

## SCHEDULE A: Applications with Recommendation

20/0867

Item No: 04

Date of Committee: 19/02/2021

**Appn Ref No:**  
20/0867

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Agent:**  
Align Property Partners

**Ward:**  
Cathedral & Castle

**Location:** Paton House, 9 Victoria Viaduct, Carlisle, CA3 8AN

**Proposal:** Demolition Of Building

**Date of Receipt:**  
17/12/2020 14:00:45

**Statutory Expiry Date**  
11/02/2021 14:00:45

**26 Week Determination**

---

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of Demolition Of The Building
- 2.2 Impact On The City Centre Conservation Area
- 2.3 Impact On Listed Buildings
- 2.4 Impact On Archaeology
- 2.5 Impact On The Occupiers Of Neighbouring Properties
- 2.6 Highway Matters
- 2.7 Other Matters

#### 3. Application Details

##### The Site

- 3.1 Paton House was constructed in 1937 in the art-deco style and was originally used as a motor vehicle showroom. The east elevation of the building, which faces Bush Brow, contains a large two-storey section which is adjoined by a three-storey flat roof tower. A first floor flat roof section links the tower to Victoria Viaduct and Bush Brow runs beneath this.

- 3.2 The south elevation of the building adjoins the middle level of the Cumbria County Council pay and display car park. Due to a change in levels across the site, the west elevation of the main section of the building which adjoins the lower level of the car park is three-storey, with the tower being four-storey. The outer walls of the car park are the Grade II Listed Gaol Walls part of which abut Paton House.
- 3.3 The north elevation of the building adjoins Victoria Viaduct. This elevation contains a large shop display window with a large sign above and a doorway that provides access to the building from Victoria Viaduct. The north elevation also contains another entrance to the building from Bush Brow.
- 3.4 The building is largely finished in render, although the south elevation is brick. The first floor section that adjoins Bush Brow is clad in vertical metal sheeting.

## **The Proposal**

- 3.5 This proposal is seeking permission to demolish Paton House, which will be a vacant property from March 2021. The roof, three walls and all internal structures within the building would be demolished to the ground floor slab. The retaining wall that supports the cobbled Bush Brow highway would be kept in order to keep the structural integrity of the road. All existing boundary walls to the perimeter of the site would be retained upon completion. The pay and display car park around the site would be protected during the works and reinstated to its current condition in the event of any damage.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. In response one letter of objections and two letters of comment have been received which make the following points:
- no mention is made about the businesses located in these premises - Laser Quest, Total Enigma, Total Power, The Bed Shop and Winterbottoms
  - what support is being offered to these businesses that are required to vacate this building during a pandemic;
  - the escape room at Total Enigma is one of the highlights of a visit to Carlisle - what is going to happen to this business;
  - what leisure facilities are planned for the new site? Laser Quest was something of an institution in Carlisle, appealing to all ages. Might these existing leisure facilities be able to be retained within the new site? This would be great for residents and visitors to Carlisle.

## **5. Summary of Consultation Responses**

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no

objections, subject to conditions;

**Local Environment - Environmental Protection:** - no objections, subject to conditions.

## 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) and Policies SP4, SP6, SP7, HE2, HE3, HE7 and CM5 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues.
1. Principle of Demolition Of The Building
- 6.4 Policy SP4 (Carlisle City Centre and Caldew Riverside) of the adopted Local Plan notes that a significant opportunity exists in the locality of the Citadel to reuse and redevelop buildings and land for a mix of uses which could act as a catalyst to enhance the vitality and viability of the southern extent of the City Centre and further improve the sense of arrival for visitors using this important historic and iconic gateway.
- 6.5 The proposal to demolish Paton House follows the demolition of the adjacent Lonsdale and Lower Gaol Building and is an integral part of the wider Citadels / Borderlands redevelopment that would bring considerable social, economic and environmental benefits. The building is no longer required by the City Council and is gradually falling in to a state of disrepair. The building would require substantial financial input to be re-purposed and / or upgraded so the decision has been taken to demolish it due its ever increasing negative impact on the surrounding area.
- 6.6 The impacts associated with the demolition would be managed through mitigation measures including an agreed demolition method statement. Prior to demolition a full photographic record of the building would be carried out and deposited with the Cumbria Historic Environment Record.
- 6.7 The Council's Heritage Officer has been consulted on the application. He understands that the proposed demolition is necessary as part of the wider development of the Citadels site, which would sustain the long term occupancy of the listed buildings. On the understanding that a development scheme for the site follows on shortly, he considers that the application is compatible with planning policies.

- 6.8 The Heritage Officer, whilst acknowledging that Paton House is an increasing states of disrepair, notes that it is one of Carlisle's few inter-war buildings of note, and at the time of building, was a positive art-deco presence on the street scape. The building should, therefore, be subject to a Level 2 Recording Survey prior to its demolition and this should be secured by condition.
- 6.9 In light of the above, subject to a condition of requiring the building to be recorded prior to its demolition, the proposal would be acceptable in principle.

## 2. Impact On The City Centre Conservation Area

- 6.10 The site lies within the City Centre 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".*

- 6.11 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.12 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.13 Paton House is currently in a poor state of repair. A Statement of Significance was prepared by B&B Heritage Studio on behalf of Cumbria County Council in November 2019, and this considered that "the Paton building is currently impacting negatively on the townscape due to its poor and deteriorating condition".
- 6.14 The removal of the building would allow the comprehensive redevelopment of the area and would allow the setting of listed buildings, that make a significant positive contribution to the City Centre Conservation Area, to be improved. The proposal would not, therefore, have an adverse impact on the City Centre Conservation Area.

## 3. Impact On Listed Buildings

- 6.15 There are three listed buildings within the study area or its immediate setting as follow:
- The Courts/ Citadel (Grade I)

- Gaol wall west of Crown Court (Grade II)
- Hospital wing of County Gaol (Grade II)

6.16 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".*

6.17 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.

6.18 The Courts is a civic complex located within the medieval walls of Carlisle. Thomas Telford was commissioned in 1802 to redevelop the 16th century Carlisle Citadel, but the main design work including the fitting out of the court rooms was completed by Robert Smirke by 1828. 'The Courts' describes the site owned by Cumbria County Council to the west of English Street, Carlisle. Buildings at the Courts comprise the Grade I listed Crown Court Citadel and the Grade II listed Gaol Wall that wraps around the southern boundary of the site and abuts Paton House.

