

# **Development Control Committee**

## **Supplementary Schedule**

Containing information received  
since the distribution of the  
main schedule of applications

25<sup>th</sup> November 2016

**Planning Application Reference 16/045, Change of Use of Storage Area to Rail  
Training Track Including Laying of 4no Test Tracks  
Story Construction Depot, Thomas Lane, Burgh Road Industrial Estate, Carlisle, CA2 7NA**

## **Assessment of Likely Significant Effects**

**November 2016**

**PFK Ref: 16.045**



**Planning Application Reference I6/045, Change of Use of Storage Area to Rail Training Track Including Laying of 4no Test Tracks  
Story Construction Depot, Thomas Lane, Burgh Road Industrial Estate, Carlisle, CA2 7NA**

As requested, consideration has been given to the Assessment of Likely Significant Effects (ALSE) for the proposed development on the land adjacent to the existing Burgh Road industrial estate. The ALSE has been provided in order to comply with the Conservation of Habitats and Species (Amendments) Regulations 2010, in particular Regulations 61 and 62, as the first stage of the Habitats Regulations Assessment (HRA) process.

The proposed development comprises of a planning application to lay 4 test tracks and use the land as a training facility. Previously, under reference I5/0440, the change of use of the land to provide additional storage space was approved and the land regrading works approved under this application have already been carried out. An ALSE was produced for this development which concluded that the proposed development, whether alone or in combination with other plans or projects, would not have a significant effect on the River Eden Special Area of Conservation (SAC), provided that all of the mitigation measures included in the planning documents were implemented. Therefore, it was not necessary to proceed to the Appropriate Assessment stage of the Habitats Regulations Assessment (HRA) process.

The qualifying features of the Eden SAC that are of relevance to this assessment are:  
Annex I habitats that are a primary reason for selection of this site:

**3130** Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea

Ullswater, in the catchment of the River Eden, is the second-largest of the Cumbrian lakes. It is chosen as an example of a relatively deep lake with both oligotrophic and mesotrophic elements in its fauna and flora. The south-western part of the lake is surrounded by high fells of the Borrowdale Volcanics with enclosed farmland confined to the valley bottoms. The north-eastern arm is in gentler terrain with deeper soils and a greater extent of enclosed farmland. The lake flows into the River Eamont, one of the major tributaries of the River Eden. The lake has an extremely rich aquatic flora, including eight species of *Potamogeton*. These include various-leaved pondweed *P. gramineus*, red pondweed *P. alpinus* and long-stalked pondweed *P. praelongus*. The nationally scarce six-stamened waterwort *Elatine hexandra* is also found in some of the bays. Ullswater supports one of the few populations of powan *Coregonus lavaretus* in the UK. Arctic charr *Salvelinus alpinus* was formerly present but is believed to have become extinct in the 1940s, possibly because of mining pollution in spawning areas.

**3260** Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation

The Eden is a north-western representative of sub-type 2. The river flows over both calcareous limestone and sandstone, giving a diversity of ecological conditions, ranging from oligotrophic to mesotrophic. This river has 184 recorded plant species, more than any other river in the UK. The *Ranunculus* species of the river system include stream water-crowfoot *Ranunculus penicillatus* ssp. *penicillatus* occurring here at the edge of its range, and others, such as *R. penicillatus* ssp. *pseudofluitans* and river water-crowfoot *R. fluitans*.

**91E0** Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae,

Salicion albae) \* Priority feature

Throughout the length of the River Eden stands of alder *Alnus glutinosa* and willow *Salix* spp. occur associated with backwaters and seasonally-flooded channels. The least-disturbed stands are on the tributary River Irthing, where they occur on the shingle and gravels of actively-moving channels. The ground flora includes patches of common nettle *Urtica dioica*, butterbur *Petasites hybridus* and hogweed *Heracleum sphondylium* that grade into hollows with greater tussock-sedge *Carex paniculata*.

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site  
Not applicable.

Annex II species that are a primary reason for selection of this site

**1092** White-clawed (or Atlantic stream) crayfish ***Austropotamobius pallipes***

The Eden is a river with high water quality that supports a large population of **white-clawed crayfish *Austropotamobius pallipes*** in the northern part of its range in England. As with the River Wye, the tributaries of the Eden, especially those flowing off limestone, are of particular importance.

