

SCHEDULE A: Applications with Recommendation

13/0867

Item No: 12

Date of Committee: 20/12/2013

Appn Ref No:
13/0867

Applicant:
Burge Halston Ltd

Parish:
Carlisle

Agent:
Hyde Harrington

Ward:
Castle

Location: Former Lonsdale Cinema, Warwick Road, Carlisle, CA1 1DN

Proposal: Demolition Of Former Cinema Building And Change Of Use Of Site To Car Park For Use By 'The Halston', Contract & Public

Date of Receipt:
12/11/2013

Statutory Expiry Date
07/01/2014

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 The Impact Of The Development On The City Centre Conservation Area
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.4 The Impact Of The Development On Adjacent Listed Buildings
- 2.5 Impact Of The Proposal On Highway Safety

3. Application Details

The Site

- 3.1 This application seeks planning permission for the demolition and redevelopment of the former Lonsdale Cinema, Warwick Road, Carlisle. The 0.18 hectare site is irregularly shaped and bounded by Warwick Road to the north, Cecil Street to the east, Barton's Place to the west and Mary Street to the south-east.

- 3.2 The 2/3 storey Lonsdale building occupies a prominent site on the southern side of Warwick Road which is one of the main roads into the City Centre. The footprint of the building expends the complete site area and is located within the City Centre Conservation Area and Primary Retail Area.
- 3.3 The building is large in scale and predominantly constructed from facing brick under slate roofs. The principal facade to Warwick Road is more decorative in appearance and incorporates some of the building's original 1930's art-deco features and influences. Subsequent alterations to the building to subdivide the auditorium and upper levels resulted in the inclusion of the large blue fascia which disguises the fenestration behind it. Also, as a result of this work, the majority of the original internal features have been lost.
- 3.4 The building has been redundant following the closure in 2006. Since that time, the building has been the subject of abandonment, neglect and fire damage.

Background

- 3.5 An application was previously considered in 2005 for the demolition of the existing cinema and bingo hall and erection of a commercial unit and 82 apartments, together with associated car parking and amenity space. Following several unanswered requests for information from the applicant, the application was returned undetermined to the applicant.
- 3.6 This application is linked to the other application before Members relating to this site elsewhere in the schedule for the redevelopment of the site to provide a replacement building. The current proposal is Phase 1 of the development and will allow the applicant to progress with the development of the apart hotel. The building is in a perilous condition and the demolition would allow the removal of the building which is in poor condition and will enhance the character and setting of the conservation area and the refurbished former Post Office building.
- 3.7 The applicant anticipates that in the next 5 years the site would be further developed with a replacement building to the front of the site that would provide ground floor commercial accommodation with 2 floors of accommodation that would supplement the apart hotel above. A total of 60 parking spaces would remain and this proposal is subject to a separate application before Members in this schedule under application 13/0869.

The Proposal

- 3.8 The proposal seeks consent for the demolition of the building and the redevelopment of the site to provide 70 car parking spaces. The site would be bounded by a low perimeter wall with railings and buff artsone copings.
- 3.9 Numbers 42 to 50 Warwick Road do not form part of this application and would be retained with the frontage of the development adjoining Warwick

Road between number 42 and the former GPO building. The wall height would be increased to 3 metres to the rear of these buildings and the application site.

- 3.10 The main vehicular entrance to the site would be created from Cecil Street with additional pedestrian access through the northern boundary to Warwick Road. The development would include the provision of 3 parking spaces dedicated for disabled persons together with motorcycle/ cycle spaces. Four lighting/ CCTV columns would serve to illuminate and monitor the 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 25 of the neighbouring properties. In response, 1 letter of objection has been received and the main issues raised are summarised as follows:

