

SCHEDULE B

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## SCHEDULE B: Applications Determined by Other Authorities

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**Item No: 07**

Between 07/07/2018 and 10/08/2018

**Appn Ref No:**

18/9003

**Applicant:**

Cumbria County Council

**Parish:**

Carlisle

**Date of Receipt:**

24/04/2018

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Currock

**Location:**

Land to rear of The Courts, Bush Brow, Carlisle,  
CA3 8NA

**Grid Reference:**

340150 555619

**Proposal:** Change Of Use To A Surface Level Car Park And Erection Of Ancillary  
Infrastructure

**Amendment:**

### REPORT

**Case Officer:** Christopher Hardman

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 18/05/2018

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 12/07/2018

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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## **The Town and Country Planning Act 1990**

### **Notice of Planning Permission**

To: Cumbria County Council  
Parkhouse Building  
Kingmoor Park  
Carlisle  
CA6 4SJ

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 20 April 2018.

**viz: Change of Use of to a surface level car park and erection of ancillary infrastructure**

**Land to rear of The Courts, Bush Brow, Carlisle, CA3 8NA**

Subject to due compliance with the following conditions:

#### **Time Limit for Implementation of Permission**

1. The development and use hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

#### **Temporary Time Limit for Use**

2. The public car-parking use hereby permitted shall be for a temporary period only, expiring on 11 July 2023 by which time the use shall have ceased.

*Reason: To ensure the development does not prejudice the realisation of the comprehensive rejuvenation of the Citadel Redevelopment Opportunity Area in line with Policy SP4 of the [Carlisle District Local Plan 2015-2030](#) (CDLP) which was adopted on 8 November 2016.*

*Because the scheme design does not meet the high standards required for proposals adjacent to a Grade I listed buildings, and as such, the degree of harm resulting would not be acceptable upon a permanent basis.*

#### **Approved Scheme**

3. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
  - a. Design and Access Statement – Rev.1 – dated April 2018;
  - b. Design and Access Statement Addendum – Materials, Signage, Lighting and Machinery;
  - c. Planning Statement - dated April 2018;

- d. Lighting Statement - dated April 2018;
- e. Transport Statement - Rev.02 – dated 9 May 2018;
- f. Plans named and numbered:
  - i) Location Plan - CRD-CAP-GEN-99-DR-Z-0001-Rev. P03;
  - ii) Proposed Car Park Layout (and Typical Section) - CRD-CAP-GEN-99-DR-C-0001-Rev.P05
  - iii) Proposed Drainage Strategy - CRD-CAP-HDG-99-DR-C-0001-Rev.P05;
  - iv) General Management - CRD-CAP-HGN-99-DR-C-0003-Rev.P05;
  - v) Proposed Car Park Lighting - CRD-CAP-HLG-99-DR-C-0001-Rev.P03;
- g. The details or schemes approved in accordance with the conditions attached to this permission.

*Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

## **PRE-COMMENCEMENT OF DEVELOPMENT CONDITIONS**

### **Structural Assessment and Report on the Retaining Walls**

4. No development shall take place until a structural survey of the retaining walls has been undertaken by an appropriately qualified civil engineer and a report on this submitted to and approved in writing by the County planning authority.

The development shall be carried out in accordance with any recommendations provided within the approved report.

*Reason: To demonstrate that the retaining wall is structurally sound so as ensure the stability and safe use of the land in line with Paragraph 109 of the National Planning Policy Framework and Policy CM5 of the CDLP.*

### **Upper Level Paving Setts and Flags Survey and Surfacing Scheme**

5. No development shall take place until a detailed survey assessing the condition of the paving setts and flags on the upper level has been undertaken and its results and a scheme for the surfacing of this area have been submitted to and approved in writing by the County planning authority. The survey shall include a plan, photographs and a written assessment of the various areas of paving/surfacing. The surfacing scheme for the upper level shall seek to retain and repair/restore areas of paved setts as far as is reasonably practical.

The upper-level of the site shall thereafter be surfaced in accordance with the approved scheme.

