SCHEDULE A: Applications with Recommendation

Item No: 09	Date of Committee: 23/11/2018	
Appn Ref No: 18/0693	Applicant:	Parish: Kingmoor
	Agent: Savills (UK) Limited	Ward: Stanwix Rural
Location: Land west of Ju	inction 44, Parkhouse, Carlis	sle
Proposal: Erection Of Retail Floorspace (A1) And Drive Thru (A3/A5); Associated Works Including Access/Highways Works, Provision Of Parking Spaces And Landscaping		
Date of Receipt: 06/08/2018	Statutory Expiry Date 05/11/2018	26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

1.1 It is recommended that authority to issue approval be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory legal agreement relating to the provision of measures to enhance pedestrian links to the site. If the legal agreement is not completed within a reasonable time then Authority be given to the Corporate Director of Economic Development to refuse the application.

2. Main Issues

- 2.1 The Principle of Development
- 2.2 Sequential Test and Retail Impact
- 2.3 Whether the Scale and Design of the Proposal is Acceptable
- 2.4 Highways Impact
- 2.5 Drainage
- 2.6 Landscaping
- 2.7 Other Matters

3. Application Details

18/0693

The Site

3.1 The application site covers 1.4ha and lies approximately 2.5 miles to the north of the city centre within the Parkhouse area on the outskirts of the City. The site is bordered by Bristol Street Motors Vauxhall dealership immediately to the north (and other car dealerships), Parkhouse Road to the west, M6 to the north east with Junction 44 east of the site and the A689 to the south with Kingstown/Greymoorhill retail park to the south. The surrounding area to the west is largely in mixed employment use comprising Kingstown Industrial Estate, Parkhouse and Kingmoor Park with the exception of the nearby Asda superstore.

The Proposal

3.2 The application seeks full planning permission for a bulky goods retail warehouse park with a drive thru coffee shop providing a total of 5414sqm of floorspace. This comprises 6 non-food retail units ranging from 232sqm to 1393sqm in size and the coffee shop of 167sqm, and associated infrastructure including parking, landscaping, servicing and access.

4. Summary of Representations

- 4.1 In accordance with the provisions of the general Development Management Procedure Order 2015 8 notification letters were sent to neighbouring properties as well as the posting of a site notice and press notice. Three letters of objection have been received which raise the following objections:
 - Detrimental impact on the safe operation of the neighbouring site
 - In the context of Local Plan Policy IP2 the proposed access point is wholly inappropriate and detrimental to the safe and efficient operation of the existing business;
 - Given the nature of the proposed use it will attract large volumes of vehicular traffic (car-borne and delivery vehicles) putting significant pressure on the access road and adjoining roundabout
 - During peak times we would expect traffic to back into the site from the shared egress point compromising the safety of customers and staff and impact on the business operation
 - We do not consider that this reduces the need to travel in accordance with the policy
 - Will compromise the safe and effective operation of the local transport network
 - The swept path analysis requires a high level of driver skill and the surrounding area free from any obstructions, should consider closely the suitability of the proposed access analysis
 - No account that articulated vehicles will have to use both sides of the access road, customers vehicles and pedestrians will have to take avoiding action for vehicles and manoeuvring in restricted areas
 - Concern that it will lead to parking conflicts and vehicles being parked in unsafe locations
 - Ultimately will attract large number of car-borne trips if approved
 - Any significant detrimental impact to the neighbouring business could

see it fail and hard work and investment will be lost leading to a downturn in employment numbers

- Object on the grounds of NPPF section 7 protecting and ensuring the viability of town centres
- The proposals fail the sequential test and will have a negative impact on the City Centre
- The proposal would not deliver new floorspace in the City Centre and is contradictory to a key strategic objective of the Local Plan
- The site is not allocated for retail and is contrary to the key aims of Policy EC2
- The site should be retained for employment use and new retail development should be focused within the city centre
- Cannot accept that there is no reasonable prospect of an occupier appropriate to its local plan allocation being found
- Question the robustness of the marketing exercise carried out
- Disagree with the submitted sequential test and at least some of the development could be accommodated on sequentially preferable sites
- The proposal is a competing destination detrimentally impacting on the city centre and should be refused on this basis
- The proposed condition for bulky goods is not acceptable
- Would send out a message that the city centres retail role has been undermined
- Would lead to pressure to approve further similar proposals in the future
- Contrary to site allocation within the adopted development plan
- Fails to meet the requirements of the sequential approach
- Contrary to the Local plan retail strategy
- Scale of the proposed development is inappropriate
- Negative impact on the vitality and viability of the city centre
- Compromise the deliverability of sites already allocated
- Weaken investor confidence in the city centre

5. Summary of Consultation Responses

Cumbria County Council - (Highways):- Has no objections on the grounds of access arrangements or car parking but initially objected regarding the transport model and potential impacts on the transport network. Following lengthy discussions and additional work it has been agreed that a commuted sum for enhancement of pedestrian links within the highway network is required to mitigate the potential impacts on the local network

Cumbria County Council - (Lead Local Flood Authority): Initially objected due to lack of information regarding the discharge of surface water. Following updated information they agree with the conclusions of the Flood Risk Assessment and the drainage schematic associated with the proposed development which is now acceptable;

Highways England: - No objection subject to conditions (no drainage onto the motorway drainage system, no direct access onto the motorway, design plan and working method statement required);

Kingmoor Parish Council: - Believe the green belt between the slip road onto the M6 and the proposed development should be kept in line with the

green belt at the Bristol Street Motors helping to reduce noise and air pollution

Environment Agency: - No response received

Cumbria County Council - (Archaeological Services): - No objections Natural England: - No objections

Planning - Access Officer: - No objections

Cumbria Constabulary - North Area Community Safety Unit : - Welcomes the references to compliance with crime prevention measures and concurs with measures taken regarding the site layout however also points out additional discreet measures to protect shops from motivated vehicle impact and a number of measures for operations of the future occupiers;

Northern Gas Networks: - No objections however there may be apparatus in the area that may be at risk during construction and should the application be approved, the promoter of these works should contact us directly to discuss our requirements in detail;

United Utilities: - Commented that conditions are required for foul water (separate system), surface water (Drainage scheme required) and that a water main crosses part of the site and need to comply with "Standard Conditions for Works Adjacent to Pipelines".

