

SCHEDULE A: Applications with Recommendation

21/0076

Item No: 06

Date of Committee: 30/04/2021

Appn Ref No:
21/0076

Applicant:
iCAN Health and Fitness
CIC

Parish:

Agent:
Unwin Jones Partnership

Ward:
Cathedral & Castle

Location: 17 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR

Proposal: Change Of Use Of Former Flat To Specialist Support Gym Together
With Alteration From Window To Door (Part Retrospective)

Date of Receipt:
29/01/2021 11:00:45

Statutory Expiry Date
26/03/2021 11:00:45

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 The Impact Of The Development On Heritage Assets
- 2.4 The Effect On The Living Conditions Of Occupiers Of Neighbouring Premises
- 2.5 Potential For Crime, Disorder And Anti-Social Behaviour
- 2.6 Highway Issues
- 2.7 Development Within The Flood Zone

3. Application Details

The Site

- 3.1 Maltmill House comprises a one of a group of five buildings of which 'old Brewery Residences', 'Tun House' and 'Maltmill House' are Grade II Listed

Buildings.

- 3.2 The site is located in the Caldewgate area of Carlisle to the north of Bridge Street with good access to the city centre, transport links and public car parks. The site is bound to the north by Caldew Maltings, to the east by the River Caldew beyond which is Devonshire Walk public car park and Carlisle City Centre Conservation Area, to the south by Castle Way and to the west by the Little Caldew watercourse.

Background

- 3.3 The buildings previously housed The Carlisle Old Brewery company until its closure in 1987. There then followed a period of internal demolition and strip out. The building was listed in 1987.
- 3.4 In 1993 the site was substantially redeveloped to form the Northumbria University Halls of Residence. Impact Housing Association acquired the site from the then Northumbria University in November 2014. The buildings have been occupied as student residence until September 2016 and have been vacant since.
- 3.5 The student numbers in Carlisle were anticipated to increase and planning applications were approved in Denton Holme on Denton Street and Norfolk Street accordingly. However, the demand for student accommodation did not meet the expectation and take up of student accommodation stagnated. Occupation numbers reduced by two thirds at the Old Brewery since 2012 and this prompted Impact Housing Association to review their options. Feasibility studies concluded that conversion to affordable housing was the most practical and sustainable option.
- 3.6 The site is also located in Flood Zone 3 and was flooded in 2005 and again in 2015. However, the site is within an area benefiting from flood defences.

The Proposal

- 3.7 This application seeks full planning permission for the change of use of part of the ground floor of Maltmill from that of a student flat to a specialist support gym.
- 3.8 Minor works are proposed to the listed building which will be minimized to accommodate the gym and associated facilities and will incorporate flood resilience measures. In order to facilitate the change of use, some alterations are proposed to the building, which in summary comprise of:
- the floor will be overlaid and insulated;
 - stud partitions will be erected forming an office, changing area and toilets;
 - the area will be rewired, drainage altered and new gas and electricity supplies installed;
 - externally the only visible change will be the alteration of a window opening to form a door within the courtyard.

- 3.9 Two additional car parking spaces are to be provided within the overall site.

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 of 41 of the neighbouring properties. In response, no representations have been received against the planning application; however, two representations were received during the consultation process for the listed building consent application with that application number being quoted; however, the issues raised relate to the planning application and are summarised as follows:

