

SCHEDULE A: Applications with Recommendation

13/0869

Item No: 11

Date of Committee: 20/12/2013

Appn Ref No:
13/0869

Applicant:
Burge Halston Ltd

Parish:
Carlisle

Agent:
Hyde Harrington

Ward:
Castle

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

Proposal: Erection Of Three Storey Building With Commercial Unit To Ground Floor; Apart-Hotel Accommodation To First & Second Floor With Ancillary Car Parking Together With Contract/Public Car Parking To Rear

Date of Receipt:
13/11/2013

Statutory Expiry Date
08/01/2014

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 demolish the building and provide a car park. The current proposal is Phase 2 of the development whereby 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.
- 3.7 Phase 1 of the proposal is subject to a separate application before Members in this schedule under application 13/0867 which seeks consent for the demolition of the building, the provision of 70 car parking spaces and the erection of boundary walls.

The Proposal

- 3.8 The proposal seeks consent for the demolition of the building and the redevelopment of the site. A replacement 3 storey building would be erected towards the front of the site adjacent to Warwick Road. The building would provide a commercial unit on the ground floor with apart-hotel accommodation on the upper floors. A glazed link and rendered arch would join the building across Barton's Place with The Halston (the former Post

Office building).

- 3.9 The building would be constructed principally in facing brick that would incorporate decorative string courses and cornices in stone or similar material. The facade of the building would comprise of 3 bays with the central bay projecting from the facade of the building. The building would include a pediment above the second floor.
- 3.10 The parking area to the rear (to be formed should consent be granted under application reference 13/0867) would be reduced from 70 to 60 parking spaces and will continue to be utilised partly for contract/ public use but will also supplement the existing parking provision to the rear of the former Post Office for occupiers of the apart hotel.
- 3.11 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.
- 3.12 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.
- 3.13 The site would be bounded by a low perimeter wall with railings and buff artstone copings.

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. No representations have been received.

5. Summary of Consultation Responses

Northern Gas Networks: - no objection; however, there may be apparatus in the area that may be at risk during construction works;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - comments awaited;

Cumbria County Council - Drainage: - comments awaited;

Planning - Access Officer: - this application quotes 16 self contained apart-hotel residential accommodation suites. The application is reliant on the current access facilities within the Halstead to facilitate disabled access requirements due to a proposed link between the two buildings i.e. entry, reception, lift access and accessible accommodation. The ramp and steps to the rear of the new build do not show any hand rail facility.

Parking provision is noted.

Policy CP15 within the planning department should be adhered to and guidance should be taken from Part M and BS8300/2009. Applicants should be aware of their duties within the Equalities Act;

Local Environment - Environmental Protection: - no objection.

It is important that measures are incorporated into the design to prevent roosting and nesting of larger birds;

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, LE7, 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 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 redevelopment of the 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. Sixty car parking spaces would remain for residents of the apart-hotel and members of the public. On this basis, the principle of the redevelopment of the site is acceptable.

2. Scale And Design

- 6.12 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this frontage site will have a significant impact on the character of the area unless it is sympathetically designed.
- 6.13 The building would be higher than the adjacent 2 storey buildings on Warwick Road; however, the height is reflective of the adjacent scheme reflects the scale and the massing is appropriate. Generally, the overall proportions of the building and the openings are acceptable and relative of the adjacent former Post Office building to which the development would serve and to this end, the Council's Heritage Officer has commented the scheme makes good use of the site.
- 6.14 Although generally acceptable, there are amendments that could be made to the scheme that would significantly further enhance the appearance of the building, namely:
- the central area of windows to the upper floors appears somewhat incongruous in the subdivision of the glazing and it is suggested that vertical sash windows should be used throughout at first and second floors;
 - to the ground floor additional design work is required on the proposed shop frontage. The fascia is undercut by a white panel of unclear function which is incongruous and detracts from the scheme. In its place there should be elements of fascia, architrave and pilasters;
 - the slight projection indicated to the central area of this elevation at upper floors could be improved by visually carrying down via pilasters at ground floor level i.e. re-adjusting the proportions of central doorway area and flanking picture windows slightly. The plinth detail might benefit from being lifted to match the line of the adjacent Post Office;
 - the windows to Barton Place could usefully be revised to be at a consistent level. If desired, an additional window to the first floor could serve the stairwell but as a well-used pedestrian route, it is important that design consideration is given to Barton Place;
 - whilst the bridge over Barton Place is a welcome design feature, more detail is required on its roofing material and the appearance of the soffit beneath the bridge.
- 6.15 The applicant has been advised of these suggested changes and it is anticipated that further details will be presented to Members prior to the Committee meeting.

