

SCHEDULE A: Applications with Recommendation

18/0805

Item No: 01

Date of Committee: 23/11/2018

Appn Ref No:
18/0805

Applicant:
Carlisle City Council

Parish:

Agent:
Gerald Eve LLP (4th Floor)

Ward:
Castle

Location: The Sands Centre, The Sands, Carlisle, CA1 1JQ

Proposal: Part Demolition Of Existing Leisure Facilities (Excluding Main Arena);
Erection Of New Leisure Centre Floor Space Comprising 2no.
Swimming Pools, Separate Wet And Dry Changing Facilities, 4 Court
Sports Hall, Spectators Area, Fitness Suite, Studios, Ancillary Bar And
Cafe & Ancillary Physiotherapy Suite; Reconfiguration Of Car Parking,
Landscaping And Associated Works

Date of Receipt:
04/09/2018

Statutory Expiry Date
04/12/2018

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Principle Of Development
- 2.2 Whether The Scale And Design Is Acceptable
- 2.3 Flood Risk
- 2.4 Biodiversity
- 2.5 Highway Matters
- 2.6 Drainage Matters
- 2.7 Impact On Listed Buildings
- 2.8 Impact On Conservation Areas/ Historic Parkland
- 2.9 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.10 Impact on Existing Trees
- 2.11 Archaeology
- 2.12 Security Issues

- 2.13 Ground Contamination
- 2.14 Public Rights of Way

3. Application Details

The Site

- 3.1 The Sands Centre covers an area of 2.1 hectares and consists of a large building and car parking. The eastern section of the building contains entertainment facilities, with the western section containing leisure facilities. The western section of the building is set back approximately 25m beyond the eastern section and has lower eaves and ridge heights, with the roof of this section containing solar panels. The building is constructed of brick, with areas of glazing and slate roofs, a number of which are prominent. A large internally illuminated LED sign, which advertises events at the Sands, is located on the western elevation.
- 3.2 A 277 space car park is located to the south of the building and this is accessed from Newmarket Street which links into Hardwicke Circus. The car park contains a number of trees and some landscaped areas. A staff car park (17 spaces) is also located to the east of the building.
- 3.3 A stone wall, stone piers and railings lie along the southern and part of the western site boundaries and these are Grade II Listed, with some landscaping and more modern railings also being present along the western site boundary. The northern and eastern site boundaries consist of brick walls which form part of the flood defences.
- 3.4 The site is bounded to the north by the River Eden, which is designated as a Site of Special Scientific Interest and a Special Area for Conservation. A public footpath/ cycleway, which is adjoined by a number of mature trees, runs between the back of The Sands and the River Eden. Rickerby Park lies on the northern side of the river and this is designated as a historic parkland. Rickerby Park lies within the Stanwix Conservation Area, the southern boundary of which adjoins the river.
- 3.5 The Swifts Car Park lies to the east of the Sands and this is separated from the site by a public footpath. The Turf Public House, which is a Grade II Listed Building, lies to the south-east of the site. Newmarket Road runs along the southern site boundary, beyond which lies the DFS furniture store.
- 3.6 Bridgewater Road, which leads to Eden Bridge, which is Grade I Listed, lies to the west of the application site. Bitts Park lies to the west of Bridgewater Road and this park lies within the City Centre Conservation Area.
- 3.7 The site is located on the edge of the City Centre and approximately 220m from the retail core. Pedestrian access to the site can be gained via an underpass that runs below Hardwicke Circus and links the site to the city centre and Bitts Park.

3.8 The site is located with Flood Zone 3 and benefits from flood defences.

The Proposal

- 3.9 The proposal is seeking to demolish the western part of the building, which contains the leisure facilities, and to replace this with a new extension. The adjoining entertainment facilities would be retained and would remain in operation during the demolition and construction works.
- 3.10 The footprint of the proposed leisure facilities would be 4,190 sq m, which is 2,094 sq m larger than the existing leisure facilities. The overall net increase in overall floorspace, across the ground and first floors would be 3,582 sq m.
- 3.11 The new leisure facilities would include the following:
- reception area;
 - four court sports hall;
 - spectator area;
 - 25m eight lane swimming pool;
 - 20m learner pool with a moveable floor;
 - wet and dry changing facilities, including dedicated spaces for disabled people;
 - 120 station fitness suite;
 - studios;
 - physiotherapy suite;
 - cafe;
 - bar
 - ancillary accommodation (offices, equipment stores, plant rooms)
- 3.12 The applicant has focussed on facilities that are in greatest demand, that provide the most flexible and accessible use and can support themselves in the long-term through generating sufficient revenue to cover running and maintenance costs.
- 3.13 The existing leisure facilities include a climbing wall and a squash court, neither of which would be incorporated into the new leisure facilities.
- 3.14 In relation to the climbing wall, the number of visits do not generate sufficient income to justify the inclusion of adequate floorspace for a climbing wall in the new development. Due to spatial limitations, the proposal cannot include facilities that do not generate sufficient return in order to sustain the new centre in the long-term. Given the relatively low usage of the existing climbing wall, the commercial decision was made to prioritise other facilities such as the swimming pool and sports hall. It is worth noting, that Eden Rock bouldering centre, which is located on Durranhill Industrial Estate, provides a high quality alternative climbing facility. In relation to the squash court, there are alternative squash courts in Carlisle that adequately meet the demand for squash, which has been low at the Sands Centre.

- 3.15 The proposed leisure facilities would be orientated to face the car park to the south of the building, as per the existing facilities. A central street would provide circulation space and access to the reception area and the physiotherapy suite to the east whilst affording views of the River Eden. The street area would contain a cafe and provide sufficient facilities for the events area, with increased toilet provision.
- 3.16 The leisure facilities would be provided to the west of the central street. A four court sports hall would be located on the ground floor to the front of the development. The changing facilities would be located centrally on the ground floor, with the swimming pools being located to the rear of the extension. A fitness suite and studios would be provided on the first floor, including a cantilevered section overhanging the main entrance and these can be accessed via stairs or a lift.
- 3.17 The existing entertainment facility has a general overall height of 12.8m, although elements are 15.2m high. The proposed extension would have a maximum height of 11.4m.
- 3.18 A combination of different materials and finishes would be used externally that complement each other and provide an interesting appearance to the proposed building. The plinth would be constructed of brick. Glazing would be provided to the rear of the building at ground floor level to allow light to penetrate the pool area and to provide views out from the pool area to the river. Timber fins are proposed to the upper section of the rear elevation and these would provide a natural looking finish to reflect the rural context of the north elevation. In contrast the fitness suite over the main entrance would be clad in metallic mesh, whilst the sports hall would have vertical coloured fins.
- 3.19 Hard wearing materials would be used throughout the building, which has been designed to allow water into certain areas during extreme flood events, whilst the level of the pool hall, wet change and key areas of plant would be raised. The materials selection, which includes easily cleaned materials such as tiles and bricks, would aid the swift recovery of the building and ensure that resilient measures are incorporated into the design.
- 3.20 Improvements would be made to the external areas, with a plaza and seating area being provided at the entrance and a terrace and seating proposed to the rear.
- 3.21 A total of 231 car parking spaces would be provided, including 15 dedicated spaces for those with disabilities, with 63 car parking spaces being lost as a result of the larger building footprint. The car park would be accessed via the existing access from Newmarket Road, with access to the west of the building being maintained as an access for emergency vehicles. A coach drop off area would be provided to the front of the entertainment facility. Cycle parking would be provided adjacent to the main entrance.

- 3.22 The majority of the existing trees (63) would be retained, with 28 trees and 3 groups of trees being removed to accommodate the increased footprint of the building. Areas of landscaping are proposed around the redeveloped building and these have been chosen to provide year round interest. Shrub and flower planting is also proposed within the site.
- 3.23 The bin store that lies to the rear of the events arena would be retained as existing.
- 3.24 Temporary leisure facilities and bar and toilet facilities for the entertainment venue would need to be provided during the demolition and construction works and these are the subject of separate planning applications.

4. Summary of Representations

- 4.1 This application has been advertised by means of the display of five site notices, press notices and notification letters sent to two neighbouring properties.
- 4.2 In response, one letter of objection has been received from Carlisle Flood Action Group (CFLAG). A full copy of the objection is contained within the Schedule and a summary is provided below:
- the proposal could make any future flooding worse and this is a grave concern to CFLAG as this has a close bearing on those already flooded badly in 2005 (1,600 properties) and 2015 (2,200 properties) and also on the infrastructure;
 - the decision to proceed with the project is based on false optimism and an incorrect understanding of the flood risk supplied by the Environment Agency (EA);
 - the location of the Sands Centre within Flood Zone 3a has to be qualified as a 'technicality' - the site is, to all intents and purposes, Flood Zone 3b as it is a spit of sand and gravel within the historic functional floodplain of a major river;
 - the current development occurred in the early 1980s and the flood defences were raised across half of the floodplain to justify it - it was wrong then and extending it is wrong now and the Council should be working to correct the original mistake;
 - question the EA's advice in support of the Flood Risk Assessment (FRA) and the modelling data that has been used;
 - historical information and local knowledge have not been adequately researched leading to flaws in the FRA conclusion of the site's acceptability for development;
 - the importance of the Eden Bridge to the river conveyance and the

consequential issues upstream due to the “throttle” point/damming effect have not been considered – too much reliance on old secondary pre-Desmond data is made;

- the removal of a second Eden Bridge to the south of the site is not considered but this has had a significant impact upon river conveyance as this infrastructure was designed to act as a flood relief channel now lost due to damaging subsequent development;
- the increased development at The Sands encourages further protection in a location which needs to be far more permeable than currently to act once again as a major flood relief route to maintain peak flood levels as low as possible;
- the risk based approach advocated in paras 157 & 163 of the NPPF has not been fully met - the proposal is in contravention of NPPF para 157b as the land should be safeguarded for flood management;
- there has been insufficient consultation of all sources with knowledge of Carlisle Flooding to the extent that the conclusions and views of the FRA cannot be regarded as balanced or representative;
- the Strategic Flood Risk Assessment (SFRA), which relies upon questionable old EA modelling, pre-dates the 2015 flooding and is out of date and the FRA should be based upon more up to date information;
- the SFRA is not actually fully “strategic” as it makes little connection with the context of whole catchment management and basic river timings and as such does not align with current EA and Flood Risk Management thinking;
- the River Eden flooding to the extent of the 2015 floods is replicated over the centuries (11 events since 1770), which suggests a frequency of 1 in 25 years (4%) on average so references to 1 in 100 (1%) underestimate likely exposure at this site.
- a 25 year period is sufficient time for flooding to fade in “living memory” and decision makers need to be thorough and vigilant if the lessons of history are not to be repeatedly re-learned and lamented;
- development at the Sands can only be conceived if a major flood by-pass channel of sufficient scale is incorporated in mitigation to keep the Eden peak level within acceptable tolerance;
- It is not conceivable that there are no other suitable sites within the city that would offer lower flood risks as required by NPPF para 158;
- If the current Sands Centre were being proposed today a sequential test and exception test would be required. As the development will make the centre larger the NPPF appears to guide at para 162 that an

exception test is still a requirement in the light of the information provided within this representation.

5. Summary of Consultation Responses

Environment Agency: - no objections, subject to conditions (removal and relocation of part of flood defence) - satisfied that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (provision of access and parking in accordance with plan; details of ramps; Construction Phase Traffic Management Plan; Travel Plan; surface water drainage scheme; construction surface water management plan);

Sport England North West: - no objections;

Cumbria Constabulary - North Area Community Safety Unit: - the development, being a large scale leisure and entertainment venue should incorporate appropriate passive measures to protect the public. Has recommended a range of measures that should be included;

Cumbria County Council - (Highway Authority - Footpaths): - several public rights of way circle the Sands Centre buildings and these must not be altered or obstructed before or after the development has been completed. If the paths are temporarily obstructed then a Temporary Closure will be required;

The Ramblers: - no comments received;

Cumbria County Council - (Archaeological Services): - no objections, subject to conditions (programme of archaeological work);

Natural England: - no objections, subject to appropriate mitigation being secured through conditions (Construction Environmental Management Plan; Non-native Invasive Species Management Plan; surface water drainage plan; flood wall);

Open Spaces Society: - no comments received;

Cumbria Wildlife Trust: - no comments received;

Local Environment - Environmental Protection: - no objections, subject to conditions (remediation scheme; unexpected contamination; hours of work; dust);

Local Environment - Waste Services: - no comments to make as waste services would not be providing a waste collection service to this site;

Planning - Access Officer: - no objections;

United Utilities: - no objections, subject to conditions (surface water drainage; Construction Risk Assessment Method Statement).

