SCHEDULE A: Applications with Recommendation

22/0840

Item No: 01 Date of Committee: 24/03/2023

Appn Ref No: Applicant: Parish: 22/0840 Daniel Johnston (1982) Ltd Carlisle

and Anson House Ltd

Agent: Ward:

Sam Greig Planning Ltd Cathedral & Castle

Location: Car Park, Eastern side of Lowther Street, Lowther Street, Carlisle, CA3

8DP

Proposal: Erection Of Multifunctional Food And Drink, Leisure Entertainment

Venue And Associated Ancillary Uses

Date of Receipt: Statutory Expiry Date 26 Week Determination

14/11/2022 16/02/2023

REPORT Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Principle of development
- 2.2 Scale and design of the proposal
- 2.3 Impact of the proposal on designated and non-designated heritage assets
- 2.4 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.5 Crime prevention safety and fear of crime and anti-social behaviour
- 2.6 Impact of the proposal on highway safety
- 2.7 Proposed drainage methods
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

3. Application Details

The Site

- 3.1 The application site, equating to an area of approximately 0.23 hectares, is located to the east of Lowther Street, on part of the lower section of the existing hard surfaced car park. The western boundary of the site is delineated by a wall and railings which front directly onto Lowther Street. Immediately adjacent to the northern boundary of the application site are two substantial brick built three storey buildings, The Bowling Green Hostel and Georgian House, occupied by HM Prison and Probation Service. The remainder of the car park forms its eastern and southern boundaries beyond which is Georgian Way and the rear elevations of properties on the northern side of Chapel Street respectively.
- 3.2 The application site is identified in the Carlisle District Local Plan 2015-2030 as being within the City Centre Boundary and as an area for a Potential Future Expansion of the Primary Shopping Area. The application site is also located within the City Centre Conservation Area with The Howards Arms and The Dispensary, Grade II Listed Buildings located to the south west and south respectively. The Church of Scotland on Chapel Street, is a significant local building and is considered to be a non-designated heritage asset.

Background

- In 2015, planning permission was granted for the erection of a 3438 square metre retail unit and a 9 level multi-storey car park, together with the formation of a new vehicular access fro Georgian Way that permitted a left turn only entry and exit arrangement (application reference 14/0849).
- 3.4 In 2016, an application for the variation of application 14/0849 to enable both a left and right turn to and from Georgian Way was approved (application reference 16/0020).
- 3.5 Applications to discharge pre-commencement conditions attached to planning approval 16/0020 were discharged under application references 20/0604 and 20/0828. Application 16/0020 has subsequently been lawfully implemented by formation of part of the access to serve the retail unit and multi-storey car park.

The Proposal

- 3.6 The application before Members now seeks permission for part of the lower section of car park for the siting of a multifunctional food and drink, leisure entertainment venue and associated ancillary uses. The structure would be formed by shipping containers wrapped in anthracite grey insulated metal profiled panelled skin with aquamarine detailing, dressed to replicate the originally proposed shipping containers. The structure would be two containers in height with a shallow profile pitched metal roof with a central glazed roof lantern. The submitted details illustrating that the maximum height from ground level to the top of the glazed lantern would be 9.9 metres.
- 3.7 The proposed development, equating to approximately 2224 square metres

(including back of house storage), would consist of a 'central plaza' seating area surrounded on four sides by street food vendors and bars housed in containers fronting the plaza. Access to the first floor would be via stairs or a lift and would have additional seating areas, bars and food vendors.

3.8 Pedestrian access would be from Lowther Street via the retained and remodelled wall and railings which currently front Lowther Street.

Delivery/service vehicles would be routed to the service area to the rear (eastern) elevation of the structure along Victoria Place, Albert Street before entering a modified access from Chapel Street and exit via Spring Gardens Lane.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of twenty-five neighbouring properties and the posting of site and press notices. In response, fourteen representations of comment / objection have been received.
- 4.2 The representations have been reproduced in full for Members, however, in summary the issues raised are:
 - 1. detrimental impact on the living conditions of neighbouring properties
 - 2. potential for increased noise, disturbance and litter
 - 3. fear of crime and disorder
 - 4. inappropriate location for an entertainment venue
 - 5. adverse visual impact on the City Centre Conservation Area
 - 6. loss of wall and railings fronting Lowther Street
 - 7. should re-utilise existing empty properties
 - 8. detrimental impact on highway safety
 - 9. loss of parking provision
- 4.3 Some members of the Development Control Committee have also been directly contacted by a third party on the proposal and this document has been reproduced in full for Members. In summary, the issues raised are:
 - 1. appalled by headlines that city leaders welcomed plans for the proposal
 - trust that this support does not influence objectively of Committee Members
 - 3. likens proposal to The Tribe in Bitts Park which they consider looks abandoned
 - 4. questions future of vacant retails units within city centre and Market Hall
 - 5. other schemes by the developer involve new build or re-use of vacant buildings
 - 6. council needs to adopt a longer-term strategic policy for the regeneration of the city to make Carlisle a destination
 - 7. approval of the application will abrogate the responsibility of councillors as guardians of the built environment
- 4.4 Carlisle Civic Trust has also raised objections to the proposal. In summary,

the issues raised are:

- application documents do not include any context elevations showing the setting of the propose building alongside the existing buildings, therefore, not possible to evaluate the impact of the proposed building
- contrary to Policy SP2 of the local plan. The car park is not underused and re-use of existing empty buildings within the vicinity must be fully investigated prior to consent being granted. This would a reduced carbon expenditure.
- 3. contrary to Policy SP6 of the local plan. The orientation and proposed materials do not respond to the street pattern and palette of materials of existing materials and is not a natural material and does not reinforce any local architectural features or promote and respect any local character and distinctiveness. The Howard Arms and 103-105 Lowther Street, the Dispensary and 2-9 Chapel Street are Grade II listed. The proposed building would adversely affect the setting of these heritage assets.
- 4. contrary to Policy HE7. The proposed building would not be sympathetic to the physical characteristics of the conservation area, on the contrary, the proposed building would be alien and unsympathetic.
- 5. The Urban Design and Public Realm Framework Supplementary Planning Document, Retail Core, states: 'A public realm worthy of the built heritage will create a new identity for the City, re-establishing Market Square as the Heart of the City. The vibrant square will become a focus for civic events and City activities. English Street, Scotch Street and Lowther Street will provide shopping destinations of the highest quality which will be connected by quality'. The site for the proposed does not address Market Square but is on the far side of Lowther Street which is designated as an area for shopping. The location on the site of the car park would extend and dilute the area of activities in the City centre. In addition, Botchergate has been defined as the 'evening destination, lined with pubs, bars and restaurants from Crown Street to the Citadel.'. This statement in the SPD confirms that Lowther Street is the wrong location for a multi functional food, drink and leisure entertainment venue
- contrary to paragraph 130 of the NPPF. If the principle of development of this type on this site were to be considered appropriate more effective use could be made of the shipping containers if they were to be expressed as separate and distinct elements rather than concealed behind profiled metal cladding
- 4.5 Revised and additional information have been received upon which third parties have been reconsulted. At the time of preparing the report, three further representations of objection have been received. Again, the representations have been reproduced in full for Members, however, in summary the issues raised are:
 - 1. previous objections raised have not been addressed by the latest submitted plans
 - 2. detrimental impact on the City Centre Conservation Area
 - 3. empty buildings should be utilised
 - 4. development could cause noise and attract anti-social behaviour
 - 5. detrimental impact on neighbouring residential properties

- 6. loss of wall and railings fronting Lowther Street
- 7. adequacy of access route to accommodate delivery vehicles
- 8. out of keeping with area
- 9. loss of car parking
- 10. requirement to consult Health & Safety Executive and Fire Service due to inadequacy of fire escapes

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - note the planning history of the site and following an assessment of the submitted details raise no objections to the proposed development subject to the imposition of conditions. The recommended conditions would require details of: the highway crossings; construction traffic management plan; protection of highway drain; surface water drainage scheme; and access and service requirements to be constructed prior to use commencing;

Northern Gas Networks: - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail;

Cumbria Constabulary - North Area Community Safety Unit: - have further consulted with the NPT and Licensing Officer since the original response and have been advised that a recent site meeting involving city Licensing Department and police has been most helpful in addressing the concerns previously raised. The agent has also provided additional information, in particular the published Premises Operating Schedule.

Consequently, the only outstanding query relates to reducing / avoiding youth related ASB, which is a persistent issue in the city centre. Clarification is sought in respect of whether pupils/students (singly or in groups) be permitted entry during lunch times and school hours to purchase food items? if so, how shall this be managed? At weekends, a frequent occurrence is of groups of youngsters entering retail outlets on the pretext of purchasing food but causing a disturbance or abusing staff whilst inside and also congregating outside premises. Would be preferable if the premises refuse entry as a matter of course to youngsters or entry only if accompanied by an adult;

Local Environment - Environmental Protection: - have considered the submitted documentation and considers that the development is acceptable subject to the imposition of conditions. These conditions would require the submission of: closure of external terraces from 2200 hours; details of the plant and equipment; submission of an operational management plan; construction environmental management plan; and complaints procedure;

Local Environment - Waste Services: - no response received.