6.19 Recently the modern additions of the Lonsdale, Kraemer and Lower Gaol Yard buildings have been demolished and a pay and display car park created as a replacement. Paton House is surrounded on two aspects by the car park.

6.20 Currently from the Victoria Viaduct only a fraction of the Grade I listed Citadels can be seen over the rooftop of Paton House. The demolition of the building would enhance the presence of the Citadels from the Viaduct and improve the setting of the Courts site in preparation for subsequent redevelopment proposals. Furthermore, the scheme would sustain and enhance the Listed Buildings by improving circumstances for their future use.

6.21 The demolition of Paton House would, therefore, make a positive contribution to the setting of the adjacent listed buildings.

#### 4. Impact On Archaeology

6.22 The proposed demolitions would be to existing ground level of the lower car park. The existing lower ground floor slab of Paton House would remain and the proposals would not involve excavation below current levels into potential archaeological deposits. Given this proposal does not involve ground disturbance it would not have an adverse impact on any archaeological remains.

## 5. Impact On The Occupiers Of Neighbouring Properties

- 6.23 Paton House lies in close proximity to retail units and offices and the demolition of the building has the potential to have an adverse impact on the occupiers of these neighbouring buildings.
- 6.24 Officers in Environmental Health have been consulted on the application. They have requested that consideration should be given to limiting the permitted hours of work in order to protect any nearby residents from possible statutory noise nuisance, including vibration. Appropriate noise mitigation measures should be considered together with measures to protect any nearby residents or sensitive receptors from statutory nuisance being caused by dust from the site. Conditions have been added to restrict the hours of work on site and to require the submission of a Construction Management Plan for approval by the local planning authority, prior to demolition starting on site.
- 6.25 Officers in Environmental Health also consider that it would be advisable for the applicant to write to all residents and businesses within the vicinity of the site, which could be potentially adversely affected by the works. This should include details of the planned hours of work, the duration of the project and contact details which can be used in the event of issues/complaints. The applicant is intending to write to all neighbouring occupiers prior to the demolition works starting.

## 6. Highway Matters

- 6.26 The Highway Authority has been consulted on the application and has raised no objections to the proposals subject to a condition requiring the applicant to agree a method statement for the works including trip journeys for the demolition vehicles and the removal of rubble. Appropriate permits would also need to be in place prior to any works commencing to cover any possible road closures in relation to the surrounding roads and bridge adjacent to the site.

## 7. Other Matters

- 6.27 Three letters have been received which raise concerns about the existing occupiers of Paton House and where they would relocate to. This is not, however, a planning matter and is not relevant to the determination of this application. It is understood that a number of the occupiers have already secured alternative premises. If any businesses are still looking for alternative premises the City Council can provide assistance. There are currently a number of vacant units in the City Centre which might be suitable.

## Conclusion

- 6.28 The proposal to demolish Paton House would be acceptable in principle. Subject to conditions, the proposal would not have an adverse impact on the City Centre Conservation Area, on the adjacent listed buildings, on

archaeology, on the occupiers of any neighbouring properties or on the local highway network. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted Local Plan policies.

## **7. Planning History**

- 7.1 There is an extensive planning history relating to the use of the for a leisure, retail and office use.

## **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 17th December 2020;
2. Site Location Plan (Dwg No. 200000\_S2\_P01), received 17th December 2020;
3. Proposed Block Plan (Dwg No. 200001\_S2\_P01), received 17th December 2020;
4. Proposed 3D Views (Dwg No. 220000\_S2\_P01), received 17th December 2020;
5. Proposed Elevations (Dwg No. 230000\_S2\_P01), received 17th December 2020;
6. Proposed 3D Views (Dwg No. 230001\_S2\_P01), received 17th December 2020;
7. Design, Access & Heritage Statement, received 17th December 2020;
8. Demolition Statement, received 17th December 2020;
9. the Notice of Decision;
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Prior to the carrying out of any demolition work, the building affected by the proposed development shall be recorded in accordance with a Level 2 Survey as described by Historic England's document 'Understanding Historic

Buildings A Guide to Good Recording Practice, 2016'. Within 2 months of the commencement of construction works, a digital copy of the resultant Level 2 Survey report shall be furnished to the local planning authority.

**Reason:** To ensure that a permanent record is made of the building of architectural and historic interest prior to its demolition as part of the proposed development, and to accord with the objectives of Policy SP7 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of the demolition works, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The demolition works shall then be undertaken in strict accordance with the Construction Management Plan.

**Reason:** To ensure the that the proposed demolition works do not have an adverse impact on the occupiers of any neighbouring properties, in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

5. Demolition shall not commence until a Construction Phase Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- proposed crossings of the highway verge;
  - retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the demolition;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - construction vehicle routing;
  - the management of junctions to and crossings of the public highway and other public rights of way/footway;
  - details of any proposed temporary access points (vehicular / pedestrian).

The development shall then be undertaken in strict accordance with the CTMP.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety and to support Local Transport Plan Policies WS3 & LD4.

6. No demolition/ constructing works shall be carried out before 07:30 hours on weekdays and Saturdays nor after 18:00 hours on weekdays and 13:00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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



