SCHEDULE A: Applications with Recommendation

16/0690

Item No: 10 Date of Committee: 25/11/2016

Appn Ref No:Applicant:Parish:16/0690H & H Group PLCCarlisle

Agent: Ward: Garner Planning Botcherby

Location: Land at Montgomery Way, Rosehill Industrial Estate, Carlisle, CA1 2RS

Proposal: Erection Of New Pioneer Food Hall With Coffee Shop; 11No. Industrial

Units (Use Classes B1/B2/B8); Car Park And Infrastructure Works

Date of Receipt: Statutory Expiry Date 26 Week Determination

12/08/2016 11/11/2016 10/02/2017

REPORT Case Officer: Angus Hutchinson

1. Recommendation

1.1 Subject to the awaited comments of Natural England, the proposal will be recommended for approval with conditions.

2. Main Issues

- 2.1 The effect of the proposal on the supply of employment land.
- 2.2 The effect of the proposal on highway safety.
- 2.3 Whether existing contamination is adequately addressed.
- 2.4 Whether the proposal will increase flood risk on or off the site and/or is appropriate for the designated flood zone.
- 2.5 The effect on ecology.

3. Application Details

The Site

3.1 This application relates to a 2.23 hectare site located on the west side of Montgomery Way to the south of the Harpers car dealership/garage, Lookers Van Centre, and the ATS tyre centre; and to the immediate north of other commercial premises such as Bute House which is occupied by Armstrong

Watson and the NFU/NFU Mutual. On the opposite side of Montgomery Way there is the auction mart with its associated facilities in the form of The Auctioneer and The Shepherds Inn as well as premises occupied by Pioneer. To the west of the site runs the course of Durranhill Beck. The application site is predominantly used as an informal car park with vehicle height restricted access from Montgomery Way for the occupiers and users of Rosehill Industrial Estate.

3.2 The application site is currently covered in tarmac or granular hard-core with scrub planting along the south and west boundaries. A mature oak is on the southern boundary. The site is known to be underlain by land filled household waste and ash. The site is generally flat with an east to west fall in gradient from 18.6 metres AOD to 16.5 metres AOD. Durranhill Beck is about 3.5 metres lower than the application site. The western part of the site, adjoining Durranhill Beck, is in Flood Zone 3a whilst the eastern part is in Flood Zone 1. Durranhill Beck discharges into the River Eden, which is a SSSI and SAC and lies 615 metres to the north. In addition to Durranhill Beck, Collar Beck is 350 metres to the north-east.

Background

3.3 Pioneer currently employs approximately 215 full time staff in Carlisle of which 205 are located at Rosehill and 10 at Fisher Street. Pioneer use 53 multi-temperature vans which deliver to about 2,500 catering customers in southern Scotland and the north of England. The existing food store serves approximately 2,750 customers per week. The store opening times are: 07.00 to 17.00 hours Monday to Friday, and 07.00 to 13.00 hours on Saturday. The existing food store employs 20 full time equivalent staff. Approximately two thirds of sales are fresh and cooked meat products sourced from local farms.

The Proposal

- 3.4 The current application is seeking full permission for the erection of a Pioneer food hall (including a coffee shop), an access road, eleven employment units (use classes B1, B2 and B8), a car park with 295 spaces, and a surface water attenuation basin. The proposed food hall is to replace the current Pioneer store located on the eastern side of Montgomery Way. On opening the proposed food hall the existing food store would be incorporated into the wholesale part of the business.
- 3.5 The proposed food hall is to be located with a frontage onto Montgomery Way and has a gross external area of 1401 square metres of which 445 square metres relates to the ground floor area available to members of the public, and 180 square metres relates to the proposed first floor coffee shop. By way of comparison, the current food store has a net area of 335 square metres available to the public. A new site access road is to be formed off Montgomery Way to serve the customer car park of the proposed food hall, the new car park, and the proposed employment units. A separate service yard access for the proposed food hall is shown from Auchinleck Drive

- 3.6 The proposed employment units, with an internal overall floor area of approximately 1980 square metres, are shown to be located in the western section of the site.
- 3.7 The proposed car park, the use of which will now be the subject of a charge, will provide 295 spaces formally laid out and surfaced in tarmac. In addition, the intention is for the proposed food hall to be served by 46 spaces, and the industrial units to have 35 spaces. The available information indicates that the current car park has a peak usage of approximately 315 cars.
- 3.8 In addition to the submitted plans, the application is accompanied by:
 - An Outline Foul & Surface Water Drainage Strategy;
 - A Phase II Geo-Environmental Site Assessment;
 - An Ecological Appraisal;
 - A Statement of Community Involvement;
 - A Planning Statement;
 - A Tree Survey;
 - Design and Access Statements;
 - A Remediation and Enabling Works Performance Specification;
 - A Proposed Utility Services Report; and
 - A Flood Risk Assessment and Outline Drainage Strategy.
- 3.9 The submitted Planning Statement (PS) explains that the additional space for Pioneer will allow the company to expand its operations and thus increase jobs in the warehousing element of the business. In addition, Pioneer estimate that the proposed larger and improved food hall will lead to an additional 10 full time staff as well as maintaining the viability of local suppliers. The opening times for the proposed hall are indicated as being: 07.00 hours to 18.00 hours Monday to Saturday, and 10.00 hours until 16.00 hours on Sunday.
- 3.10 The PS also highlights that the proposed food hall is an important part of enabling the regeneration and development of the existing car park. This is because there are significant costs associated with the site's remediation and the food hall is an important element in terms of funding these works resulting in environmental improvements a long with the proposed employment units.
- 3.11 The intention is for surface water from the proposed food hall and initial length of access road will go into an existing surface water sewer on Montgomery Way with the surface water for the remainder of the site discharging into Durranhill Beck via the proposed attenuation basin.

4. Summary of Representations

4.1 This application has been advertised in the form of press and site notices, and the direct notification of the occupiers of 18 properties in response to which one objection has been received on the following grounds:

- 1. if the proposal goes ahead there will be no space left for those working at Rosehill to park;
- 2. the daily charge will allegedly leave no alternative but to look for new employment elsewhere; and
- 3. people will not use the proposed car park but park on the main road causing traffic problems.
- 4.2 The application is also accompanied by a Statement of Community Involvement explaining that the applicant undertook a public exhibition on the 11th July 2016 based upon which 15 feedback forms/e-mails were received. The principle issue of concern related to car parking with specific regard to:
 - 1. the proposed level of car parking was alleged to be inadequate;
 - 2. concern over the loss of free car parking and level of charges; and
 - 3. the financial impact on local employees of paying for car parking.

5. Summary of Consultation Responses

Local Environment, Waste Services: - Unclear whether proposed recycling bins shown situated in the proposed car park adjacent to the industrial units will be just for use by the surrounding businesses only as opposed to a public use facility.

Cumbria County Council - (Econ. Dir. Highways & Transportation): - The applicant has modelled Montgomery Way / Warwick Rd / Tesco, pedestrian / signalised junction following concerns raised by the Highway Authority. Whilst we accept the report's conclusion we still have reservations in relation to the11 no industrial units for classes B1/B2/B3 & their usage. We are unable to object to this issue as it is clearly shown to be acceptable in the addendum report.

On this basis, the Highway Authority & Lead Local Flood Authority have no objection to the development subject to the imposition of relevant conditions with regard to: the provision of ramps on each side of the access road for wheelchairs/pushchairs etc; the surfacing of the access road; vehicular access restricted that shown on the approved plan; details of surface water drainage; lighting; parking/turning for vehicles; the parking of construction vehicles; and the approval of a Travel Plan.

Environment Agency: - We consider that planning permission could be granted for the proposed development subject to the imposition of conditions regarding: contamination; controlling any piling on the site; surface water drainage; and implementation of the development in accordance with the submitted Flood Risk Assessment.

United Utilities - No comments received.

Local Environment - Environmental Protection: - No objections to the application in principle. If the application is successful then the applicant should contact this Department in order to be advised with regard to legislative compliance for food safety and occupational health and safety.

Cumbria Constabulary: - No objection subject to additional information received inclusive of a security treatment site plan.

Natural England: - Comments awaited.

6. Officer's Report

Assessment

- 6.1 Section 54a 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.
- At a local level the relevant planning policies against which the application is required to be assessed are SP1, SP6, EC2, IP2, IP3, IP6, CC4, CC5, CM4, and GI3 of the recently adopted Carlisle District Local Plan 2015-2030.
- 6.3 The report prepared by DTZ on behalf of the City Council ("Carlisle Employment Sites Study: Implications for M6 Corridor", June 2010) highlighted that Rosehill Industrial Estate is well related to the M6 and therefore can play a wider, more strategic role in Carlisle's growth. The DTZ report (2010) also identified a continued need for good quality industrial premises (para. 7.20) and described the Rosehill Estate as a "Priority Investment Location".
- At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), and Planning Practice Guidance (April 2014). Due regard should also be made with regard to the requirements of the public sector equality duty in Section 149 of the Equality Act 2010.
- 6.5 Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as "a golden thread". For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or

- specific policies in this Framework indicate development should be restricted.
- 6.6 Paragraph 17 of the Framework identifies 12 core planning principles including planning being a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seeking to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings; taking account of the different roles and character of different areas; contribute to conserving and enhancing the natural environment; encourage the effective use of land in urban and rural areas; and focusing significant development in locations which are or can be made sustainable.
- 6.7 In this context it is considered that the proposal raises the following main planning issues:
 - the effect of the proposal on the supply of employment land;
 - the effect of the proposal on highway safety;
 - whether existing contamination is adequately addressed;
 - whether the proposal will increase flood risk on or off the site and/or is appropriate for the designated flood zone; and
 - the effect on ecology.

