

## SCHEDULE A: Applications with Recommendation

16/1068

Item No: 10

Date of Committee: 17/03/2017

**Appn Ref No:**  
16/1068

**Applicant:**  
Sainsbury's Supermarkets  
Ltd

**Parish:**  
Carlisle

**Agent:**  
WYG

**Ward:**  
Castle

**Location:** Sainsburys Supermarkets Ltd, Church Street, Carlisle, CA2 5TF

**Proposal:** Proposed Installation Of An External Flood Defence System  
Incorporating Stone, Glass And Cladding Barriers

**Date of Receipt:**  
09/12/2016

**Statutory Expiry Date**  
03/02/2017

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

- 1.1 It is recommended that subject to a satisfactory response from the Environment Agency this application is approved with conditions.

#### 2. Main Issues

- 2.1 Whether the proposal is acceptable in principle  
2.2 Whether the scale and design is acceptable  
2.3 Consideration of flood risk

#### 3. Application Details

##### The Site

- 3.1 The application site is located at the north western corner of the junction of Church Street and Bridge Street in Caldewgate, Carlisle. The superstore is set back from the road being fronted by a shoppers car park and fuel station with the main vehicular access for shoppers adjacent to the Joiners Arms and the deliveries from Willowholme Road to the rear of the store.

## **Background**

- 3.2 The superstore was constructed in 2012 on the former site of a mixture of businesses, a hostel and other residential land. The residential and hostel uses were not reinstated following the floods of 2005. Some businesses were relocated. At the time of considering the redevelopment of this site, flood risk was taken into account and will be referred to later in this report.

## **The Proposal**

- 3.3 This application seeks to install an external flood defence system following on from the Storm Desmond event in 2015. The proposed defences include three types of defence barriers incorporating stone flood defence barriers, glass flood defence barriers and cladding flood defence barriers. These are to prevent the store from flooding and are therefore located wrapping around the superstore building and do not include the areas of the service yard, car park or fuel station. Some of the barriers are temporary structures which will be installed on demand. The nature of these temporary works means that they do not require planning permission however they have been included in the application for completeness.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to three neighbouring properties. In response thirteen letters of objection and one letter of comment have been received.
- 4.2 The letters of objection make the following points:
- If Caldewgate floods again than all the other buildings nearby will suffer more. It may affect the price and availability of insurance. Object in the interests of betterment of the other businesses and residents in Caldewgate and neighbouring streets
  - They had opportunity to protect their store from flooding during the building process. If they are allowed to block off this area there will be more flood damage to residents housing especially since Carrs have already taken measures to prevent their site from flooding
  - Sainsbury's opened within a month of flooding but some residents are still not back in their homes
  - The forgotten people at the little end of Caldewgate do not have funds to build our own flood defences
  - If the proposal goes through and the area floods again it would protect Sainsbury's against a fault they were fully aware of but at a cost to other residents and businesses
  - Water levels in the area would rise causing increased damage to properties twice flooded in recent years and it would cause flooding in areas that previously escaped the water
  - They built the store in the full knowledge they were building on a flood plain and should have built on stilts.
  - They built the store in the full knowledge they were building on a flood

- plain and decided not to install defences.
- Many properties are unable to get insurance cover and an increase in water level, should it flood again, would be a disaster
- The Council should follow suit of the insurance companies who refuse buildings built on the flood plain since 2009, peoples' homes down Cladewgate will suffer
- This is irresponsible as a request and would be devastating to other peoples' lives to save produce
- More investment should be put into reducing the chance of flooding in the area.
- Floods will always happen but there are lots of ways of preventing it as bad. Building a wall around a superstore and factory so the water is pushed into resident areas is not the answer. If this goes ahead, will not be shopping there anymore.
- Have installed flood prevention work in Willowholme based on 2005 and 2015 levels, can you assure us there will be no increase in these levels because of the flood defence work to be carried out?

4.3 The letter of comment is concerned about the haste by which the plans seem to be progressing. As many people in the area have yet to return from being flooded they may not be aware of the plans. A flood risk assessment has yet to be submitted hopefully giving breathing space to consider the issue of flooding more carefully and in greater depth. This is hot on the heels of a flood wall being constructed at McVities. Taken individually and together these flood defences are causing people in the area some real concern. The displaced water must go somewhere. As the businesses are in a designated flood zone there is no need to provide compensatory storage for flood water as the flood defences are supposed to safeguard the area. Such compensatory storage would be necessary on a flood plain area. The way McVities and Sainsbury proposals are being dealt with is the real concern. Additional future problems will be caused if individual flood defence applications are dealt with on an ad hoc basis. By protecting sites of considerable size this means the displaced water will be channelled elsewhere not only increasing the risk to properties that have previously been flooded, but pushing the flood boundaries further and putting other properties at risk that have escaped flooding in the past. A strategic overview is needed and action to enhance the flood defences/ protection for Milbourne Street, Shaddongate, Cladewgate and down to Willowholme. To put other properties at risk by protecting others is unfair. There will be people in homes and businesses that did not flood last time that will be unaware that their risk of flooding will be increased.

