

## SCHEDULE A: Applications with Recommendation

19/0814

Item No: 09

Date of Committee: 10/01/2020

**Appn Ref No:**  
19/0814

**Applicant:**  
Mr S Harrison

**Parish:**  
Carlisle

**Agent:**  
PFK Land and  
Development

**Ward:**  
Cathedral & Castle

**Location:** Whitehorse Centre, Tyne Street, Carlisle, CA1 2NP

**Proposal:** Demolition Of Whitehorse Centre And Erection Of 5no. Employment Units And External Compound Area

**Date of Receipt:**  
25/10/2019

**Statutory Expiry Date**  
20/12/2019

**26 Week Determination**

---

### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Scale And Design
- 2.3 Impact On Non-Designated And Designated Heritage Assets
- 2.4 The Effect on the Living Conditions of Occupiers of Neighbouring Premises
- 2.5 Highway Issues
- 2.6 Surface Water Drainage
- 2.7 Contamination
- 2.8 Biodiversity
- 2.9 Other Matters

#### 3. Application Details

##### The Site

3.1 The application site is located approximately 1.2 kilometres (0.74 miles) to

the south-east of the city centre. The site comprises a two storey detached brick building that is in a significant state of structural disrepair and is currently enclosed by temporary fencing for safety reasons.

- 3.2 The site is accessed via Tyne Street which is connected to London Road. Tree Road is unlit and unadopted and is to the rear of the building which then connects onto Tyne Street. Tyne Street is an adopted road, which varies in width, has a footway on its eastern side and contains street lighting. Tyne Street currently provides access to the rear of residential properties on Brookfield Gardens, Chertsey Mount and London Road Terrace, as well as a number of commercial premises in Berlin Street and Tyne Street and a United Utilities Depot. The northern end of Tyne Street, between London Road and Harraby Street, lies within the Settle-Carlisle Conservation Area.
- 3.3 The site currently comprises a detached two and single storey brick building partly covered with a slate roof and metal and fibre cement sheeting but also with large elements of the roof that are missing. The building is in a considerable state of disrepair and is enclosed by Heras fencing.
- 3.4 In the vicinity of the site is a car repair workshop directly opposite and to the south-east, Irthing Vale Foods Limited. To the rear of the site, beyond Tree Road and at much lower level, is land designated as a Primary Employment Area which accommodates a vehicle repair garage and other commercial uses.

## **The Proposal**

- 3.5 The proposal is seeking full planning permission for the demolition of the existing building and erection of a replacement building to provide five employment units together with parking to the frontage. An area would also be created to allow for the turning and storage of heavy goods vehicles.
- 3.6 The building would be constructed from facing bricks, using reclaimed bricks where possible. The frontage would incorporate horizontal cladding under a profile metal sheeted roof. The front of the building would incorporate a roller shutter door and pedestrian door and window with the remainder of the building having a solid façade. Internally, partition walls would divide the units but the scheme has been designed so that a section of the wall can easily be removed, referred to as “knock out sections” to allow the amalgamation of two or more units to allow flexibility for any future tenants.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of eight of the neighbouring properties. In response, one letter of objection has been received and the main issues raised are summarised as follows:
  - 1. this development has a direct implication on the residents of Brookfield Gardens so letters should be sent out to all the properties making them

- aware of the planning application;
2. the development has a fundamental fault which is the restricted site access through the Tyne Street bottleneck to and from London Road. This will not only be used by cars but also a significant amount of light and heavy goods vehicle;
  3. it is understood that the developer has carried out a traffic survey for his original development of 30 houses in the area that will be using the bottleneck; however, since then there has been a new Costa Coffee and KFC built, adding to the already serious congestion in the area. Also, a new McDonalds drive-through restaurant has been approved, again the additional traffic problems this will create will dwarf the existing situation;
  4. adding the issue of additional heavy and light goods vehicles entering London Road through a bottleneck and then a “blind junction” is a recipe for disaster leading to significant congestion problems and potentially serious accidents;
  5. it is noted from the Highway Authority document lodged for the previous planning application that a delineated footpath will use on Tyne Street this is unsuitable due to both the high traffic volumes and use of goods vehicles, however the developer persists in going down this route and clearly has scant regard for public safety;
  6. the above documents also shows a one way system in Tyne Street this controlled by non-enforceable priority signage which relies on the courtesy of drivers. This is not a reliable way to control vehicles turning off of one Carlisle’s busiest roads. Also, on the plan there is only one small vehicle holding space allocated to vehicles turning off London Road into Tyne Street, it should be noted when driving towards Carlisle this is a blind corner. Multiple HGVs will be using this junction on a daily basis and this small holding bay is clearly inadequate.

4.2 In addition, two letters of support have been received and the main issues raised are summarised as follows:

1. the building has been severely dilapidated for the past 20 years or more and is now dangerous;
2. the building is a haven for vermin and has been used for anti social behaviour;
3. the proposed units will tidy up the site and greatly enhance and regenerate the area.

4.3 A further letter has been received and questions whether the development would provide an opportunity to provide a Jacobite memorial.

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

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

### Local Highway Authority

The access taken from Tyne Street to the private site, both Berlin Street and Tree Road are private. There would be a slight increase in usage over the

existing use.

The layout details shown on the submitted plan are considered satisfactory from a highway perspective and the Local Highway Authority has no objection to this application but would recommend the imposition of conditions in relation to prevention of surface water drainage run-off; and submission of a construction phase plan.