1. the fact that the former brewery is being redeveloped in a positive manner by providing accommodation and gym facilities is welcomed; however, due to the fact there is inadequate parking provision problems may arise in Caldew Maltings and the surrounding area;
2. presently, the gym is closed due to lockdown, but the car is full to capacity, presumably by the residents in the newly refurbished Brewmasters' and Maltmill House. When the gym is open there will be a problem of inadequate parking, which no doubt will be exacerbated when the remaining buildings are renovated. So there is a glaring need for more on-site and off-site parking. This should be a condition incorporated into any successful application;
3. the current restriction of through traffic from the former brewery into Caldew Maltings should be maintained as a condition of a successful application;
4. part of the building is listed but was neglected by the previous owner. Previous storms have resulted in the downspouts on the river frontage being damaged which have not been repaired thus causing deterioration to the fabric of the building, and there is a satellite dish which was erected, presumably without permission;
5. this seems to me to be a second retrospective application, in that certain works seem to have been carried out before seeking permission;
6. the changes to the occupation of the development are only partly complete, yet the parking spaces are already close to full occupancy. It is suggested that a provision for more parking should be a condition of any future changes. Additionally, the current restriction of through traffic from the former brewery into Caldew Maltings should be maintained as a condition of a successful application.

5. Summary of Consultation Responses

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

Local Highways Authority

I note previous application 20/0445, this application has minor changes to the layout. It has been confirmed that there is no proposal to open the emergency

access gates for two way access to Caldew Maltings. Almost like for like development, this will not have severe impact to the highway.

Lead Local Flood Authority (LLFA)

The LLFA has records of minor surface water flooding within the redline boundary west of the site which indicate a 0.1 percent (1 in 1000) chance of occurring each year and the Environment Agency surface water maps indicate that the site is within flood zone 2 and 3, you may wish to consult with the Environment Agency in relation to flood risk assessment.

Conclusion

It is confirmed that the Highway Authority and LLFA has no objection to the proposed development as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere;

Planning - Access Officer: - no objection.

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 of SP1, SP2, SP6, SP9, EC6, EC9, IP2, IP3, CC4, CM4, CM5, HE3 and HE7 of the Carlisle District Local Plan 2015-2030 are also relevant. The council's Supplementary Planning Document (SPD) "Designing Out Crime" is also a material planning consideration. 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 EC6 of the local plan reflects the hierarchical approach of retail and main town centre uses for the district in Policy EC2 which is itself consistent with the Framework which seeks to protect vitality and viability of existing centres and also provides for new centres within strategic sites across the district.
- 6.6 The site is approximately 0.58 kilometres (0.36 miles) south-west of the city centre and 95 metres west of the city centre boundary in a direct line. Under the NPPF, the leisure uses are considered to be 'main town centre' uses and 'edge of centre' locations require a Sequential Test; however, this proposal is an extension of an existing leisure use for which a Sequential test was undertaken as part of that separate planning application. No such test is therefore required for this application.
- 6.7 The overall site comprises 6 individual buildings which the Supporting Statement which accompanies the application states the overall floorspace is 5903 sqm. The statement outlines that the proposal would occupy 133sqm, which equates to 50% of the ground floor of Maltmill. Planning permission was granted for the other 50% of the building last year for gymnasium operated by a not-for-profit community interest organisation. The gymnasium focuses on focusing on exercise, wellbeing and fitness mainly by breaking down fitness barriers. It is a specialist gym catering for clientele with a variety of special needs that cannot be accommodated in large mainstream commercial gyms. The statement continues that as such, the class sizes are minimal, typically 5-6 at a time; sessions are limited by booking; footfall is considered to be modest; the facilities are not open fully 'all day'; classes are timetabled at intermittent periods through the day.
- 6.8 The proposal would be an extension to these existing facilities and it is stated will provide complimentary services focused around rehabilitation by improving mental and physical wellbeing.
- 6.9 The principle of development is considered to be compliant with the objectives of the NPPF, NPPG and policies of the local plan and the principle of development is acceptable. The remaining issues raised by the proposed development are addressed in the following paragraphs.

2. Scale And Design

- 6.10 The NPPF promotes the use of good design with paragraph 127 and the sentiments are repeated in paragraph 130. 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.
- 6.11 The proposal involves alterations to the building which in the majority are

internal. The only external change involves the formation of a door opening in the rear elevation. In the context of the proposal, the external alteration would not be visible from the streetscene. The scale and use of the building would be appropriate to the character and appearance of the property and would not appear obtrusive within the wider character of the area and the proposal would be compliant with policies in this regard.