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, SP9, EC6, EC9, IP2, IP3, IP5, IP6, CC3, CC4, CC5, CM4, CM5, HE2, HE3, HE4, HE7, GI3, GI5 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The Supplementary Planning Documents Trees and Development and Designing Out Crime are also material planning considerations.
- 6.3 The requirements of the public sector equality duty under Section 149 of the Equality Act 2010; and the "Guidelines for Public Transport In Developments" (1999) and "Reducing Mobility Handicaps" (1991) both prepared by the Chartered Institution of Highways & Transport CIHT) are also material considerations. Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:
- a) to eliminate discrimination, harassment, victimisation etc;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.4 The relevant protected characteristics include age, gender, disability and race.
- 6.5 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with guidance in the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.6 The proposal raises the following planning issues.
- 1. Principle Of Development

- 6.7 The proposal is seeking to demolish the existing leisure facilities which are somewhat dated and to replace them with new, improved facilities. In 2010, planning permission was granted for an extension to, and refurbishment of, the existing leisure facilities, including a new swimming pool. The principle of extending the existing leisure facilities at The Sands, has been established by this earlier permission. The new leisure facilities would incorporate two swimming pools which would replace the existing swimming facilities at The Pools on James Street. The consolidation of the two leisure facilities would have significant benefits for users of the facilities and would result in a significant long-term savings in operational costs.
- 6.8 Sport England has been involved with the applicants in achieving a well designed, financially robust leisure centre. It is satisfied that there is a need for these facilities and the final internal layout meets Sport England design guidance.
- 6.9 The Sands Centre is located in an edge of centre location, approximately 220m beyond the edge of the city centre boundary. A pedestrian underpass links the Sands Centre to the city centre and Bitts Park. As leisure facilities are classed as a main town centre use, in accordance with both national and local planning policy (Policy EC6), the applicant has undertaken a Sequential Assessment to establish if there are any alternative sites available within the city centre (which is sequentially preferable) that could deliver the proposed leisure development.
- 6.10 In order for a site to be sequentially preferable a number of criteria need to be satisfied including: being situated in a sequentially preferable location; having the capacity to deliver the proposed floorspace (a figure of +/-10% of the proposed floorspace was used); having a lawful assembly and leisure (D2) use; being available; being suitable; and being viable.
- 6.11 A total of 226 sites were included in the Sequential Assessment, including the car park adjacent to Iceland, Caldew Riverside and Newman School. The assessment concluded that there are no sites that are considered to be sequentially preferable in terms of location, suitability, availability and viability that could deliver a similar scale of development to the proposal. The Sands Centre, which is located in an edge of centre location with good pedestrian links to the city centre and has an established use as a leisure use, is considered to be the most suitable and viable site for the proposed development.
- 6.12 In light of the above, the proposal to demolish the existing leisure facilities and to replace them with new, improved facilities consolidated on a single site, is compliant with national and local planning policies, in particular, Policy SP9 which seeks to maximise the opportunity for social interaction, sport and physical activity.

2. Whether The Scale And Design Is Acceptable

- 6.13 The proposed leisure facilities would be orientated to face the car park to the

south of the building, as per the existing facilities. A central street would provide access to the reception area and the physiotherapy suite to the east whilst affording views of the River Eden. The leisure facilities would be provided to the west of the central street.

- 6.14 The replacement leisure facilities would have a larger footprint than the section of the building which is to be demolished. However, the proposed height of the extension would be 11.4m, which is lower than the retained section, which has a general overall height of 12.8m, with some elements being 15.2m high.
- 6.15 A combination of different materials and finishes would be used externally that complement each other and provide an interesting appearance to the proposed building. The plinth would be constructed of brick. Glazing would be provided to the rear of the building at ground floor level to allow light to penetrate the pool area and to provide views out from the pool area to the river. Timber fins are proposed to the upper section of the rear elevation and these would provide a natural looking finish to reflect the rural context of the north elevation. In contrast the fitness suite over the main entrance would be clad in metallic mesh, whilst the sports hall would have vertical coloured fins. The choice of materials, which would add visual interest to the building, would be acceptable.
- 6.16 The proposals have been designed to reflect the guidelines of the inclusive design principles embodied in the Equality Act assuring that access and use of the facilities consider and provide for different user groups including the young, the elderly, ethnic groups and people with disabilities.
- 6.17 Improvements would be made to the external areas, with a plaza and seating area being provided at the entrance and a terrace and seating proposed to the rear.
- 6.18 A total of 231 car parking spaces would be provided, including 15 dedicated spaces for those with disabilities. The majority of the existing trees (63) would be retained, with areas of landscaping proposed around the redeveloped building. Shrub and flower planting is also proposed within the site.
- 6.19 The Urban Design/ Conservation Officer has been consulted on the application. He has raised no objections to the design of the proposal but has requested that additional images are provided of the proposed building, in particular from the western footpath of the Grade I Eden Bridge.
- 6.20 He has also requested that the following issues should be explored: the scheme should consider the pedestrian movements across the car park from the east (Swifts Car Park and the Hadrian's Wall Cycle Path and Footpath) to the Hardwicke Circus underpass; additional tree planting should take place within the Sands Car Park, where some existing trees are in a poor condition, and potentially off-site planting could take place to compensate for the loss of trees; the buried basalt setted surface which certainly exists over a large part of the Sands Car Park should be investigated by means of trial

excavations and the landscaping plan should incorporate these in situ if possible or they should be stored off-site for use in future enhancement schemes; and the Sands Centre signage at the top of the Hardwicke Circus ramp should be either refurbished or removed and the surface made good as part of this proposal.

- 6.21 In response to the request for additional images, it was agreed during pre-application discussions that, as a result of the development being a relatively modest extension to an existing building and lower in height than the existing leisure centre, there was no need to carry out a visual impact assessment. The view from the north of the site (including the Eden Bridge) is unlikely to change significantly as a result of the proposals. The majority of mature trees will remain and the proposed bulk/massing of the proposed extension will be limited by the proposed lower height compared to the existing centre.
- 6.22 In response to the other issues raised by the Urban Design/ Conservation Officer, there is an existing footpath along Newmarket Road that provides links from the Hadrian's Wall Footpath/ Cycleway and Swifts Bank Car Park to the Hardwicke Circus underpass. There would also be pedestrian access to the front of the Sands Centre. There is no desire to encourage the use of the car park as a thoroughfare for cyclists and pedestrians. If the contractors do come across basal setts during the development, it will be easy enough to put them aside for off-site storage for use in future enhancement schemes, as suggested. In relation to signage, a separate advertisement application will be submitted in due course.
- 6.23 The provision of additional replacement tree planting within the Sands Car Park would be considered through the detailed landscaping proposals for the site, which are covered by condition. The provision of additional tree planting off-site will be discussed with the applicant.
- 6.24 In light of the above, the scale and design of the proposal would be acceptable.

3. Flood Risk

- 6.25 The site is located within Flood Zone 3. In January 2005 and December 2015, large areas of Carlisle suffered extensive flooding. The Sands Centre did not flood in 2005. The site was affected by flooding in 2015, with water levels measured at 2-3 inches within the building. The entertainment functions re-opened within 9 days with the whole centre being re-opened within a number of weeks.
- 6.26 Due to the site being located within Flood Zone 3 (benefiting from existing flood defences), the applicant has undertaken a Flood Risk Sequential Test, which seeks to identify any alternative site that is available and suitable to accommodate the proposed development and is located within a lower flood zone. A site will only be considered to be sequentially preferable if it meets the following criteria: it is located within a lower flood zone; it has the capacity to deliver the proposed floorspace (a figure of +/-10% of the

proposed floorspace was used); it is available; and it is suitable.

- 6.27 A total of 226 sites were included in the Flood Risk Sequential Test, including the car park adjacent to Iceland, Caldew Riverside and Newman School. A number of sites that were assessed lie within Flood Zones 1 and 2 and are, therefore, sequentially preferable to the application site in terms of flood risk. However, all of these sites failed the Flood Risk Sequential Test on other criteria, such as not being located in a sequentially preferable site (in town centre or edge of centre locations) or not having the capacity to deliver a similar scale of development to what is proposed. The proposed development, therefore, passes the Flood Risk Sequential Test.
- 6.28 The proposed use is classified as 'less vulnerable' in national planning guidance and it is not, therefore, necessary to undertake an Exception Test.
- 6.29 A detailed Flood Risk Assessment (FRA) has been submitted with the application and this has identified a residual risk of overtopping of the existing flood defences. A Flood Warning and Evacuation Plan will be required to manage the residual risk posed to both people and vehicles parked on the site. The Sands Centre is elevated above the River Eden and this provides a level of protection to the site. An existing flood defence wall provides further protection.
- 6.30 Additional measures are proposed to further minimise the risk of flooding and to minimise the recovery time following a flood event. The proposed development has been designed to allow water into some parts of the building rather than defending the building from flooding. This approach inevitably means that certain parts of the building would be damaged by flood water but resilient materials would be used to enable easy recovery after a flood event. The one exception is the sports hall sprung timber floor which might need to be replaced after a flood event. This is considered to be a more sustainable approach than defending the building, in order to avoid increasing the severity of flooding elsewhere.
- 6.31 In the absence of hydraulic modelling, a preliminary assessment of the impact of the loss of the floodplain due to the development has been carried out. The analysis has estimated an increase of less than 10mm depth to the defended flood cell which is not considered to be significant.
- 6.32 The elements of the proposal which would be difficult to recover after a flood (e.g. swimming pools, changing rooms) would be raised approximately 450mm above typical ground floor levels. The fitness suite would be located at first floor level which would protect all the gym equipment and audio/visual equipment against potential flooding. Additional resilience measures are proposed to minimise the damage to the building and this includes raising wiring and electrical sockets and the use of robust materials that can be easily cleaned.
- 6.33 The proposal requires the existing flood wall to be moved 1.4m to the west to accommodate the required construction and evacuation of the swimming pool.

- 6.34 The Environment Agency (EA) has been consulted on the application. It has reviewed the FRA and is satisfied that it demonstrates that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.
- 6.35 The EA has confirmed that the site benefits from protection afforded by an EA maintained Flood Defence Asset constructed as part of the Caldew and Carlisle City Flood Alleviation scheme.
- 6.36 The Carlisle Flood Action Group (CFLAG) has objected to the proposed development. A copy of their response is reproduced in the Schedule and a summary is provided within section 4 of this report. It considers that:
- the proposal, which is based on false optimism and an incorrect understanding of flood risk, could make any future flooding worse;
 - the site is, to all intents and purposes, Flood Zone 3b as it is a spit of sand and gravel within the historic functional floodplain of a major river;
 - the Sands Centre was built in the early 1980s and the flood defences were raised across half of the floodplain to justify it - it was wrong then and extending it is wrong now and the Council should be working to correct the original mistake;
 - the increased development at The Sands encourages further protection in a location which needs to be far more permeable than currently to act once again as a major flood relief route to maintain peak flood levels as low as possible;
 - it is not conceivable that there are no other suitable sites within the city that would offer lower flood risks as required by NPPF para 158;
 - if the current Sands Centre were being proposed today a sequential test and exception test would be required. As the development will make the centre larger the NPPF appears to guide at para 162 that an exception test is still a requirement.
- 6.37 In response to the above issues, the site is already occupied by The Sands Centre, which is protected by existing flood defences. A Flood Risk Sequential Assessment has been undertaken and whilst the assessment identified many sites located within a lower zone none of these sites were sequentially preferable in terms of flood risk, location and suitability. There is no requirement to undertake an exception test given the proposed land use. The extension has been designed to allow water into some parts of the building rather than defending the building from flooding, which may have increased the risk of flooding elsewhere in Carlisle. It is anticipated that flood levels would be increased by less than 10mm which would not be significant.
- 6.38 The EA has been sent a copy of CFLAG's objection and has submitted a

response. The EA's advice on the flood risk impacts takes into account relevant local and national planning policy and guidance. Given the nature of the proposed development and the evidence presented in the FRA, there are no policy or technical grounds for the EA to object in relation to flood risk.

- 6.39 The EA notes CFLAG's view that the site should be defined as Flood Zone 3b 'functional floodplain'. The National Planning Practice Guidance states that "areas which would naturally flood, but which are prevented from doing so by existing defences and infrastructure or solid buildings, will not normally be identified as functional floodplain". While CFLAG have raised valid points in relation to the historic development along the River Eden at this location, the EA would not expect this area to be defined as Flood Zone 3b having regard to the definition in national planning policy.
- 6.40 The EA has confirmed that it would retain control over any works to the existing flood defences through the Environmental Permitting Regulations. It has recommended that a scheme for the works to the defences should be conditioned as part of any subsequent approval to ensure the timing and phasing of the works are managed to avoid any increase in flood risk.
- 6.41 In light of the above, the EA is satisfied that the FRA demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

4. Biodiversity

- 6.42 A Preliminary Ecological Appraisal has been submitted with the application to assess the impact of the proposed development on protected species and any valuable habitats.
- 6.43 The Ecological Report identified potential habitat areas including individual trees, amenity grassland, shrubs and the existing building, as well as the adjacent tree belts along the banks of the River Eden. It also identified that some invasive species (*rosa rugosa* and *cotoneaster*) are present on the site and these will need to be removed.
- 6.44 No bats were observed roosting in the buildings planned for demolition and no other protected species were found to be present on the site or within the immediate vicinity.
- 6.45 The proposal would lead to the loss of 29 individual trees and 3 group of trees, with 22 new trees being planted. Whilst there would be a net loss of trees on the site, the area available for replacement planting is limited due to the increased footprint of the building and the need to retain sufficient car parking spaces. The mature trees that lie adjacent to the river, which provide foraging for bats, would be unaffected by the proposal.
- 6.46 Natural England has been consulted on the application. It notes that the proposal is within 20m of the River Eden which is sensitive to air pollution and pollutants and sediment contained in surface water run-off. It considers that without appropriate mitigation the application could have an adverse

effect on the River Eden SSSI/ SAC.