Employment Land

- 6.8 This issue covers two aspects, namely the direct loss of part of the application site for potential employment purposes, and whether the food hall use of the site would constrain the use of any neighbouring employment land.
- 6.9 Paragraph 22 of the Framework emphasises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits. In July 2015 HM Treasury published "Fixing The Foundations: Creating A More Prosperous Nation" which explained that the government is committed to an urban planning revolution on brownfield sites.
- 6.10 Policy EC2 (Primary Employment Areas) of the CDLP 2015-2030 states that:
 - "...Where there is no reasonable prospect of an entire employment site remaining in continued employment use; interventions to improve the attractiveness of the site are not feasible; and its release would not impact on the wider strategy for employment land or the availability of local employment opportunities, applications for alternative uses of land or buildings will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."
- 6.11 Policy EC2 of the CDLP 2015-2030 was written in the context of the "Carlisle Employment Sites Study" (2010) prepared by DTZ. When considering the potential loss of part this site as employment land, the DTZ Study (2010)

highlighted that:

- at face value there is a quantitative surplus of employment land in the Carlisle District – equivalent to between 19 and 55 years supply;
- but there is a spatial imbalance with the majority of land and premises to the north of the City away from concentrations of population to the southern areas; and
- much of Carlisle's available employment premises are unsuited to modern needs in terms of quality, size, type and location – in respect of the City's employment sites only 15% fell within the "top" scoring category indicating a need for investment to improve the economic contribution of those remaining "moderate" and "lower" categories.
- 6.12 In this context it is evident that the current proposal is enabling the greater provision of industrial units at Rosehill. In effect, the "loss" of part of the site will lead to greater provision of industrial units on the estate which is consistent with the wider strategy of the CDLP (2015-2030). The site has remained undeveloped over a number of years yet is in a prime location fronting Montgomery Way. The scale of the proposal is considered to be appropriate; and would enhance the appearance of the area.
- 6.13 Based on the existing presence of a Pioneer store and the submitted details in terms of access and relationship between premises, it is considered that the proposal will not constrain the use of neighbouring employment premises.

Highway Safety

- 6.14 Paragraph 32 of the Framework states that development "...should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." When considering highway safety, the two areas of concern that have arisen relate to the capacity of the Warwick Road (A69)/Montgomery Way junction, and the overall adequacy of vehicle parking provision.
- 6.15 On the matter of the Warwick Road/Montgomery Way junction, Turner Lowe Associates undertook a modelling exercise on behalf of the applicant which concluded that the proposal would not have any material effect on the operation of the junction and clearly not the "severe" effects required for proposed development to be refused planning permission under paragraph 32 of the Framework. The Highway Authority has subsequently not raised any objections subject to the imposition of relevant conditions. On this basis it is considered that the proposal will not have a material impact on the capacity of the junction and consequently the greater highway network.
- 6.16 On the matter of car parking, the applicant has had a survey of usage undertaken during July 2016. The survey identified that on the morning of the 13th there were 315 vehicles; during the morning of the 19th there were 308 vehicles; and during the afternoon of the 21st there were 258 vehicles parked on the site. The survey results show that the current usage is above the proposed new car park capacity of 295 spaces, plus additional car parking for the proposed food hall and industrial units. In response to these figures the

applicant has explained:

- City centre workers allegedly use the car park as an unofficial park and ride facility;
- bus tour companies allegedly use the car park as a pick up point for coach holidays with customers parking for the duration of their holiday - this is evidenced by overnight parking of 20-50 vehicles;
- it is alleged that adjoining motor dealers use the car park;
- the H&H Group employ 147 staff with a significant number using this car park - once the site is developed these staff will be instructed to use the new car parking area on their own site at Borderway which has capacity for 430 spaces and is only used as overflow parking for special events;
- Pioneer's current customers use the car park but the proposed food hall will have its own dedicated car park with 43 spaces;
- the car parking charges will not be in excess of present rates charged by the City Council for its own sites; and
- making a charge for a car park that is currently free will attract objections but the significant improvement of the car park and future management of that car park does come at a cost that needs to be recouped over time.
- 6.17 In the submitted Planning Statement, the agent has also explained that during the construction phase the applicant will make available land at the car auction site to be used for off-street parking.
- 6.18 Based on the foregoing, it is considered that the current proposal cannot be resisted on parking grounds.

Contamination

- 6.19 The submitted "Remediation & Enabling Works Performance Specification" and "Phase II Geo-Environmental Site Assessment" prepared by E3P on behalf of the applicant highlight that the site is made ground to a maximum depth of 5.5 metres. Asbestos is present across the site as well as the localised presence of cyanide and naphthalene in the central portion. The presence of elevated levels of ammonia, hydrocarbons, carbon dioxide and methane are also noted.
- 6.20 In such circumstances, E3P emphasise that the naphthalene and cyanide will need to be removed; the asbestos can be placed in an area of no future sensitivity; any hydrocarbon hotspots will need to be dealt with by treatment of the impacted soil on site; a barrier or remediation system should be considered to deal with any potential migration of ammonia; and measures required to prevent the migration of carbon dioxide and methane. In addition, it is considered that the site is not suitable for infiltration type drainage/soakaways and that off-site disposal routes are needed.
- 6.21 It is considered that the proposed remediation and mitigation measures can be addressed through the imposition of relevant conditions.

Flood Risk

- 6.22 When considering flood risk the relevant issues revolve around ensuring that the proposal does not increase flood risk on or off the site, and that the proposed use is appropriate to the relevant designated flood zone.
- 6.23 The submitted "Flood Risk Assessment & Outline Drainage Strategy" (FRADS) prepared by RG Parkin & Partners recognises that the application site lies within Flood Zones 1 and 3. The FRADS explains that the proposed attenuation basin will be lined with an impermeable geomembrane to prevent infiltration into the underlying contaminated ground and is designed to have a 300mm freeboard to provide 300 cubic metres of additional storage. Discharge from the basin is to be controlled at the pre-development brownfield rate of 95 litres per second. Any surface water discharge into the existing surface water sewer within Montgomery Way is to be restricted to 10 litres per second utilising attenuation tanks beneath the access road. The intention is for foul flows to discharge directly or indirectly via a pumping station into an existing foul sewer within Montgomery Way.
- 6.24 Although land situated to the west of the proposed development is located within Flood Zone 3a, the Environment Agency has advised the applicant that they hold no records of flooding at the site and it is not located within the 2015 flood outline for Storm Desmond. This aside, the Technical Guidance to the Framework identifies general industry to be "less vulnerable" and therefore an appropriate form of development in Zone 3. In order to deliver a safe development, the FRADS confirms that the floor levels will, nevertheless, be set 600mm above the attenuation basin crest level of 16.6 metres AOD (i.e.17.2 metres AOD).
- 6.25 In summary, the proposed food hall is in Flood Zone 1 and therefore should not be at risk from flooding. In the case of the proposed employment units they are considered to be an appropriate use with measures taken to reduce any risk from flooding. The proposed means of foul and surface water drainage have been designed such that they should also not increase flood risk on or off the site.

Ecology

- 6.26 Policy GI3 (Biodiversity & Geodiversity) of the CDLP 2015-2030 seeks to ensure the protection and, where possible, enhancement of biodiversity assets across the District. These policies are consistent with Section 11 of the Framework.
- 6.27 The "Ecological Appraisal" and "Tree Survey" prepared by Environtech on behalf of the applicant conclude that the site is of low ecological value with no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas. There is one oak tree on the site that is to be retained and therefore protected during construction. The Appraisal also recommends other mitigation measures involving: the landscaping scheme utilising native and wildlife friendly plants; retaining the dense scrub near Durranhill Beck; contaminants not being allowed to enter Durranhill Beck; and precautionary measures should be taken during the construction

phase to prevent any adverse impact on any species.

6.28 It is considered that the above recommendations can be the subject of relevant conditions. The River Eden & Tributaries are a Site of Special Scientific Interest and a Special Area of Conservation. Durranhill Beck running along the western boundary of the site provides hydrological connectivity to the river and thus there could be potential impacts both during the construction phase and the operational phase. Based on the submitted information, no direct and indirect impacts on the River Eden and Tributaries SSSI are anticipated although the formal observations of Natural England are awaited.

Other Matters

- 6.29 Concerns have been raised over how the proposed car park will be managed and the consequent charging, however, this is a separate matter distinct from the planning process.
- 6.30 There are dwellings that are within and neighbour the industrial estate but given the existing extent and number of commercial/industrial uses, if any noise/odour issues arise from the proposed industrial units sufficient to warrant action, then this already exists. In effect, it is considered that the addition of eleven further industrial units, which are not effectively closer to the existing dwellings when compared to those already found on the Estate, should not increase the potential for any conflict.

Conclusion/Planning Balance

- 6.31 Paragraph 14 of the Framework says that at its heart there is a presumption in favour of sustainable development. Paragraph 7 identifies the three dimensions to sustainable development: economic, social and environmental. The three roles being mutually dependent and should not be taken in isolation (paragraph 8).
- 6.32 Rosehill Industrial Estate has been identified as a "Priority Investment Location" that is well connected and can play a wider, more strategic role in Carlisle's growth. This is at a time when a need for good quality industrial premises has been identified. Whilst the application has not been accompanied by a viability report, it is recognised that the redevelopment of the whole site for employment purposes needs to overcome significant constraints. It is also unlikely that the applicant would seek permission for a scheme which it was not confident it could viably deliver.
- 6.33 In this context, this proposal will provide employment during the construction phase, safeguard existing jobs, and lead to an increase in local employment. The proposed industrial units are speculative with no end users identified. However, modern, purpose built employment units are proposed which would assist in increasing the availability of employment premises to the benefit of the local economy. This application also involves the re-use of a currently contaminated brownfield site that will enhance the appearance of the area.

The proposal has the potential to lead to material social, economic and environmental benefits.