1. previous mistakes including the demolition of Her Majesty's Theatre in the 1980s have not been learned;
2. the Lonsdale is capable of hosting both large theatrical productions as well as film performances; few cinemas had backstage facilities. Reinstatement of the main auditorium would permit the increasingly rare opportunity to view the more popular releases on a large screen, which could make Carlisle stand apart from those places only served by multiplexes;
3. it would be interesting to know on what evidence the owner's claim that the building 'is way beyond repair' is based. Such statements, made by those who stand to gain, should never be accepted at face value;
4. if the desirable course cannot be followed, it is essential that consent for demolition is made conditional on an architectural record being made, to an approved standard, consisting of measured drawings and photographs. The building achieved listed status, so this is completely justifiable. Features concealed by later alterations must be included in the survey. It is also vital that items identified as being of intrinsic value should be recovered by specialists in advance of demolition. This applies especially to the large stained glass panel situated in the lobby, which I believe has attracted the interest of Tullie House;
5. the Lonsdale is an example of an increasingly rare building type and given the amount of proposals for demolition of such buildings, more determined efforts should be made for their retention.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of highway conditions;

Cumbria Constabulary - North Area Community Safety Unit: - comments awaited;

Northern Gas Networks: - comments awaited;

United Utilities: - there is a public sewer near the site and it is not permitted to build over it. An access strip of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances.

No development should be commenced until a scheme for the disposal of surface water, which must be based on sustainable drainage principle, must be approved by the local planning authority.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF) and policies CP5, CP6, CP15, CP17, EC4, LE12, LE17, LE19 and T2 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.2 There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area. This is reflected in both in the NPPF and in the Local Plan policies. Paragraph 135 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.”

- 6.3 The building does not fall under the umbrella of a heritage asset which the NPPF describes as “a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”
- 6.4 The building has remained vacant since it ceased to operate as a cinema in 2006, 7 years ago. As detailed earlier in this report, the appearance and structural condition of the building has significantly deteriorated over this period of time to the point where advertisement consent was granted earlier this year to conceal part of the front of the building.
- 6.5 Members may recall that the building was listed by English Heritage on 12th June 2007; however, following a reassessment by the Secretary of State, the building was de-listed in 2010. The building is not subject to any local listing or other similar designation.
- 6.6 The building has an identifiable place in Carlisle's history and would have

been an architecturally interesting building following its completion in the 1930's in the art-deco style. The issue for Members to consider now is that the majority of the interior of the building and original features were removed following substantial alterations and subdivision in the 1970's. Although the building was once listed, it is tantamount to the condition of the building that it was subsequently delisted 3 years later. There is little worthy of preservation other than the memories and historical part that the building has placed in the City's history.

- 6.7 The condition of the building has deteriorated to such a degree that it is an eyesore within the streetscene and the conservation area on this important approach to the city centre and one of the main transport hubs, the railway station.
- 6.8 On balance, it is clear that the building is in a poor state of repair and despite the comments made by the objector, it is also evident that the economies of scale mean that it would be unviable to repair the building. Under the requirements of the NPPF, a "balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." In this instance, the site has the potential to make a greater contribution to the character and appearance of the conservation area.
- 6.9 Within conservation areas, off-street vehicle parks will not be permitted, unless they are small in scale; and have no adverse impact on the street frontage or character; and have no detrimental effect on neighbouring properties; and have satisfactory access.
- 6.10 Small scale is defined in the policy as being usually less than 20 spaces. The policy further advises that large scale car parking in conservation areas will detract from their environmental quality, disrupt the tight knit fabric of the building pattern and attract more vehicles into the area, thereby being inappropriate.
- 6.11 In respect of this proposal, the approval of the application would allow the demolition of the building and parking facilities for contractors working on site. In addition, the car park would be for the users of the public and the apart-hotel which is currently being developed on the adjacent site of the former post office building. On the basis that planning permission is granted for the replacement building which is considered elsewhere in this schedule, the 60 parking spaces that would remain would be for residents of the apart-hotel. On this basis, although the car park is large in scale, it is considered acceptable in the context of the development and the boundary treatment would be sympathetic to the character and appearance of the area.

