

MAIN CASE

Reference No: 17/00395/LBC

Proposal: Internal alterations including new door to hallway to facilitate change of use to entrance into existing restaurant.

Site Address: Almonry Croft 34 High Street Ely Cambridgeshire

Applicant: Mr Stephen Bourne

Case Officer: Lorraine King, Conservation Officer

Parish: Ely

Ward: Ely East

Ward Councillor/s: Councillor Richard Hobbs
Councillor Lis Every

Date Received: 7 March 2017

Expiry Date: 16 February 2018

[S225]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application, subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1:

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Partition Wall
- 4 Handrail, Door Closer

2.0 **SUMMARY OF APPLICATION**

2.1 This application seeks consent for a number of alterations to the Grade I listed building, including the insertion of a stud partition wall to the undercroft to provide a new secure access to the three flats, the insertion of a new handrail to the existing staircase and the fitting of a door closer to the existing entrance door.

2.2 The full listed building consent application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1 There are is no relevant planning history that is considered to be relevant to this proposal.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a Grade I listed building, located within the town centre of Ely and within the boundary of the Ely conservation area. The property forms part of the wider Cathedral Precinct and forms a group with the other properties along High Street.

4.2 The property is currently in use as part commercial on the ground floor with a number of residential units above.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's website.

5.1.1 **City of Ely Council (prior to amendments)** – No concerns

5.1.2 **City of Ely Council (after amendments)** - No concerns regarding the original proposals or the amendments

5.1.3 **Natural England** - No comments to make

5.1.4 **Historic England** - We do not wish to offer any comments. Suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on the this application again, unless there are material changes to the proposal.

5.1.5 **Access Group (prior to amendments)** - Consider the proposed alterations to be unsuitable for public use. If this is proposed as the principal entrance to the restaurant, the opening width of 750mm is too narrow. Steps are worn and uneven and no handrails exist. Think it would be dangerous to use this area as a public access.

5.1.6 **Access Group (after amendments)** - Hand rails would be required on both sides. Consider that proposed exit arrangements are impractical. The state of the steps has not been addressed. The entrance is unsuitable and unsafe for those with mobility problems. The changing of the private area to a public area, particularly as it is a private access to part of their property (garden) seems unacceptable. The implications have not been thought through.

5.1.7 **Ely Perspective** - Reviewed but no comment

5.2 **Neighbours** – 9 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

5.2.1 **Noise and Disturbance**

- Concerns were raised regarding noise and disturbance to the residents.
- The issue of cooking smells.
- The issue of people congregating immediately outside the doorway on High Street.

5.2.2 **Privacy and Security**

- Concerns were raised over potential for people to access the flats and the rear amenity space (garden).
- Concerns were also raised regarding the delivery of mail to the flats.
- Concerns were also raised regarding the security of the rear door.
- The partition and door would also prevent 'through ventilation'.
- Concerns were raised in regards to the security and safety of residents.
- Also concerns about the proposed changes resulting in a loss of 'unhindered' access to the rear garden from the flats.

5.2.3 **Use of Flat 1**

- The ground floor flat is currently being used as storage for the restaurant whilst unoccupied.

5.2.4 **Damage to the Fabric**

- Raised concerns regarding ongoing issues with repairs and maintenance of the building.

5.2.5 **Accessibility**

- The use of the door as an access to the restaurant is not appropriate.
- The provision of a handrail would not facilitate the use of the entrance by wheelchair users.
- The proposal still does not result in the entrance being suitable for use by the elderly, infirm and physically vulnerable.

5.2.6 **Waste**

- If this area was to be used as a public entrance into the building then there are inadequate facilities to store waste and recycling.
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The Planning Policy Context

- 6.1 East Cambridgeshire Local Plan 2015
ENV 12 Listed Buildings
- 6.2 Supplementary Planning Documents
Design Guide
- 6.3 National Planning Policy Framework 2012
12 Conserving and enhancing the historic environment
- 6.4 Proposed Submission Local Plan 2017
LP27 Conserving and Enhancing Heritage Assets
- 6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 **Principle of Development**

- 7.1.1 This application considers only the physical alterations to the listed building and whether these alterations would result in harm being caused to the character, appearance or significance of the listed building or its setting.
- 7.1.2 The principle of whether or not the change of use of the hallway is acceptable is dealt with under the associated planning application and the issues relating to the use of the hallway are considered under that application and accompanying report.
- 7.1.3 The proposed alterations to the building include the following works:
- The installation of a stud partition to create a new private lobby to the three residential properties located within the building.
 - The installation of a door closer and associated soundproofing works to the existing door to High Street.
 - The installation of a handrail to the steps from the existing door to High Street.
 - Alterations to include a new 'break-glass' pad positioned adjacent to the rear door
- 7.1.4 From a heritage viewpoint, the above alterations are relatively minor in nature and do not require fundamental alterations to the fabric of the building. Therefore the proposed alterations are considered to be acceptable in principle.