- 6.47 In order to mitigate these adverse effects and make the development acceptable Natural England considers that the following mitigation measures should be secured: the submission of: a Construction Environmental Management Plan incorporating a Dust Management Plan; a Non-native Invasive Species Management Plan; and a Surface Water Drainage Plan; and the flood wall must not be moved closer to the river. Planning conditions have been added to secure these measures.
- 6.48 Natural England has also stated that no development should occur to the north of the flood defence wall which acts as a barrier for riparian species and any potential discharges during demolition and construction. It has also requested the inclusion of wildlife features, including bat bricks and bird boxes, within the proposed extension and these can be secured by condition.
- 6.49 The Council has commissioned an Assessment of Likely Significant Effects (ALSE). This considers that the proposed development is unlikely to have a significant effect alone on the interest features of the River Eden SAC, provided that all of the mitigation measures included in the planning documents and or/ referred to in the ALSE are fully implemented. These include conditions to require the submission of; a Construction Environmental Management Plan; a Non-native Invasive Species Management Plan; a surface water drainage scheme; details of external lighting; and a condition to deal with contamination that was not previously identified.
- 6.50 The ALSE considers that, as the proposed development is considered unlikely to have a significant effect on the River Eden SAC alone, it is not likely to act in combination with other plans/ projects to impact significantly on the River Eden SAC.

5. Highway Matters

- 6.51 The application is accompanied by a Transport Assessment. A total of 231 car parking spaces would be provided, including 15 dedicated spaces for those with disabilities, with 63 car parking spaces being lost as a result of the larger building footprint. These spaces would be supplemented at evenings and weekends by the existing Swifts Bank Car Park.
- 6.52 A parking assessment has been carried out using a worst case scenario of when there is a sell out event at the Sands. This concluded that the majority of demand could be accommodated at the Sands and Swifts Bank Car Parks. Some demand would, however, need to be accommodated in the car parks nearby and these would be able to do so. On non-event days, the Sands and Swifts car parks would be able to accommodate demands from the Sands Centre.
- 6.53 It is acknowledged that a number of car parking spaces would be unavailable during the construction phase. Further parking spaces would,

however, be made available at Swifts Bank Car Park and there are a number of other car parks in close proximity to the Sands. Given that this is only a temporary arrangement, it is considered to be acceptable.

- 6.54 The car park would be accessed via the existing access from Newmarket Road, with access to the west of the building being maintained for emergency vehicles. A coach drop off area would be provided to the front of the entertainment facility. Cycle parking, for 12 bicycles, would be provided adjacent to the main entrance.
- 6.55 A trip generation study has been undertaken and this shows that the proposed development would not have a significant impact on the transport network.
- 6.56 A Travel Plan is proposed at the site to promote sustainable travel modes and to reduce the impact of vehicular traffic generated by the site and this would be secured by condition.
- 6.57 The Local Highways Authority has confirmed that it has no objections to the proposals, subject to the imposition of conditions. It has considered the issues raised within the submitted Transport Assessment and considers that the proposal would not have a material impact on the existing working of the Hardwicke Circus roundabout.
- 6.58 The Transport Assessment states that the site will produce a Travel plan in due course. Whilst the Local Highway Authority would have preferred an application of this importance to have submitted a Travel Plan with the application, it has no objections with this element being conditioned. As the Travel Plan is based on future use of the building, it is acceptable for this to be submitted at a later date.
- 6.59 In light of the above, there are no transport grounds which would prevent the proposed development from being approved.

6. Drainage Matters

- 6.60 The proposed surface water strategy for the redevelopment of the Sands Centre is to attenuate the surface water to 5 l/s for the proposed extension only. The rest of the Sands Centre would drain into the River Eden as existing. The surface water for the extension would be discharged to the existing outfall after attenuation and treatment to improve the quality of the water. This was agreed with the Lead Local Flood Authority (LLFA) in the pre-planning stage and is acceptable; however the applicant needs to provide a technical assessment in line with the SUDs manual for the details of treatment of the surface water and the LLFA is happy for this to be conditioned.
- 6.61 On the proposed surface water sewers drawings, submitted as part of this planning application, the location and connection to the existing outfall into the River Eden has not been determined and a survey is required. It is acceptable in principle at this stage that the surface water shall discharge via

this method but the survey results will be required at a later stage of the planning process to determine their suitability. The applicant will have to consult the Environment Agency for a suitable permit with regards to any work to the outfall into the River Eden. The applicant will also be required to provide an assessment on how the outfall will react during an extreme flood event on the River Eden to ensure the site drainage does not surcharge and cause flooding.

- 6.62 The applicant has provided details of the proposed surface water scheme which will include permeable paving, an attenuation tank and discharge control devices. The principle of this is acceptable subject to the full details of the drainage system being provided, including drawings, hydraulic calculations and supporting information and maintenance plans.
- 6.63 In conclusion, the Lead Local Flood Authority considers the principles of the drainage proposal to be acceptable, subject to the imposition of a number of conditions.

7. Impact On Listed Buildings

- 6.64 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.65 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.66 The walls, railings and piers which are located on the southern, and on part of the western, site boundary are Grade II Listed. Eden Bridge, which lies to the north west of the site is Grade I Listed, with the Turf Public House, which lies to the south east of the site being Grade II Listed. The Creighton Memorial, which lies within the centre of Hardwicke Circus is also Grade II Listed.
- 6.67 Development would lead to a change in the setting of the heritage assets identified above but their setting has already been significantly changed following: the demolition of the cattle market; the widening of Eden Bridge; the development of the Sands Centre; and the development of Hardwicke Circus, the Civic Centre and the DFS retail warehouse.
- 6.68 The footprint of the building would be increased with the front elevation of the new extension being brought forward so that it projects forward of the front elevation of the retained event space. The eaves and ridge heights of the new extension would, however, be lower than retained eastern section of

the building, which would lessen its impact when viewed from outside the site. Furthermore, the proposed design of the extension and range of materials to be used would help to break up the mass of the building, which would be an improvement on the current building. The proposal would also provide the opportunity to enhance the landscaping within the site.

- 6.69 In light of the above, any changes to the setting of the listed buildings/ structures would be minimal and the proposal would preserve or possibly enhance their setting.

8. Impact On Conservation Areas/ Historic Parkland

- 6.70 The application site is located adjacent to the City Centre Conservation Area, the eastern boundary of which adjoins Bridgewater Road and the Stanwix Conservation Area, which incorporates Eden Bridge and Rickerby Park which lies on the opposite side of the River Eden to the Sands Centre. Rickerby Park is registered as historic parkland.

- 6.71 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:

"special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".

- 6.72 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.

- 6.73 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.

- 6.74 In relation to historic parkland, Policy HE4 states that proposals that harm the significance of a designated park and garden or its setting will not be permitted. Proposals should ensure that development does not detract from the enjoyment, layout, design character or appearance of that landscape, cause harm to key views from or towards these landscapes.

- 6.75 The proposed development would lead to a change in the setting of the heritage assets identified above but their setting has already been significantly changed following: the demolition of the cattle market; the widening of Eden Bridge; the development of the Sands Centre; and the development of Hardwicke Circus, the Civic Centre and the DFS retail warehouse.

- 6.76 The Sands building is clearly visible from the City Centre Conservation Area,

which includes Bitts Park and from the Stanwix Conservation Area which includes Eden Bridge and Rickerby Park. Whilst the footprint of the building would be increased, the eaves and ridge heights of the new extension would, however, be lower than retained eastern section of the building, which would lessen its impact when viewed from Bitts Park, Eden Bridge and the southern end of the city centre. Furthermore, the proposed design of the extension and range of materials to be used would help to break up the mass of the building, which would be an improvement on the current building.

- 6.77 The mature trees that lie to the north of the Sands Centre along the River Eden would be retained and these largely screen the building from Rickerby Park. The north elevation of the new extension would be clad in timber which is a softer, more natural material to reflect the parkland to the north.
- 6.78 In light of the above, the changes to views into, and out of, the conservation areas/ historic parkland would be minimal and the proposal would preserve or possibly enhance the setting of the City Centre and Stanwix Conservation Areas and Rickerby Park.

9. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.79 The Sands Centre is adjoined by the Turf Public House and DFS retail warehouse. Neither of these uses would be adversely affected by the proposed development, which would replace the existing leisure facilities on the site with expanded facilities.
- 6.80 The nearest residential properties would be located on Corporation Road and on Stanwix Bank and these would be sufficient distance away to ensure that they are not impacted on by the proposal.

10. Impact on Existing Trees

- 6.81 The application is accompanied by an Arboricultural Impact Assessment and an Arboricultural Method Statement.
- 6.82 The Arboricultural Impact Assessment includes a survey of existing trees within the site boundary. It identified that 91 trees and 3 groups of trees are present within the site. A total of 29 individual trees and 3 groups of trees would be removed. Of these, the 3 groups of trees and 19 individual trees were categorised as low/ moderate. Ten of the trees to be removed are categorised as high quality.
- 6.83 In mitigation for the loss of the existing trees, 22 new trees would be planted within the site. The area available for replacement planting is restricted due to the increased footprint of the development and the need to retain sufficient car parking and access. As such, the proposed level of replacement planting is considered to be acceptable.
- 6.84 The retained trees (62 in total) would be protected during the construction

works by tree protection fencing, that would comply with British standards. The Arboricultural Impact Assessment concludes that British standard protection measures would ensure that there is no significant damage to the retained trees during the demolition and construction works.

11. Archaeology

- 6.85 An Archaeological Desk Based Assessment has been submitted with the application. This notes that, given the depth of made ground (between 4m and 4.5m thick) it is unlikely that a trial trench evaluation would be sufficient to fully ascertain the presence/ absence of archaeological deposits. It is also the case that an archaeological watching brief was conducted in 1983 at the time of construction of the leisure centre and no archaeological interest was recorded.
- 6.86 The Archaeological Desk Based Assessment recommends a watching brief as mitigation during the construction phase. This would be limited to the footprint of the new leisure centre, in order to ascertain the presence/ absence of archaeological deposits and record any that are present.
- 6.87 The County Archaeologist has been consulted on the application. He notes that the archaeological desk-based assessment submitted by the applicant indicates that the site lies in an area of some archaeological potential. It formed part of an island in the centre of the River Eden and is located close to the site of the Roman, medieval and 17th century bridges that crossed the river. Roman coins and pottery have previously been found at the Sands Centre. It is, therefore, considered that there is the potential for buried archaeological remains to survive on the site and that these would be disturbed by the construction of the proposed development.
- 6.88 The County Archaeologist has, therefore, recommended that, in the event planning consent is granted, an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development. A condition has been added to cover this issue.

12. Security Issues

- 6.89 The Police Crime Prevention Design Advisor has been consulted on the application. He has recommended a number of measures that should be considered to reduce the risk of crime. These include: preventing vehicles from getting close to the building; maximising natural surveillance; provision of security lighting; use of alarms; separation of public and private spaces within the building; and the provision of secure cash handling facilities. A number of these issues are already covered in the current scheme and the applicant has confirmed that all of the other measures will be considered within the operation of the building.

13. Ground Contamination

- 6.90 A Geo-Environmental Desk Study has been submitted with the application. The study assesses the ground conditions with respect to the nature and

extent of contamination and potential associated risks to people and the environment. Three potential sources of contamination (made ground; ground gases; off-site uses) were identified in the study, with the main contaminant source being associated with the made ground.

- 6.91 The main risks were identified as being the inhalation of asbestos during construction and the potential accumulation of ground gasses in hazardous concentrations. These risks can be reduced to low risk by good construction practice and mitigation measures such as capping layers and gas impermeable membrane. Other potential risks associated with contamination were classed as low or very low.
- 6.92 The Council's Environmental Health Department has been consulted on the application. The Ground Gas Assessment, detailed within the Geoenvironmental Interpretive Report, was undertaken over a very short space of time (i.e. between 3rd July and 7th August 2018 only). It would usually be pertinent to carry out ground gas monitoring for a longer time frame. However, elevated carbon dioxide concentrations were identified and as such officers in Environmental Health would concur with the findings of this report that gas protection measures will be required in accordance with BS8485:2015. This and other recommendations given in the Geoenvironmental Interpretive Report should be followed in order to mitigate the identified risks. Conditions should be put in place in relation to submission and implementation of a remediation scheme and reporting of unexpected contamination:

14. Public Rights of Way

- 6.93 The Public Rights of Way Officer has been consulted on the application. He has confirmed that several public rights of way circle the Sands Centre buildings. The public footpaths must not be altered or obstructed before or after the development has been complete. If the paths are to be temporarily obstructed then a Temporary Closure will be required. An informative has been added to cover this issue.

Conclusion/ Reasons for Recommendation

- 6.94 Leisure facilities are classed as a main town centre use and in accordance with both national and local planning policy, the applicant has undertaken a Sequential Assessment to establish if there are any alternative sites available within the city centre (which is sequentially preferable) that could deliver the proposed leisure development. A total of 226 sites were included in the Sequential Assessment, which concluded that there are no sites that are considered to be sequentially preferable in terms of location, suitability, availability and viability that could deliver a similar scale of development to the proposal. The Sands Centre, which is located in an edge of centre location with good pedestrian links to the city centre and has an established use as a leisure use, is considered to be the most suitable and viable site for the proposed development.
- 6.95 Due to the site being located within Flood Zone 3 (benefiting from existing

flood defences), the applicant has undertaken a Flood Risk Sequential Test, which seeks to identify any alternative site that is available and suitable to accommodate the proposed development and is located within a lower flood zone. A total of 226 sites were included in the Flood Risk Sequential Test. Whilst a number of sites that were assessed lie within Flood Zones 1 and 2 and are, therefore, sequentially preferable to the application site in terms of flood risk all of these sites failed the Flood Risk Sequential Test on other criteria, such as not being located in a sequentially preferable site (in town centre or edge of centre locations) or not having the capacity to deliver a similar scale of development to what is proposed.