**1095** Sea lamprey ***Petromyzon marinus***

The Eden represents a **sea lamprey *Petromyzon marinus*** population associated with an extensive river system on a varied and base-rich geology in northern England. The highly erodible nature of the rock results in extensive areas of gravel and finer silts being deposited throughout the system, providing conditions for spawning and nursery areas. A large and healthy population of sea lamprey is supported in the middle to lower regions of the river.

**1096** Brook lamprey ***Lampetra planeri***

The Eden is an example of a **brook lamprey *Lampetra planeri*** population associated with an extensive river system on a varied and base-rich geology in northern England. The highly erodible nature of the rock results in extensive areas of gravel and finer silt being deposited throughout the system, providing conditions for spawning and nursery areas. Brook lamprey is supported widely within the catchment.

**1099** River lamprey ***Lampetra fluviatilis***

The Eden is an example of a **river lamprey *Lampetra fluviatilis*** population associated with an extensive river system on a very varied and base-rich geology in northern England. The highly erodible nature of the rock results in extensive areas of gravel and finer silt being deposited throughout the system, providing conditions for spawning and nursery areas. The high quality of these habitats and their accessibility, even in the upper reaches, means that a large, healthy population of river lampreys occurs widely within the catchment.

**1106** Atlantic salmon ***Salmo salar***

The Eden represents one of the largest populations of **Atlantic salmon *Salmo salar*** in northern England. It is an excellent example of a large river system that flows over varied, base-rich geology. This coupled with its large range in altitude, results in the development of distinct habitat types, supporting diverse plant and invertebrate communities. The high ecological value of the river system and the fact that the salmon are able to use most of the catchment (even above Ullswater, a large natural lake on the main river), mean that the Eden is able to maintain a large population of salmon.

**1163** Bullhead ***Cottus gobio***

The Eden represents **bullhead *Cottus gobio*** in a high-quality, relatively unmodified river in the northern part of its range in England. The presence of extensive areas of gravel and generally good quality water provides good habitat for bullheads, which are widely distributed throughout the



system. The tributaries, in particular those flowing over limestone, hold abundant numbers of bullhead.

### 1355 Otter *Lutra lutra*

The River Eden provides an example of lowland **otter** *Lutra lutra* habitats in north-west England and complements the selection of the River Derwent and Bassenthwaite Lake.

Annex II species present as a qualifying feature, but not a primary reason for site selection  
Not applicable.

#### Issues Identified:

##### During Construction:

The mitigation measures identified in previous applications have all been implemented through the construction process during the cut and fill operation. The beck which runs to the side of the site has been fully protected. It is not considered that the laying of the track would give rise to any impacts over and above those already considered in previous ALSE. Mitigation measures to protect the River Eden SAC from impacts during construction such as siltation, toxicity, disturbance, habitat loss and spread of invasive species remain appropriate.

Measures through the remaining construction processes will be in place as previously agreed. This includes:

- Silt fence running parallel to watercourse;
- Spill kits available and site operatives trained in use;
- Fuel for plant through bunded facility already available in Story yard;
- Washing of plant to be carried out in existing yard area;
- Non erodible bunds to be used;
- All work carried out in accordance with the Pollution Prevention Guidelines PPG5;
- All method statements as previously agreed to be adhered to.

There is no further work to be undertaken in the beck and therefore the potential impact on the River Eden SAC is minimal.

##### During Operation:

Mitigation measures to protect the River Eden SAC from impacts during operation (such as siltation, toxicity, disturbance, habitat loss and spread of invasive species) remain in place from the previous application. These include:

- no storage of plant on the site when not in use,
- provision of spill kits
- interceptor ditches to stop water running off the site
- silt traps for run off
- all vehicles to be regularly monitored for oil leaks and repaired where necessary.

#### In-combination Test

The Habitats Regulations Assessment requires that the proposed development needs to be assessed not only with regard to the potential impacts on the designated site of the proposal alone, but also with regard to any impacts of other plans or projects in the area that could act in combination with the impacts associated with the proposed development under consideration. The Council have

recently approved the redevelopment of a former industrial site on the adjacent Newtown Industrial Estate to housing. This site is not connected hydrologically and provides its own drainage system. It is not considered that there would be any in-combination effects which would arise as a result of both developments.

## River Eden and Tributaries SSSI

To enable compliance with the requirements of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, assessment of any development likely to affect the site should also consider the additional interest features of the River Eden and Tributaries SSSI where relevant. It is considered that, subject to the mitigation measures which are already largely in place, there would be no impacts on the interest features of the River Eden and Tributaries SSSI.