2. The Impact Of The Development On The City Centre Conservation Area

- 6.12 The car park would be to the rear of buildings that front Warwick Road that are substantial in scale. These buildings wrap around the corner and continues along Cecil Street and the site is well-related to the built form in the

immediate vicinity. The boundaries would comprise of facing brick, coping stone and railing and subject to the use of appropriate materials, the scheme would improve the street scene and would make a positive contribution to the character and appearance of the City Centre Conservation Area.

3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties

- 6.13 The site is surrounded by commercial uses but would ultimately be adjacent to the former post office and, should planning consent be granted for the redevelopment of the site, both of which would be occupied as part of the apart-hotel. Although there is the potential for some noise to be generated from the car park such as general conversation, car doors closing, engines starting etc. given the existing uses surrounding the site and the proximity to the City Centre, it is recognised that the site is in close proximity to late night uses that have the potential to generate noise. It is not, therefore, considered that the proposed parking area would generate significant additional noise levels to warrant refusal of the proposal.

4. The Impact Of The Development On Adjacent Listed Buildings

- 6.14 There are a series of listed buildings on the opposite side of Warwick Road to the north-west. The proposed car park would not be read in the context of these buildings and notwithstanding this, the scale, layout and use of materials would be acceptable as previously discussed. In this regard, the development would not be detrimental to the character or setting of the listed buildings.

5. Impact Of The Proposal On Highway Safety

- 6.15 Cumbria County Council, as Highways Authority has been consulted on the application and has no objection to the proposal subject to the imposition of conditions. Accordingly, the proposal would not have a detrimental impact on highway safety.

6. The Impact On Biodiversity

- 6.16 The Councils GIS Layer has identified that the site has the potential for protected species to be present within the vicinity. As the proposed development seeks permission relating to a vacant and boarded up building, it is unlikely that the development would 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.

7. Other Matters

- 6.17 United Utilities has advised that there is a public sewer adjacent to the site which is along Barton's Place and require an access strip of 3 metres either side of the sewer. Barton's Place itself only measures 4 metres in width, bounded by the former post office building the existing Lonsdale Building.

The proposal would not compound this situation and separate consent will be required from United Utilities.

- 6.18 In addition, United Utilities require a condition requiring details of the surface water drainage provision. Although the site is currently developed and the proposal would not exacerbate any existing surface water drainage issues, it would be reasonable to impose a condition requiring the submission and agreement of drainage details.

8. The Impact On Human Rights

- 6.19 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 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".

- 6.20 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.

- 6.21 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 was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.22 In overall terms, the existing building on the site detracts from the character and appearance of the streetscene and particularly, the City Centre Conservation Area. The demolition and redevelopment of the site would positively contribute to the area. The scheme would not impact on highway safety or nearby listed buildings. In all aspects the proposal would be compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 Planning permission was granted in 1985 for internal refurbishment and aluminium entrance screen.

- 7.2 Also in 1985, advertisement consent was granted for the erection of illuminated poster boards.
- 7.3 Planning permission was granted in 1987 for the erection of housing for heating equipment.
- 7.4 In 2005, an application for planning permission was submitted for the demolition of existing cinema/bingo hall and erection of a commercial unit and 82 apartments, together with associated car parking and amenity space but was finally disposed of and returned to the applicant.
- 7.5 Advertisement consent was granted in 2013 for the display of a hoarding (3.2m high by 12.5m long) proposed to the front elevation of the former cinema building; removal of 2 existing sign boxes to the left hand side of the elevation together with the removal of 2 sign boards above the entrance door.
- 7.6 An application for full planning permission is currently being considered under application reference 13/0869 for the erection of a 3 storey building with a commercial unit to the ground floor; apart-hotel accommodation to first & second floor with ancillary car parking together with contract/ public car parking to rear