Lead Local Flood Authority (LLFA)

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

No drainage details have been provided, details of foul and surface water drainage should be submitted. The surface water drainage should not be greater than the already existing. If installing a soakaway it is advised that this is not to be positioned in close proximity to the highway and should be at least 5 metres away from the highway and property.

As the existing site is being demolished the applicant should go through the hierarchy of drainage, no soakaway tests have been provided and tests, results and locations should be carried out to rule out infiltration and show they have gone through the process. The applicant would need to provide calculations to determine if the site carried out to BRE 365 standards is suitable to undertake infiltration techniques and details showing that any proposed attenuation structure etc. has the adequate capacity to deal with the volume of water running off the additional impermeable areas. If infiltration is not suitable for the proposed development then the applicant would need to provide detailed assessment, to account for a 1 in 100 year plus 40% storm event, a discharge equivalent to greenfield runoff for the site, discharge location and exceedance routes for the drainage and as such, a condition should be imposed;

**United Utilities:** - no objection subject to the imposition of conditions;

**Network Rail:** - Network Rail Asset Protection and Carlisle MDU would support the demolition of the former Whitehorse building. Network Rail has both personnel as pedestrians passing this building which it is believed is in a dangerous condition of repair and appears to be beyond economic repair. Network Rail has in the past had to report issues to the owners that were endangering passers by which were kindly remediated but we believe this situation would only get worse. There are many visitors to the depot from all over the north west/ beyond and the visual impact the building gives in it's current condition is not a good reflection of the city for visitors.

Also, Network Rail are involved with the developer through a BAPA for planning application 16/0249 Cherstey Gardens and are in agreement with the construction of a new footpath that has started construction but believe the building in it's current state would mean this could not be utilised therefore meaning our pedestrians having to walk in the highway with no segregation

from the potential increase of the highway from the development. Finally, Network Rail understands from the developer that the intention would be following demolition to widen the highway corner as that also is potentially dangerous which would be further supported;

**Cumbria County Council - Historic Environment Officer:** - records indicate that the building complex proposed for demolition is an undesignated heritage asset of architectural and historical value. The buildings were originally a hide and skin works and are late Victorian in date. Constructed of brick with sandstone detailing, they comprise a former office block on the front, a covered yard in the middle and a warehouse to the rear. Despite being in a state of deterioration, the complex retains many original exterior architectural features of note. It is therefore considered that it meets the criteria for a locally important heritage asset, as defined by policy HE6. Not only do the buildings make a positive contribution to the distinctive character of the area, they are also a significant consideration in the setting of the adjacent Settle to Carlisle conservation area. The complex is associated in terms of its historic function, age and architecture with a substantial number of buildings and structures in the conservation area and it is understood that a draft conservation area appraisal recommends the complex is of sufficient merit to include it in a future extension to the conservation area. Policy HE7 states that developments should preserve or enhance the setting of a conservation area. It is considered that the proposed demolition of the heritage asset of architectural and historical value and the erection of five bland industrial units contravenes Policy HE7.

It is therefore considered that strong consideration is given to the retention of the complex of buildings. Policy HE6 and NPPF both state that permission for the loss of heritage assets should be weighed against the public benefits of the proposed scheme. The application documents do not state that the scheme will provide any benefits to the historic environment and so, as the proposed development does not deliver sufficient benefits to the historic environment that outweigh the harm to the setting of the designated heritage asset and the total loss of an undesignated heritage asset and an objection is made against the application.

The advice relates only to the public benefits or losses to the historic environment and there may well be other issues that need to be considered in the determination of the application. It is advised that any other benefits of the proposed development should be of sufficient value to offset the harm that would occur to the historic environment. In the event that planning consent is granted, it is recommended that the buildings are recorded prior to demolition and advice can be provided on a suitably worded condition to secure this recording.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, require 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 Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, SP7, IP2, IP3, IP5, IP6, CC5, CM4, CM5, HE3, HE6, HE7 and GI3 of The Carlisle District Local Plan 2015-2030. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) are also material planning considerations. The proposal raises the following planning issues. The proposal raises the following planning issues.

### 1. Whether The Principle Of Development Is Acceptable

- 6.3 Within the NPPF there is a presumption in favour of sustainable development. Paragraph 7 requires that:

*“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*

- 6.4 Paragraph 8 continues and identifies that to achieve sustainable development there are three overarching objectives. Paragraph 10 states “so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).”

- 6.5 Policy SP2 of the local plan requires that development proposals will be assessed against their ability to promote sustainable development. Paragraph 83 of the NPPF states that:

*“Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

- 6.6 The Framework continues in paragraph 84 that:

*“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that*

*development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

- 6.7 The land is not designated within the local plan but is adjacent to land to the south which is designated as being a Primary Employment Area. When looking at the potential benefits, the building was previously used for commercial purposes as are the buildings to the east and south. It is therefore evident that whilst not formerly designated as a Primary Employment Area, the building and surrounding uses have and are being used for employment purposes and form a natural extension of the designated area whose boundary is to the south-west of Tree Road.
- 6.8 The redevelopment of the site would provide smaller units that would ideally be suited for start up businesses as well other businesses with smaller floor space requirements. Subject to the imposition of conditions restricting future uses within these use classes, the scheme will contribute to the development of the commercial units available its long-term employment contribution within the district. There would be no conflict with the NPPF or Policy SP2 of the local plan and the principle of development is therefore acceptable.