6. Officer's Report

- 6.1 Section 70 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 is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies EC2, EC6, SP6, IP2, IP3, IP6, CC5, CM4, CM5 and GI6 of the Carlisle District Local Plan 2015-2030.

1. The Principle of Development

- 6.3 The application site covers 1.4ha and lies approximately 2.5 miles to the north of the city centre within the Parkhouse area on the outskirts of the City. The site is bordered by Bristol Street Motors Vauxhall dealership immediately to the north (and other car dealerships), Parkhouse Road to the west, M6 to the north east with Junction 44 east of the site and the A689 to the south with Kingstown/Greymoorhill retail park to the south. The surrounding area to the west is largely in mixed employment use comprising Kingstown Industrial Estate, Parkhouse and Kingmoor Park with the exception of the nearby Asda superstore.
- 6.4 The site is designated as a Primary Employment Area on the Policies Map of the Carlisle District Local Plan 2015-2030 and the key policy for consideration is Policy EC2. Policy EC 2 Primary Employment Areas states:

"Within Primary Employment Areas, as identified on the Policies Map, proposals for B1, B2 and B8 Uses will be acceptable. Proposals for B1(a),

unless clearly ancillary in their nature, will in accordance with national policy be subject to a sequential and impact test. Sui Generis uses may also be appropriate in Primary Employment Areas providing it can be demonstrated that employment opportunities are nevertheless being maximised and that there would be no significant adverse impacts on existing or proposed adjoining uses.

The introduction of non-employment related uses within Primary Employment Areas may be appropriate where such uses are ancillary in nature; of a proportionate scale; and where their introduction would aid the overall attractiveness or sustainability of the employment area.

Trade counters and retailing from employment premises will be restricted in their scale and nature to be ancillary to the main operation of the B1/B2/B8 business. Planning conditions may be imposed to ensure that the use remains ancillary.

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. Where an existing employment site adversely affects neighbouring residential properties or local amenity, proposals for its redevelopment or change of use will be supported where they would result in the removal of the adverse effect"

- 6.5 The supporting text in the Local Plan goes on to identify that Primary Employment Areas are located across the District and are identified on the Policies Map. They are typically existing industrial and business estates already well established and are home to a variety of large scale strategic employers as well as local employment and small-scale business start-up units. The wide variety and nature of these areas means that it is difficult to treat them all with equal policy direction. However, they all have varying degrees of similar issues particularly when there is interest from non-traditional employment uses and alternative sites are limited.
- 6.6 Policy EC 2 provides a framework which seeks to safeguard the primary purpose of these areas for employment generating uses (traditionally B1, B2 and B8), in order to provide the wide variety and certainty of sites required to meet the needs of existing businesses or those looking to locate within Carlisle District. The Policy also seeks to encourage investment by making clear that new development such as extensions or the reconfiguration of existing premises for employment related uses within these areas will be appropriate. Proposals for B1(a) (offices), unless clearly ancillary in their nature, will however as a 'main Town Centre' use be subject to a sequential and impact test in accordance with the provisions of Local Plan Policy EC 6.
- 6.7 The proposal does not fall within Use Classes B1, B2 or B8 and it is proposed that the site be developed for A1 retail use. Whilst this conflicts with the prime designation of the site it is considered that the fourth paragraph of the policy would need to be given consideration namely "*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"

- 6.8 When considering the loss of any employment sites it is considered that adequate marketing of the site should be undertaken. The degree of adequacy relates not only to the period of advertising but also the nature of use and the appropriate media. As part of the application the applicant has submitted a marketing statement which highlights that an 18-month period of marketing for employment uses which would conform with the policy has been undertaken. It is usual for the marketing of employment sites to be for at least 6 months. This is the most recent marketing exercise however the site has been available for employment use for a number of years including its designation since the 1997 Carlisle District Local Plan. The site has therefore been available for employment use for over 20 years. That said, the more recent marketing exercise has been undertaken during a time when circumstances surrounding the site's availability have changed such as the completion of the Carlisle Northern Development Route and the designation of Kingmoor Park Enterprise Zone. Both these factors may have recently influenced the market concerning employment sites in the northern part of the City and therefore an appropriate marketing exercise has been undertaken.
- 6.9 It is acknowledged that there are a number of employment sites in the northern part of the City and the objectors have referenced the Carlisle Employment Sites Study which in 2010 re-evaluated the employment sites throughout the district. In particular it recognised that some sites are of a greater quality than others however there remains a significant supply in the north. This information was considered when developing the policies in the Local Plan and has therefore been factored into the wording which still allows for some alternative uses as long as this does not prejudice the wider strategy for employment land. In this context the site is a freestanding plot adjoined by sui generis car showrooms and surrounded by other commercial retail buildings. The development of this plot would not prejudice other employment sites coming forward for B1, B2 and B8 uses and not impact on the wider strategy which promotes the development of Kingstown, Kingmoor Park and Brunthill areas for employment uses.
- 6.10 The relevant section of the policy also refers to the need for differing land uses to support sustainable local communities. In considering the release of this site the proposed use enables a concentration of related commercial activity focussed around the north western corner of the larger employment area providing for customer choice as well as related trips to local retail outlets. Extension of existing retail areas is not feasible, and this site provides the only opportunity for a complementary retail development, building on existing travel patterns. Objectors consider that this would be a competing destination with the city centre and the retail impacts are considered separately in this report however the proposed uses would complement the existing offer rather than develop a destination in its own right. The site is accessible by several modes of transport and given its

location, surrounded by a large employment provision, provides opportunities close to a significant working population supporting that community.

- 6.11 When considering the principle of development the main consideration against the Local Plan would be the loss of employment land in this location. One additional factor to consider is whether the proposed development would create employment. It is envisaged that the construction works would create 60 short term jobs and the end use would create in the region of 100 retail jobs. Job ratios per square metre of development vary however it is envisaged that this would be greater than those created for a storage Class B8 use but may not be as high as manufacturing or office use. Nevertheless, it is envisaged that the proposed development would bring additional jobs.
- 6.12 Given the above circumstances the proposed use would accord with Policy EC2 and therefore the principle of development is acceptable however as the proposed use is a Town Centre use it would be subject to the sequential test for the proposed use being satisfied.