7.2 **Historic Environment**

- 7.2.1 The insertion of a stud partition wall to the hallway is the most intrusive of all of the alterations, however this is considered to be a reversible alteration and at a future date the partition could be removed with little or no impact on the historic fabric of the building.
- 7.2.2 Details of the proposed stud partition and the proposed soundproofing to be incorporated into the construction of the partition have been included as part of the application. However, this work is something that will require sign off from Building Control and therefore the final 'make-up' of the wall may need to change in order to comply with the required Building Regulations and a condition is suggested that would deal with this scenario should it arise.
- 7.2.3 The installation of a door closer and associated sound proofing will not result in any fundamental changes to the existing entrance door. These elements will be retrofitted to the existing door and are considered to have a minimal impact on the character and appearance of the listed building. The door closer would be installed on the internal face of the door and could be removed in the future with little or no impact on the historic fabric of the door itself.
- 7.2.3 The installation of a handrail is considered to be of benefit to all users of the building, including the existing residents. The current steps are historic in nature and as such have an uneven tread as well as an uneven rise and fall. This is considered to be 'part and parcel' of the age of the building, and works to even out the steps would not be considered appropriate from a listed building viewpoint as

they would involve considerable alterations being required to the fabric of the building.

The installation of a handrail to the left side of the staircase (as you enter from the street), is considered to improve the safety of users of the entrance stairs. The design of the proposed handrail is simple in style and it would not be a visually intrusive addition to the building. The rail is proposed to be fixed to the wall with metal fixings and details of these and the proposed oak rail have been provide as part of this application.

- 7.2.4 The applicant has advised that the rear door lock will be linked to the existing fire alarm system as required by the Fire Safety Officer. This is acceptable and a condition is recommended to ensure that full details of how this will be done are submitted to and approved by the Local Planning Authority as this work is likely to require works to extend the existing systems and result in new wiring, etc which will need to be agreed with the Conservation Officer and Historic England prior to being implemented.

7.3 Other Material Matters

- 7.3.1 When considering alteration works to a listed building there is a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character or appearance of the listed building and its setting.

- 7.3.2 The proposed alterations to the building as detailed above would result in less than substantial harm being caused to the significance of the listed building, with no harm being caused to its setting.

7.4 Planning Balance

- 7.4.1 Paragraph 134 of the NPPF states that where a 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.

- 7.4.2 The proposed alterations are not considered to be dependent on whether or not consent is granted for the accompanying planning application for a change of use. These works could be proposed independently of that application and could be implemented regardless of the outcome of the associated planning application. It is considered that the proposed alterations to the building would generally be of benefit to users of the building.

- 7.4.3 Whilst the hallway is not currently in public use, it is an existing fire escape for the restaurant so could potentially be accessed by customers. The provision of an entirely separate lobby area to the residential properties would be considered to provide improved security to the residents providing a secure and private lobby that cannot be accessed by the public.

- 7.4.4 The installation of door closer and soundproofing measures to the existing doorway would be considered to be of benefit to the existing residents, putting aside the reason why this is being proposed, as this would assist in reducing noise from the door closing from all users, including the existing residents and visitors to the property.

- 7.4.5 The existing doorway and hall are proposed to be used Thursday to Saturday between the hours of 17:30 and 21:00 for access into the restaurant. Whilst this entrance is not considered to be suitable for wheelchair users or those with serious mobility problems, it is proposed to retain the existing entrance into the building from The Cathedral Precinct and Almonry Gardens. This existing entrance provides a fully accessible entrance into the restaurant and therefore from a heritage viewpoint, the proposal would be considered to meet with the requirements of the Disability Act. The introduction of a handrail on the existing stairs is considered to be of benefit to both the existing users of the entrance as well as the customers who would potentially use the entrance and whilst not a comprehensive solution to providing access at this entrance point, it is considered to be an improvement on the current situation.
- 7.4.6 On balance the benefits of the proposed alterations to the listed building would be considered to outweigh the harm caused to the historic fabric of the building. The proposed alterations would improve the current situation within the building and all of the works are relatively minor in nature and are considered to be reversible without causing damage to the fabric of the building.
- 7.4.7 Notwithstanding the associated planning application, the application for listed building consent only considered the impact of the proposed alterations on the character, appearance and significance of the listed building and its setting. These works could be proposed independently of the change of use application and this application is not considered to be dependent on the other in terms of granting permission.
- 8.0 APPENDICES
- 8.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00395/LBC	Lorraine King Room No. 011 The Grange Ely	Lorraine King Conservation Officer 01353 665555 lorraine.king@eastc amb.gov.uk

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -
<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 17/00395/LBC Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
050		7th March 2017
01		7th March 2017
FLOOR PLAN		7th March 2017
SECTION DETAIL		7th March 2017
PROPOSED DOOR		7th March 2017
CLOSER AND HANDRAIL		10th November2017

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
- 3 The partition shall be constructed in accordance with the details submitted and should any amendments be required to the construction details or materials, these shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building and its setting in accordance with policy ENV12 of the East Cambridgeshire Local Plan 2015 and policy LP27 of the Proposed Submission Local Plan 2017.
- 4 The handrail, door closer and soundproofing works to the existing front door and staircase to the property hereby approved shall be installed in accordance with the details submitted in the document 'Amendments - Almonry Croft, Ely - 17/00394/FUL' submitted on the 10 November 2017. All works shall be carried out in accordance with the approved details.
- 4 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building and its setting in accordance with policy ENV12 of the East Cambridgeshire Local Plan 2015 and policy LP27 of the Proposed Submission Local Plan 2017.