SCHEDULE A: Applications with Recommendation

20/0693

Item No: 06 Date of Committee: 26/03/2021

Applicant: Parish: Appn Ref No: Carlisle 20/0693 Triple Stone Properties

Limited

Ward:

Agent:

Exeter Architectural

Services

Cathedral & Castle

Location: 104 London Road, Carlisle, CA1 2PE

Proposal: Erection Of Rear Extension & Internal Alterations To Form 7no. Flats;

Erection Of Mews Block To Rear To Provide 2no. Dwellings With

Associated Parking

Statutory Expiry Date 26 Week Determination Date of Receipt:

15/12/2020 26/03/2021 20/10/2020

Case Officer: Suzanne Osborne REPORT

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development:
- Whether the scale and design is acceptable together with the impact upon 2.2 the Grade II listed building;
- Impact upon the Carlisle-Settle Conservation Area; 2.3
- Impact upon residential amenity; 2.4
- Impact upon the local highway network and whether appropriate parking 2.5 arrangements can be achieved;
- 2.6 Whether the method of disposal of foul and surface water are appropriate;
- 2.7 Impact upon biodiversity; and
- Other matters 2.8

3. **Application Details**

The Site

3.1 This application relates to No.104 London Road, the former Railway Inn Public House, located on the southern side of London Road to the east of Halfords. The property is a substantial detached Grade II Listed Building laid out over four floors with a large rear off-shoot. The building is predominantly constructed from sandstone with the exception of the north-west elevation which is constructed from painted render. The ground levels of the site vary resulting in the basement forming the main footprint of the building with the ground and first floor levels located above. The second floor is situated within the roof void centrally over the front part of the building. Access to the rear of the property and associated parking spaces is via a tarmaced vehicular access situated between the south-east of the building and No.106 London Road. The northern part of the site falls within Carlisle-Settle Conservation Area and is surrounded by commercial properties to the north, west and south together with a series of terraced dwellings to the east.

Background

- 3.2 No.104 London Road was formally a public house known as the Railway Inn and has sat vacant now for a significant number of years resulting in the property now appearing in a dilapidated state with vegetation growing out of the existing walls. Various redevelopment schemes have been submitted and approved over the years however no consented schemes have been implemented. For Members benefit the previously approved redevelopment schemes for the site have consisted of the conversion of the ground floor to retail with a three storey rear extension adjacent to the south-east elevation of the existing off-shoot to house a new staircase to provide access to residential units above and an extension to the rear elevation of the main building to create additional retail space (planning references 06/1363 and 10/1150) together with alterations of the first and second floors to create four apartments (planning references 07/1363 and 10/1156).
- 3.3 In 2017 Full Planning Permission and Listed Building Consent was granted for the creation of a gated access to the rear of the property and a new boundary wall separating the rear of the site from the existing access and tarmaced area to the south-east serving the residential properties at No.s 106-120 London Road and the commercial car garage to the west (references 17/0020 and 17/0021). A subsequent variation of condition was then submitted and approved in 2018 (under application reference 18/0174) to vary Listed Building Consent application 17/0021 to include the partial backfilling of an underground void and additional ground preparation to the new access. The works approved under applications 17/0020 and 18/0174 have all been implemented.
- 3.4 For Members benefit the lawful use of No.104 London Road currently remains a public house with 2no flats above, including an existing gated vehicular access to the south-east of the building from London Road.

The Proposal

- 3.5 The current application seeks Full Planning Permission for the erection of a rear extension to the property and internal alterations to form 7no. flats together with erection of a mews block to the rear to provide 2no. dwellings with associated parking.
- 3.6 The submitted plans illustrate that the frontage of the building onto London Road will be repaired and restored with all original features retained. The existing building will be sub divided internally to create seven apartments. All alterations have been designed to utilise the existing rooms in order to retain as many features as possible with smaller rooms subdivided to form bathrooms etc. The conversion of the existing building is to be supplemented with a proposed side extension to the existing rear off-shoot (part single storey and part three storey) to provide additional accommodation to unit 3 at basement level and a stairwell. The mews building will be attached to the rear elevation of the existing off shoot and will have a total length of 13.4 metres and width of 6 metres. The mews building will be constructed from materials (sandstone walls, under a slate roof with timber windows) to match the existing building and will have a substantially lower eaves and ridge height to the existing off-shoot at the property. The proposed side extension to the existing rear off-shoot will also have a significantly lower ridge and eaves height to the main building and will be constructed from materials to match the existing property with a large amount of glazing incorporated particularly to the stairwell.
- 3.7 In total the development will provide 9 residential units comprising of 6no.2 bed units and 3no.1 bed units. The existing vehicular access to the south-east of the building from London Road will be utilised with 11 incurtilage parking spaces provided as well as a designated cycle and bin storage area.
- 3.8 Members should be aware that an associated Listed Building Consent application for the development has been submitted and approved under the City Council's Delegated Powers Scheme in March 2021 under application reference 20/0694.

4. Summary of Representations

4.1 This application has been advertised by the display of a site notice, press notice and by means of notification letters sent to 10 neighbouring properties. No representations have been received in response to the consultation undertaken.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the proposed number of parking spaces (11) is below the required number of parking spaces outlined in the Cumbria Development Design Guide (2017) which seeks to achieve 1 space per unit for 1 bedroom dwellings and 2 spaces per unit for 2-4 bedroom dwellings.

Refuse bin storage should be provided, a refuse vehicle will only enter a site if it is possible to turn round within the site and normally only if the road is adopted.

No drainage details have been provided would expect to see both seperate foul and surface water drainage details.

Recommend refusal as inadequate information has been submitted to satisfy the Local Planning Authority that the development is acceptable in terms of a) off street parking, b) surface water drainage, c) on site turning facilities,d) its effect on local traffic conditions and public safety, and, e) impact on sustainable travel. To support Local Transport Plan Policie LD7 and LD8.

The Highway Authority has subsequently confirmed that drainage could be dealt with via condition.

Northern Gas Networks: - no objection, standing advice 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.
- 6.2 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 Building and Conservation Areas) Act 1990 (LBA) together with Policies SP1, SP2, SP6, HO2, HE3, HE7, CM5, IP2, IP3, IP6, CC5 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The City Council's Supplementary Planning Document (SPD) on 'Achieving Well Designed Housing' (AWDH) is also a material planning consideration in the determination of this application.
- 6.3 The proposal raises the following planning issues:

1. The Principle Of Development

- 6.4 The application site is located within the urban boundary of Carlisle and has no specific allocation in the proposal maps which accompany the Carlisle District Local Plan 2015-2030.
- 6.5 When assessing whether the site is appropriate for residential development it is important to note that the National Planning Policy Framework (NPPF) outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 6.6 The aims of the NPPF are reiterated in Policy HO2 of the Carlisle District

Local Plan (CDLP) which allows for windfall housing development other than those allocated within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria namely that 1) the scale and design of the proposed development is appropriate to the scale form, function and character of the existing settlement; 2) the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed; 3) on the edge of settlements the site is well contained within existing landscape features, is physically connected; and integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside; 4) in the rural area there are either services in the villages where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and 5) the proposal is compatible with adjacent land users.

6.7 As stated above the site is located in the urban area boundary of Carlisle with terraced residential dwellings located immediately to the east. The proposal seeks to convert and extend an existing derelict Grade II Listed Building located on one of the main thoroughfares into the City Centre to provide a total of 9 residential units comprising of 6no.2 bed units and 3no.1 bed units. The site is located on a bus route, within walking distance to the City Centre and close to a range of amenities within Botchergate South Local Centre (including supermarkets, A1 shops, takeways, a gym, hairdressers etc). In such circumstances the site is deemed to be in a sustainable location for housing development and the small number of dwellings proposed would not adversely affect the overall spatial strategy of the local plan. Accordingly the principle of the development is acceptable.