*Reason: So as to seek to preserve elements of surfacing that contribute to the character and appearance of the conservation area and the setting of listed buildings in accordance with policies HE3 and HE7 of the CDLP.*

### **Detailed Drainage Scheme**

6. No development shall take place until a detailed drainage scheme that is in line with the Proposed Drainage Strategy (*Drawing No. CRD-CAP-HDG-99-DR-C-0001-Rev.P05*) has been submitted to and approved in writing by the County planning authority. The scheme shall:

- a) provide full engineering details of the site's proposed drainage including detailed plans of drainage arrangements;
- b) explain how the design prevents any adverse impact upon any potential

- assets of archaeological interest or listed heritage assets;
- c) explain the measures to prevent surface water from discharging from the site onto Bush Brow;
- d) demonstrate that the drainage scheme will not increase flood risk outside the development boundary;
- e) explain how it meets the requirements of the Sustainable drainage systems: non-statutory technical standards (March 2015);
- f) provide detail of how the drainage scheme shall be maintained and managed after completion.

The development shall be carried out in accordance with the approved scheme.

The site shall not come into use until the drainage scheme has been constructed in accordance with the approved details and is operational. The development shall be completed, maintained and managed in accordance with the approved details thereafter.

*Reasons: To providing additional storage and pre-treatment of surface water so as to decrease surface water flood risk in the area and improve the quality of water discharging from the site in accordance with Policy CC5 of the CDLP. To ensure the surface water system continues to function as designed.*

*To ensure that new drainage infrastructure provided on site does not have an adverse impact upon heritage assets in line with policies HE2, HE3 and HE7 of the CDLP.*

#### **Access Road Specification**

7. No development shall take place until a detailed specification for the internal access road has been submitted to and approved by the County Planning Authority.

The access road shall thereafter be constructed in accordance with the approved specification.

*Reason: In the interests of highway safety.*

#### **Detailed Electrical Servicing Scheme**

8. No development shall take place until a detailed electrical servicing scheme has been submitted to and approved in writing by the County planning authority. The scheme shall provide full details of the route and depth of all electrical cabling on site and demonstrate that it shall not adversely impact upon any potential assets of archaeological interest, listed heritage assets or the character or appearance of the conservation area.

The development shall be carried out in accordance with the approved scheme.

*Reasons: To ensure that electrical servicing of site infrastructure does not have an adverse impact upon heritage assets in line with policies HE2, HE3 and HE7 of the CDLP.*

### **Construction Vehicle Accommodation During Construction**

9. No development shall take place until a plan or plans showing adequate land reserved for the parking, unloading and manoeuvring of vehicles engaged in construction operations on the site (i.e. clear of the highway) has been submitted to and approved in writing by the County planning authority.

Once approved the reserved land shall be kept available for their specified use as specified in the approved submission until completion of the construction works.

*Reasons: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.*

### **Construction Traffic Management Plan**

10. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the County planning authority. The CTMP shall include details of:
- a) pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - b) cleaning of site entrances and the adjacent public highway;
  - c) The measures and the required frequency of treatment to ensure the site entrances and the adjacent public highway are kept clean and free from any debris and materials which could be deposited or tracked by vehicles exiting the site;
  - d) the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - e) construction vehicle routing;
  - f) the management of junctions to and crossings of the public highway and other footways;
  - g) surface water management details during the construction phase.

Construction works shall be carried out in accordance with the approved CTMP.

*Reasons: The carrying out of this development without the provision of the CPTM during the construction work is likely to lead to inconvenience and danger to road users.*

### **DETAILS REQUIRED TO BE AGREED PRIOR TO THEIR PROVISION**

#### **Stairway Details**

11. No stairway shall be installed on site between the two levels until details of the proposed design and materials of the stairway have been submitted to and approved in writing by the County planning authority.

The stairway shall thereafter be provided in accordance with the approved details prior to the commencement of the use of the site as a public car park.

*Reason: To ensure the lighting units are appropriate and sympathetic to the Conservation Area and setting of the nearby listed buildings in line with policies HE3 and HE7 of the CDLP.*

### **Details of Lighting Units**

12. No lighting shall be installed on site until details of the proposed design of all lighting units have been submitted to and approved in writing by the County planning authority.

The lighting shall thereafter be provided in accordance with the approved details prior to the commencement of the use of the site as a public car park.