## **2. Scale and Design**

- 6.9 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.”*
- 6.10 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).”*

- 6.11 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. 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. Development of this site will have an impact on the character of the area.
- 6.12 The development would comprise a detached building constructed from facing brickwork using reclaimed bricks where possible, horizontal cladding under a profile metal sheeted roof and would be modern in appearance. The buildings opposite are constructed from facing brick and stone under a slate roof. The building to the east occupied by Irthing Vale Quality Foods Ltd. has a concrete loading bay and large metal canopy facing the site. As such, in this context, the building would be of modern appearance but subject to the imposition of a condition, would utilise suitable materials, and would not result in a discordant feature.
- 6.13 Given the context of the neighbouring built environment and the location, it is considered that the proposal would neither be obtrusive nor disproportionate and is acceptable.

### **3. Impact On Non-Designated And Designated Heritage Assets**

#### **3a. Non-Designated Heritage Assets**

- 6.14 Where buildings may not listed in their own right, as is the case here, given the provisions of the NPPF, they may be viewed as non-designated heritage assets (NDHA) requiring an assessment of any proposal on the character and setting of the building. Given its age, historic significant and physical relationship with adjacent historic buildings and their association with the railway nearby, this building is considered to fall within the definition of an NDHA.



- 6.15 Concerning non-designated heritage assets, Section 16 Paragraph 197 of the NPPF states:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

- 6.16 In respect of this application, the council's Conservation Officer has commented that the proposal will lead to the total loss of the heritage asset, which is ‘an irreplaceable resource’ that should be conserved in a ‘manner appropriate to their significance’.

- 6.17 Policy HE6 of the local plan contains 3 useful criteria against which to assess the application, namely:

*“Only in exceptional circumstances will the loss of a locally listed asset be permitted. Where this is the case the following may be required:*

- 1. an appropriate level of survey and recording which may also include archaeological excavation;*
- 2. provision of replacement buildings of comparable quality and design; and*
- 3. the salvage and reuse within the replacement development of special features.”*

- 6.18 Whilst it is proposed to demolish the building which, as previously highlighted, is considered to be a NDHA, the building has been vacant for a significant period of time which is reflected in the condition of the building. The roof has gaps which allow the elements into the building, the brickwork is cracked in places with plants growing through the wall, threatening its structure. The architectural details in the stonework have eroded over time and the building has been subject to several arson attacks.

- 6.19 The application is accompanied by a Report Upon Completion which provides a commentary on the structural condition of the building. The report concludes:

*“4.1.1 The property is in an extensively dilapidated condition and is not suitable for modern industrial usage.*

*4.1.2 The building is beyond the end of its life and should be replaced.”*

- 6.20 The retention of the building and its redevelopment are commercially and financially unviable and there is no reasonable prospect of the building being brought back into use in its current form. Effectively, the retention would only result in the continued fencing enclosing a dangerous structure which may result in continued anti-social behaviour. Following the submission of the application, the condition of the building has deteriorated and the area of the protective fencing now needs to be enlarged.

- 6.21 Whilst the decision to demolish a non-designated heritage asset should not be taken lightly, the consideration of the application is a matter of judgement. A balanced assessment has to be made regarding the loss of the asset against the public benefit resulting from the redevelopment of the site. The continued viability of the reuse of the building either for commercial or residential use is limited in a location where there are significant constraints in terms of neighbouring premises and vehicular access/ parking facilities coupled with the development of a nearby site for 30 dwellings that would also use the same vehicular access. The proposed scheme seeks permission for a scheme that is sympathetic to the scale, mass and appearance of the character of the area whilst being notable as a new development in its own right. Additionally the building would reuse as many of the bricks where possible. In this respect, it would be appropriate to impose a condition requiring the submission and agreement of any external materials and on this basis, the principle of the development of the site is acceptable.

### 3b. Designated Heritage Assets

- 6.22 The Railway Inn and the London Road Goods Station are Grade II listed buildings and are located approximately 100 and 140 metres to the north of the site. Paragraph 7 of the NPPF states that:

*“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

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

- 6.23 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).
- 6.24 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.
- 6.25 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
- 6.26 The Railway Inn and the Railway Goods Sheds are within the vicinity of the site and are structures of substantial scale that are prominent within the street scene.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.27 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.28 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.
- 6.29 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.
- 6.30 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).
- 6.31 Whilst the presence of the Grade II listed buildings and their significance within the city is noted, it is considered that by virtue of the nature of the development, the presence of intervening buildings or the distance from the site, that the proposal would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

### 3c. Impact Of The Proposal On The Settle To Carlisle Conservation Area

- 6.32 The application site is located approximately 50 metres south of the Settle to Carlisle 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.
- 6.33 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".*

- 6.34 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.
- 6.35 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."* In this instance, the site has the potential to make a greater contribution to the character and appearance of the conservation area.
- 6.36 The council's Conservation Officer raises significant concerns about the potential impact on the conservation area. In particular, there are aspirations that the conservation area boundary would be extended to encompass the application site which serves to intensify the conservation officers concerns about the development. Additionally the Historic Environment Officer also recommends that consideration is given to the retention of the buildings as the complex of buildings are associated in terms of its historic function, age and architecture with a substantial number of buildings and structures in the conservation area. Additionally, any perceived public benefit does not outweigh the loss of the heritage asset.
- 6.37 Further to the above, the application was considered by the Conservation Area Advisory Committee (CAAC) at its meeting in November and the draft minutes identify the following:
- it is beyond remit of this group to consider the demolition of the existing building – need to consider if the proposal would affect the character of the conservation area;
  - the site is not in a conservation area – its concealed from conservation area;
  - the development wont affect the character of the conservation area given the distance to London Road Terrace;
  - the building would have been assessed when the conservation area was designated and it was not included within it;
  - recommend building recording (Level 2).
- 6.38 The proposal would involve the demolition of the existing building and erection of a replacement building that is outwith the conservation area. The building would not be viewed in the context of the conservation area given the physical separation and intervening structures as identified in the deliberation by CAAC. 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 therefore acceptable. Although the Historic Environment Officer has objected to the application, he has stated that if the council is minded to approve the application, a condition should be

imposed requiring it to be recorded. This is considered to be appropriate and a suitable condition is included in the draft decision.