3. The Impact Of The Development On Heritage Assets

3.a The Listed Building

- 6.12 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

- 6.13 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).
- 6.14 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.
- 6.15 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
- 6.16 Maltmill House is a large detached Grade II listed building and forms part of a cohesive group of buildings that comprise the Old Brewery.
- ii) the effect of the proposed development on the settings of the Grade II listed building
- 6.17 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets'

(TSHA).

- 6.18 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.
- 6.19 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.
- 6.20 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).
- 6.21 The proposal is to convert the space for use as a specialist support gym. The internal walls were stripped as part of flood resilience works by Impact Housing Association and at this point the shell needs to be fitted out. Minor alterations are required:
- the floor will be overlaid and insulated;
 - stud partitions will be erected forming an office, changing area and toilets;
 - the area will be rewired, drainage altered and new gas and electricity supplies installed;
 - externally, a window opening will be altered to form a door opening within the courtyard.
- 6.22 The listing description for the buildings acknowledges that “*little remains of the buildings’ original interior*”. The development comprises alterations to the interior of the building that could be reserved at a later date should that be required and is therefore considered to be a ‘light touch’ to the conversion of the building. The addition of the door in the materials proposed is part of the flood reliance measures. As such, the works to facilitate the change of use of the building are minimal and 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

- 6.23 The application site is adjacent to the City Centre Conservation Area whose boundary flanks the east bank of the River Caldey. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG,

Policy HE7 of the local plan are relevant.

- 6.24 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".

- 6.25 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.
- 6.26 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."*
- 6.27 The reuse of the building would not affect the setting of the conservation area and only one minor external alteration to the rear of the building in the form of the installation of a door in lieu of a window is proposed. 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. The Effect on the Living Conditions of Occupiers of Neighbouring Premises

- 6.28 There are residential properties and a commercial business in the vicinity of the application site. As well as the potential for crime and disorder, which is discussed in the following section of this report, the proposal has the potential to impact on the amenity of the occupiers of neighbouring premises from the use of the site. This includes noise from the proposed plant and equipment, as well as from patrons leaving the premises during hours of the day and night when ambient noise levels are relatively low.
- 6.29 The hours of use would be between 8am and 8pm on Mondays to Fridays; 8am and 6pm on Sundays; and 9am and 12 noon on Sundays and Bank Holidays. The hours approved for the adjacent building are between 8am and 7.45pm on Mondays to Saturdays and 10am until 11.30am on Sundays. The proposed hours are therefore broadly consistent with the existing use and are acceptable.
- 6.30 Given the scale of the use together with the orientation of the neighbouring properties, intervening buildings and proposed hours of use, it is unlikely that the proposal would have an unacceptable impact on the amenity of neighbouring residential or commercial buildings.

5. Potential For Crime, Disorder And Anti-Social Behaviour

- 6.31 Planning policies require that *“new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime. Proposals should be designed with the following principles in mind in order to create secure environments which deter crime...”*
- 6.32 The proposal involves the reuse of part of an existing building. Given the existing layout of the site and the restricted access to the rear, together with the small-scale use of the building, the development is unlikely to give rise to any issues of crime or anti-social behaviour. The applicant is advised to contact Cumbria Constabulary for further advice in respect of measures which could be incorporated within the building together with management procedures to further reduce this potential. This is in the form of an advisory note within the decision notice. On this basis, the proposal would not therefore be contrary to Policy CM4 of the local plan.

