

AGENDA

Development Control Committee

Friday, 23 November 2018 AT 10:00

In the Council Chamber, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of previous meetings

5 - 22

To note that Council, at its meeting of 6 November 2018, received and adopted the minutes of the Development Control Committee held on 22 August 2018 (site visits meeting) and 24 August 2018. The minutes will be signed by the Chairman.

[Minute Book Volume 45(3)]

To approve the minutes of the meeting held on 12 October 2018 and 21 November 2018 (site visits meeting).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

- (a) planning permission for proposed developments
- (b) approval of detailed plans
- (c) consents for display of advertisements.

Explanatory Notes **23 - 28**

Item 01 - 18/0805 - The Sands Centre, The Sands, Carlisle, CA1 1JQ 29 - 94

Item 02 - 18/0911 - The Sands Centre, The Sands, Carlisle, CA1 1JQ 95 - 122

Item 03 - 18/0912 - The Sands Centre, The Sands, Carlisle, CA1 1JQ 123 - 148

Item 04 - 18/0818 - Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY 149 - 176

Item 05 - 18/0819 - Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY 177 - 188

Item 06 - 18/0359 - Unit 11, Old Brewery Yard, Craw Hall, Brampton, CA8 1TR	189 - 222
Item 07 - 17/0995 - Land off Broomfallen Road, Scotby, Carlisle, CA4 8DE	223 - 284
Item 08 - 18/0792 - Field opposite Prospect Cottage, Farlam, Brampton, CA8 1LA	285 - 296
Item 09 - 18/0693 - Land west of Junction 44, Parkhouse, Carlisle	297 - 326
Item 10 - 18/0388 - Land adjacent Geltsdale Avenue, Durranhill, Carlisle, CA1 2RL	327 - 352
Item 11 - 18/0702 - Green Acres, High Knells, Houghton, Carlisle, CA6 4JW	353 - 364
Item 12 - 18/0865 - Aldi Stores Limited, Petteril Bank Road, Carlisle, CA1 3AG	365 - 394

PART B

To be considered when the Public and Press are excluded from the meeting

QUARTERLY REPORT ON PLANNING ENFORCEMENT

- Information relating to any individual;

Members of the Development Control Committee

Conservative – Bloxham, Christian, Earp, Mrs Parsons, Shepherd, Bowman S (sub), Collier (sub), Nedved (sub)

Labour – Brown, Mrs Glendinning, Graham, McDonald, T Sidgwick, Mrs Warwick, Mrs Birks (sub), Ms Quilter (sub), S Sidgwick (sub)

Independent - Tinnion, Paton (sub)

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk (01228) 817557 or
jacqui.issatt@carlisle.gov.uk

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 12 OCTOBER 2018 AT 10.00 AM

PRESENT: Councillor T Sidgwick (Chairman), Councillors Bloxham, Christian, Earp, Glendinning, Graham, McDonald, Mrs Parsons, Tinnion, Shepherd, S Sidgwick (as substitute) and Mrs Warwick.

ALSO

PRESENT: Councillor Collier in his capacity as Ward Member attended the meeting having registered a Right to Speak in respect of application 18/0601 – Land to the rear of Orchard House, North End, Burgh by Sands, Carlisle, CA5 6BD.

Mr Allan – Cumbria County Council

OFFICERS: Corporate Director of Economic Development
Development Manager
Legal Services Manager
Regeneration Manager
Principal Planning Officer
Planning Officer x 4

DC.92/18 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

DC.93/18 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Bloxham declared an interest in respect of application 18/0361 - Land adjacent to Hawklemass, Irthington, Carlisle, CA6 4NN. The interest related the applicant being known to him.

Councillor Tinnion declared an interest in respect of application 18/0497 - Mount Pleasant, Heads Nook, Brampton, CA8 9EH. The interest related to two objectors being known to him as customers.

Councillor Earp declared an interest in respect of the following applications:

- 18/0497 – Mount Pleasant, Heads Nook, Brampton, CA8 9EH. The interest related to objectors being known to him.
- 18/0742 – Land west of Longlands Head, The Stripes, Cocklakes, Cumwhinton. The interest related to objectors being known to him.

Councillor Graham declared a Disclosable Pecuniary Interest in respect of application 18/0648 – Unit 4, St. Nicholas Gate Retail Park, London Road, Carlisle, CA1 2EA. The interest related to his pension provider being the landowner of the application site.

DC.94/18 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.95/18 MINUTES OF PREVIOUS MEETING

A Member noted that a typographical error had been made in relation to an Interest he had declared at the 24 August meeting of the Committee. The application number had been appropriately recorded, however, the description was incorrect, he requested that the minutes be amended accordingly.

RESOLVED – 1) That the minutes of the meetings held on 6 June 2018 (site visits meeting), 8 June 2018, 17 July 2018 (site visits meeting) and 20 July 2018 be signed by the Chairman.

2) That the minutes held on 24 August 2018 and 10 October (site visits meeting) be approved, subject to the amendment above.

DC.96/18 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Legal Services Manager outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

DC.97/18 CONTROL OF DEVELOPMENT AND ADVERTISING

1) That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

(2) That the applications referred to under the Schedule of Applications under B be noted.

1) Change of Use of part of field to create private Equestrian Arena/Manege without compliance with condition 3 imposed by planning permission 17/1108 to allow equestrian tuition to take place, Mount Pleasant, Heads Nook, Brampton, CA8 9EH (Application 18/0497).

Councillor Tinnion having declared an interest in the item of business removed himself from his seat and took no part in the discussion nor determination of the application.

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 10 October 2018.

Slides were displayed on screen showing; site location plan, block plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

Earlier in 2018 planning approval had been granted for an equestrian arena/manege to the rear of Mount Pleasant subject to a number of conditions of which, no.3 restricted the use of the manege to private use only. The current application sought to vary that condition to allow equestrian tuition to take place.

Following the Committee's deferral of the application an amended Management Plan had been submitted confirming that the applicant intended to offer specialised training of clients' horses on the ménage as well as lessons. The applicant wished to offer lessons up until 6pm in the evening during the summer months. The Management Plan stated that a maximum of 2 lessons per day would take place with lessons being staggered and consisting of 1-2-1 tuition with clients bringing their own horses to the site. It was proposed that lessons would be held between 9am to 3pm except April-October when they would finish no later than 6pm.

With regard to the training of horses the applicant had confirmed that they would only be able accommodate two horses on the premises for training at any one time. Once horses were dropped off they would remain on site with the applicant and taken away several weeks later.

The Planning Officer noted that objectors had raised the matter of a gate across the access lane, whilst those concerns were acknowledged, she advised Members that the issue was a civil matter and not a material planning consideration.

The proposed development would create a new business within the rural area, the scale of which the Planning Officer considered was acceptable. In order to prevent intensification of the business, a number of conditions were suggested in the report which sought to ensure compliance with the submitted Management Plan and included restricting: the hours of operation, number of lessons, and number of vehicle movements from the site. On that basis, the Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report.

The Committee then gave consideration to the application.

A Member expressed concerns about the potential for the applicant to intensify the business operation at the site, he asked what enforcement measures were able to be applied to prevent that from happening.

The Planning Officer advised that the business operator was required by planning condition to maintain a record of vehicle movements associated with the business, and to keep that record available for inspection of the Local Planning Authority. In addition the Council's Enforcement Officer was able to carry out un-notified inspections of the site.

The Member responded that the Council's Enforcement activities were already significant and that approving the application would add to that workload.

The Corporate Director of Economic Development reminded Members that the Council had an approved Planning Enforcement Policy which set out the parameters for how enforcement action was addressed and included reports from members of the public and the maintenance of registers as required by planning conditions.

Another Member stated that in the event of a change to the proposed business being applied for in the future, he wished for any such application to be presented to the Committee, rather than it being determined by Officers, under their delegated powers as a non-material amendment. He further requested that signage be installed on the access lane advising vehicle users of the presence of horses.

The Development Manager advised that whether an amendment to a permission was considered as non-material was judged on the nature of the permitted development. In the case of the current application, access to the site was a significant issue, as a result any future change to the scheme would be considered as a material amendment and accordingly would be brought to the Committee for Members to consider.

The Planning Officer added that there were a number of conditions in the proposed permission which sought to prevent the intensification of the use of the site and those were also material planning considerations.

The Member indicated that he was satisfied with the responses.

Mr Allan (Cumbria County Council) advised that, in the event of the application being approved, the Highway Authority would monitor the access lane and if it was judged necessary would install signage near the entrance advising road users of the presence of horses.

A Member sought clarification as to proposed condition 5 made reference to “amplified music”. The Planning Officer explained that the applicant trained horses for dressage, however, they did not require music as part of their activities, the condition was proposed to limit the impact of the scheme on neighbouring residents.

The Member felt the condition would have greater enforceability if it stated that “no music” was permitted at site.

The Planning Officer undertook to amend the condition accordingly.

A Member moved the Officer’s recommendation, which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

Councillor Tinnion resumed his seat.

2) Proposed Residential Development with relocated entrance to field widening providing access to the residential site and field (Outline) (Revised Application), Land adjacent to Hawklemass, Irthington, Carlisle, CA6 4NN (Application 18/0361).

The Development Manager submitted the report on the application and reminded Members that the Committee had deferred the application at the meeting on the 24 August 2018 in order for Officers to discuss the proposed access with the Highway Authority in relation to the existing field access.

The Development Manager noted that whilst the Highway Authority did not generally compare access alternatives and only commented on the highway safety aspects of any proposals, however, it was considered in this instance that the proposed access would present a safer option than the existing field access.

As a result of the further discussions, the Highway Authority had requested an additional condition to ensure that the stipulated visibility splays were retained. The Development Manager explained that due to the sloping nature of the highway the visibility splays were achievable and that any additional landscaping would be sited outside the visibility splays.

Slides were displayed on screen showing; location plan; existing cross sections; existing and proposed block plans; illustrative layout, and photographs of the site and adjacent highway network, an explanation of which was provided for the benefit of Members.

The Development Manager noted that the application was for Outline Planning Permission but included the matters of access, landscaping, layout and scale, with appearance being reserved for a later application. The proposed scheme included the siting of the dwelling closer to the rear of existing properties, compared to previous applications, due to the relocation of the access. The relocated access would be approximately 30m from the existing access and would require the removal of part of the existing hedgerow, the loss of which would be mitigated by additional planting as part of the scheme’s landscaping.

The Development Manager recommended that the application be approved, subject to the imposition of conditions detailed in the report, including the additional condition requested by the Highway Authority regarding the maintenance of visibility splays at the site access.

The Committee then gave consideration to the application.

A Member sought clarification that the newly planted hedge between the site and the highway was not permitted to exceed 1.05m in height.

The Development Manager confirmed the height of the hedge was restricted to 1.05m.

A Member moved the Officer's recommendation, which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

3) Erection of 1 no. Dwelling, Land to the rear of Orchard House, North End Burgh by Sands, Carlisle, CA5 6BD (Application 18/0601).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 10 October 2018.

Members' attention was drawn to pages 1 and 2 of the Supplementary Schedule which contained photographs provided by the Agent illustrating the parking and garages serving The Pack which Members had viewed during the Committee's site visit.

Slides were displayed on screen showing: site location plan; block plan; elevation plans and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer noted that a Roman fort was located in the vicinity of the southern boundary of the site, she further advised that the majority of the trees at the north east corner of the site would be retained with further planting proposed to mitigate for those trees which were to be removed along the eastern (rear) boundary of the site.

The application proposed a bin store located adjacent to the existing access gate and the start of the track, the collections would be made at the roadside as was already.

The Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report.

Councillor Collier (Ward Member) addressed the Committee and expressed strong concerns about the proposed access to the site, which was very narrow, he sought clarification on the dimensions of the archway. He questioned why the Highway Authority had not objected to the proposed arrangements.

Councillor Collier asked how the materials to build the dwelling would be conveyed to the site and what consideration had been given to protecting the mains sewer which ran under the arched access way. Furthermore he felt that approving the scheme would have a significant impact on the residents whose properties were sited at either side of the access lane for a period of months.

Mr Stonebridge (Parish Council) stated that the Parish Council had engaged with the Council regarding potential areas of development in the settlement, he noted that the application site was not one that had been considered and felt that approval of the application would damage

the network of orchards and gardens in the vicinity of the site. With regard to foul water drainage he explained that the existing system was already struggling to cope with the output from the existing residential properties and that approving the proposed scheme would exacerbate the matter further.

The proposed access arrangements would cause significant loss of amenity to the residents whose properties adjoined the access lane, and whose front doors were sited within the archway, he further noted that the access was not sufficient to allow emergency vehicles to access the site to make collections. Mr Stonebridge stated that the Parish Council's objection to the proposal was unanimous.

The Committee then gave consideration to the application.

With regard to the location plan, reproduced on page 77 of the Main Schedule, a Member noted that the application site was part of a larger field paddock, he asked whether the applicant owned the remaining part of the paddock and were it to be in their ownership could a further application for infill development be submitted.

The Planning Officer explained that the portion of the paddock comprising the application site was bordered in red, where the applicant to own the remainder of the field, it would be bordered by a blue line. In terms of future development, she reminded Members that each application was considered on its own merits, and that currently the only request to develop the area was the scheme before Members.

A Member expressed concern with regard to the proposed access via the archway in "The Pack" and the location of a main sewer underneath, she sought clarification as to the dimensions of the archway and what actions would be taken to prevent damage to it during construction.

The Planning Officer stated that she did not have the data for the dimensions of the archway, but noted that it was a single width carriageway, therefore construction materials would have to be transported to the site by hand or on smaller vehicles, which would be lighter and therefore less likely to impact on the sewer. She advised that United Utilities had not raised an objection to the construction of a single dwelling.

The Chairman sought clarification from the Member that she had proposed refusal of the application. The Member confirmed that she proposed the refusal the application on the grounds that it was not compliant with Carlisle District Local Plan 2015 – 30 (Local Plan) policies: HO2 – Windfall Housing Development; SP9 – Healthy and Thriving Communities and; CM5 – Environment and Amenity Protection. The proposal was seconded.

A Member asked whether it was possible for the applicant to access the site via the "Stack Yard".

The Planning Officer responded that such an arrangement was unlikely.

Another Member indicated that he was minded to refuse the application due to the impact on the residents whose properties were sited in the archway, and the safety and adequacy of those arrangements. He suggested that criteria 2 of Local Plan policy CM5 be cited as a reason for refusing the application.

The Planning Officer noted that policy CM5 related to ground water, she suggested that were Members minded to refuse the application due to their concerns about the impact on the

existing residents that policy SP6 – Securing Good Design criterion 5 and 7 was a more appropriate policy basis.

Referring to the consultation response from United Utilities, a Member noted that the organisation had not commented on the scheme. In his view, it was not acceptable to assume that the consultee had no issues with the proposed scheme, and he felt that United Utilities ought to submit a full response on the application.