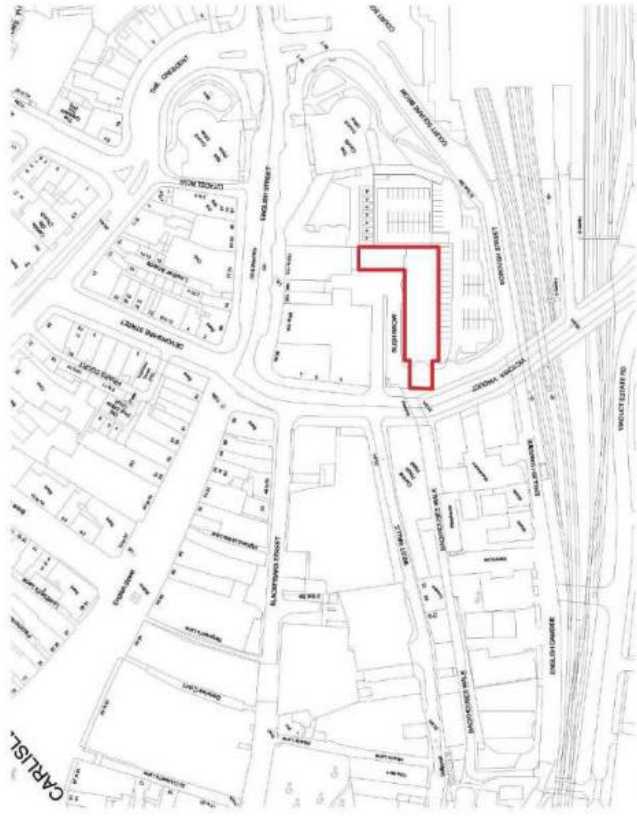
**Notes**  
 This drawing is an instrument of services and shall remain the property of the client. It is not to be used for any other purpose without the written consent of the client. The client shall be responsible for ensuring that the site is developed in accordance with the planning conditions and any other requirements of the planning authority. The client shall be responsible for ensuring that the site is developed in accordance with the planning conditions and any other requirements of the planning authority. The client shall be responsible for ensuring that the site is developed in accordance with the planning conditions and any other requirements of the planning authority.



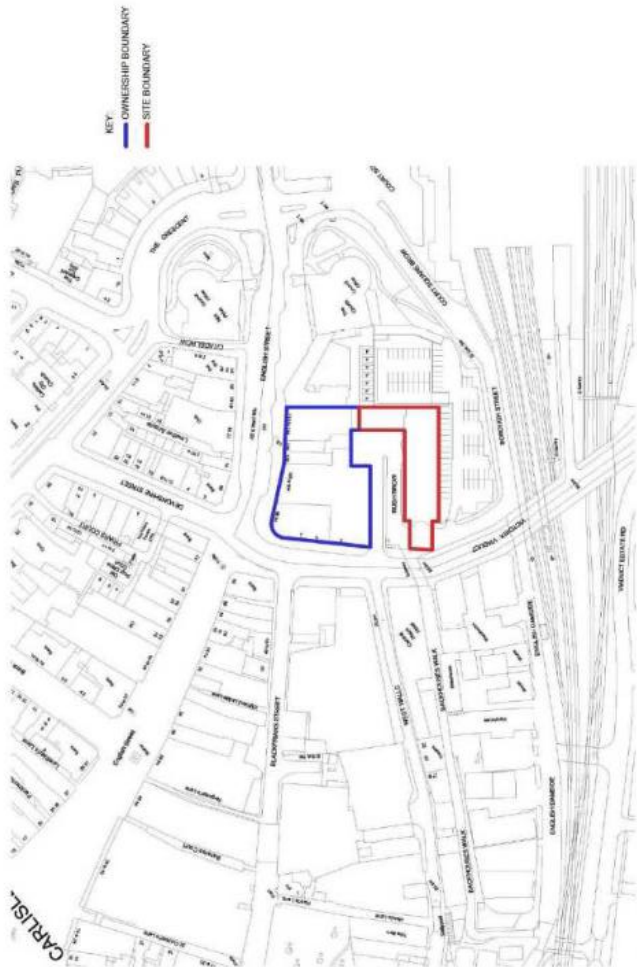
KEY  
 SITE BOUNDARY



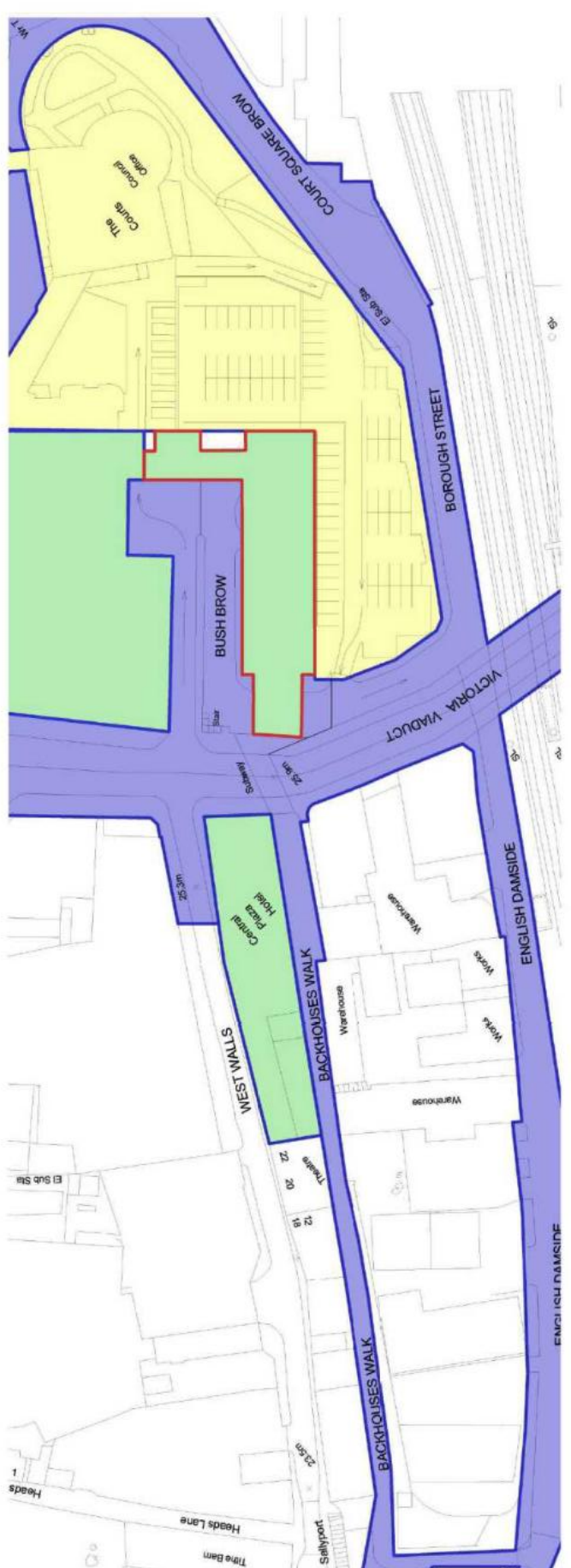
KEY  
 HIGHWAY  
 CARLISLE CITY COUNCIL  
 CUMBRIA COUNTY COUNCIL  
 OWNERSHIP BOUNDARY  
 PATON HOUSE  
 CAR CIRCULATION WITHIN THE CARPARK