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 approved documents for this Planning Permission comprise:
 - 1. the Planning Application Form received 1st November 2013;
 - 2. the Location Plan received 1st November 2013 (Drawing no. 90000/Location Plan);
 - 3. the Existing Block Plan received 4th November 2013 (Drawing no. 90000/01);
 - 4. the Demolition Plan received 4th November 2013 (Drawing no. 90000/05);
 - 5. the Proposed Temporary Car Park received 4th December 2013 (Drawing no. 70563/04 Rev B);
 - 6. the Proposed Car Park - Typical Wall Detail received 4th December 2013 (Drawing no. 70563/06);
 - 7. the Design and Access Statement received 1st November 2013;
 - 8. the Planning Statement received 12th November 2013;
 - 9. the Transport Form received 1st November 2013;
 - 10. the Notice of Decision;
 - 11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The use of the car park hereby approved shall be discontinued for use by members of the public, private contracts or residents of The Halston apart hotel not later than the 31st day of December 2018 unless the building approved under application reference 13/0869 has been substantially commenced.

Reason: The Local Planning Authority wish to review the matter at the end of the limited period specified to ensure that the character of the City Centre Conservation Area is not adversely affected in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

4. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced. The development shall then be completed in accordance with the approved details.

Reason: To ensure the works are appropriate to the character and appearance of the City Centre Conservation Area in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

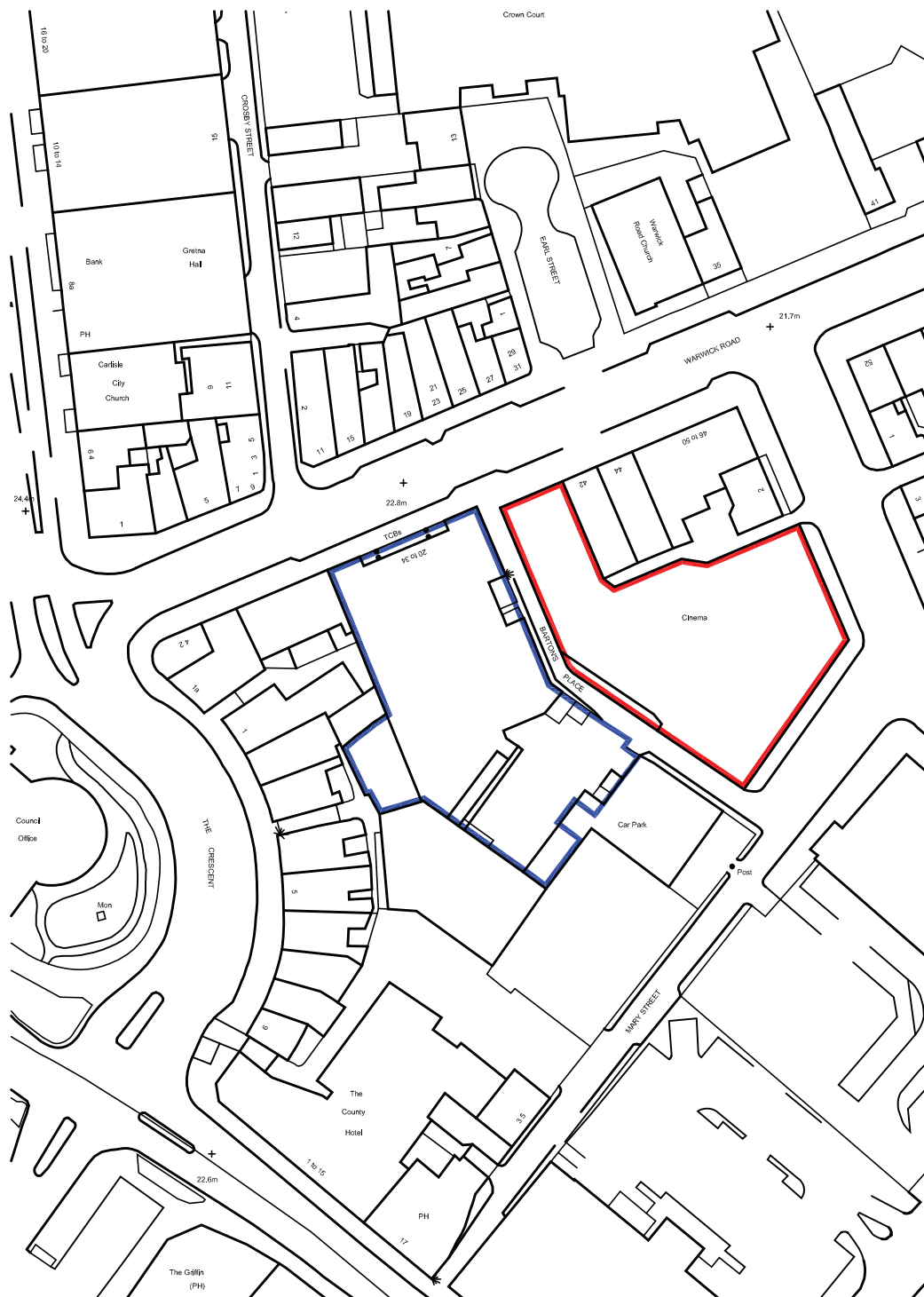
Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. The whole of the vehicular access area (and any reconstruction necessary of the footways fronting the development site) bounded by the carriageway edge and the highway boundary shall be constructed and drained to the standards of the Local Highways Authority.