## Conclusions

The information provided within the planning application, including the assessments and mitigation measures carried out by Wilde Ecology demonstrate that the proposed use of the site for rail training instead of storage will not have a significant effect either in isolation or in combination with other plans or projects on the interest features of the River Eden SAC. It is considered that the mitigation measures outlined in this ALSE are appropriate and will ensure that there are no detrimental impacts on the River Eden SAC interest features or on the additional interest features of the River Eden and Tributaries SSSI.

## Approved on behalf of Carlisle City Council

Signed: \_\_\_\_\_

Print: \_\_\_\_\_

Date: \_\_\_\_\_

**Stephen Daniel**

**From:** PATTERSONS ◀  
**Sent:** 15 November 2016 21:57  
**To:** Stephen Daniel  
**Cc:** Cllr Doreen Parsons  
**Subject:** Proposed ten houses on land adjacent The Whins and Sewage Treatment Works, Heads Nook  
**Attachments:** Constraints 2.doc

Tel :  
Email:

2 The Whins  
Heads Nook  
**Brampton**  
Cumbria CA8 9AL  
15 November 2016

Mr Stephen Daniel  
Carlisle City Council  
Planning Department  
Civic Centre  
Carlisle CA3 8QG

#### **Proposed Ten Houses on I/a The Whins, Heads Nook Your Ref 16/0812**

Although full details of this full application for the above development are not yet available, submissions from United Utilities and the Housing Development Officer have appeared on the website and your "constraints" have grown in number from 4 to 11 since our letter of 17 October 2016. Our objections as set out there still stand but meanwhile we list below our observations in red on this new information and the proposals' apparent non compliance with the Council's Policies in italics, as now available.

#### **Policy SP 2 - Strategic Growth and Distribution**

7. Within the District's rural settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be harnessed to *positively contribute to increasing the prosperity of the rural economy and to enable rural communities to thrive. How do the proposals satisfy this requirement?*

8. Within the Open Countryside, *development will be assessed against the need to be in the location specified. We know of no assessment of need for development in this location.*

#### **Policy HO 2 - Windfall Housing Development**

*...the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement; How?*

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; How?*

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; The proposal bursts through the established edge of the village and is certainly "an unacceptable intrusion into open countryside"*

4. in the rural area *there are either services in the village where the housing is being proposed, There are no services in Heads Nook other than the basic utilities and an occasional bus service or there is good access to one or more other villages with services, These services are nearly two*

over the last two decades.” Planning Policy Statement 23 states that local planning authorities need to consider carefully the proximity and location of existing developments, such as sewage treatment works....  
CC Councillor Doreen Parsons



ITEM 03  
16/0860  
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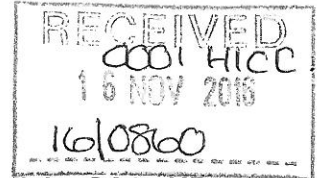
**Angus Hutchinson**

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**From:** Ghorst, Joanne <Joanne.Ghorst@cumbria.gov.uk>  
**Sent:** 16 November 2016 09:51  
**To:** Angus Hutchinson  
**Subject:** 16 0860 - Land North of Oakwood, Harker Park Road, Harker Park, Carlisle, CA6 4HR  
-hway response

Dear Angus,

**Appn Ref:** 16/0860  
**Site Address:** Land North of Oakwood, Harker Park Road, Harker Park, Carlisle, CA6 4HR  
**Description:** Erection Of One Dwelling , With Garage/Storage Building, Stable And Equestrian Paddocks



Thank you for your consultation on the above application dated 11<sup>th</sup> October 2016.

I can confirm the Highway Authority has no objection to the application. We would however recommend that the conditions applied in the previous response from David Bell in relation to 15/1052 are included in any consent you might grant, also including.

***Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.0m thereafter.***

***Reason:*** In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

Regards.  
Joanne

**Joanne Ghorst**

Assistant Development Management Officer (Carlisle & Eden area) | Development Management |  
Development & Infrastructure Planning  
Environment | Cumbria County Council  
Parkhouse Building | Baron Way | Kingmoor Business Park | Carlisle | CA6 4SJ

tel : 01228 221891  
mob : 07717 715383  
[www.cumbria.gov.uk](http://www.cumbria.gov.uk)

9

Electronic Message Received

Message Type: DCONLINECOMMENT

CaseFullRef : 16/0249

Location : Land between Tyne Street and Chertsey Mount, Carlisle

An electronic message was submitted to Acolaid on 09/11/2016 and was processed on 10/11/2016