2. Whether The Scale And Design Is Acceptable Together With The Impact Upon The Grade II Listed Building

6.8 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 6.9 Policy SP6 of the Carlisle District Local Plan 2015-2030 also seeks to secure good design and contains 12 design principles of how proposals should be assessed.
- 6.10 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section 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".
- 6.11 Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.12 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, 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.
- 6.13 Paragraph 194 goes onto state 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. Substantial harm to or loss of assets of highest significance, such as Grade II* Listed Buildings, should be wholly exceptional.
- 6.14 Paragraph 195 of the NPPF outlines that where a development will lead to substantial harm (or total loss of significance of) a designated heritage asset local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve public benefits that outweigh that harm or loss, or all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site;
 and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm of loss is outweighed by the benefit of bringing the site back into use
- 6.15 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.16 Policy HE3 (Listed Buildings) of the Local Plan also indicates that listed buildings and their settings will be preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance. The policy states that any new development within the curtilage or the setting of a Listed Building must have regard to: 1) the significance of the heritage asset, including its intrinsic architectural and historic interest and its contribution to the local distinctiveness and character of the District, 2) the setting of the asset and its contribution to the local scene; 3) the extent to which the proposed works would result in public benefits; 4) the present or future economic viability or function of the heritage asset; and 5) the preservation of the physical features of the building in particular scale, proportions, character and detailing (both internally and externally) and of any windows and doorways.
 - a) the significance of the heritage asset and the contribution made by its setting
- No.104 London Road is Grade II Listed. By way of background there are over 374,000 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, 5.5% of listed buildings are Grade II*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.
- 6.18 The listing detail is as follows:

Hotel, now public house. 1837. Red sandstone ashlar on squared plinth with angle pilaster strips, string course, cornice and partial solid parapet. Graduated greenslate roof with coped gables; ridge and end ashlar chimneys stacks. 2 storeys, 5 bays, double-depth plan. Central raised bay has panelled door and patterned overlight, up steps in pilastered surround (formerly has a tetrastyle portico removed in early C20). Sash windows with glazing bars in plain stone reveals with recessed panelled aprons that over entrance in stone architraves. Plastic canopies over ground floor windows. INTERIOR not inspected. Built to serve the London Road Station of the Newcastle & Carlisle Railway opposite, now demolished. Referred to as the 'new' Railway Hotel in Carlisle Journal (1837). At one time it had an attached bowling green, shown on the 1842 Map of Carlisle. (Carlisle Journal: 16 December 1837).

- b) the effect of the proposed development on the Grade II Listed Building
- 6.19 The application is accompanied by a Design and Access Statement (D&A) and a Heritage Statement (HS). The building, formally used as a public house with residential accommodation above, takes up most of the site frontage with a tarmaced vehicular access to the south-east of the building. To the south-west the remainder of the application site behind the building is laid out as tarmacadam hard standing with a concrete base at the very back of the site that used to have five lock up garages.

- 6.20 The building is a substantial sandstone building laid out over four floors. The site levels mean that the basement level is accessed directly from the rear hard standing area and the ground generally slopes up to London Road which is slightly below ground floor level. The basement forms the foot print of the existing building and the ground and first floor levels sit on top of this footprint. The second floor sits within the roof void centrally over the front part of the building.
- 6.21 The D&A states that structural movement appears to have occurred in the past especially within the rear of the building. Some structural repairs will be required to the roof and stonework where damaged. Some original features are still present in the building mainly cornicing on ground and first floor levels however many have been lost in the past. The original sliding sash windows appear to have been retained on the London Road frontage although on the rear they are a combination of timber sliding sash and casement windows.
- 6.22 The D&A goes onto confirm that the reuse of the building for retail purposes has been assessed but the necessary alterations and return would not be justified furthermore the owners attempt to market the property for retail purposes during the 15 years plus of the buildings closure has failed and the building remains commercially unviable. The intention of the proposal is therefore to return the historical building to the heart of the community by changing its use to residential with an extension to the rear to create more useable and marketable apartments
- 6.23 The D&A states that the proposal entails the restoration of the building by repairing and repointing the sandstone where required., repairing the roof coverings and the existing timber sliding sash windows. The frontage of the building onto London Road will be repaired and restored with all original features retained. The proposal is to sub divide the existing building to create seven apartments supplemented with a proposed extension at the rear of the existing building and a mews building with parking for four spaces underneath. All alterations have been designed to utilise the existing rooms in order to retain as many features as possible. Smaller rooms are to be subdivided to form bathrooms etc.
- 6.24 The D&A confirms that the existing staircase has been substantially altered in the past and it is therefore proposed to replace this with a new staircase positioned within the extension for access within the new extension. The site is large enough to accommodate the new mews building which will provide two apartments. The mews building will be partially screened from London Road by the Halfords building. The extension has been designed to complement the existing building, using traditional materials in a complementary style. The D&A and HS concludes that the development will regenerate a derelict building to provide modern viable dwellings and enhance and contribute to the enrichment of this area of London Road which has been left dilapidated for too long.
- 6.25 The impact of the proposal on the Listed Building has already been assessed and established as acceptable under application 20/0694. The Council's

Heritage Officer (HO) has been consulted on the application and raised no objections subject to the imposition of relevant conditions requesting full details of all new windows, ensuring that all mortar on the exterior leaf is cement-free lime mortar with a sample area agreed together with a sample area of stonework to be submitted and approved before construction of the proposed extension and mews building. Relevant conditions have been imposed on the associated Listed Building Consent application (reference 20/0694) for the site which has been approved under the City Council's Delegated Powers Scheme in March 2021. Members should note that this does not however pre-empt the determination of this planning application and revisions to the Listed Building Consent may be required dependent upon the determination of this application.

6.26 The proposed stairwell and single storey extension to the rear of the property appear subservient to the original sandstone building as they have a significantly lower ridge and eaves height. Both extensions incorporate a significant amount of glazing which enables the extensions to appear as light weight modern structures to the substantial sandstone building enabling the existing and new development to be clearly defined. The mews building to rear also as a significantly lower ridge and eaves height to that of the original building allowing the extension to appear as a subservient addition. The extension will be constructed from materials which match those of the existing property and will incorporate similar fenestration details. Although the projection of the mews development is long the architectural detailing provides an interesting contrast to the south-east elevation which overall enhances the rear elevation of the property. In such circumstances the design and scale is acceptable and the proposal would lead to less than substantial harm to the Grade II Listed Building. This level of harm is significantly outweighed by the public benefit of bringing the vacant derelict Grade II Listed Building back into use.

3. Impact Upon Carlisle-Settle Conservation Area

- 6.27 The northern part of the site is located within Carlisle-Settle Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:
 - "special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".
- 6.28 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within both the Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of the conservation area and its setting. Development should seek to harmonise with their surroundings and be sympathetic to the setting, scale, density and physical characteristics of the conservation area. Policy HE7 also states that proposals should preserve and enhance features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings

and should not have an unacceptable impact on the town scape or landscape. Important views into and out of conservation areas should be protected and a local pallet of materials should be used where ever practicable.

6.29 As stated in paragraphs 6.8-6.26 above the scale and design of the proposed development is appropriate to the site. In such circumstances the development will not have an adverse impact upon the character/appearance of the Carlisle-Settle Conservation Area.