#### **4. The Effect on the Living Conditions of Occupiers of Neighbouring Premises**

- 6.39 Given the orientation of the property with the proposed development, the siting, scale and design of the arena is acceptable and would not adversely affect the living conditions of adjacent premises by poor design or unreasonable loss of daylight or sunlight. Members will note from the summary of representations that have been received that the application has generated a level of support, rather than objections, from what is stated to be a dangerous building and an eyesore. The use of the replacement buildings would be controlled through the imposition of an appropriate planning condition.

#### **5. Highway Issues**

- 6.40 The site is served by existing vehicular accesses and the development would incorporate parking provision and turning facilities within the site. Any additional vehicle movements could be accommodated within the existing highway network. The neighbouring housing development includes a requirement for a number of improvements would be made to Tyne Street, including the creation of a shared surface, the installation of priority signage, carriageway widening, footway improvements and the provision of lighting.
- 6.41 Although one letter of objection has been received, with the exception of the additional local development i.e. drive-though restaurants and coffee establishments, this objection repeats the highway concerns raised against housing development on the neighbouring land which have already been considered as part of that application.
- 6.42 Cumbria County Council as the Local Highway Authority has raised no objection to the application on the basis that although there would be a slight increase in usage of the access, the layout details are acceptable subject to the imposition of conditions. As such, the proposal does not raise any highway issues.

#### **6. Surface Water Drainage**

- 6.43 In order to protect against pollution, Policy CC5 of the local plan seeks to ensure that development proposals have adequate provision for the disposal of surface water. The application documents, submitted as part of the application, do not outline any surface water drainage strategy and as such it would be appropriate to impose a condition requiring the submission and agreement of such details. On this basis, the proposal does not raise any issues with regard to surface water drainage and is acceptable.

#### **7. Contamination**

- 6.44 Given the previous use of the land, there is the potential for contamination to

be on the site. It is therefore appropriate to impose a condition such that if any contamination is found, that a report and appropriate remediation strategy are submitted to the council for approval.

## **8. Biodiversity**

- 6.45 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.
- 6.46 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. The application is accompanied by a Bat Survey which concludes that there is a low potential for the building to be used by bats either for roosting or foraging; however, as a precautionary measure in order to minimise the risk of individual bats being harmed during works, the following measures should be observed:
- this report should be made available to any contractor working on site;
  - if bats are discovered at any time prior to or during works, all work must stop and the acting consultant contacted immediately. If this unlikely event does occur a European Protected Species licence will be sought;
  - the work will be completed as quickly as possible once started. Any gaps created during the course of the works will be left open for the minimum possible period. Where possible gaps will not be left open over night to avoid the possibility of bats opportunistically roosting in gaps which will later be blocked;
  - the proposed work presents opportunities to enhance the site for bats. It is recommended that consideration be given to installing the following bat site enhancement features during the development. These are recommended as site enhancement options only and are not intended to represent mitigation or compensation features for which there is no legal requirement.
- 6.47 As the proposed development would involve development of brownfield land, it is not considered that the development would harm a protected species or their habitat subject to the inclusion of a condition requiring the development being undertaken in accordance with the above points. Additionally, an Informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **9. Other Matters**

- 6.48 Members will note in the representations that have been received that a request has been made to secure a financial contribution from the development by way of a S106 agreement to provide a Jacobite memorial. The scheme is not of a sufficient scale or nature that a financial contribution is required. Furthermore, this issue was raised after the determination of a planning application for the erection of 30 dwellings on land between Tyne Street and Chertsey Mount. Both that site and that subject of this application are in the same ownership and would be development by the same company. Discussions are ongoing with the applicant and the third party to explore the possibility of placing a memorial on the land which in any event relates to the housing development rather than that subject of this application. As such, this issue will continue to be discussed out with the remit of this planning application.

## **Conclusion**

- 6.49 In overall terms, the development would expand the range of employment facilities on land which was previously used for commercial purposes and is well related to buildings that are currently in commercial use. As such, the principle of development is supported by the NPPF and local planning policies.
- 6.50 The design and appearance of the development would be modern and reflective of the proposed use of the building. The scale, design, appearance and use of materials would be appropriate and would preserve the character and appearance of the area. The site is outwith the conservation area and as such, the development would preserve the character and appearance of the conservation area.
- 6.51 The development would not adversely affect the occupiers of the neighbouring premises through poor design or unreasonable noise and disturbance.
- 6.52 The proposal does not raise any highway, biodiversity or drainage issues and in all aspects the proposals would be compliant with the objectives of the relevant local plan policies and is recommended for approval subject to the imposition of conditions.