**Online Comment**

**Contact Name:** Mr Grant Smith

**Address:** Irthing Vale Quality Foods

Tyne Street

Carlisle

**Postcode:** CA1 2NP

**Email Address:**

**Representation:** OBJ

**Comment:** As Director of Irthing Vale Quality Foods based on Berlin Street I stand by our earlier objections, The recent amendments made to the plans do absolutely nothing to improve the bottleneck which is the Tyne street access road and in fact seem to make it much more dangerous for pedestrians this road is used regularly by HGV vehicles and the undoubtedly huge increase in traffic through this access which i fear has been severely underplayed in the applicants traffic report will cause serious congestion on tyne street and london road as the increased number of vehicles exiting the site will cause a build up of cars and HGV's sitting stationary on london road waiting to turn in as only one vehicle can pass through the bottleneck in any direction at any one time, therefore london road is going to be brought to a standstill at regular intervals (a road which has already seen a large increase in traffic levels since the opening of the new Asda & other stores in the St. Nicholas Gate Shopping Park). The presumption in the traffic report that the 30 new dwellings in the development will only generate an extra 12-13 outward & inbound journeys at the morning and evening peak hours is frankly ludicrous and is likely to be at least double that figure with most families owning at least two cars these days . In conclusion I can only see this development being detrimental to both the existing residents & businesses in the area and at the very least increase the likelihood of traffic congestion/accidents and at worst increases the risk to the safety of pedestrians and residents who currently use this access point. I would also like to add that this development is also to the severe detriment of the residents of chertsey mount & brookfield gardens who have properties with lovely green field views to the rear and would be afflicted by the new houses towering over the rear of their properties blocking out light and reducing their property values significantly they are wonderful neighbours to our business and we have existed in harmony for over 20 years and i feel for these residents if this development were to go ahead.

Thank you for your consideration  
 Grant Smith  
 Director  
 Irthing Vale Quality Foods Ltd

**Indicated Right to Speak at Committee?:** <No such tag (wishtospeak)>

| PLANNING SERVICES   |         |
|---------------------|---------|
| REF                 | 16/0249 |
| 0084<br>09 NOV 2016 |         |
| RECORDED            | NM      |
| SCANNED             | NM      |
| PASSED TO           | SD      |
| ACTION              |         |



Our Ref: A062781/AA  
Date: 11<sup>th</sup> November 2016

**Mr A Hutchinson**

Principal Planning Officer  
Development Management  
Economic Development  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

Dear Angus

**Planning Approval 10/ 0792**

**Barley Edge, Durranhill Road, Carlisle**

I write with reference to condition no. 22 of the decision notice, dated 20<sup>th</sup> October 2011, which confirmed planning permission for 49 homes at Barley Edge and, as requested by Ms Rachael Graham of Persimmon Homes, I provide you with a summary of the steps which have been taken in relation to that planning condition since consent was granted by Carlisle City Council.

Condition no. 22 requires the following:

No dwellings hereby approved shall be occupied until the following works have been constructed and brought into full operational use:

- (1) The creation of a new pedestrian footpath along the southern side of Durranhill Road, which shall link the application site with the existing pedestrian footway on Durranhill Road.
- (2) The provision of a pedestrian island on Durranhill Road to the north of Pastures Walk.

Prior to development commencing construction drawings detailing the aforementioned works shall be submitted to and approved, in writing, by the Local Planning Authority.

Since planning permission was granted, Persimmon Homes have worked closely with Cumbria Highways (CH) to progress the Section 278 Agreement. Below is a summary of the key correspondence:





- 12<sup>th</sup> March 2014.

Email from Mr James Page (CH Engineer) to myself confirming WYG Drawings A062781/C003G, including the new footpath along the south side of Durranhill Road, and A062781/C004C, including the new pedestrian island, are suitable to form the bases of the detailed designs to accompany the Section 278 Agreement.

- 27<sup>th</sup> July 2015.

Email from Mr Peter Hart of Persimmon Homes to Mr Nigel Butcher (CH Engineer) presenting the results of vehicle tracking on topographical base, undertaken by WYG, which demonstrate a bus in each direction can pass the pedestrian island.

- 7<sup>th</sup> December 2015.

Email from Mr Butcher to Mr Hart issuing the Stage 1/2 Road Safety Audit undertaken by CH on WYG Drawings C003G and C004C.