6.34 Subject to the awaited comments of Natural England, the proposal will be recommended for approval.

7. Planning History

7.1 The available records do not indicate the site as having previously been the subject of a planning application.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2. The approved documents for this Planning Permission comprise:
 - 1. the submitted planning application form received 29th June 2016;
 - 2. the Site Location Plan (drawing ref 11543-01) received 12th August 2016:
 - 3. the Site Plan as Existing (drawing ref 11543-11) received 29th July 2016;
 - 4. the Site Plan as Proposed (drawing ref 11543/12D) received 25th October 2016;
 - 5. the Proposed Site Plan (drawing ref 12044-08B) received 19th August 2016:
 - 6. the Proposed Ground Floor Plan (drawing ref 12044-10B) received 19th August 2016;
 - 7. the Proposed First Floor Plan (drawing ref 12044-11B) received 19th August 2016:
 - 8. the Proposed Roof Plan (drawing ref 12044-12B) received 19th August 2016;
 - 9. the Proposed Typical Section (drawing ref 12044-13) received 29th July 2016:
 - 10. the Proposed Elevations (drawing ref 12044-14B) received 19th August 2016.
 - 11. the Proposed Workshop Units Block A (drawing ref 11543-14) received 29th July 2016;
 - 12. the Proposed Workshop Units Block B (drawing ref 11543-15) received 29th July 2016;
 - 13. the Proposed Workshop Units Block C (drawing ref 11543-16) received 29th July 2016;
 - 14. the Outline Foul & Surface Water Drainage Strategy (drawing ref K32499/A1/100A) received 29th July 2016;

- 15. the Plan showing Existing Pioneer Site/Premises (drawing ref 12083-00A) received 12th August 2016;
- 16. the Security Site Plan (drawing ref 12044-EX04A) received 25th October 2016:
- 17. the Phase II Geo-Environmental Site Assessment received 1st August 2016;
- 18. the Ecological Appraisal received 12th August 2016;
- 19. the Statement of Community Involvement received 29th July 2016;
- 20. the Planning Statement received 29th July 2016;
- 21. the Tree Survey received 29th July 2016;
- 22. the Design and Access Statement for Proposed Car Park and Workshop Development received 29th July 2016;
- 23. the Design and Access Statement for Proposed Food Hall Proposed New Building and Associated Car Parking received 29th July 2016;
- 24. the Remediation & Enabling Works Performance Specification received 1st August 2016;
- 25. the Proposed Utility Services Report received 29th July 2016;
- 26. the Flood Risk Assessment & Outline Drainage Strategy received 1st August 2016;
- 27. the Notice of Decision; and
- 28. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the expiration of six months from the commencement of use of the hereby permitted food hall, the existing food store within the Pioneer site/premises identified in drawing number 12083-00A, shall cease trading and be used for warehousing ancillary to the wholesale use only in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: The application was considered on this basis in the light of the need to safeguard the extent of land and premises available for purposes falling within Use Classes B1, B2 and B8 at Rosehill Industrial Estate.

4. The use of the hereby permitted food hall for Use Class A1 and A3 purposes shall be confined to the areas specified in drawing numbers 12044-10B and 12044-11B.

Reason: The application was assessed on this basis and the local planning authority wish to retain control over the precise nature of the use(s) within Rosehill Industrial Estate in terms of commercial uses that take place, and the highway implications.

5. No development hereby permitted shall take place until the applicant has made available alternative temporary off street parking provision in accordance with details submitted to and approved in writing beforehand by the local planning authority. The approved temporary off street parking provision shall thereafter remain available until the new car park, as

identified as "Area B" on drawing number 11543/12B, has been fully constructed and made available for use.

Reason: In the interests of highway safety.

6. The development hereby permitted shall proceed only in accordance with the phasing as identified in section 8 of the submitted Planning Statement dated 29th July 2016 (ref. CNG/378/CSL) prepared by Garner Planning or such variation to that plan and/or programme as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a co-ordinated manner.

7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) K34299/01/A/FRA-DR/RH REVISION A July 2016 and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 17.2000 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express approval in writing of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Foundation design may cause or exacerbate migration of leachates within the waste material.

9. The approved remediation scheme, as specified in the Remediation and Enabling Works Performance Specification prepared by e3p (ref. 10-841-R3-Rev1), must be carried out in full accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing beforehand by the local planning authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

10. In the event that contamination not previously identified prior to the grant of planning permission is encountered during the development, all works on site (save for investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority works on site shall not recommence until either a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or b) the local planning authority has confirmed in writing that remediation measures are not required. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the Remediation Strategy a Validation Report shall be submitted to and approved in writing by the local planning authority. Unless otherwise approved in writing no part of the site shall be brought into use until such time as the whole site has been re mediated in accordance with the Remediation Strategy and Validation Report in respect of those works, as approved in writing by the local planning authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- 11. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - a. loading and unloading of plant materials;
 - b. storage of plant and materials used in constructing the development:
 - c. the erection and maintenance of security hoarding;
 - d. wheel washing facilities;
 - e. measures to control the emission of dust and dirt during construction;
 - f. a scheme for recycling/disposing of waste resulting from construction works: and
 - g. the timing and routing of site clearance and construction traffic.

Reason: To safeguard the environment and in the interests of highway safety during the construction phase.

- 12. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a scheme detailing temporary surface water drainage for the construction phase has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:
 - h. phasing of the development and phasing of the temporary drainage provision as required; and
 - methods for preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land will be prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the local planning authority.

Reason: To avoid pollution and minimise the risk of flooding.

13. For the duration of the construction phase, the existing oak tree to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect the oak tree during development works.

14. The hereby permitted development, for the duration of the construction phase, shall be carried completely in accordance with the mitigation measures as set out in Section 6 of the Ecological Appraisal Report Version 4 (reference 3192) prepared by envirotech.

Reason: To safeguard local ecology and biodiversity.

15. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until details of the proposed access road, inclusive of ramps on each side, have been submitted to and approved in writing by the local planning authority. The details shall include full sections with suitable gradients and curves, traffic calming, drainage works, street lighting, lining, and surface finishes. Neither the food hall nor any industrial unit hereby permitted shall be occupied until the respective access road (including associated footways, turning heads, and surface water drainage) has been constructed and completed in accordance with the approved details and street lighting provided and brought into full operational use.

Reason: In the interests of highway safety.

16. No development shall take place until a lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to minimise light spillage across the site and include details of any permanent lighting to roads and footpaths/pavements together with any temporary lighting required during the construction phase. Development shall be carried out in accordance with the approved details and public areas shall only be lit as per the approved scheme.

Reason: In the interests of highway safety and to safeguard ecology.

17. Prior to the commencement of use of the foodhall and/or the industrial units hereby permitted the associated vehicle parking, turning, and unloading/loading areas shall have been surfaced and drained in accordance with details submitted to and approved in writing beforehand by the local planning authority. The approved vehicle parking, turning, and unloading/loading areas shall be retained for their intended purpose at all times thereafter.

Reason: In the interests of highway safety.

18. There shall be no means of vehicular access between the site and existing highways except by way of the approved access unless otherwise approved in writing by the local planning authority.

Reason: In the interests of highway safety.

19. At the expiration of six months from the commencement of use of the food hall hereby permitted, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars by staff working at the development to sustainable transport modes as well as the timetable for implementation. The use of the hereby permitted food hall shall thereafter be in accordance with the approved Travel Plan.

Reason: To aid in the delivery of sustainable transport objectives.

20. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of each phase of the hereby permitted development or in the first planting and seeding season following completion of each phase of the hereby permitted development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

22. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until samples or full details of all materials to be used on the exterior of the foodhall and industrial units hereby permitted have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the materials used are acceptable.

23. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until details of the proposed hard surface finishes to all public external areas within the proposed scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that materials to be used are acceptable.

24. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until full details of the surface water system demonstrating that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 40 % to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc) have been agreed in writing with the local planning authority. No element of the hereby permitted development shall commence use until the approved scheme has been fully carried out.

Reason: To manage flood risk within the development that results from surface water to minimise the risk to people and property.

25. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until full details to confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary have been agreed in writing with the local planning authority.

Reason: To safeguard against negative impact outside the development boundary to people and property.

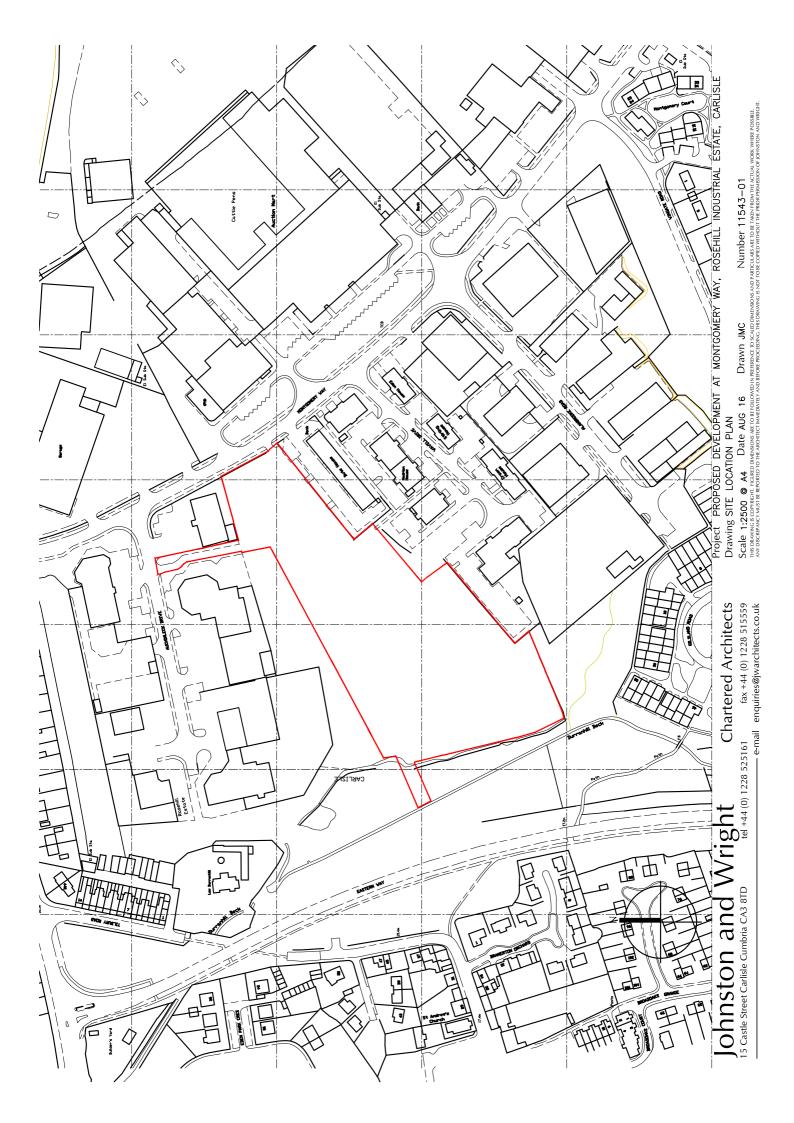
26. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until