## **7. Planning History**

- 7.1 Planning permission was granted in 1983 for the use of the vacant property as a vehicle repair workshop/ garage.
- 7.2 In 1984, planning permission was granted for the change of use from a warehouse to motor body repairs.
- 7.3 Planning permission was granted in 1997 for the change of use from a church building/ offices, day nursery/ education unit/ sports hall/ auditorium.

## **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 18th October 2019;
2. the Location Plan received 18th October 2019 (Drawing no. 120-04);
3. the Block Plan received 18th October 2019 (Drawing no. 120-05);
4. the Proposed Site Plan received 18th October 2019 (Drawing no. 120-02);
5. the Plans Elevations received 6th December 2019 (Drawing no. 120-01 Rev A);
6. the Planning and Historic Statement received 18th October 2019;
7. the report Upon Condition Issue 1 received 11th November 2019;
8. the Bat Survey received 16th December 2019;
9. the Notice of Decision;
10. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. Prior to the carrying out of any demolition work the existing buildings affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. Within 1 month of the commencement of construction works a digital copy of the resultant Level 2 Survey report shall be furnished to the local planning authority.

**Reason:** To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their demolition as part of the proposed development in accordance with Policy HE6 of the Carlisle District Local Plan 2015-2030.

4. Development shall not commence until a Construction Phase Plan (CCP) has been submitted to and approved in writing by the local planning authority. The CPP shall include details of:
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - construction vehicle routing;



- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details of any proposed temporary access points (vehicular / pedestrian);
- surface water management details during the construction phase.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030 and in the interests of highway and pedestrian safety.

5. Other than the demolition of the building, prior to the commencement of any other development hereby approved, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority. The drainage scheme shall also include details of all measures to be taken by the applicant/development to prevent surface water discharging onto or off the highway.

The surface water system shall demonstrate that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 40% to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc). The scheme must also confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the surface water public sewer, the pass forward flow rate to the surface water public sewer must be restricted to 5l/s for any storm event.

Any approved works shall be implemented prior to the development being occupied and shall be maintained operational thereafter.

**Reason:** To ensure a satisfactory means of surface water disposal in accordance with Policies SP6 and IP6 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

6. Prior to the building hereby approved being brought into use, details to minimise the potential for crime and disorder shall be submitted and approved in writing by the local planning authority. Such details shall include

(where applicable):

- security lighting scheme;
- pedal cycle parking - to be positioned in a prominent and active location with adequate choice of locking options and protected from weather without obstructing natural surveillance opportunities;
- buildings physical security - specification of exterior door, window, glazing and locking devices to resist forced entry;
- presence and configuration of intruder alarm system(s) (if police response is required, these must be compliant with National Police Chief Councils Security Systems Policy);
- secure storage for staff personal belongings;
- exterior waste bin management - to mitigate against exploitation as climbing aid
- and arson risks;
- presence and configuration of CCTV (image standard and Data Protection compliance issues).

These measures shall be implemented prior to the building being brought into use and shall be retained unaltered thereafter unless otherwise agreed in writing by the local planning authority.

**Reason:** In order to minimise the potential for crime and disorder and to reduce the potential for noise and disturbance from the site in accordance with Policies CM5 and SP6 of the Carlisle District Local Plan 2015-2030.

7. This permission relates to the use of the premises for purposes falling within Use Classes B1(b), B1(c), B2 and B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Classes in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality occupiers in accordance with Policy SP2 of the Carlisle District Local Plan 2015-2030.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with

those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

9. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the local planning authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5 and LD7.