The Corporate Director appreciated the Member's concerns, she explained that it was standard practice that United Utilities and other statutory consultees only responded to proposal where they had concerns, due to the large volume of applications the organisation processed. She assured the Committee that United Utilities had been consulted on the application and that the onus was on that organisation to raise issues it felt necessary.

The Member thanked the Corporate Director for her response, but felt that such an approach from a Statutory Consultees was seriously inadequate. He asked what the term "alternative prevention methods" referred to.

The Planning Officer explained that it referred to the use of sprinkler systems and the like as methods of fire prevention.

The Development Manager summed up the position of the debate, noting that a proposal to refuse permission had been moved and seconded on the grounds of the scheme not being compliant with Local Plan policies HO2, SP9 and CM5. He noted that Members had expressed serious concerns about the proposed access arrangements; the impact on the residential amenity to the occupiers of The Pack whose properties opened into the archway which was part of the proposed access to the site, and the lack of a full response from United Utilities on drainage proposals.

The Planning Officer had suggested that Members also consider Local Plan policy SP6 as a reason for refusal, the Development Manager stated that the policy specifically referred to residential amenity and stipulated that "... all components must work well together." He sought confirmation that the concern related solely to the proposed access and not the site itself. Furthermore, he advised that policy HO2 did not reference access, and therefore was not an appropriate justification for refusing the application.

The Member who had proposed the refusal confirmed that the access arrangements were the issue of concern, along with the lack of a response from United Utilities.

In response the Development Manager advised that no elements of policy HO2 had been put forward in the Member's rationale for refusal therefore it was not appropriate to reference that policy. He indicated that the most relevant policies, on which to base refusal of the application, given the concerns expressed by the Committee were policies SP6 and SP9.

A Member proposed that the application be refused on the grounds that it was not compliant with Local Plan policies SP6 – Securing Good Design and SP9 – Healthy and Thriving Communities. The proposal was seconded and following voting it was:

RESOLVED: That the application be refused, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

4) Erection of 2no. Detached Dwellings (Outline), Land west of Longlands Head, The Stripes, Cocklakes, Cumwhinton (Application 18/0742).

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 10 October 2018. During the site visit, Members noted that a dwelling within the vicinity of site had subsided, and expressed concerns about the potential for the proposed dwellings to be affected by subsidence due to former mine workings at the application site.

The Principal Planning Officer advised that he had received an email from the applicant which stated that the only subsidence in the area had occurred about 40 years ago on land that was nearer a development at Cumwhinton than the current application site. He further noted that three of the other approved dwellings at The Stripes were on under mined areas, 2 of which had access onto the lane that the proposed scheme sought access on to.

The Parish Council had raised concerns about subsidence in its response to the application. The Principal Planning Officer had consulted with British Gypsum on the matter, who confirmed that mine workings had taken place in the area at a depth of 100m below surface, therefore it raised no objections to the proposal. The Principal Planning Officer explained that the Council's Building Control Officers, as the relevant regulatory service, would consider the proximity of mine workings and the potential effects of subsidence. The Building Control Manager had confirmed that given the depth of the mine workings in the area it was unlikely that the proposed scheme would require any specific requirements to prevent subsidence.

The Principal Planning Officer stated that a development of 22 dwellings in the vicinity of the application site had been built over previously mined land, and that two dwellings had been erected on adjacent land. Were Members to consider it necessary an additional condition to address the issues of subsidence, could be added to the permission, which would require the submission of an engineer's report.

The Principal Planning Officer reminded Members that Planning Permissions had been granted for other residential developments on other sites at The Stripes, which was a significant material consideration, on that basis, he considered that residential development at the site was acceptable, in principle.

Slides were displayed on screen showing: location plan; plan illustrating developments previously permitted in the area; site plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

In relation to the proposed access, it was noted that the Parish Council had raised concerns. The Highway Authority had been consulted on the application and had raised no objection to the proposal, subject to the imposition of conditions requiring: the provision of suitable visibility splays; the provision of the parking and turning requirements prior to the commencement of development to enable construction traffic to park clear of the highway.

The Principal Planning Officer advised that, in the event of the application being approved, a further condition was required preventing the removal of hedges during the bird breeding season. He recommended that the application be approved, subject to the imposition of conditions detailed in the report, along with the additional condition preventing the removal of hedges during the bird breeding season.

The Committee then gave consideration to the application.

A Member proposed that the application be deferred in order that an engineer's report be prepared and submitted to the Committee, so that Members were able to fully consider the impact of the undermining and any potential impacts on the proposed development. He further requested that the report author attend the Committee to answer Members questions. The proposal was seconded.

The Principal Planning Officer advised that he had discussed the matter with the Council's Building Control service, who had advised that as the mining underneath the site had taken place 100m below the surface, no mitigation measures were required. Moreover, the locations of the proposed dwellings at the site were not directly above areas which had been previously mined, a larger development had been permitted close by which was on ground that had been previously mined.

The Principal Planning Officer suggested that Members may add a condition requiring an engineer's report on the impact of the undermining, and that any forthcoming recommendations be incorporated into the permission for the scheme.

The Member rejected the Principal Planning Officer's suggestion and reiterated his request for an engineer's report to be submitted to the Committee, and that the report author attend the meeting to answer Member's questions.

Referring to British Gypsum's response to the consultation, a Member noted that it stated that the Council needed to satisfy itself "... *that any subsidence would not damage the proposed dwellings, gardens and access road (which are above worked areas)*." Moreover, the National Planning Policy Framework (NPPF) stipulated that planning decisions should ensure that a site was suitable for its proposed use taking into account in risk from land instability. He questioned how Members were able to satisfy themselves on the matter of undermining, and properly determine the application without an engineer's report.

The Chairman noted that a proposal to defer determination of the application in order to commission an independent engineer's report on previous mine workings in the area and any implications for the proposed development. She put the proposal to the vote and it was:

RESOLVED: That determination of the application be deferred in order to commission an independent engineer's report on previous mine workings in the area and any implications for the proposed development and to await a further report on the application at a future meeting of the Committee.

The Committee adjourned at 11:05am and reconvened at 11:19am

5) Change of Use redundant agricultural storage building/barn into no.1 Dwelling, Chapel House, Hethersgill, Carlisle, CA6 6DS (Application 18/0521).

The Planning Officer submitted the report on the application which sought Full Planning Permission for the Change Of Use of a redundant agricultural storage barn into a dwelling. For clarity, the Planning Officer explained that as detailed within paragraph 3.3 of the Main Schedule, the proposal requested permission for the conversion of a redundant former chapel attached to Chapel House. Since its function as a chapel ceased there had been several uses over the intervening years, the documents submitted with the application detailed its last use as agricultural storage.

Slides were displayed on screen showing: location plan; block plan; section, floor, roof and elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members

The Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report.

A Member requested further detail on the Bat, Barn Owl and Nesting Bird Survey recommendations and how they would be incorporated into the proposed scheme.

The Planning Officer responded that the survey had recommended standard mitigation measures such as not disturbing animals in their breeding seasons, and that the relevant actions had been incorporated into conditions in the permission.

A Member moved the Officer's recommendation, which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

6) Demolition of existing portico and erection of new porch/entrance together with single storey extension to existing kitchen and utility, Waterside Cottage, Tarraby, Carlisle, CA3 0JS (Application 18/0241).

The Planning Officer submitted the report on the application and advised that the key planning considerations when assessing the application had been the design and scale of the proposal along with its impact on the character and appearance of the Tarraby Conservation Area.

Slides were displayed on screen showing: location plan; proposed and existing elevation plans, and photographs of the site and existing portico, an explanation of which was provided for the benefit of Members

The Parish Council had objected to the proposal expressing concerns in relation to the design and choice of materials for the replacement porch. The Planning Officer acknowledged that the proposed timber cladding for the porch was in sharp contrast to that of the host property, however, he considered the design and suite of materials to be a contemporary addition to the property that offered a deliberate contrast and an improvement to the existing portico. To ensure the quality of the proposed materials, a condition was recommended (Condition 3) requiring the submission to and the approval of the Local Planning Authority of sample materials prior to their use.

The Planning Officer reported that the proposal had been revised following comments from the Council's Conservation Area Advisory Committee and Heritage Officer, as a result of which they no longer objected to the proposal as presented.

Whilst matters of design had the potential to be highly subjective, the National Planning Policy Framework advised that planning policies and decisions must not stifle innovation or contemporary forms of design. The Planning Officer stated that national policy and accompanying guidance was clear that local policies and decisions should not impose architectural styles or particular tastes.

In conclusion, the Planning Officer advised that the proposed single storey rear extension had not raised any concerns. The proposed replacement porch offered a contemporary design and suite of materials which would replace an existing inappropriate portico that currently detracted from the quality of the Conservation Area. In that context, the proposal was considered to be acceptable and the Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report.

In response to a Member commenting that the Council had policies to prevent the use of uPVC windows in Conservation Areas, the Development Manager clarified that uPVC was considered under the policy, and that it was only permissible in a restricted number of uses.

A Member moved the Officer's recommendation, which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

7) Erection of 3no. Dwellings, Land to west of The Cottage, Newtown, Irthington, Carlisle, CA6 4NX (Application 18/0433).

The Planning Officer submitted the report on the application and reminded Members that in January 2017, following a site visit, the Committee had granted Outline Planning Permission for residential development at the site. As there had been no change in planning policy since the determination of the extant permission, the principle of development remained acceptable.

Slides were displayed on screen showing: site location plan; block plan; floor plan; elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members

The Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report.

The Committee then gave consideration to the application.

With reference to paragraph 6.26 of the report, a Member noted that the extant Outline Permission granted in respect of application 16/0833 had imposed a limit of two dwellings at the site, he asked, if the viability had not changed, why had the applicant proposed three dwellings?

The Planning Officer explained that as part of the Outline Application an indicative layout had been submitted showing two dwellings. The applicant had reassessed the site and felt it was able to accommodate three properties. The Planning Officer advised that the application before Members was not a Reserved Matters application pursuant to the Outline Permission, rather it sought Full Planning Permission and was therefore a standalone application.

The Member responded that he had expected a report on viability relating to the application, but that none had been provided, he further expressed concerns that the vehicle access from the site was on to an un-adopted road, and the design of the dwellings which he considered bland.

The Planning Officer noted that the access point to the site was on to an existing un-adopted road, adjacent to the highway, as the proposal was for three dwellings, it was not considered to be detrimental.

Regarding the Member's comments on design, the Planning Officer stated that while the submitted drawings were one dimensional, she advised that the applicant had developed other sites in the district which had incorporated a range of building materials.

Another Member asked why, if the extant Outline Planning Permission had conditioned a maximum of two dwellings at the site, were Members not to consider that in their assessment of the application. He further asked why no viability assessment had been submitted.

The Development Manager reiterated that the current application was for Full Planning Permission, consequently the site was considered as new. Whilst the previous Outline

Permission was contextual, the conditions contained therein did not carry forward to the current application which had to be judged on its own merits. He advised Members that should they consider no more than two dwellings were appropriate at the site, the Committee could not apply such a condition to the application before them, accordingly the application would need to be refused.

With regard to viability, the Development Manager advised that in the context of the application, it related to commercial viability. The Council considered the viability of proposals when applications met its policy threshold hold for the provision of Affordable Housing, given that the application was for three dwellings, it was below the level of development that would trigger the policy.

A Member comment that the majority of properties located close to the application site were single story, he felt that the proposed two storey dwellings were not in-keeping with the predominant style of the area. He further expressed concerns in relation to highways matters, particularly the speed on drivers on the adjacent highway, the number of fatal accidents in recent years, and the location of a play area near the highway. It was his view that the proposed scheme would have a negative impact on the highway network, he suggested that a speed restriction be imposed at the entrance to the village.

Mr Allan (Cumbria County Council) responded that he Highway Authority was limited on the aspects of an application it was able to comment on. The application was for three dwellings with access on to an un-adopted road, consequently, he considered that there would not be a large increase in vehicle movements and as such the scheme was not able to be used as a justification for imposing speed restrictions in the area. Moreover, the application could not be used to address issues relating to the existing play area.

In response to a question from a Member regarding access to the Village Hall car parking area, the Planning Officer stated that she had discussed the matter with the Agent, and that a full exposition of the issue was contained in paragraphs 6.34 – 6.38 of the report.

A Member moved the Officer's recommendation, which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

8) Erection of 1 No. Agricultural Workers' Dwelling (Reserved Matters Application pursuant to Outline Approval 17/0361), Home Farm, Farlam, Brampton, CA8 1LA (Application 18/0663).

The Planning Officer submitted the report on the application and drew Members' attention to page 3 of the Supplementary Schedule which contained an up-to-date materials schedule confirming the use of stone on the south elevation, excluding the garage.

At its meeting of 8 June 2018, the Committee had granted Outline Permission for the erection of 1 agricultural worker's dwelling (application 17/0361). The current application sought approval for all the associated Reserved Matters: access, appearance, landscaping, layout and scale.

Further to the publication of the report, a response had been from the Highway Authority which stated that details had been provided in relation to the surfacing of the access drive in bituminous material. The Authority had also confirmed that, having obtained the necessary Section 186 permit, the works had been carried out by an approved contractor. The response concluded that the layout details shown on the submitted plan were considered satisfactory from a highway perspective.

The Planning Officer advised that the means of foul and surface water drainage were able to be suitably addressed through the existing planning conditions imposed on the Outline Permission.

Slides were displayed on screen showing: location plan; block plan; floor plans and sections; elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

In overall terms, the Planning Officer considered the scale and design were appropriate to the site and would not result in an adverse impact on the character or appearance of the area or the nearby Listed Building. The submitted plans took account of the highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced subject to the imposition of conditions. Accordingly, the Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report.

The Committee then gave consideration to the application.

Paragraph 6.43 of the report stated that the proposed scheme required the submission of detailed management and maintenance plans in respect of foul water drainage, a Member asked whether it was possible to include a condition in the permission to secure those details.

The Planning Officer explained that the current scheme was a Reserved Matters application, and that the submission of the details of the foul water drainage system had been required by a condition in the Outline Permission which the applicant was required to discharge. Consequently, it was not necessary to include such a condition on the current application.

A Member moved the Officer's recommendation, which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

9) Change of Use from Agricultural Land to provide additional land for existing caravan storage compound, Green Acres, High Knells, Houghton, Carlisle, CA6 4JW (Application 18/0702).

A Member moved that determination of the application be deferred in order for the Committee to undertake a site visit. The proposal was seconded, and following voting it was:

RESOLVED: That determination of the proposal be deferred, in order to undertake a site visit and to await a further report on the application at a future meeting of the Committee.

10) Change of Use from Retail (Class A1) to Gym/Health and Fitness Centre (Class D2) and creation of new mezzanine floor, Unit 4, St Nicholas Gate Retail Park, London Road, Carlisle, CA1 2EA (Application 18/0684).