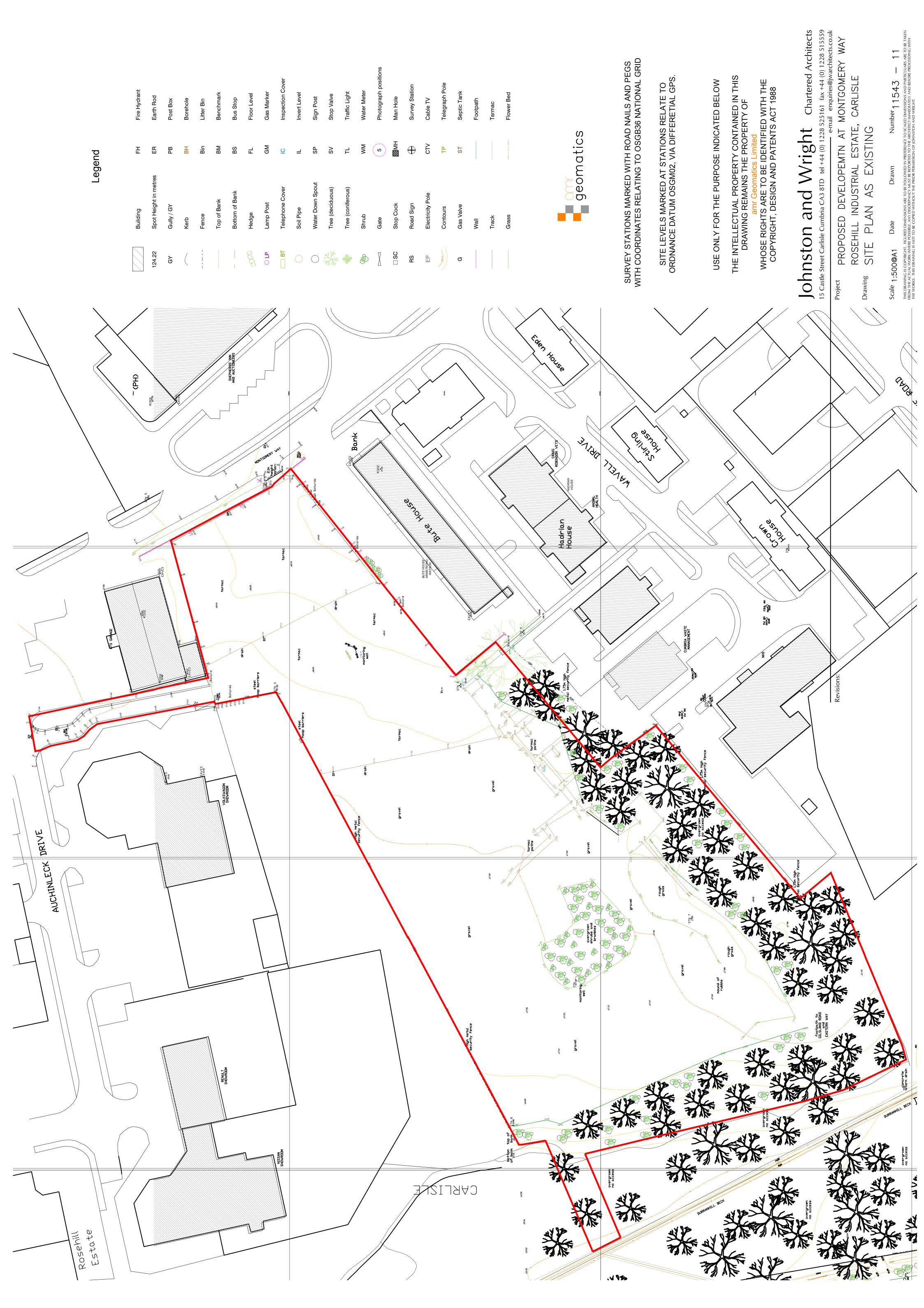
a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

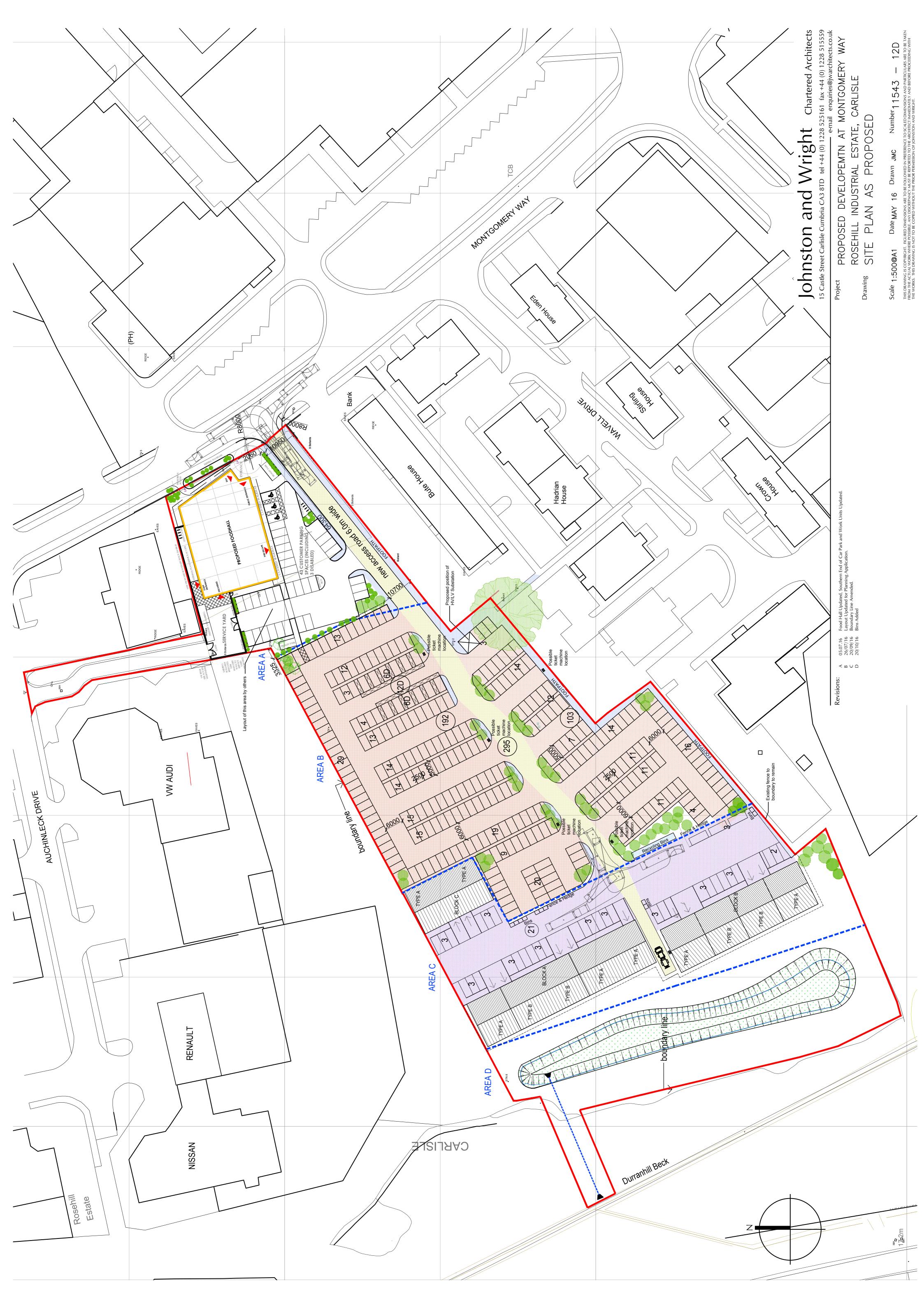
- b. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Management Company; and
- 1. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial woks and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

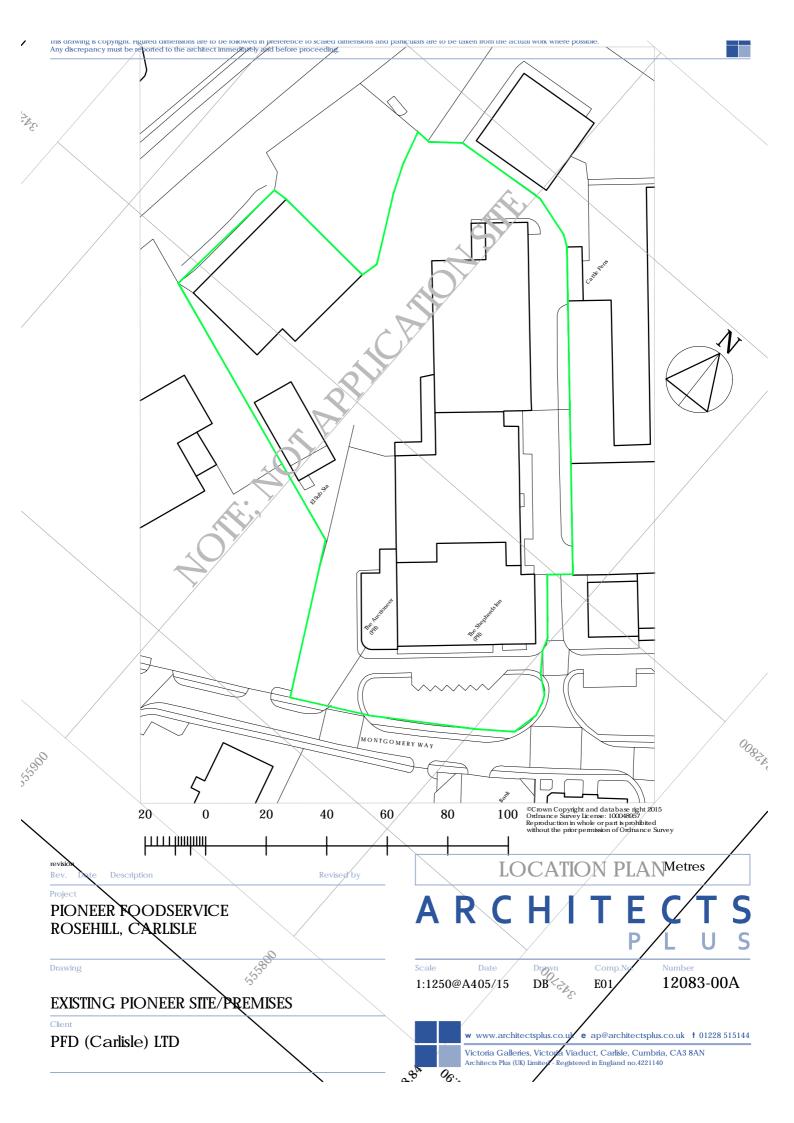
The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.