4. Impact Upon Residential Amenity

- 6.30 As previously stated within this report there are residential dwellings located to the east of the application site at No.s 106-120 London Road. The residential dwellings are orientated north to south with no windows on the west elevation facing towards the development.
- 6.31 The City Council's SPD 'Achieving Well Designed Housing' outlines minimum distances between primary facing windows together with primary windows and walls serving habitable rooms in order to protect against loss of amenity and privacy i.e. 21 metres between primary facing windows and 12 metres between primary windows and walls.
- 6.32 The proposal will make use of existing openings within the building and new openings will be compliant with the minimum distances outlined in the Council's AWDH SPD. In such circumstances and giving the positioning of the proposed development in relation to the primary windows of neighbouring properties the development will not result in an adverse impact upon the living conditions of any occupiers of neighbouring dwellings in terms of loss of light, over looking or over dominance. Furthermore the re-use of the building for residential is considered to be a compatible use with the neighbouring dwellings.

5. Impact On The Local Highway Network And Whether Appropriate Parking Arrangements Can Be Achieved

- 6.33 The proposal seeks to utilise the existing vehicular access to the south-east of the building from London Road and will provide 11 incurtilage parking spaces as well as a designated cycle and bin storage area.
- 6.34 Cumbria County Council as the relevant Highway Authority has been consulted on the proposal and has confirmed that the proposed number of parking spaces is below the required number of parking spaces outlined in the Cumbria Development Design Guide (2017) which seeks to achieve 1 space per unit for 1 bedroom dwellings and 2 spaces per unit for 2-4 bedroom dwellings. The Highway Authority has also stated that a private refuse vehicle will only enter a site if it is possible to turn round within the site and normally only if the road is adopted. The Highway Authority therefore recommend refusal of the application due to insufficient parking provided as they consider there is a parking requirement of 15 spaces and the development is only providing 11 spaces.

- 6.35 Members need to consider whether the proposal would lead to a substantial intensification of the use of the existing vehicular access and whether this would have an adverse impact upon highway safety including whether the proposal would displace parking elsewhere to the detriment of highway safety. This assessment is to be made in line with paragraph 109 of the NPPF which states that "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe" and Policy IP2 "Transport and Development" of the CDLP which also confirms that development which will cause severe issues which cannot be mitigated will be resisted.
- 6.36 When considering the highway impacts of the proposal the current fall back position (i.e the existing lawful use of the site) is a material planning consideration. The existing lawful use of No.104 London Road is a public house with 2no.residential flats above as none of the past previous redevelopment schemes have been implemented. Using the parking requirements outlined in the Cumbria Design Guide the lawful planning use of the property as a public house with 2no.flats above would generate a parking requirement of 27.6 spaces. Thus the lawful use of the site would generate more traffic movements from the existing access and parking requirements than the proposed residential use. Furthermore when the premises operated as a public house the property would have received regular deliveries from commercial vehicles including from private refuse vehicles to collect commercial waste.
- Although the proposed development would provide 11 car parking spaces, 6.37 which is three less than what is required by the Highway Authority, given the existing lawful use of the site as a public house with 2no.flats above (which generates a significantly higher parking requirement and deliveries from commercial vehicles) and taking into account the sites position to Carlisle City Centre and the local centre at Botchergate South the proposal is clearly located within walking/cycling distance to a significant number of amenities (including supermarkets, a gym, takeaways and retail uses). The proposal is also providing sufficient space on site to encourage more sustainable modes of transport such as cycling and is within walking distance of a bus stop. It is also evident from the Officer site visit that parking along the frontage of the building is prohibited by double yellow lines therefore parking would not be able to be displaced on London Road. In such circumstances it is not considered that the proposal would have a significant detrimental impact upon highway safety, over and above what could take place as existing, to warrant refusal of the application on this basis. If Members are minded to approve the application it is suggested that a relevant condition is imposed within the Decision Notice ensuring that the designated incurtilage parking and cycling spaces are provided prior to occupation of the residential units.

6. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

6.38 In order to protect against pollution, Policies IP6 and CC5 of the local plan

seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form, submitted as part of the application, outlines that both foul drainage and surface water would drain to the mains drainage system as is the current arrangement.

6.39 United Utilities has not made any representations in respect of capacity of their system during the consultation period therefore it is presumed they have no concerns. The Lead Local Flood Authority has noted that drainage details have not been provided for the extension to the back of the property and would expect to see both separate foul and surface water drainage details which can be dealt with via way of a suitably worded planning condition. Relevant conditions have therefore been imposed within the decision notice requesting full details of the foul drainage system and ensuring that surface water drainage details, in accordance with the hierarchy of drainage options in the NPPF are submitted and approved in writing before commencement of any development. As these matters can be adequately controlled by the imposition of relevant planning conditions there is no policy conflict.

7. Impact Upon Biodiversity

- Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.41 As the proposal would involve the conversion of an existing building within the urban boundary of Carlisle with extensions over existing hard surfaced areas, the proposal would not harm a protected species or their habitat; however, an Informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

8. Other Matters

- 6.42 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 regularize any breach of planning control;
 Article 8 recognises the "Right To Respect for Private and Family Life".
- 6.43 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.
- 6.44 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

- 6.45 In overall terms the site is deemed to be a sustainable location for housing development given its location within the urban boundary of Carlisle and its proximity to the City Centre and Local Centre of Bothergate South. The principle of the development is therefore acceptable. The scale and design of the proposed alterations are appropriate with existing and original features retained where possible. The proposed extensions to the building will appear as subservient additions given their significantly lower eaves and ridge height. The development will bring a prominent derelict Grade II Listed Building back into reuse which will have a positive impact upon the character/appearance of the Carlisle-Settle Conservation Area and the existing street scene.
- 6.46 The proposal would not harm the living conditions of the occupiers of existing residential properties and will not have a detrimental impact upon any protected species or their habitat. Drainage issues can be sufficiently controlled by the imposition of relevant planning conditions.
- Although the proposal will provide three less parking spaces than what it is required given the existing lawful use of the site (which would generate a significantly higher parking requirement) and the sites sustainable location, within walking and cycling distance to a number of amenities, it is not considered that the proposal would have a significant detrimental impact upon the existing highway network/highway safety over and above what could take place from the existing lawful use of the property as a public house. On balance it is considered that the proposed development would allow the viable reuse of a prominent Grade II Listed Building securing the future use of this heritage asset which would be a wider public benefit that would significantly and demonstrably outweigh any perceived harm created through the development failing to meet the exact number of parking spaces required by the Highway Authority. Overall the development accords with the relevant Development Plan Policies and the application is recommended for approval.

7. Planning History

- 7.1 This site has an extensive planning history. The most recent and relevant is as follows:
- 7.2 In March 2021 Listed Building Consent was approved for the erection of a rear extension and internal alterations to form 7no.flats; erection of mews block to rear to provide 2no.dwelling with associated parking (reference 20/0694);
- 7.3 In 2018 Listed Building Consent was granted for the proposed creation of a gated access to rear of property and new boundary wall (variation of previously approved consent 17/0021 to include partial backfilling of underground void and additional ground preparation to new access (reference 18/0174);
- 7.4 In 2017 a discharge of condition application was granted for discharge of condition 3 (sample area) of previously approved application 17/0021 (reference 17/1032);
- 7.5 In 2017 Full Planning Permission and Listed Building Consent was granted for proposed creation of gated access to rear of property and new boundary wall (references 17/0020 and 17/0021);
- 7.6 In 2010 Full Planning Permission was granted for alterations and extensions to form one retail unit and new internal access (renewal of expired application 06/1363, reference 10/1150);
- 7.7 In 2010 Listed Building Consent was granted for demolition of redundant W.C accommodation, erection of extension to rear and internal alterations to form one retail unit and 4no.residential apartments, general repairs to sliding sash windows, stonework and roof coverings, construction of bin storage area to the side of 104 London Road (reference 10/1151); and
- 7.8 In 2010 Renewal of Unexpired Permission was granted for renewal of unexpired permission of previously approved application 07/1363 for conversion of first and second floor to create four apartments (reference 10/1156).
- 7.9 In April 2007 an application was submitted (planning reference 07/0445) seeking Full Planning Permission for the conversion of first and second floors to form 4no. apartments. This application was refused planning consent on the recommendation of the Health and Safety Executive as the proposal fell within the inner consultation zone of a major hazard site. A revised application was submitted in December 2007 (planning reference 07/1363) seeking Full Planning Permission for the conversion of first and second floors to form 4no. apartments. The permission to store hazardous materials on Watts Yard (the major hazard site) had since been revoked therefore the Health and Safety Executive no longer raised any objections to the proposal and planning permission was therefore granted.
- 7.10 In 2007 Full Planning Permission was granted for the construction of a bin

- storage area to the side of 104 London Road (reference 07/0143);
- 7.11 In 2006 Full Planning Permission was granted for alterations and extensions to form one retail unit and internal access (reference 06/1363); and
- 7.12 In 2006 Listed Building Consent was granted for the demolition of redundant WC accommodation, erection of extension to rear and internal alterations to form one retail unit and four residential apartments, general repairs to sliding sash windows, stonework and roof coverings (reference 06/1364).