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

Cumbria County Council - (Highways & Lead Local Flood Authority): - No objection as highway authority, as Local Lead Flood Authority the Environment Agency should comment on this application.  
 Environment Agency (N Area (+ Waste Disp & Planning Liaison Team)): - Initially raised concerns about the absence of a flood risk assessment. Following submission of additional information they raise no objection however would like additional information.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CC4 Flood Risk and Development and Policy SP6 Securing Good Design of the Carlisle District Local Plan 2015-2030. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also relevant material considerations in determination of this application. The proposals raise the following planning issues:-

#### **1. Whether the proposal is acceptable in principle**

- 6.2 The site is located in Flood Zone 3 meaning that it has a 1 in 100 or greater annual probability of river flooding. Other than functional flood plain this is the land at highest risk. Whilst the area benefits from defences there is a need to manage residual risk from a breach scenario should the defences fail or be overtopped. Members will be aware of the extreme nature of Storm Desmond that flooded many areas locally which benefitted from defences including the application site.
- 6.3 Planning Practice Guidance provides the context for making development safe from flood risk which includes measures to design buildings to avoid flooding, providing adequate flood risk management infrastructure, leaving space in developments for flood risk management infrastructure to be maintained and enhanced and mitigating the potential impacts of flooding through design and flood resilient and resistant construction. Measures to fulfil the latter points are proposed in this application.
- 6.4 The NPPF states that where determining applications it should be demonstrated that development is appropriately flood resilient and resistant and that any residual risk can be safely managed.
- 6.5 It is also noted that following the Storm Desmond event the Government made provision, through the form of grant aid to business and residential properties affected by that event, to make their buildings more resilient to flooding.
- 6.6 The principle of installing flood resilient and resistance measures is therefore acceptable however detailed consideration needs to be given to the visual impact of the proposed defences and the potential for flood risk elsewhere once the measures have been installed.

#### **2. Whether the scale and design is acceptable**

- 6.7 The proposed defences are a mixture of three types of defence barrier and are to be installed wrapping around the existing building.
- 6.8 The main type of barrier to be used is a cladding barrier which will be used around the rear of the store and along the two sides where there is currently brick walling. On each of the corners of the store will be stone defence

barriers to match existing stonework. Along the front of the store will be glass defence barriers where glazing is already used for the existing elevations. Cladding will be used on the front of the store around the area of the cashpoint ATMs. Temporary defences will be installed over the external doorways including the entrance doors and the access point from the service yard at the rear of the store. All the defence barriers are to be 1.35metres in height.

- 6.9 In considering Policy SP6 it is clear that the applicant has sought to use a number of methods of defence to blend in with the existing materials used in the construction of the superstore. They are considered to be appropriate and would have limited visual impact therefore accord with the objectives of Policy SP6 Securing Good Design by responding directly to the local context.

### **3. Consideration of flood risk**

- 6.10 Policy CC4 Flood Risk and Development of the Carlisle District Local Plan highlights that where new development occurs it should not increase the risk of flooding elsewhere and appropriate mitigation measures should be proposed to deal with potential risks and effects. Consideration should also be given to the residual risk of flooding that remains even in areas where flood defences exist. This policy is in accordance with the NPPF and PPG.
- 6.11 Those objecting and commenting on the application have justifiable concerns about the proposed development as they have experienced flooding in the locality in the same event that flooded the superstore. In addition they also see the defences being installed around McVities which also have wider implications for the flow of flood waters around the Caldewgate area.
- 6.12 The superstore was built following the approval of application 09/0512 in February 2011. In considering that application and as the area had flooded in 2005 and was within Flood Zone 3, a Flood Risk Assessment (FRA) was submitted. The Environment Agency was involved in the discussion and provision of information to the then applicant's consulting Engineers, Hadfield Cawkwell Davidson. The FRA was produced in accordance with the current guidance and sought to address the main areas of concern. The application was approved subject to the details in the FRA and has been constructed in accordance with the finished floor levels which were considered at the time.
- 6.13 The flooding of the store in December 2015 has meant that the applicant is seeking to install measures to reduce the flood risk to a more acceptable level. In doing so there is recognition that the store car park, service yard and fuel station will still flood but the measures are designed to prevent water ingress into the superstore building.
- 6.14 When the application was initially submitted there was a lack of clarity regarding the location of the defences which raised some concerns and a new location plan was submitted showing that they are just around the main superstore building and not the whole site. In addition, a Flood Risk Assessment was not forthcoming and as well as concerns from objectors the Environment Agency was not able to provide any technical consideration of

the application. A Flood Risk Assessment undertaken by RSK was subsequently submitted and further consultation has been undertaken.

- 6.15 The FRA concludes that flood risk from all sources has been taken into account and it recognises that the site is defended Flood Zone 3. The proposed works will protect the store from residual risk in the event of breach or overtopping of the river defences and should not therefore be precluded on flood risk grounds. In addition, given that the area benefits from defences there will be no increase in flood risk elsewhere up to the 1 in 200 year defended level. It also notes that floodplain compensation is not required for an existing building within the defended floodplain.
- 6.16 By way of context the FRA also notes that property level protection is being encouraged by the Environment Agency and Local Authority for all businesses and residential properties that were affected by Storm Desmond.
- 6.17 The Environment Agency has considered the FRA and raises no objection to the water exclusion measures in this application, as the precedent to protect from an extraordinary flood has been established. However this is caveated that they consider the FRA does not assess any detriment arising from the proposal as a result of displacing flood water within the defended flood cell for which the event is designed.
- 6.18 The question therefore remains as to the extent of the impact of these measures on other residential properties and businesses in the locality. RSK are working on the outstanding concerns from the EA which should also seek to address the concerns of local people. It is intended that this information will be available prior to the meeting and Members will be updated. Subject to a satisfactory response from the Environment Agency the proposal would accord with Policy CC4.

## **Conclusion**

- 6.19 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Subject to a satisfactory response from the Environment Agency the application is recommended for approval.