Reason: In the interests of road safety and to support Local Transport plan POLICIES LD5, LD7 and LD8.

7. The use of the car park shall not commence until the access, boundary features and parking areas have been constructed in accordance with the approved plan. All such provision shall be maintained, capable of use and shall not be removed or altered thereafter without the prior written consent of the Local Planning Authority..

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8.



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Metres
0 5 10 20 30 40 50 100

— Application site

— Neighbouring site owned by the applicant



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All critical dimensions to be confirmed on site
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Project title :
**Former Cinema Site
Warwick Road, Carlisle**

Drawing title :
Location Plan

Drawing No :
90000 / Location Plan

Drawn by :
AH

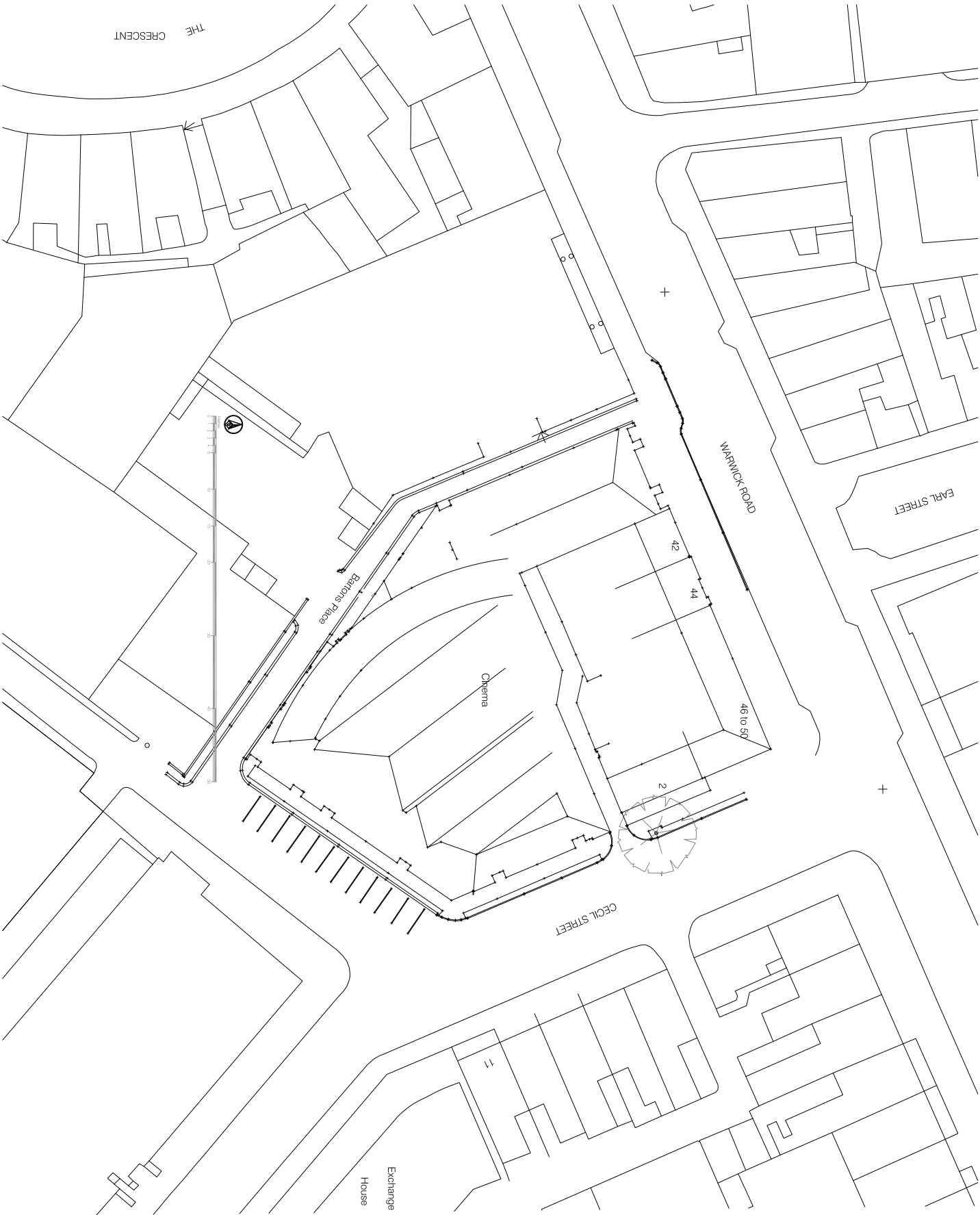
Date :
31/10/13

Scale :
1 : 1250

A4

Revision :

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Revised :

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Project No. :

Former Chema Site
Warwick Road, Caistie

Drawing title :

Existing Block Plan

Drawing No. :

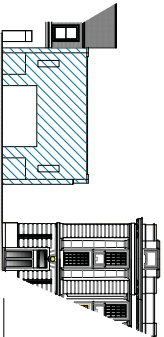
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Drawn by : AH

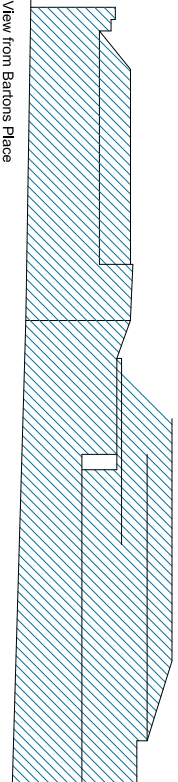
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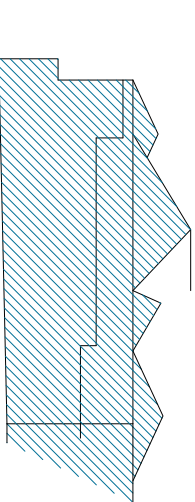
Revision



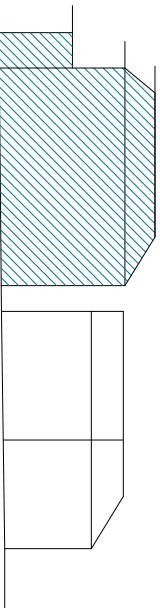
View from Warwick Rd
(Illustrated Views)