3. The Impact Of The Development On The City Centre Conservation

Area

- 6.16 As detailed in the preceding sections of this report, the principle of development on the site is acceptable. The development would not detract from the character or appearance of the conservation area. Policies require that development proposals should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas. This has already been demonstrated and subject to the suggested improvements to the fenestration of the building, the scheme would improve the street scene and would make a positive contribution to the character and appearance of the City Centre Conservation Area. This opinion is supported by the Conservation Area Advisory Committee who has raised no objection but has requested that alterations are made to the design and appearance of the proposed building and amended drawings are awaited on this basis.

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

- 6.17 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.

5. The Impact Of The Development On Adjacent Listed Buildings

- 6.18 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.

6. Impact Of The Proposal On Highway Safety

- 6.19 Cumbria County Council, as Highways Authority has been consulted on the application. Although no response has been received in respect of this application, with regard to the application for the demolition of the building, no objection was raised subject to the imposition of conditions. Accordingly, the proposal would not have a detrimental impact on highway safety.

7. The Impact On Biodiversity

- 6.20 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 for what would be a vacant site, 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.

8. Other Matters

- 6.21 The Historic Environment Officer has advised that there is some archeological potential on the site, despite the land having been previously developed; however, no objection has been raised subject to the imposition of a condition.
- 6.22 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.
- 6.23 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.

9. The Impact On Human Rights

- 6.24 The appellant's human rights have been properly considered and taken into account as part of the determination of the application. Article 8 of the Human Rights Act 1998 provides that:
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society.
- 6.25 No justification has been submitted with the application to weigh against the general interest in conforming to planning policy. For the reasons outlined above it is considered that no essential need has been demonstrated that would justify setting aside local and national policies designed to protect the countryside.

Conclusion

- 6.26 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 redevelopment of the site would positively contribute to the area. The scheme would not impact on highway safety or nearby listed buildings. Subject to revised details that incorporate additional design

enhancements, the application would be compliant with the objectives of the relevant Local Plan policies and the application is recommended for approval on this basis.

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 13/0867 for the demolition of the former cinema building and change of use of site to car park for use by 'The Halston', contract & public.

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 4th November 2013;
 - 2. the Location Plan received 4th November 2013 (Drawing no. 90000/Location Plan);
 - 3. the Existing Block Plan received 4th November 2013 (Drawing no. 90000/01);
 - 4. the Proposed Site Plan received 4th November 2013 (Drawing no. 70563/02);
 - 5. the Proposed Floor Plans & Elevations 4th November 2013 (Drawing

- no. 90000/03);
6. the Proposed Car Park - Typical Wall Detail received 4th December 2013 (Drawing no. 70563/06);
 7. the Design and Access Statement received 4th November 2013;
 8. the Planning Statement received 13th November 2013;
 9. the Transport Form received 4th November 2013;
 10. the All Types Of Development: Non-Residential Floor Space received 4th November 2013;
 11. the Notice of Decision;
 12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and the development shall then be undertaken in accordance with the approved details.

Reason: To ensure that materials to be used are appropriate to the City Centre Conservation Area in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

4. The Apart-Hotel units hereby approved shall be used solely as serviced apartments falling within Classes C1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class(es) in any Statutory Instrument revoking and re-enacting that Order and shall not be used as separate residential units or for any other purpose. Before the Apart-Hotel units are brought into use, a management plan detailing the booking system for the serviced apartments shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include; i) the maximum permitted stay in the serviced apartments, ii) a system for keeping a register of customer bookings and a means by which the Local Planning Authority can check the register to ensure that the maximum permitted stays are enforced. The units shall be operated in accordance with the approved management plan.