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.
- The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 together with Policies SP2, SP4, SP6, SP7, EC8, EC9, IP3, IP4, IP5, IP6, CC5, CM4, CM5, HE3 and HE7 of the Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) 'Designing Out Crime (November 2009)' and 'The Urban Design and Public Realm Framework (July 2009) are also material planning considerations.
- 6.3 The application raises the following issues:

1. Principle Of Development

- 6.4 Paragraph 7 of the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 8 and 9 explaining that achieving sustainable development means that the planning systems has three overarching objectives: economic, social and environmental. All of which are interdependent and need to be pursed in mutually supportive ways. Economic growth can secure higher social and environmental standards with planning decisions playing an active role in guiding development towards solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 10 of the NPPF 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 sets out the level of objectively assessed development needs to be delivered within the District until 2030, and importantly a number of key principles to guide, how where an when these will be met in order to ensure that sustainable patterns of development prevail across the plan period. Policy SP2 seeking to ensure that sufficient land is identified to create the right conditions for economic growth.
- 6.6 The application site is identified within the local plan as being within the City Centre and as a potential future expansion of the Primary Shopping Area. Policy SP4 of the local plan acknowledging that Carlisle City Centre is the main retail, leisure, service and administrative centre for a sub region encompassing the majority of Cumbria and which extends into Southwest Scotland and the Scottish Borders. The overriding objective for development within the City Centre will be to contribute to maintaining and where possible enhancing, in accordance with national policy, its vitality and viability. The need for proposals to contribute towards a diverse mix of uses reflects a desire to act to ensure vitality throughout both the daytime and evening

economies, and in doing so expand the City Centre offer. As outlined earlier in the report, the application site is also identified as a potential future expansion of the Primary Shopping Area in Policy SP4 of the local plan. Retail led development on land to the north of Lowther Street including Rickergate will be supported where they are in response to identified needs.

- 6.7 The City Council's SPD 'The Urban Design Guide and Public Realm Framework (July 2009)' provides comprehensive guidance on future development within the City. The aim of the SPD is to inform and direct the standard, type and quality of the urban design and public realm within Carlisle. The vision outlined in Part 4 'Public Realm Strategy' of the SPD details: "Lowther Street will become a premier retail and leisure destination, a primary street linking the business district of the Eastern Approaches with the Retail Core ... street cafes, bars and restaurants will animate the street, retail stores will expand upon the existing High Street offer and at night, the street will be buzzing with evening activity ... ".
- 6.8 Policy EC8 of the local seeks to facilitate the creation of a vibrant and viable food and drink offer across the District. The need to do so reflects national policy and the need to support the vitality and viability of City, District and Local Centres through diversifying their offer and encouraging competition and a greater provision of customer choice. The Policy responds to this requirement through enabling the appropriate growth of food and drink related leisure services which in many instances will complement a centre's retail offer, the District's visitor offer and support the evening economy through improving evening activity.
- 6.9 Policy EC9 of the local plan recognises that the tourism, arts, cultural and leisure sectors are vitally important to Carlisle as generators of economic prosperity. employment and enjoyment. It is essential that the potential of these sectors are promoted and supported to ensure the continued growth of the economy and cultural horizons of the District subject to satisfying three criteria.
- 6.10 The proposal seeks full planning permission for the erection of multifunctional food and drink, leisure entertainment venue and associated ancillary uses on part of the car park on the eastern side of Lowther Street. The submitted Planning and Heritage Statement outlining that: "the multifunctional space would be formed by shipping containers enclosing a central plaza. Surrounding the plaza on the ground and first floors would be a selection of independent food operators, bars, including a coffee shop and flexibility for one of the food outlets to trade as a retail unit ... the communal plaza is the 'heart and soul' of the venue and provides a central place where people can come together socially. The venue is aimed at a wide demographic and includes a small stage and will host a variety of events ... the stage will also provide free live music where bands and singers can perform on a central stage which adds to the positive ambiance that the applicant is seeking to replicate ... ".
- 6.11 When assessing the potential impact of the proposal on the city centre and potential future expansion of the Primary Shopping Area, the prevailing

character of this part of the city centre is retail transitioning to office accommodation at the northern periphery of Lowther Street. Leisure uses are normally associated within the city centre and the proposal would not lead to an unacceptable concentration of non-retail uses within the vicinity. The proposal would contribute towards a diverse mix of uses within the area and provide an opportunity to ensure the vitality and vitality throughout both the daytime and evening economies, and in doing so expand the City Centre offer. In overall terms, the proposal accords with the objectives of national and local planning policies. Compliance with other criteria within the aforementioned policies together with other policies of the local plan will be discussed in the relevant sections below.

2. Scale and Design Of The Proposal

6.12 The NPPF creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 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;
- 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".
- 6.13 High quality design is also a key thrust of the local plan's strategic overarching strategy. Policy SP6 of the local plan seeking to ensure that proposals respond to the local context taking account of established street patterns, making use of appropriate materials and detailing, and reinforcing local architectural features to promote and respect local character and distinctiveness. Policy SP7 of the local plan seeking to ensure that heritage and cultural assets are safeguarded or enhanced for the future both for their own heritage and cultural merits and for the wider benefits they bring.
- 6.14 When assessing the character of the area and as outlined earlier in the report, the application site is located within the city centre conservation area with several designated and non-designated heritage assets in close

proximity of the site. This impact of the proposal on the heritage assets will be discussed in more detail the following paragraphs. However, as Members will be aware, the character of the area has evolved over the years through the introduction of large scale buildings, including The Lanes Shopping Centre.

- 6.15 The submitted drawings illustrate a substantial contemporary style building within which shipping containers are grouped together and enclosed by profiled metal cladding to form an entertainment hub. Whilst the overall bulk of the proposal is substantial, it reflects the scale and massing of other much larger buildings along this part of Lowther Street. Furthermore, the building would be set back behind the retained and modified wall and railings and present a relatively short active elevation to Lowther Street reflecting the street scene along this part of Lowther Street. The appearance of the application site from Georgian Way will acknowledge that this is a recent contemporary addition to the area and be viewed in the context of the much larger buildings of The Bowling Green Hostel, Georgian House, and Eden Bridge House. The proposed cladding of the building would also reflect materials similar to those used on the nearby Arts and Digital Building on Strand Road, part of Carlisle College, which is within the Chatsworth Square/Portland Square Conservation Area.
- 6.16 In light of the foregoing planning assessment and on balance, the location, scale and design would respond to the local context and not be disproportionate or obtrusive within the street scene. Accordingly, the proposal accords with the objectives of the NPPF, PPG and local plan policies.

3. Impact Of The Proposal On Designated and Non-Designated Heritage Assets

- 6.17 The application site is within the City Centre Conservation Area and is adjacent to the Chatsworth Square / Portland Square Conservation Area. The Howard Arms on Lowther Street to the northwest of the application site together with The Dispensary on Chapel Street to the south are both Grade II Listed Buildings. It is also worth noting that the Church of Scotland is not a listed building but is locally important and may be regarded in the NPPF context as a non-designated heritage asset.
- 6.18 Sections 66 (1) and 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 of listed buildings and conservation areas. Section 66 of the Act states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

6.19 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. This section states that:

"special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".

- 6.20 Members, therefore, must give considerable importance and weight to the desirability of preserving the nearby listed buildings, conservation area 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 Sections 66(1) and 72 of the 1990 Act.
- 6.21 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 189 highlights that: "heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".
- 6.22 Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.23 In considering potential impacts on heritage assets, paragraph 200 of the NPPF seeks to ensure that: "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ... ".
- 6.24 The aim of the 1990 Act and the NPPF is reiterated in Policies SP7, HE3 and HE7 of the local plan. Policies SP7, HE3 and HE7 seeking to ensure that development proposals preserve or enhance heritage assets character and appearance. Any new development should harmonise with their surroundings and be in sympathy with the setting, scale, density, and physical characteristics of the listed buildings and conservation area and their settings.
- 6.25 In light of the foregoing, Members need to have cognizance of: a) the significance of the nearby listed buildings, the Howard Arms and The Dispensary, and their contribution made to that significance by their settings within the conservation areas; and then assess b) the effect of the proposal on the listed buildings and their settings (inclusive of their significance and on the appreciation of that significance).

- a) the significance of the listed buildings and the contribution made by their settings within the conservation area
- 6.26 By way of background, there are around 400,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II*. The final tier of listed buildings are Grade II listed buildings which are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.
- 6.27 When considering any Listed Buildings in the context of planning applications the local planning authority refers to the statutory list which is provided by Historic England and is maintained by them. The official listing details for each of the listed buildings are as follows:

The Howard Arms - "2 houses, now 2 shops and a public house. Late C18 or early C19 with later alterations. Painted stucco walls. Graduated greenslate roof with original and C20 ridge and end stucco chimney stacks. Left 2-storey, 3 bay house divided into 2 shops; right 2-storey, 3 bay public house under common roof; double-depth plan. Shops have C20 paired doors flanked by shop windows under overall signboard on wooden pilasters. Sash windows above in plain reveals. Public house has ground floor late C19 coloured tiles (signed Doulton & Co. Lambeth) divided into 3 parts by paired tile pilasters with leaf capitals. Off-centre panelled door and overlight. Left tripartite window with round headed lights; 2 right paired similar windows. Overall modern signboard lettered in a style to match the scrolled tile lettering beneath the windows: from left to right, INDIA PALE ALES & MILD ALES/LAGER BEER & STOUT/ WINES SPIRIT & LIQUEURS (under the covering signboard it says HOWARD ARMS/ SIR RICHARD HODGSON'S OLD BREWERY). Upper floor sash windows with glazing bars in plain reveals. INTERIORS refurbished in 1979. Taken over by the State Management Scheme in 1916 and the lettering was boarded over: it was only uncovered in 1979".