View from Barton's Place

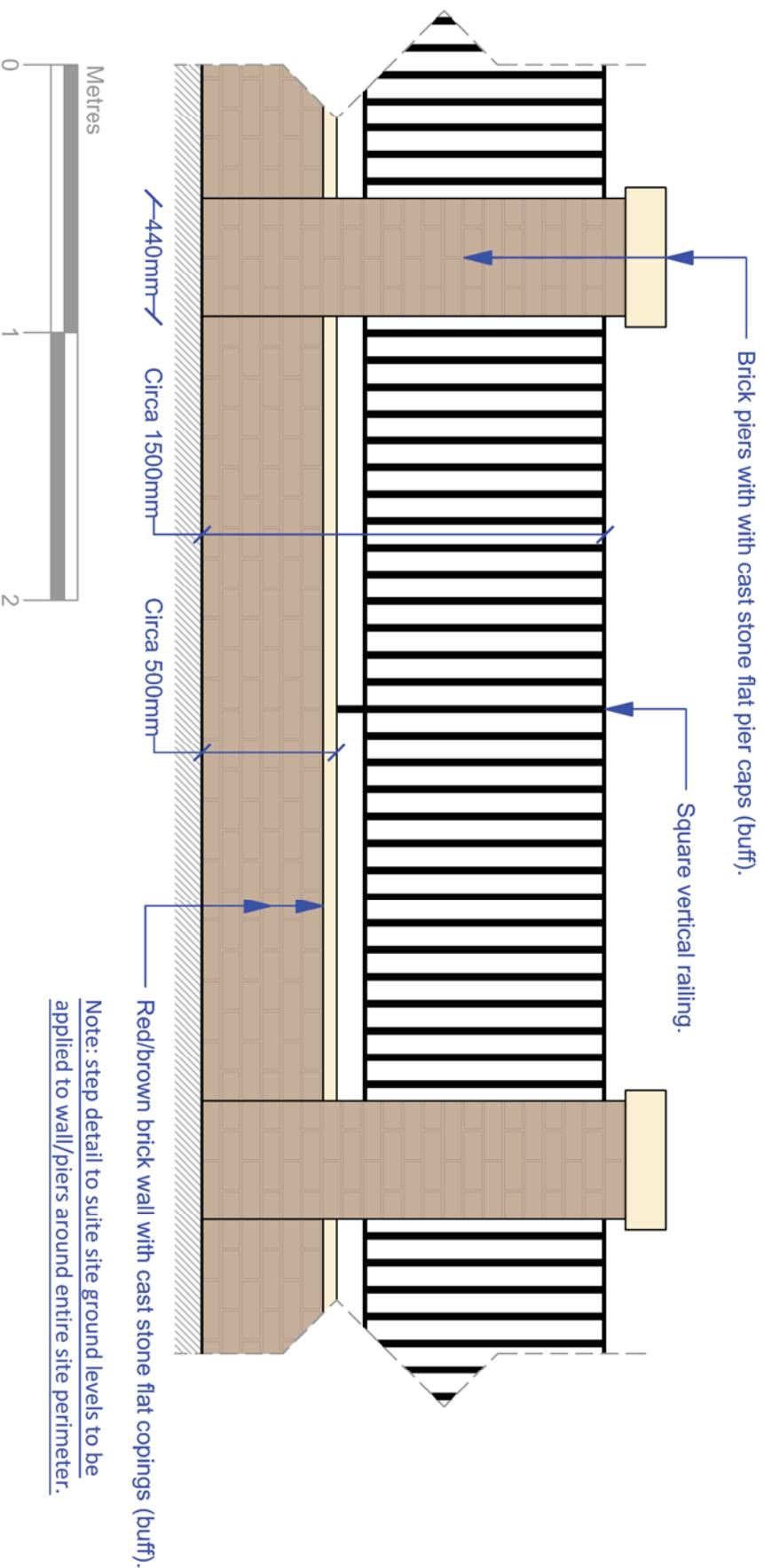


View from Mary St



View from Cecil Street

Appearance/style in keeping with that existing at neighbouring former Post Office building (The Halston).



Note: step detail to suite site ground levels to be applied to wall/piers around entire site perimeter.

Notes :

Project title :
Former Cinema Site

Drawn by :
AH

Warwick Road, Carlisle

Date :

Drawing title :

04/12/13

Proposed car park -

Scale :

Typical wall detail

1:25

A4

Drawing No :

Revision :

70563/06

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