Reason: To ensure that the Apart-Hotel units are not occupied on a permanent basis to ensure that the residential amenity of future occupiers of these units can be properly considered in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

5. The use of the ground floor premises hereby permitted, with the exception of the Apart Hotel, shall operate only between 0800 hours and 2300 hours unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent disturbance to future occupants of the Apart Hotel in accordance with Policy EC10 of the Carlisle District Local

Plan 2001-2016.

6. Details of the design, height, external finish, noise output and position of any extractor flue(s) and any other associated ventilation equipment/extraction facilities shall be submitted to and approved in writing by the Local Planning Authority before any works associated with an A3 use is commenced. The development shall then be undertaken in accordance with the approved details.

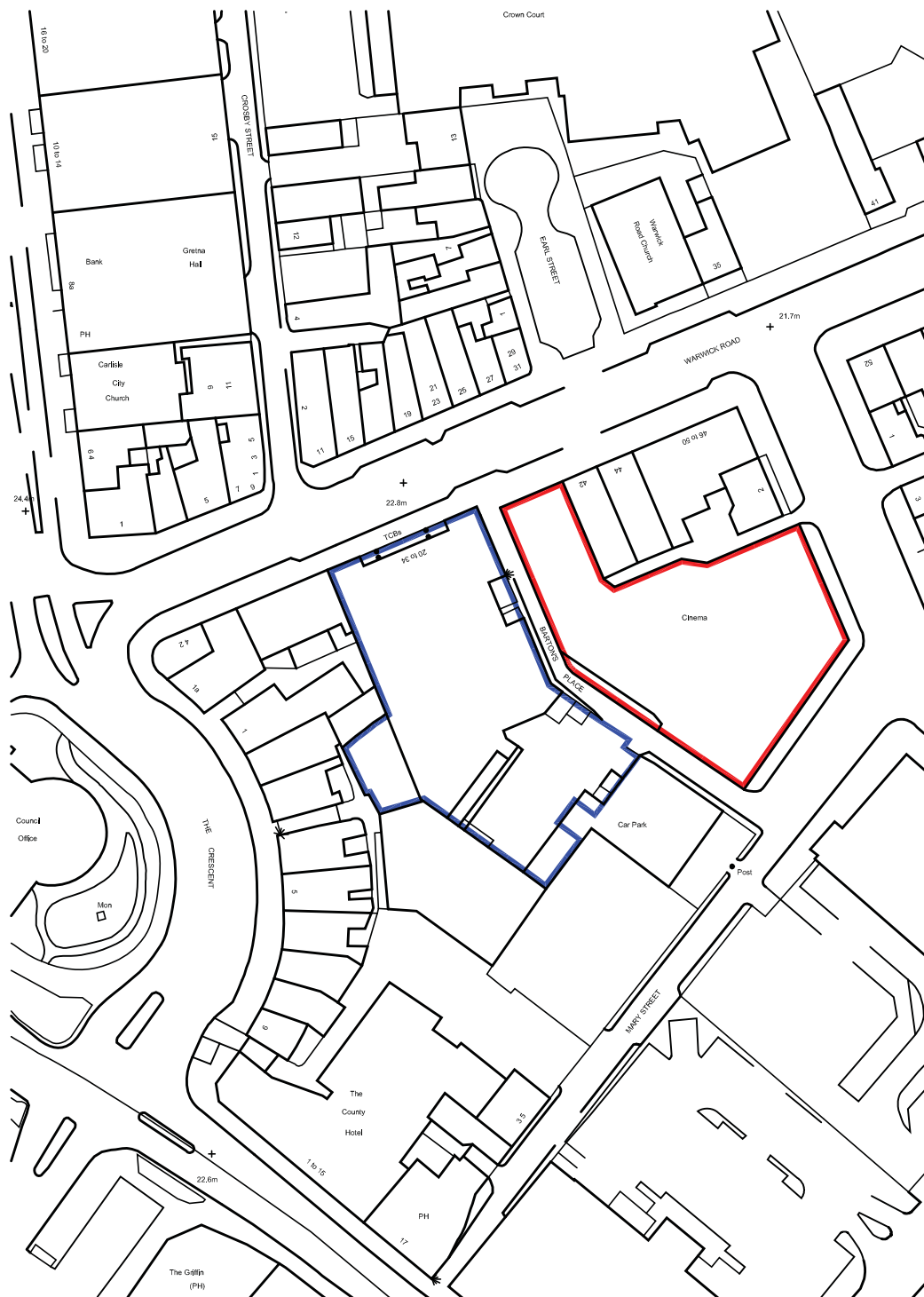
Reason: In order to safeguard the environmental amenities of the area and future occupiers of the Apart Hotel in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