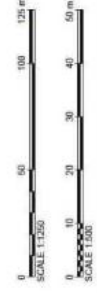
3 Site Location Plan  
 1:1250



1 Land Ownership Plan  
 1:1250



2 Ownership Boundary Site Plan  
 1:500



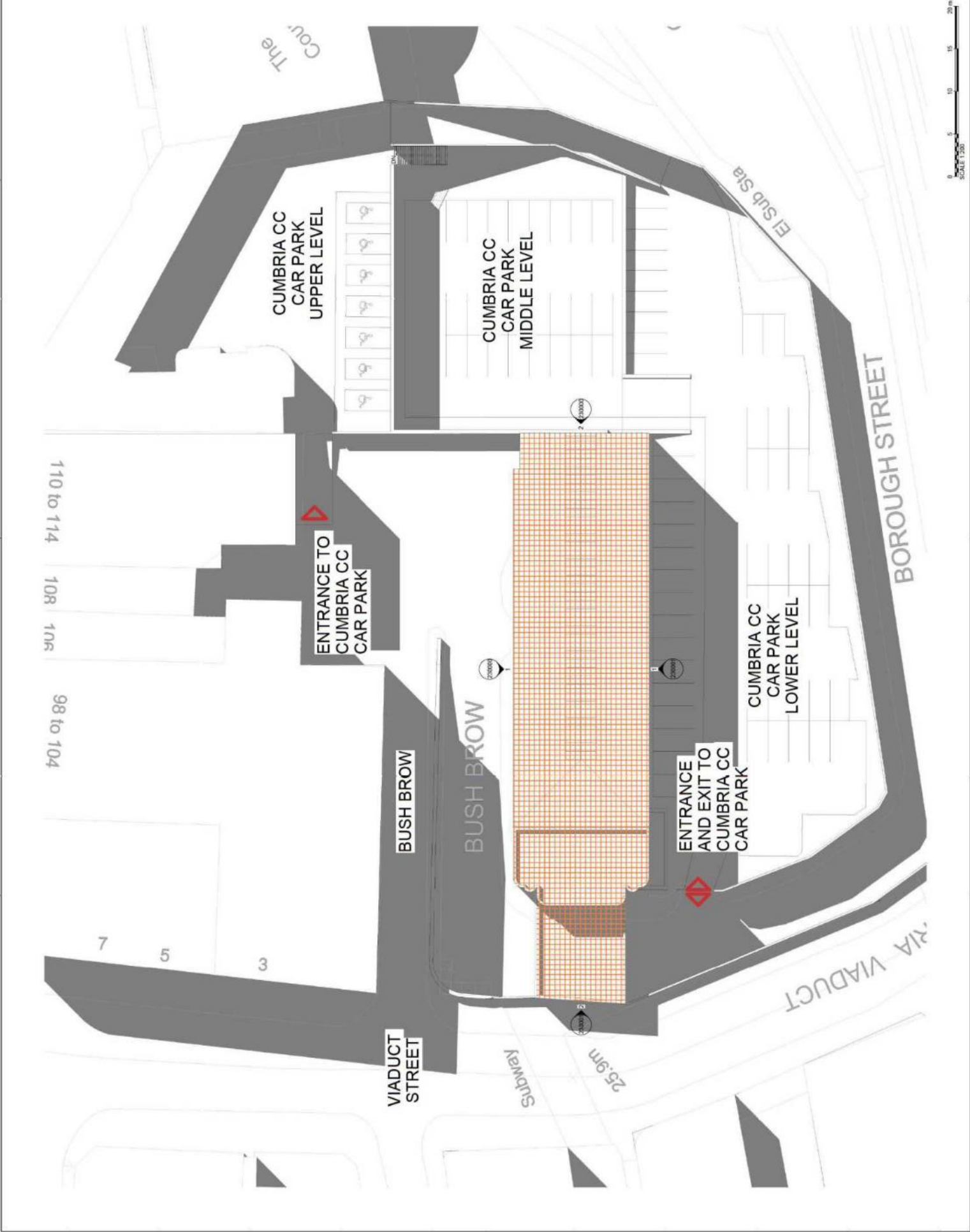
Date: 15/01/24  
 Drawn by: [Name]  
 Checked by: [Name]  
 Project: [Name]  
 Client: [Name]  
 Scale: 1:500  
 Drawing No: [Number]  
 Site Location Plan  
 Project: [Name]  
 Drawing No: [Number]  
 Scale: 1:500  
 Project: [Name]  
 Drawing No: [Number]  
 Scale: 1:500

**Notes**  
 This drawing is an instrument of service and shall remain the property of the engineer. It shall not be used for any other project or for any other purpose without the written consent of the engineer. The engineer shall not be responsible for any construction or other work that is not shown on this drawing. The engineer shall not be responsible for any construction or other work that is not shown on this drawing. The engineer shall not be responsible for any construction or other work that is not shown on this drawing.