2. Sequential Test and Retail Impact

- 6.13 In considering retail proposals the NPPF advises in paragraph 85 that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by:
 - defining a network and hierarchy of town centres and promote their long-term vitality and viability;
 - defining the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations;
 - retaining and enhancing existing markets and, where appropriate, re-introduce or create new ones;
 - allocating a range of suitable sites in town centres to meet the scale and type of development likely to be needed;
 - where suitable and viable town centre sites are not available for main town centre uses, allocating appropriate edge of centre sites that are well connected to the town centre; and
 - recognising that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 6.14 The NPPF continues at paragraph 86 to state that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.15 The NPPF continues at paragraph 87 that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning

authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

- 6.16 In considering this application a Retail Statement has been submitted which considers the sequential test required by the NPPF. The application is specific in the type of retail use for which permission is sought which are referred to as Bulky Goods. Objectors state that this type of permission is being sought in order to obviate the tests and have contrived the application. It is not for Members of the Committee to speculate on motives for applications and they are reminded that they are required to consider the application based on the details submitted.
- 6.17 In considering the sequential test aspects of the NPPF the main centre for any retail development should be Carlisle City Centre and this approach is contained in Local Plan policy EC6. The proposals therefore have to consider whether there are any available sites within the City Centre that would be suited to the proposed development. The main site that has a large floorspace available is the former Hoopers store in Castle Street however the type of retail space available does not suit the proposed use for Bulky Goods as the internal layout of the building does not suit the space requirements irrespective of the need to transport such goods without easy vehicular access. Other sites around the city centre have been considered but do not meet the particular requirements for bulky goods retailing.
- 6.18 In considering possible sites future development allocated in the Local Plan should also be taken into account. This includes the Citadel area and the Caldew Riverside which would form part of larger development sites as well as recent planning permissions such as the Lowther Street site. Neither of the sites is readily available at the time of consideration of the application without further works being undertaken to prepare the sites for redevelopment. As they currently stand, the Listed Citadel buildings would not be suited to conversion for bulky goods retailing. The Caldew Riverside requires remediation over a larger area and is therefore not readily available. The Lowther Street site requires replacement car parking to make a viable scheme. Whilst the sites may become available during the life of the Local Plan the consideration of this planning application has to be made at this point in time.
- 6.19 In order to ensure the sequential test considers all options, the District Centre allocation at Morton has also been considered as a District Centre would be preferable location to an out-of-centre development. The Local plan policy for the Morton development relies on an anchor food retail store coming forward as the major development. No food store is included in this proposal and therefore would not accord with the Local Plan policy.
- 6.20 In considering the sequential test the format of the development should also be taken into account and whether the development can be disaggregated. In terms of format the application is clear that the nature of the proposed use is for bulky goods and therefore the requirements of the format cannot be changed to suit available buildings. In terms of disaggregated use the

proposed coffee shop is a separate use which is stand alone in the development however the scale of such use is ancillary to the proposed development and is therefore considered to be incidental to the main retail use, as such it is not required to be disaggregated separately from the other components of the proposal.

- 6.21 On the basis of the proposal and the consideration of sequentially preferable locations there are no sites available and therefore if there are no suitable sequentially preferable locations, the sequential test is passed.
- 6.22 Once the sequential test is passed the NPPF states at paragraph 89 that an impact assessment is required if the development is over a proportionate, locally set floorspace threshold (or default is 2,500sqm) to consider the impact on planned investment in Carlisle City Centre and the overall impact on vitality and viability. Planning Practice Guidance states that the impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy). Paragraph 90 of the NPPF continues that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.
- 6.23 Policy EC6 of the local plan echoes the National Planning Policy Guidance and requires the submission of an impact assessment where the threshold would be breached.
- 6.24 The purpose of the impact test is to ensure that the impact over time (up to 5 years (10 for major schemes) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up to date Local Plan and outside of existing town centres.
- 6.25 As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (eg it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.
- 6.26 The applicant has undertaken an impact test which considers a base line at 2018 and a projection at 2023 which accords with the PPG requirements in order to assess impact. As non-food retail development is proposed this has only considered comparison goods expenditure and is based upon the Council's own retail study as a starting point for retail assessment. Consideration has been given to trade diversion away from existing centres.
- 6.27 The report concludes that the impact of the development will be 1.9% on the city centre rising to 4.8% cumulative impact if committed floorspace is included. That level of impact is not significant and therefore the proposed development passes the impact test.

- 6.28 Concerns have been raised by objectors that even with this level of impact it may still be significant on the city centre given the changing nature of the city centre. It is notable that in recent months there have been some vacancies arising from national chains which may impact on the city centre however these impacts have not generally been within the bulky goods sector. In addition, bulky goods representation within Carlisle is generally out-of-centre and the impact test can only be considered in the context of vitality and viability of the city centre, not other retails developments. If the impacts are not on the city centre as part of the sequential approach planning should not seek to interfere with market competition.
- 6.29 PPG states that if an out-of-centre site is to be developed preference should be given to accessible sites that are well connected to the town centre. The proposed site is located on a main arterial route into Carlisle with public transport access and close to other retail developments. The site is well connected and easily accessible to those in the north of Carlisle within both the city and the surrounding rural area.
- 6.30 The PPG advises that conditions may be attached to appropriately control the impact of a particular use and in this instance it is clear that given the assessed impacts it is predicated on the bulky goods retail nature of the development. On that basis it should be ensured that a bulky goods condition is applied to the proposed development in order that the impacts are controlled.
- 6.31 One objector considers that if approved the impacts should be limited by a condition should to ensure that no units can be merged into larger units so that the scale of individual units does not pose a greater threat to city centre viability. Whilst this approach may be acceptable, units 1-3 are relatively small by comparison and would create less of a threat to the centre if they were allowed to combine into the larger units and therefore it is considered that only some of the units should be covered by such a condition.

3. Whether the Scale and Design of the Proposal is Acceptable

- 6.32 The application seeks full planning permission for a bulky goods retail warehouse park with a drive thru coffee shop providing a total of 5,414sqm of floorspace. This comprises 6 non-food retail units ranging from 232sqm to 1393sqm in size and the coffee shop of 167sqm, and associated infrastructure including parking, landscaping, servicing and access. Units 1-3 are each 232sqm Gross Internal Area, Unit 4 is 743sqm ground floor with a 743sqm mezzanine, Unit 5 is 929sqm ground floor with a 743sqm mezzanine, Unit 6 is 1393 sqm ground floor and Unit 7 the coffee shop 167sqm. Parking will include 179 spaces for cars including 10 accessible spaces and 2 charging points, 10 motorcycle spaces and 20 bicycle spaces.
- 6.33 The scale of the proposal in terms of floorspace is to some degree commercially driven to ensure that the scheme provides the size of unit demanded by the commercial market however given the constraints of the scale of the site the proposed layout has accommodated the units so that

they sit against the backdrop of natural landscaping as well as provide the appropriate areas for servicing and car parking to ensure that adequate infrastructure is providing to support the proposed development.