The Planning Officer submitted the report on the application which sought Planning Permission for the change of use of the premises to be occupied and used as a gymnasium. In order to facilitate the change of use, some alterations were proposed to the building, which the Planning Officer summarised as follows:

- The installation of a new shop front on the front elevation;
- The formation of an internal lobby and office accommodation, accessible toilet, shower and utility storage;
- The construction of a mezzanine floor towards the rear of the building to allow for changing facilities;

- External areas to the rear of the building would be used for the siting of condenser units and air handling units.

Slides were displayed on screen showing: location plan; block plan; existing ground, roof, floor, mezzanine and elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer advised that the principle of the Change Of Use was considered acceptable, and in his view, the development would not adversely affect the character or appearance of the street scene or the Settle to Carlisle Conservation Area.

The building was accessible by a variety of modes of transport and adequate parking provision was able to be accommodated within the car park. Although the gym would operate 24 hours a day, the scale and nature of the use would not adversely affect the living conditions of the occupiers of neighbouring properties. The Planning Officer noted that any perceived devaluation of properties was not a material planning consideration.

Objectors had expressed concern that approval of the application would lead to a recurrence of anti-social behaviour in the area. The Planning Officer's opinion was that the nature of the use, together with the physical changes to the layout of the retail park, were sufficient to prevent any long-term repeat issue, a view that was supported by Cumbria Constabulary. As such, he recommended that the application be approved, subject to the imposition of conditions detailed in the report.

The Committee then gave consideration to the application.

A number of Members welcomed the application and considered that it would add to the sustainability of the wider retail park, increase the health and wellbeing of residents, and help to prevent anti-social behaviour at the site.

A Member noted that the application proposed the installation of equipment at the rear of the building, he asked if the lower ambient noise levels at night time meant that the sound of the equipment operating would impact on neighbouring residents.

The Planning Officer advised that an independent noise assessment report had been submitted with the application which had been considered by the Council's Environmental Health services, who had advised that the proposed equipment noise was within the approved standard. Furthermore, other businesses at park operated similar equipment at the rear of their premises which had little impact on neighbouring residents.

A Member stated that he was a member of the Royal Mail Pension Scheme, he asked who owned the application site.

The Planning Officer advised that the site owner was Custodian REIP Plc, which the Development Manager confirmed was the pension fund company of the Royal Mail.

The Legal Services Manager noted that the Member had not taken part in the discussion of the application and stated that she was confident that the Member was not influenced by his link to the company. She advised him to declare a Disclosable Pecuniary Interest and to take no further part in the discussion or determination of the application.

Thereupon Councillor Graham declared a Disclosable Pecuniary Interest in the item of business, which related to his membership of the Royal Mail Pension Scheme and took no further part in the discussion or determination of the application.

A Member moved the Officer's recommendation, which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

11) Erection of garden shed and single storey side and rear extension to existing garage, 8 Edmondson Close, Brampton, CA8 1GH (Application 18/0813).

The Principal Planning Officer submitted the report on the application, which had been presented to Members due to the applicant being an employee of the Council. The scale of the proposal was small and the design was considered acceptable, therefore, the application was recommended for approval, subject to the imposition of conditions detailed in the report.

A Member moved the Officer's recommendation, which was seconded and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

DC.98/18 WAVERLEY VIADUCT

The Regeneration Manager submitted report ED.36/18 – Waverley Viaduct which considered an application for the creation of a public footpath on private land on the northern side of the viaduct.

The Carlisle Waverley Viaduct Trust (CWVT) wanted to create the path so as to join the two footpath networks on either side of the Viaduct. The Regeneration Manager outlined the history of the structure which had closed in 1969, and had become the site of anti-social behaviour, with several applications for palisade fencing at either side of the Viaduct being permitted in an effort to prevent further vandalism taking place.

The Development Manager summarised the background of the creation of the CWVT which had been formed when a number of key signatories to a petition to open the Viaduct had come together to form a Trust. Such a body was able to apply for funding and grants to carry out works to the structure which the Council was precluded from. CWVT had submitted an application for Planning Permission for the path, which had been approved by the Committee at its meeting of 27 April 2018, that consent had led to the application before Members.

The Legal Services Manager stated that Public Path Creation Orders (PPCOs) were not a matter that the Committee regularly dealt with, as such applications were usually determined by Cumbria County Council, was the City Council to consider that the PPCO was needed, it had the requisite powers to make the Order.

The two primary factors which Members needed to consider in determining the application where set out in Section 26(1) of the Highways Act 1980 as follows:

- a) the extent to which the new public right of way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area; and
- b) the effect which the creation would have on the rights of persons interested in the land crossed by the public right of way, taking account of the provisions as to compensation in Section 28 of the 1980 Act.

These two factors were to be weighed in the balance.

Accordingly, the Legal Services Manager instructed Members to give thought to whether they felt the footpath was needed and the impact of the balance of public and private rights. Were the Committee to approve the PPCO, the Council would make the Order which would be open to public consultation for 28 days, if no objections to the Order were forthcoming during that time the matter would then be brought back to the Committee where Members would be asked to confirm the Order. Should any objections to the Order be submitted the matter would be considered at a Public Inquiry after which the Secretary of State's decision would be final.

The Regeneration Manager explained that the PPCO was not needed for the entirety of the path, only a small section on the northern side which was shown on the plan in appendix 4 as the green hatched area, the CWVT had the necessary agreements with the relevant landowners for the construction of the remainder of the path.

The cost of the PPCO process had the potential to be significant, especially if a Public Inquiry was required, the Regeneration Manager advised Members to give careful consideration to that aspect of the proposal.

The Corporate Director of Economic Development added that the CWVT had agreed that the making of the Order should not cost the Council money, and that the Trustees had undertaken to fund the process.

The Legal Services Manager advised the Committee that in addition to the costs of the PPCO process, there were potential additional costs related to compensation to the relevant landowner and the costs related to the construction of the path, all of which the CWVT had stated it was prepared to pay. On that basis, she recommended that were the Order to be approved the Council undertake an agreement with the CWVT to secure all necessary monies, upfront, in order to protect the Council's financial position.

The Committee gave consideration to application.

A Member asked why Cumbria County Council had not determined the application.

The Legal Services Manager advised that both Councils had the same power, on this occasion the application had been made to the City Council.

Another Member asked why the matter was being considered by the Committee?

The Legal Services Manager responded that, as detailed in the Legal comments in the report, the decision was a Council (not Executive) function, being listed in Schedule 1 to the Local Government (Functions and Responsibilities) (England) Regulations 2000 (as amended) ("The Functions Regulations"). The Council's Scheme of Delegation provided that the exercise of powers relating to the regulation of the use of highways and public rights of way as set out in Schedule 1 to the Functions Regulations be delegated to Development Control Committee.

A Member considered that the report had been clear and concise, and demonstrated that the benefits to the public of the PPCO outweighed the impact to the landowner which she felt would be minimal. In her view, it was right that the path would run alongside the embankment, and given that Committee had granted Planning Permission for the path she felt it appropriate that it approve the PPCO.

Whereupon the Member proposed that Officers be authorised to make the Public Path Creation Order and commence the statutory 28 day consultation period, subject to the applicant's written agreement on the issue of payment of costs and compensation and the payment of sufficient funds on account. The proposal was seconded.

Another Member commented that the need for the path had long been established and the proposal had widespread public support. He hoped that the CWVT would be prepared to pay the Council upfront for administering the process as he was concerned that costs may rise and he did not wish to see the Council put in a position where it had to bear costs.

The Corporate Director of Economic Development understood that the CWVT were prepared to enter into an agreement with the Council, and that Legal Services would negotiate directly with the Trust on the matter.

A Member commented that he also supported the application, in his view, the land where the path was proposed to be sited was not fit for agricultural use, as a result he failed to see how the landowner would suffer any detriment as a result of the footpath being created. He asked whether it was possible to establish the reasons for landowner's objections.

The Legal Services Manager responded that it was not appropriate to speculate on the reasons for the landowner's objection to the PPCO, however, further detail on that point may come to light in the event of the landowner submitting an objection to the making of the Order.

Another Member sought confirmation that the submission of an objection to the making of the PPCO by the landowner would result in matter being put to a Public Inquiry.

The Legal Services Manager advised that any objection to the making of the Order would necessitate a Public Inquiry to determine the matter.

The Member further considered that a legal agreement was of limited value if it was not backed-up, he felt it was very important that the Council was certain that it would receive the necessary funding from the CWVT, he asked whether it was possible for the agreement to be underwritten.

The Legal Services Manager appreciated the Member's concern, she explained that the Council in its agreement with the Trust would request that all necessary monies would be paid upfront, and that work on the making of the Order would not commence until the funds had been received. Additionally, she advised that Trusts were able to be disbanded, in order to prevent the Council from incurring any costs related to the making of the Order, consideration would be given as to whether it was more appropriate to make the agreement with individual members of the Trust so as to safeguard the Council's position.

The Chairman noted that a proposal to authorise Officers to make a Public Path Creation Order and commence the statutory 28 day consultation period, subject to the applicant's written agreement on the issue of payment of costs and compensation and the payment of sufficient funds on account had been put forward and seconded. The proposal was put to the vote and it was:

RESOLVED – That Officers be authorised to make a Public Path Creation Order and commence the statutory 28 day consultation period, subject to the applicant's written agreement on the issue of payment of costs and compensation and the payment of sufficient funds on account.

[The meeting closed at 12:38pm]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

23rd November 2018

The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A - contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. In common with applications contained in Schedule B, where a verbal recommendation is made to the Committee, Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

In order to reach a recommendation the reports have been prepared having taken into account the following background papers:-

- relevant planning policy advice contained in Government Circulars, National Planning Policy Framework, [https://www.gov.uk/government/publications/national-planning-policy-frame work--2](https://www.gov.uk/government/publications/national-planning-policy-frame-work--2),
- Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and other Statements of Ministerial Policy;
- Carlisle District Local Plan 2015-2030 <http://www.carlisle.gov.uk/planning-policy/Local-Plan/Carlisle-District-Local-Plan-2015-2030>
- Conservation Principles, Policies and Guidance - <https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/>
- Enabling Development and the Conservation of Significant Places <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>
- Flood risk assessments: climate change allowances <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

- Consultee responses and representations to each application;
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981
<http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- Equality Act 2010
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf
- Manual For Streets 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

Condition 2 of each application details the relevant application documents; except the following where the associated documents are located at –

18/0359 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

17/0995 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

SCHEDULE B - provides details of the decisions taken by other authorities in respect of those applications determined by that Authority and upon which this Council has previously made observations.

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an

intention to restrict the Committee's discretion to attach greater weight to any planning issue when formulating their decision or observations on a proposal.

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 09/11/2018 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 23/11/2018.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee 5 working days prior to the day of the meeting.

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	<u>18/0805</u> A	The Sands Centre, The Sands, Carlisle, CA1 1JQ	<u>SD</u>
02.	<u>18/0911</u> A	The Sands Centre, The Sands, Carlisle, CA1 1JQ	<u>SD</u>
03.	<u>18/0912</u> A	The Sands Centre, The Sands, Carlisle, CA1 1JQ	<u>SD</u>
04.	<u>18/0818</u> A	Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY	<u>BP</u>
05.	<u>18/0819</u> A	Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY	<u>BP</u>
06.	<u>18/0359</u> A	Unit 11, Old Brewery Yard, Craw Hall, Brampton, CA8 1TR	<u>RJM</u>
07.	<u>17/0995</u> A	Land off Broomfallen Road, Scotby, Carlisle, CA4 8DE	<u>CH</u>
08.	<u>18/0792</u> A	Field opposite Prospect Cottage, Farlam, Brampton, CA8 1LA	<u>SD</u>
09.	<u>18/0693</u> A	Land west of Junction 44, Parkhouse, Carlisle	<u>CH</u>
10.	<u>18/0388</u> A	Land adjacent Geltsdale Avenue, Durranshill, Carlisle, CA1 2RL	<u>RJM</u>
11.	<u>18/0702</u> A	Green Acres, High Knells, Houghton, Carlisle, CA6 4JW	<u>BP</u>
12.	<u>18/0865</u> A	Aldi Stores Limited, Petteril Bank Road, Carlisle, CA1 3AG	<u>RJM</u>
13.	<u>18/0944</u> B	Land to the North of Glebe House, Wreay, Carlisle	<u>SJS</u>
14.	<u>EC/17/0021/EC</u> B	The Glade, Burnhill Cottage, Burnhill, Scaleby, Carlisle, CA6 4LU	<u>SJS</u>

SCHEDULE A

SCHEDULE A

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.