The Dispensary - "Dispensary, now unoccupied. Dated and inscribed on frieze DISPENSARY 1857; by John Hodgson of Carlisle. Calciferous sandstone ashlar on squared plinth with modillioned eaves cornice. Slate roof (not visible from the ground) with coped gables; original ridge brick chimney stacks with moulded stone caps. 2 storeys, 4 bays. Left panelled door and overlight in pedimented pilastered doorcase. Sash windows in stone architraves, under pediments on ground floor. Has central eye-level inscribed stone plaque recording the founding of the dispensary in 1782 and the renovation of this building in 1934. INTERIOR not inspected. Carlisle Journal, 26 March 1858 refers to the opening of this building; The plans dated 1857 are in Cumbria County Record Office, CA/E4/2698. For history see WP Honeyman (1982). For illustration see, Journal of the North West Civic Trust, Spring 1985. (Carlisle Journal: 26 march 1857; Honeyman, Dr. WP: A History

- of the Carlisle Dispensary: 1982; Journal of the North West Civic Trust: Spring 1985: P.27)".
- 6.28 As previously outlined in the report, The Church of Scotland is a significant local building and in this context paragraph 203 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".
- 6.29 The listed buildings are visually important features within the street scene; however, the settings of the listed buildings have also evolved over the years through the construction of The Lanes Shopping Centre along Lowther Street and the use of the land for a car park.
 - b) the effect of the proposed development on the listed buildings and their settings
- 6.30 Sections 66 (1) and 72 of The 1990 Act requires that development proposals consider not only the potential impact of any proposal on a listed building and conservation areas but also on their settings. Considerable importance and weight need to be given to the desirability of preserving the nearby 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 sections 66(1) and 72 of the 1990 Act.
- As highlighted earlier in the report, when considering potential impacts of a proposed development on the significance of a designated heritage asset or non-designated heritage assets, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 199 of NPPF). Paragraph 200 of the NPPF outlining that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ...". Paragraph 202 expanding by stating that: "where a proposed development would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 6.32 Historic England has produced a document entitled 'The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.33 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: "the surroundings in

which 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".

- 6.34 The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking. The TSHA stating that: "all heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (i.e. the capacity of the setting to accommodate change without harm to the heritage asset's significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis".
- As mentioned earlier in the report, the nearby listed and non-designated 6.35 buildings are visually important features within the street scene; however, the settings of these buildings have also evolved over the years through the construction of The Lanes Shopping Centre along Lowther Street and the use of the application site as a car park. Open spaces between buildings within conservation areas can provide important amenity space and visually enhance conservation areas. The application site; however: is part of a car park surrounded by significant buildings and adds little to the character and setting of the conservation area. Policy HE7 of the local plan reinforcing this view by outlining that "proposals to utilise vacant land for car parking for interim or longer-term use within conservation areas, will be resisted except in exceptional circumstances". Nevertheless, there are some features worth noting such as the wall and railings which front Lowther Street. These aside, it is difficult to extol the virtues of the use of the site for a car park within the conservation area. This; however, is not tantamount to stating that any development on the car park would be acceptable. In line with the objections of the 1990 Act, NPPF and local plan, any development should preserve or enhance and not simply compound any lack of distinctiveness.
- 6.36 As highlighted earlier in the report, the submitted drawings illustrate a substantial contemporary style building within which shipping containers are grouped together and enclosed by profiled metal cladding to form an entertainment hub. Whilst the overall bulk of the proposal is substantial, it reflects the scale and massing of other much larger buildings along this part of Lowther Street. Furthermore, the building would be set back behind the retained and modified wall and railings and present a relatively short active elevation to Lowther Street reflecting the street scene along this part of Lowther Street. The appearance of the application site from Georgian Way

will acknowledge that this is a recent contemporary addition to the conservation area and be viewed in the context of the much larger buildings of The Bowling Green Hostel, Georgian House and Eden Bridge House. The proposed cladding of the building would also reflect materials similar to those used on the nearby Arts and Digital Building on Strand Road, part of Carlisle College, which is within the Chatsworth Square/Portland Square Conservation Area.

- 6.37 The council' conservation officer has been consulted on the proposal and advises that: "given the low to negative townscape value of the existing car park, would struggle to say that the proposed scheme does not have a beneficial impact and may help to draw activity to this new location, helping to stimulate wider commercial activity on Lowther Street ... content that the retention of the railings and planting will preserve and enhance the conservation area to an acceptable degree".
- 6.38 In light of the foregoing assessment and the views of the council's conservation officer, the proposal will have a less than substantial harm to the significance of the heritage assets and their settings. In accordance with the objectives of NPPF, PPG, Sections 66 (1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. In the context of the foregoing, the benefits of the proposal would introduce a complementary leisure use, thereby, providing an opportunity to contribute and support the viability and vitality of the city centre.
- 6.39 Accordingly, the benefits of the proposal clearly outweigh any perceived harm to the designated and non-designated heritage assets and their settings.

4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.40 Paragraph 126 of the NPPF creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live an work and helps made development acceptable to communities.
- 6.41 The aim of the NPPF is reiterated in Policy SP6 of the local plan which recognises that good design is essential to creating accessible, inclusive, attractive, vibrant and sustainable places with a strong sense of place, in which people want to live, work and have fun. Policy CM5 of the local plan highlights that the Council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers. Development that poses a risk to the environment or human health will be carefully considered in conjunction with the council's Environmental Health Team and any relevant external agencies. The justification text of Policy CM5 explaining that where noise may be an issue, a noise impact assessment will be sought at the earliest possible stage of the planning process. By avoiding the location of noise sensitive uses near to

- noise producing premises, noise problems can often be prevented. Where this is not possible, noise controls will need to be incorporated into new noise producing developments and mitigation measures may be prudent for new noise sensitive developments.
- 6.42 The application site is located within the city centre; however, the adjacent buildings of HM Prison and Probation Services afford overnight accommodation and there are further residential properties within the vicinity including properties along Chapel Street and Victoria Place. As such, in line with the objectives of the NPPF and local plan policies, the potential for noise and disturbance arising from the proposal must be considered in the determination of the application. Furthermore, the council has received several objections to the proposal which cite potential impact on the living conditions of the occupiers of neighbouring properties through unacceptable noise, disturbance and intensification of use.
- 6.43 The application was accompanied by a suite of documents all of which have been made available for Members and the relevant Statutory Consultees consulted. The submitted Noise Assessment details that: "noise sources considered in the assessment are entertainment noise and patron noise associated with the central plaza, plant noise associated with the development, and patrons on external terraces. Residential noise sensitive receptors are identified as the Bowling Street Hostel to the north of the development and residential on Chapel Street to the south of the development ".
- 6.44 The Planning and Heritage Statement highlighting that: "the proposed opening hours of the development are 07:00am to 02:00am Monday to Sunday (inclusive of Bank Holidays). Notwithstanding the opening hours, live music is anticipated to be played throughout the week (Monday – Sunday) from 12:00pm to 22:00pm, although earlier performances are likely to be low key acoustic type performances. It should also be noted that the provision of live music is not continuous through this period and is simply stated to identify the time period when live music as well as the other acts identified in paragraph 3.1.4, are likely to take place ... the proposed development ... formed predominantly from standard 40' shipping containers wrapped with an insulated metal profile panelled skin ... the building has an insulated shallow profile, pitched metal roof with a centrally positioned glazed roof lantern ... inside the entrance there is a large central 'plaza' seating area surrounded on four sides by street food vendors and bars housed in containers fronting onto the internal square. There are stairs and a lift up to a first floor decked area. which again accommodates further covered seating areas and bars/food vendors. For noise containment purposes these 'external seating areas' feature double glazed lobbied bi-fold doors that separate these areas from the central plaza. All external doors (except security doors) and windows will be double glazed in polyester powder coated aluminium frames. Internally the containers will be lined to enhance their acoustic performance ... ". Details in respect of delivery times have been detailed in the Service Management Plan. General Business and Trader Business Deliveries would occur between the hours of 0700 hours and 2100 hours and General Waste Collections will primarily take place between the hours of 0700 hours and

1000 hours.

- As highlighted earlier in the report, the council' Environmental Health Team 6.45 has been consulted and following the receipt of a revised Noise Assessment considers the development is acceptable subject to the inclusion of conditions. The response detailing that the revised Noise Assessment considers entertainment noise and patron noise associated with the potential development and the impact of this at the nearest existing residential receptors. In the absence of any national guidance specifically for entertainment noise, the consultant has used The Institute of Acoustics (IOA) draft guide 'Good Practice Guide on the Control of Noise from Pubs and Clubs'. The results of which indicate that the target criteria (as proposed by the IOA guide) would be met for the noise break out from the proposed building. However, when at full capacity, noise from patrons using the external terraces would exceed the target criteria. Due to this, it is recommended that the external terraced areas are closed at 2200 hours to reduce the likelihood of the occurrence of statutory noise nuisance. Pre-commencement conditions recommended by the Environmental Health Team require the submission of further details in respect of: a Construction Environmental Management Plan; an Operational Management Plan which would require details of management procedures to be implemented to mitigate for any potential disturbance to nearby residents; and precise details of the plant to be associated with the development. Compliance with these conditions would ensure that any the amenities of neighbouring residential properties are safeguarded.
- 6.46. In respect of the potential intensification of use and noise of vehicles using Albert Street to access the service yard of the development. It is acknowledged that the development would result in a slight increase in traffic accessing Albert Street. A condition restricting delivery/waste collection times between the hours of 0700 hours and 2100 hours is recommended which would mitigate for any perceived unacceptable noise and disturbance arising from the development. It should also be noted that there is no such time restrictions for other delivery vehicles to business and residential premises located along Albert Street or Chapel Street.

5. Crime Prevention, Safety And The Fear Of Crime And Anti-Social Behaviour

- 6.47 Paragraph 92(b) of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: "are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion ... ". This policy statement and planning case law confirms that people's perceptions in respect of the fear of crime or anti-social behaviour is capable of being a material planning consideration.
- 6.48 The aims of the NPPF is reiterated in Policies SP6 and CM4 together with the council's SPD 'Designing Out Crime' which also seek to ensure that new developments should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out

opportunities for crime. The potential fear of crime and anti-social behaviour arising from the proposed development has been raised by third parties especially late at night. Cumbria Constabulary's Crime Prevention Officer in his original response also raised several concerns in respect of the proposal.