- 6.34 The proposed design is intended to reflect nearby buildings by using high quality materials such as metal and stone cladding with high level glazing to the unit frontages that is complementary to its context including buildings located in the immediate and wider commercial area. It will also match the scale and height of the surrounding built context including the adjacent car showrooms at Parkhouse. The landscaping plan seeks to reinstate planting that is lost by replacement in more appropriate locations in and around the site. It is intended to create a scheme which is attractive and well integrated to its surroundings, ensuring that all components of the proposal including the buildings, car parking, new connections, open space and landscaping are accessible to all users. The scheme has also been developed to make a positive contribution to creating a safe and secure environment by integrating measures including the adoption of site signage, legibility across the scheme the installation of a simple priority controlled junction to accommodate all users, providing tactile and fully accessible paving with dropped kerbs.
- 6.35 As well as consideration given to the design of the buildings, the boundaries to the A689 and M6 will be planted with a mix of shrubs and trees to soften the approach and the impact of the car park whilst not compromising natural surveillance. Main boundaries to the link road will be finished with a timber knee rail. The service areas will be enclosed by paladin weld-mesh fencing. Hard landscaping will emphasise and encourage the defined walkways for pedestrians when visiting the site.
- 6.36 The proposed materials palette includes: Rough stone cladding; Thru colour render RAL 9010 White; Glass curtain walling; American Red Cedar timber cladding; Merlin Grey composite cladding panel roof; Anthracite flashing and gutters; Anthracite shop front frames; Composite signage panels; Canopy colour as roof and thick powder coated aluminium backed panels.
- 6.37 The proposed design of the site is considered to be contemporary use of building materials in line with the proposed retail use and relates in particular to the nearby car showrooms so that the design does not jar with its setting. Landscaping can act to break down the scale of the buildings and parking areas however has to be undertaken within the context of ensuring there is natural surveillance of the site from passing vehicles to ensure safety at all times.
- 6.38 In terms of Local Plan Policy SP6 it is considered that the proposal meets the requirements by taking into account the local context, provding a good quality of design and incorporating all incidental requirements of the use as required by the policy.

4. Highways Impact

6.39 The development proposes access from the A689/Parkhouse Road roundabout via an existing spur road which provides access for Bristol Street

Motors and a previously constructed turning head into the site. The proposed site access arrangements comprise a primary access via a simple priority-controlled junction on the existing road to provide vehicular access to the proposed car park and to accommodate all pedestrians and cyclists, and a service access with a gated extension of the existing access road to the proposed service area.

- 6.40 It is proposed to realign the existing access road to the south of the proposed primary access to ensure that HGVs accessing the proposed development and the adjacent car dealership can pass vehicles travelling in the opposite direction along the access road. A swept path analysis has been submitted with the application. Servicing of the proposed coffee shop is via the main car park.
- 6.41 The proposed development includes parking for 179 spaces for cars including 10 accessible spaces and 2 charging points, 10 motorcycle spaces and 20 bicycle spaces.
- 6.42 The highway authority has considered the proposed level of car parking and considers that it is acceptable in relation to the proposed floorspace. On the basis of this level of parking the proposed access arrangements are acceptable. Objectors have raised concerns about the impact this would have on neighbouring uses. As the site has been undeveloped for some time customers to the adjacent car dealership have had unfettered access however the access road has clearly been developed with a future access point for the proposed site. Given the location of the site adjacent the A689 and M6 there are no alternative access points (Highways Agency and Highways Authority would object to such proposals) that can be accommodated within the network and the existing and proposed development will have to share the same spur road from the roundabout. Whilst this may impact on existing arrangements including the display of sales vehicles on the highway verge there is adequate road space to accommodate the proposed access arrangements to the satisfaction of the highway authority.
- 6.43 Having considered that the access point and level of parking is acceptable both the highway authority and objector raised concerns about the impact on the surrounding transport network. In particular, lengthy discussions have taken place with the highway authority regarding the traffic flows on the roundabout and access for other modes of transport in consideration of these flows. It is agreed that the impacts on the network would not be severe (and therefore not sufficient to sustain a refusal reason) however in order to deliver the envisaged modes of travel as predicted in the Travel Plan a contribution of £35,000 would be required to enhance pedestrian links to the site with an additional £6,600 Travel Plan monitoring contribution.
- 6.44 A revised response from the highway authority is awaited to confirm this contribution and any additional planning conditions however the recommendation is based on the agreed acceptance above.

5. Drainage

- 6.45 The proposed development is on a greenfield site which slopes from east to west. A utility plan has been included as part of the Flood Risk Assessment which identifies the public sewers and it has been confirmed by United Utilities that a pipeline lies in close proximity to the site. A topographical survey identifies that there are surface water sewers in the road to the south of the site which connect to the public sewer. United Utilities have requested that foul and surface water are drained on separate systems as separate sewers are in place and request that the applicant contacts them directly regarding a S104 agreement for works.
- 6.46 With regards to surface water the Lead Local Flood Authority has agreed the greenfield run off rate and require that any scheme to deal with surface water incorporates a 40% increase to take account of climate change. Existing trial holes and samples show that the site is underlain with clays and as such, conventional infiltration systems like soakaways are unlikely for this site. Any proposed below ground storage tanks or ponds will be left unlined to allow any infiltration to take place.
- 6.47 The proposal is to include SuDS features (ponds, attenuation tanks and porous car parking areas) on site to accommodate the necessary additional storage and the outfall will be linked via new connections to the existing surface water sewers. This approach is acceptable to the Lead Local Flood Authority. The Highways Agency required that drainage did not enter the motorway drainage system in order to ensure no increased run-off towards the motorway. The site naturally slopes away from the motorway and drainage is proposed to the western part of the site complying with their requirements.