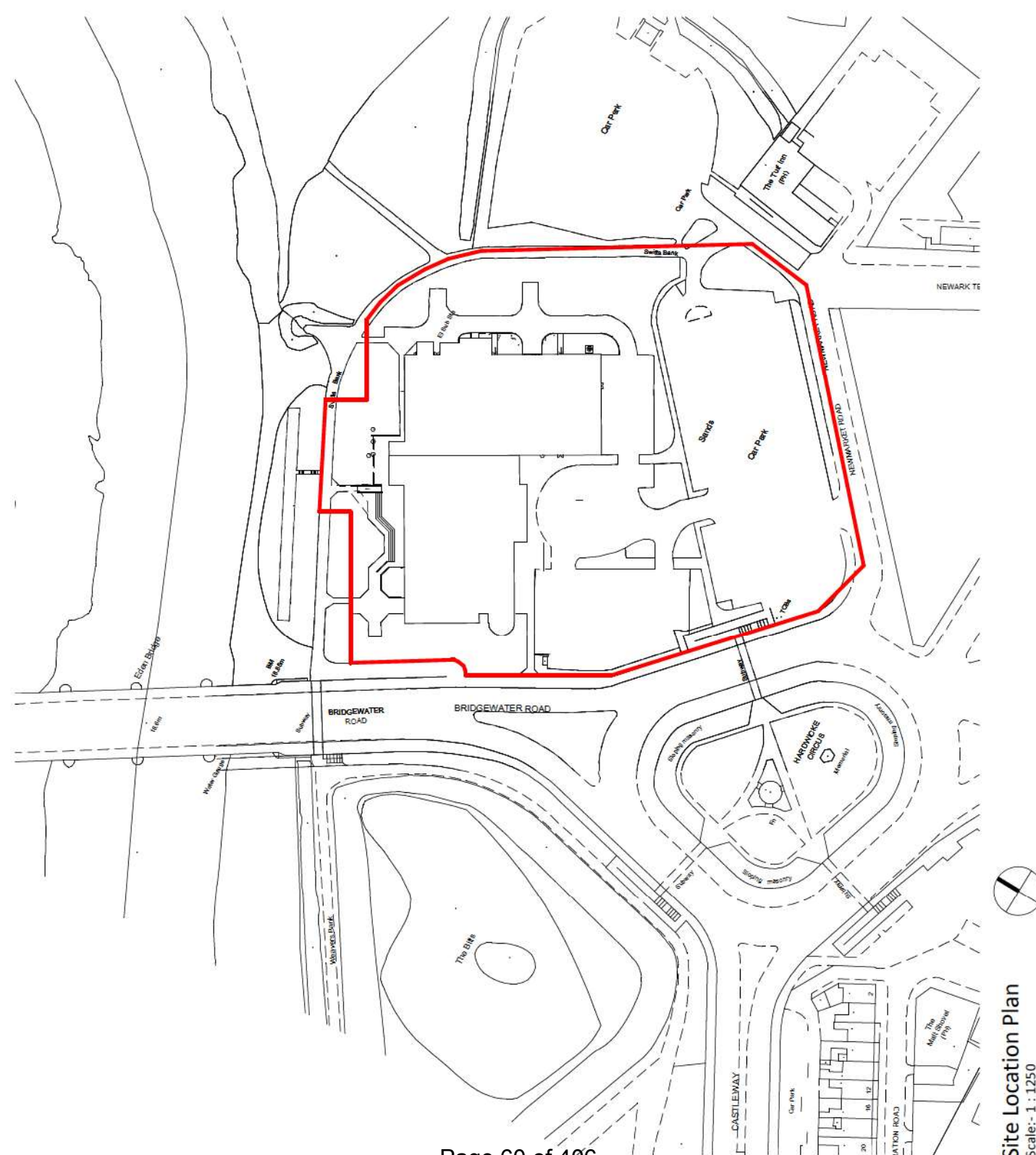
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

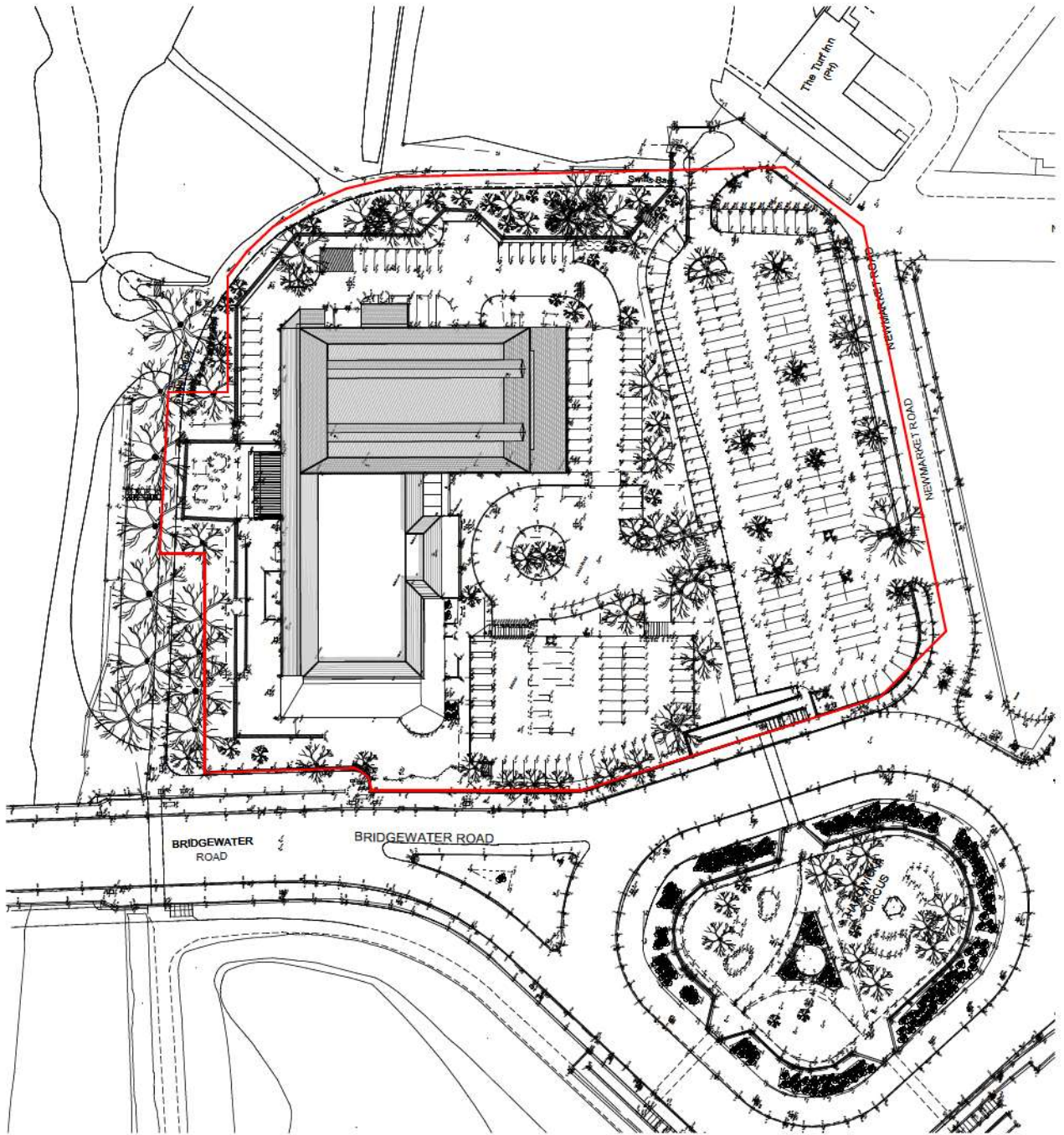
23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary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

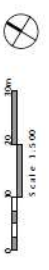
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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 Plan - Existing
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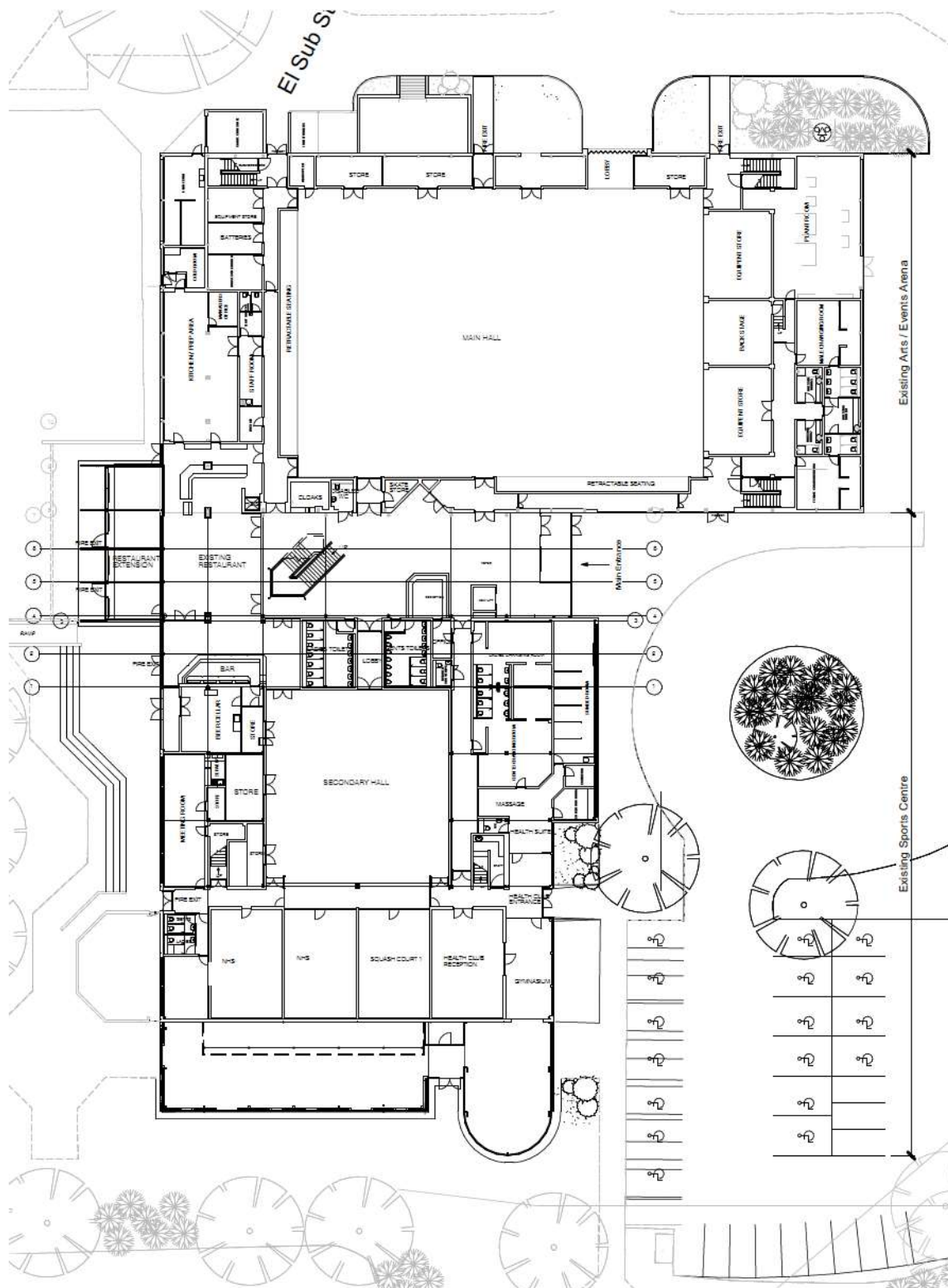


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1	ISSUED FOR PERMIT	10/01/2023	GT3	GT3

NO	REVISION	DATE	BY	CHK
1	ISSUED FOR PERMIT	10/01/2023	GT3	GT3

GT3

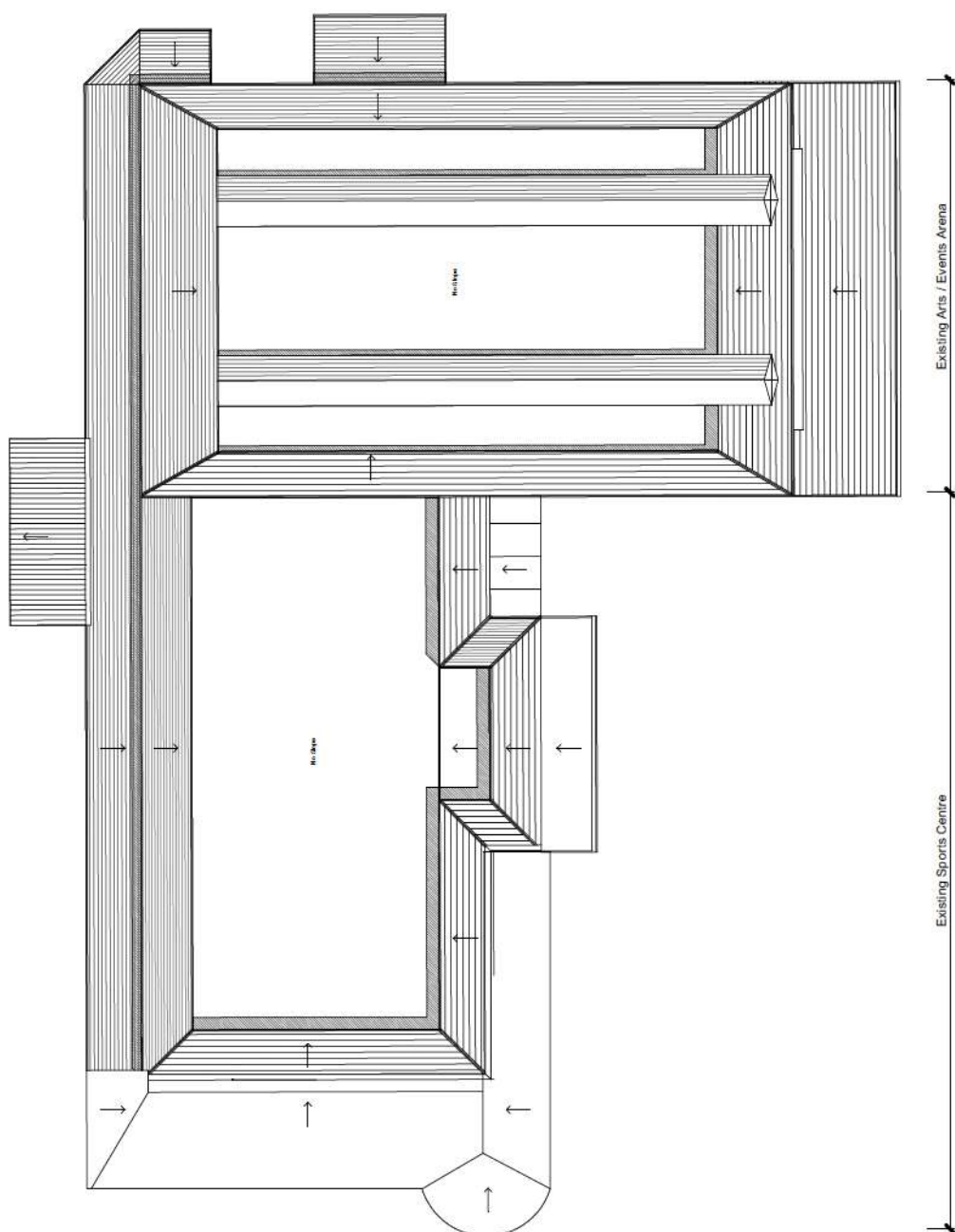
GT3 CONSULTING LTD
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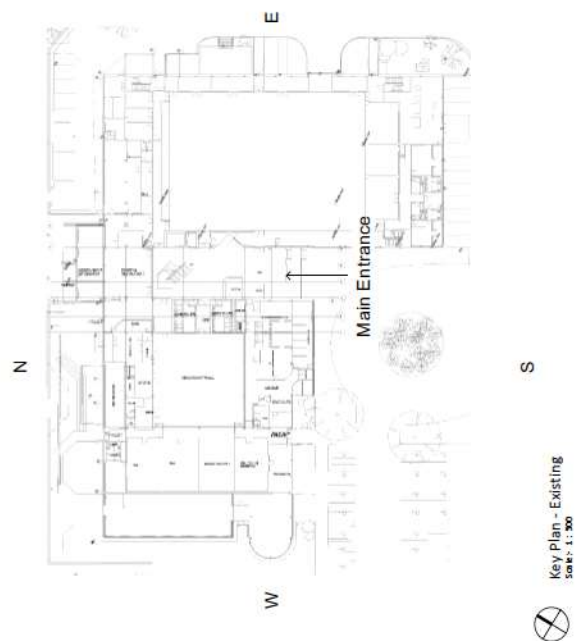
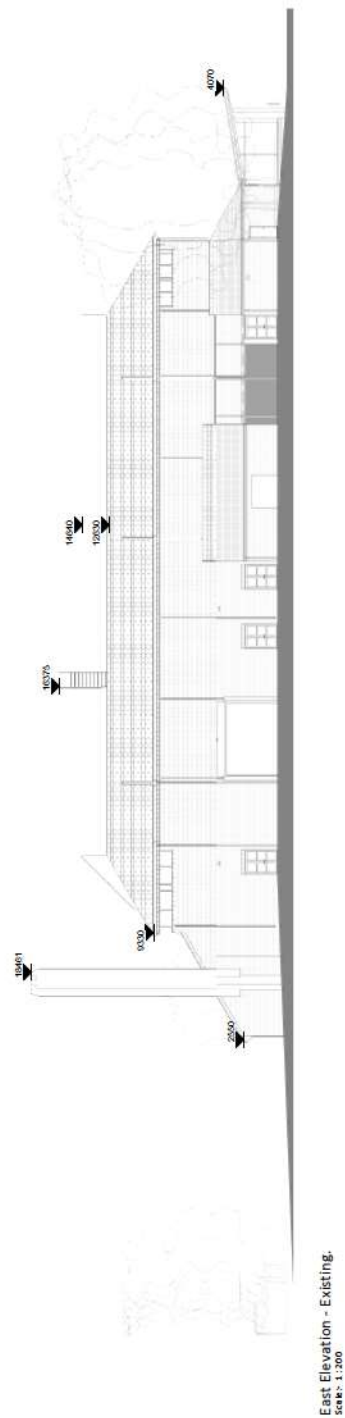