**KEY:**

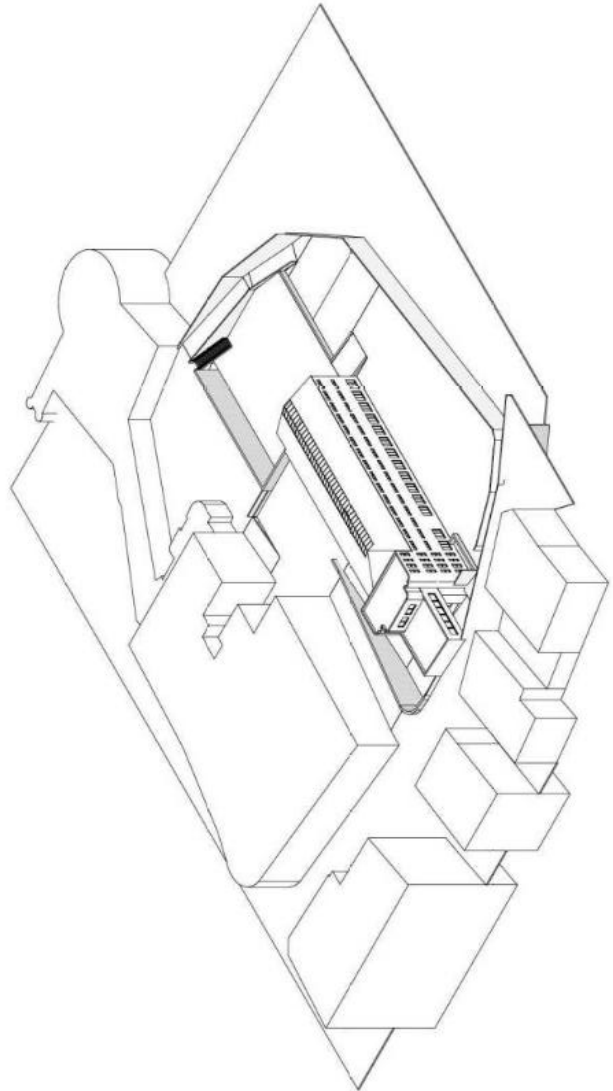
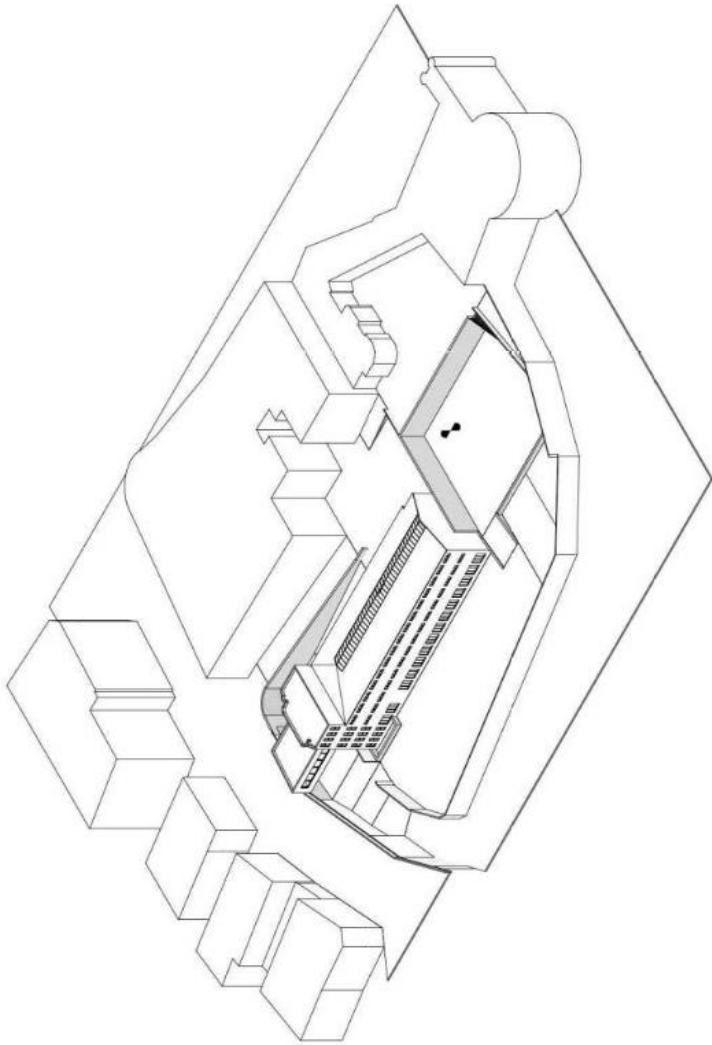
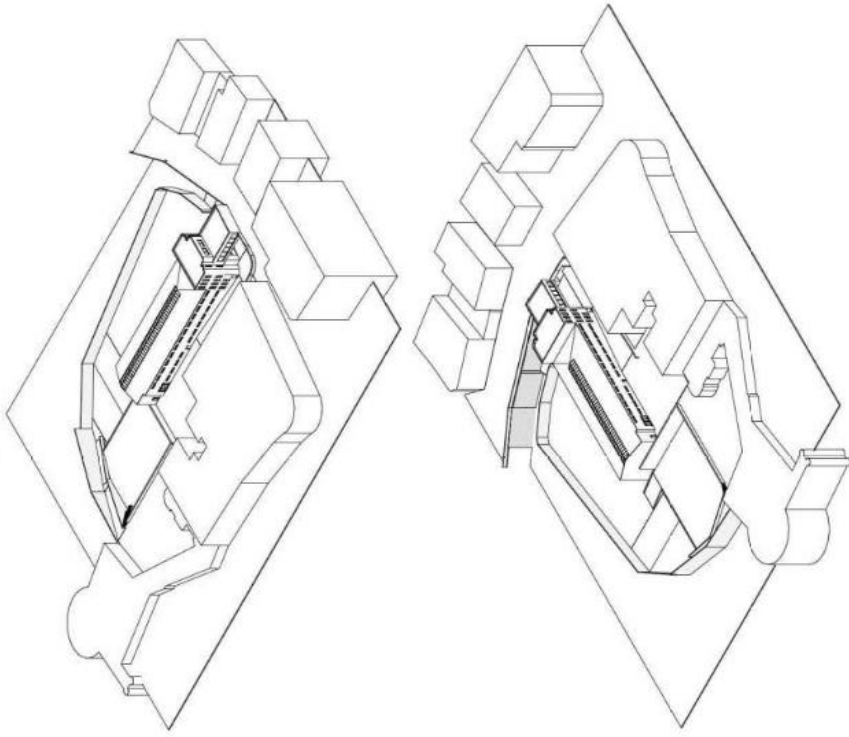
HATCHED AREA OF EXISTING FOUNDATION AND STRUCTURE TO BE DEMOLISHED, REQUIRING CUT AND PATCH CONCRETE AND REINFORCEMENT. SEE ASSIGNED DRAINAGE CONNECTIONS TO BE DEMOLISHED AND REINFORCED FROM THE AREA AND REMOVED FROM THE AREA. ALL SUPPLIES WILL REQUIRE FULL PROTECTION TO BE EARLY ISOLATED TO REMOVE THE CONCRETE FROM THE FROZEN AND CAPPED OFF BELOW GROUND TO SUITABLE LOCATION AGREED WITH THE U.A.



