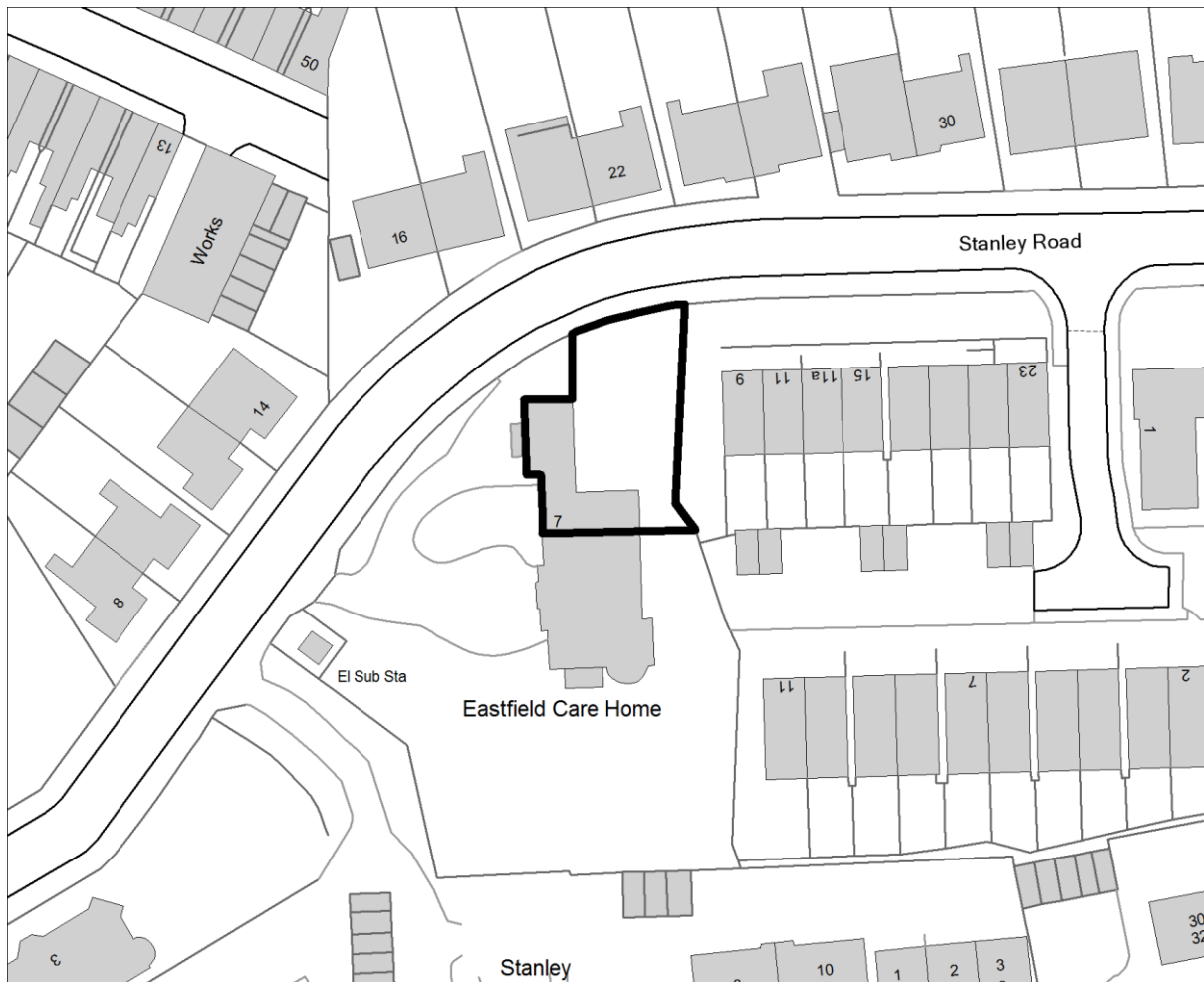


<b>Recommendation: Conditional approval</b>	
<b>20192436</b>	<b>7A Stanley Road</b>
Proposal:	Internal alterations to Grade II listed building to facilitate change of use from care home to 7 flats
Applicant:	Mr L Patel
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20192436">https://planning.leicester.gov.uk/Planning/Display/20192436</a>
Expiry Date:	29 May 2020
ACB	WARD: Stoneygate



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## Summary

- The application is being reported to committee due to the number of objections received to this and the accompanying development application.
- 3 objections to this application have been received, 8 have been received to the development application which is also being reported to your committee.
- The issue is the impact on the listed building.
- The application is recommended for approval.