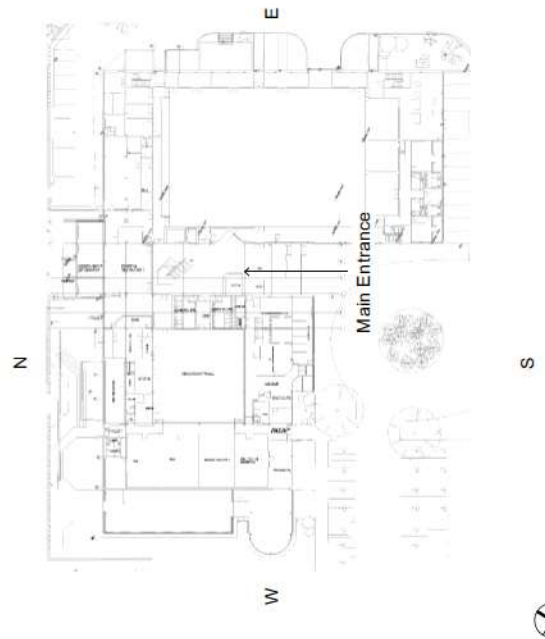
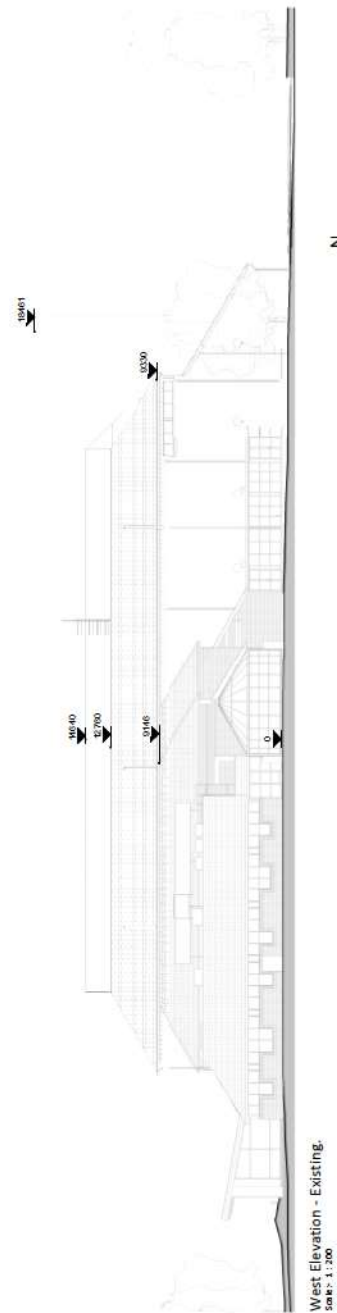
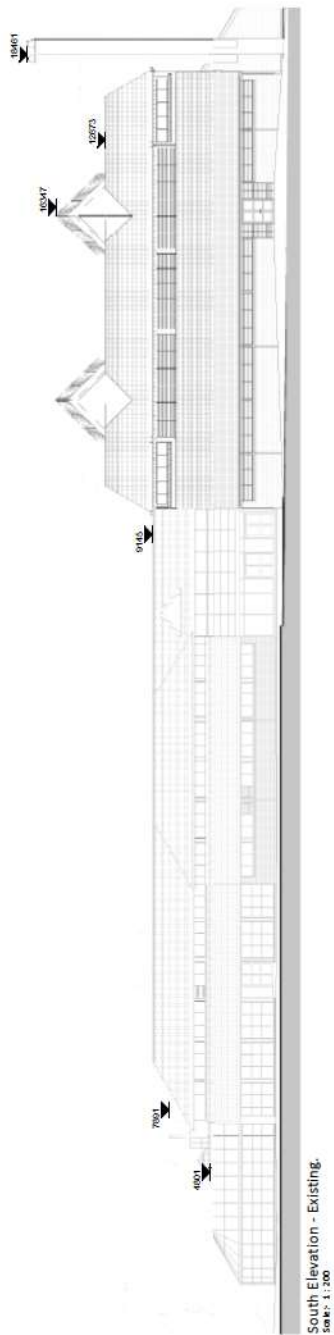
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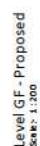
Existing Sports Centre

Existing Arts / Events Arena

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Existing Arts / Events Arena

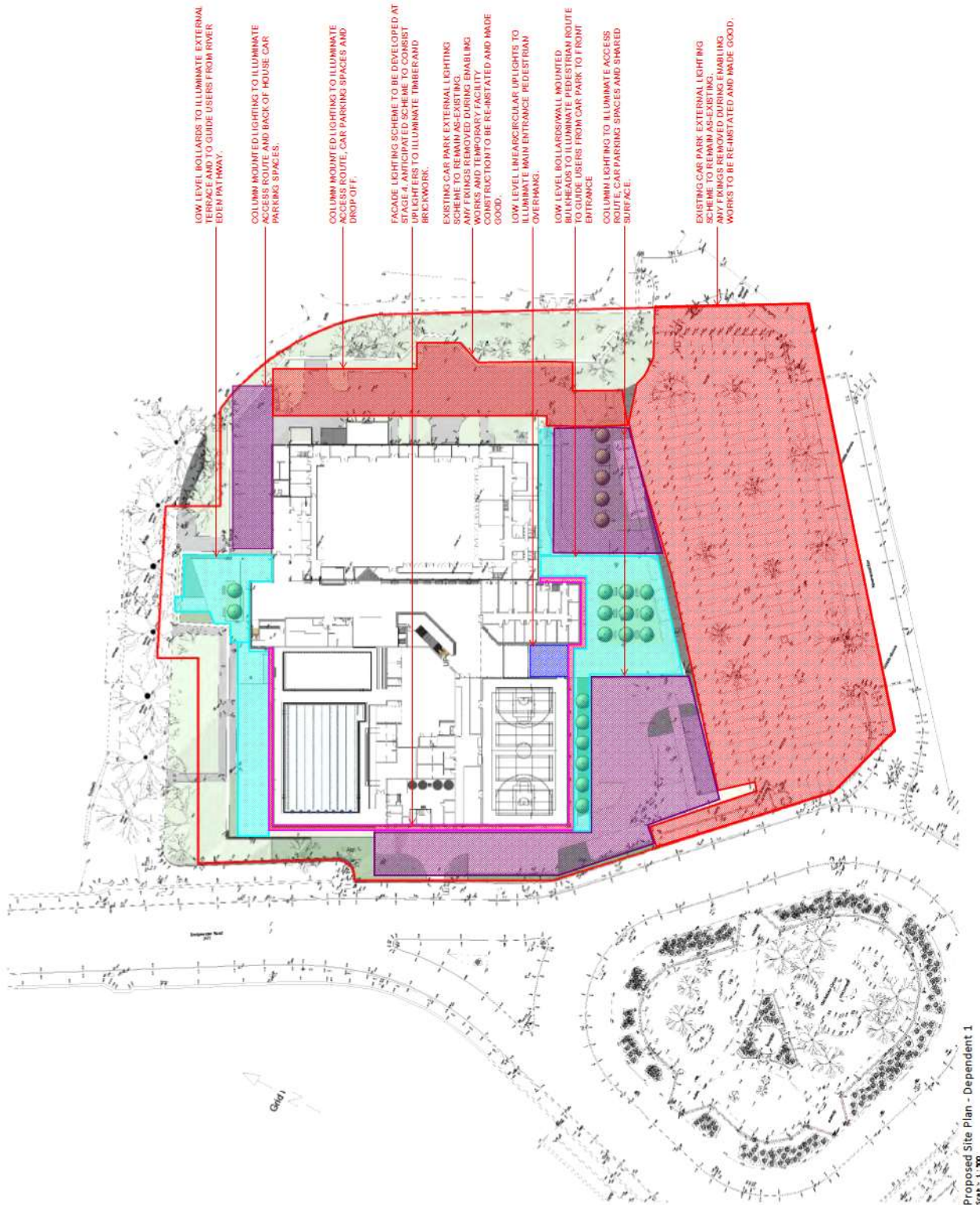
Proposed Sports Centre

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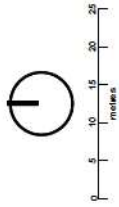






BURO HAPPOLD ENGINEERING	
MEP	
Job Title:	SANDS LEISURE CENTRE
Job Number:	0040400
Sketch Title/Number: EXTERNAL LIGHTING PROPOSED STRATEGY FOR INFORMATION	
Date:	15/08/2018
Initials:	SC

This drawing is to be used for planning purposes only. All dimensions to be checked on site. No responsibility is accepted for any errors or omissions. The client is responsible for ensuring that the information provided is accurate and for any errors or omissions.



Legend

Hardworks

Tarmacdam

Concrete block paving - Type 1

Concrete Block Paving - Type 2
To tie in with internal street material
Size: 600x600mm
Permeable surface

Proposed Bench

Bike Hoops
No. to be determined

Bollard

Existing Wall

Proposed Wall
To match existing

1.2m High Handrail to steps

Softworks

Ornamental Perennial Planting

Wildflower / Meadow Grass

Existing Grass Area

Existing Trees

Proposed Trees

Car Park

Car Park

Its Bank

NET ROAD

Subway

BM
18.85m

DEGWATER
ROAD

Subway

Issued for Planning

53 P08 STD AHA 3/08/18

Areas to north of existing flood wall shown as existing

54 P07 JGR MGD 03/08/18

Flood wall up to 1.2m as per GTR comments

54 P08 JGR AHA 03/08/18

Amendments to road layout and additional ramp

54 P03 JGR AHA 3/07/18

Amendments to car park layout

54 P04 JGR AHA 2/07/18

Stage 3 issue

54 P03 JGR AHA 17/07/18

First issue

53 P02 BNC AHA 08/07/18

Draft issue for review

52 P01 JGR STD 27/06/18

Revisions

52 P01 JGR STD 27/06/18

52 P01 JGR STD 27/06/18

52 P01 JGR STD 27/06/18

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52 P01 JGR STD 27/06/18

oobe

Client G13 Architects

Project The Sands Leisure centre

Title Site Plan - Proposed

Dwg. No. G11385-008-SI-ZZ-DR-L-0001

Revision P08

Scale 1:300 @A2

Date June 2018

Planning



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.

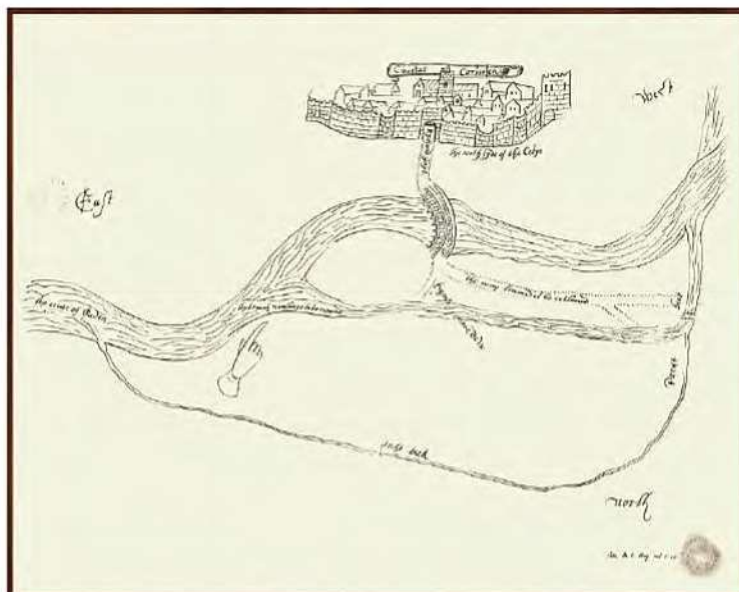
2.0 Summary

- 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

October 2018

SCHEDULE A: Applications with Recommendation

18/0911

Item No: 02

Date of Committee: 23/11/2018

Appn Ref No:
18/0911

Applicant:
Carlisle City Council

Parish:
Carlisle

Agent:
Gerald Eve LLP

Ward:
Castle

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

Proposal: Erection Of Temporary Ancillary Entertainment And Administration Facilities And Associated Works To Facilitate The Demolition And Construction Phases Associated With The Redevelopment Of The Sands Centre

Date of Receipt:
15/10/2018

Statutory Expiry Date
10/12/2018

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 Impact On Listed Buildings
- 2.5 Impact On Conservation Areas
- 2.6 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.7 Impact on Existing Trees
- 2.8 Biodiversity
- 2.9 Highway Matters
- 2.10 Drainage Matters
- 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 An application has been submitted (18/0805) which is seeking planning permission 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 Temporary ancillary entertainment and administration facilities would, therefore, need to be provided during the demolition and construction works. This application is seeking planning for these temporary facilities.
- 3.11 The temporary facilities include a total of 620 sq m of floorspace comprising:
- Bar and meeting area
 - Toilet facilities
 - Accessible toilet facilities
 - Connecting canopy areas
 - Covered walkway
 - Office
 - Star dressing room
 - Container store
 - Generator store/compound
 - Bin store/ compound
 - Canoe store (relocation of existing)
- 3.12 The bar area (236 sq m) would be sited to the north of the entertainment building and would consist of a series of interconnected portacabins. A disabled access ramp would link the north elevation of the bar area with the riverside path to the rear of The Sands, with a further covered ramp providing access into the rear of the entertainment venue.
- 3.13 A canopy (116 sq m) would be attached to the eastern end of the bar area and this would provide access to a series of toilets, including accessible toilets. A covered ramp would provide access from the canopy to the main events building. A generator (40 sq m) and a bin store (14 sq m) would be provided in close proximity to the canopy.
- 3.14 A covered walkway (46 sq m) would be provided to the south of the main events buildings and this would provide access from the car park. An office building (23 sq m) would be located adjacent to the walkway. A star dressing room (26 sq m) would also be provided to the south of the building and this would have direct access into the dressing room area in the main building.
- 3.15 A container store (32 sq m) would be sited to the east of the building, with two existing canoe stores (30 sq m) being re-located to the north of the existing leisure facilities.
- 3.16 The proposed temporary facilities would be sited on areas of existing

hardstanding / car park and no ground works would be required (with the exception of those which might be required to make a new foul water connection).