Date: 15/01/24  
 Drawn: [Name]  
 Checked: [Name]  
 Project: Cumbria CC Car Park  
 Client: Cumbria City Council  
 Scale: 1:2000  
 Drawing No: 100000  
 Project Name: Cumbria CC Car Park  
 Date: 15/01/24  
 Drawn: [Name]  
 Checked: [Name]  
 Project: Cumbria CC Car Park  
 Client: Cumbria City Council  
 Scale: 1:2000  
 Drawing No: 100000  
 Project Name: Cumbria CC Car Park



**Notes**  
 This drawing is an instrument of service and shall remain the property of the architect. It shall not be used for any other project or for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in this drawing. The architect shall not be responsible for any construction or other work that may be done in reliance on this drawing. The architect shall not be responsible for any construction or other work that may be done in reliance on this drawing. The architect shall not be responsible for any construction or other work that may be done in reliance on this drawing.



PHOTOS OF THE STATE OF ART



Project	11/2019	Client	Carroll County
Phase	1/2020	Location	Carroll County
Design	1/2020	Architect	align
Construction	1/2020	Contractor	Carroll County

**align**  
 ARCHITECTURE  
 100 S. WASHINGTON STREET, SUITE 200  
 CHARLOTTE, NORTH CAROLINA 28202

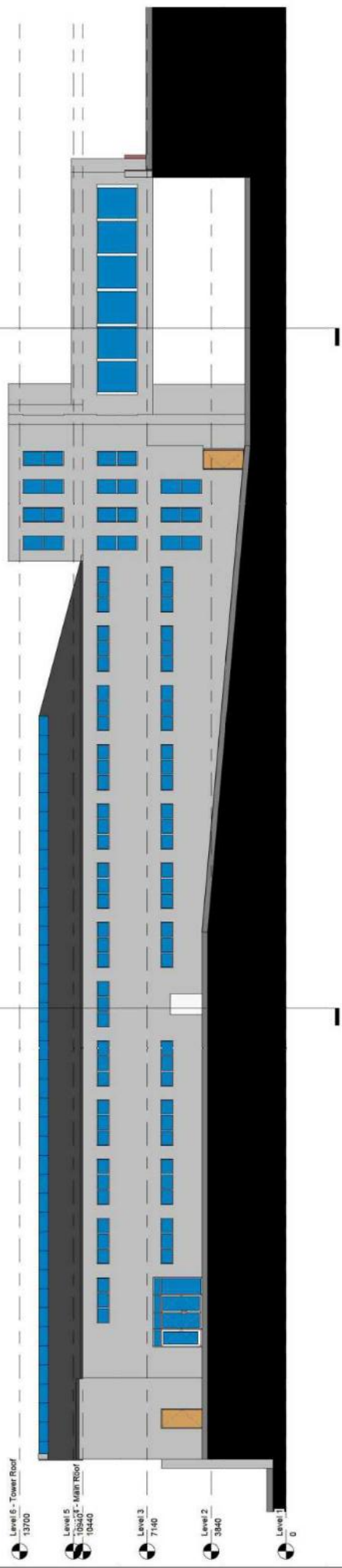
Client: Carroll County  
 Project: Carroll County  
 Phase: 1/2020

Drawn by: P. M. H. H. H.  
 Date: 1/2020

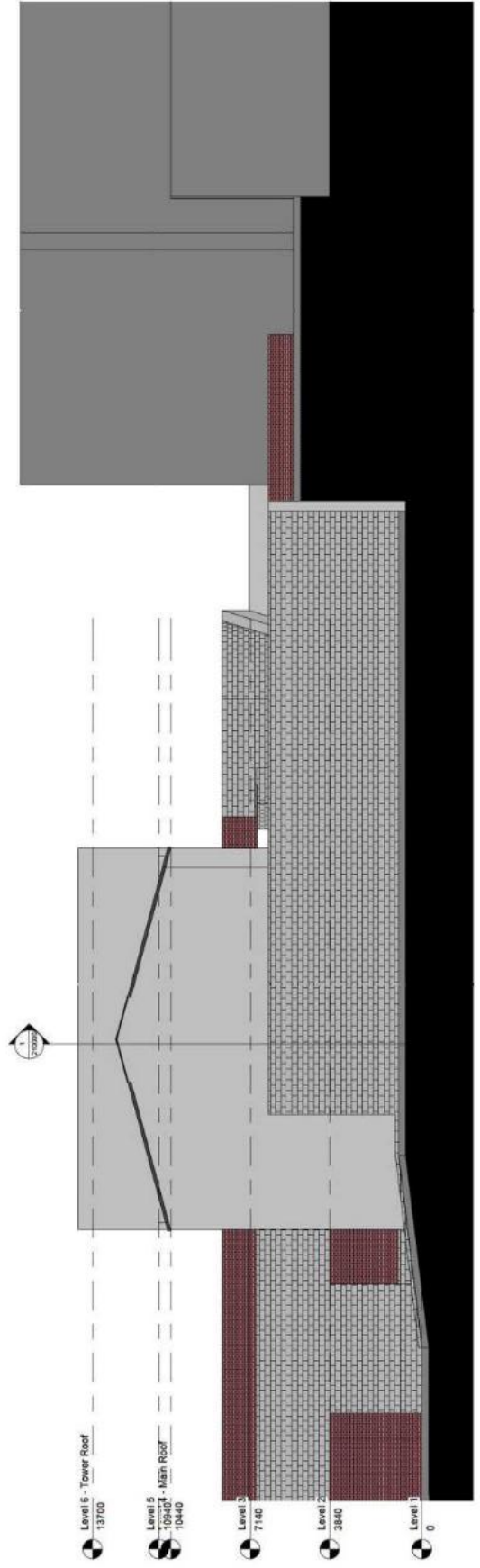
Sheet	1/1	Scale	1/8" = 1'-0"
Project	11/2019	Client	Carroll County
Phase	1/2020	Location	Carroll County
Design	1/2020	Architect	align
Construction	1/2020	Contractor	Carroll County

C:\Users\p.m.h.h.h.\Desktop\11/2019\11/2019\_01\_01.dwg  
 1/2020

**Notes**  
 This drawing is an instrument of service and shall remain the property of the architect. It shall not be used for any other project without the written consent of the architect. The architect shall not be responsible for any errors or omissions in this drawing or any other drawings prepared by the architect or any other person. The architect shall not be responsible for any construction methods or materials not shown in this drawing. The architect shall not be responsible for any construction methods or materials not shown in this drawing. The architect shall not be responsible for any construction methods or materials not shown in this drawing.