## **7. Planning History**

- 7.1 There is an extensive history to this site prior to the development of the supermarket relating to a number of previous residential and business uses.
- 7.2 Application 09/0512 for the Erection Of A Class A1 Foodstore Comprising 8,886 Sq.m. Gross External Area (5,514 Sq.m. Net Sales) Floorspace, A Petrol Filling Station Of 132 Sq.m. Gross External Floorspace (70 Sq.m. Net Sales), Ancillary Development And Car Parking At Land At The Junction Of Bridge Street And Bridge Lane, Carlisle was granted permission 23/02/2011

- 7.3 During 2011 and 2012 a number of subsequent applications to discharge the conditions on the above application were submitted and approved
- 7.4 Advertisement consent 12/0282 for the Display Of Internally Illuminated And Non-Illuminated Signage For Sainsbury's Foodstore, Petrol Filling Station And Associated Directional/Informative Signage For Areas Of Car Parking was granted 06/06/2012
- 7.5 13/0556 for the Erection Of 2.4m High Palisade Fence To The North West Boundary Sainsbury's And Alexander Sawmill Access Road was granted 07/09/2013
- 7.6 15/0094 for the Change Of Use Of Floorspace From Retail (Class A1) To Use As A Dental Surgery (Class D1) was granted 30/03/2015
- 7.7 Advertisement Consent 16/1051 for the Proposed Additional Branding To 4No. Existing Illuminated and Non Illuminated Totem Signs; 1No. New Internally Illuminated Fascia Sign And 2No. New Non Illuminated Aluminium Panel Signs was granted 17/01/2017

## **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;
  - 2. the Existing Site Plan (dwg PL01 Rev B) received 7 December 2016;
  - 3. the Proposed Site Plan (dwg PL03 Rev C) received 13 January 2017;
  - 4. the Existing Elevations (dwg PL02) received 7 December 2016;
  - 5. the Proposed Elevations (dwg PL04 Rev A) received 7 December 2016;
  - 6. the Proposed External Wall Details (dwg A-PL-005 Rev B) received 7 December 2016;
  - 7. The Flood Risk Assessment (132721-2286-R3(1)-FRA) received 26 January 2017;
  - 8. the Notice of Decision; and
  - 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

- 3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local

planning authority.

**Reason:** To ensure the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030 are met and to ensure a satisfactory external appearance for the completed development.

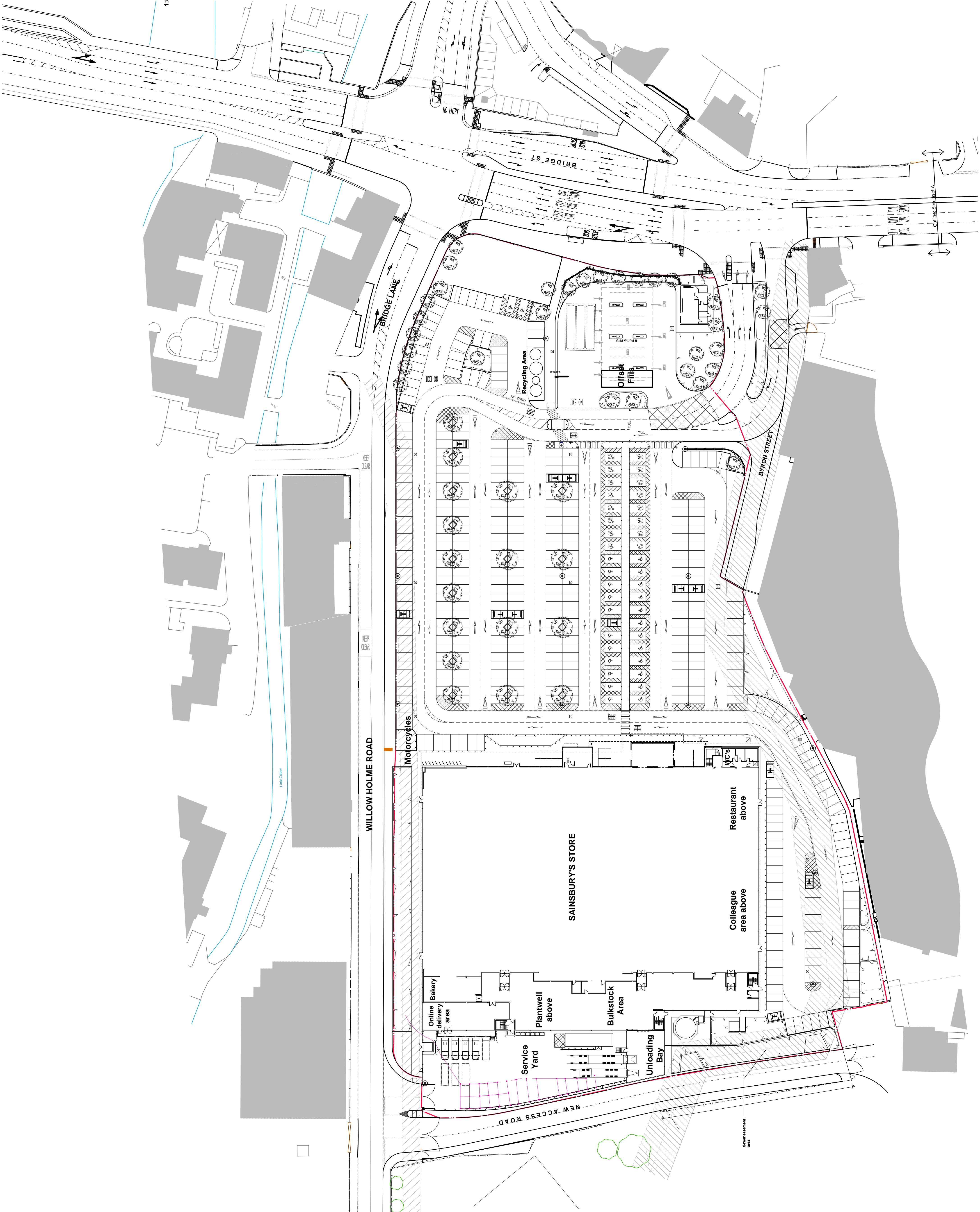
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Red line drawn around the site is for planning purposes  
and does not define legal ownership of land.