- 6.49 Revised details have subsequently been received and upon which third parties and the Crime Prevention Officer consulted. Whilst third parties maintain their objections to the proposal the Crime Prevention Officer now advises that he has: "further consulted with the Neighbourhood Police Team and Licensing Officer since the original response and have been advised that a recent site meeting involving city Licensing Department and Police has been most helpful in addressing the concerns previously raised ... and provided additional information, in particular the published Premises Operating Schedule. Consequently, the only outstanding query relates to reducing / avoiding youth related ASB, which is a persistent issue in the city centre ... clarification is sought in respect of whether pupils/students (singly or in groups) be permitted entry during lunch times and school hours to purchase food items? if so, how shall this be managed? At weekends, a frequent occurrence is of groups of youngsters entering retail outlets on the pretext of purchasing food but causing a disturbance or abusing staff whilst inside and also congregating outside premises. Would be preferable if the premises refuse entry as a matter of course to youngsters or entry only if accompanied by an adult".
- 6.50 At the time of preparing the report, clarification has been sought from the Agent in respect of management of patrons under the age of eighteen. Nevertheless, should Members approve the application, this issue could be addressed by the submission of a Operational Management Plan for the premises. It should; however, be noted that like other licensed premises within the vicinity and elsewhere with the city, the activity of patrons once they have left the premises would be difficult to regulate through the planning regime. In overall terms, the proposal would have result in issues sufficient to warrant refusal of the application on the basis of crime prevention, safety and the fear of crime and anti-social behaviour.

6. Impact Of The Proposal On Highway Safety

- 6.51 Paragraph 104 of the NPPF seeks to ensure that transport issues are considered from the earliest stages of plan-making and development proposals. Paragraph 111 of the NPPF highlighting that: "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". The aims of the NPPF are reiterated in Policies IP2 and IP3 of the local plan seek to ensure that all new development is assessed against its impact on the transport network and that well designed, safe and appropriate parking provision is provided.
- 6.52 Third parties have raised objections in respect of loss of parking and highway safety which have been reproduced in full for Members. In summary, the objections cite: loss of car parking; adequacy of Albert Street to

accommodate delivery/service vehicles; photographs illustrating vehicles parked in on-street parking bays and on double yellow lines along Albert Street which would restrict access for delivery vehicles serving the site; and intensification of use. A third party has also contacted the Highway Authority drawing the attention of the Highway Authority to their concerns in respect of highway safety.

- 6.53 The submitted drawings and documents illustrate that pedestrian access will be taken from Lowther Street, with the site entrance located adjacent to the existing controlled crossing, providing a direct connection to The Lanes Shopping Centre. Vehicular access for users of the car park will also continue to be from Lowther Street and exiting via Spring Gardens Lane. There will be a dedicated service area on the west side of the development site, which will provide servicing for all units within the proposed development. Delivery/service vehicles will be routed along Victoria Place, then Albert Street and will access the car park via an adapted access adjacent to Strutts on Chapel Street. The proposed delivery/service route would necessitate works to the highway and the reconfiguration of some of the car parking spaces within the car park. Vehicle swept path assessments for a 17.5 tonne rigid HGV and a 10.2 metre refuse vehicle have also been submitted to demonstrate that delivery/service vehicles can safely manoeuvre from Albert Street / Chapel Street, through the car park to the service area and exit again to Lowther Street via Spring Gardens Lane.
- 6.54 The Service Management Plan details that: general drink/food/packaging stock deliveries will typically incur 12 vehicle movements in any week but is likely to increase during peak periods such as Christmas. Street food traders within the premises would be required to consolidate their food and drink deliveries where possible to reduce the number of vehicles entering the site. General/specialist waste collections are likely to be scheduled on a weekly or fortnightly basis.
- 6.55 Cumbria County Council, as Highway Authority, has been consulted on the application and has also been made aware of the concerns of third parties questioning the ability of delivery vehicles to access Albert Street arising from vehicles parking along both sides of Albert Street. The Highway Authority has raised no objections to the proposals, subject to the imposition of pre-commencement conditions. The recommended conditions would requiring details of the proposed highway crossings, protection of the highway drain and the submission of a construction traffic management plan. An informative is also recommended to be included within the decision notice drawing the applicant's attention to the requirement to obtain the relevant permits/permissions under Highway Legislation.
- 6.56 The objections of third parties are acknowledged; however, the Highway Authority as statutory consultee has been consulted on the application and raises no objections to the proposal. Paragraph 111 of the NPPF advises that: "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Accordingly, as the Highway Authority raises no objections to the proposal it would be difficult

to substantiate an objection on highway safety grounds.

7. Proposed Drainage Methods

- 6.57 Paragraph 167 of the NPPF outlines that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that development proposals incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. In respect of surface water drainage, the PPG detailing a hierarchy of drainage options which aims to discharge surface water run off as high up the hierarchy of drainage options as reasonably practicable (paragraph 080 Reference ID: 7-080-20150323 of PPG). These being:
 - into the ground (infiltration)
 - to a surface water body
 - to a surface water sewer, highway drain, or other drainage system
 - to a combined sewer
- 6.58 The aims of the NPPF and PPG are reiterated within policies of the local plan to ensure adequate provision for the disposal of foul and surface water facilities is achievable prior to commencement of any development. Policy IP6 of the local plan outlines that in respect of the disposal of foul drainage the first presumption will be for new development to drain to the public sewerage system. Where alternative on-site treatment systems are proposed, it is for the developer to demonstrate that connection to the public sewerage system is not possible in terms of cost and/or practicality and provide details of the responsibility and means of operation and management of the system for its lifetime to ensure the risk to the environment is low. Policy CC5 of the local plan prioritising the use of sustainable surface water drainage systems through the hierarchy of drainage options detailed in the PPG based on evidence of an assessment of site conditions.
- 6.59 The submitted documents outlines foul drainage would enter the mains. In respect of surface water drainage, the hierarchy of drainage options has been explored and the only option available is for surface water to enter the existing public combined sewer network located to the west of the site boundary. The Flood Risk and Drainage Strategy outlining that a pre-development enquiry has been submitted to United Utilities to determine the connection point for surface water drainage from the site.
- 6.60 United Utilities has subsequently confirmed that following a review of the submitted Flood Risk and Drainage Strategy confirms that the proposals are acceptable in principle subject to the imposition of a pre-commencement condition requiring the submission of further details in respect of the foul and surface water drainage scheme to serve the development. Cumbria County Council, as Lead Local Flood Authority, has also confirmed it has no objections to the proposed development subject to the receipt of a satisfactory surface water drainage scheme to be submitted prior to commence of development.

8. Impact Of The Proposal On Biodiversity

6.61 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. As the proposed development seeks permission for development within a hard-surfaced car park the development would not harm a protected species or their habitat. However, an informative has been 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

- 6.62 Third parties have raised objections to the proposal stating that the re-use of empty buildings within the city centre should be explored prior to the determination of the application. A further issue raised was that the applicant had submitted an application to Newcastle City Council for the re-use of a building to house an entertainment venue. As Members are aware, each application is dealt with on its own merits and has to be determined as submitted.
- 6.63 Third parties have questioned if the Health & Safety Executive (H&SE) and the Fire Authority have been consulted as they consider that there is insufficient fire escape provision to safeguard the high number of patrons anticipated to use the entertainment hub. The application falls out with the prescribed circumstances outlined in the PPG for the consultation of the H&SE and the Fire Authority. The venue; however, would be subject to separate fire safety and building regulations legislation.
- 6.64 The proposed development will impact on a third party's right to a private family life and home under Article 8 of the Human Rights Act 1998. Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
 - Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
 - Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
 - Article 8 recognises the "Right To Respect for Private and Family Life".

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need. Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it were to be alleged that there is a conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.65 The principle of development is acceptable as the proposal would contribute towards a diverse mix of uses within the area and provide an opportunity to ensure the vitality and vitality throughout both the daytime and evening economies, and in doing so expand the City Centre offer.
- 6.66 The location, scale and design of the proposal would respond to the local context and not be disproportionate or obtrusive within the street scene or have a detrimental impact on designated or non-designated heritage assets. Compliance with the submitted documents and recommended conditions would also ensure that the proposal would not have a detrimental impact on the living conditions of neighbouring residents arising from unacceptable noise, disturbance, intensification of use or crime and disorder.
- 6.67 Cumbria County Council, as Highway Authority, subject to the imposition of conditions raise no objections to the proposal. United Utilities and Cumbria County Council, as Lead Local Flood Authority, also consider the proposal to be acceptable subject to the imposition of a condition. The proposal will not have a detrimental impact on biodiversity.
- 6.68 In overall terms, the proposal accords with the objectives of the National Planning Policy Framework, the Planning Practice Guidance, Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 together with the relevant policies of the Carlisle District Local Plan 2015-2030 and the adopted Supplementary Planning Documents.
- 6.69 Accordingly, it is recommended that this application is approved with conditions.

7. Planning History

- 7.1 In 1993, an application for outline planning permission for the rection of new office building with parking area was withdrawn (application reference 90/1174).
- 7.2 In 1993, an application for outline planning permission for the rection of new office building with parking area was withdrawn (application reference 90/1178).
- 7.3 In 1992, planning permission was granted for the use of site as a temporary car park (3 years)(application reference 92/9003).
- 7.4 In 2015, planning permission was granted following the completion of a Section 106 Legal Agreement for the erection of a retail unit and multi-storey car park together with the formation of a new vehicular access from Georgian Way (application reference 14/0849).
- 7.5 In 2016, an application for the variation of condition 2 (approved documents) and 6 (approved access) of previously approved application 14/0849 (application reference 16/0020).