The Client for all construction works have a duty to comply with the regulations. They must make suitable arrangements for managing the project and maintaining and reviewing these arrangements throughout the full duration of the project, so the project is carried out in a way that manages the health and safety risks. For projects involving more than one contractor, these regulations require the client to appoint a Principal Designer and a Principal Contractor and make sure they carry out their durance.

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CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015

HEALTH & SAFETY

tions 2015 apply to all cor

The Client must provide pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project.

The Client (or someone appointed on their behalf) has a duty to notify the HSE of construction projects lasting longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or exceed 500 person days.

The Principal Designer must plan, manage and monitor the pre-construction phase and coordinate matters relating to health and safety during the pre-construction phase to ensure that, so far as is reasonably practicable, the project is carried out without risks to health and safety.

The Principal Designer must liaise with the Principal Contractor for the duration of the Principal Designer's appointment and share with the Principal Contractor information relevant to the planning, management and monitoring of the construction phase and the coordination of health and safety matters during the construction phase.

The Principal Contractor must plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that, so far as is reasonably practicable, construction work is carried out without risk to health and safety including making sure suitable site inductions and welfare facilities are provided.

The Principal Contractor must liaise with with the Principal Designer for the duration of the Principal Designer's appointment and share with the principal designer information relevant to the planning, management and monitoring of the pre-construction phase and the coordination of health and safety matters during the pre-construction phase.

Everyone involved in a project has a duty to report instances where they or others are working in a way that puts them or anyone else in danger. Any instances must be reported to the person in control of the work.

Everyone with a duty under CDM 2015 to provide health and safety information must ensure that it is easy to understand and cooperate with others involved with the project. This should involve communication with others and understanding what they are doing by holding regular coordination and/or progress meetings.

This drawing must be read in conjunction with other Health and Safety information including the Pre-Construction information, Risk Register and the Health and Safety File.

Project Specific Risks

During the design process the following remaining which may pose a risk to persons:

a. carrying out or liable to be affected by constructor maintaining or cleaning a structure c. using a structure designed as a workplace.

[Add specific risks included in the risk register e.g..]

Unusual Risks $[{\mathbb D}_{\epsilon}]$

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PLANNING

Details of these risks have been identified in the risk register. An assessment of these and any other risks must be carried out in order to take the relevant precautions and actions to eliminate or minimise the risks to all parties. (Note - standard risks which a competent contractor should be aware of and be capable of managing are not included).

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PFD FOODHALL ROSEHILL, CARLSILE

- PROPOSED GROUND FLOOR PLAN PFD (CARLISLE) LTD
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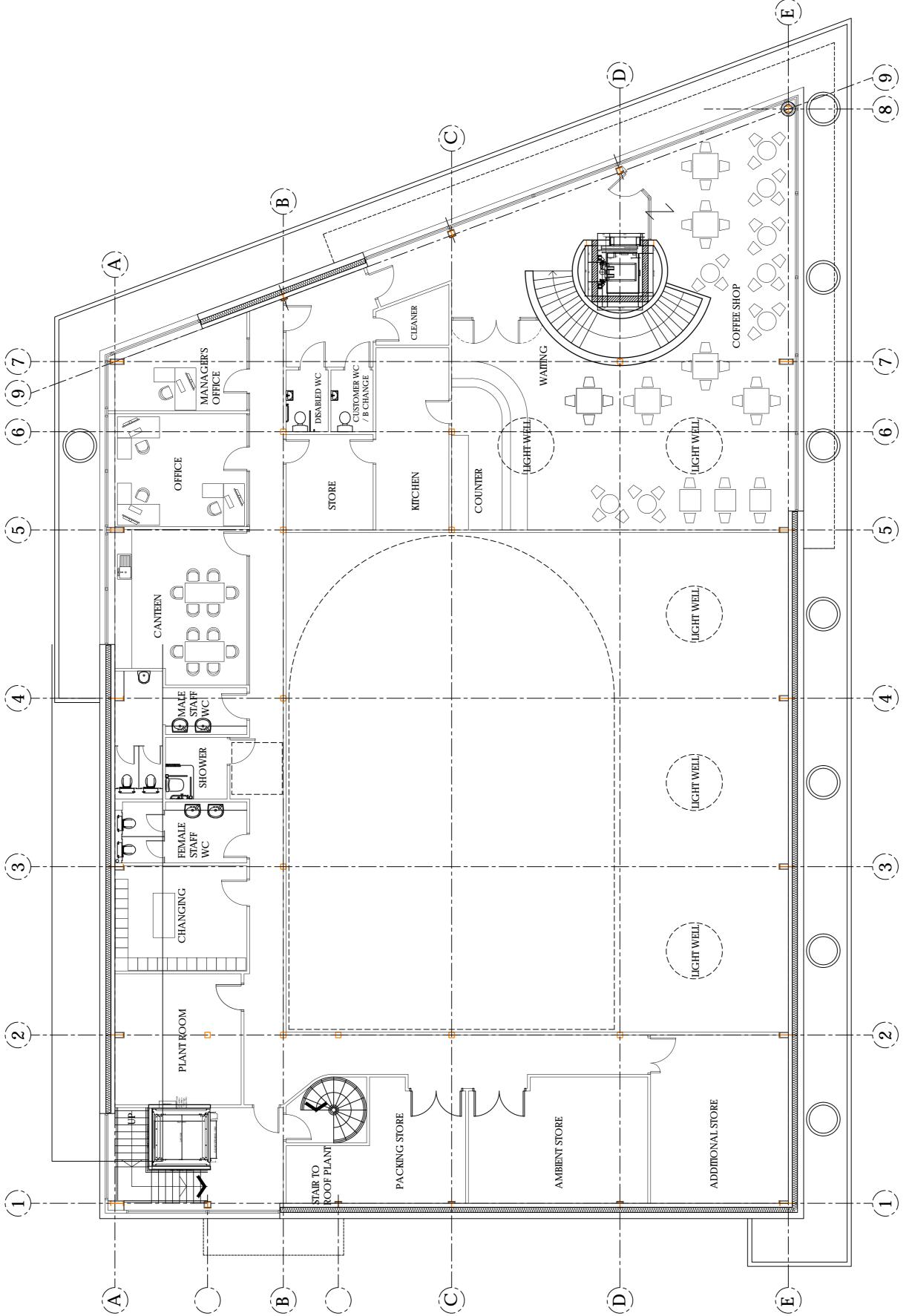
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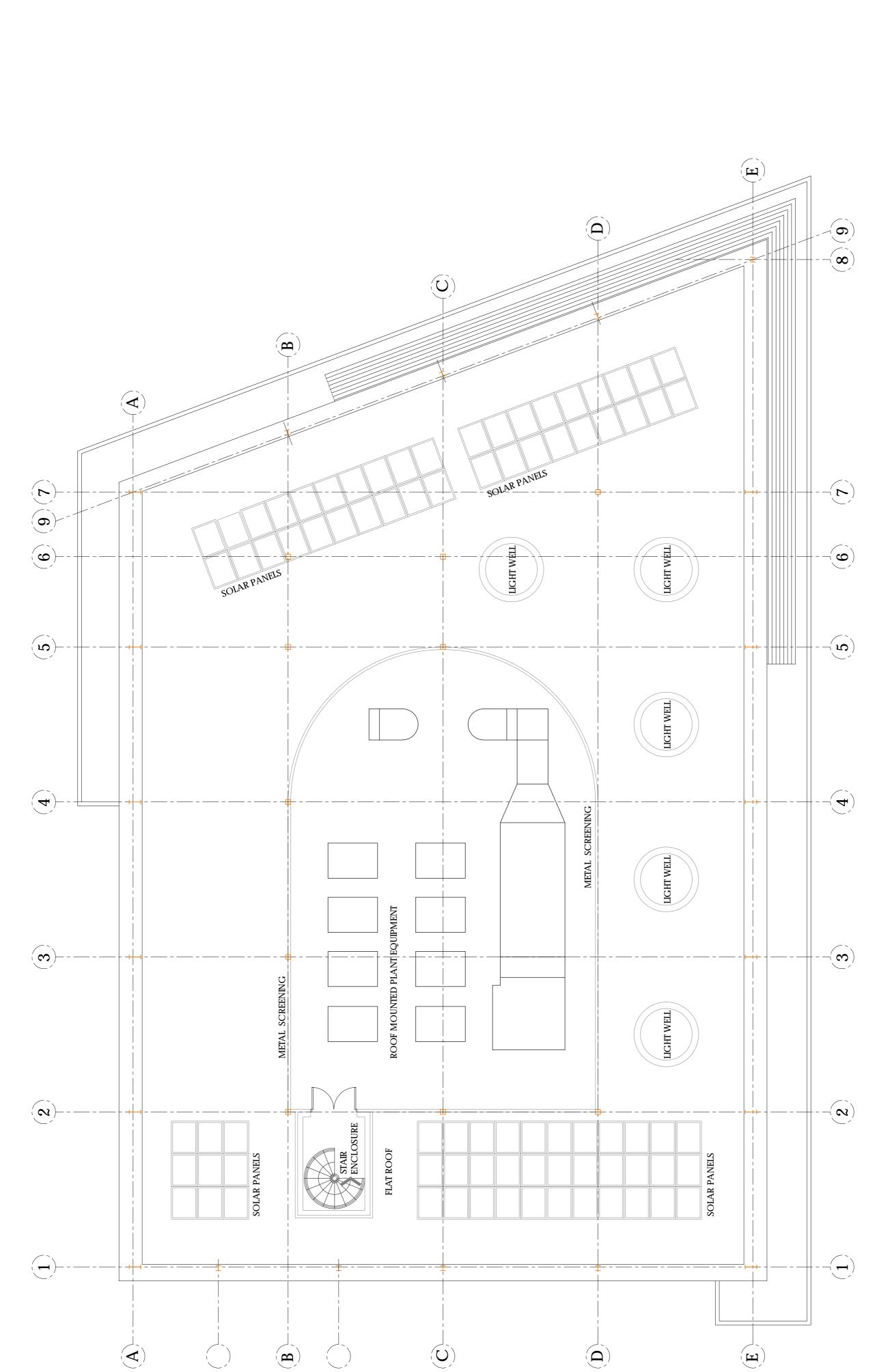
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[Add specific risks included in the risk register e.g..]