**1** Elevation A  
 1" = 100'



**2** Elevation B  
 1" = 100'

Proj: Training Center	Scale: 1/8" = 1'-0"	APP: 03/21/2023	DC: 03/21/2023
Drawn by: [Name]	Checked by: [Name]	Designed by: [Name]	Reviewed by: [Name]
<b>align</b> ARCHITECTURE			
1415 S. Macomber Street, Suite 100 Tulsa, Oklahoma 74106-3400			
Client: <b>Carroll City Council</b>			
Project: <b>Training Center</b>			
Phase: <b>Final Plans</b>			
Drawing Title: <b>Training Center</b>			
Drawing No: <b>1.0</b>			
Drawing Date: <b>03/21/2023</b>			
Drawing Scale: <b>1/8" = 1'-0"</b>			
Drawing Path: <b>C:\Users\jdoyle\OneDrive\Documents\Projects\Training Center\1.0.dwg</b>			
Drawing Path: <b>C:\Users\jdoyle\OneDrive\Documents\Projects\Training Center\1.0.dwg</b>			



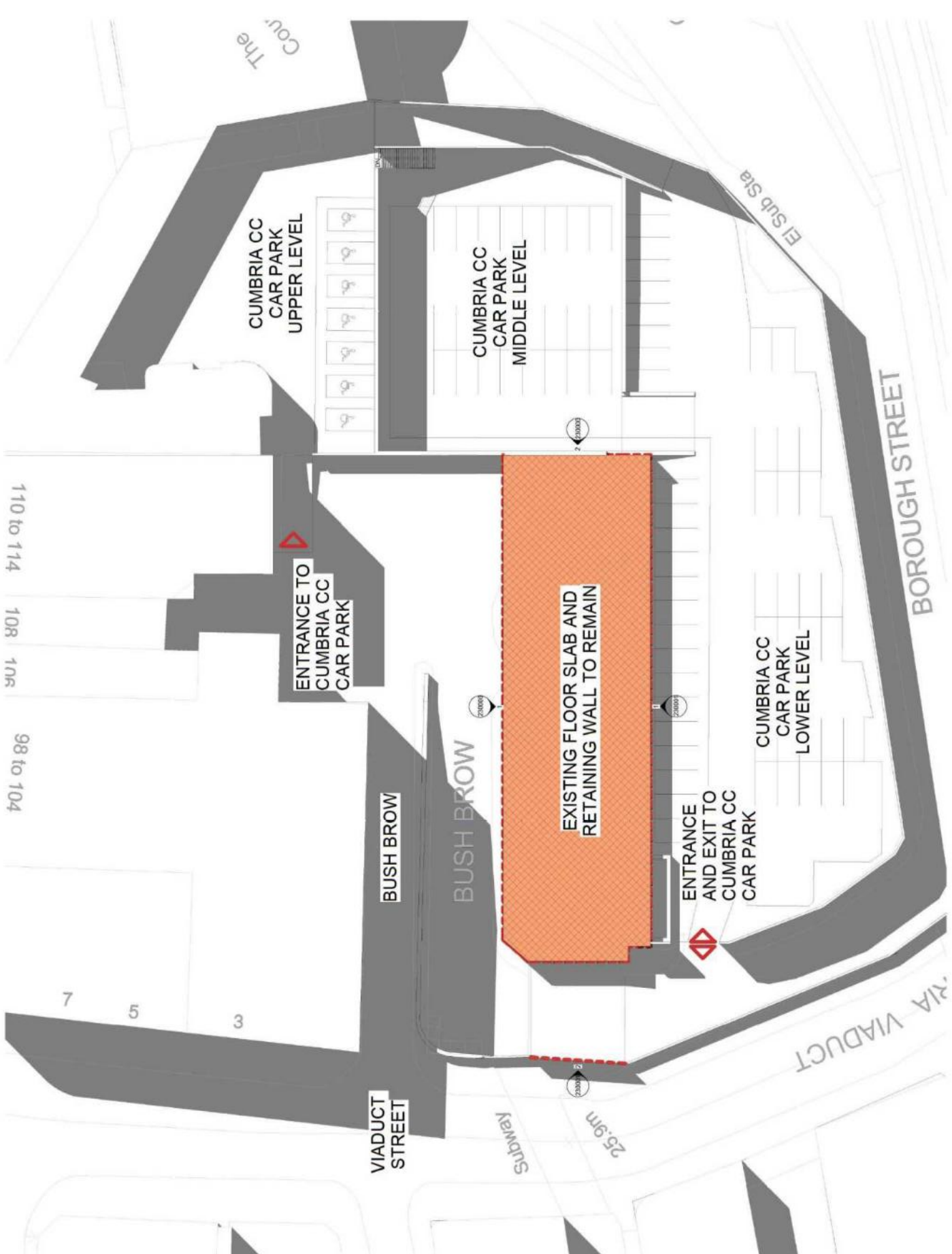


**Notes**  
 This drawing is an instrument of service and shall remain the property of the architect. It shall not be used for any other project without the written consent of the architect. The architect shall not be responsible for any errors or omissions in this drawing or any other drawings or specifications prepared by the architect or any other person. The architect shall not be responsible for any delays or interruptions in the construction of the project caused by any work. Drawings shall be for the use of the client.



- KEY:**
- NEW HEIGHT BOUNDARY
  - NEW HEIGHT BOUNDARY WITH ADVERTISING
  - DEMOLISHED BUILDING
  - EXISTING FLOOR SLAB AND RETAINING WALL TO REMAIN

DATE: 11/20/24	APP: DC
USER: J. D. M.	PROJECT: CUMBRIA CC
<b>align</b> ARCHITECTURE PARTNERS	
100 S. MADISON STREET, SUITE 1000 CUMBRIA, MISSOURI 64001-1000	
Client: CUMBRIA CITY COUNCIL	
Project: CUMBRIA CC	
Phase: PARKING	
Drawing: Proposed Block Plan	
Scale: 1" = 20'	Sheet: 1.00
Author: J. D. M.	Check: J. D. M.
Drawn: J. D. M.	Plot: J. D. M.
Printed: 11/20/24	Plot: J. D. M.