- 7.6 In 2018, retrospective planning permission was granted for the installation of 3no. poles and 3no. ANPR cameras for the purposes of car park management and enforcement (application reference 18/0235)
- 7.7 Also in 2018, advertisement consent was granted for the continuation of display of 18no. non illuminated signs providing information in respect of car park management and enforcement (application reference 18/0236).
- 7.8 In 2021, an application for the discharge of conditions 4 (carriageway & footpath details); 5 (highway verge crossing details & footpath improvements); 7 (surface water discharge in relation to the highway); 8 (details of closure of existing access & reinstatement of highway boundaries) & 21 (foul & surface water details) of previously approved application 14/0849 as varied by application 16/0020 was granted (application reference 20/0604).

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 submitted planning application form received 9th November 2022:
 - 2. the Phase 1: Desk Top Study Report received 9th November 2022;
 - 3. the Phase 2: Ground Investigation Report received 9th November 2022;
 - 4. the Transport Statement received 9th November 2022;
 - 5. the Design and Access Statement received 17th February 2023;
 - 6. the Flood Risk Assessment & Drainage Strategy received 17th February 2023;
 - 7. the Noise Impact Assessment received 17th February 2023;
 - 8. the Operating Schedule received 17th February 2023;
 - 9. the Planning and Heritage Statement received 17th February 2023;
 - 10. the Service Management Plan received 17th February 2023;
 - 11. the Urban Design Analysis received 20th February 2023;
 - 12. the Site Location Plan received 10th November 2022 (Drawing No. EX-EW-[90]-900 Rev PL01);
 - 13. the Proposed Site Plan received 10th November 2022 (Drawing No. EW-[90]-910 Rev PL01);
 - 14. the Proposed Ground Floor received 17th February 2023 (Drawing No. P0-[20]-100 Rev PL12);
 - 15. the Proposed First Floor received 17th February 2023 (Drawing No. P1-[20]-101 Rev PL10);
 - 16. the Proposed Roof Plan received 17th February 2023 (Drawing No.

- P3-[20]-103 Rev PL06);
- 17. the Existing & Proposed West Elevations (Lowther Street) received 17th February 2023 (Drawing No. EX-EL-[20]-200 Rev PL02);
- 18. the Proposed West Elevation received 6th March 2023 (Drawing No. EL-[20]-200 Rev PL8);
- 19. the Proposed South Elevation received 17th February 2023 (Drawing No. EL-[20]-201 Rev PL6);
- 20. the Proposed East Elevation received 17th February 2023 (Drawing No. EL-[20]-202 Rev PL5);
- 21. the Proposed North Elevation received 17th February 2023 (Drawing No. EL-[20]-203 Rev PL9);
- 22. the Longitudinal Section A-A & Cross Section B-B 17th February 2023 (Drawing No. SE-[20]-300 Rev PL6);
- 23. the Swept Path Analysis Service Vehicle Enter Site Option 2, Approaching from Albert Street and Exit via Spring Gardens Lane received 17th February 2023 (Drawing No. 002 Rev P03);
- 24. the Swept Path Analysis Service Vehicle Enter Site Option 2, Approaching from Albert Street and Exit via Spring Gardens Lane received 17th February 2023 (Drawing No. 003 Rev P03);
- 25. the Swept Path Analysis Service Vehicle Enter Site Option 2, Approaching from Albert Street and Exit via Spring Gardens Lane received 17th February 2023 (Drawing No. 006 Rev P01);
- 26. the Swept Path Analysis Service Vehicle Enter Site Option 2, Approaching from Albert Street and Exit via Spring Gardens Lane received 17th February 2023 (Drawing No. 007 Rev P01);
- 27. the Notice of Decision;
- 28. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

- 3. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage schemes must include:
 - (i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) a restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) connections to the public sewer shall be made via a new or existing manhole;
 - (v) incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (vi) foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason:

to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies IP6, CC4 and CC5 of the Carlisle District Local Plan 2015-2030.

- 4. Development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
 - (i) pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - (ii) retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
 - (iii) cleaning of site entrances and the adjacent public highway;
 - (iv) details of proposed wheel washing facilities;
 - (v) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - (vi) construction vehicle routing
 - (vii) the management of junctions to and crossings of the public highway and other public rights of way/footway;
 - (viii) details of any proposed temporary access points (vehicular / pedestrian)
 - (ix) 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 and in the interests of highway and pedestrian safety in accordance with Policies SP6, IP2, IP3 and CM5 of the Carlisle District Local Plan. 2015-20320.

5. Prior to commencement of development, details of the proposed crossings of the highway and/or footway to Spring Gardens Lane and Chapel Street shall be submitted to the local planning authority for approval and completed in strict accordance with the approved details.

Reason:

To ensure a suitable standard of crossing for pedestrian safety in accordance with Policy SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

6. The highway drain shall be protected at the access prior to the development commencing in accordance with details which shall be submitted to the local planning authority for approval and shall be undertaken in strict accordance with the approved details.

Reason: In the interests of highway safety and environmental protection

in accordance with Policies SP6, IP2 and CM5 of the Carlisle

District Local Plan 2015-2030.

- 7. Prior to the development being brought into use, an Operational Management Plan (OMP) for the development must be submitted to and approved in writing by the local planning authority. The OMP should include (but not inclusively):
 - (i) trading hours of the premises;
 - (ii) details of management procedures to be implemented to ensure that at all times when the premises are open for any licensable activity there is sufficient, competent staff on duty at the premises for the purposes for preventing crime and disorder;
 - (iii) a noise management scheme which specifies the provisions to be made for the control of noise emanating from the site;
 - (iv) details for the hours and management of deliveries to the premises;
 - (v) details for the hours and management of refuse and waste collections to the premises; and
 - (vi) details of a noise complaints procedure to be implemented in the event of noise complaints received by the local planning authority.

The development must thereafter operate in strict accordance with the details contained in the approved OMP.

Reason: To prevent disturbance to nearby occupants in accordance with

Policy CM5 of the Carlisle District Local Plan 2015-2030.

- 8. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the control and mitigation measures proposed during the construction phase of the development in respect of:
 - (i) noise;
 - (ii) lighting;
 - (iii) dust;
 - (iv) vibration;
 - (v) smoke; and
 - (vi) odour.

The development shall be undertaken in strict accordance with the details contained within the CEMP.

Reason: To ensure the development is adequately managed and to

mitigate the environmental impact of the construction phase in the interests of the amenity of nearby residents/occupiers in the vicinity of the development in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

9. Prior to any installation, details of the plant associated with the development together with an assessment of the potential noise impacts at nearby residential premises arising from the use of the plant must be carried out using the methodology described within BS4142:2014. Where this assessment indicates that the noise rating level will exceed the background noise level by 5dB(A) or more, details of the noise mitigation measure to be taken shall be submitted to the local planning authority for approval. The approved plant shall be installed in strict accordance with the approved details.

Reason:

To ensure the development is adequately managed and to mitigate the environmental impact of the installed plant in the interests of the amenity of nearby residents/occupiers in the vicinity of the development in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

10. Prior to commencement of development, the repairs and modifications to the wall and railings to be retained along the western (Lowther Street) boundary of the site shall strictly accord with detailed drawings and specifications that shall first have been submitted to and approved in writing by the local planning authority. All repairs and modifications to the brick plinth and piers shall be undertaken in lime mortar, without cement, and replicate the existing pointing. The works shall thereafter be undertaken in strict accordance with the approved details.

Reason: To ensure that the works harmonise as closely as possible with the retained wall, piers and railings in accordance with Policies SP6 and HE7 of the Carlisle District Local Plan 2015-2030.

11. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

12. The external terraced/seating areas shall be closed and no patrons of the premises allowed to congregate in these areas after 2200 hours.

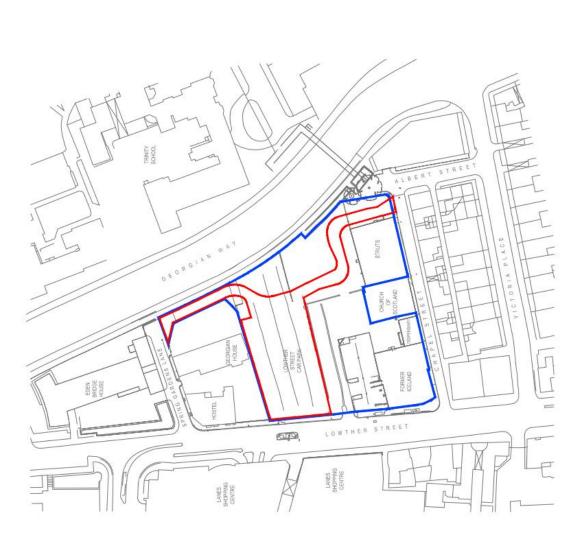
Reason: To ensure the development is adequately managed and to mitigate the environmental impact of the premises in the interests of the amenity of nearby residents/occupiers in the vicinity of the development in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

13. The use shall not be commenced until the access, parking and servicing requirements have been constructed in accordance with the approved plan. Any such access, parking or servicing provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior 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, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.