No Unusual Risks $[D\epsilon$

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CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015

HEALTH & SAFETY

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PLANNING

Where materials containing asbestos exist within the premises the Client must ensure that any designers and contractors are aware of the Asbestos Register, which should identify the location, type and condition of such materials. In all cases where the presence of asbestos could be evident, a Demolition and Refurbishment Survey will be required before construction work commences. If any suspicious materials are discovered during construction work these should be brought to the attention of the person controlling the works and instructions sought. [Delete as appropriate]

Details of these risks have been identified in the risk register. An assessment of these and any other risks must be carried out in order to take the relevant precautions and actions to eliminate or minimise the risks to all parties. (Note - standard risks which a competent contractor should be aware of and be capable of managing are not included).

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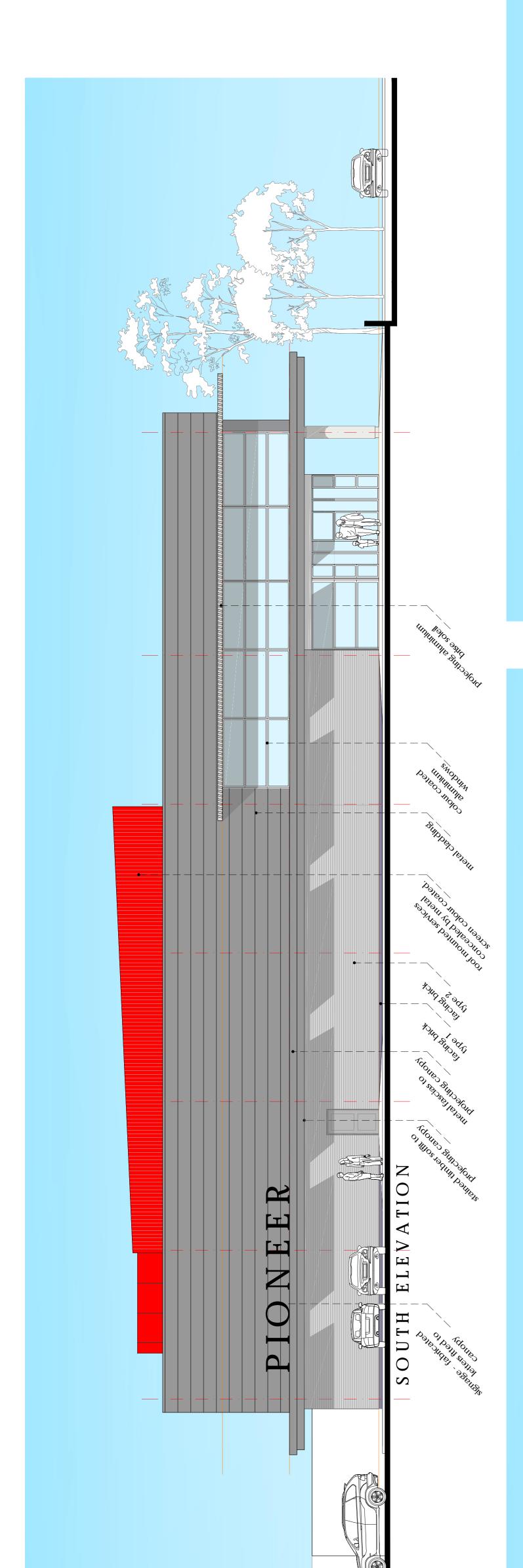
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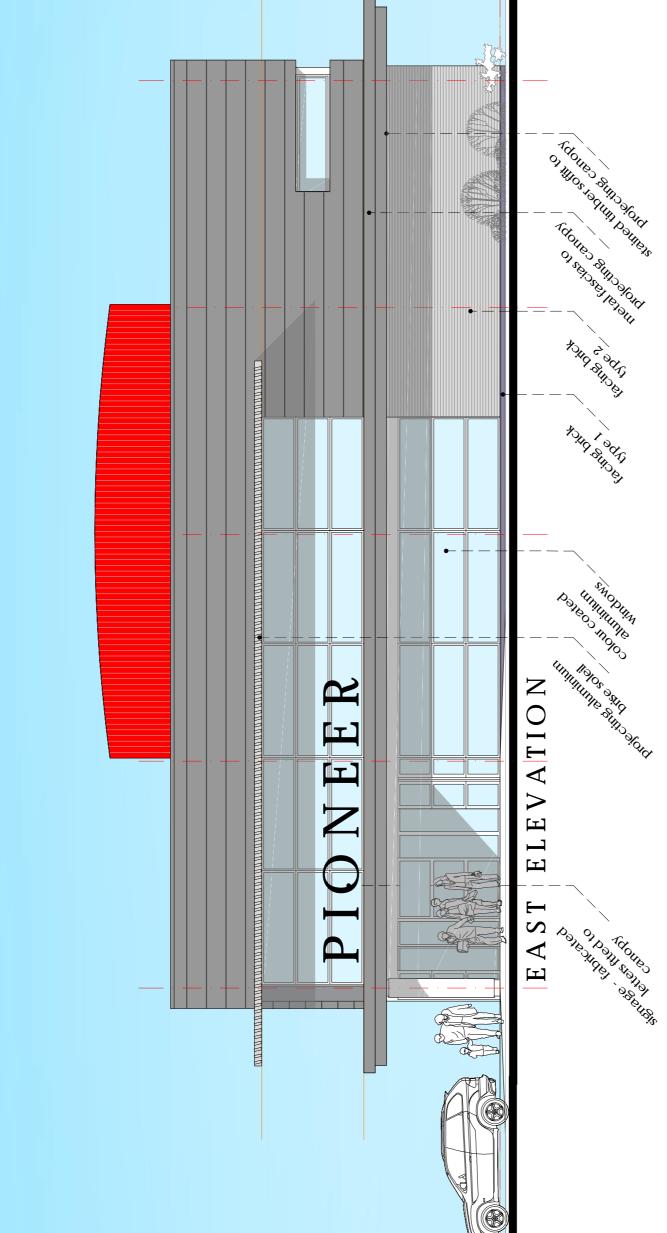
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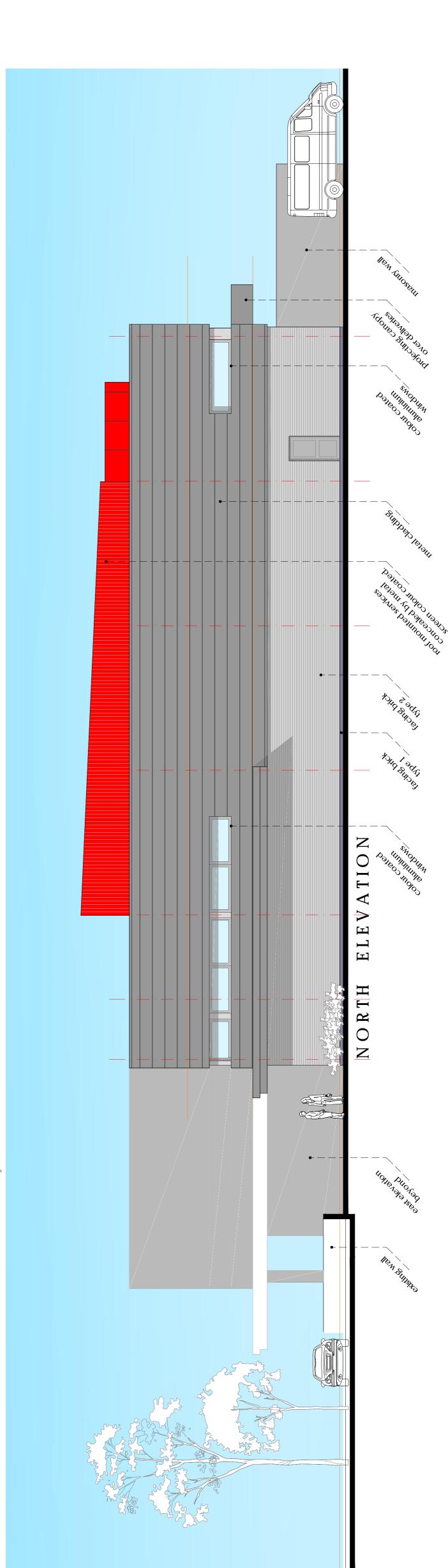
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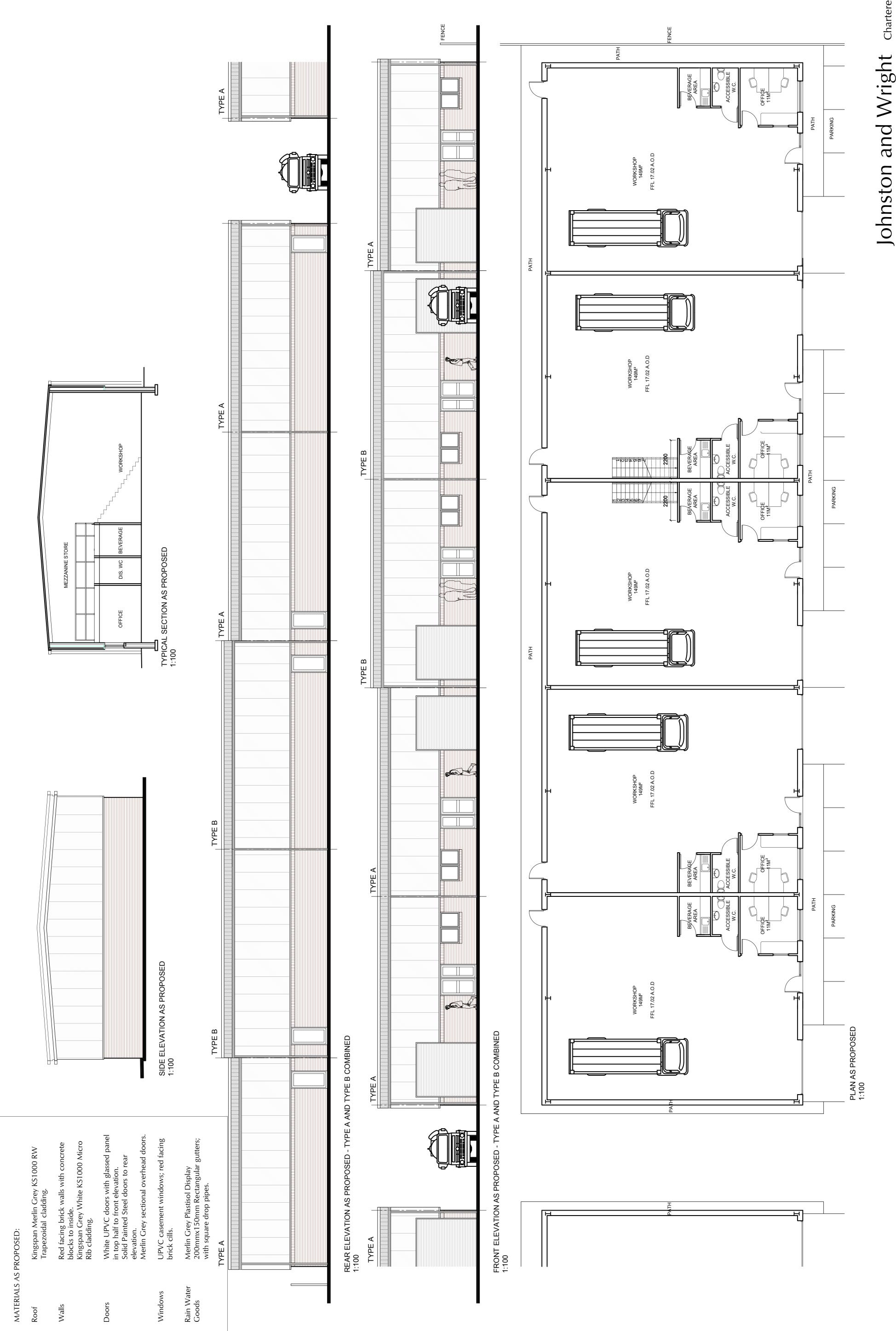
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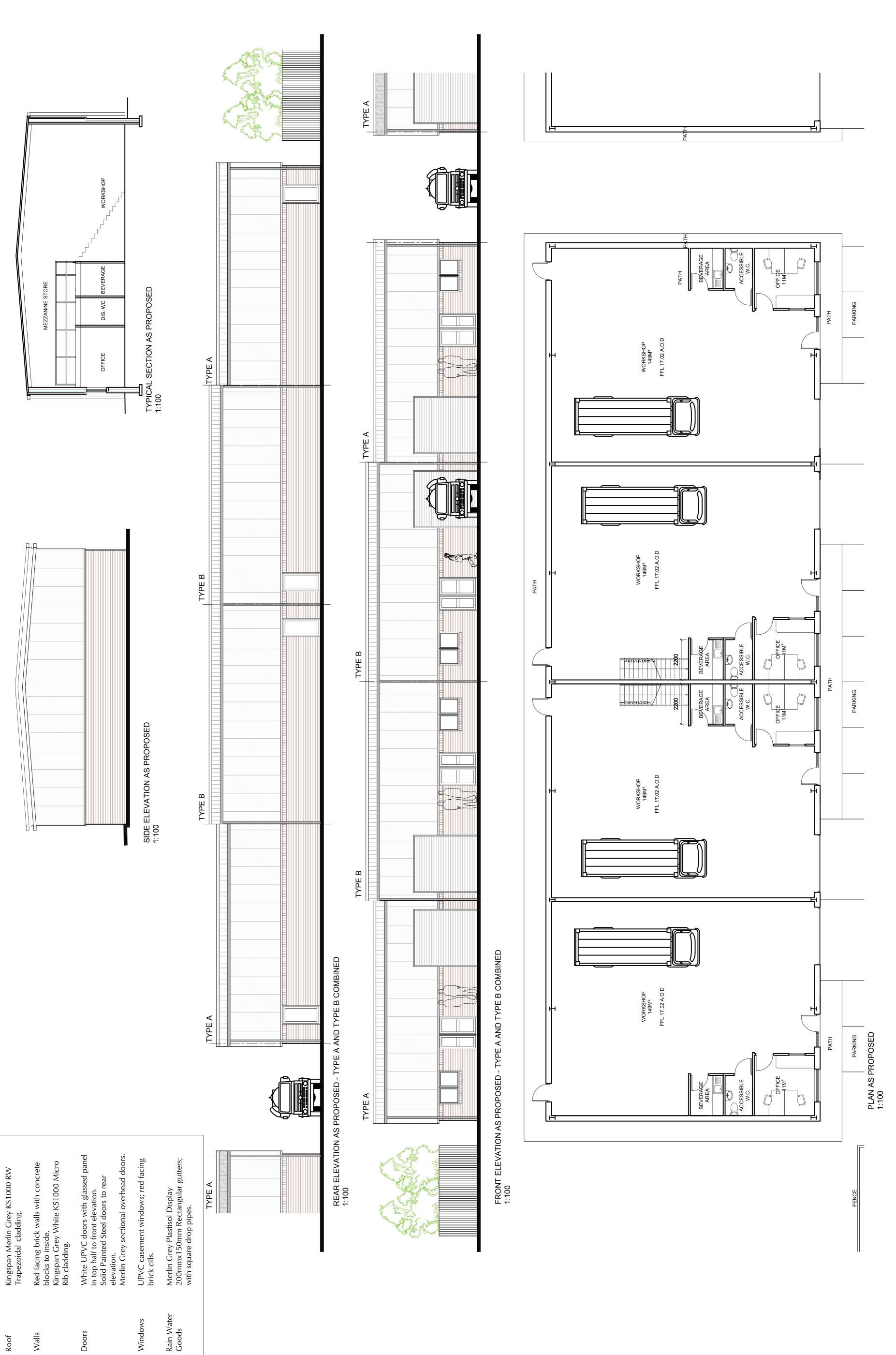
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Johnston and Wright Chartered Architects
15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 51559
Project PROPOSED DEVELOPMENT AT MONTGOMERY WAY