6. Landscaping

- 6.48 As part of the application a tree retention removal plan has been submitted along with a landscaping layout. To accommodate the proposed development, the tree lined boundary to the east of the site will have to be reduced. This is to accommodate not only the proposed retail outlets but also the required parking and drainage measures on site for the scale of development proposed. Policy GI3 of the Local Plan seeks to retain trees and hedgerows where possible as part of any development proposals.
- 6.49 The drawings are accompanied by a tree survey report which identifies some groups of trees being removed and others for partial removal. The trees proposed for removal include a number of native species. Generally removal results in the loss of trees which have lower value mainly categories U and C although there will be losses to groups which have trees in category B and A due to their location. Some of the trees in A category are classified due to their young age but some more mature trees fall within groupings where some removal is necessary. The proposed development seeks to work with a retained landscape belt to the motorway and act as a backdrop for the development. Kingmoor Parish Council also seek retention of the green belt of landscaping on site.

- 6.50 Where removal is proposed, mitigation planting will seek to replace tree planting as much as possible within the scheme and to maintain and manage the retained areas of woodland along the boundaries and to the east of the site. Selective underplanting will ensure that any gaps are filled within this and that the screening capacity of the woodland that remains is not lost.
- 6.51 It is considered that whilst the extent of tree removal is high many of the trees are of poorer quality and the mitigation proposed will provide compensatory measures to increase landscaping across the frontage of the site as well as reinforcing the tree belt to the east. It should be noted that any works should be undertaken outside the bird breeding season and given the nature of the site care should be taken in case other species are present in accordance with the Wildlife and Countryside Act and other relevant legislation. An advisory note to this affect should be added to any grant of permission.

7. Other Matters

- 6.52 The Police's Crime Design Advisor was consulted on the application due to the nature of the development and is reassured by the principles adopted in the design however he suggests further measures which could be accommodated in the final construction and operation of the site. The applicant has been made aware of these however the internal arrangements will be for future occupiers of the development to take on board in their daily routines.
- 6.53 The Council's Access Officer has raised no concerns about the development as level access can be achieved to all units. The County Council's Archaeologist was also consulted as the site is a greenfield development and whilst development has occurred in the vicinity it is not clear whether this site has been subject to previous investigation. He have however raised no objections to the development as the likelihood of archaeological finds is low.

Conclusion

- 6.54 In planning terms Members must first consider whether the principle of development is acceptable. There are three strands to this element. The loss of employment land (as the site is designated for employment in the Local Plan), the Sequential Test (for a proposed town centre use) and the retail impact assessment on the vitality and viability of the town centre, namely but not solely Carlisle City Centre.
- 6.55 Having undertaken the assessment in the report the principle is considered to be acceptable and the relevant tests have been passed however this is on the basis that the proposed use is for the retail of "bulky goods" and therefore an appropriate planning condition should be in place to ensure this remains the dominant retail use.
- 6.56 Once the principle of development has been established other material considerations are to be taken into account and the proposed development is

acceptable in terms of scale, design, layout, and drainage.

- 6.57 In terms of highway matters, the proposed level of parking and access arrangements are considered to be acceptable however further measures are required to improve pedestrian safety and a financial contribution is required to provide for those mitigating improvements.
- 6.58 In terms of landscape and impact on trees the proposed development would result in the loss of some existing trees however in mitigation improvements will be made to the remaining trees which are generally of better quality and additional planting will be undertaken. Other matters are also considered to be satisfactory.
- 6.59 When making a balanced judgement on these factors the application is recommended for approval subject to a legal agreement regarding the pedestrian safety measures in the local highway network.

7. Planning History

- 7.1 Prior to 2000 the planning history for the site relates to the wider development of Acorn and Parkhouse Business Parks and the retail and showroom development which currently exists and over time a number of advertisement applications have been made for signage on the adjacent site.
- 7.2 In 2000 part of the site was within the boundaries of the application for the Northern Development Route in order to provide for the link from the Parkhouse Road to the M6/A689/A7 junction.
- 7.3 In 2001 permission was granted for the erection of 6 no. temporary site marketing panels (01/0770)
- 7.4 in 2004 an application for the erection of 96 no. bed hotel to 4* standard with associated restaurant, lounge bar and bistro, function rooms and meeting rooms, health, beauty and fitness suite, car parking and landscaping was refused (04/1530)

8. Recommendation: Grant Subject to S106 Agreement

- 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 30th July 2018;

- 2. the Boundary Plan (drawing ref 18005_PL11) received 30th July 2018;
- 3. the Existing Site Plan (drawing ref 18005 PL00 rev C) received 30th July 2018;

4. the Proposed Site Plan (drawing ref 18005 PL01 rev K) received 1st November 2018;

5. the Proposed Ground Floor GA (drawing ref 18005 PL02 rev B) received 30th July 2018;

6. the Proposed Costa GA Plan (drawing ref 18005 PL03 rev D) received 1st November 2018;

7. the Proposed Costa Elevations (drawing ref 18005 PL04 rev E) received 1st November 2018;

8. the Proposed Costa GA Roof Plan (drawing ref 18005 PL05 rev F) received 1st November 2018;

9. the Proposed Roof Plan (drawing ref 18005 PL06 rev A) received 30th July 2018;

10. the Existing Site Sections (drawing ref 18005 PL07 rev B) received 30th July 2018;

11. the Proposed Elevations (drawing ref 18005 PL08 rev E) received 1st November 2018;

12. the Proposed Sections (drawing ref 18005 PL09 rev C) received 1st November 2018;

13. the Proposed First Floor GA (drawing ref 18005 PL10 rev E) received 30th July 2018;

14. the Planting Plan (drawing ref 201 rev C) received 1st November 2018;

15. the Landscape Layout (drawing ref 103 rev F) received 30th October 2018;

16. the Tree Retention Removal Plan (drawing ref 102 rev A) received 30th July 2018;

17. the Swept path Analysis: Rigid HGV (drawing ref 1602/SP/03) received 1st November 2018;

18. the Planning Statement received 30th July 2018;

19. the Design and Access Statement (rev D) received 1st November 2018;

20. the Retail Statement received 23rd August 2018;

21. the Marketing Overview received 30th July 2018;

22. the Transport Assessment received 30th July 2018;

23. the Transport Assessment (Technical Note 2) received 4th September 2018;

24. the Travel Plan received 30th July 2018;