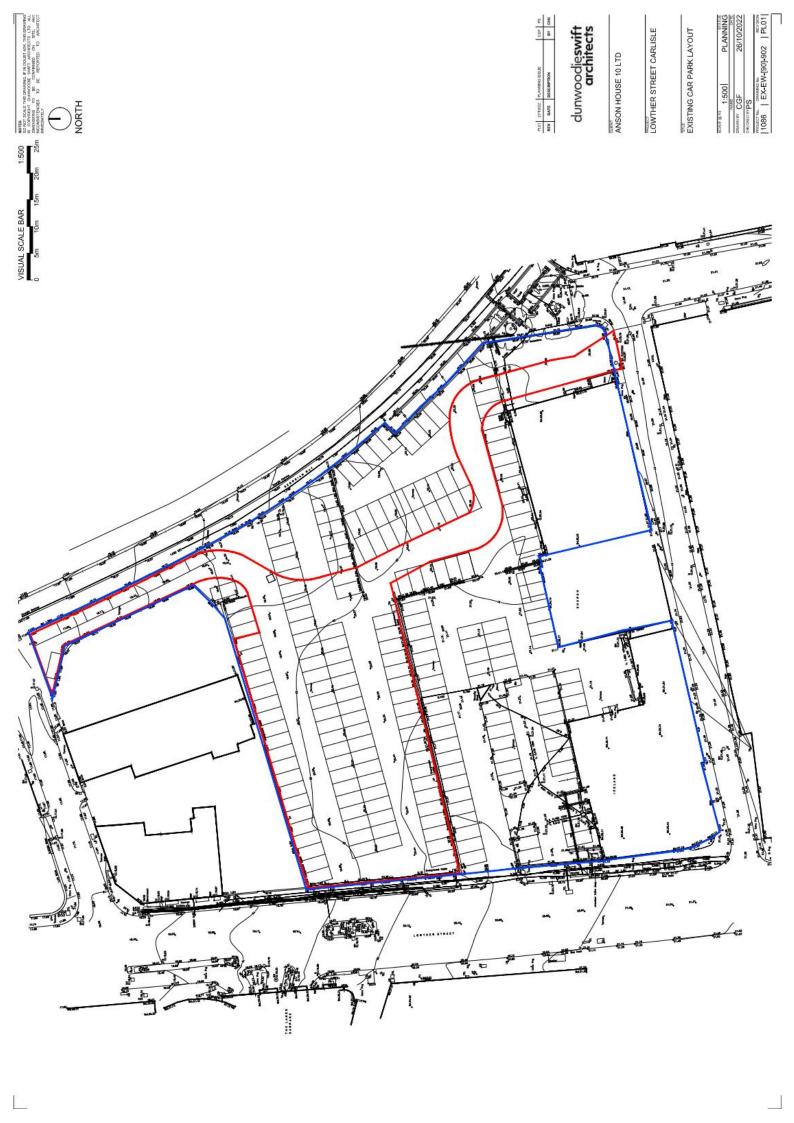
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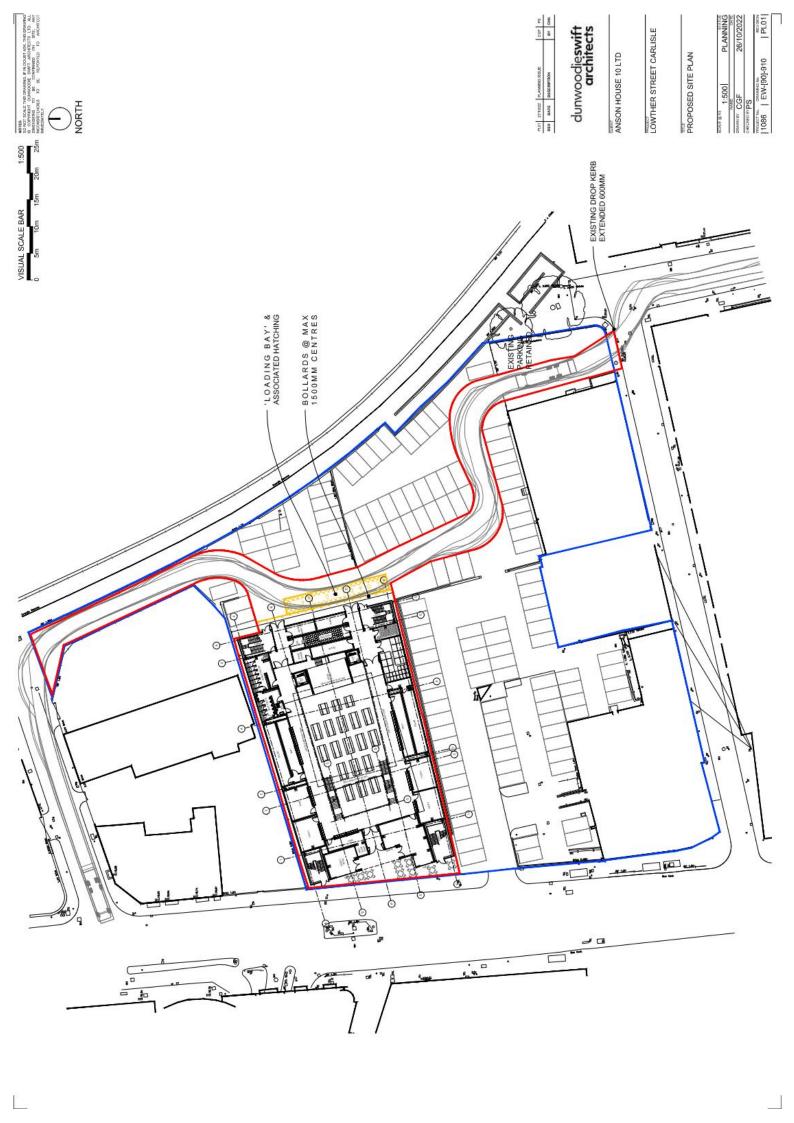
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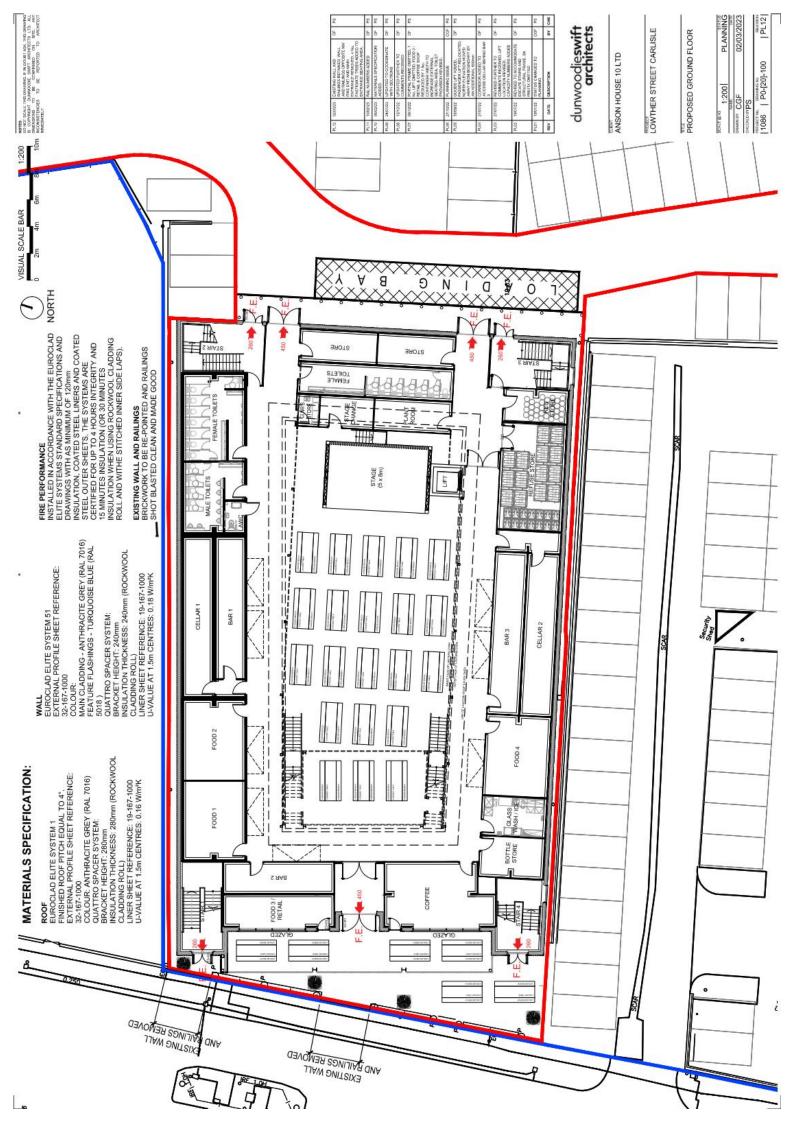
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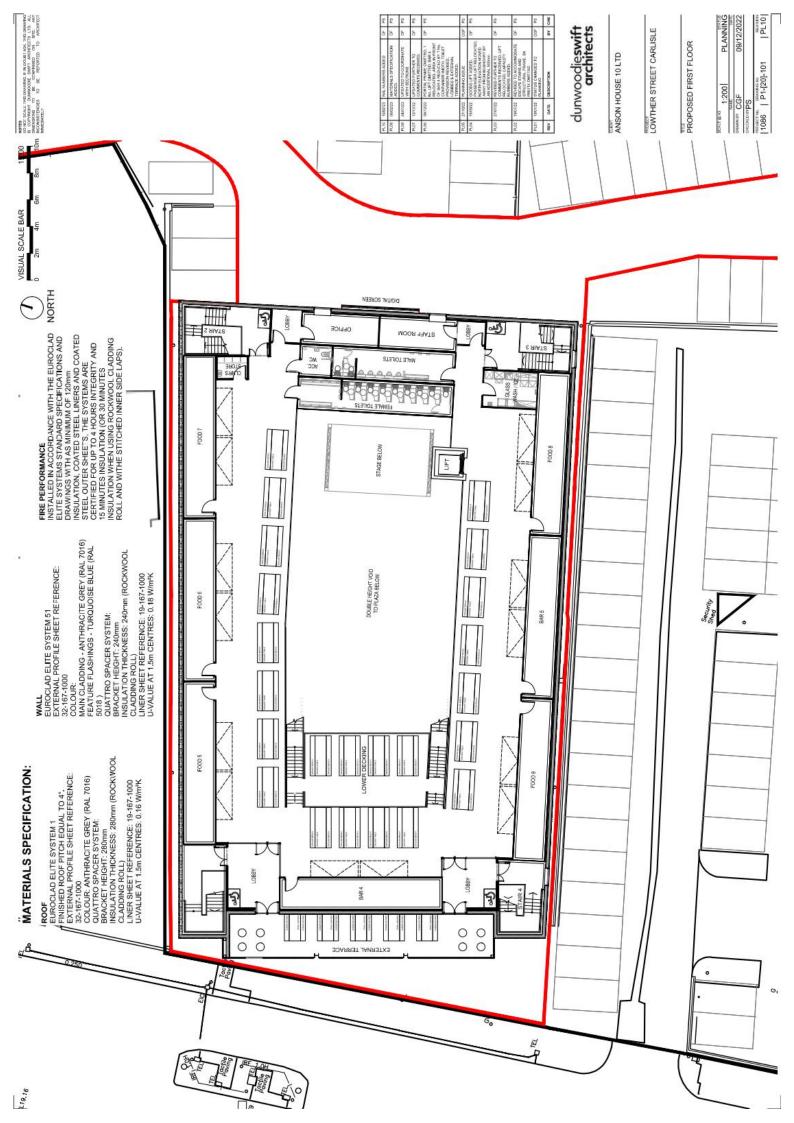
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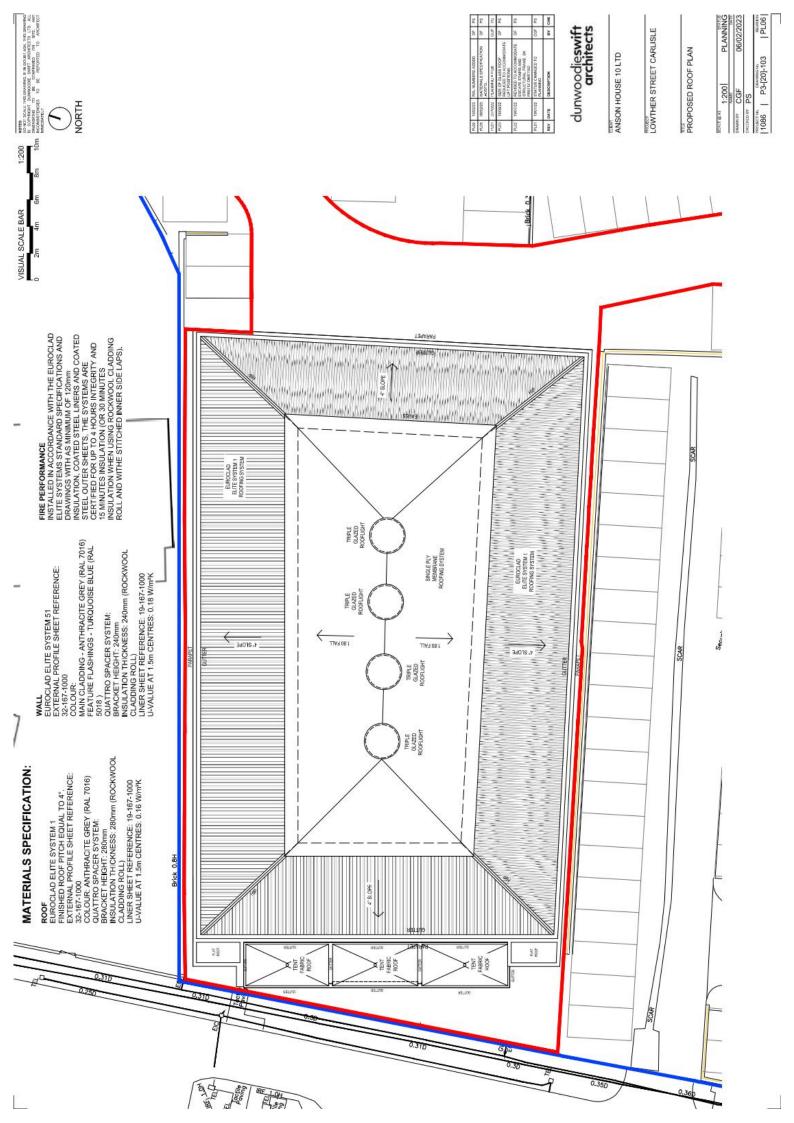
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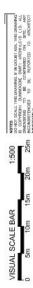