ROSEHILL INDUSTRIAL ESTATE, CARLISLE PROPOSED WORKSHOP UNITS BLOCK A Drawing

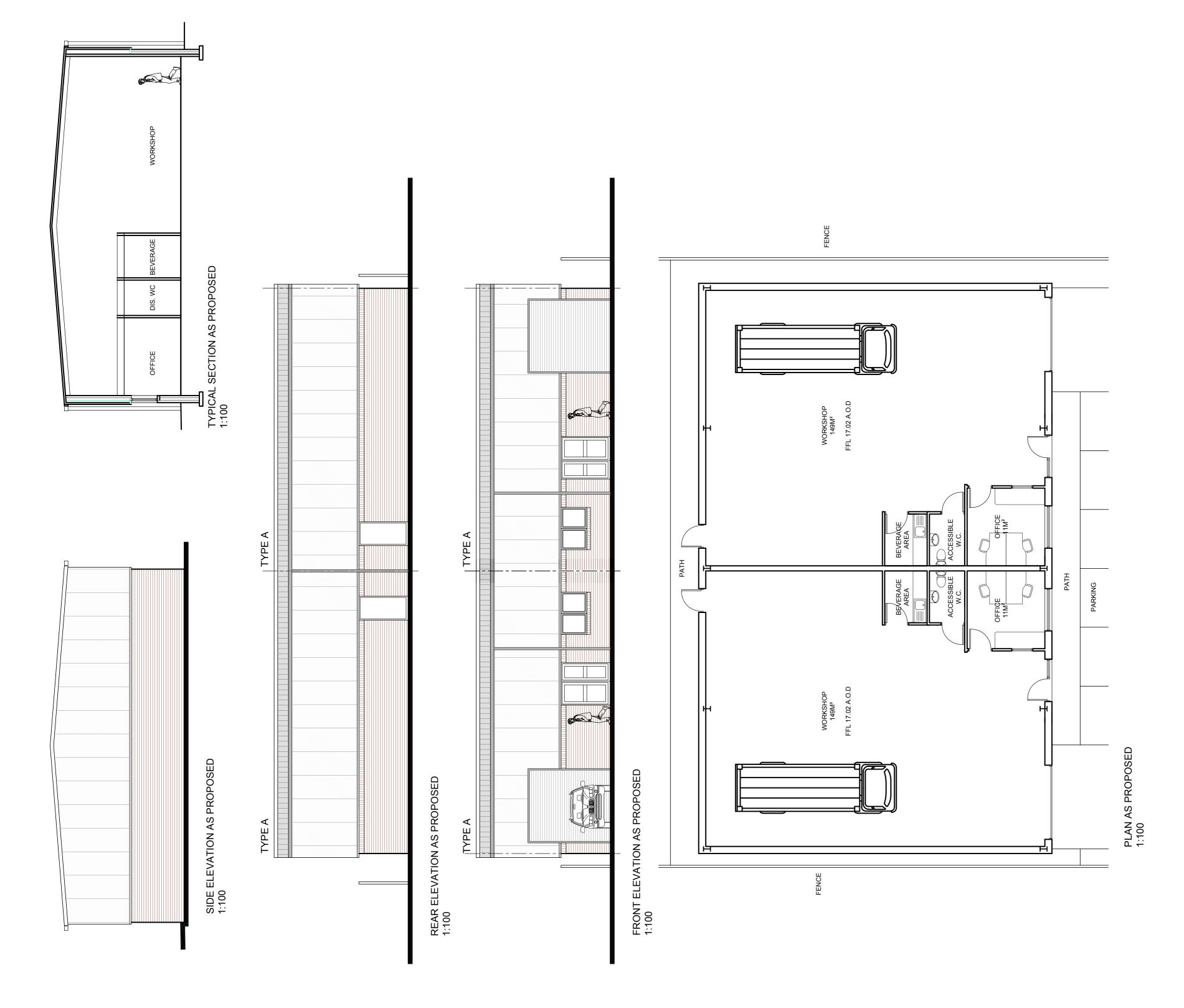
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MATERIALS AS PROPOSED:

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Project PROPOSED DEVELOPMENT AT MONTGOMERY WAY

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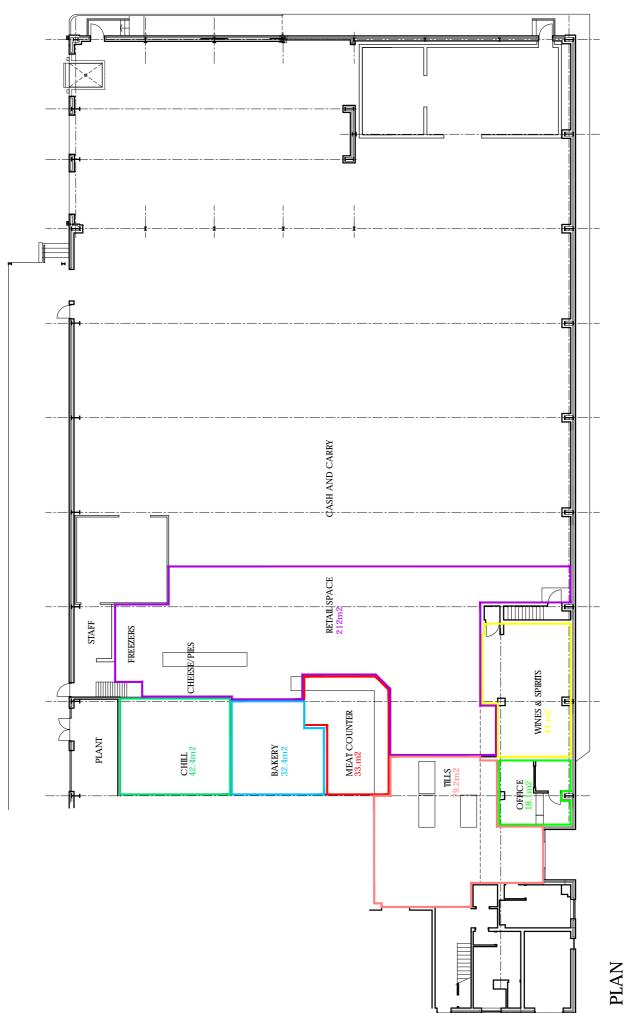
White UPVC doors with glassed panel in top half to front elevation. Solid Painted Steel doors to rear elevation. Merlin Grey sectional overhead doors. Red facing brick walls with concrete blocks to inside. Kingspan Grey White KS1000 Micro Rib cladding. Merlin Grey Plastisol Display 200mmx150mm Rectangular gutters; with square drop pipes. UPVC casement windows; red facing brick cills. Kingspan Merlin Grey KS1000 RW Trapezoidal cladding. MATERIALS AS PROPOSED: Rain Water Goods Windows Doors Walls Roof

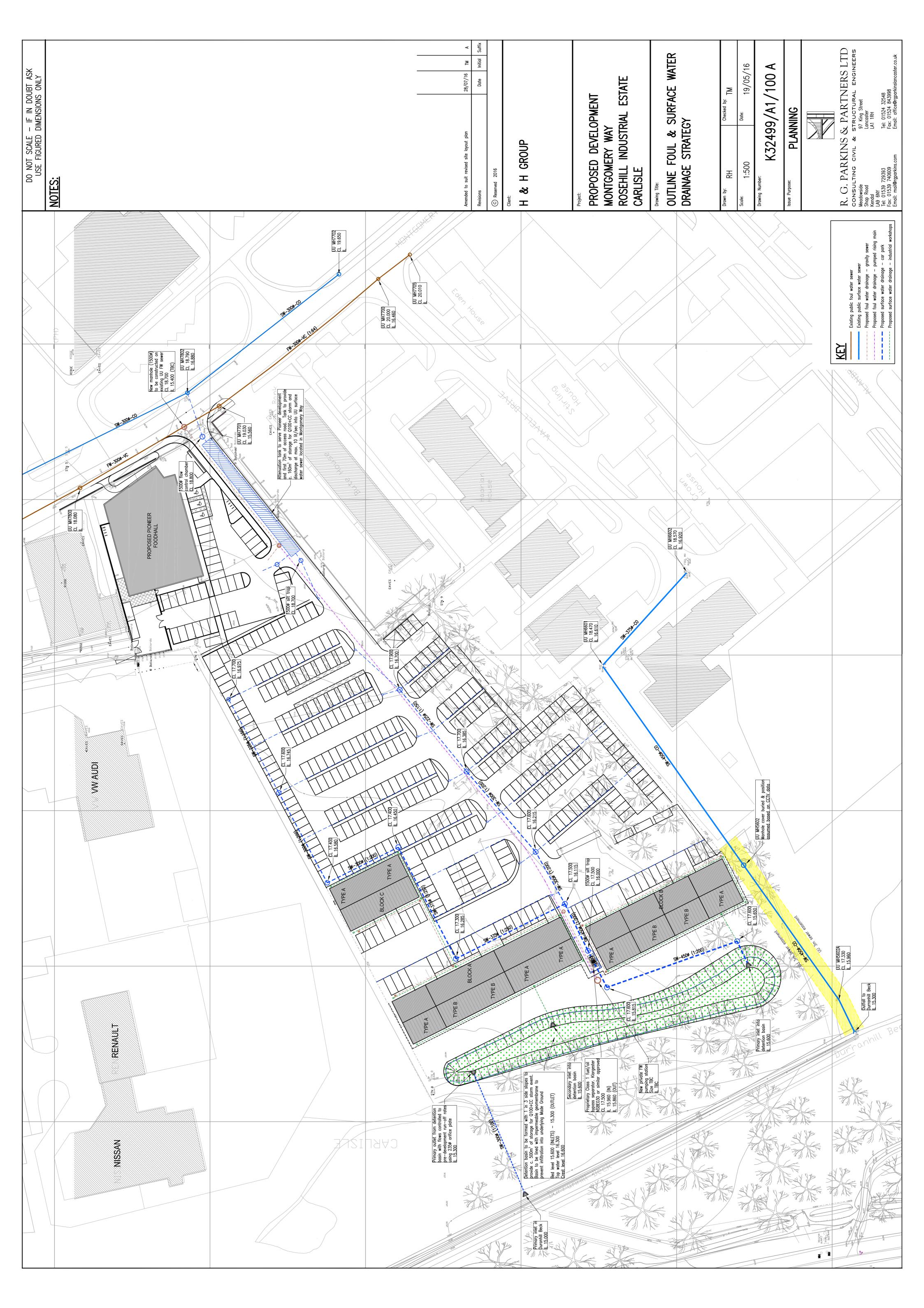
Johnston and Wright Chartered Architects
15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 51559
Project PROPOSED DEVELOPMENT AT MONTGOMERY WAY

Drawing

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EXTERNAL PLANTING AND SEATING

20.10.16

SECURITY REQUIREMENTS

Construction and dimensions of service yard perimeter treatments and gates to resist breaching and deter climbing

• 2400mm expanded metal mesh fence to be to Loss Prevention Certification Board (LPCB) SR2 accredited under the standard LPS 1175 SR2 and BS EN 1722-10 or greater

• Good through vision to enable CCTV equipment to be used

• Masonny wall to be 2400mm high, block work to match that of the building

• Power operated gates to be to BS EN 1722-10 as fence and to have controlled access secure lock systems

External canopy above pedestrian walkway designed to prevent accessibility by climbing to higher levels. The under side of the soffitt to be a minimum of 2800mm above ground level with projecting fascia to create an overhang. Top of canopy to be a minimum of 3400mm above ground level.

The general external lighting scheme shall be designed to perform two primary functions; to provide illumination of the footpaths and car park to allow safe pedestrian and vehicular movement across the site, and security lighting around the perimeter of the building whilst minimising energy usage. Energy use shall be minimised through correct selection of design criteria, lamp sources and controls.

• Car parks shall achieve illumination levels in accordance with BS5489-1 (Table 5), with an illumination level of 20 lux average and o.25 uniformity

• Access roads shall achieve illumination levels in accordance with BS5489-1 (Table B.4), BSEN 13201-1 (Table 3) and Class S2, with a 10 lux average and 3 lux minimum

• Main pedestrian walkways to building entrance will be to CBSE Lighting guide LG6 and have an average 20 lux

A digital colour CCTV system shall be provided in line with NSI guidelines, and the Data Protection Act to cover internal and external areas of the building including the car park. Recordings shall be of sufficient quality and in acceptable format to submit as evidence in a court of law, in accordance with NACOSS guidelines or equivalent.

All external waste bins and pallets to be stored within security yard, away from building elevation, as per indicated area on drawing.

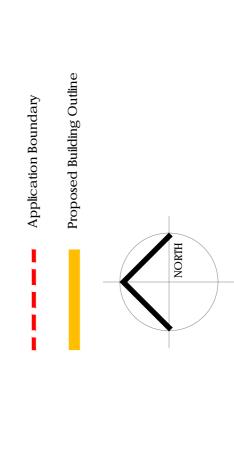
All external doors and windows to be compliant with LPS 1175 SR2 and fitted with laminated glazing to BS EN 356:2000 P1A. Street furniture and planting (such as trolley park, seating and bollards) to entrance area to prevent access by vehicles on to pedestrian walkway.

The intruder alarm system shall comply in all respects with EN50131, PD6662 (UK Implementation), DD243:2004 & ACPO and the installation shall be carried out by a NSI approved company. The intruder alarm system controls and components shall be provided to comply with Security Grade 3 (Medium to High risk) standard. The system shall be provided with an output connection back to a remote manned response centre.

Internal access controls (electronic keypads) to doors, to restrict public access to staff areas.

A safe and secure area will be provided for cash storage over night and a secure cash handling facility will be provided.

Secure lockers for staff belongings within staff changing areas.



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12044-EX04 A PROPOSED SECURITY TREATMENT SITE PLAN (FOODHALL) EX02 13.10.16 VW