6. Highway Issues

- 6.33 The site is served by existing vehicular accesses and the development would incorporate parking provision and turning facilities within the site. A further were provided as part of the application for the adjacent gymnasium and these would retained as part of the overall development. The applicant's Supporting Statement highlights that further and specific to this application the two additional parking spaces will be retained for dedicated drop off/pick up and parking. Furthermore, in wider terms the applicant is in discussion with various parties to fund additional parking off-site.
- 6.34 Reference is made in the objections to the fact that the existing facilities are at capacity. Parking on adjacent land is restricted as it falls within private ownership. Additionally, the nature of the use and the floorspace involved, means that class sizes are by their very nature, limited.
- 6.35 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 which are 80 and 100 metres from the building.
- 6.36 Any additional vehicle movements could be accommodated within the existing highway network and Cumbria County Council as the Local Highway Authority has raised no objection to the application. It would be appropriate however, to limit the access from the site onto Caldew Maltings through the imposition of a condition. As such, the proposal does not raise any highway issues.

7. Development Within The Flood Zone

- 6.37 The application site is located within Flood Zones 2 and 3. Planning policies adopt a hierarchical approach and direct development in the first instance to areas designated as being within Flood Zone 1. Development within Flood Zones 2, 3a and 3b (with the exception of water compatible uses in key infrastructure as defined in the NPPG) will only be acceptable where they are compliant with the NPPF where a sequential test and exception test where

applicable have been satisfied.

- 6.38 Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014 of the NPPG advises that leisure uses are classified as less vulnerable uses. Further information in the NPPG is found in “Table 3: Flood risk vulnerability and flood zone ‘compatibility’” which clearly states that neither a Sequential or Exception Test need to be applied to minor development and changes of use, (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).
- 6.39 A leisure use which encompasses a gymnasium, is classified as being a ‘less vulnerable’ use and within Table 3, is defined as being acceptable in Flood Zone 3a. As such, and in light of this together with the advice in the NPPF, the proposal does not raise any issues with reference to Policy CC4.

Conclusion

- 6.40 In overall terms, the proposal relates to reuse of part of a building to form a gymnasium. The NPPF and local plan policies seek to protect the vitality and viability of city and town centres by generally requiring main town centre uses to be within the town centre and only where adequately supported can these be considered in edge of centre or out of centre locations. In this instance, it is considered that the submitted Sequential Test has been applied in a robust and comprehensive manner and it can be confidently concluded that there are no sequentially preferable alternative sites and therefore, that the vitality and viability of the city centre would be preserved.
- 6.41 There is appropriate vehicular access to the site and parking within the site. The development is accessible by alternative means of transport and is acceptable in this regard, subject to the imposition of conditions.
- 6.42 The proposal is appropriate in scale and would not adversely affect any identified heritage assets or the amenity of the occupiers of neighbouring premises. National planning policies advise that leisure uses in areas of identified flood zones are acceptable. The proposal does not raise any issues with regard of crime or disorder. In all aspects, the proposal is considered to be compliant with the objectives of the NPPF, NPPG and the relevant local plan policies.

7. Planning History

- 7.1 Historically there have been several applications for planning permission for alterations to the buildings together with nearby flood defences.
- 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 Planning permission was granted in 2016 for the change of use of the former halls of residence to a mix of 1, 2, and 3 bedroom affordable dwellings

(36no.) and retention of single bed wardens flat.

- 7.4 In 2020, planning permission and listed building consent were granted for a change of use from former student flat to gym with minor alterations.
- 7.5 An application is currently being considered for listed building consent for the retention of works for change of use of former flat to specialist support gym together with alteration from window to door is currently being considered under application 21/0077.