- 6.96 A detailed Flood Risk Assessment (FRA) has been submitted with the application. Measures are proposed to minimise the risk of flooding and to minimise the recovery time following a flood event. A preliminary assessment of the impact of the loss of the floodplain due to the development has been carried out and this has estimated an increase of less than 10mm depth to the defended flood cell which is not considered to be significant. The Environment Agency (EA) has been consulted on the application. It has reviewed the FRA and is satisfied that it demonstrates that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.
- 6.97 The scale and design of the building would be acceptable. A combination of different materials and finishes would be used externally that complement each other and provide an interesting appearance to the proposed building.
- 6.98 Without appropriate mitigation the application could have an adverse effect on the River Eden SSSI/ SAC and planning conditions have been added to ensure that appropriate mitigation is secured.
- 6.99 The proposed access and parking provision are acceptable to the Local Highway Authority and the Lead Local Flood Authority considers that the principles of the drainage proposal are acceptable, subject to the imposition of a number of conditions. Any changes to the setting of the adjacent listed buildings/ structures and views into, and out of, the adjacent conservation areas/ historic parkland would be minimal and the proposal would preserve or possibly enhance their setting. The proposal (subject to the imposition of conditions) would not have an adverse impact on the occupiers of any neighbouring properties, on existing trees, or on archaeology.
- 6.100 In all aspects, the proposal is compliant with the relevant national and local planning policies. The proposed development would not have significant impacts and through the use of appropriate planning conditions any impacts can be adequately mitigated. The application is therefore recommended for approval.

7. Planning History

- 7.1 There is an extensive planning history relating to the use of the site as a leisure centre/ entertainment venue.

- 7.2 In November 2010, planning permission was granted for proposed extension and refurbishment including demolition of existing gymnasium, to provide new public swimming pool, sports hall, gymnasium and educational facility with new hard and soft landscaping, revised car park layout and relocation of main vehicle access (10/0631).
- 7.3 In March 2012, planning permission was granted for the installation of a 30kw solar photovoltaic panel system on the roof (12/0106).
- 7.4 In August 2013, advertisement consent was granted for the display of 1no. internally illuminated LED sign (13/0419).

8. Recommendation: Grant Permission

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 3rd September 2018;
2. the Site Location Plan (drawing ref 17024-GT3-00-XX-DR-A-08-9000-S2-P02) received 4th September 2018;
3. the Site Plan - Demolition (drawing ref 17024-GT3-00-XX-DR-A-08-9003-S2-P02) received 4th September 2018;
4. the Existing Site Plan (drawing ref 17024-GT3-00-XX-DR-A-08-9001-S2-P02) received 4th September 2018;
5. the Existing Ground Floor Plan (drawing ref 17024-GT3-00-GF-DR-A-08-0000-S2-P01) received 3rd September 2018;
6. the Existing First Floor Plan (drawing ref 17024-GT3-00-01-DR-A-08-1000-S2-P01) received 3rd September 2018;
7. the Existing Roof Plan (drawing ref 17024-GT3-00-RF-DR-A-08-2000-S2-P01) received 3rd September 2018;
8. the Existing Sections 1 (drawing ref 17024-GT3-00-ZZ-DR-A-08-0015-S2-P01) received 3rd September 2018;
9. the Existing Sections 2 (drawing ref 17024-GT3-00-ZZ-DR-A-08-0016-S2-P01) received 3rd September 2018;

10. the Existing Site Sections 1 (drawing ref 17024-GT3-00-ZZ-DR-A-08-9000-S2-P01) received 3rd September 2018;
11. the Existing North and East Elevations 1 (drawing ref 17024-GT3-00-ZZ-DR-A-08-0000-S2-P01) received 3rd September 2018;
12. the Existing South and West Elevations 2 (drawing ref 17024-GT3-00-ZZ-DR-A-08-0001-S2-P01) received 3rd September 2018;
13. the Proposed Site Plan (drawing ref 17024-GT3-00-XX-DR-A-08-9002-S2-P02) received 4th September 2018;
14. the Proposed Ground Floor Plan (drawing ref 17024-GT3-00-GF-DR-A-08-0001-S2-P01) received 3rd September 2018;
15. the Proposed First Floor Plan Level 01 (drawing ref 17024-GT3-00-01-DR-A-08-1001-S2-P01) received 3rd September 2018;
16. the Proposed Roof Plan (drawing ref 17024-GT3-00-RF-DR-A-08-2001-S2-P01) received 3rd September 2018;
17. the Proposed Sections 1 (drawing ref 17024-GT3-00-ZZ-DR-A-08-0018-S2-P01) received 3rd September 2018;
18. the Proposed Sections 2 (drawing ref 17024-GT3-00-ZZ-DR-A-08-0019-S2-P01) received 3rd September 2018;
19. the Proposed Site Sections 1 (drawing ref 17024-GT3-00-ZZ-DR-A-08-9005-S2-P01) received 3rd September 2018;
20. the Detailed Strip Section, Sports Block (drawing ref 17024-GT3-00-ZZ-DR-A-08-0051-S2-P01) received 3rd September 2018;
21. the Detailed Strip Section, Core Block (drawing ref 17024-GT3-00-ZZ-DR-A-08-0061-S2-P01) received 3rd September 2018;
22. the Detailed Strip Section, Pool Block (drawing ref 17024-GT3-00-ZZ-DR-A-08-0071-S2-P01) received 3rd September 2018;
23. the Detailed Strip Section, Street 01 (drawing ref 17024-GT3-00-ZZ-DR-A-08-0081-S2-P01) received 3rd September 2018;
24. the Proposed Elevations (drawing ref 17024-GT3-00-XX-DR-A-21-0001-P01) received 3rd September 2018;
25. the Proposed North & East Elevations 1 (drawing ref 17024-GT3-00-ZZ-DR-A-08-0005-S2-P01) received 3rd September 2018;
26. the Proposed South & West Elevations 2 (drawing ref 17024-GT3-00-ZZ-DR-A-08-0007-S2-P01) received 3rd September 2018;
27. the Topographical Survey (drawing ref P10357/amr/1) received 3rd

- September 2018;
28. the Proposed Landscaping Site Plan (drawing ref GT1385-OOB-SI-ZZ-DR-L-0001) received 3rd September 2018;
 29. the Proposed Landscaping Site Plan (drawing ref GT1385-OOB-SI-ZZ-DR-L-0002) received 3rd September 2018;
 30. the Proposed Surface Water Drainage Layouts (drawing ref 800100-36-DRA-SW-GA-002-P0-03 Rev 03) received 3rd September 2018;
 31. the Proposed Surface Water Drainage Layouts (drawing ref 800100-36-DRA-SW-GA-002-P1-03 Rev 03) received 3rd September 2018;
 32. the Proposed Surface Water Drainage Layouts (drawing ref 800100-36-DRA-SW-GA-002-P2-03 Rev 03) received 3rd September 2018;
 33. the Proposed Surface Water Drainage Layouts (drawing ref 800100-36-DRA-SW-GA-002-P3-03 Rev 03) received 3rd September 2018;
 36. the Proposed Surface Water Drainage Layouts (drawing ref 800100-36-DRA-SW-GA-002-P4-03 Rev 03) received 3rd September 2018;
 37. the Proposed Foul Water Drainage Layout (drawing ref 800100-36-DRA-FW-GA-003-03 Rev 03) received 3rd September 2018;
 38. the External Lighting Proposed Strategy (drawing ref 0040400) received 3rd September 2018;
 39. the Air Quality Assessment (ref 2361-2r2) received 3rd September 2018;
 40. the Arboricultural Impact Assessment (Rev C) received 5th October 2018;
 41. the Arboricultural Impact Assessment - Existing Trees Shown on Existing Layout (drawing ref AIAEXI) received 3rd September 2018;
 42. the Arboricultural Method Statement (Rev B) received 5th October 2018;
 43. the Arboricultural Method Statement - Existing Trees Shown on Existing Layout (drawing ref AMSEXI) received 3rd September 2018;
 44. the Archaeological Desk-Based Assessment (ref JAC24748/SP) received 3rd September 2018;
 45. the Design and Access Statement and Sustainability Statement (ref 17024) received 3rd September 2018;
 46. the Preliminary Ecological Appraisal (Aug. 2018 rev A) received 3rd September 2018;
 47. the Environmental Noise Survey (ref PC-17-0201-RP1) received 3rd September 2018;
 48. the Flood Risk Assessment (ref 0040400 Rev 02) received 3rd September 2018;
 49. the Phase 1 Geo-Environmental Desk Study (ref 0040400 Ref 00) received 3rd September 2018;
 50. the Geotechnical Interpretative Report (ref 0040400 Ref 00) received 5th October 2018;
 51. the Ground Investigation Interpretative Report (June 2010) (LLP - E0058/SR/GIINT/Issue 2) received 3rd September 2018;

52. the Heritage Assessment (ref EA/AT/2018.020/Rpt01) received 3rd September 2018;
53. the Lighting Assessment (ref 2361-1r2) received 3rd September 2018;
54. the Planning Statement including the Main Town Centre Use Sequential Assessment and Flood Risk Sequential Assessment (ref DPA/U0006200) received 3rd September 2018;
55. the Statement of Community Engagement (August 2018) received 3rd September 2018;
56. the Surface Water Drainage Strategy (ref 040325 Rev 00) received 3rd September 2018;
57. the Transport Assessment and Framework Travel Plan (ref 0040400 Rev 01) received 3rd September 2018;
58. the Operational Action Plan (ref OPs-OP32) received 10th October 2018;
59. the Foul Water Strategy (ref 040325 Rev 00) received 3rd September 2018;
60. the Notice of Decision; and
61. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to their first use on site, samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with these details.

Reason: To ensure that appropriate materials are used in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. Prior to first occupation, details of the proposed hard and soft landscape works shall be submitted for approval in writing by the Local Planning Authority. This works shall be carried out as approved in the first planting season following occupation of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. For the duration of the construction works, tree protection fencing shall be erected and retained in accordance with the details contained in the Arboricultural Method Statement Tree Protection Plan (Dwg No. AMSTPP Rev B, received 5th October 2018). 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 trees and hedges during development works, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

6. No development (excluding demolition and site clearance) shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

7. Prior to the commencement of development, the applicant shall submit a Construction Environmental Management Plan (CEMP) for approval in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the details contained within the CEMP.

Reason: In order to protect the River Eden SAC, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. Prior to the commencement of development (excluding demolition and site clearance) a method statement for the removal of non-native invasive species shall be submitted to approval in writing by the LPA.

Reason: To ensure the removal of non-native invasive species on the site, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

9. No clearance of vegetation 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 features of recognised nature conservation importance, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

10. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

11. Prior to the commencement of development (excluding site setup and/or demolition), a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing

by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated August 2018 proposing surface water discharging to the River Eden.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

12. No development (excluding demolition and site clearance) shall commence until a construction surface water management plan has been agreed in writing with the local planning authority. The development shall then be undertaken in strict accordance with agreed construction surface water management plan.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems

13. No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of the proposed development, is submitted to and approved by the Local Planning Authority. The statement shall be prepared in accordance with United Utilities' Standard Conditions for Works Adjacent to Pipelines (reference 90048 - July 2015) in order to outline the potential impacts from all construction activities on infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure. The development shall be undertaken in accordance with the approved RAMS.

Reason: To ensure a satisfactory form of development and to afford appropriate protection measures for the public sewer which crosses the site.

14. Unless otherwise agreed in writing with the local planning authority, no development approved by this permission shall take place until a scheme for the removal and relocation of any part of the existing flood defence wall as identified in section 4.1.1.11 of the approved FRA by Burohappold Engineering (reference 0040400 Revision 02; dated 31 August 2018) has been submitted to, and approved in writing by, the local planning authority.

The approved scheme shall include details of the timing / phasing arrangements and it shall be fully implemented in accordance with these, or within any other period as may subsequently be agreed, in writing, with the local planning authority.

Reason: To ensure an acceptable scheme of works to the flood defence is identified and the phasing of works is such that there will be no increase in flood risk to the site or surrounding area.

15. Prior to the first use of the development, the parking arrangements hereby approved shall have been constructed in accordance with the approved plan and retained thereafter. The spaces shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5 & LD7.

16. Ramps shall be provided to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval prior to their construction. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

17. Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;

Reason: To ensure the construction phase does not have an adverse impact on the area and to support Local Transport Plan Policies LD5 & LD7.

18. Within 6 months of the development (or any part thereof) opening for business, 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 to visit the development to sustainable transport modes. The measures identified in the Travel Plan

shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval on an annual basis for three years, commencing from one year following the development opening for business.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS1& LD4.

19. No development (excluding site setup and/or demolition) shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

20. Prior to their installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that an external lighting does not have an adverse impact on the River Eden SAC in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

21. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 offsite receptors.

22. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation (excluding site set up and demolition), 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

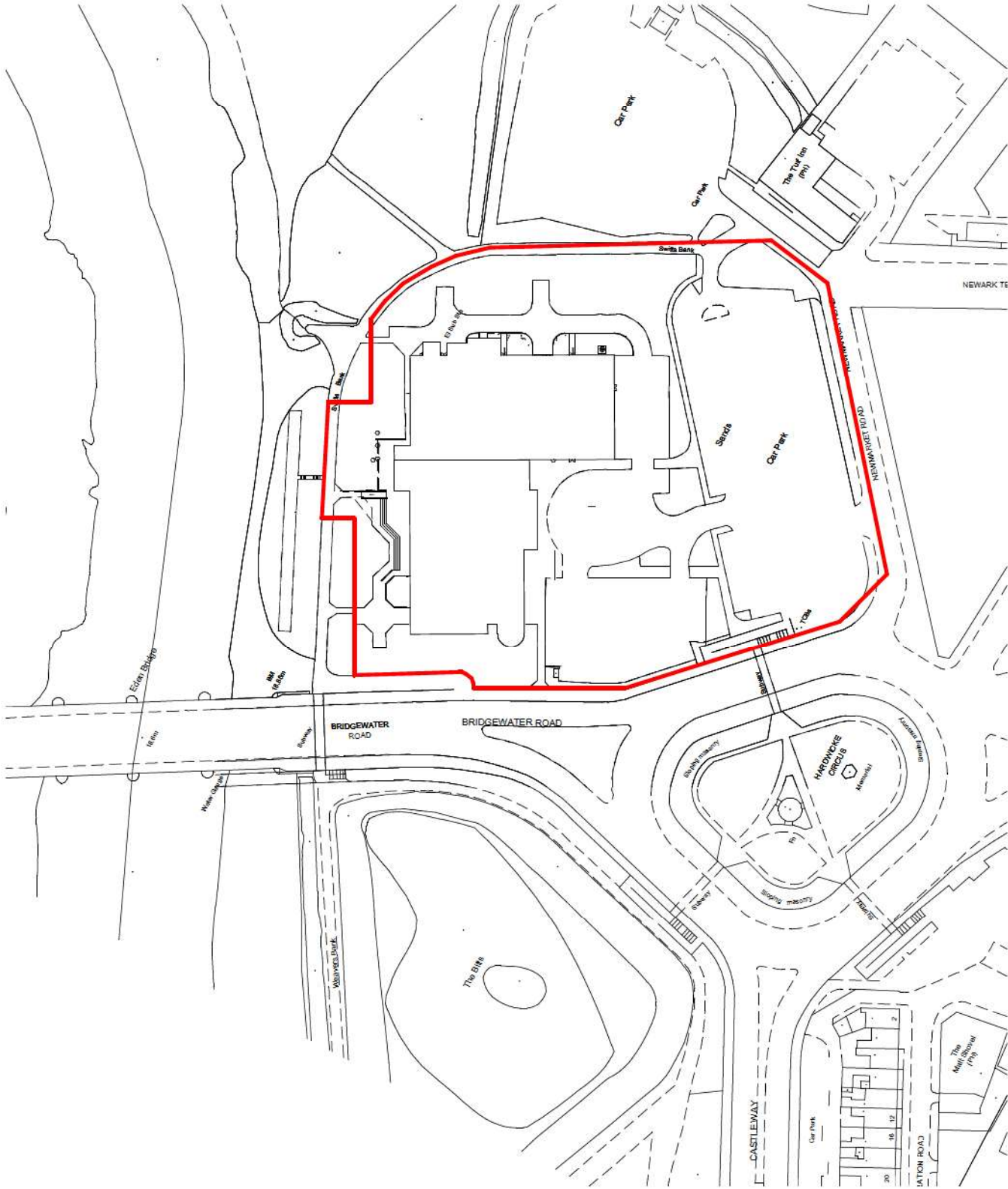
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

23. 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 must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

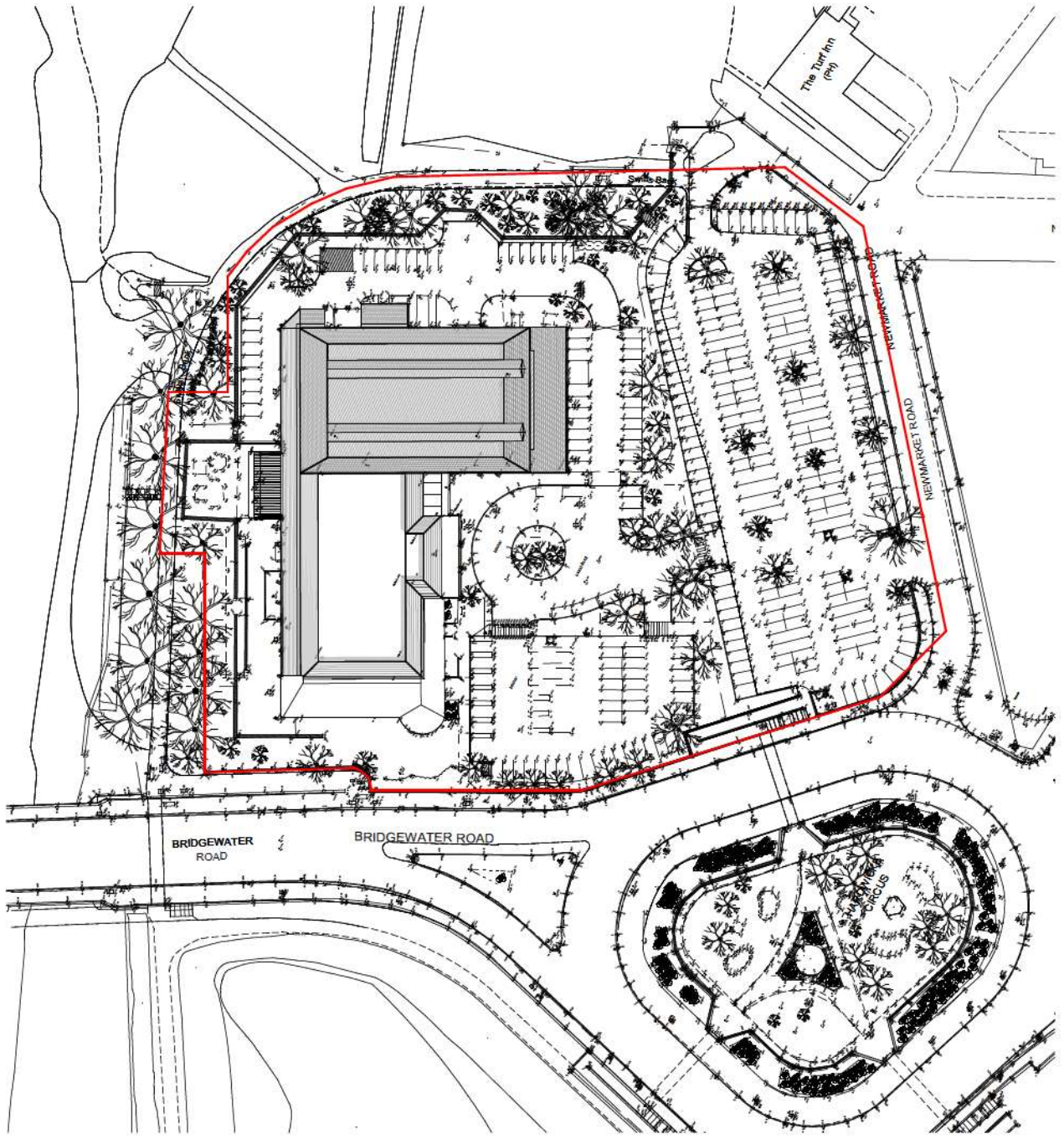
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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 offsite receptors.



Site Location Plan

Scale:- 1 : 1250



Site Plan - Existing
Scale: 1:500



NOTES

- 1. All dimensions are in meters.
- 2. All dimensions are to the centerline of the road.
- 3. All dimensions are to the centerline of the road.
- 4. All dimensions are to the centerline of the road.
- 5. All dimensions are to the centerline of the road.

Item	Quantity	Unit	Value	Notes
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GT3

1. All dimensions are in meters.

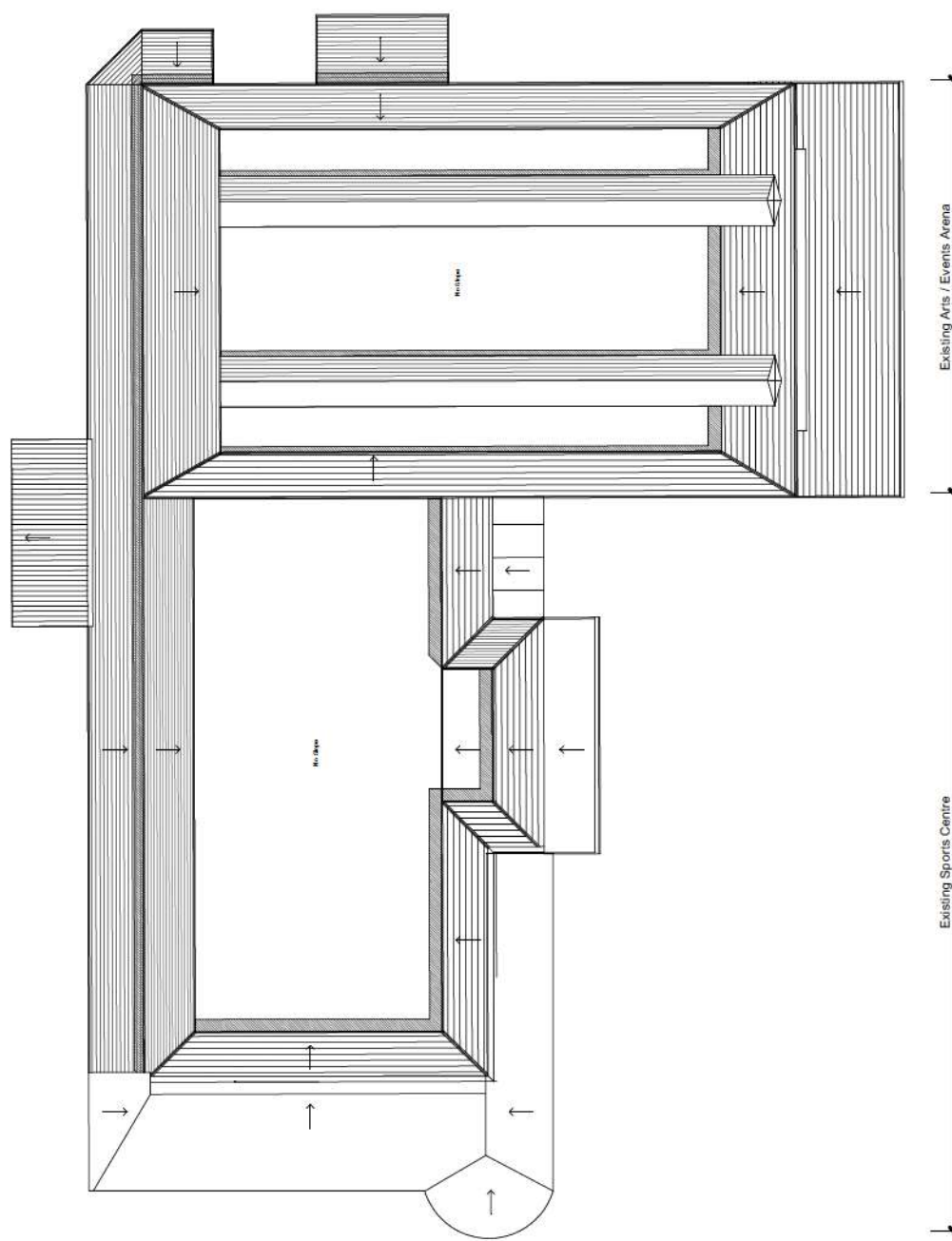
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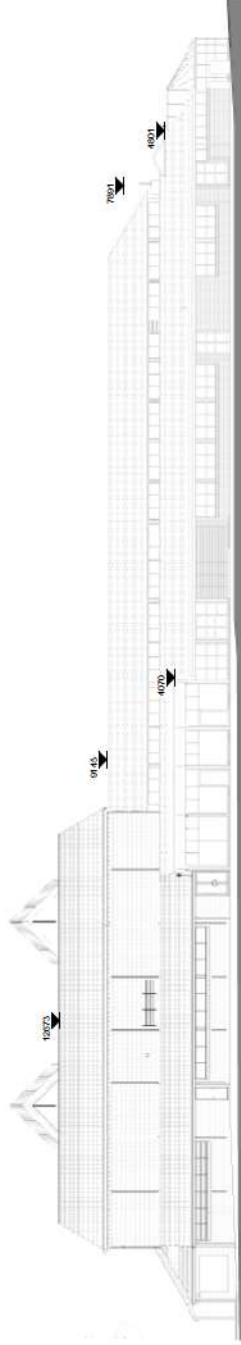