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 14th October 2020;
 - 2. the site location plan received 14th October 2020 (Drawing No.AO3O/P);
 - 3. the proposed block plan received 9th February 2021 (Drawing No. BO42/P/B);
 - 4. the site parking plan received 9th February 2021 (Drawing No.BO6O/PB);
 - 5. the visibility line plan received 9th February 2021;(Drawing No.BO65/P);
 - 6. the proposed basement floor plan received 9th February 2021 (Drawing No. B1OO/PD);
 - 7. the proposed ground floor plan received 9th February 2021 (Drawing No. B2OO/PC);
 - 8. the proposed first floor plan received 9th February 2021 (Drawing No. B3OO/PD);
 - 9. the proposed second floor plan received 9th February 2021 (Drawing No. B4OO/PE);
 - 10. the proposed north east elevation received 5th March 2021 (Drawing No.B5O1/PA);
 - 11. the proposed south west elevation received 5th March 2021 (Drawing

- No. B5O2/PC);
- the proposed north west elevation received 5th March 2021 (Drawing No. B5O3/PD);
- the proposed south east elevation received 5th March 2021 (Drawing No.B5O4/PD);
- 14. the section on part south west elevation received 9th February 2021 (Drawing No.B537/P);
- the proposed roof plan received 9th February 2021 (Drawing No. BO64/PA);
- 16. the proposed ground and first floor plan of the mews received 14th October 2020 (Drawing No.MOO1/P);
- 17. the proposed second floor and roof plan of the mews received 14th October 2020 (Drawing No.MOO2/P);
- 18. the proposed elevations of the mews received 14th October 2020 (Drawing No.MOO6/P);
- 19. the Notice of Decision;
- 20. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The designated parking spaces shall be constructed/marked out in accordance with the approved plans before the residential units hereby approved are occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure adequate access is available for each occupier in accord with Policy IP2 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason:

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF, NPPG together with Policy CC5 of the Carlisle District Local Plan 2015-2030.

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5. Foul drainage details shall be submitted to and approved by the local planning authority before the development is commenced.

Reason:

To ensure that adequate drainage facilities are available in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