- 3.17 The existing access to the Sands Centre Car Park via Newmarket Road would be closed during the construction works for the new leisure facilities. Access for the temporary buildings would be via the existing eastern access located on Swifts Bank. A barrier controlled temporary access would be created at the junction of Newmarket Road and Swifts Bank to enable service vehicles to access the site during the construction works. Servicing would continue to take place to the east of the events facility.
- 3.18 A total of 69 car parking spaces would be available at the Sands Car Park during the construction phase, if the temporary sports and entertainment facilities are provided. Further parking spaces would be made available at Swifts Bank car park, with other parking be available in existing city centre car parks.
- 3.19 Whilst this application is seeking a standard 3 year planning permission, it is anticipated that the accommodation would only be required for approximately 18 months in line with the projected demolition and construction programme. Following the completion of construction works associated with the main application, the temporary buildings would be removed and the application site would be reinstated in line with the main application.

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. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (use of approved access; details of parking, turning, loading and unloading areas; details of surface water drainage scheme including future maintenance);

Environment Agency: - the development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere;

Local Environment, Waste Services: - as this is commercial waste, the applicant would have to seek their own private waste collection contract;

United Utilities: - no objections subject to conditions (foul drainage; details of surface water drainage scheme);

Cumbria County Council - (Archaeological Services): - no objections;

Natural England: - no objections, subject to appropriate mitigation being secured through conditions (foul and surface water drainage; protection of surface water drains);

Cumbria Wildlife Trust: - no comments received;

Local Environment - Environmental Protection: - no comments received;

Planning - Access Officer: - no objections;

Cumbria Constabulary - North Area Community Safety Unit: - has recommended a range of security measures that should be included;

Sport England North West: - no comments received;

Open Spaces Society: - no comments received.

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 proposal raises the following planning issues.
 1. Principle Of Development
- 6.4 The temporary facilities are proposed to support the continued operation of the Sands Centre's existing entertainment venue whilst the existing leisure and ancillary entertainment facilities are redeveloped subject to the approval of the main application.
- 6.5 The proposed temporary facilities are essential to ensure that customers of the Sands Centre have continued access to refreshments and toilet facilities during performances as well as providing adequate backstage and administrative facilities. Whilst it is recognised that the temporary facilities are not appropriate for long term/permanent use, they provide a suitable offer while the modernised leisure and ancillary facilities are being

completed.

- 6.6 The temporary buildings would be removed following completion and reopening of the Sands Centre and the site would be restored in line with the drawings submitted in support of the main application.
- 6.7 Policy EC6 indicates that new development for main town centre uses should be subject to sequential testing. However, in this instance, the floorspace proposed represents a significant reduction in the existing floorspace at the Sands Centre and would not result in any increased trade. Moreover, the Centre is likely to experience a reduction in trade during the demolition and construction phases. As such, it is not considered necessary to carry out a sequential assessment for the proposed development.
- 6.8 In light of the above, given the temporary nature of the facilities which are to support an existing operation, the proposal would be acceptable, in principle.

2. Whether The Scale And Design Are Acceptable

- 6.9 The proposal is seeking permission for a series of temporary buildings and structures, which would have a total floor area of 620 sq m. The bar area (236 sq m) and the adjoining canopy (116 sq m) which would provide access to the toilet facilities would be the largest structures. The bar area would have a maximum height of 2.6m with the canopy having a maximum height of 4.5m.
- 6.10 A covered walkway (46 sq m) would be provided to the south of the main events buildings and this would have a maximum height of 3.5m. An office building (23 sq m) would be located adjacent to the walkway and this would have a maximum height of 2.6m. A star dressing room (26 sq m) would also be provided to the south of the building and this would also have a maximum height of 2.6m.
- 6.11 A container store (32 sq m) would be sited to the east of the building, with two existing canoe stores (15 sq m each) being re-located to the north of the existing leisure facilities.
- 6.12 The buildings would be small in scale, when compared to the existing building and would largely been seen against the existing structure. Given the temporary nature of the buildings, the design of the buildings and the choice of materials is limited but given the scale of the buildings their impact would not be significant.
- 6.13 In light of the above, the scale and design of the proposals would be acceptable.

3. Flood Risk

- 6.14 Due to the site being located within Flood Zone 3 (benefiting from existing flood defences), the applicant has undertaken a Flood Risk Sequential Test for the redevelopment of the Sands Centre.

- 6.15 The development if proposed in isolation would need to carry out the sequential test in respect of flood risk (i.e. to assess whether other sites are available that can accommodate the development within a lower flood zone). In this instance, however, the proposal relates to the temporary provision of existing facilities during the construction period, rather than the creation of new permanent floorspace. Given the temporary facilities are linked to the continued operation of the existing entertainment venue, it would be unreasonable and impractical to expect the applicant to relocate the facilities to a site within a lower flood zone in this instance. There is, therefore, no requirement to undertake a sequential test in relation to this proposal.
- 6.16 As no exception test was required for the main application, as a result of the 'less vulnerable' land use proposed, there is no need to carry out an exception test in relation to this current proposal.
- 6.17 A detailed Flood Risk Assessment (FRA) has been submitted with the application. All of the temporary buildings and structures (with the exception of the canoe stores) would be protected by the existing flood defences and the overall risk of fluvial flooding to the site is considered to be low. The canoe stores would be located to the north (on the riverside) of the flood defences and would be vulnerable to flooding. Their use is, however, considered to be water compatible and their location would, therefore, be acceptable.
- 6.18 There is a residual risk of an exceedance event and in order to minimise any risks, the floor levels of the temporary structures would be raised. All of the temporary structures would need to be fixed to the ground to mitigate the risk of floating during an exceedance event. The canoe stores, which would be located beyond the flood defences, should encourage water ingress by providing holes in the sides of the containers.
- 6.19 In the event that defences are overtopped, there would not be a dry, safe egress route from the temporary facilities. The evacuation of people and vehicles would need to be managed through the existing Flood Warning and Evacuation Plan for The Sands, which would need to be updated to include the temporary facilities.
- 6.20 The Environment Agency (EA) has been consulted on the application. It is satisfied that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.
- 6.21 In light of the above, the proposal would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

4. Impact On Listed Buildings

- 6.22 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".

- 6.23 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.24 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.
- 6.25 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.
- 6.26 Given the temporary nature of the buildings and their small scale compared to the existing buildings and the building to be retained, any changes to the setting of the listed buildings/ structures would be minimal and would only be short term.

5. Impact On Conservation Areas/ Historic Parkland

- 6.27 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.
- 6.28 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".

- 6.29 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.
- 6.30 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.

- 6.31 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.
- 6.32 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.
- 6.33 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. The mature trees that lie to the north of the Sands Centre along the River Eden would be retained and these, and the retained events building, would screen the temporary buildings from Rickerby Park.
- 6.34 Given the temporary nature of the buildings and their small scale compared to the existing buildings and the building to be retained any changes to views into, and out of, the conservation areas/ historic parkland would be minimal and the proposal would preserve the setting of the City Centre and Stanwix Conservation Areas and Rickerby Park.

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

- 6.35 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 temporary facilities.
- 6.36 The nearest residential properties would be located on Corporation Road and on Stanwix Bank. Use of the proposed temporary events facilities would result in limited crowd noise and associated tannoy announcements informing the audience of the commencement of a show (start and interval). The anticipated level of noise is expected to be minimal, and would be localised to the immediate vicinity of the temporary buildings to the rear of the Sands Centre. The noise from the traffic at Hardwicke Circus and on Eden Bridge and the surrounding road network would dominate any noise resulting from the use of the temporary events facilities.

7. Impact on Existing Trees

- 6.37 The application is accompanied by an Arboricultural Impact Assessment and an Arboricultural Method Statement. These state that no existing trees

would need to be removed to facilitate this proposal.

- 6.38 The retained trees in the vicinity of the temporary buildings would be protected during the construction works by tree protection fencing, that would comply with British Standards. This would ensure that there is no significant damage to the retained trees as a result of this proposal.

8. Biodiversity

- 6.39 A Preliminary Ecological Appraisal Report has been submitted in support of the main application. This confirms that there were no bats observed on the site during a series of surveys over the summer and no other protected species were identified nor any areas of sensitive habitat within the application site. Some ecological enhancements would be secured through conditions attached to the main application.
- 6.40 Natural England has been consulted on the application. It notes that the proposal is adjacent to the River Eden and without appropriate mitigation the application could have an adverse effect on the River Eden SSSI/ SAC.
- 6.41 In order to mitigate these adverse effects and make the development acceptable Natural England considers that the following mitigation measures should be secured: finalised foul and surface water drainage strategy; and the protection of surface water drains if there are plans to excavate and mix and pour concrete.
- 6.42 In response, the applicant has confirmed that: the temporary buildings would not have foundations; the only excavation works that might be required would relate to the installation of the new foul drainage connection, which would not be significant; any concrete mixing would be carried out off-site and delivered to the site pre-mixed; foul drainage would connect to the existing foul system; and there would be no increase in surface water discharge from the site given that the temporary buildings and structures would be sited on existing car parks.

9. Highway Matters

- 6.43 The application is accompanied by a Transport Assessment (TA). The TA notes that the provision of the temporary facilities along with the construction compound required to facilitate the main application would result in a net loss of 225 car parking spaces. As such, 69 parking spaces would be available to use at the Sands Centre while the temporary facilities are in operation. These would be supplemented by the adjacent Swifts Bank Car Park, which has a capacity of 188 spaces.
- 6.44 There are a number of other car parks within a ten minute walk of the site and these provide 1,242 additional car parking spaces. An assessment of the car parks has shown that they are likely to be able to adequately accommodate additional parking demand from the Sands Centre that would be generated by a sell out event.

- 6.45 The existing access to the Sands Centre Car Park via Newmarket Road would be closed during the construction works for the new leisure facilities. Access for the temporary buildings would be via the existing eastern access located on Swifts Bank. A barrier controlled temporary access would be created at the junction of Newmarket Road and Swifts Bank to enable service vehicles to access the site during the construction works. Servicing would continue to take place to the east of the events facility.
- 6.46 A trip generation study was undertaken as part of the TA. Trips generated by the development are ancillary to the events venue and would not, therefore, generate any additional trips to the site.
- 6.47 The Local Highways Authority has been consulted on the application and has confirmed that it has no objections to the proposal subject to the imposition of conditions. The use of the existing eastern access located on Swifts Bank to serve the temporary facilities would be acceptable. The proposed temporary access at the junction of Newmarket Road and Swifts Bank is acceptable in principle, however, a swept path analysis is required to ascertain if HGVs can enter and leave the site in a forwards gear without damaging any footways in the area. The proposed car parking provision would be acceptable, given the presence of car parks within the vicinity of the Sands Centre which will be able to accommodate the cars that will be displaced during the construction phase.
- 6.48 In light of the above, there are no transport grounds which would prevent the proposed development from being approved.

10. Drainage Matters

- 6.49 Two gravity foul connections are proposed for the temporary facilities. It is proposed to connect to the public gravity sewer to the north corner of the site via a new temporary connection point. The additional toilets would also have a separate gravity connection point to the public sewer.
- 6.50 The run-off from the existing events building would be retained unchanged and discharge to the existing network. The run-off from the roof areas of the proposed temporary buildings would be discharged via temporary connections to the existing on-site drainage system which is discharged into the River Eden.
- 6.51 The proposed temporary facilities would be located on areas of hardstanding which are mainly car parks. There would, therefore, be no increase in the volume of discharge to the river as a result of this development.
- 6.52 The Lead Local Flood Authority (LLFA) has been consulted on the application and has confirmed that it has no objections to the proposal subject to the imposition of conditions. This proposed surface water drainage is acceptable to the LLFA, as the existing drainage network has a working outfall into the River Eden and currently the surface water from the car park discharges via this method. Therefore, there would be no increase in the impermeable surfacing of the car park, so there will be no change in

the runoff / discharge into the River Eden as a result of the temporary facilities.

- 6.53 It is stated within the drainage strategy that the proposed layouts of the drainage system will be reviewed once a survey investigation on the existing private surface water network has been carried out. As a result of this the LLFA recommends that the imposition of conditions in order to scrutinise the final drainage layout / design. It is also noted that within the final drainage design, calculations should be provided to show that the development is not increasing flood risk on site and the drainage layout should show how the temporary facilities are linked to the outfall location.
- 6.54 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.

11. Archaeology

- 6.55 No foundations are proposed for the temporary buildings. The only excavation works that might be required would be for the foul drainage connection to the existing foul sewer, which would not be significant. The County Archaeologist has confirmed that he has no objections to the proposals.

12. Security Issues

- 6.56 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 and these have been forwarded to the applicant for consideration.

13. Ground Contamination

- 6.57 Give that there would be no foundations and the only excavation works would be for a foul drainage connection to the existing foul sewer, the proposal would not have an impact on ground contamination.

14. Public Rights of Way

- 6.58 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

- 6.59 In overall terms, the proposal would be acceptable in principle. The scale and design of the temporary buildings/ structures would be acceptable. The proposals would not have an unacceptable risk on flooding or exacerbate

flood risk elsewhere. The proposals would not have an adverse impact on heritage assets, on the occupiers of neighbouring properties, on biodiversity, on trees or on archaeology. The proposed parking and access arrangements and drainage would be acceptable. In all aspects, the proposal is compliant with the relevant national and local plan policies.