---

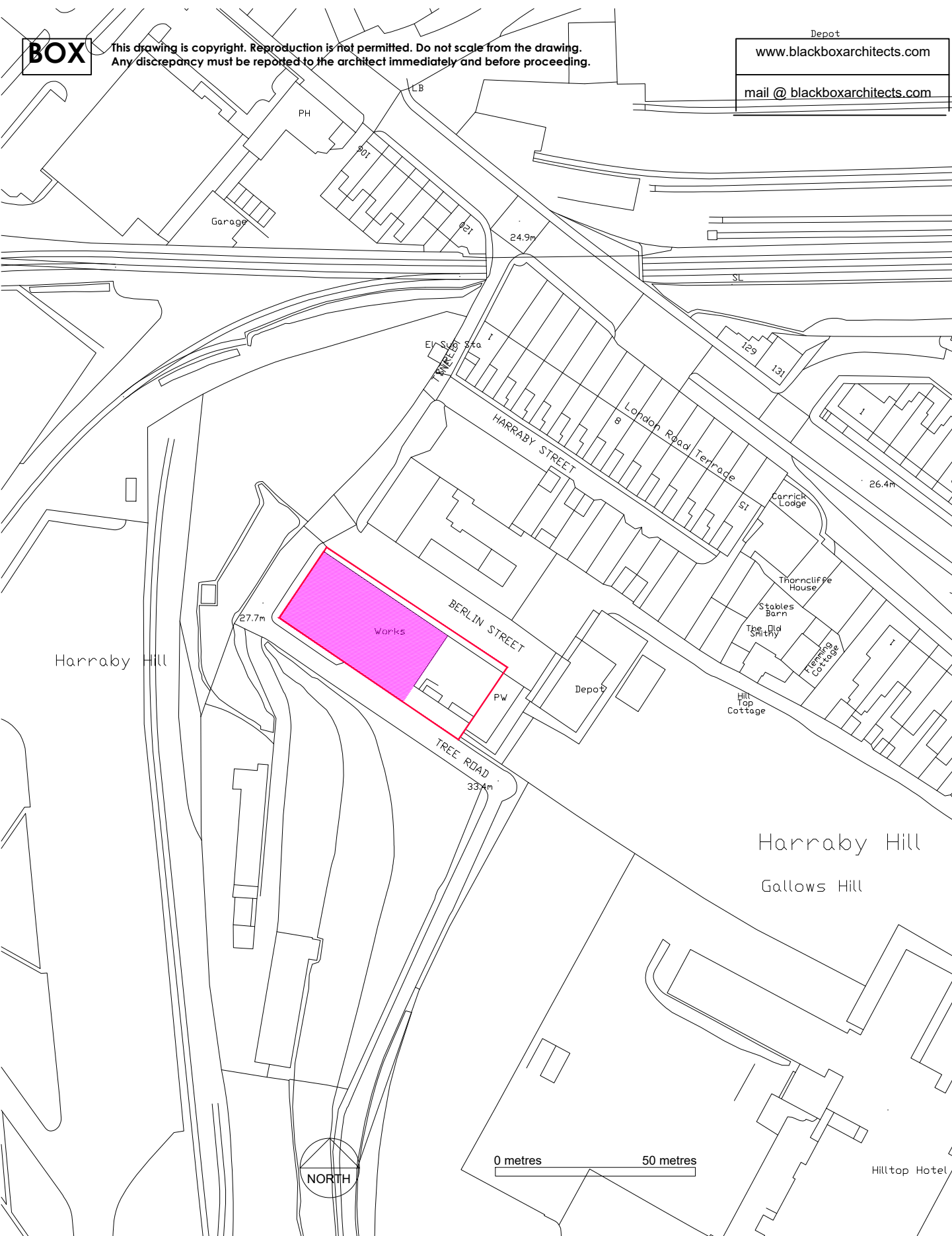
**BOX**

This drawing is copyright. Reproduction is not permitted. Do not scale from the drawing.  
Any discrepancy must be reported to the architect immediately and before proceeding.

Depot

[www.blackboxarchitects.com](http://www.blackboxarchitects.com)

[mail@blackboxarchitects.com](mailto:mail@blackboxarchitects.com)



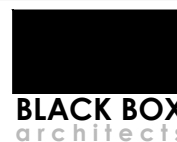
Project **White Horse Units. Hilltop**

Drawing Revision Scale **1:1250**

Detail **Location Plan** Job.no. **120-04** Date **sept-19**

Black Box Architects Limited.  
1 Devonshire Chambers  
8 Devonshire Street  
Carlisle, Cumbria. CA3 8AD