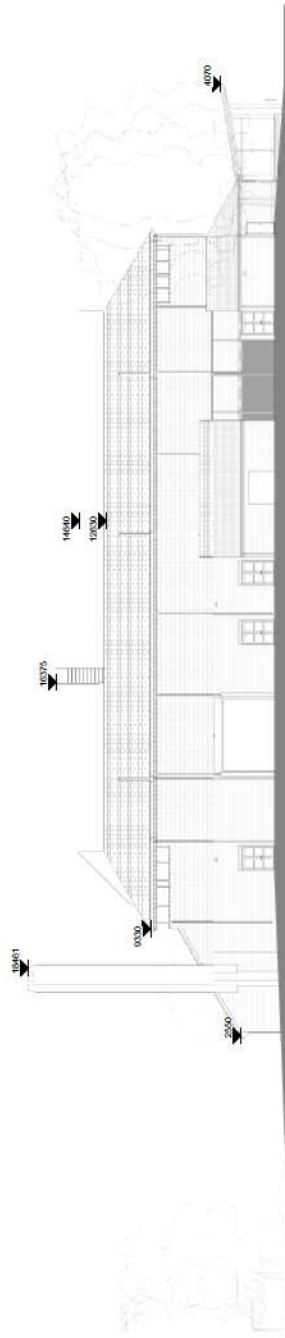
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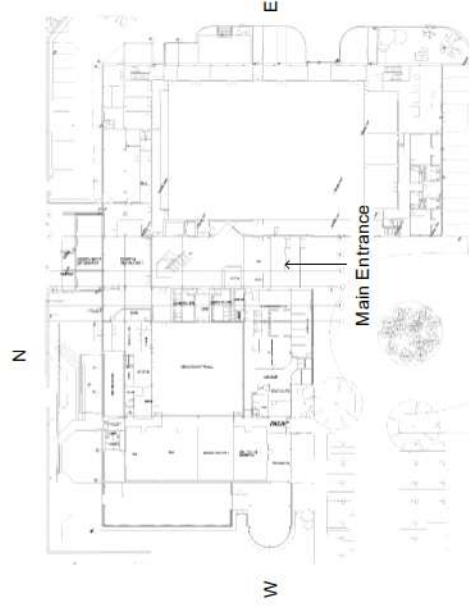
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North Elevation - Existing.
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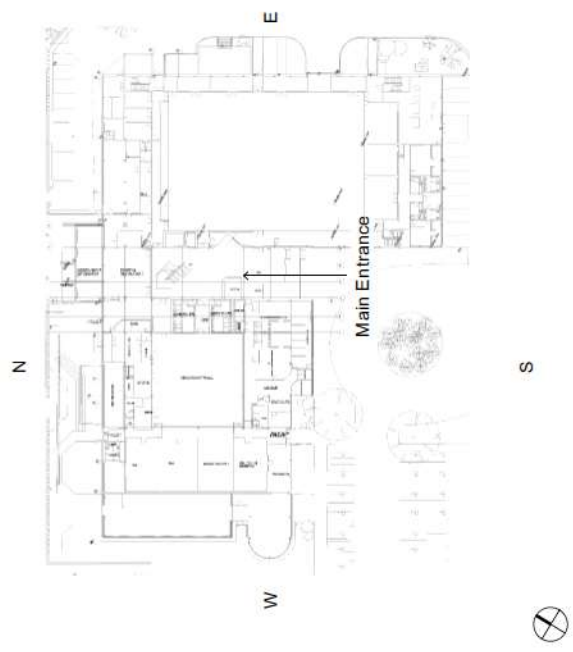
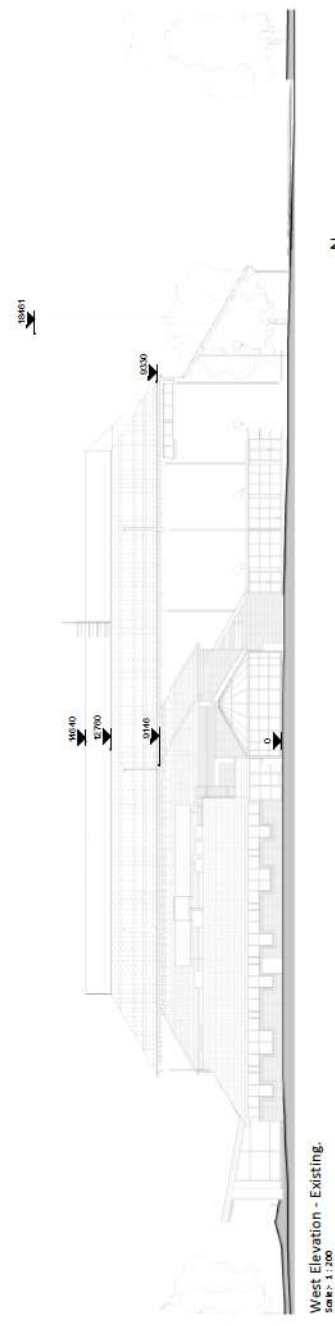
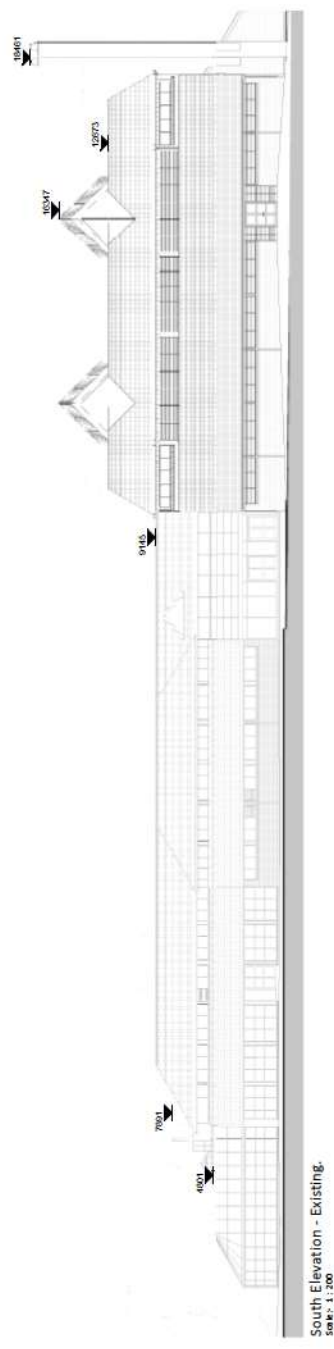


East Elevation - Existing.
Scale: 1/200



Key Plan - Existing
Scale: 1 : 300

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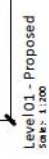
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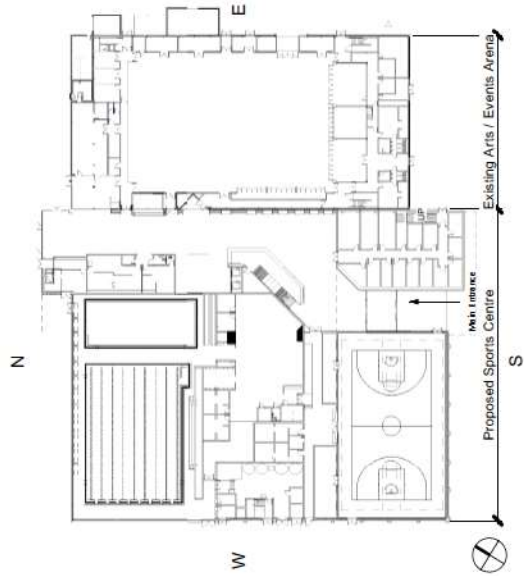
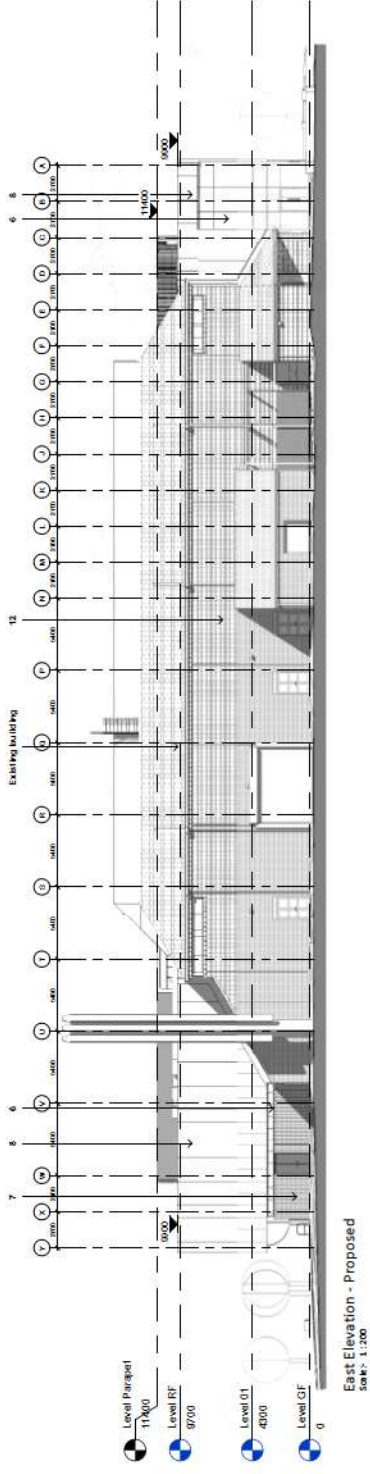
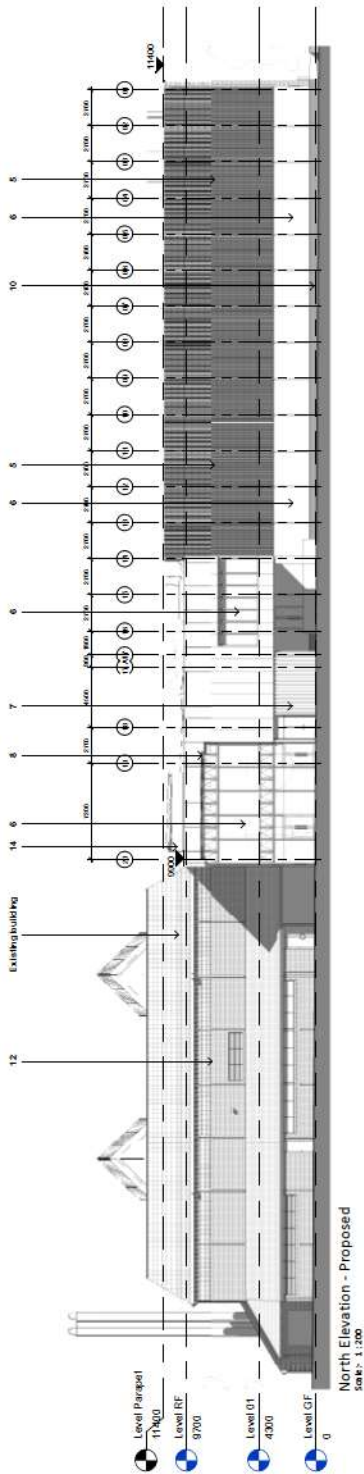
Proposed Sports Centre