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the Planning Application Form received 29th January 2021;
 2. the Location Plan received 29th January 2021 (Drawing no. 001);
 3. the Existing and Proposed Site Plan received 29th January 2021 (Drawing no. 102);
 4. the Existing and Proposed Floor Plans and Elevations received 29th January 2021 (Drawing no. 120);
 5. the Supporting Document for the Planning and Listed Building Applications Incorporating Design and Access Statement and Historic Buildings Impact Assessment received 9th April 2021;
 6. the Notice of Decision;
 7. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

2. The premises shall be used as a gymnasium and for no other purpose.

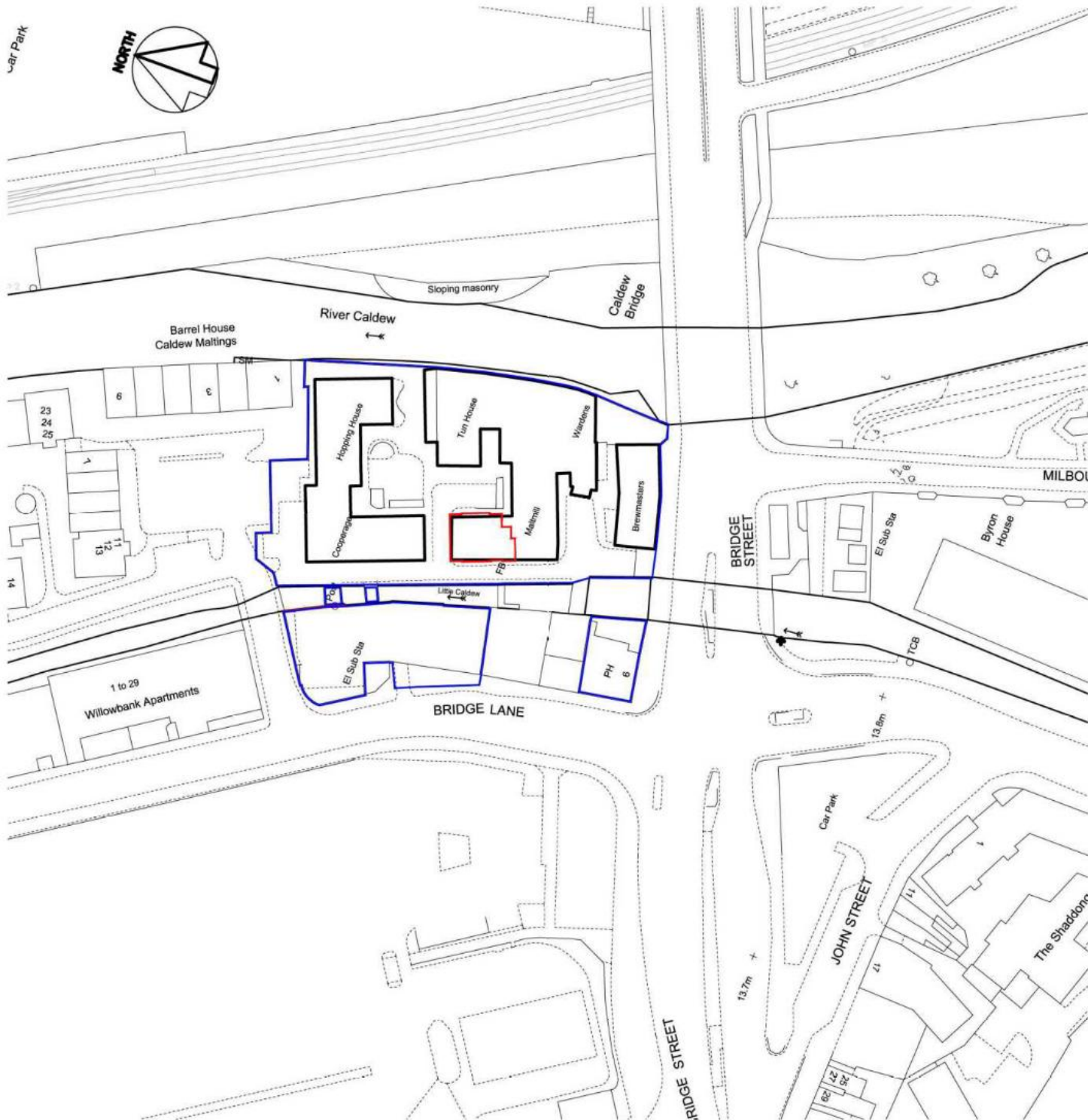
Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies EC6 and CM5 of the Carlisle District Local Plan 2015-2030.