Railway Inn Pub, 104, London Road, Carlisle, Cumbria, CA1 2PE



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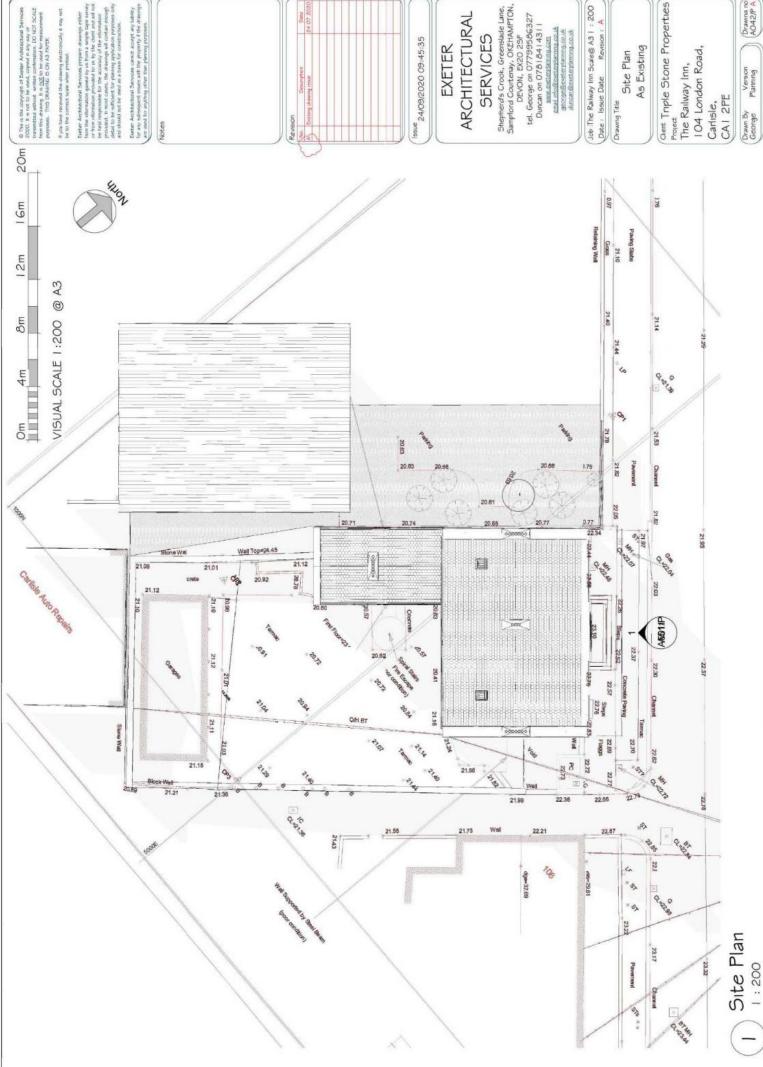
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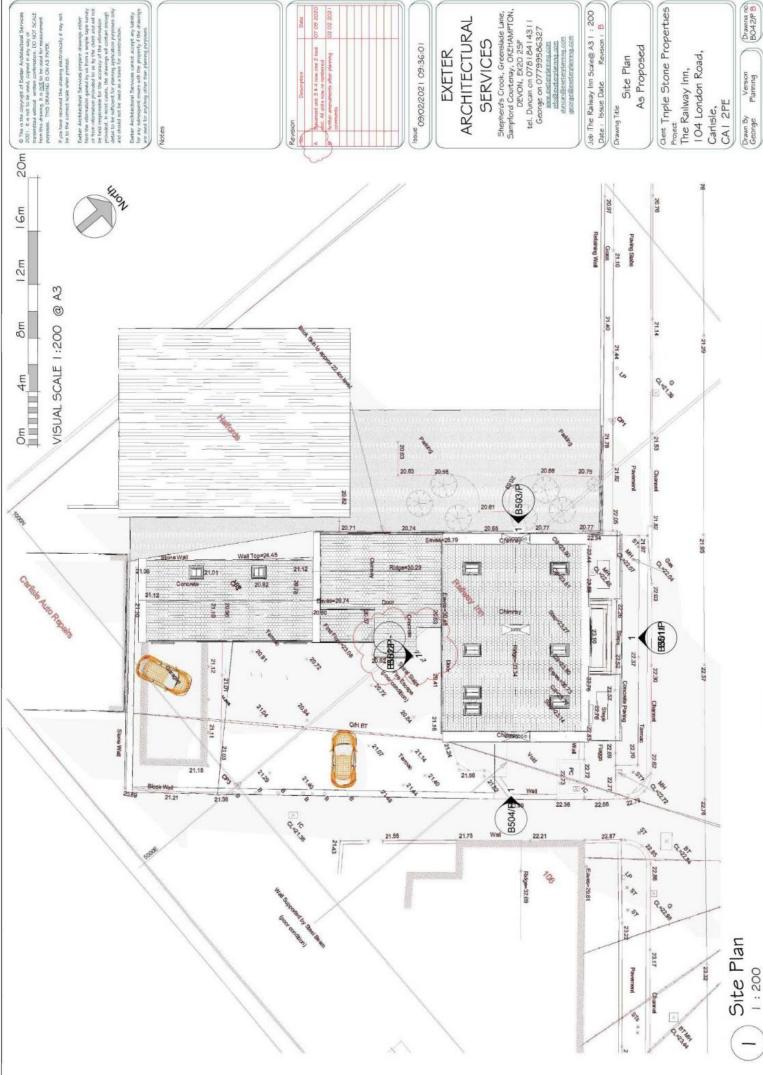
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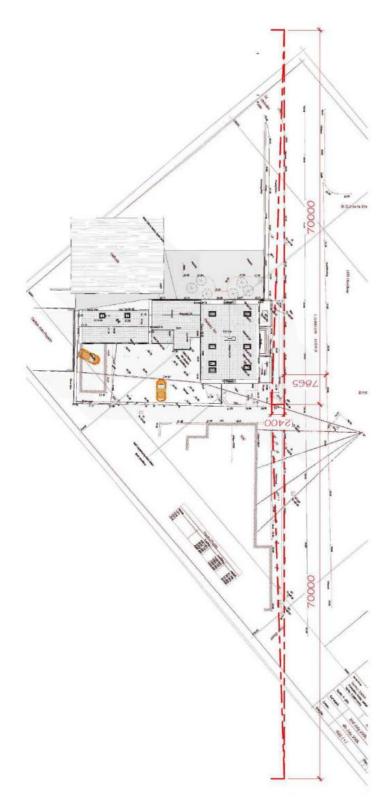
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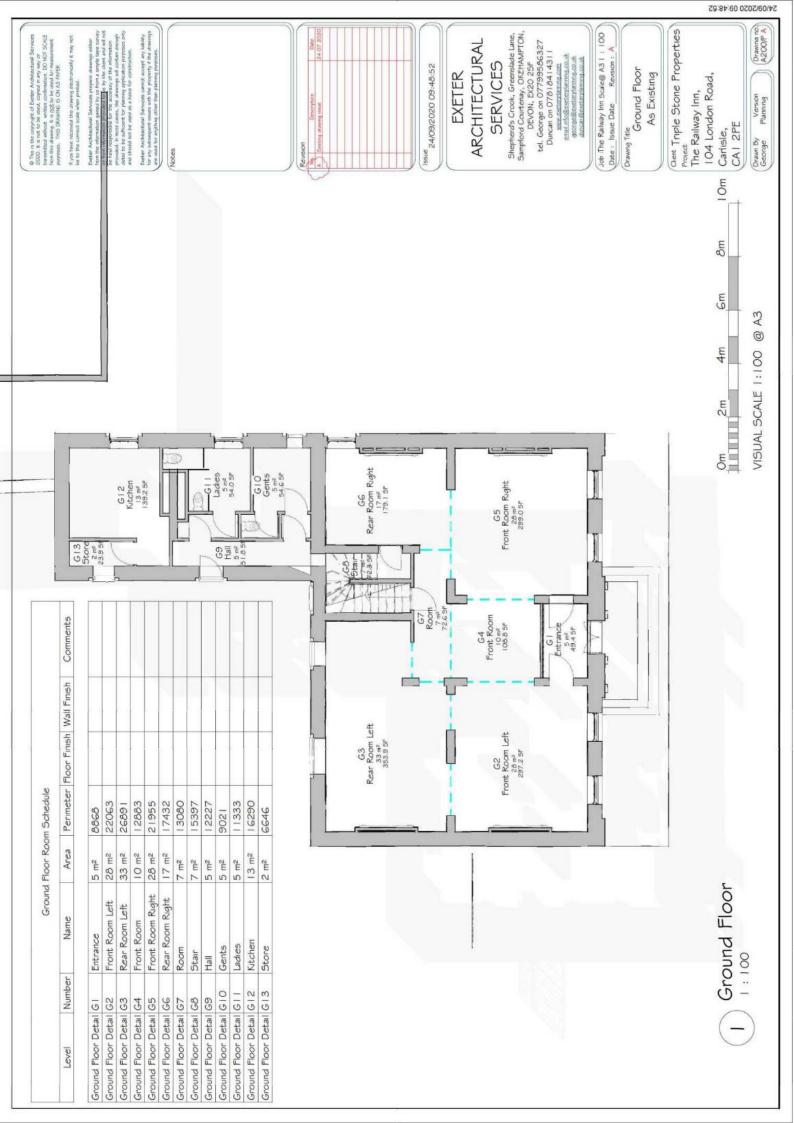