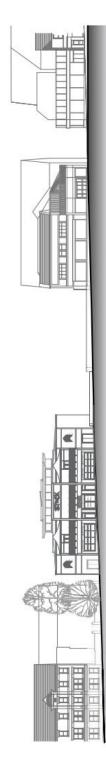




(EXISTING SURFACE CAR PARK 'GAP' SITEXVACANT FORMER ICELAND SITE)



EXISTING LOWTHER STREET ELEVATION



PROPOSED LOWTHER STREET ELEVATION

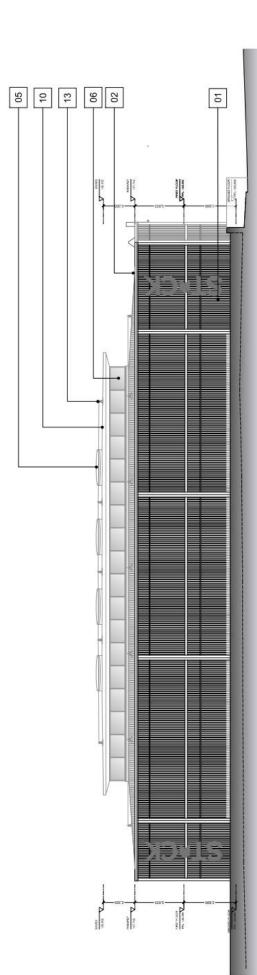
	01103/23	PROPOSED BLEVATION UPDATED TO COORDINATE WITH REVISED FLOOR PLANS	8	22
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RLISLE	D WEST	PLANNING	01/02/2023		0 PL02
LOWTHER STREET CARLISLE	me EXISTING & PROPOSED WEST ELEVATIONS (LOWTHER STREET)	1:500	RAWNEY CGF	SdvsosvbS	1086 EX-EL-[20]-200





NORTH ELEVATION

MATERIALS KEY:

- 01 INSULATED PROFILED METAL WALL CLADDING SYSTEM
- 02 INSULATED PROFILED METAL ROOFING SYSTEM, FASCIA & GUTTER
 - 03 TENSILE FABRIC STRETCH TENTS
- 04 SHIPPING CONTAINERS
- TRIPLE GLAZED CIRCULAR ROOFLIGHT 09
- POLYESTER POWDER COATED GLAZED DOOR / SCREEN / WINDOW 90
- POLYESTER POWDER COATED STEEL BALUSTRADE 07
 - 08 DIGITAL SCREEN
- 09 POLYESTER POWDER COATED STEEL SECURITY SHUTTER
- SINGLE PLY MEMBRANE ROOFING SYSTEM ON TIMBER DECK 10
- ALUMINIUM MODULAR STAGE PLATFORM SYSTEM 7

- 16 EXTERNAL DIGITAL SCREEN

MATERIALS SPECIFICATION:

INSULATION THICKNESS: 280mm (ROCKWOOL CLADDING ROLL) COLOUR: ANTHRACITE GREY (RAL 7016) QUATTRO SPACER SYSTEM: LINER SHEET REFERENCE: 19-167-1000 U-VALUE AT 1.5m CENTRES: 0.16 W/M*K EUROCLAD ELITE SYSTEM 1 FINISHED ROOF PITCH EQUAL TO 4°. EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000 BRACKET HEIGHT: 280mm

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g.

WALL

EUROCLAD ELITE SYSTEM 51 EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000 COLOUR:

MAIN CLADDING ANTHRACITE GREY (RAL 7016) FEATURE FLASHINGS TURQUOISE BLUE (RAL QUATTRO SPACER SYSTEM: 5018)

BRACKET HEIGHT: 240mm
INSULATION THICKNESS: 240mm (ROCKWOOL
CLADING ROLL)
LINER SHEET REFERENCE: 19-167-1000
U-VALUE AT 1.5m CENTRES: 0.18 WM/PK

| THE PERFORMANCE | THE PERFORMANCE | THE PERFORMANCE | THE PURTALLED IN ACCORDANCE WITH THE PURTALLED IN ACCORDANCE WITH THE PURTALLED IN ACCORDANCE WITH AS SYSTEM | TO SYSTEM IN STREEL GOALPOST FRAME TO WHEN USING ROCKWOOL CLADDING FOLL AND WHEN USING ROCKWOOL CLADDING FOLL AND WITHE STITCHED INNER SIDE LAPS).

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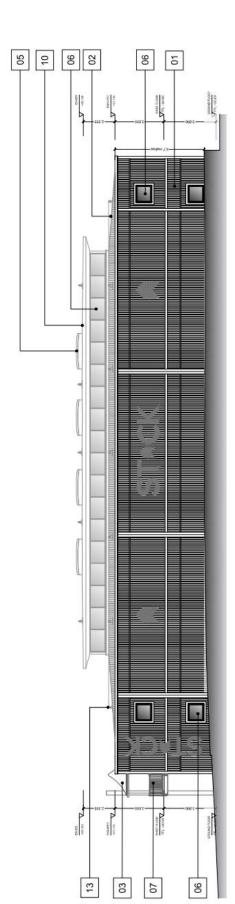
ANSON HOUSE 10 LTD

LOWTHER STREET CARLISLE

PLANNING PROPOSED NORTH ELEVATION 13/01/202 1:200 DRAWNEY CGF

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MATERIALS KEY:

SOUTH ELEVATION

- 01 INSULATED PROFILED METAL WALL CLADDING
- 02 INSULATED PROFILED METAL ROOFING SYSTEM, FASCIA & GUTTER
- 03 TENSILE FABRIC STRETCH TENTS
- 04 SHIPPING CONTAINERS
- 05 TRIPLE GLAZED CIRCULAR ROOFLIGHT
- 06 POLYESTER POWDER COATED GLAZED DOOR / SCREEN / WINDOW
- 07 POLYESTER POWDER COATED STEEL BALUSTRADE
- 08 DIGITAL SCREEN
- 09 POLYESTER POWDER COATED STEEL SECURITY SHUTTER
- 10 SINGLE PLY MEMBRANE ROOFING SYSTEM ON TIMBER DECK
 - ALUMINIUM MODULAR STAGE PLATFORM SYSTEM
- 12 STEEL ARCH STAGE TRUSS
- 13 POST HORIZONTAL LIFELINE FALL PROTECTION SYSTEM
- 14 POLYESTER POWDER COATED STEEL FIRE
- 15 STEEL GOALPOST FRAME TO
 MAIN ENTRANCE: TURQUOISE BLUE (RAL 5018)
- - 16 EXTERNAL DIGITAL SCREEN