3. The use of the premises hereby permitted shall not commence before 08:00 hours or remain in operation after 20:00 hours on Mondays to Fridays; 08:00 and 18:00 hours on Saturdays; and 09:00 hours and 12:00 on Sundays and Bank Holidays.

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

4. The vehicular access leading from the site to Caldew Maltings shall only be used only by emergency and service vehicles and no other vehicles.

Reason: To preclude the access being used on a regular basis and to avoid any adverse impact on the surrounding highway network in accordance with Policies SP6, IP2 and IP3 of the Carlisle

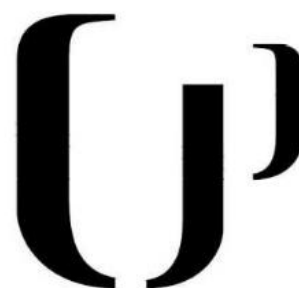


17 Maltmill House

Old Brewery, Carlisle

iCan Health and Fitness CIC

Location Plan



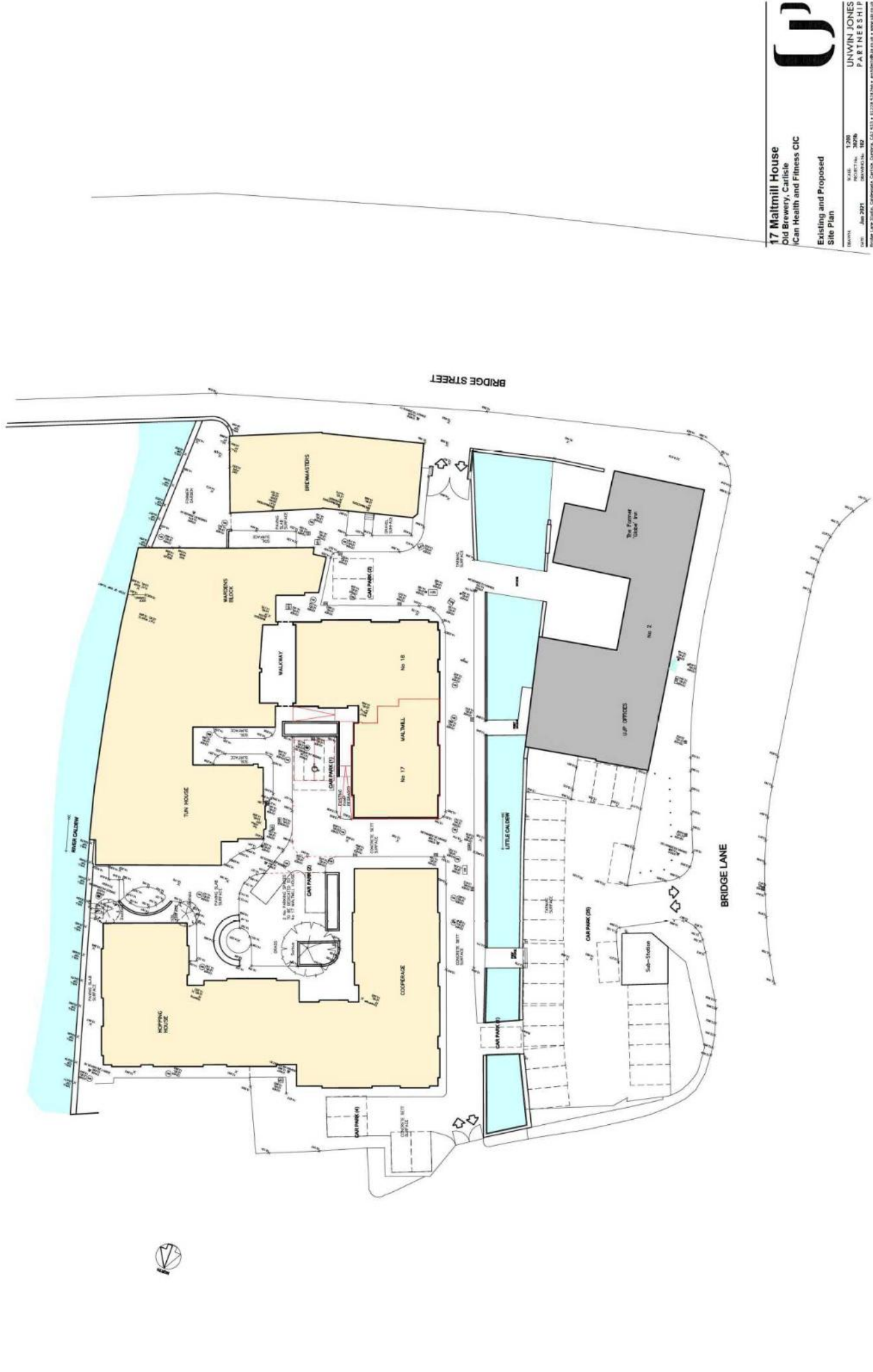
DRAWN: SCALE: 1:1250
 PROJECT No: 3029b
 DATE: Jan 2021 DRAWING No: 001