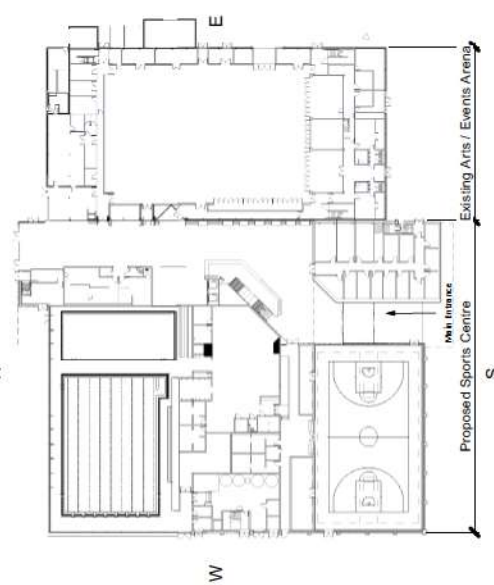
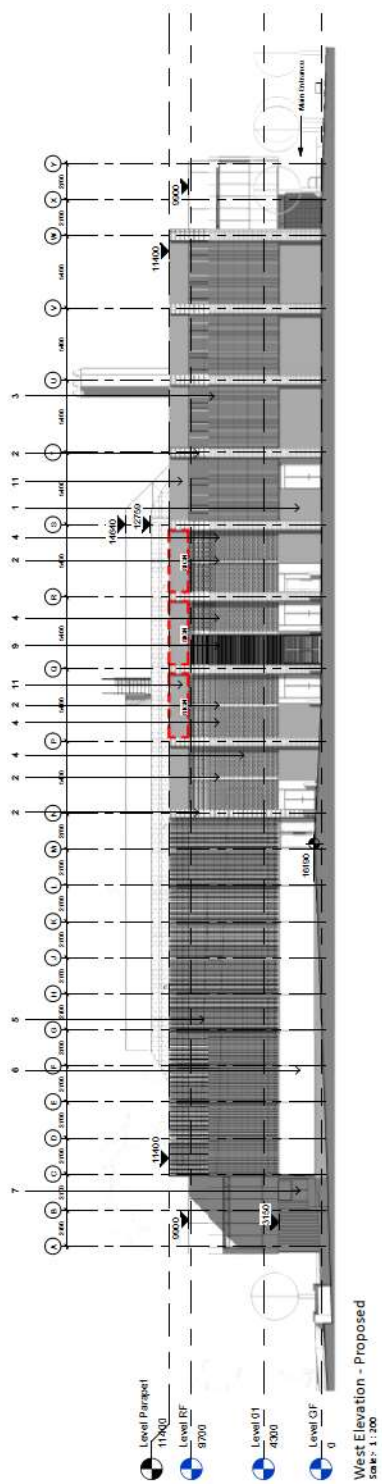
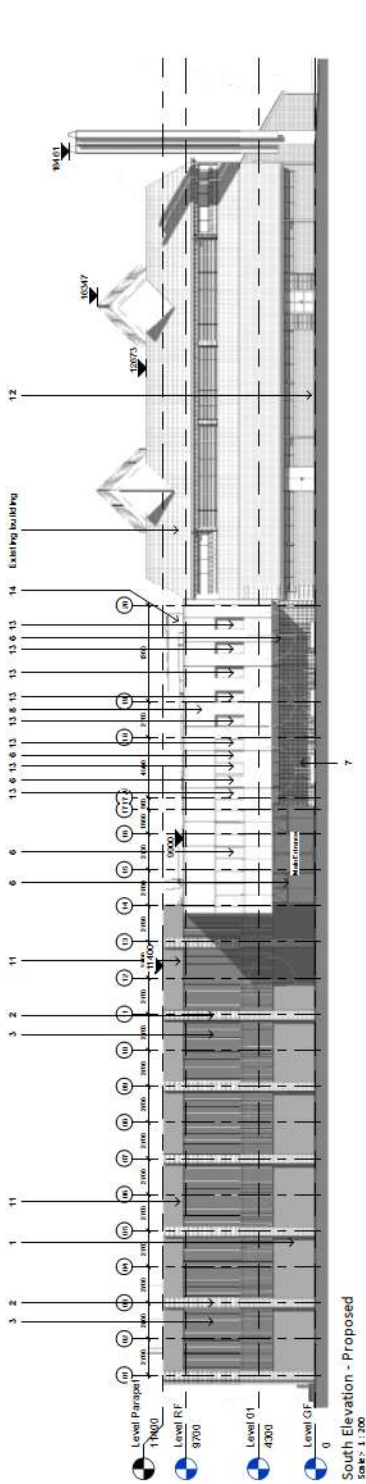
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Paul H. Jones (1981) Journal of the American Statistical Association 76(368): 100-110	The effect of time on the value of life (1981) 1:1-10
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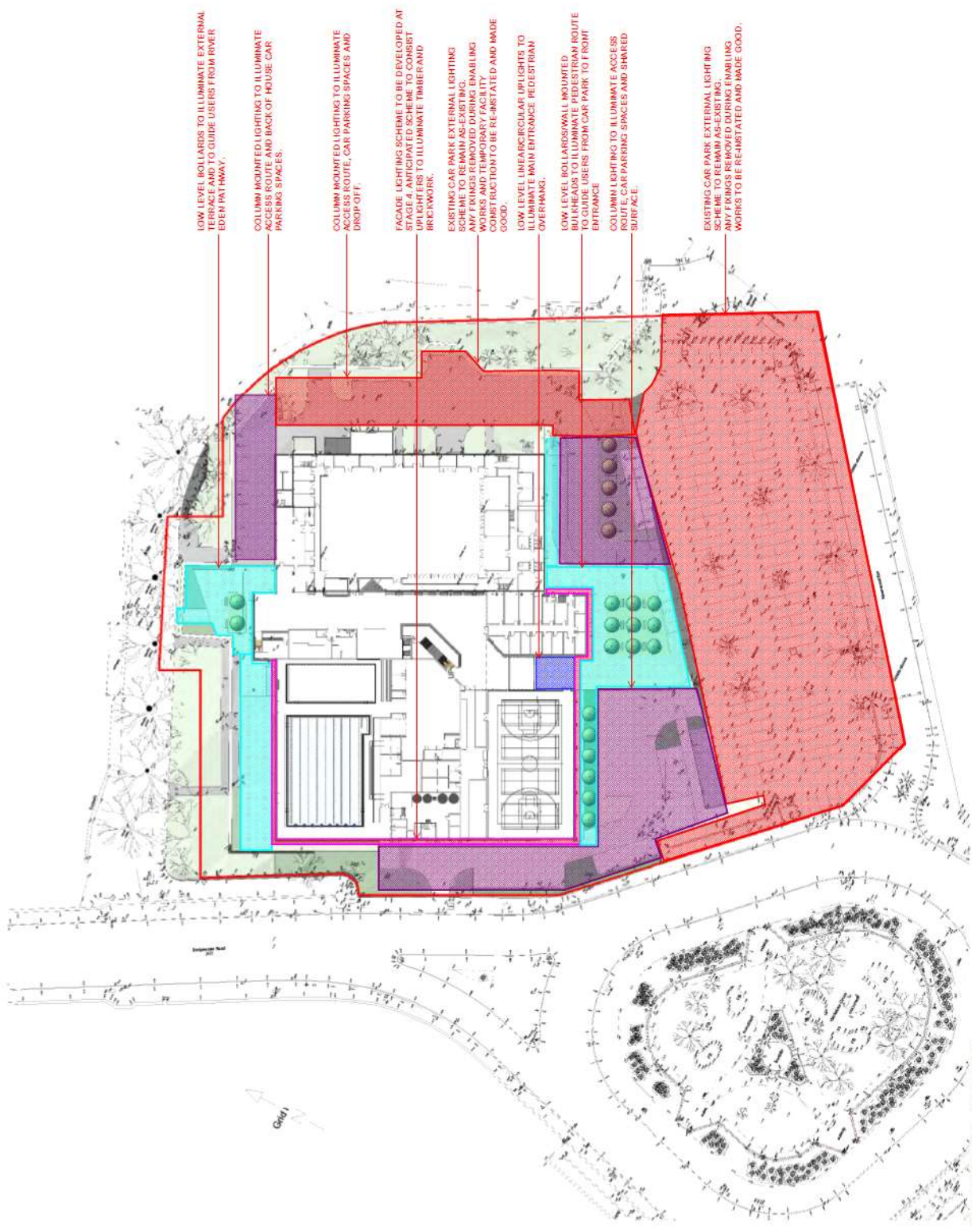
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2. 100mm concrete base
3. Coloured tile
4. Horizontal brickwork finish
5. Interior tile
6. Concrete walling
7. 100mm brickwork finish
8. Metal roof / cladding
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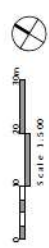


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Proposed Site Plan - Dependent 1
Scale 1:500



BURO HAPPOLD ENGINEERING	
MEP	
Job Title: SANDS LEISURE CENTRE	
Job Number: 0040400	
Sketch Title/Number: EXTERNAL LIGHTING PROPOSED STRATEGY FOR INFORMATION	
Date: 15/08/2018	Initials: SC



CARLISLE FLOOD ACTION GROUP

Representations to challenge the Flood Risk Assessment submitted
for
Carlisle City Council by BuroHappold
in support of the Proposal to expand The Sands Leisure Development
Planning Application Ref. 18/0805

1.0 Introduction

- 1.1 Carlisle Flood Action Group (CFLAG) was formed in January 2016 following the extensive flooding caused by Storm Desmond on 5th/6th December 2015. The Group's purpose is to find out how the flooding occurred, particularly in the context of a £38m spend to mitigate river flooding following the similar disaster in 2005 and to establish what should be done to prevent future occurrences.
- 1.2 Members of the Group executive have met extensively with representatives of the Environment Agency (EA), Lead Local Flood Authority (Cumbria County Council) and are aligned with similar groups across the county particularly through the Cumbria River Authorities Governance Group (CRAGG). Members have attended Westminster and given evidence to the EFRA Select Committee and presented at the EA's annual Flood and Coast Conference in Telford. In addition the Group have a representation on the Cumbria Strategic Flood Partnership (CSFP) board conceived by Rory Stewart when Floods Minister and also on the Eden Catchment Management Group. Whilst the members of CFLAG would readily acknowledge their individual education and experience may not be formed from careers in hydrology or river management, non-the-less the experience gained over nearly 3 years of investigation, particularly of local conditions, is now extensive and should be accorded appropriate weight.
- 1.3 The CFLAG have been instrumental in promoting the concept of Flood Risk Management (FRM) being a catchment wide undertaking which is now the EA's preferred means of deploying FRM rather than individual projects at problem points. This concept is not easily considered within the planning system. The National Planning Policy Framework (NPPF) focuses upon development sites and published local Strategic Flood Risk Assessments (SFRA's) produced by Local Planning Authorities (LPA's). Such documents tend to be narrow and immediate locality focussed and not cognisant of whole catchment planning, particularly issues of river timings and confluence management elsewhere.

- 1.4 We express no particular view or opinion in regard to the need or location of the sport and recreation offer to Carlisle residents except where this is perceived as impacting upon conditions that could make any future flooding worse. Such matters are of grave concern to the Group as this has a close bearing upon those areas already flooded badly in 2005 (1600 properties) and 2015 (2,200 properties) and also the delicate infrastructure that exists in any large settlement developed around a main river.
- 1.5 Our representatives have had meetings involving the Council Leader, Colin Glover, Deputy Chief Executive, Darren Crossley, Director of Economic Development, Jane Meek and presented on two occasions to the City Environment Scrutiny Panel. These meetings have been used to express the reasons for our concerns. They have been largely held in private in a spirit of help and assistance to the Council to ensure they do not commit to a serious mistake in regard to this proposal. The decision to progress with the project was narrow and, we feel based upon false optimism and an incorrect understanding in respect of the flood risk supplied by the EA.
- 1.6 The optimism and data referred to in 1.5 is reflected in the Flood Risk Assessment (FRA) submitted with this application and we are obliged to contest this document in respect of its conclusions and give substance as to the reasons why.
- 1.7 We must also comment that an FRA does not seem the appropriate place to espouse value judgements as to the purpose of the development (FRA P7). A development's purpose and the benefits offered are irrelevant if the proposal would flood or cause more serious flooding elsewhere.

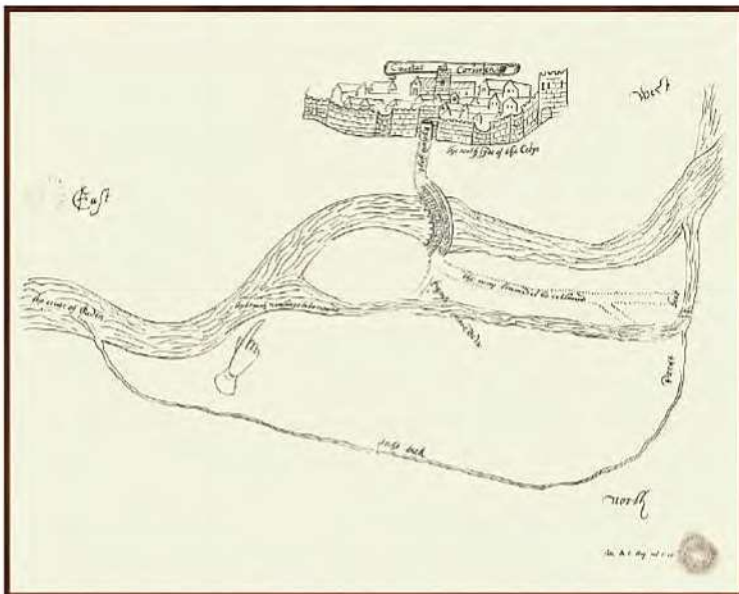
2.0 Summary

- 2.1 Whilst the classification of the Sands Centre as “less vulnerable” can be accepted its stated location within flood zone 3a has to be qualified as a ‘technicality’. The site is, to all intents and purposes, flood zone 3b as it is a spit of sand and gravel within the historic functional floodplain of a major river and as such cannot be within the intent of NPPF paragraph 155 or, consequently, local policy CC4. The current development occurred in the early 1980’s and the flood defences raised across half of the floodplain to justify it. It was wrong then and extending it is wrong now. The Council should be working to correct the original mistake.
- 2.2 The EA’s assessment of the throttle point of the bridge and the modelling data quoted is either still in flux or now aged so reliance within the FRA should be suspect. We question the EA advice in support of the FRA and submit that the NPPF para 156 also directs that the views of CFLAG are also material. CFLAG contests the EA’s position when it states ...“we are satisfied that... the proposed development will not... exacerbate flood risk elsewhere”. To our knowledge the EA have not made such an analysis other than the questionable modelling and so the FRA does neither which is a very significant omission.
- 2.3 Historical information and local knowledge have not been adequately researched leading to flaws in the FRA conclusion of site acceptability for development. The major bi-furcation of 1571 has significance at this site but is not referred to.
- 2.4 The importance of the Eden Bridge to the river conveyance and the consequential issues upstream due to the “throttle” point/damming effect have not been considered – too much reliance on old secondary pre-Desmond data is made. The risk based approach advocated in paras 157 & 163 of the NPPF has not been fully met.
- 2.5 The removal of a second Eden Bridge to the south of the site is not considered but this has had a significant impact upon river conveyance as this infrastructure was designed to act as a flood relief channel now lost due to damaging subsequent development.
- 2.6 The increased development at The Sands encourages further protection in a location which needs to be far more permeable than currently to act once again as a major flood relief route to maintain peak flood levels as low as possible. The proposal is in contravention of NPPF para 157b as the land should be safeguarded for flood management.
- 2.7 There has been insufficient consultation of all sources with knowledge of Carlisle Flooding to the extent that the conclusions and views of the FRA cannot be regarded as balanced or representative.

- 2.8 The SFRA pre-dates the Desmond flood which itself relies upon questionable old EA modelling. It is now out of date and the FRA should have been based upon more up to date information rather than leaning so heavily on the pre-disaster SFRA. The SFRA is also not actually fully “strategic” as it makes little connection with the context of whole catchment management and basic river timings and as such does not align with current EA and FRM thinking.
- 2.9 Eden flooding to the extent in the Desmond Flood is replicated over the centuries (11 events since 1770), which suggests a frequency of 1 in 25 years (4%) on average so references to 1 in 100 (1%) underestimates likely exposure at this site. Nevertheless a 25 year period is sufficient time for flooding to fade in “living memory” and decision makers need to be thorough and vigilant if the lessons of history are not to be repeatedly re-learned and lamented.
- 2.10 Development at the sands can only be conceived if a major flood bypass channel of sufficient scale is incorporated in mitigation to keep the Eden peak level within acceptable tolerance.
- 2.11 It is not conceivable that there are no other suitable sites within the city that would offer lower flood risks as required by NPPF para 158.
- 2.12 If the current Sands Centre were being proposed today a sequential test and exception test would be required. As the development will make the centre larger the NPPF appears to guide at para 162 that an exception test is still a requirement in the light of the information provided within this representation.