## **The Site**

The property was originally built as Eastfield Hall. It is a two and three storey grade II listed building. The building has been separated into two separate addresses. The original building, dating from 1844, has been attributed the address 7 Stanley Road, whilst a later wing on the north side of the original building has been attributed the address 7A Stanley Road. This application relates to the part now known as 7A Stanley Road.

The building was listed in March 2004. The listing describes the building as a large suburban house dating from 1844 with additions dating from 1876, 1888 and 1904. The listing concludes that "This is a good quality suburban villa which has an interesting evolution from 1844 to 1904. It was built in 4 stages and 3 have left characteristic features both inside and out. The result is a large house of quality and character with many internal features surviving. It has been in institutional use since the war and the large wing added in the 1950s is not of special architectural interest".

There is a cast iron lamp standard with hexagonal lantern and ornamental domed cresting to the left of the front door of the part of the building which now forms 7 Stanley Road. This is also part of the listing.

The 1950s wing referred-to has since been demolished, and residential development now known as Barradale Court has been constructed in its place. Eastfield Hall was most recently used as a residential nursing home (Class C2). 7 Stanley Road is now in use as a private dwellinghouse whilst the application site was converted into 12 self-contained flats without planning permission. These are currently vacant.

The site is within the Stoneygate Conservation Area. There are a line of trees facing Stanley Road that are covered by a Tree Preservation Order.

The Stoneygate Conservation Area is subject to an Article 4 Direction that controls development that would otherwise be permitted under Classes A-H of Part 1 and Classes A & C of Part 2, as well as development under other Parts, of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, but only where the development would front a highway, waterway or open space. The order does not apply to the site because of its listing.

The site is surrounded by residential uses being a mix of houses and flats.

## **Background**

In 1951 planning permission was granted for the erection of a three storey extension to Eastfield to provide additional hostel accommodation (76184).

In 1963 planning permission was granted for the provision of a fire escape to Eastfield Domestic Science College Hostel (001920).

In 2005 listed building consent was granted for the demolition of the 1951 accommodation block subject to a condition requiring the demolition not to be

implemented until a planning application for the redevelopment of the affected part of the site had been approved (20041870).

Also in 2005, listed building consent was granted for the demolition of a part of the 1951 development linking the historic building to the accommodation block, subject to a condition requiring details of the reinstatement of the affected parts of the historic building and the accommodation block to be approved (20051869).

In 2006 planning permission was granted for a three storey block of seven self-contained flats (7 x 2 Bed) and seventeen houses (17 x 3 Bed) with associated parking and landscaping, and works to and removal of 2 TPO trees (20061565). This scheme was superseded by that the subject of application 20080217 (see below).

In 2007 conservation area consent was granted for the demolition of the 1951 accommodation block subject to a condition requiring the demolition not to be implemented until contracts were in place for the construction of the development approved by planning permission 20061565 (20071146).

In 2008 planning permission was granted for eighteen townhouses (18 x 3 Bed), six flats (6 x 2 Bed), a new vehicular access, parking and landscaping (20080217). This is the Barradale Court development.

There were subsequent applications for a non-material amendment to (20100477) and discharge conditions of (20100930) planning permission 20080217. These were approved.

In 2013 planning permission was granted for a change of use from halls of residence (no use class) to a residential nursing home (9 beds) (Class C2) (20130909).

Applications 20171649 and 20171650 for the change of use from a care home (Class C2) to a house (Class C3) (1 x 4 bedroom house) were approved for 7 Stanley Road (the latter reference relates to the listed building consent).

In 2017 planning application was refused for retrospective application for change of use from care home (Class C2) to 12 flats (9 x studio flats and 3 x 1 bedroom flats) (Class C3) (amended plans received 01/11/2017) (20171973) and the associated listed buildings consent for retrospective application for works to listed building to facilitate change of use from care home (Class C2) to 12 flats (9 x studio flats and 3 x 1 bedroom flats) (Class C3) (amended plans received 01/11/2017) (20171974) was also refused.

