

Application 2019/56 – ADDENDUM 2

Proposed Internal Refurbishment of Ex Police HQ for relocation of Judicial Services

Handling Report – dated 4th September 2019

Official: Shane Williams (Planning Officer)

Date of Addendum 2: 6th November 2019

A. PLANNING BACKGROUND

This development application has been discussed at the last two meetings of the Land Development Control Authority to seek further information and clarification from the applicant regarding wider access issues. At the 2nd October 2019, members deferred decision and requested a site visit in order to view the building assess the access issues to enable them to make a more informed decision in respect of the proposal. The LDCA members undertook the site visit on 14 October to assess the access issues and constraint in respect of this listed building and its proposed future use related to the adjoining judiciary services.

B. PROPOSAL ASSESSMENT

Given that the design and layout of this historic building has number of physical constraints due to narrow corridors and steps to access different areas of the building and number rooms, providing an access throughout the building to a wheel chair users would be difficult. The applicant has stated that there is a proposal for Phase 2 of refurbishment works to this building that are being planned, however these are not part of the current application and that these would deal with number of disabled access concerns. Members' reservation is that there is no guarantee that the Phase 2 of the refurbishment works would be delivered, given number past experiences.

The proposed refurbishment of this building is urgently required to enable the use of the building for the judiciary service. The legislation imposes a legal duty on employers and services providers to meet access and disability requirement and that is to make **“reasonable adjustment”** to ensure that people with disability are not disadvantaged when visiting a property. The aim, therefore is to improve accessibility where practically possible, but not to damage a building or prejudice its character. Where it is not possible to meet the guidance, an Access Statement may be used to explain why deviation is necessary. This duty exists alongside the planning system and historic buildings will still possess the protection granted through the planning legislation. The legislation relating to equality and access does not override other legislation, in this

case, the legislation governing Planning is not undermined by the legislation related to disability access. Guidance also states the requirement to ensure accessibility to and within the building should not undermine the safety of other users

In order to ensure that this listed building can be brought into use for the judiciary service, whilst also ensuring that accessibility issues are considered as a priority for the long-term, time based condition can be included on the development consent to allow for the Phase 2 works to be planned and implemented. In view of this, the owners/users can be granted permission to the proposed works and to use the building for one year from the date of the permission, however the phase 2 refurbishment works must be approved and accessibility works completed during this period for the building to be retained for such use.