- 25. the Tree Survey Report received 30th July 2018;
- 26. the Energy and Sustainability Statement received 30th July 2018;
- 27. the Ground Investigation Report received 30th July 2018;
- 28. the Air Quality Assessment received 30th July 2018;
- 29. the Extended Phase 1 Habitat Survey received 30th July 2018;

30. the Flood Risk Assessment received 30th July 2018;

31. the Desk Based Phase I Environmental Site Assessment received 30th July 2018;

32. the Phase II Intrusive Environmental Investigation received 30th July 2018;

33. the Notice of Decision; and

34. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

- 3. Other than those trees identified for removal on the approved plan, no tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be in accordance with the details submitted landscape layout, tree retention removal plan and planting plan.
 - **Reason:** The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy GI3 of the Carlisle District Local Plan 2015-2030.
- 4. There shall be no amalgamation of units 4,5 or 6 inclusive with any other unit in the development without approval of the local planning authority.
 - **Reason:** In order to protect the viability and vitality of the City Centre in accordance with the NPPF and Policy SP2 of the Carlisle District Local Plan 2015-2030.
- 5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the permitted Class A1 retail floorspace in Units 1-6 shall not be used for the sale of goods other than those within the following categories: DIY and/or garden centre goods and associated equipment; furniture and furnishings; kitchens; carpets; floor coverings and tiles and associated equipment; camping; boating and caravanning goods; motor vehicle and cycle goods and associated equipment;and electrical goods. Goods falling outside this range may be sold only where they form an ancillary part of the operation of any of the proposed stores.
 - **Reason:** In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.
- 6. Unit 7 shall be used as a coffee shop and for no other purpose.
 - **Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policy EC6 of the Carlisle District Local Plan 2015-2030.
- 7. Foul and surface water shall be drained on separate systems.
 - **Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

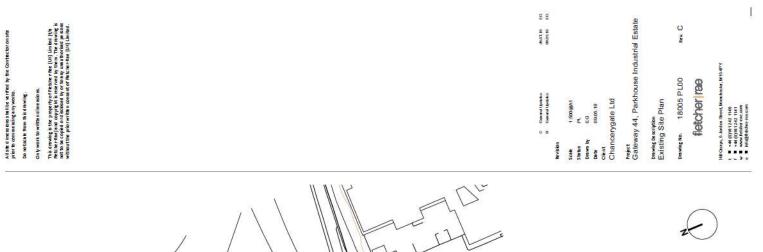
8. No site clearance or works to hedges shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect nesting birds in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the site 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 safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.