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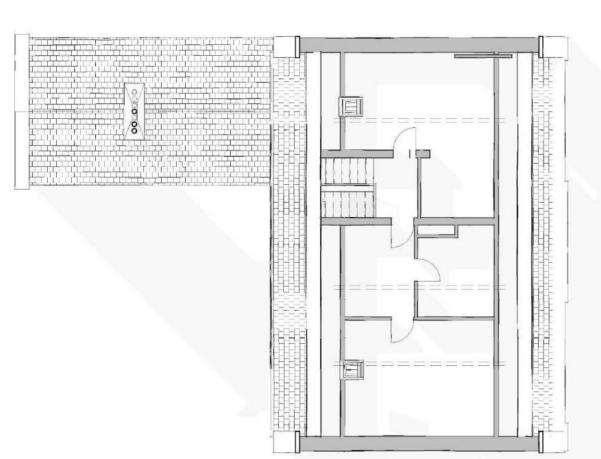
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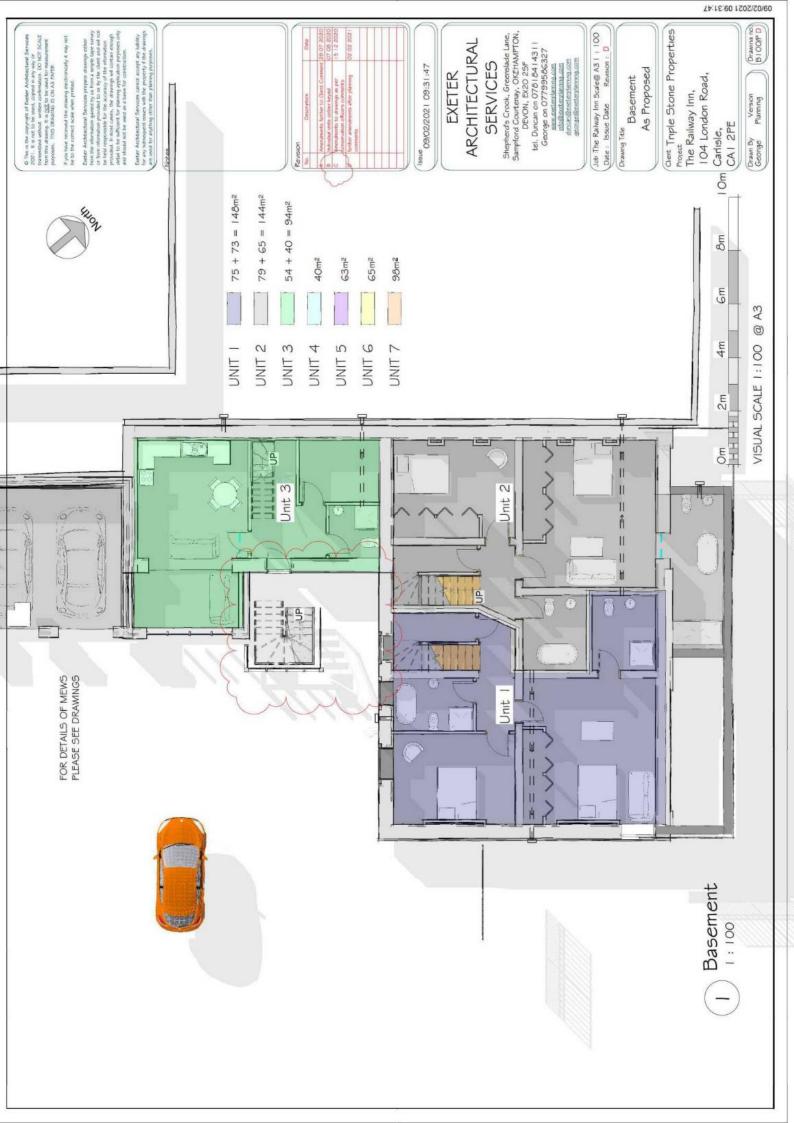
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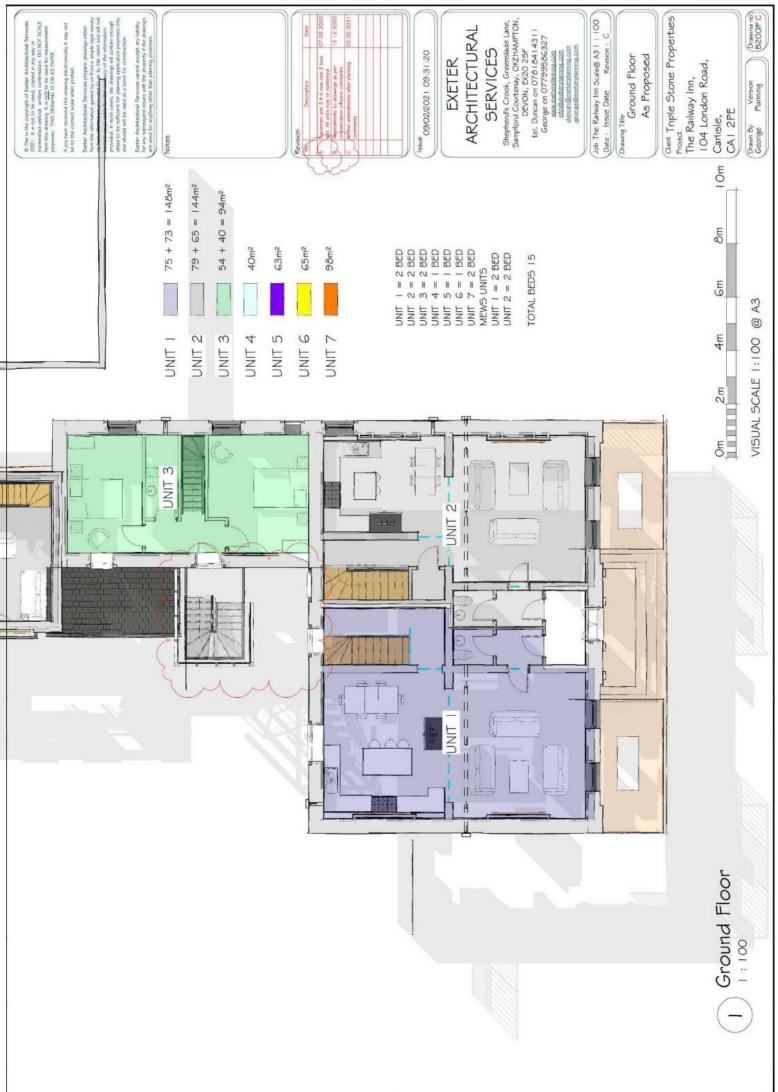
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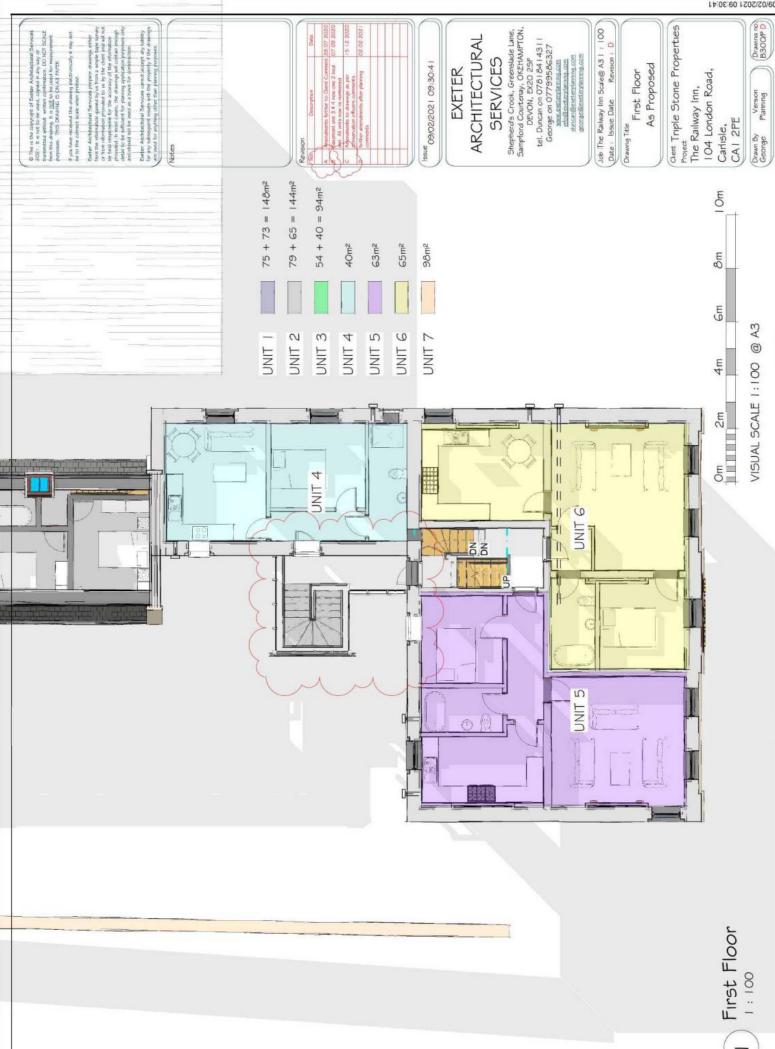
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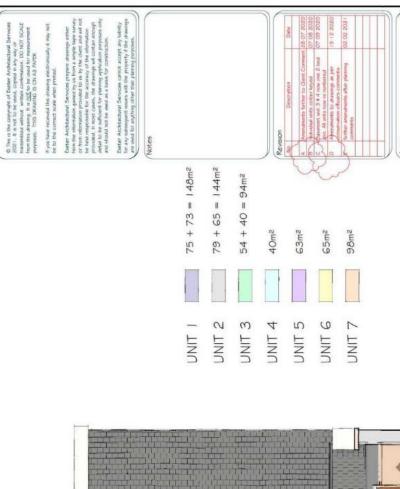