3.0 Compliance within the National Planning Policy Framework (NPPF)

- 3.1 The FRA makes fundamental errors in its assessment of compliance with Planning Practice Guidance to the NPPF.
- 3.2 We would agree that the development type is “less vulnerable” in regard to NPPF Table 2, Flood Risks Vulnerability classification (Appendix E to FRA). However, we cannot agree that the site is flood zone 3a (high probability) as it is historically zone 3b (functional floodplain). From reading of the FRA we can see no analysis that has been designed to establish what flood zone the site sits within. Table 3 – 4 on page 18 suggests that the EA Flood Zone Maps has been the only source in the reaching of this conclusion. It is fair to say that the EA has yet to revise its flood zone mapping following “Desmond” and confirm that CFLAG would oppose any continuance of this classification in any update. It is our position that flood zone classifications should not be features amended by the erection of flood defences where these defences are inappropriately placed historically or for the support of an individual development the erection of which will cause flooding or increased flooding elsewhere.
- 3.3 Our argument is simple. A major river in its mature condition such as the Eden at Carlisle shortly before its outfall to the Solway shows characteristics of extreme meanders. The area within which a mature river can meander is, and has to be, flood zone 3b as any flooding out of channel will extend to use both banks of the floodplain. A mature river in extreme flood can bifurcate, i.e. change the position of its main channel it follows that any land between a bifurcated ‘ox bow’ lake and the new channel will be flood zone 3b. Engineered defences around The Sands Centre obstructs half the floodplain – technically zone 3a due to defences but in real terms zone 3b.
- 3.4 The Eden at Carlisle is highly prone to flooding as it drains 2,500 sq. km. from Mallerstang Common to the south gathering high volumes of storm rainfall from the West Pennines and the North Lakes. It is prone to bifurcation which it did dramatically in 1571 see Figure 1.



- 3.5 The Eden prior to this took a course close to the foot of Carlisle Castle's northern defence wall – part of the reason for its original siting in 1092. The bifurcation to form the 'Priests Beck' to the north where it currently flows was a gradual process necessitating a new bridge to the north. The route north to Stanwix from Rickergate was, therefore, over the old multi 6 arch bridge onto The Sands and then beyond over the Priest Becks bridge. So The Sands was simply a spit of sand and gravel between the old course and the new course functional floodplain, flood zone 3b. see Figure 2.



Figure 2 Bridges 1601 – 1815 – The Sands is an island in the foreground

- 3.6 Further evidence that The Sands is “in the river” is found in drawings of Sir Robert Smirke’s “new” bridge designed over the North Channel in 1812 to replace the Priest Becks Bridge (figures 3 and 4). This 5 arch bridge is the downstream proportion of the current A7 bridge (shown on the consultant’s model as 3 arches only). What many do not appreciate is that Smirke was aware that the road north passed, not just over a river channel, but the whole floodplain from the mediaeval city wall to the Stanwix embankment. The road had to cross the old channel which it did with a second 5 arch bridge, part of the same design, which stretched from the Magistrate Courts to the north side of Hardwicke Circus. This bridge kept the road north to even gradient but also, crucially acted as a river relief channel to the south of The Sands when the Eden was in flood.



Figure 3 1832 engraving of the two Smirke bridges from Stanwix



Figure 4 View of the cattle Market on The Sands on a painting by W H Nutter showing the 2nd Smirke bridge & infilled south channel

- 3.7 The bifurcation was a windfall for landowners to the city. The Duke of Devonshire made claim to the land 'gifted' by the river but so did the Carlisle Corporation. This area, "The Sands", became known as the 'disputed lands' in the mid to late 19th Century which was only resolved in the House of Lords. See figure 5.



Figure 5 The disputed windfall lands on the 1880 Arthur map

Carlisle Corporation appears to have won the day and promptly annexed the land for public development which it did via its various iterations and continued to do so up to and including the current planning application namely:

- Sands Centre
- Corporation Road
- Malt Shovel – (rented state management public house)
- Magistrates Court
- Fire Station
- Police Station
- Civic Centre
- And partial inner relief road works of Hardwick Circus

It is CFLAG's firm view that the risk of flooding in Carlisle has been raised significantly by the removal of the southern bridge and the infilling of the ox bow and the above zone 3b developments. Numerous floodings of the above properties attest to a serious lack of wisdom and foresight.

- 3.8 With considerations of historical knowledge and an understanding of mature river action it is clear that the site should not be deemed flood zone 3a as it can only be so technically because of engineering works principally following the development of the leisure centre – prior to that the area was utilitarian and used as a cattle market and not in need of defence from the river and remained so until 1982. Changing flood zone 3b to 3a by engineering should not be possible in critical situations such as this – the area concerned, even when engineered, remains what the river dictates as its chosen path and preferred characteristics – we cannot and should not fight the will of a major river in flood, only mitigate for it.

- 3.9 The site is, therefore, flood zone 3b and incompatible for even a less vulnerable use (see Table 3-2 in the FRA). Accordingly, an Exception Test would be prudent and whilst the LPA are technically correct they are ill advised to direct the Council consultants to consider otherwise. Since 1982 the raised defences have never held on extreme Eden flood and we do not see it being capable of doing so in the future with prospect of greater and more intense rainfall. The current application should be refused until an Exception Test is undertaken. It seems very unlikely that The Sands site would pass such a test.
- 3.10 The City Council Strategic Flood Risk Assessment (SFRA) of November 2011 by engineers Atkins relies heavily on EA guidance. CFLAG is aware from current ongoing dialogue with the EA Flood Risk Team and their consultants, Jacobs, that such data and modelling is not yet sound enough to make definitive decisions for development within the floodplain. Atkins were the engineers that designed the 1 in 200 year defences post 2005 yet less than 10 years later the disaster repeated – as a city we do not wish to experience further false confidence and Atkins do not appear to have been the City's best servant.
- 3.11 Moving on to current modelling consultants CH2m earlier in the year made a bold statement within our meeting discussions that if they 'turned off' the A7 Eden Bridge from their model of the Desmond Flood at its peak the change in peak level would be minimal i.e. no more than 200mm. This has confounded the residents who were on the bridge at the time and also senior engineers who have seen the aerial photographs of the event (see figures 6 & 7) and are categorical that there was a significant differential between upstream and downstream sides often suggested to be estimated at 2 – 3m. for a model to be that wrong urgently suggests serious re-calibration is required – we are waiting for current EA consultants, Jacobs, to evaluate their model and align its predictions with eye-witness evidence.



Figure 6 Upstream view from north bank – eye witnesses maintain there is a 2m – 3m differential to the downstream side not 200mm as contended by the EA modelling



Figure 7 Upstream from the Sands. Note quiet water upstream and angry water downstream.

The bridge is clearly acting as a dam restricting conveyance

4.0 Why is Eden Bridge Relevant?

- 4.1 The effect of the bridge on the Eden in flood is critical as is the timing of the rivers, particularly with the Petteril and its confluence with the Eden upstream.
- 4.2 Most of the properties that flooded on 5 December 2015 were in the Warwick Road area of the city. We know that rainfall at Blencathra gathered by the River Petteril, arrives in Carlisle at its peak well before the Eden peak after a storm has started as it follows its 20 mile course. We know also, in broad terms, that the Eden peak level will occur some 12 hours after the Petteril peak as it has 81 miles to travel before the maxim peak level is reached. Ideally, therefore, if the Petteril is unimpeded along its way, particularly at the Botcherby Bridge the Eden Bridge will accommodate the Petteril peak which will be lowering when the Eden is still rising. It is our firm view that the low conveyance efficiency of the Botcherby Bridge slowed the flows such that the defences were outflanked at Melbourne Park. 2 million cu.m. of water missed the river system or were crucially delayed in re-joining the rivers such that the damming effect of the Eden Bridge became more significant. It follows that any development within the floodplain, particularly upstream, as The Sands, will have the effect of slowing conveyance flows through the Eden Bridge which has a knock on effect to block off the River Petteril when it is still at a higher peak level and increase flood risk to the Warwick Road area.
- 4.3 This application should be refused upon the grounds that it is likely to increase flooding elsewhere – as advised by paragraph 155 of the NPPF 2018 –

155 ...Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

NPPF, para 155

5.0 Historical Context

- 5.1 The FRA is light on historical analysis of flooding at the site (FRA para 4.1.1.2). Even reference in the SFRA is less than comprehensive (SFRA Table 3-2 p.14). The latter misses out the major events of 1794, 1809, 1815 and 1925 (see Appendix 1 to CFLAG report "Storm Desmond 12 months on" annexed to the Section 19 investigation report). To take one example, 1815, we know from contemporary accounts that flooding reached the Three Crowns Hotel on Rickergate. From mapping we know where the Three Crowns hotel stood.



**Figure 8 Overpainted photograph of Rickergate 1903, Drovers lane at bend
On the right. Red lines denote flood extent to kerbs**



Figure 9 Same view - 9 January 2005



Figure 10 Same view - 6 December 2015

All the views in figures 8 – 10 are taken from the same position with the entrance to Drovers Lane to the right, middle distance. Given that raised defences in 1815 were far less than are evident in the more recent events it is logical to surmise that the conveyance volume would be much better accommodated within the floodplain in 1815. This being the case contemporary containment, had it been evident in 1815, would have raised peak levels such that it would be on a par or even exceeded the Desmond peak.

- 5.2 This illustrates our view that flooding across the floodplain i.e. over the historic north and south channels is regular and nothing new. It is only City expansion and development since 1880 that has caused the expense and misery of recent events. No one should be developing within the Eden floodplain – least of all the Local Authority who should be setting a strong lead by example particularly as it should have learnt from earlier mistakes by its predecessor public corporations.
- 5.3 The decades following 1880 saw considerable spates of infilling to the southern bank and then raised defending of the City against flooding post WWII. This has not been a requirement for anything other than to justify development on the floodplain. Those involved in flood risk management know that raised defences are an action of last resort because when they fail they can fail catastrophically with considerable damage to property, risk to life and physical and mental wellbeing. This is a trend the people of the city are looking to flood risk management authorities (FRMs) to counter and re-engineer the city to be a safe place to live and work. This proposal is yet another step in the wrong direction exacerbating poor historical decision making.

- 5.4 The FRA sketch section at 4-23 on page 46 gives an indication of the CFLAG concern. The Eden Channel is shown to the left. The area to the south of the site is annotated 'made ground' and alluvium. This, in fact, will be found to be mostly historical tipping and infilling on the river sands and gravels that formed the old river bed prior to bifurcation. Of course flooding, seepage and wet ground are potential issues the proposal is effectively located within the river.

6.0 Base Line & Consultation

- 6.1 The baseline taken for fluvial flooding, namely the SFRA (2011) and EA flood zone map are both old documents that pre-date the Desmond Flood and should only be referenced with great caution.
- 6.2 The modelling of flood events is not yet an exact science. Recent discussions with the EA in regard to how much the Eden Bridge restricts the conveyance of the Eden is a case in point. The modelling nowhere near correlates to visual evidence which is a point of great concern. The importance of the bridge and adjacent development up to Rickergate to create a dangerous throttle point has been either not realised, overlooked, or simply ignored.
- 6.3 The SFRA has not yet been updated since the disaster caused by storm Desmond. The SFRA uses earlier modelling to that currently available to the EA and is a poor baseline from which to found an FRA in this flood sensitive location.
- 6.4 The site is technically categorised as flood zone 3a when it should be 3b – raised defences do not change what the river wants to do. A spit of sand in the middle of a functional floodplain should never be 3a. It should be plain to the FRA consultants that what they see as a "flood cell", flood water gathering following a breach of defences is largely the river re-occupying what elements remain of the historic ox bow lake, former river course, that it can.
- 6.5 The EA modelling includes LiDAR data. CFLAG understands that this is run on a 2m grid but this grid is too open and data catchment can be missed. On page 32 of the FRA the SFRA is quoted in respect of embankment defence simulation. In the same fashion as the discrepancy between modelling simulation with the Eden Bridge "switched off" on the model compared with eye witness reports (figures 6 & 7). This suggests such reliance on data, particularly that prior to Desmond, should not be relied upon.
- 6.6 CFLAG note the consultations and responses within the FRA appendices. Most of the main points have been covered elsewhere but of interest is that Appendix I covers the EA and Cumbria Strategic Flood Partnership "Cumbria Flood Risk Scheme". This document clearly identified John Kelsall and Richard Milne as community contacts for the CSFP Board, both CFLAG members. It is disappointing, therefore, to record here that no contact from the FRA authors has been received whereupon much of these observations could have been relayed prior to application via an open dialogue.

- 6.7 Similarly CFLAG have had assurances from the Council Leader and Deputy Chief Executive that it would be consulted throughout the process. It is similarly disappointing to record that this undertaking has not been followed through into this planning phase, emphasis was put that no final decision had been made. The Council prefers its own counsel and has closed its ears to the very valid issues that the group raise, however, the planning process is a legal process and even though the LPA is part of the applicant organisation it is duty bound to uphold National and Local Planning Policy.

7.0 Future Flood Defences

- 7.1 Reference is made in the FRA to the CSFP and for its lead in coordinating and monitoring the management of flooding. As active members of the CSFP we can advise that the "preferred" option projects to improve defences is an EA led action. Many within the CSFP, the CFLAG included, consider these projects too small and insufficient to adequately address the main issues of assisting river confluence timings or vastly improving conveyancy through bridges. The City is significantly hampered by floodplain infill and inappropriate development and will continue at risk until conveyancy opportunities that were available in the 1815 – 1880 period are reintroduced. This is a bitter pill for Carlisle City Council as it is the Council and its forbearers who have largely been responsible for these ill-considered developments. The current application simply replicates the mistakes that have gone before but also serves to focus public attention upon decisions that can only be short termist – the Council needs to take a lead and embark upon a floodplain development policy within its Local Plan that re-defines what should be river and where can be safely developed. Figure 11 shows the CFLAG view of where the southern bank of the Eden can be reasonably defended and where the defences have been poorly sited just to protect inappropriate development.



Figure 11 CFLAG view of defensible southern bank with the two Smirke bridges superimposed



Chair
CFLAG

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