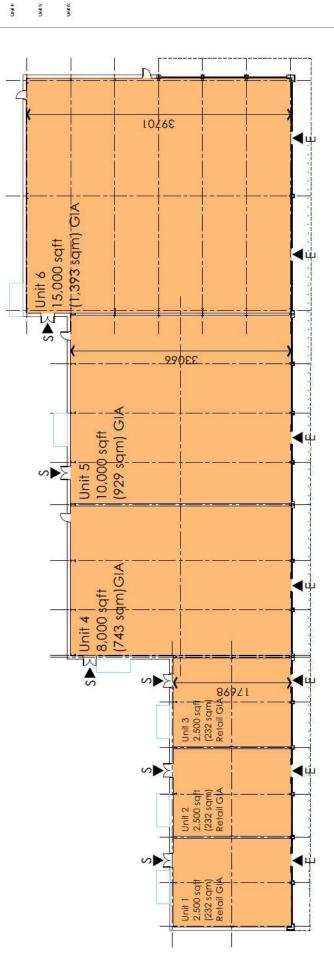




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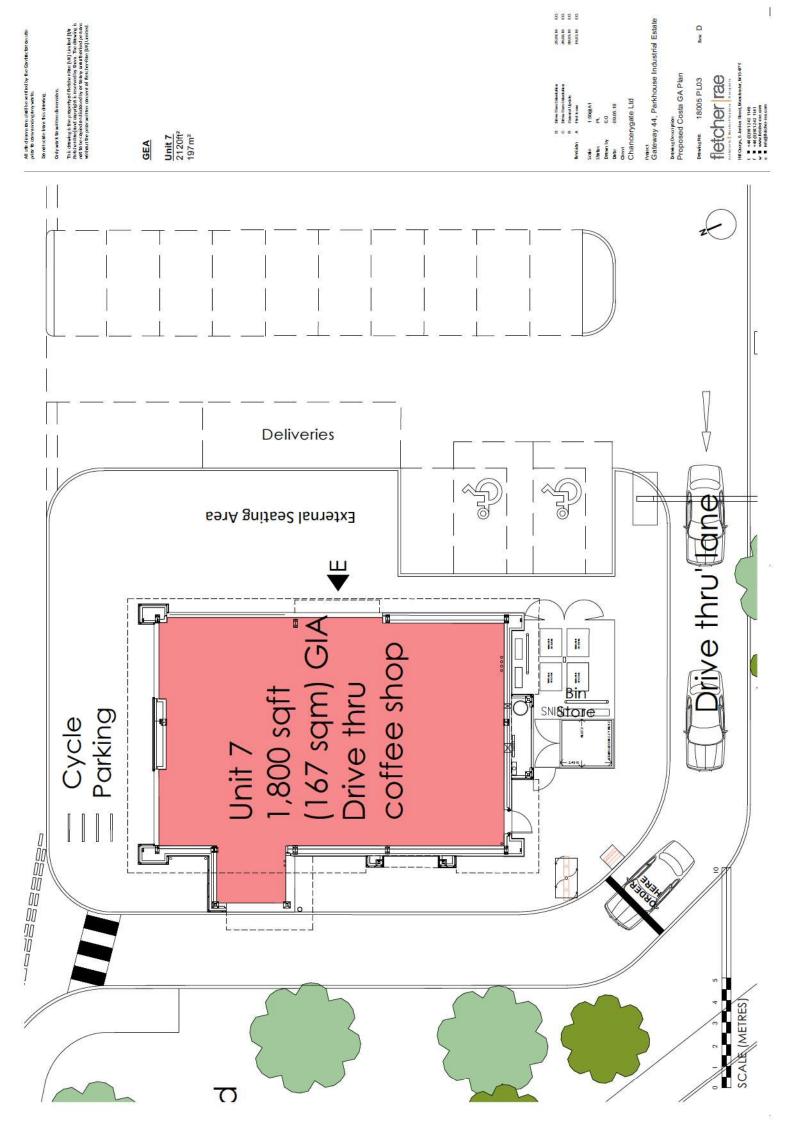
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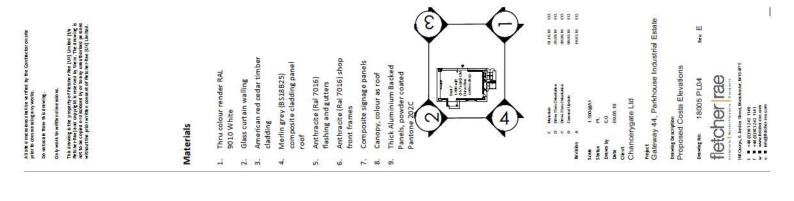
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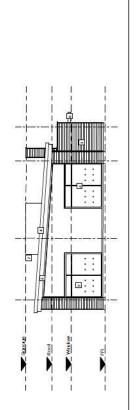
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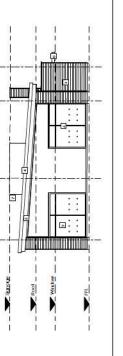
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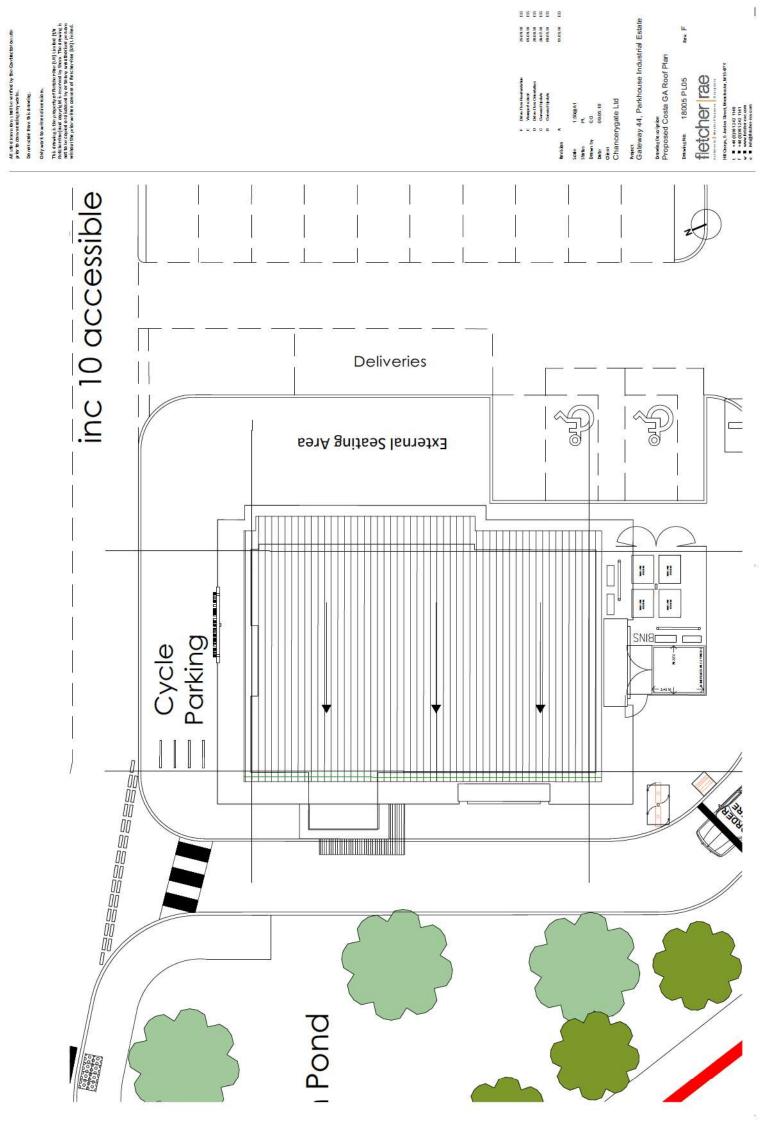


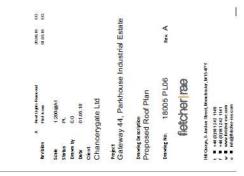


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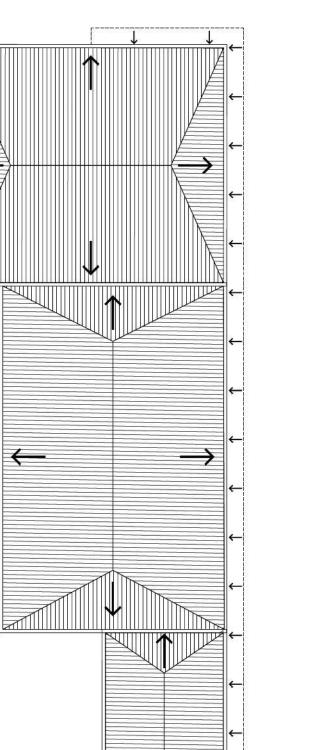