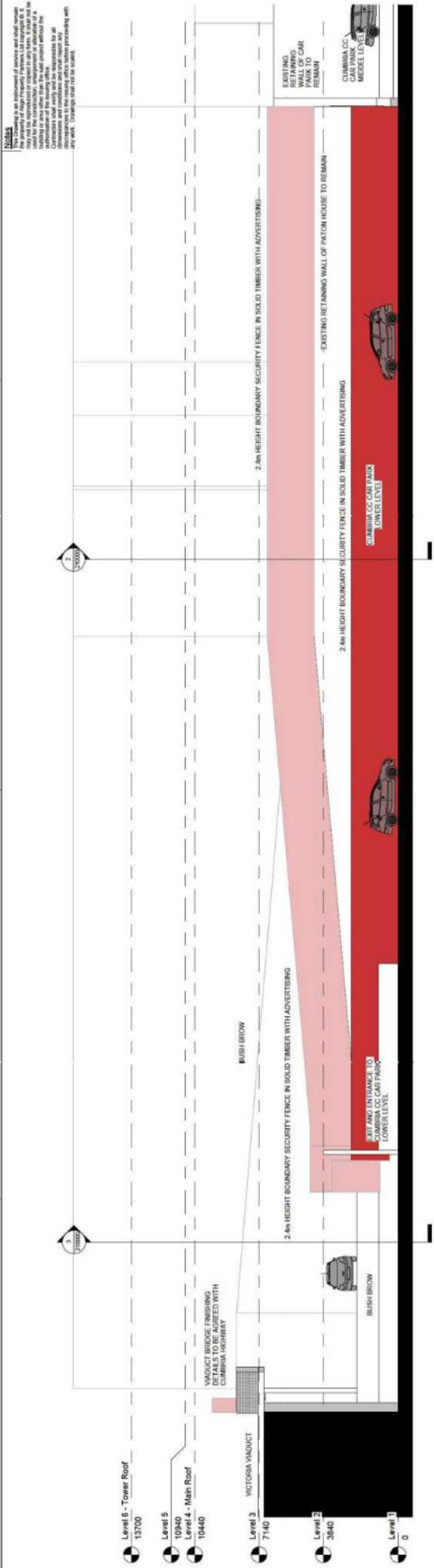


SCALE 1:200  
 0 5 10 15 20 m

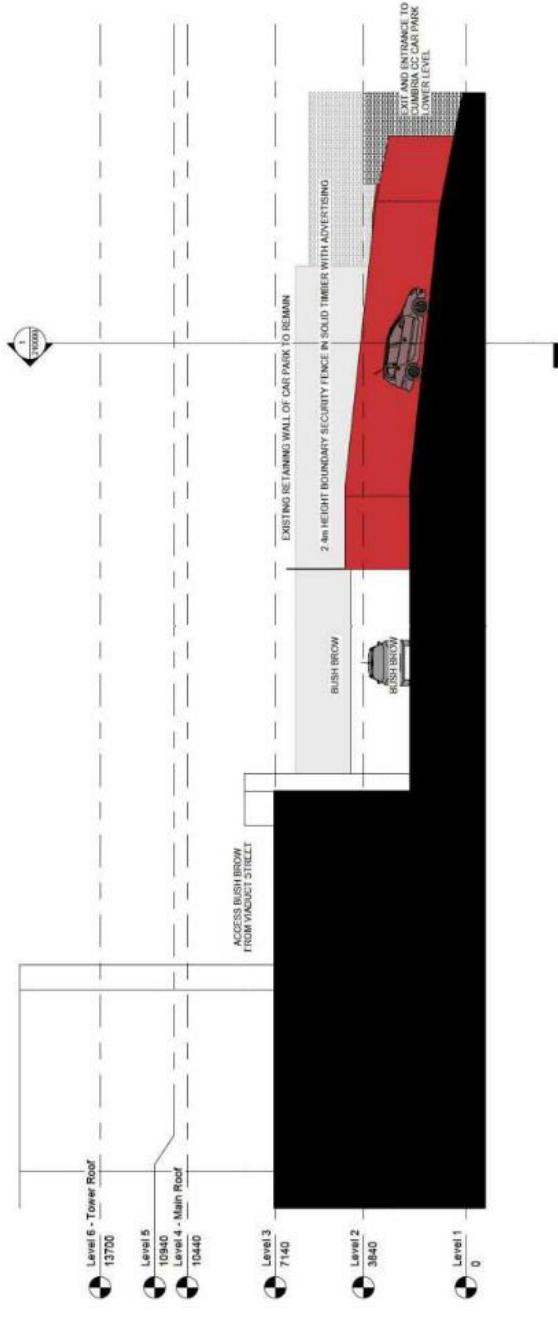








**1** Elevation C  
1 : 100



**2** Elevation D  
1 : 100

**Notes**  
This drawing is an instrument of service and shall remain the property of the architect. It shall not be used for any other project without the written consent of the architect. The architect shall not be responsible for any errors or omissions in this drawing or any other drawings or specifications prepared by the architect. The architect shall not be responsible for any delays or interruptions in the construction process resulting from any cause whatsoever. The architect shall not be responsible for any damage to the property of the client or any other third party. The architect shall not be responsible for any claims or liabilities arising from the use of this drawing or any other drawings or specifications prepared by the architect. The architect shall not be responsible for any claims or liabilities arising from the use of this drawing or any other drawings or specifications prepared by the architect.

EXISTING RETAINING WALL OF CAR PARK TO REMAIN

CUMBERIA CC CAR PARK LOWER LEVEL

Date: 11/01/2024  
 Drawn by: [Name]  
 Checked by: [Name]  
 Scale: 1:100  
 Project: [Project Name]  
 Client: [Client Name]  
 Address: [Address]  
 City: [City]  
 State: [State]  
 Zip: [Zip]  
 Country: [Country]