Tel: 01228 402 200

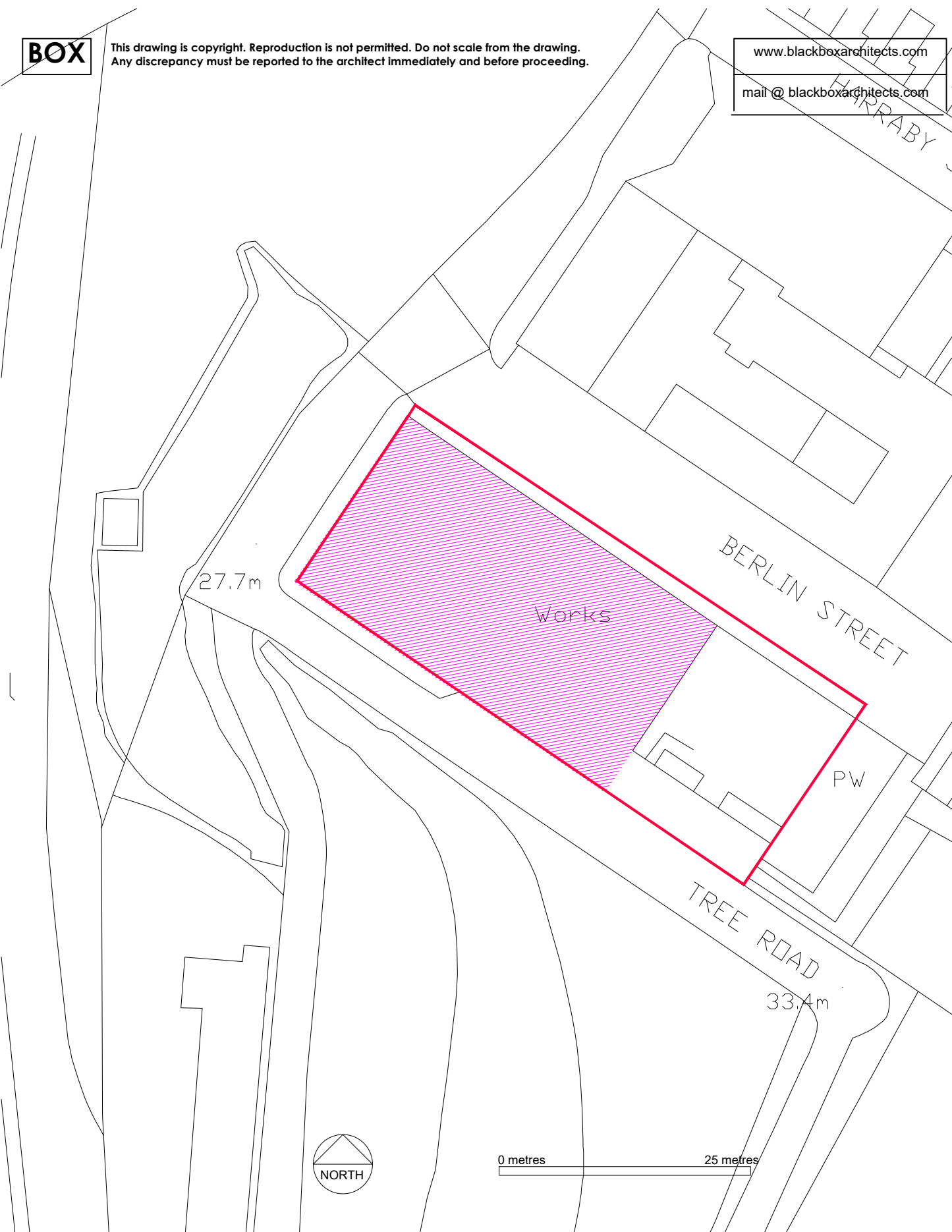



**BOX**

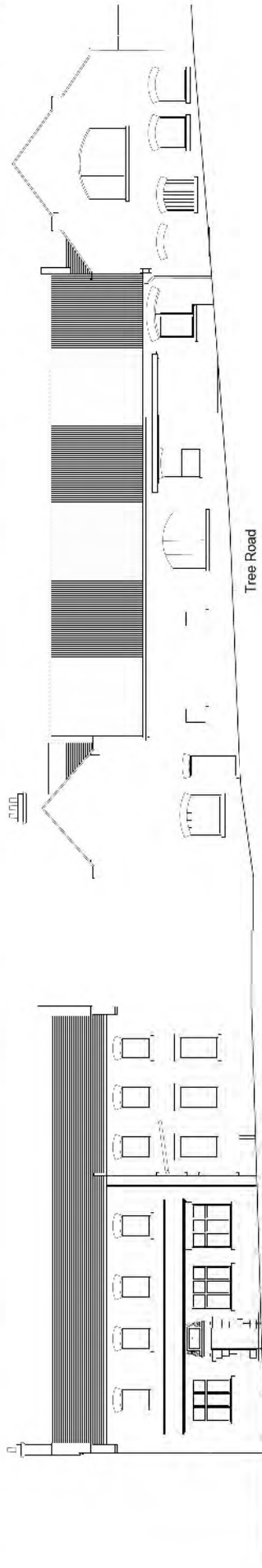
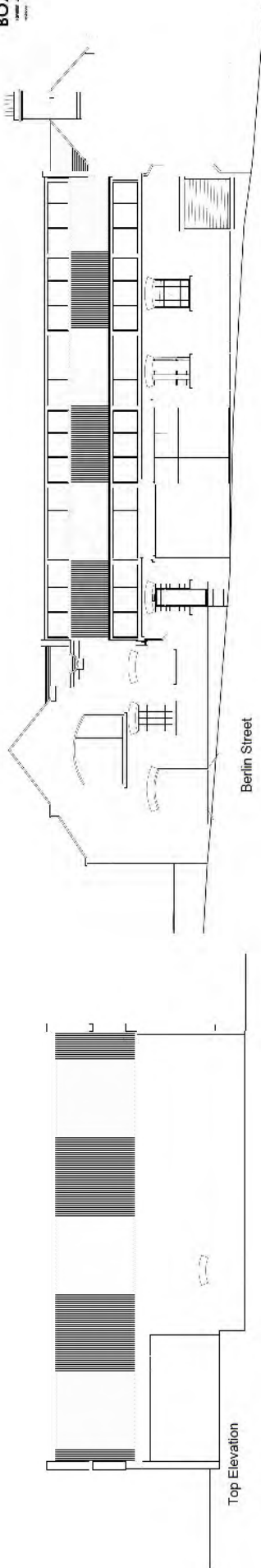
This drawing is copyright. Reproduction is not permitted. Do not scale from the drawing.  
Any discrepancy must be reported to the architect immediately and before proceeding.

[www.blackboxarchitects.com](http://www.blackboxarchitects.com)