MATERIALS SPECIFICATION:

COLOUR: ANTHRACITE GREY (RAL 7016)
QUATITOS GRACER SYSTEM:
BRACKET HGBHT, 280mm (ROCKWOOL
INSULATION THICKNESS: 280mm (ROCKWOOL FINISHED ROOF PITCH EQUAL TO 4°. EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000 ROOF EUROCLAD ELITE SYSTEM 1

CLADDING ROLL)

WALL

BY STANDARD BLITE SYSTEM 51

EXTERNAL PROFILE SHEET REFERENCE:
32-167-1000 COLOUR

LINER SHEET REFERENCE: 19-167-1000 U-VALUE AT 1.5m CENTRES: 0.16 W/M*K

BRACKET HEIGHT: 240mm (ROCKWOOL CLADDING ROLL) MAIN CLADDING ANTHRACITE GREY (RAL 7016) FEATURE FLASHINGS TURQUOISE BLUE (RAL 5018) QUATTRO SPACER SYSTEM:

LINER SHEET REFERENCE: 19-167-1000 U-VALUE AT 1.5m CENTRES: 0.18 W/M²K

FIRE PERFORMANCE
INSTALLED IN ACCORDANCE WITH THE
EUROCLAD ELITE SYSTEMS STANDARD
ON SPECIFICATIONS AND DRAWINGS WITH AS
MINIMUM OF 120mm INSULATION, COATED
STEEL LINERS AND COATED STEEL OUTER
SHEETS, THE SYSTEMS ARE CERTIFIED FOR
UP TO 4 HOURS INTEGRITY AND 15 MINUTES
INSULATION (OR 30 MINUTES INSULATION
WHEN USING ROCKWOOL CLADDING ROLL AND
8) WITHE STITCHED INNER SIDE LAPS).

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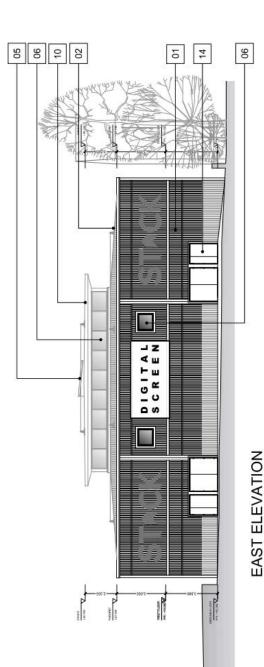
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ELEVATION	PLANNING	13/01/2023		PL6
PROPOSED SOUTH ELEVATION	1:200	SGF	S	JEL-{20]-201
PROPO	SCALE GRAD	DRAWN BY (онесиер вур	1086

	3	3/01/2023
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EL-{2	J-201	PL6





MATERIALS KEY:

- 01 INSULATED PROFILED METAL WALL CLADDING SYSTEM
- 03 TENSILE FABRIC STRETCH TENTS

02 INSULATED PROFILED METAL ROOFING SYSTEM, FASCIA & GUTTER

- 05 TRIPLE GLAZED CIRCULAR ROOFLIGHT 04 SHIPPING CONTAINERS
- 06 POLYESTER POWDER COATED GLAZED DOOR / SCREEN / WINDOW
- 07 POLYESTER POWDER COATED STEEL BALUSTRADE
 - 08 DIGITAL SCREEN
- 09 SECURITY SHUTTER
- 10 SINGLE PLY MEMBRANE ROOFING SYSTEM ON TIMBER DECK
- ALUMINIUM MODULAR STAGE PLATFORM SYSTEM =
- - POLYESTER POWDER COATED STEEL FIRE EXIST DOOR 14
 - - 16 EXTERNAL DIGITAL SCREEN

MATERIALS SPECIFICATION:

INSULATION THICKNESS: 280mm (ROCKWOOL CLADDING ROLL) EUROCLAD ELITE SYSTEM 1 FINISHED ROOF PITCH EGUAL TO 4°. EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000 COLOUR: ANTHRACITE GREY (RAL 7016) QUATTRO SPACER SYSTEM: BRACKET HEIGHT: 280mm LINER SHEET REFERENCE: 19-167-1000 U-VALUE AT 1.5m CENTRES: 0.16 W/M²K

10/00/23

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EUROCLAD ELITE SYSTEM 51 EXTERNAL PROFILE SHEET REFERENCE: 32-167-1000 MAIN CLADDING ANTHRACITE GREY (RAL 7016) FEATURE FLASHINGS TURQUOISE BLUE (RAL COLOUR:

14/1022 27/1022 DATE

BRACKET HEIGHT: 240mm INSULATION THICKNESS: 240mm (ROCKWOOL CLADDING ROLL) 5018) QUATTRO SPACER SYSTEM:

LINER SHEET REFERENCE: 19-167-1000 U-VALUE AT 1.5m CENTRES: 0.18 W/M²K

FIRE PERFORMANCE

STEEL GOALPOST FRAME TO WHEN USING ROCKWOOL CLADDING ROLL AND WITHE STITCHED INNER SIDE LAPS). WITHE STITCHED INNER SIDE LAPS). | INSTALLED IN ACCORDANCE WITH THE SYSTEMS STANDA | POST HORIZONTAL LIFELINE FALL PROTECTION SPECIFICATIONS AND DESAWINGS WITH MINIMALIAL ACCORDANCES. STEEL LINERS AND COATED STEEL OU SHEETS, THE SYSTEMS ARE CERTIFIED FUP TO 4 HOURS INTEGRITY AND 15 MINU

dunwoodie**swift** architects

ANSON HOUSE 10 LTD

CARLISLE	ELEVATION	PLANNING ESTE 22/10/2022
HOWTHER STREET CARLISLE	THE PROPOSED EAST ELEVATION	SCALE GAS 1:200
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PL5

модетия, раммейта |1086 | EL-[20]-202





INSULATED PROFILED METAL WALL CLADDING ROOF	ROOF
UI SYSTEM	EUROCLAD ELITE SYSTEM
	FINISHED ROOF PITCH EQU
INSULATED PROFILED METAL ROOFING	EXTERNAL PROFILE SHEET
UZ SYSTEM, FASCIA & GUTTER	REFERENCE: 32-167-1000
	COLOUR: ANTHRACITE GRE
03 TENSILE FABRIC STRETCH TENTS	QUATTRO SPACER SYSTEM
	RPACKET HEIGHT: 380mm

04 SHIPPING CONTAINERS

05 TRIPLE GLAZED CIRCULAR ROOFLIGHT

06 POLYESTER POWDER COATED GLAZED DOOR / SCREEN / WINDOW [07] POLYESTER POWDER COATED STEEL BALUSTRADE

08 DIGITAL SCREEN

99 POLYESTER POWDER COATED STEEL SECURITY SHUTTER

10 SINGLE PLY MEMBRANE ROOFING SYSTEM ON TIMBER DECK ALUMINIUM MODULAR STAGE PLATFORM SYSTEM

12 STEEL ARCH STAGE TRUSS

17 4 No. FASTIGIATE (COLUMNAR EVERGREEN)
TREES

18 GOOD AND REPOINTED MADE

MATERIALS SPECIFICATION:

MATERIALS KEY:

REY (RAL 7016) 1.1 UAL TO 4°. T

INSULATION THICKNESS: 280mm (ROCKWOOL CLADDING ROLL) LINER SHEET REFERENCE: 19-167-1000 U-VALUE AT 1.5m CENTRES: 0.16 W/MPK

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EUROCLAD ELITE SYSTEM 61
EVERNAL PROFILE SHEET REFERENCE: 32-167-1000
COLOUR:
MAIN CLADDING INCLUDING EXTERNAL FACE OF FIRST FLOOR TERRACED AREA: ANTHRACITE GATEX (RAL 7016)
FEATURE FLASHINGS TURQUOISE BLUE (RAL

DATE

QUATTRO SPACER SYSTEM:
BRACKET HEIGHT: 240mm
INSULATION THICKNESS: 240mm (ROCKWOOL
CLADDING ROLL)
LINER SHEET REFERENCE: 19-167-1000
LINER SHEET REFERENCE: 19-167-1000 5018)

FIRE PERFORMANCE

13 POST HORIZONTAL LIFELINE FALL PROTECTION INSTILLED IN ACCORDANCE WITH THE EUROCIAD ELITE SYSTEMS STANDARD

14 EXIST DOOR

15 STEEL GOALPOST FRAME TO

16 STEEL COALPOST FRAME TO

17 HOURS INTEGRITY AND 15 MINUTES INSULATION HENDINGER INTEGRITY AND 15 MINUTES INSULATION (PARAMETO)

18 STEEL GOALPOST FRAME TO

19 HOURS INTEGRITY AND 15 MINUTES INSULATION WHEN SIGNED STEEL STEEL COALPOST FRAME TO

16 EXTERNAL DIGITAL SCREEN

17 STEEL COALPOST FRAME TO

18 STEEL COALPOST FRAME TO

18 STEEL COALPOST FRAME TO

19 HOURS INTEGRITY AND 15 MINUTES INSULATION WHEN SIDE LAPS).

dunwoodie**swift** architects

ANSON HOUSE 10 LTD

LOWTHER STREET CARLISLE

PROPOSED WEST ELEVATION

PLANNING 06/02/2023 1:200 KWIE CGF очесимову PS

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