7. Prior to the commencement of development a written scheme of archaeological investigation must be submitted by the applicant and approved by the Local Planning Authority. Once approved, the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within 2 months of the completion of the development, 3 copies of the archaeological report shall be furnished to the Local Planning Authority.

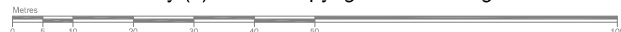
Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains in accordance with Policy LE7 of the Carlisle District Local Plan 2001-2016.

8. 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 hereby approved 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.



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— Application site

— Neighbouring site owned by the applicant



Alexandria House, 3 Wavell Drive, Rosehill, Carlisle CA1 2ST
Telephone: 01228 595600 . Fax: 01228 595525
Email: carlisle@hydeharrington.co.uk
Website: www.hydeharrington.co.uk

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

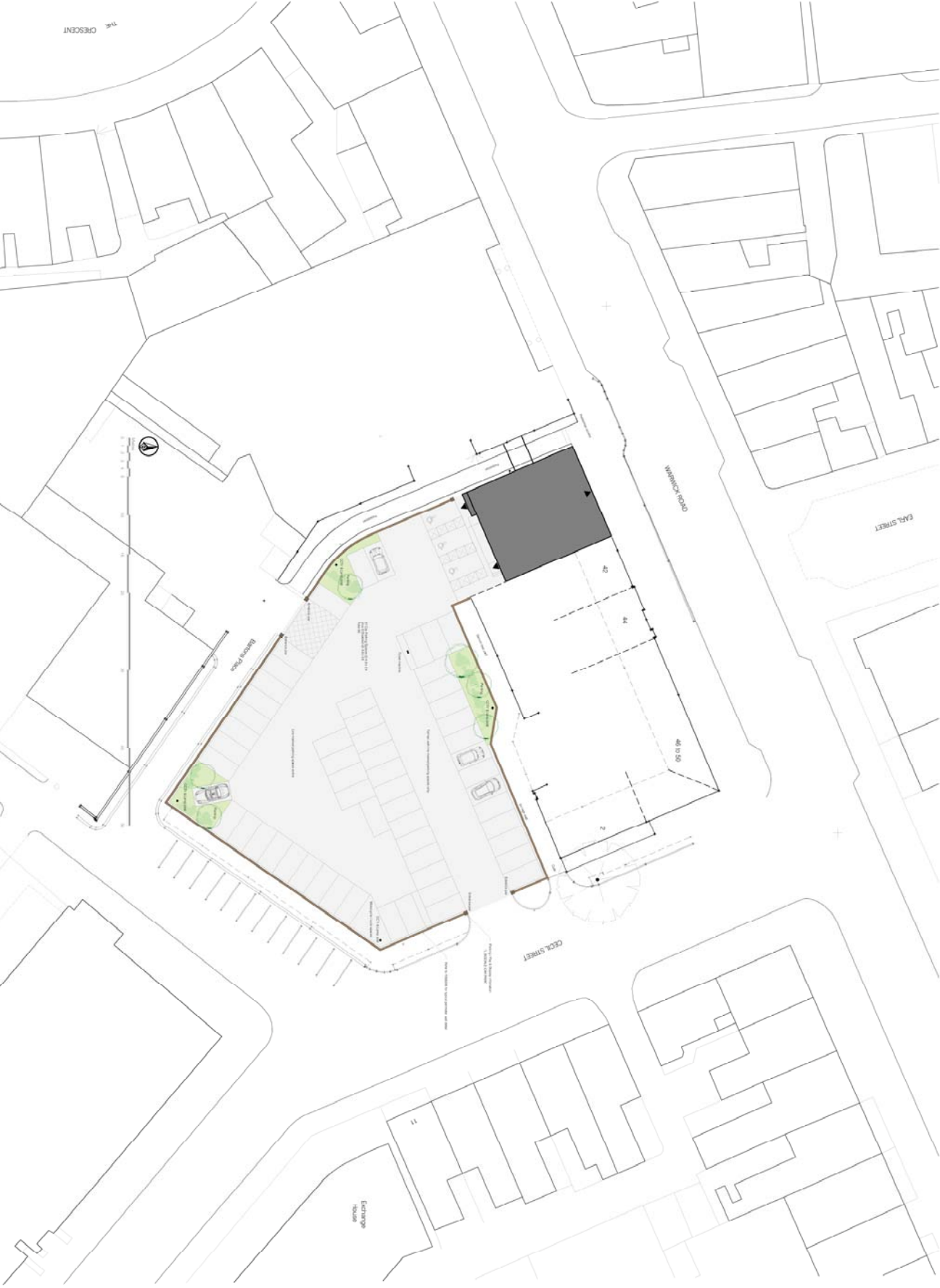
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A4