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 8th October 2018;
 2. the Site Location Plan (drawing ref 17024-GT3-00-XX-DR-A-08-9210-S2-P02) received 8th October 2018;
 3. the Existing Site Layout (drawing ref 17024-GT3-00-XX-DR-A-08-9215-S2-P02) received 8th October 2018;
 4. the Existing Site Section A (drawing ref 17024-GT3-00-ZZ-DR-A-08-9220-S2-P02) received 8th October 2018;
 5. the Existing Site Section B (drawing ref 17024-GT3-00-ZZ-DR-A-08-9230-S2-P02) received 8th October 2018;
 6. the Existing Storage Containers (drawing ref 17024-GT3-00-ZZ-DR-A-08-9292-S2-P01) received 8th October 2018;
 7. the Proposed Block Plan (drawing ref 17024-GT3-00-XX-DR-A-08-9217-S2-P02) received 8th October 2018;
 8. the Proposed Roof Plan (drawing ref

- 17024-GT3-00-RF-DR-A-08-9200-S2-P02) received 8th October 2018;
9. the Proposed Site Section A (drawing ref 17024-GT3-00-ZZ-DR-A-08-9221-S2-P02) received 8th October 2018;
10. the Proposed Site Section B (drawing ref 17024-GT3-00-ZZ-DR-A-08-9231-S2-P02) received 12th November 2018;
11. the Proposed Event & Bar Canopy (drawing ref 17024-GT3-00-ZZ-DR-A-08-9290-S2-P01) received 8th October 2018;
12. the Proposed Covered Walkway (drawing ref 17024-GT3-00-ZZ-DR-A-08-9291-S2-P01) received 12th November 2018;
13. the Proposed Canoe Store (drawing ref 17024-GT3-00-ZZ-DR-A-08-9293-S2-P01) received 8th October 2018;
14. the Proposed Site Layout Plan (drawing ref 17024-GT3-00-XX-DR-A-08-9216-S2-P02) received 8th October 2018;
15. the Star Dressing Room Elevations and Plan (drawing ref DQ2690 Rev.D (GT3)) received 8th October 2018;
16. the Office Elevations and Plan (drawing ref DQ2690 Rev.D) received 8th October 2018;
17. the Bar Floor Plan and Elevations (drawing ref HD/10256/11) received 8th October 2018;
18. the Portaloo (Ladies) Elevations and Floor Plan (drawing ref PL202-W) received 8th October 2018;
19. the Portaloo (Gentlemen) Elevations and Floor Plan (drawing ref PL202-X) received 8th October 2018;
20. the Portaloo (Accessible) Elevations and Floor Plan (drawing ref PL101-A) received 8th October 2018;
21. the Lauralu Canopy Specification Document received 8th October 2018;
22. the Techramp - Example Ramp Detail received 8th October 2018;
23. the Flood Risk Assessment (ref 0040400) received 8th November 2018;
24. the Drainage Strategy (ref 0040400 Rev 00) received 9th October 2018;
25. the Transport Assessment (ref 0040400) received 8th October 2018;
26. the Arboricultural Impact Assessment received 8th October 2018;
27. the Arboricultural Impact Assessment Tree Protection (drawing ref AIA TPP) received 8th October 2018;
28. the Arboricultural Method Statement received 8th October 2018;
29. the Arboricultural Method Statement Tree Protection Plan (drawing ref AMS TPP) received 8th October 2018;
30. the Notice of Decision; and
31. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The applicant shall notify the Local Planning Authority of the date at which the first of the temporary buildings hereby approved are located on the site. The buildings shall be removed and the land restored in line with the drawings submitted in support of the application 18/0805 within 3 years of

this date or when the works are complete and the sports and leisure facilities at the Sands Building are back in use whichever is the sooner.

Reason: To ensure that the temporary buildings are removed from the site when they are no longer required.

4. For the duration of the development, 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, received 8th 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.

5. 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.

6. 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.

7. Foul and surface water drainage shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to the commencement of development 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.

9. No development shall commence until details to confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary have been agreed in writing with the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

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

10. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

11. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

Reason: To ensure that provision is made for vehicle turning within the site and in the interests of highway safety and to support Local Transport Plan Policies LD7 & LD8.

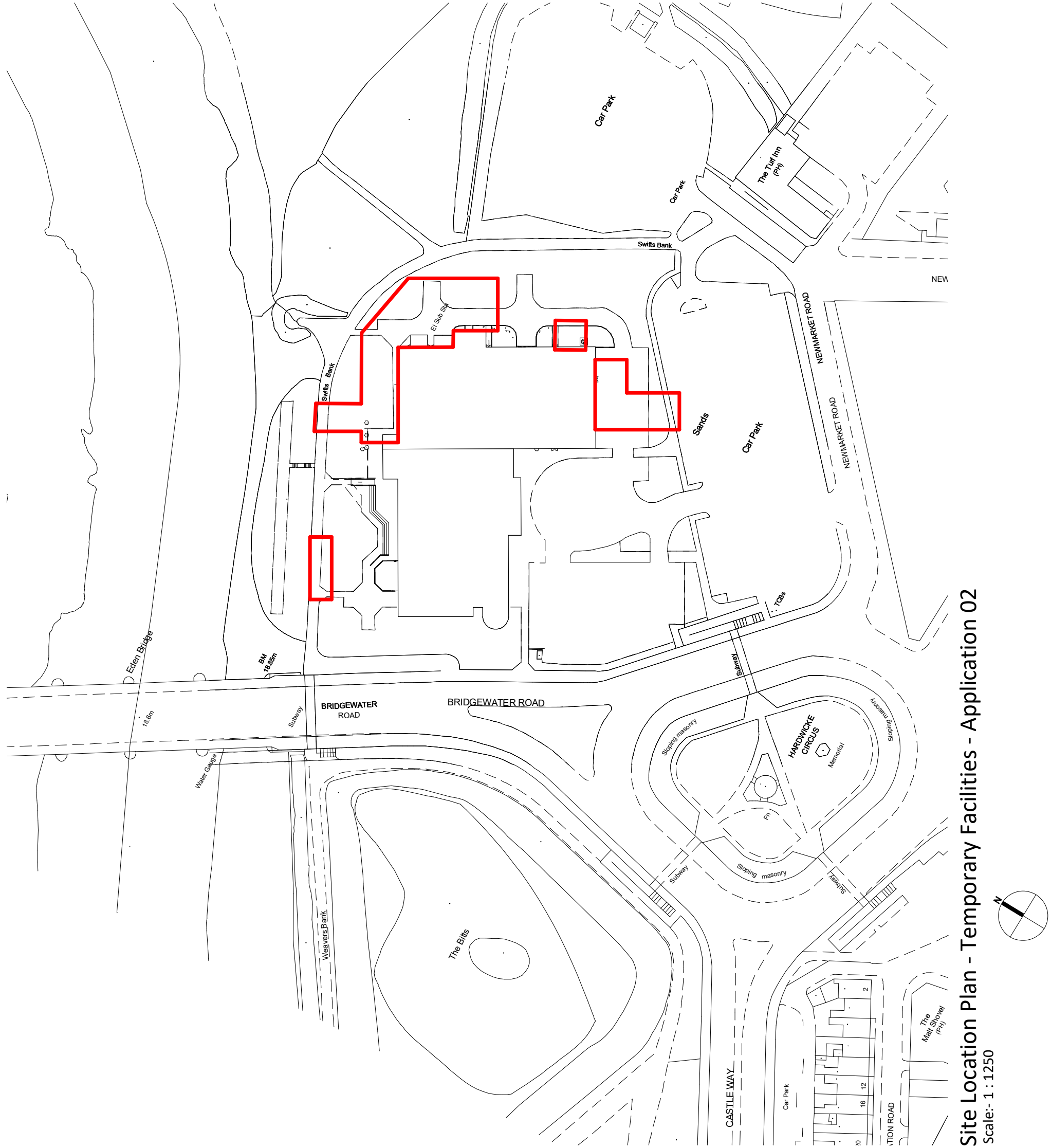
12. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that all vehicles can be properly and safely

accommodated clear of the highway and to support Local Transport Plan Policies LD7 & LD8.

This information has been based on information supplied by third parties and as such cannot be guaranteed. It is recommended that you verify the information before proceeding. Do not scale this drawing. Use figured dimensions in all cases. Do not use this drawing for any purpose other than that for which it was prepared. All dimensions are in millimetres unless otherwise stated. Report any discrepancies to GT3 Architects before proceeding.

NOTE:
Red line indicates application site area



PO2	Planning Submission	04/10/18	SSe
PO1	First Issue	27/09/18	SSe
Rev	Description	Date	Rev. By
Planning			
Carlisle City Council			
The Sands Leisure Centre			
Newmarket Rd, Carlisle CA1 1JQ			
Temporary Facilities - Application 02 - Site Location Plan			
GT3 JOB NO: 17024			
DWG NO: 17024-GT3-00-XX-DR-A-08-0210-S2-P02			
SCALE: 1:1250 @A3			
CHECKED BY: PRB			
DO NOT SCALE			
ALL DIMENSIONS TO BE VERIFIED ON SITE			



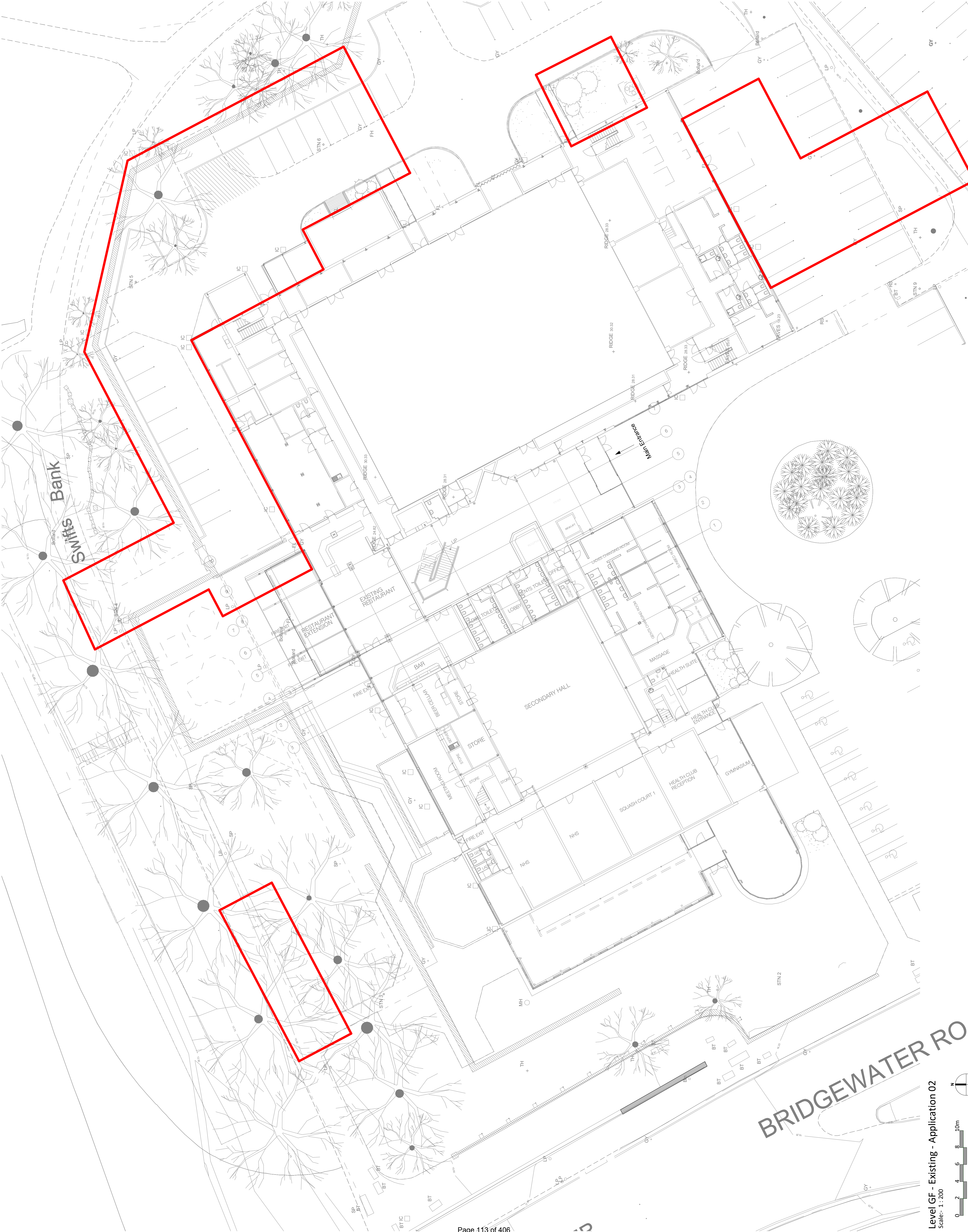
2nd Floor, T110
Leazes Road, Newcastle
NE2 1DB
10191 2817700
HKG@gt3architects.com
www.gt3architects.com

Student House
19 Castle Gate
Newcastle
NE2 7AD
10115 8470800
www.gt3architects.com

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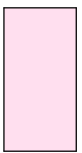
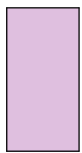
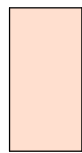