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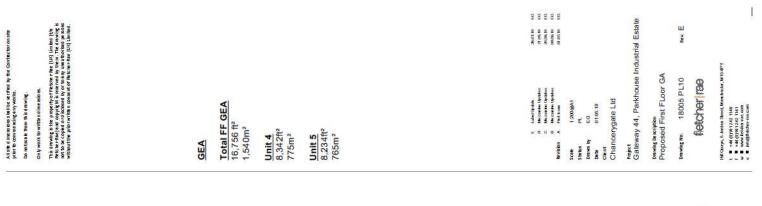
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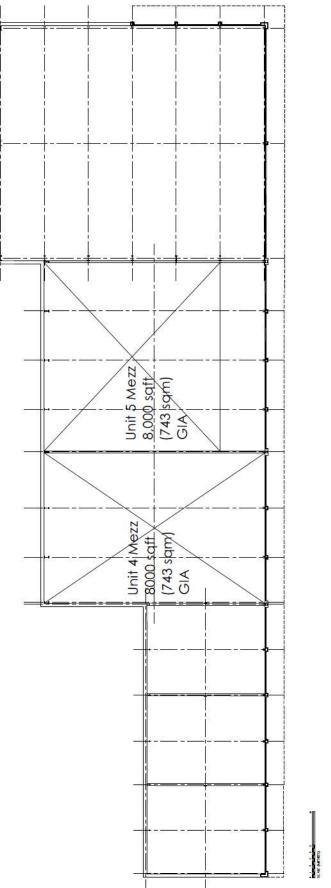
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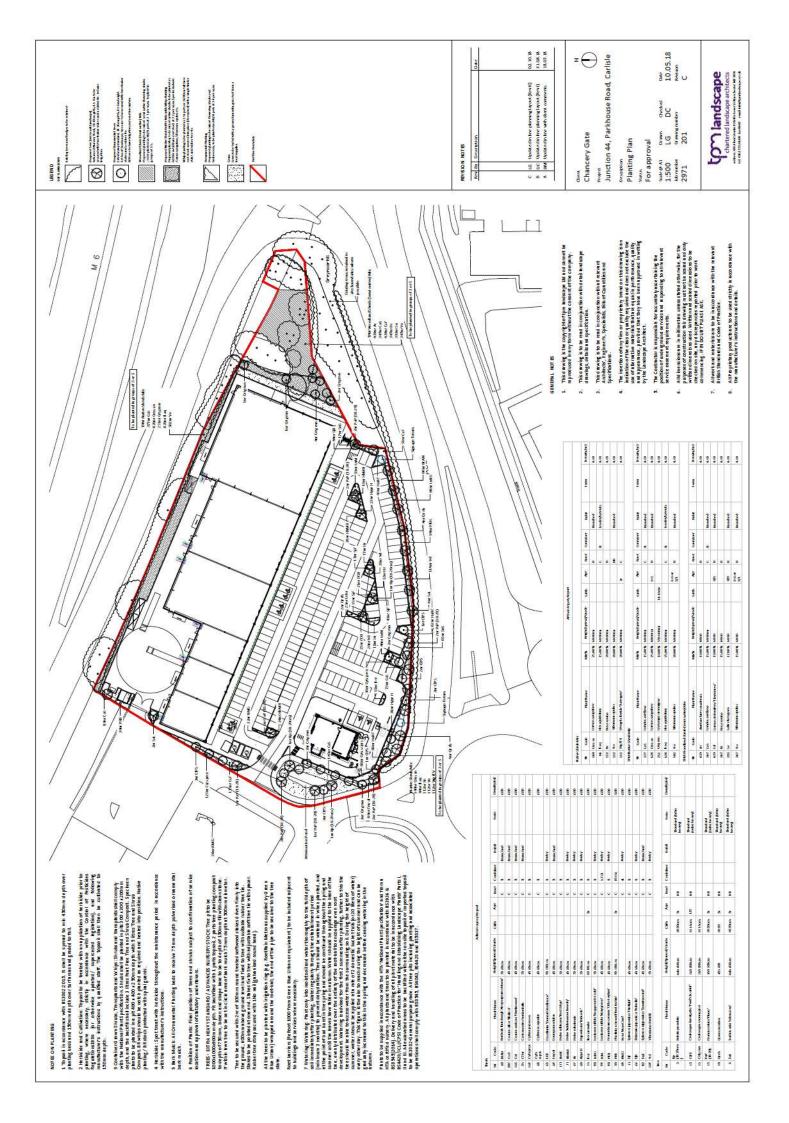
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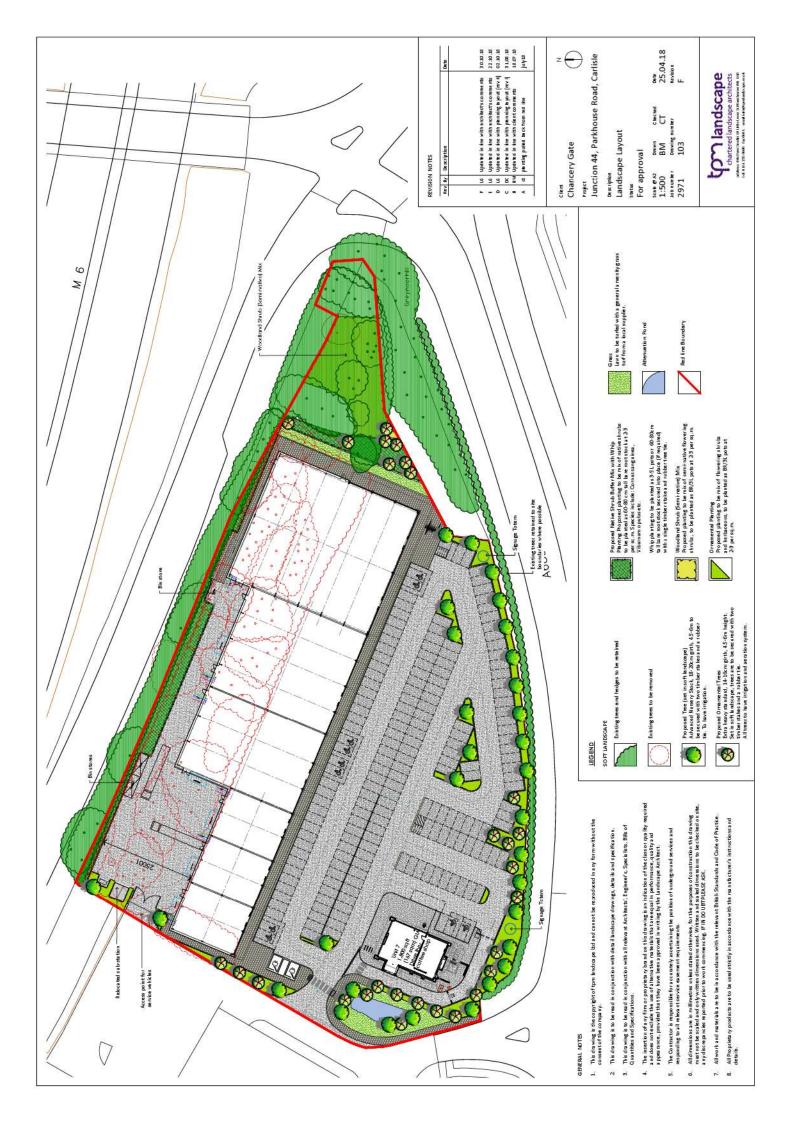






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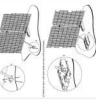
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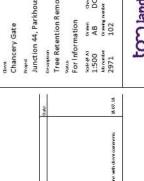
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