revision B m: AT checked date 07/12/2016  
boundary lines revised, retail units 1 & 2 deleted  
revision A m: SP checked date 02/12/2016  
boundary lines omitted, notes amended  
revision + m: SP checked date 02/12/2016  
MTPA ISSUE

PLANNING

PL01 DATE:

Sainsbury's

CARLISLE  
FLOOD DEFENCES

EXISTING SITE PLAN

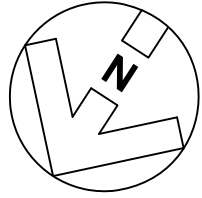
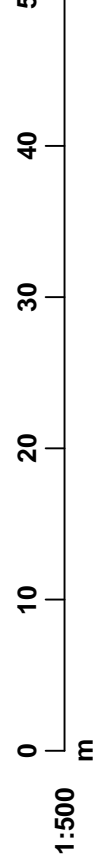
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Red line drawn around the site is for planning purposes  
and does not define legal ownership of land.  
Site area within the red line is 2.784 ha

KEY

- Temporary flood defence barrier
- Stone flood defence barrier
- Glass flood defence barrier
- Cladding flood defence barrier

TEMPORARY FLOOD BARRIER TO BE INSTALLED TO  
EXTERNAL DOORS

ISSUE C: in: SP capacity: date: 13/01/2017  
Boundary lines revised, defence barrier colour amended  
ISSUE B: in: AT capacity: date: 07/12/2016  
Boundary lines revised, retail units 1 & 2 deleted  
ISSUE A: in: SP capacity: date: 05/12/2016  
Boundary lines omitted & flood defence barrier locations amended  
ISSUE: in: SP capacity: date: 02/12/2016  
M/PA: ISSUE