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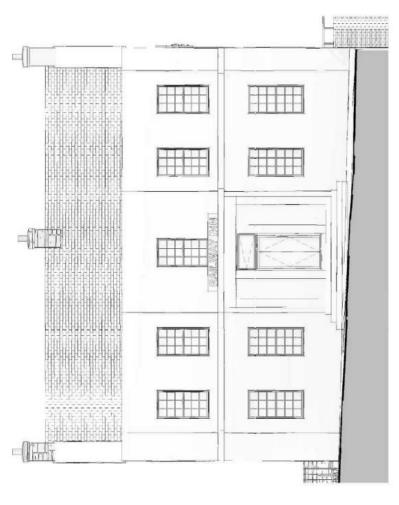
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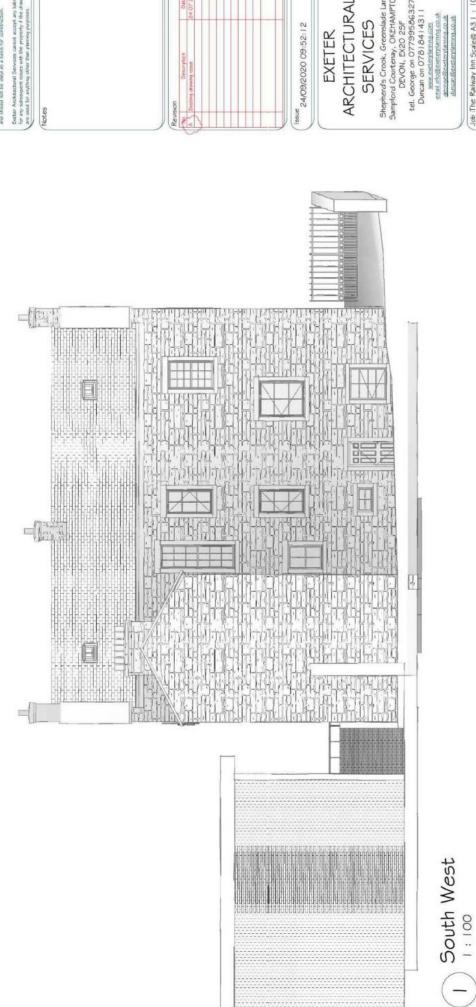
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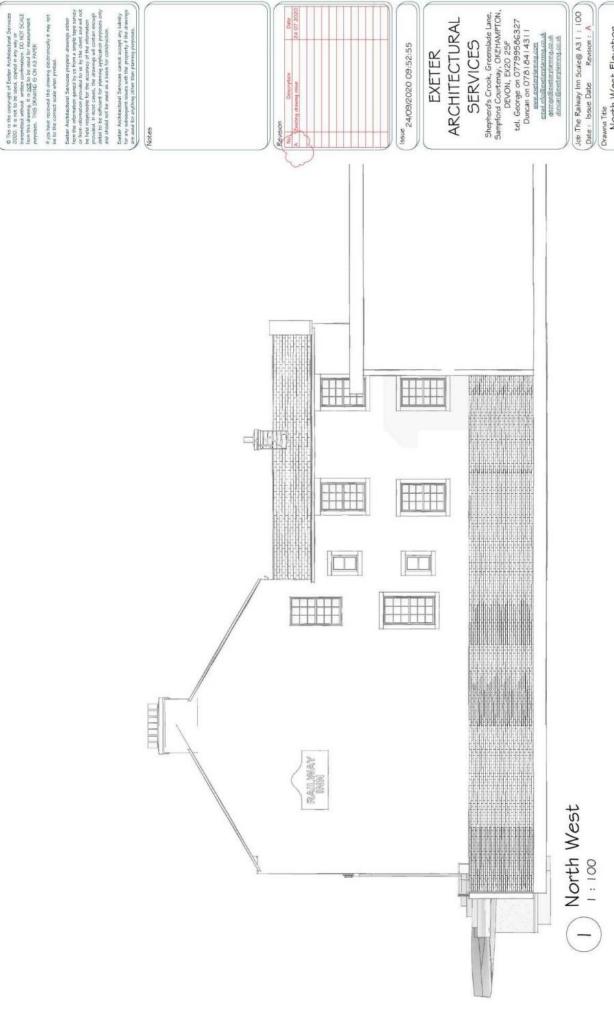
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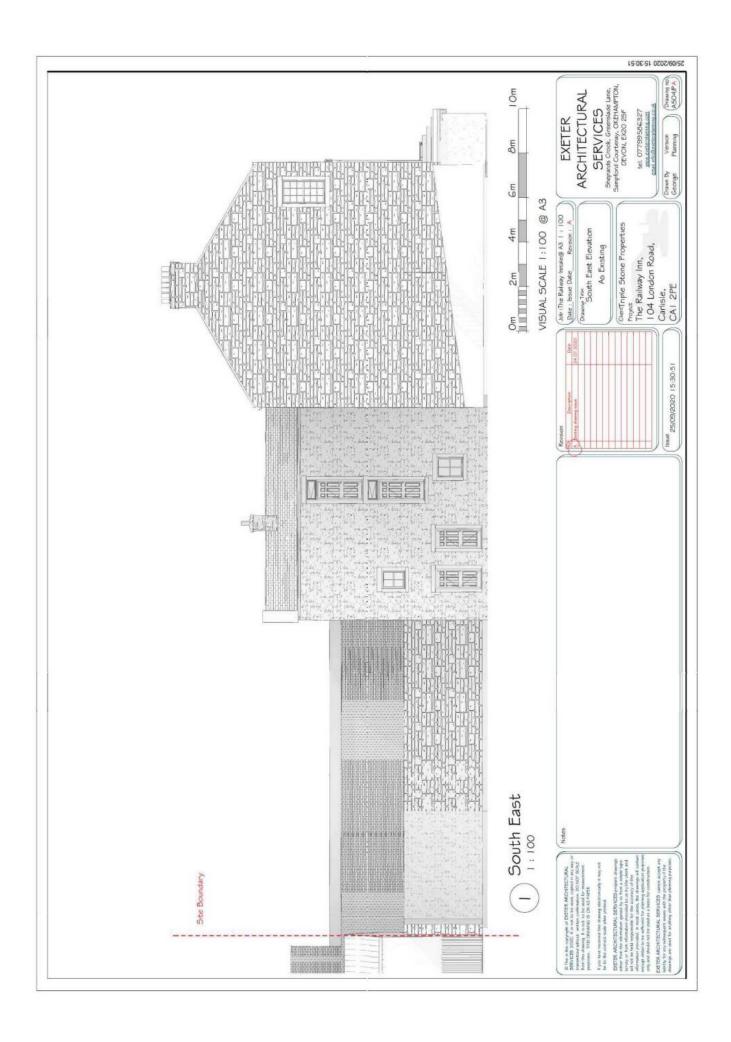
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North East