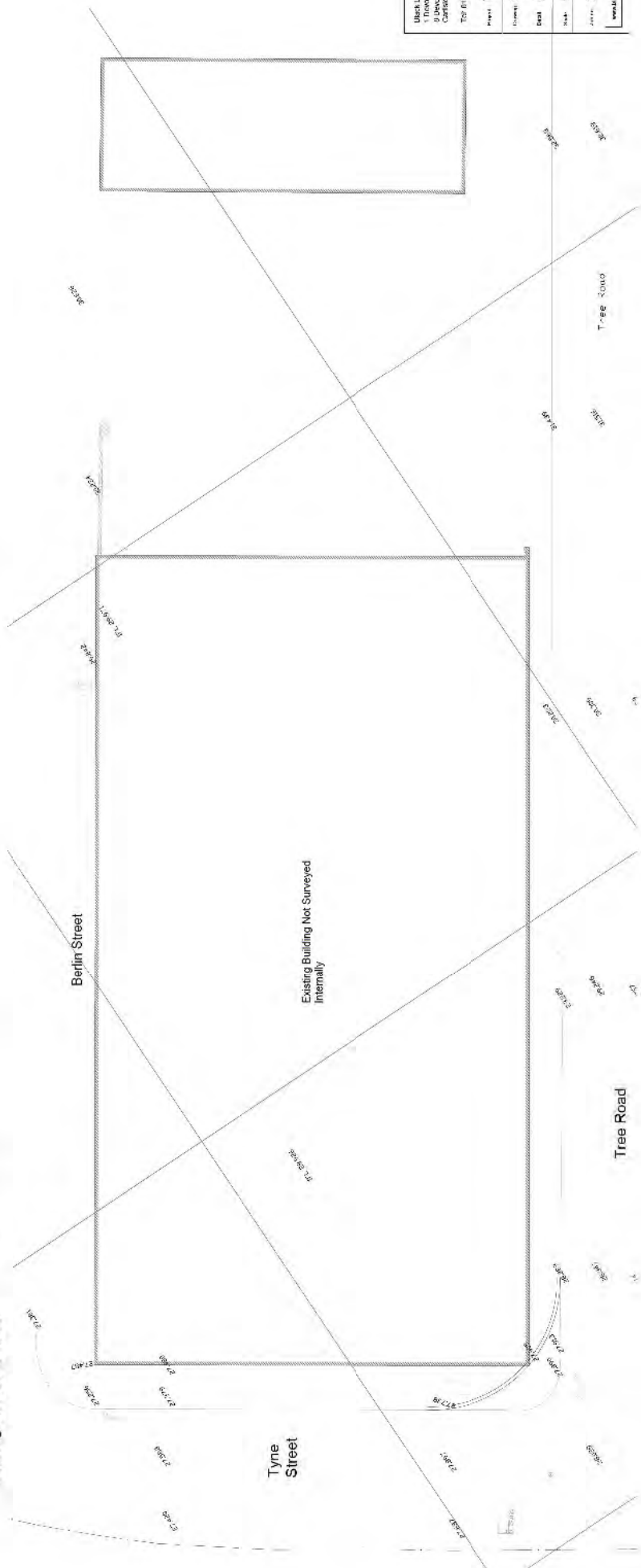
[mail @ blackboxarchitects.com](mailto:mail@blackboxarchitects.com)



Project	White Horse Units Hilltop				Black Box Architects Limited. 1 Devonshire Chambers 8 Devonshire Street Carlisle, Cumbria. CA3 8AD	 <b>BLACK BOX</b> architects
Drawing	Revision		Scale	1:500		
Detail	Block Plan	Job.no.	120-05	Date	sept-19	



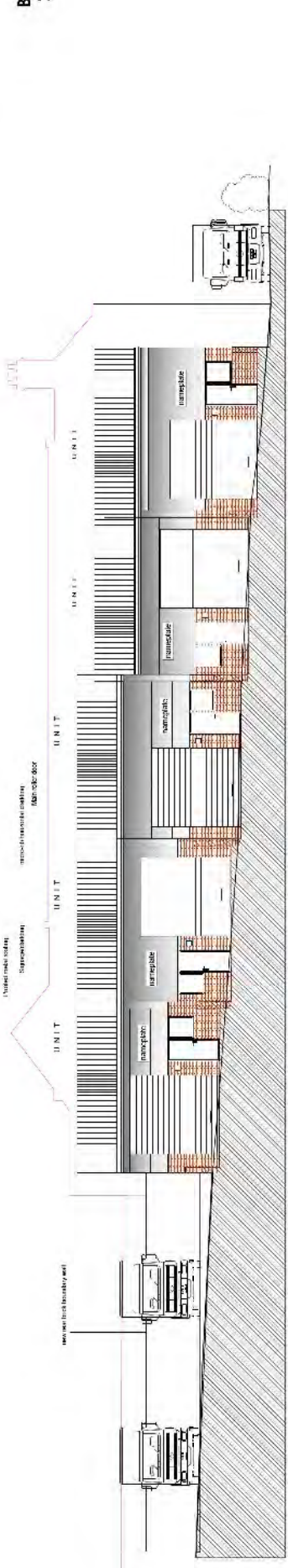
Existing Elevations 1:200



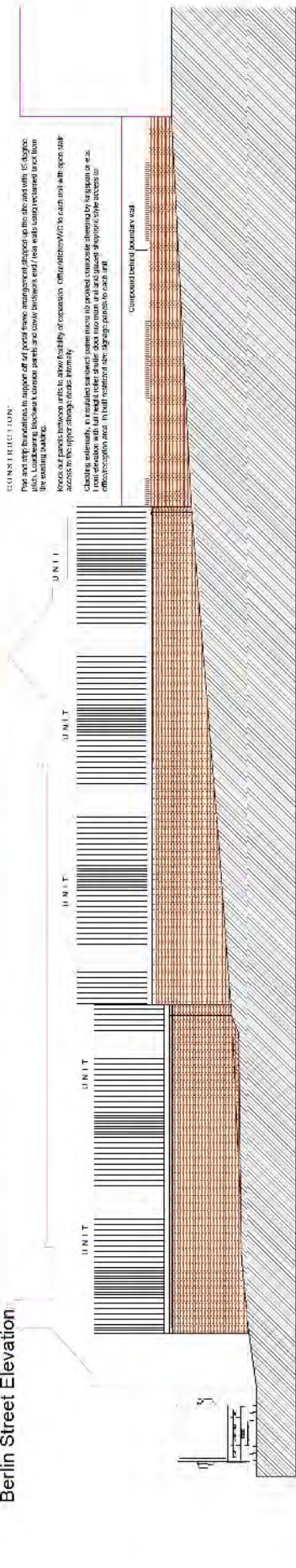








Berlin Street Elevation

[illegible]

Tree Road Elevation