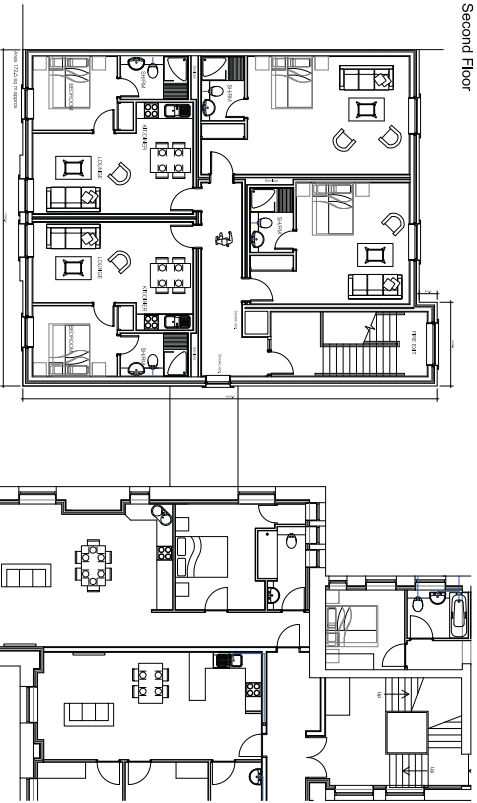
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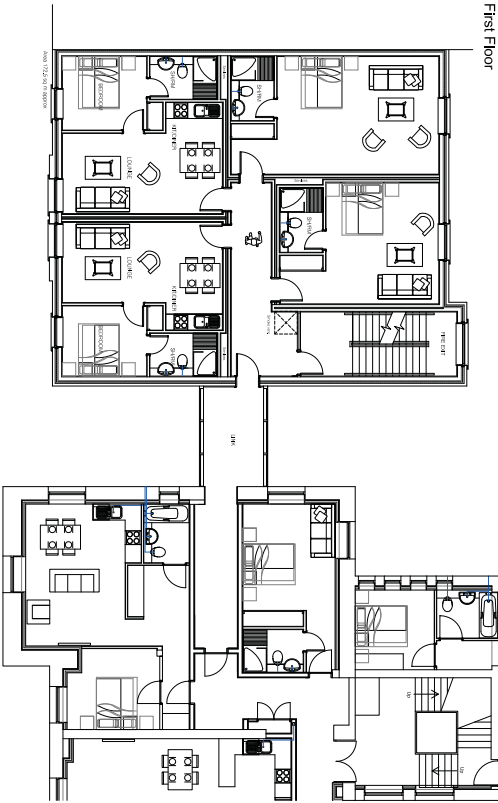