- With regards the new footpath along the south side of Durranhill Road, at comment no. 3.2, the audit concluded there is a protected tree which would result in the footway past it being reduced down to 900mm for a short distance and could lead to pedestrians, particularly those in a wheelchair or with a pushchair, being forced to walk in the carriageway.
- With regards the pedestrian island, at comment nos. 3.6 and 3.7 among a number of other recommendations, the audit concluded the through lanes each side, while 3m in width, could cause drivers of large vehicles to travel close to the island or the bellmouth of the Pastures Walk junction (3.6), and the island could result in large vehicles turning into Pastures Walk encroaching the outbound lane and increasing the risk of head on collisions (3.7).
- April and May 2016.

In response to the comments raised in the Safety Audit there was an exchange of correspondence and discussions between Mr Hart, Mr Butcher and myself, including a site visit attended by Mr Hart and Mr Butcher.

  - On 1<sup>st</sup> April Mr Hart sent a sketch to Mr Butcher which outlined the modifications to the detailed designs which they agreed on site, these included removing from the scheme the new footpath along the south side of Durranhill Road and the pedestrian island as they are not necessary.
  - On 4<sup>th</sup> April Mr Butcher confirmed agreement by email.
  - On 20<sup>th</sup> April I emailed Mr Hart Drawing A062781/C005, which took account of the agreed modifications, and Mr Hart subsequently forwarded on the drawing to Mr Butcher.
  - On 4<sup>th</sup> May Mr Butcher emailed Mr Hart to confirm Drawing C005 is agreed.



- 16<sup>th</sup> June 2016.

Email from Mr Hart to myself, after a conversation with Mr David Bell (CH transport) during which he was informed an assessment of pedestrian and vehicle flows on Durranshill Road is required to demonstrate omitting the island from the scheme of highway works is acceptable.

- 30<sup>th</sup> June 2016.

Telephone conversation between Mr Bell and Mr Scott English of WYG during which the methodology of the pedestrian vehicle assessment was agreed.

- 13<sup>th</sup> July 2016.

Telephone conversation between Mr Bell and Mr English during which Mr Bell asked for the pedestrian and vehicle surveys to inform the assessment to be delayed until late September after the summer school holiday.

- 15<sup>th</sup> October and 1<sup>st</sup> November 2016.

Emails from Mr Bell to Mr Gareth Wakenshaw of WYG agreeing the durations and dates for the pedestrian volume and vehicle volume/ speed surveys, those being Friday 4<sup>th</sup> and Saturday 5<sup>th</sup> November, the locations of the surveys on Durranshill Road.

The pedestrian and vehicle surveys, as agreed with Mr Bell, were carried out on Friday 4<sup>th</sup> and Saturday 5<sup>th</sup> November. At the time of writing WYG are waiting for the survey data and, once received, will undertake the assessment and issue the results to CH once complete.

Yours sincerely

**Arnold Ashton**

Associate Director

For and on behalf of WYG

Barley Edge Planning Proposal-- Drop in Session 15 November 2016.

Shepherds Inn 16:00 – 19:00

#### Households Represented

2, 9, 10, 14, 15, 20, 36, 40 Barley Edge

7, 21 Heathfield Close

9, 17, 19, 25 Alexander Drive

7 Chapel Brow

#### Comments Recorded

Household A – would like the original planning condition enforced, has major concerns regarding children being forced to cross Durranhill Road twice to access the play area considering the speed and volume of traffic on Durranhill Road.

Household B – would like the footpath delivered as per original condition, additionally there is still the need for some form of assisted crossing on Durranhill Road due to volume and speed of traffic.

Household C – favours the footpath to be on south side of Durranhill Road, other registered concerns are speeding on Durranhill Road and inconsiderate parking of vehicles on Durranhill Road

Household D – option of the footpath on south side Durranhill Road with the development of a pinch point on the road beside the tree to reduce speed an excellent option

Household E – maintain and enforce the original planning condition

Household F – south side footpath preferred due to poor crossing provision, no dropped kerbs make crossing with a buggy difficult on occasion's; a safe crossing with dropped kerbs would be of benefit to all

Household G – disabled resident uses Motability scooter has difficulty crossing Durranhill Road due to speed of vehicles and lack of dropped kerbs to access bus stop, original footpath option is preferred

Household H – concerns of speed of vehicles, volume of traffic, poor visibility creates a combination that make this area dangerous for pedestrians – not delivering the footpath as per the original condition enhances the danger in particular for access to play area, bus stops, cyclists and children walking to school

Household I – planning condition was clear – deliver the footpath before houses were occupied – enforcement if necessary, developers have completely ignored conditions and are now hoping it will