UNWIN JONES
 PARTNERSHIP

Bridge Lane Studio, Caldewgate, Carlisle, Cumbria, CA2 5SS • 01228 528266 • architects@ujp.co.uk • www.ujp.co.uk

GENERAL NOTES

© This drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. It is a draft. If you have received this drawing electronically in PDF format it may be printed at a larger scale than the original, and is not to be used for measurement purposes.



17 Maltmill House
Old Brewery, Carlisle
iCan Health and Fitness CIC

Existing and Proposed
Site Plan

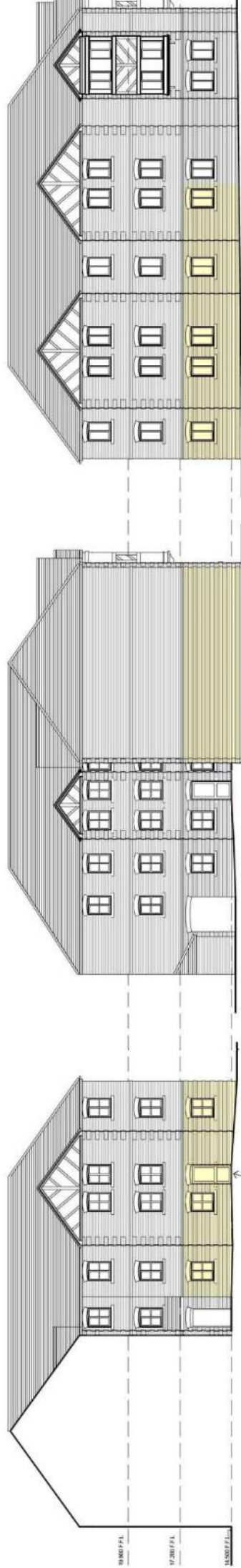
UNWIN JONES
PARTNERSHIP

DATE: Jan 2021
PROJECT: 202006
DRAWING NO: 102

BRIDGE LANE STUDIOS, CARLISLE, CUMBRIA, C.A.T. S12 • 01228 532364 • info@unwinjones.co.uk • www.unwinjones.co.uk

GENERAL NOTES

© This drawing remains the copyright of Unwin Jones Partnership.
DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing
electronically in PDF format, please do not use it for reproduction or for any other
purpose other than the one for which it was intended. It is not to be
used for construction purposes.



EAST ELEVATION
1:100

NORTH ELEVATION (NO WORKS)
1:100

WEST ELEVATION (NO WORKS)
1:100



EXISTING LAYOUT
1:100



PROPOSED LAYOUT
1:100