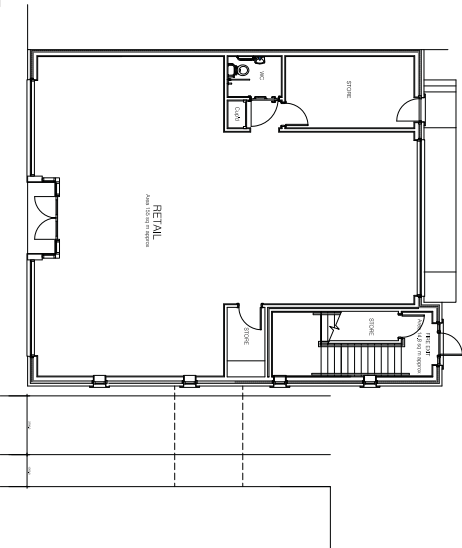
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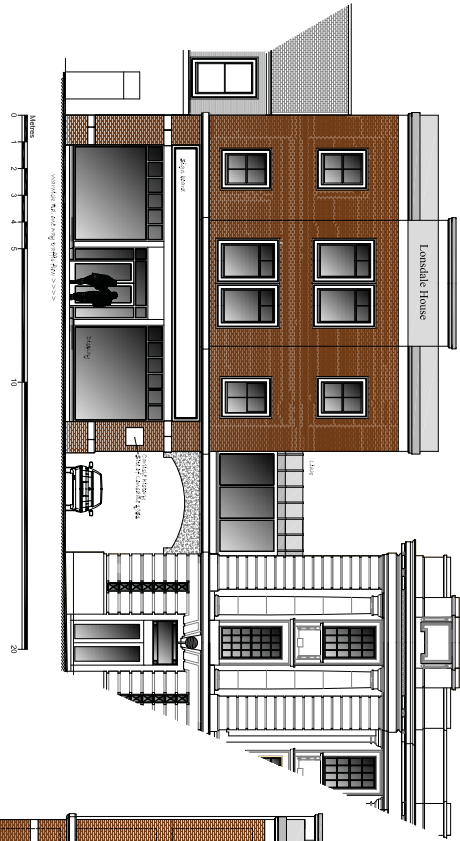
First Floor



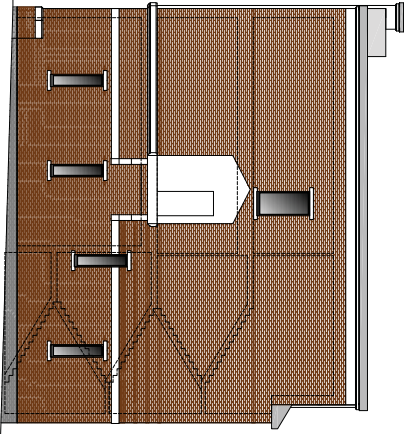
Ground Floor



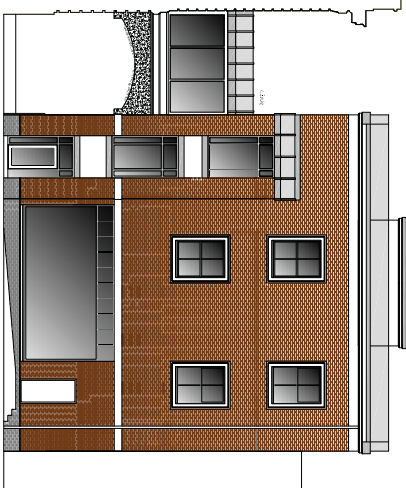
Front Elevation (facing Warwick Rd)



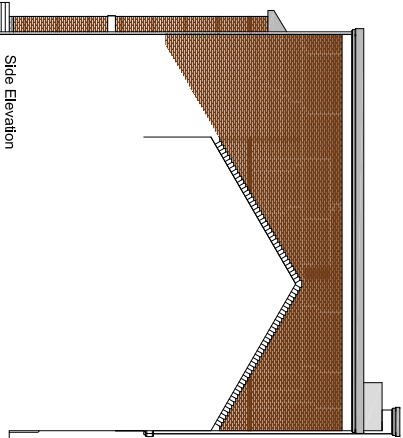
Side Elevation (facing Barons Place)



Rear Elevation (facing proposed car park)