PLANNING

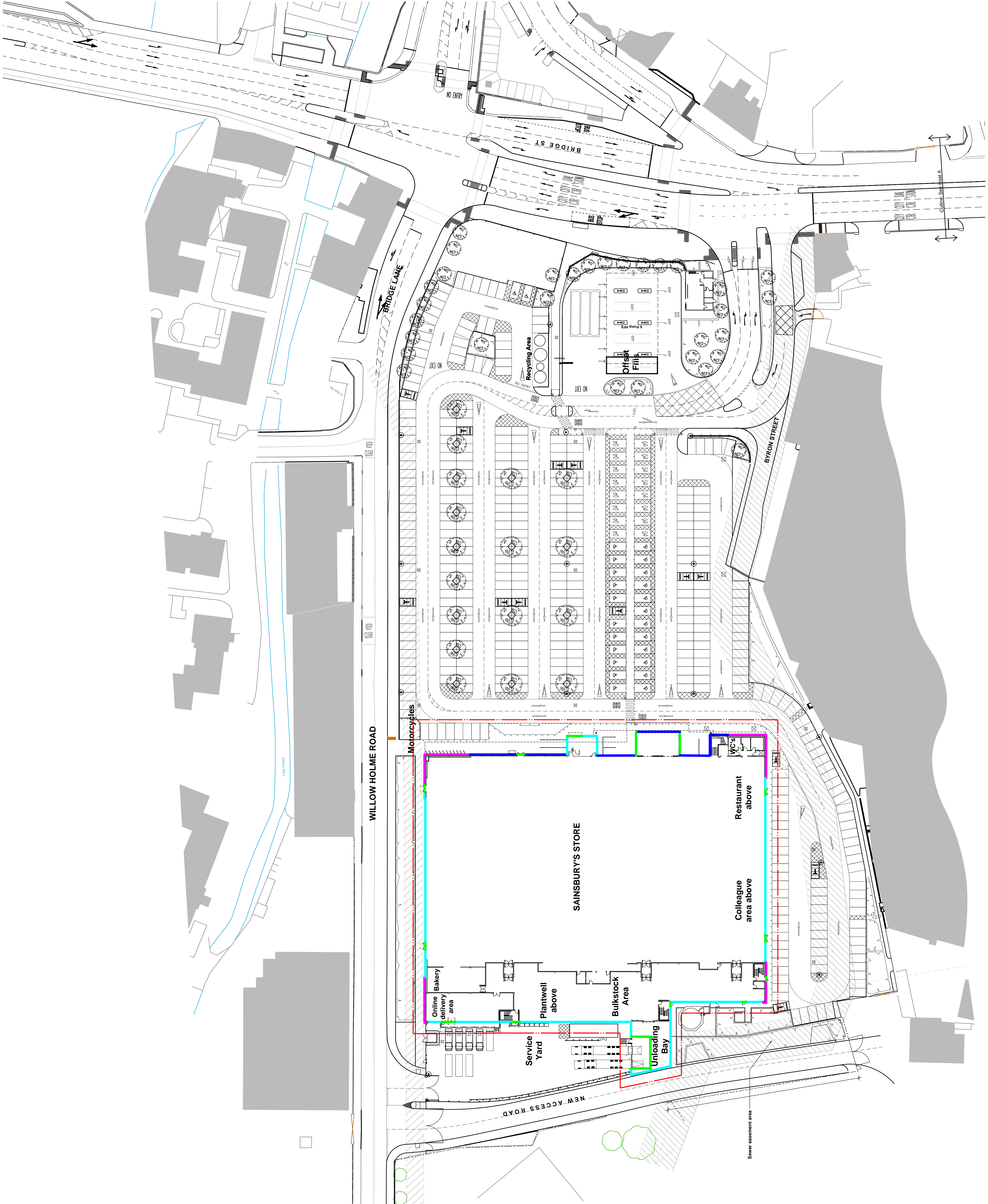
PL01 DWG

**Sainsbury's**  
CARLISLE  
FLOOD DEFENCES

PROPOSED SITE PLAN

DRAWING NO: SB  
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DATE: NOV 2016

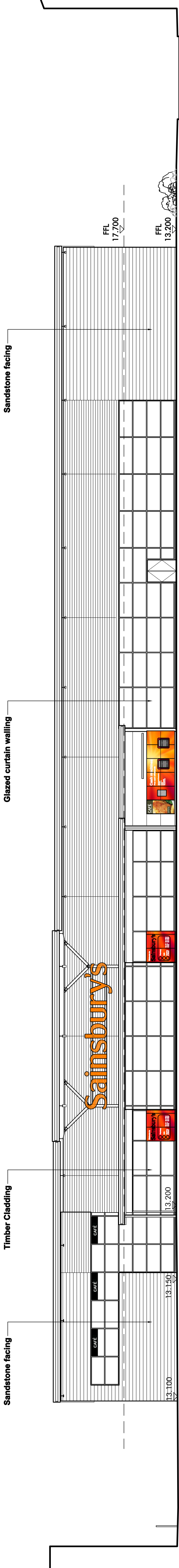
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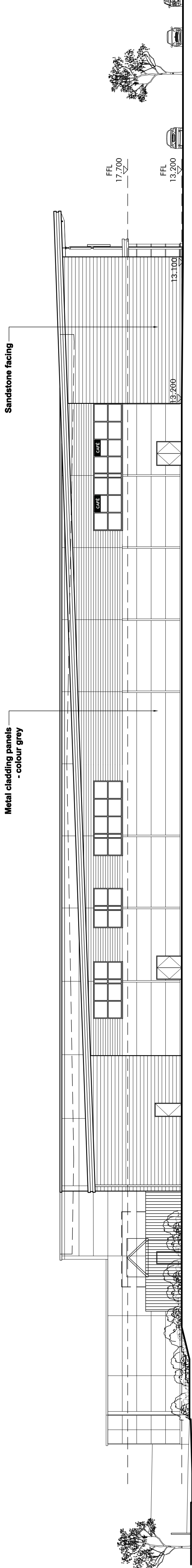


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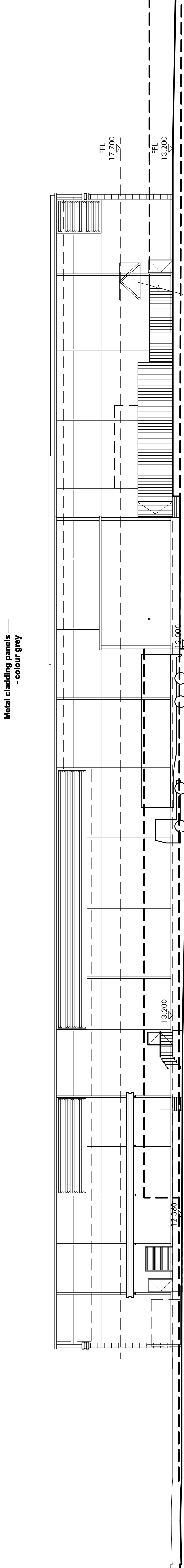
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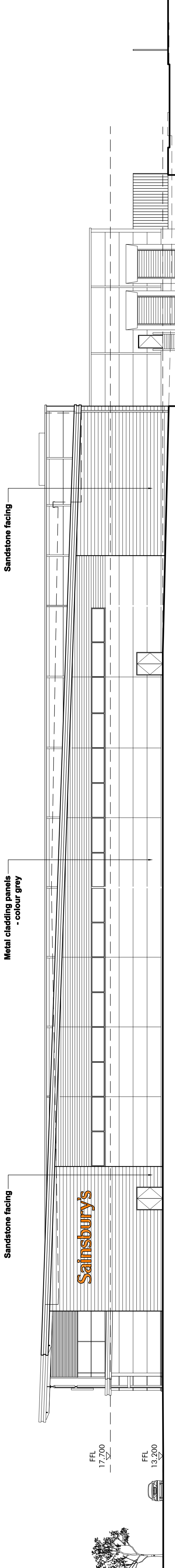
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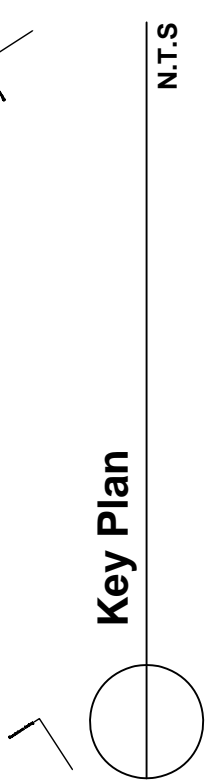
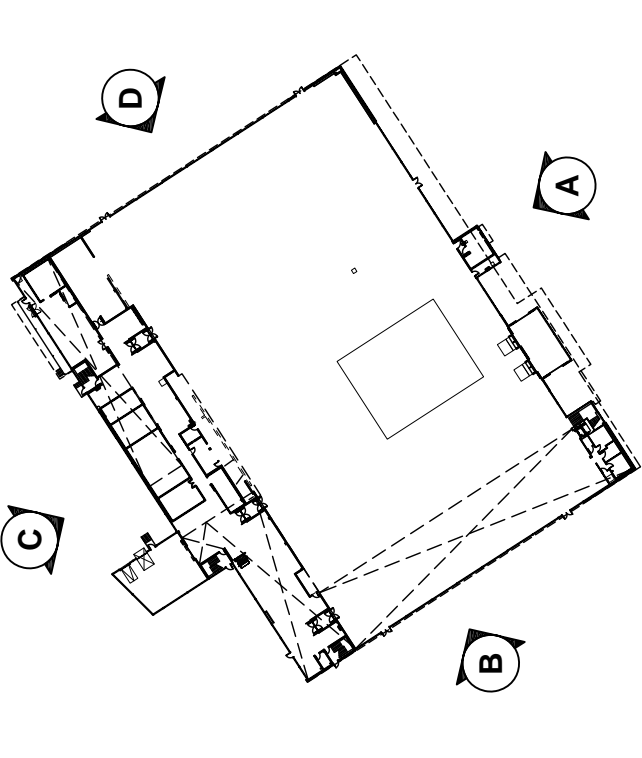
SOUTH WEST ELEVATION (B)