Planning applications 20180252 and 2018253 for the construction of a garage at rear of 7 Stanley Road were withdrawn (the latter application being the listed building consent).

In April 2019 planning application 20190270 and listed building consent application 20190721 for the change of use from a care home (Class C2) to 8 flats (5 x studio flats and 3 x one bedroom flats) (Class C3) were refused for the following reasons;

1. The proposal would, by reason of (i) its harmful sub-division of space within the listed building, (ii) harmful removal of historic fabric from within the listed building and, (iii) introduction of harmful fabric into the listed building, would fail to retain its distinctive characteristics, and would not preserve the special interest, of this grade II listed building, contrary to paragraph 195 of the NPPF 2019, Policies CS08 and CS18 of the Leicester Core Strategy (2014).
2. The proposal, by reason of a cramped and over-intensive conversion of the available space and inadequate outlook from Flat 3, would not secure a satisfactorily living environment for all occupiers of the development, contrary to paragraph 127 of the NPPF 2019, Policy CS03 of the Leicester Core Strategy (2014) and saved Policy H07 of the Local Plan (2006).
3. The proposed cycle parking, by reason of its location, would have a detrimental impact on trees subject to a tree preservation order resulting in harm to the amenity value of the landscape character of the site contrary to paragraph 127 of the NPPF 2019, Core Strategy policy CS03 and saved policy UD06 of the City of Leicester Local Plan.

Following refusal of these applications the site was sold to new owners who have been in pre application discussions with the Council over what could be done with the property. The application is a result of these discussions.

An accompanying application (20192435) for the change of use of the building from a care home to 7 flats is also under consideration.

## **The Proposal**

The application is for listed building consent to allow for internal and external works to change the use of the building from a care home (Class C2) to 7 self-contained flats. The internal alterations would involve some sub-division of rooms and the external alterations would involve the installation of some pipework.

A Design and Access and Heritage Statement has been submitted with the application. This has been amended during the course of the application and gives a broad description of the works that would be carried out but does not give specific details of them.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

Section 16 places and emphasis on the desirability to sustain and enhance significance of Heritage Assets. Paragraph 184 states that 'these assets (heritage assets) are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'

Paragraph 192 requires local planning authorities to take into account the following:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 states that where development proposals of less than substantial harm to the significance of a designated Heritage Asset, this should be weighed against the wider public benefits of the proposal

Paragraph 200 requires local planning authorities to look for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

#### Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

Most relevant Core strategy policy is CS18

#### **Representations**

3 objections have been received that specifically refer to this application. The grounds of objection are;

- Dividing the property into individual residential units will not fit with the historical nature of the building and is not appropriate for it.
- The divided units could not be sold to new owners and there are no details about the future management of the building.
- Owner has already carried out works to build a wall without consent.
- Concerns over the future use of the building.

#### **Consideration**

As a listed building consent application, the only consideration in this case is the impact of the works upon the special architectural and historic interest of the listed building.

#### Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest. Policy CS18 of the Leicester Core Strategy (2014) commits the Council to protect and seek opportunities to enhance the historic environment including the character and setting of designated heritage assets.

The existing plans that have been submitted show the building in its current state which is the result of works that have been carried out without planning permission or listed building consent. The authorised layout is that approved in 2013 under application 20130909 to allow the building to be used as a care home.

Flat 1 would be located in the former garage and would be open plan to reflect the open nature of the garage, the garage doors would be retained and the windows in the top of these would be utilised to provide light. The proposal as originally submitted included windows in the side elevation, but these have been removed. The high-level windows to the rear of the garage would be retained. I consider that this flat would retain the character and layout of the building.

Flat 2 would be within a previously divided part of the garage and the former laundry room and kitchen. Due to ground level differences a set of stairs would need to be installed between the kitchen and bedroom with a new opening created. Whilst this would result in the loss of part of an original wall I consider that this would cause less than substantial harm to the listed building.

Flat 3 would be within a former bathroom. The bathroom features were not of any historical significance and the layout is open plan to reflect the former layout. I consider that this would not cause less than substantial harm to the listed building.