*Reason: To ensure the lighting units are appropriate and sympathetic to the Conservation Area and setting of the nearby listed buildings in line with policies HE3 and HE7 of the CDLP.*

### **Details of Vehicle Restraints**

13. No Vehicle Restraints shall be installed on site until details of their proposed design have been submitted to and approved in writing by the County planning authority.

They shall thereafter be provided in accordance with the approved details prior to the commencement of the use of the site as a public car park.

*Reason: In the interests of the character and appearance of the Conservation Area.*

### **Details of Parking Meters and Electric Vehicle Charging Units**

14. No Parking Meters or Electric Vehicle Charging Units shall be installed on site until details of their proposed design have been submitted to and approved in writing by the County planning authority.

They shall thereafter be provided in accordance with the approved details prior to the commencement of the use of the site as a public car park.

*Reason: In the interests of the character and appearance of the Conservation Area.*

### **Details of Raised Kerb Islands**

15. No raised kerb islands shall be constructed until details of their proposed design/surfacing have been submitted to and approved in writing by the County planning authority.

They shall thereafter be provided in accordance with the approved details.

*Reason: In the interests of the character and appearance of the Conservation Area.*

## **CONSTRUCTION PHASE**

### **Construction Sequence – Construction Vehicle Accommodation**

16. The approved access and parking/turning requirements for construction traffic shall be substantially met before any other development work commences on site so that constructional traffic can park and turn clear of the highway.

*Reasons: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.*

### **Hours of Construction Operations**

17. Construction operations shall only take place except between the hours of 08.00am and 18.00pm Monday to Saturday (excluding Bank and Public Holidays). No construction operations shall be carried out on Sundays or public and/or bank holidays.

*Reason: In order to protect local amenity.*

### **Encounters with Unsuspected Contamination**

18. In the event that contamination is found on site during the construction phase it must be reported in writing within three working days to the County Planning Authority and any further construction works shall cease until such time as an investigation and risk assessment has been carried out. If the investigation and risk assessment identifies contamination a remediation scheme shall be prepared and submitted to and approved in writing by the County Planning Authority. The approved remediation shall thereafter be carried out in full.

*Reason: To ensure that site workers are not exposed to the unacceptable risks from contamination during construction.*

### **PRE-COMMENCEMENT OF USE CONDITIONS**

#### **External Finish to the Retaining Walls**

19. No use of the site for public car-parking shall take place until details of the proposed external finish to the concrete retaining walls shown on the Proposed Car Park Layout Plan (*Drawing No. CRD-CAP-GEN-99-DR-C-0001-Rev.P05*) have been submitted to and approved in writing by the County planning authority.

The external finish approved shall be applied either within three months of the date of their written approval or prior to the commencement of the use, whichever is the latest.

*Reason: To soften the appearance of the concrete retaining walls in the interests of the character and appearance of the Conservation Area and visual amenity and in accordance with policy HE7 of the CDLP.*

#### **Minimum Level of Surfacing to Enable Use**

20. No use of the site for public car-parking shall take place until the access road has been constructed of a bound material for an extent of at least 15m inside the site as measured from the highway boundary in accordance with the approved access road specification.

*Reason: In the interests of highway safety.*

### **OPERATIONAL REQUIREMENTS / RESTRICTIONS**

#### **Access/Egress**

21. Vehicular access to and egress from the site shall only take place in line with the one-way system described within the application and shown on the plan named and numbered '*Proposed Car Park Layout - CRD-CAP-GEN-99-DR-C-0001-Rev.P05*' unless otherwise agreed by the County Planning Authority.

*Reason: In the interests of highway safety.*

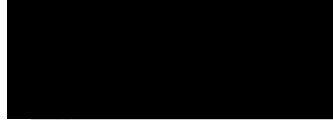


## Access Gates

22. Access gates shall be hung and or maintained to open inwards only – i.e. away from Bush Brow.

*Reason: In the interests of highway safety.*

Dated 12 July 2018



Signed: Angela Jones  
Assistant Director of Economy & Environment  
on behalf of Cumbria County Council.

## NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
- The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display?applicationNumber=1/18/9003>
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.

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## APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
3. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.