NORTH WEST ELEVATION (C)



NORTH EAST ELEVATION - WILLOW HOLME ROAD (D)



Key Plan

N.T.S

REVISION: \*  
INITIALS: SB  
DATE: 02/12/2016

# PLANNING

PL01: DWG

Sainsbury's

CARLISLE  
FLOOD DEFENCES

EXISTING ELEVATIONS

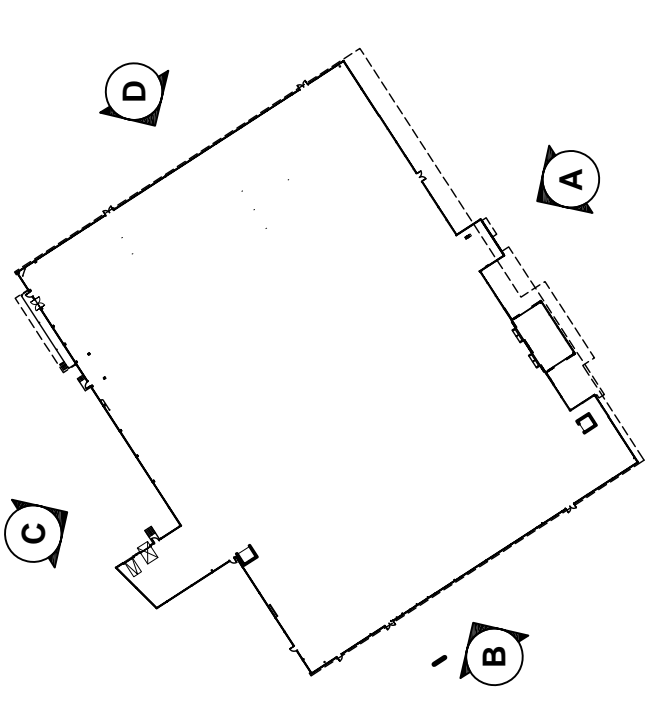
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Key Plan  
N.T.S  
TEMPORARY FLOOD BARRIER TO BE INSTALLED TO  
FIRE EXITS

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NOTES REVISED  
REVISION 3 BY: SB  
INITIAL ISSUE  
DATE 05/12/2016  
DATE 02/12/2016

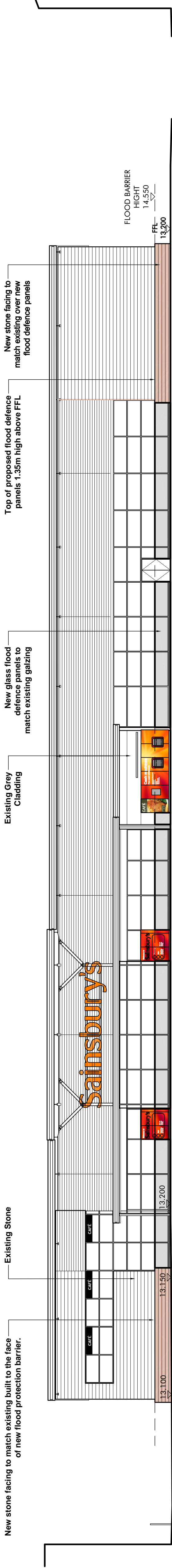
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PL01 DWG