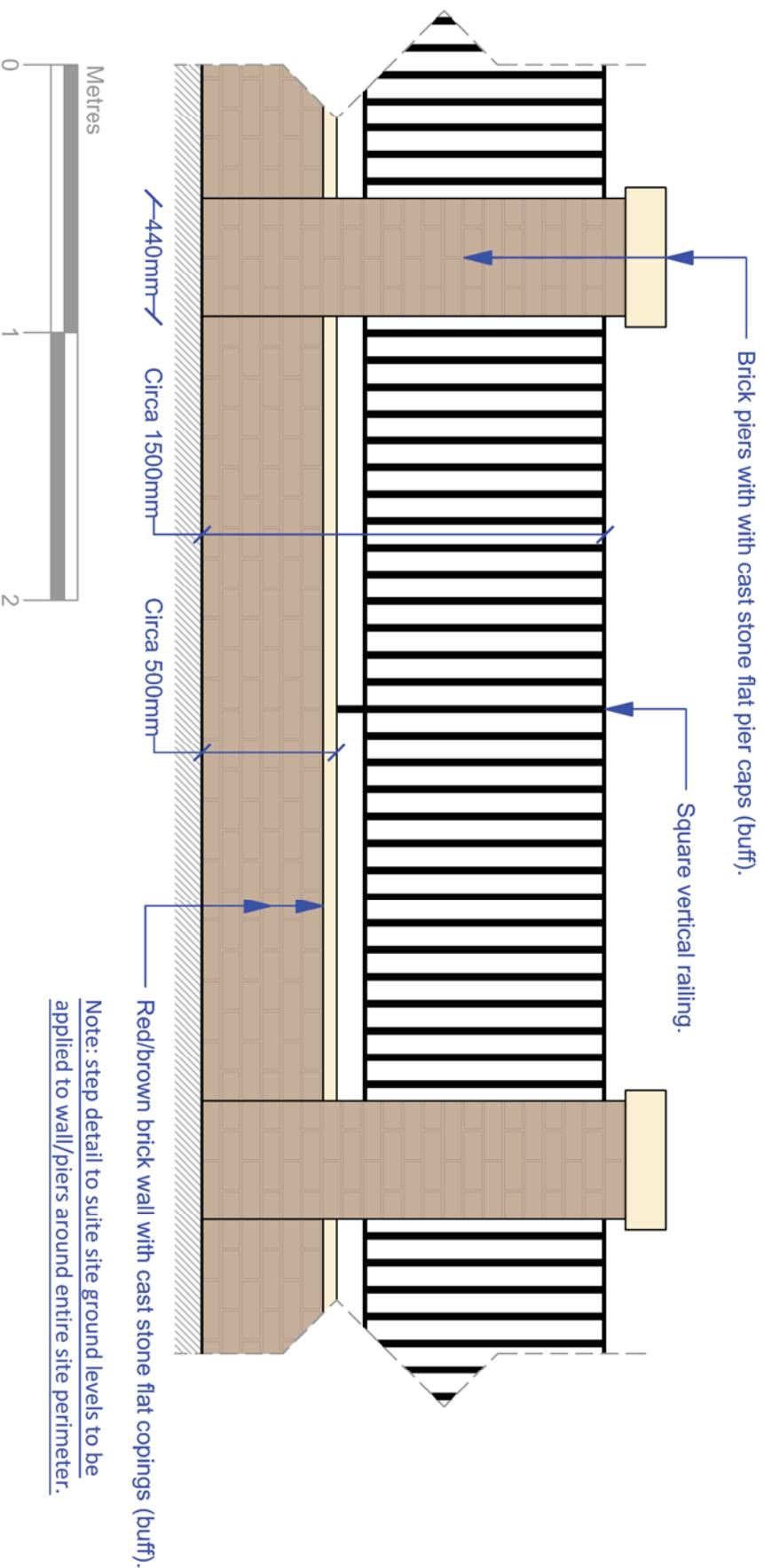


Side Elevation



Hyde Harrington
Architects
Former Chema Site
Warwick Road, Carisle
Proposed Floor Plans & Elevations
Drawing No: 900000/03
Drawn by: AH Date: 31/10/13 Scale: 1:100 @ A1
Reviewed by: [Signature] Date: 31/10/13 Scale: 1:100 @ A1
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Appearance/style in keeping with that existing at neighbouring former Post Office building (The Halston).



Notes :



All critical dimensions to be confirmed on site
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Revision :

Project title :

**Former Cinema Site
Warwick Road, Carlisle**

Drawn by :
AH

Drawing title :

**Proposed car park -
Typical wall detail**

Date :
04/12/13

Scale :
1:25

A4

Drawing No :

70563/06

Revision :

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