Flat 4 would be on the first floor in the former activity and billiards room and also a former storage room. This area suffered the most damage from the unauthorised works and the plans show that it would be reinstated to its open layout with the storage room providing the bedroom. The plans also show that columns and radiators and their covers that were lost in the flat conversion would be reinstated, however the plans do not provide any details as to how this would be achieved. The agent has advised that the details are not yet available as this has not been fully investigated. I consider that these details are important and recommend a condition to require them to be submitted before commencement of the development. Subject to this I consider that the proposal would reinstate these important features of the building and rectify some of the harm caused.

Flat 5 would be to the rear of the first floor and would be in two former bedrooms. These would be connected by forming an opening in the original wall that separated the two rooms, however a previous non original opening would be blocked off and I consider that the proposal would result in less than substantial harm to the listed building.

Flat 6 would be located in part of the former staff accommodation on the second floor. This part of the proposal would not disturb any of the historic fabric of the building and given that the second floor was already used as accommodation I do not consider that this will result in substantial harm to the listed building.

Flat 7 would be located in the other part of the former staff accommodation on the second floor. A stud wall which was installed as part of the unauthorised works would be retained in the area to be used as the kitchen, however this could be removed in future if required. I therefore consider that this part of the proposal would not result in substantial harm to the listed building to justify refusal.

The external works to the building involve the removal of pipework that was installed as part of the unauthorised works and the replacement of some plastic pipework that was also installed as part of the unauthorised works with cast iron pipework to match the rest of the building. The full details of how this will be carried out have not been

submitted and I therefore recommend a condition to require these to be submitted before commencement of the work.

The existing boundary fencing is in a poor condition and is proposed to be replaced with railings to match the boundary treatment on 7 Stanley Road. I consider that this would be appropriate and would enhance the setting of the listed building.

The bin and cycle stores are proposed to be constructed from timber and would be located to the rear of the building where their impact is considered to be acceptable.

#### Other matters

With regard to the wall that has been constructed, this was carried out by the current applicant to divide the land surrounding the two buildings. The plans and statements confirm that this will be demolished.

The property was previously used as short term accommodation which did result in concerns from local residents. This was done by a previous owner and the applicant has advised that it is their intention to rent the flats on a longer term basis. Details of the management of this have not been submitted, however a condition is recommended on the change of use application to require one to be submitted.

In relation to the objection about the sub-division of the building being not in accordance with the buildings history I consider that its last authorised use was as a care home which had multiple residents and the proposal to convert it to flats would continue the later history of the building.

#### Conclusion

In conclusion I consider that the proposal would not cause substantial harm to the listed building to justify refusal and would go some way to rectifying the damage caused by the unauthorised works.

I recommend that this application is APPROVED subject to the following conditions.

#### CONDITIONS

1. START WITHIN THREE YEARS - LB CONSENT OR CA CONSENT
2. Prior to the commencement of the development, a full internal schedule of works shall be submitted to and approved in writing by the City Council as local planning authority. This shall include:
  - i) a room-by-room schedule confirming the extent of repair and alteration works to all walls, floors, ceilings and historic features
  - ii) floorplans confirming the location and method of installation of all new plumbing, pipework and electrical wiring
  - iii) detailed drawings of reinstated joinery
  - iv) details of the location and methodology of any fire protection and acoustic separation works
  - v) type of construction and method of installation of all new stud partition walls.

(To ensure the details of the internal works are satisfactory and in accordance with policy CS18 of the Leicester Core Strategy and paragraphs 194 and 200 of the National Planning Policy Framework 2019 To ensure that the details

are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

3. Prior to the commencement of development, further details confirming the extent of external repair / alteration works shall be submitted to and approved in writing by the City Council as local planning authority. This shall include:
  - i) Sample of new cast iron rainwater goods
  - ii) methodology of repair to reinstated masonry/mortar where rainwater goods are to be removed.(To ensure that the details are satisfactory and in the interests of the protection of the listed building, in accordance with policy CS18 of the Leicester Core Strategy and paragraphs 194 and 200 of the National Planning Policy Framework 2019 To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)
4. This consent shall relate solely to the amended plans ref. no. KMC-1508 1-11 rev PP2 received by the City Council as local planning authority on 23 April 2020. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and pre-application). The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

#### **Policies relating to this recommendation**

- 2014\_CS18      The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.