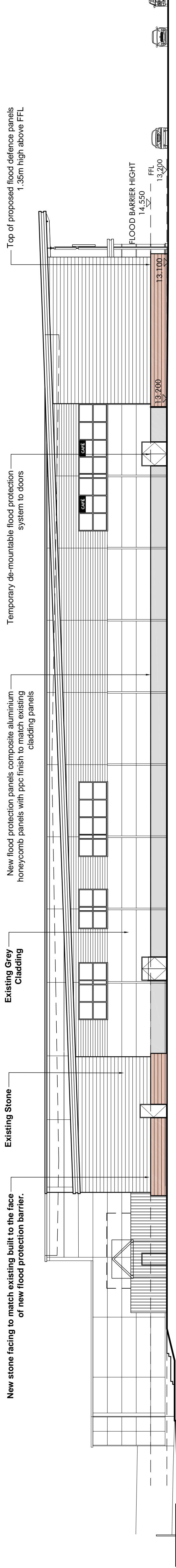
Sainsbury's  
CARLISLE  
FLOOD DEFENCES

PROPOSED ELEVATIONS

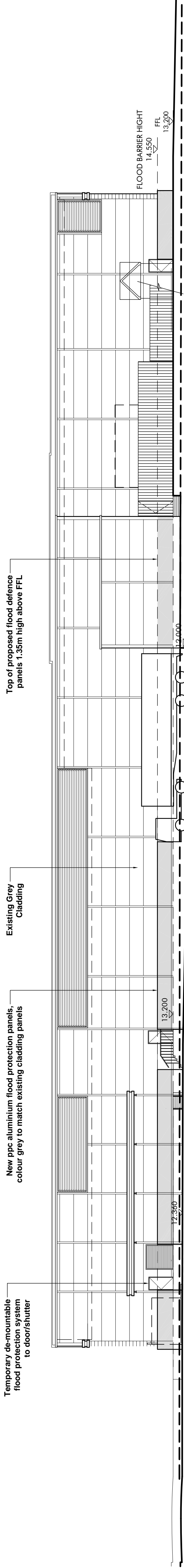
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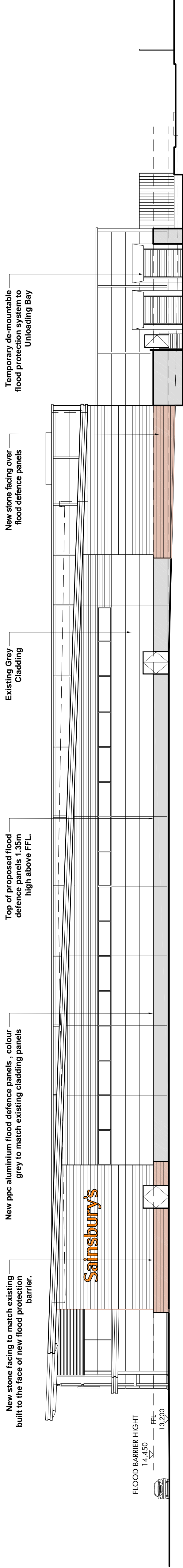
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ELEVATION: B - SOUTH WEST ELEVATION



ELEVATION: C - NORTH WEST ELEVATION



ELEVATION: D - NORTH EAST ELEVATION - WILLOW HOLME ROAD

NOTES:

REVISION: BY: AT DATE: 02/12/2016  
INITIAL ISSUE CHECKED:

PLANNING

PLOT DATE:

Sainsbury's

CLEAR:

CARLISLE  
FLOOD DEFENCES

PROJECT:

PROPOSED  
EXTERNAL WALL DETAILS

DRAWING: DATE: 02/12/2016  
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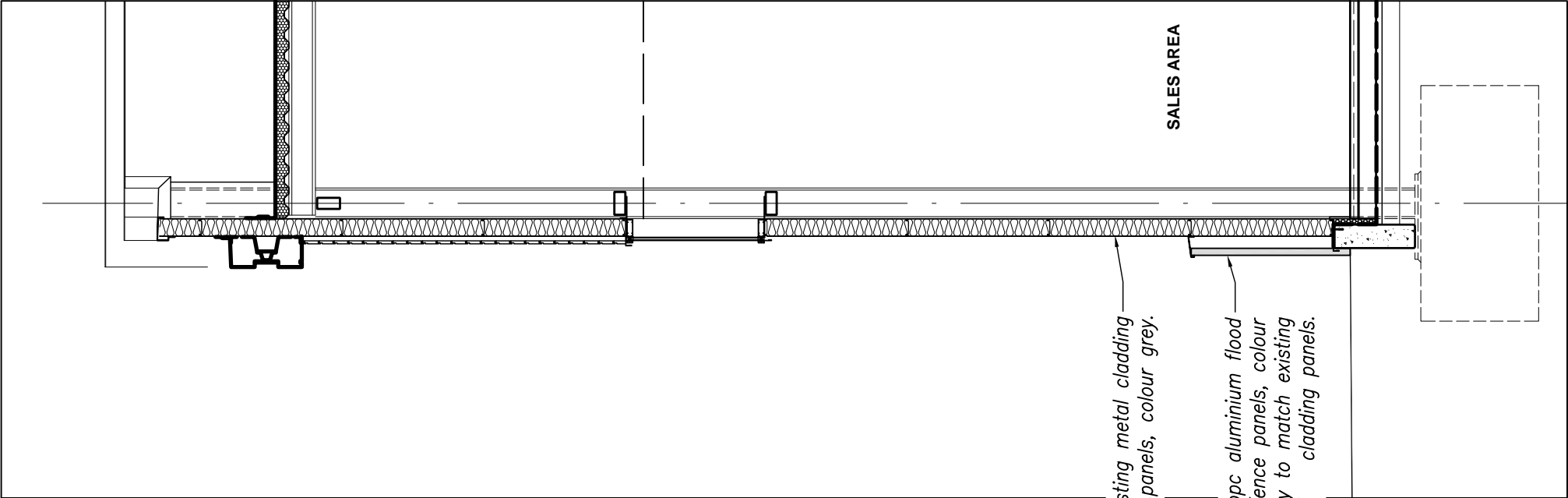
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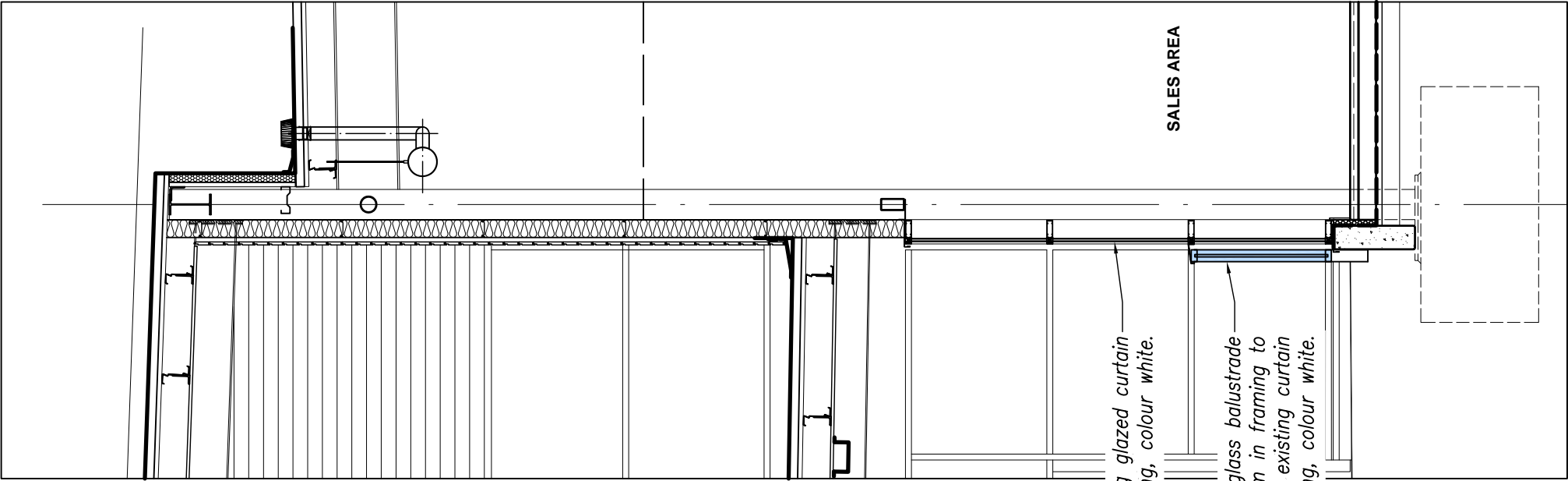
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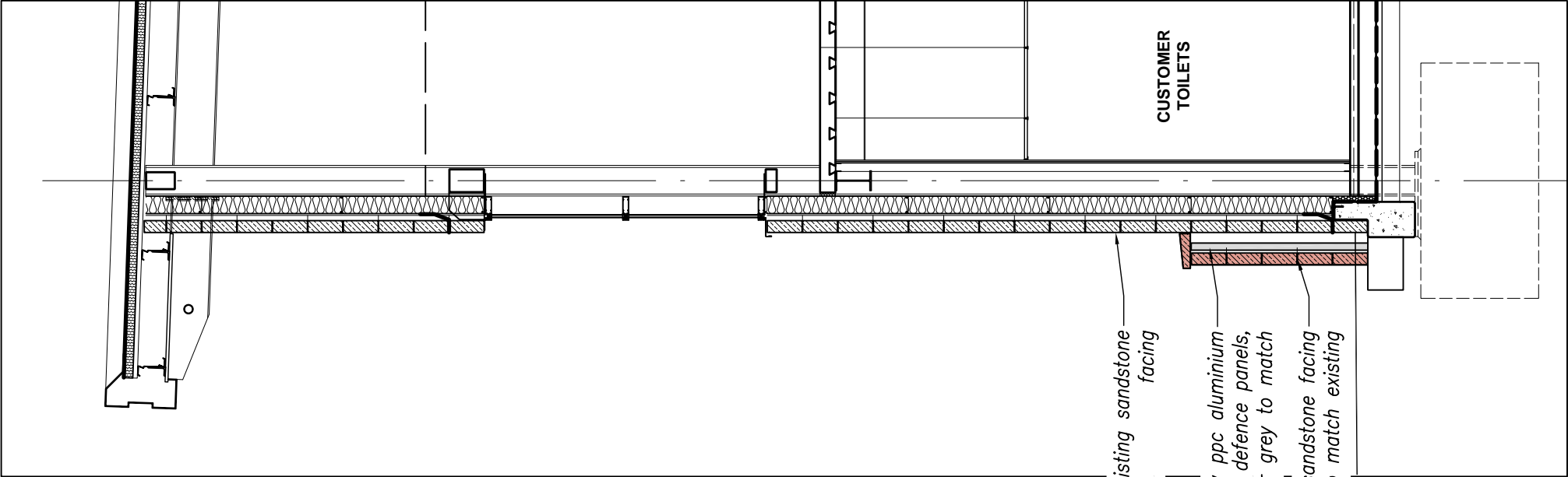
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SECTION THROUGH EXTERNAL WALL  
WITH METAL CLADDING PANELS



SECTION THROUGH SHOPFRONT WITH  
GLAZED CURTAIN WALLING



SECTION THROUGH EXTERNAL WALL  
WITH STONE CLADDING