EXTERNAL WINDOW DETAILS

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104 London Road, CAI 2PE

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South West

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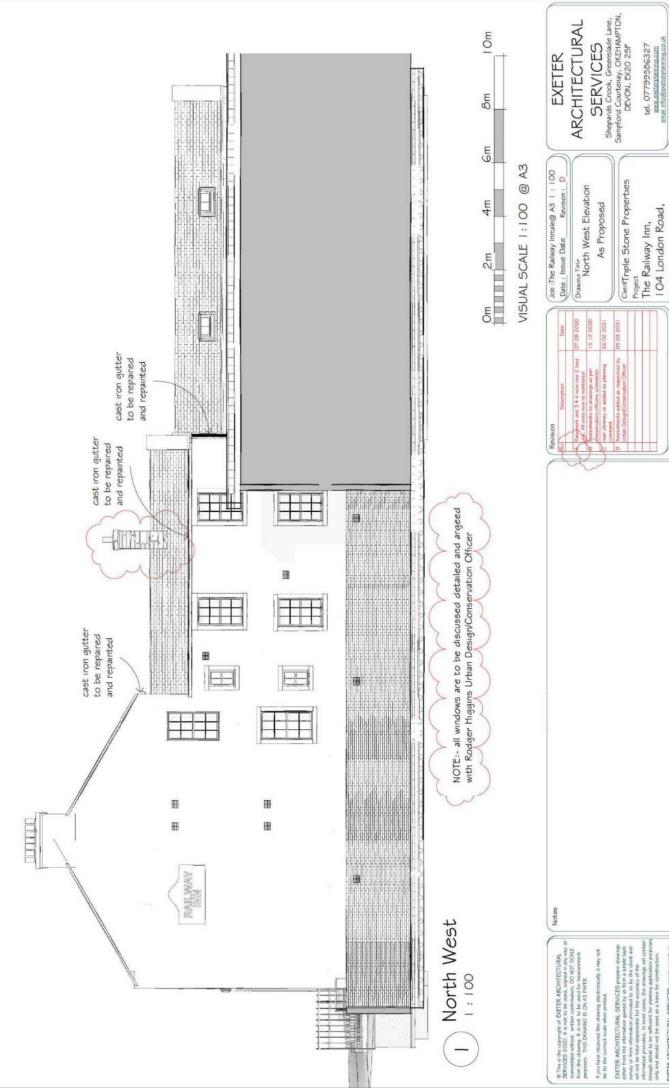
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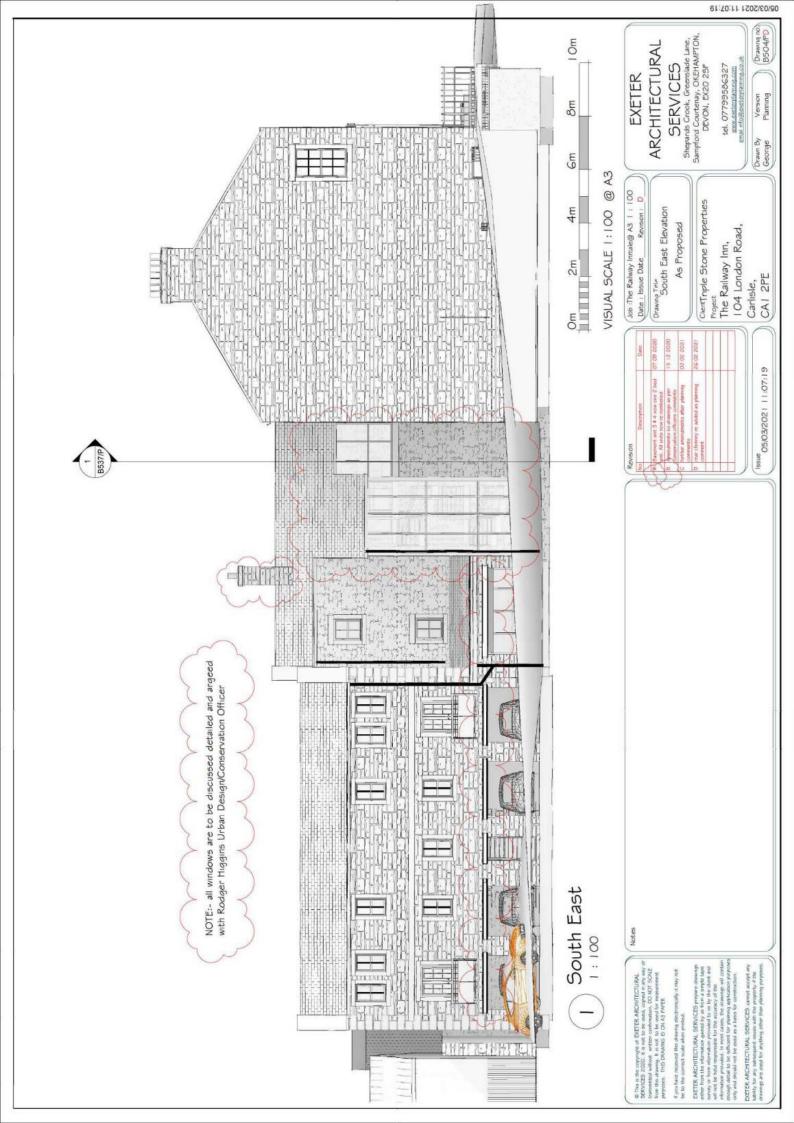
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Drawing Title Roof Plan

As Proposed

Glent Triple Stone Properties
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The Railway Inn,
104 London Road,

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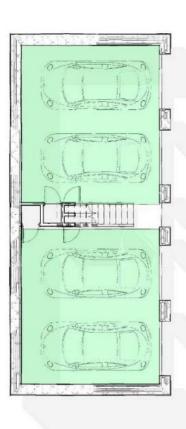
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Ground Floor



2 First Floor

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Glent Triple Stone Properties

104 London Road, Project The Railway Inn, CAI 2PE

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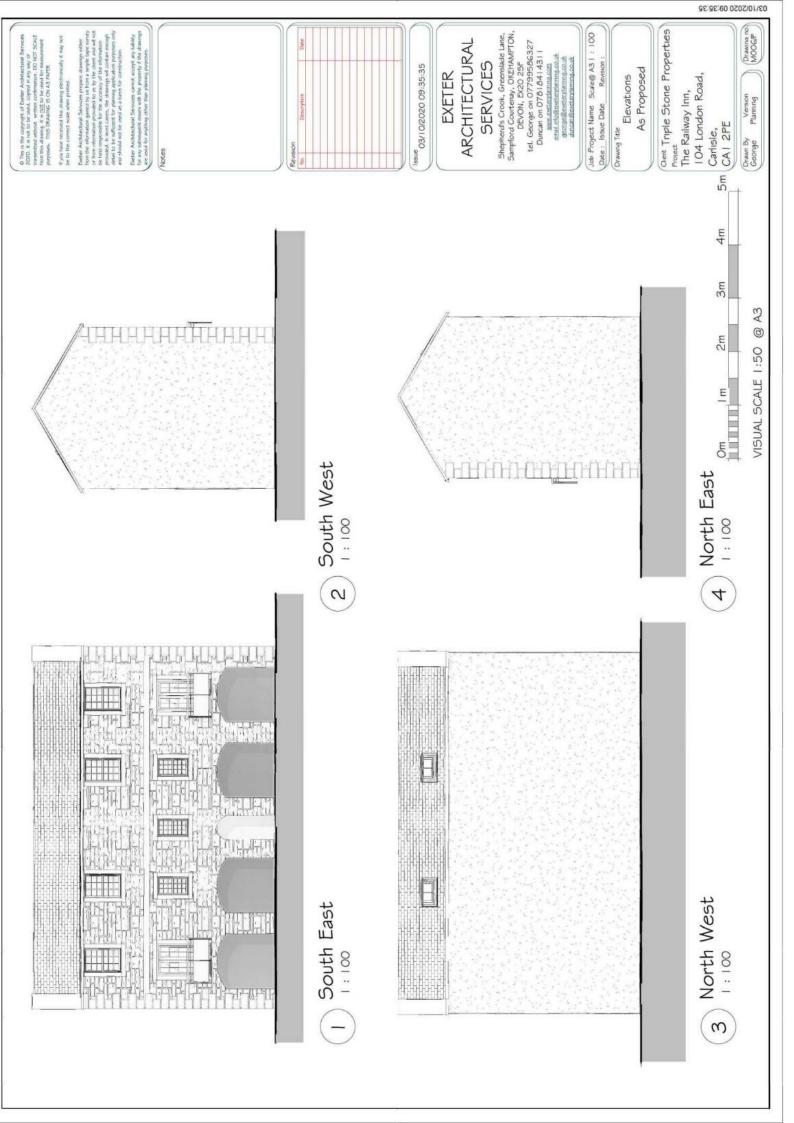
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B042/P	Site Plan	200
BOSO/P	External View I	
BOGO/P	Site Plan Parking	200
BOG1/P	Basement Plan	200
B062/P	Ground Floor Plan	200
B063/P	First Floor Plan	200
B064/P	Roof Plan	200

Sheet	View Name	Scale Value
B065/P	Visibility lines	500
B100/P	Basement	100
B200/P	Ground Floor	100
B300/P	First Floor	100
B400/P	Second Floor	100
B501/P	North East	100
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