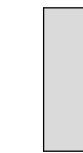

NOTE:
Red line indicates
application site area

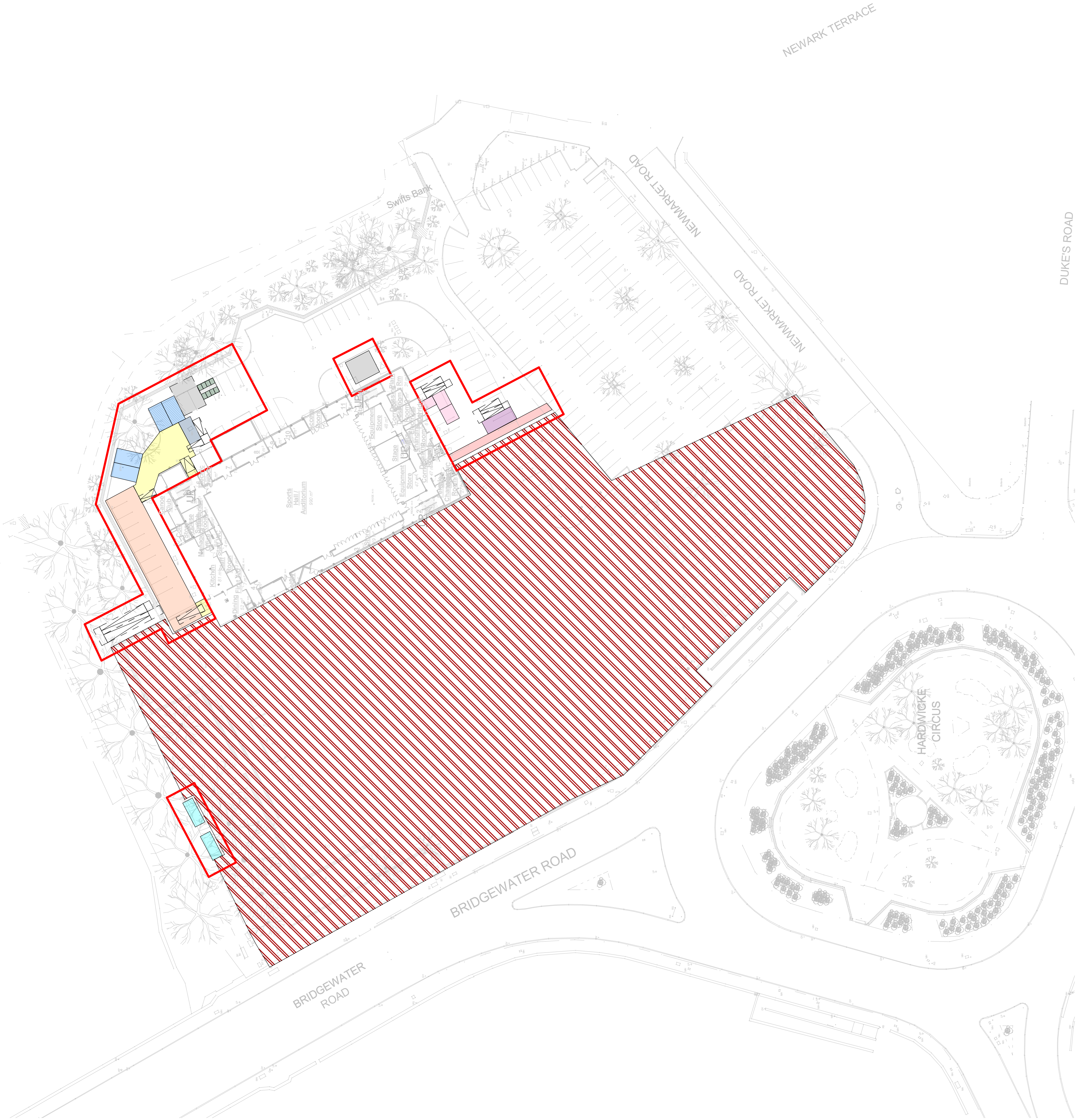
P02	Planning Submission	04/10/18	SSA
P01	Final Scheme	21/08/18	SSA
Rev	Description	Date	Rev. By
Planning			
Carlisle City Council			
The Sands Leisure Centre			
Newmarket Rd, Carlisle CA1 1JQ			
Temporary Facilities - Application 02 - Existing Site Plan			
GT3.08.00 - 17/024			
DWG NO: 17/024-GT3.00-XX-DR-A-08-9/215-S2-P02			
SCALE: As indicated @A1			
CHECKED BY: PFB			
DO NOT SCALE ALL DIMENSIONS TO BE VERIFIED ON SITE			
GT3 ARCHITECTS			
2nd Floor, TMO Newmarket Road, Carlisle CA1 1JQ 01273 2817700 info@gt3architects.com			
Standard House 18 Castle Gate Carlisle CA1 1JQ 01273 2817700 www.gt3architects.com			



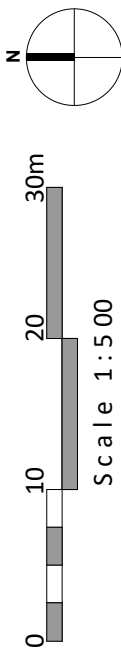
This information has been based upon information supplied by third parties and as such is not guaranteed. All dimensions are approximate and subject to verification. Do not scale this drawing. Use figure dimensions in all cases. Do not rely on dimensions on site. Report any discrepancies to GT3 Architects before proceeding.

Key

	Star Dressing Room Refer to SL002 DO0800D Portakabin A2 - GT3 - EDIT
	Office Total Area 23m² Refer to SL002 DO0800D Portakabin A2
	Bar Total Area 236m² Refer to T010206_11 10 x 1400 3.03.10.2018
	Canopy Total Area 14m² Refer to T17024-GT3-00-ZZ-DR-A-08-0200-Temporary Facilities - Application 02 - Event & Bar Canopy
	Canopy / Visual Container Store Total Area 90m² Refer to T17024-GT3-00-ZZ-DR-A-08-0200-Temporary Facilities - Application 02 - Canopy Store
	WC Total Area 40m² Refer to Portakabin Drawings: PL202-W (Female) PL202-M (Male)
	Acc/WC (X2) Total Area 17m² Refer to PL101-A1
	Container Store Total Area 20m² Refer to T17024-GT3-00-ZZ-DR-A-08-0200-Temporary Facilities - Application 02 - Existing Storage Containers
	Generator Store Total Area 40m²
	Bin Store Total Area 14m²
	Covered Walkway Total Area 620m² Refer to T17024-GT3-00-ZZ-DR-A-08-0200-Temporary Facilities - Application 02 - Covered Walkway
	Red line indicates application site area
	Overall Total Area 620m²



Site - Temporary Facilities - Application 02 - Block Plan
Scale:- 1: 500




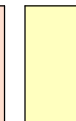
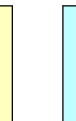








P02	Planning Submission	04/10/18	SEA
P01	First Issue	27/08/18	SEA
Rev	Description	Date	Rev. By
Planning			
Carlisle City Council			
The Saints Leisure Centre			
Newmarket Rd, Carlisle CA1 1JQ			
Temporary Facilities - Application 02 - Proposed Block Plan			
GT3 JOB NO: 17024			
DWG NO: 17024-GT3-00-XX-DR-A-08-0217-S2-P02			
SCALE: As indicated @A1			
CHECKED BY: PRB			
DO NOT SCALE ALL DIMENSIONS TO BE VERIFIED ON SITE			



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info@gsarchitects.com
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18 Castle Gate
Newmarket Road
Carlisle, Cumbria
CA1 1JQ
1 0151 8417000
www.gsarchitects.com

Key	Notes
	Star Dressing Room Refer to SLO2D Q02890D Portakabin A2-GT1-E
	Office Total Area 23m ² Refer to SLO2D Q02890D Portakabin A2*
	Bar Total Area 23m ² Refer to SLO2D Q02890D Portakabin A2*
	Canopy Total Area 11m ² Refer to T102A-GT3-Q2-ZZ-DRA-08-0300-Temporary Facilities - Application 02 - Event & Bar Canopy
	Canopy / Kiosk/ Container Store Total Area 30m ² Refer to T102A-GT3-Q2-ZZ-DRA-08-0300-Temporary Facilities - Application 02 - Canopy Store
	WC Total Area 40m ² Refer to Portakabin Drawings: T102A-GT3-Q2-ZZ-DRA-08-0300 (WC) PL02-X (Main)
	Acc/WC (X2) Total Area 40m ² Refer to T102A-GT3-Q2-ZZ-DRA-08-0300-Temporary Facilities - Application 02 - Canopy Store
	Container Store Total Area 32m ² Refer to T102A-GT3-Q2-ZZ-DRA-08-0300-Temporary Facilities - Application 02 - Canopy Store
	Generator Store Total Area 40m ²
	Bin Store Total Area 14m ²
	Covered Walkway Total Area 40m ² Refer to T102A-GT3-Q2-ZZ-DRA-08-0300-Temporary Facilities - Application 02 - Canopy Store

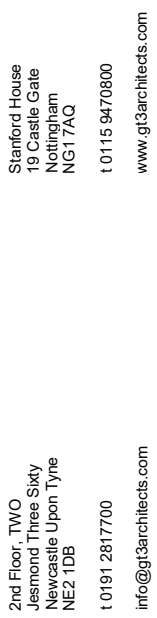
Red line indicates application site area

Red line indicates application site area

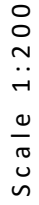
Red line indicates application site area

Carlisle City Council
The Sands Leisure Centre
Newmarket Rd, Carlisle CA1 1JQ

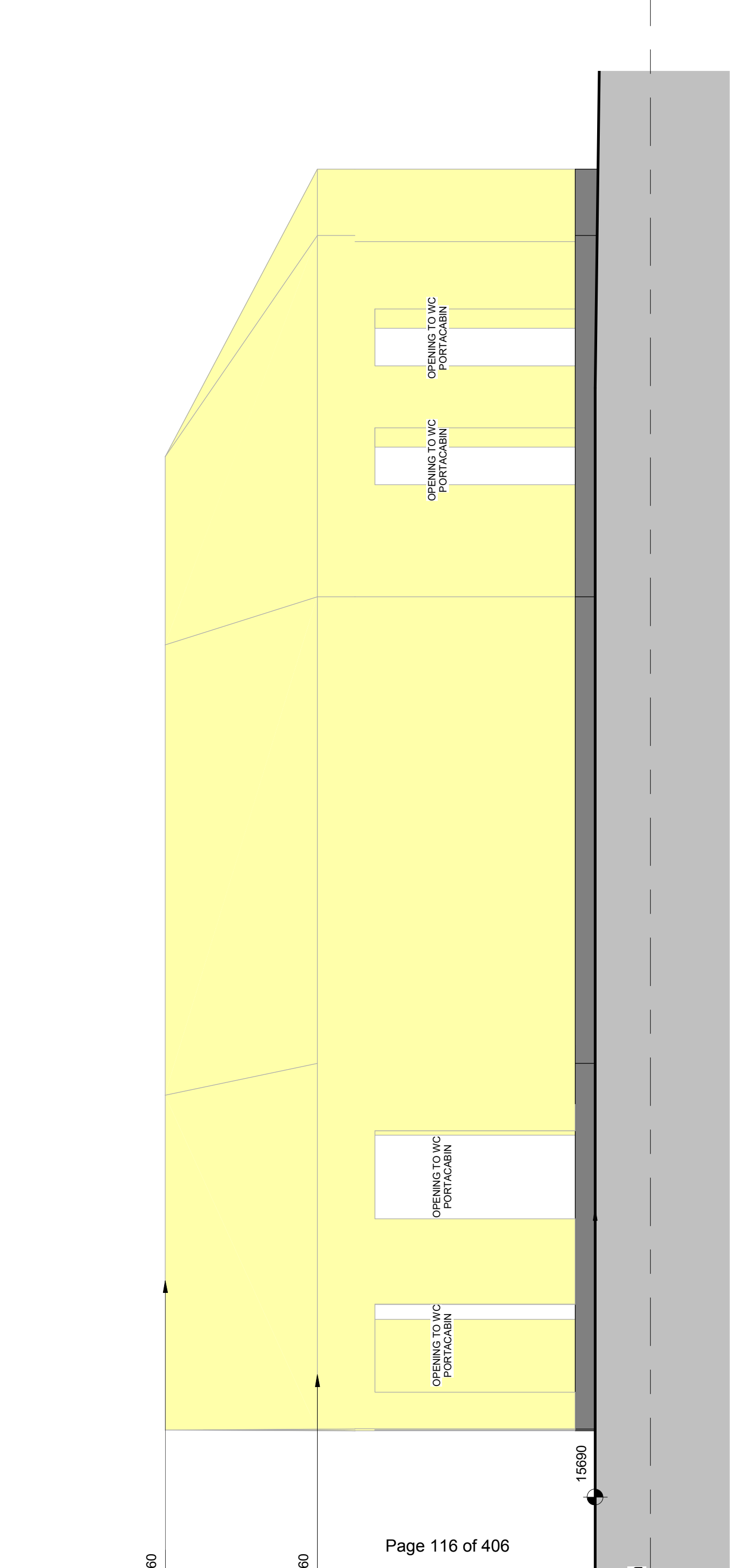
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ALL DIMENSIONS TO BE VERIFIED ON SITE



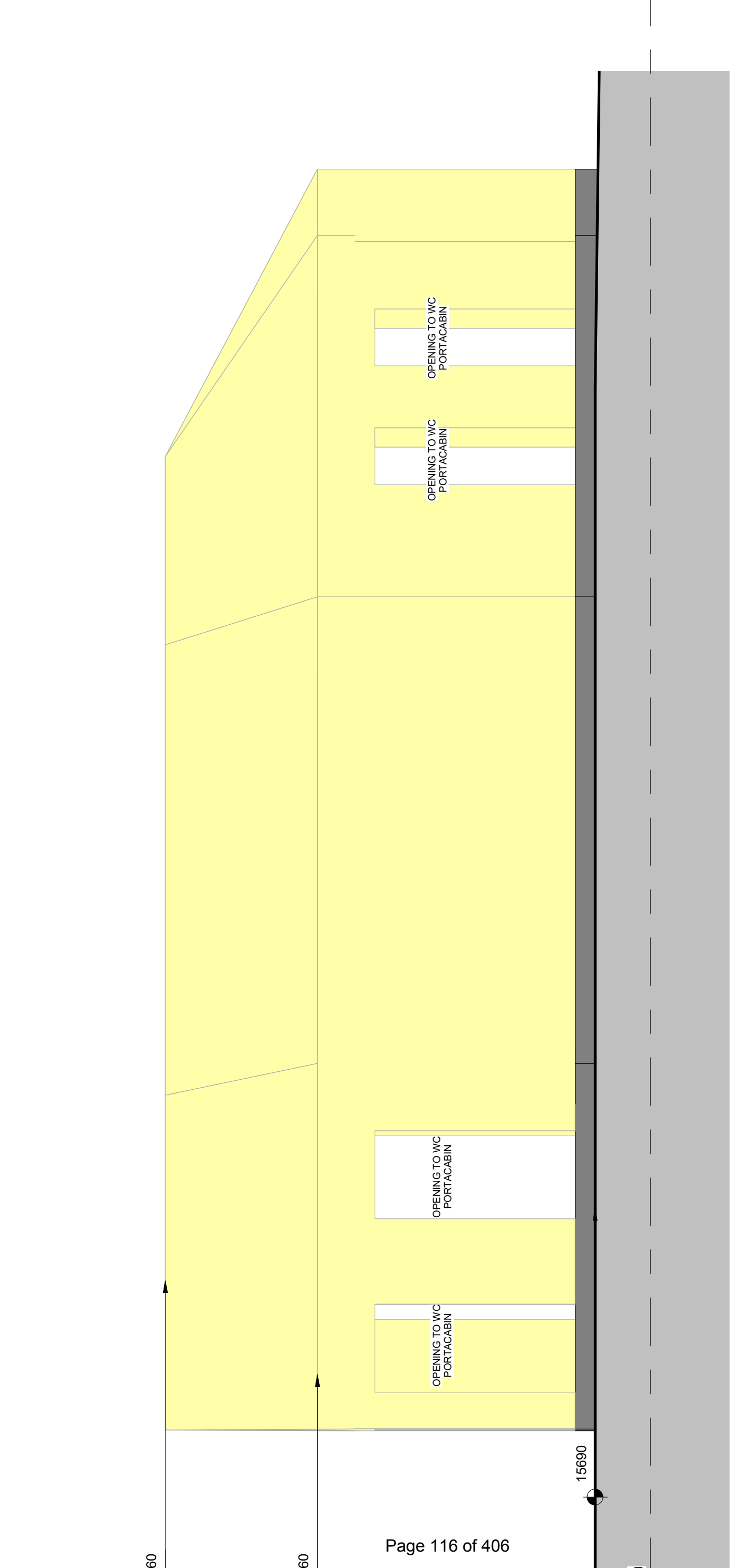
Site - Temporary Facilities - Application Uz



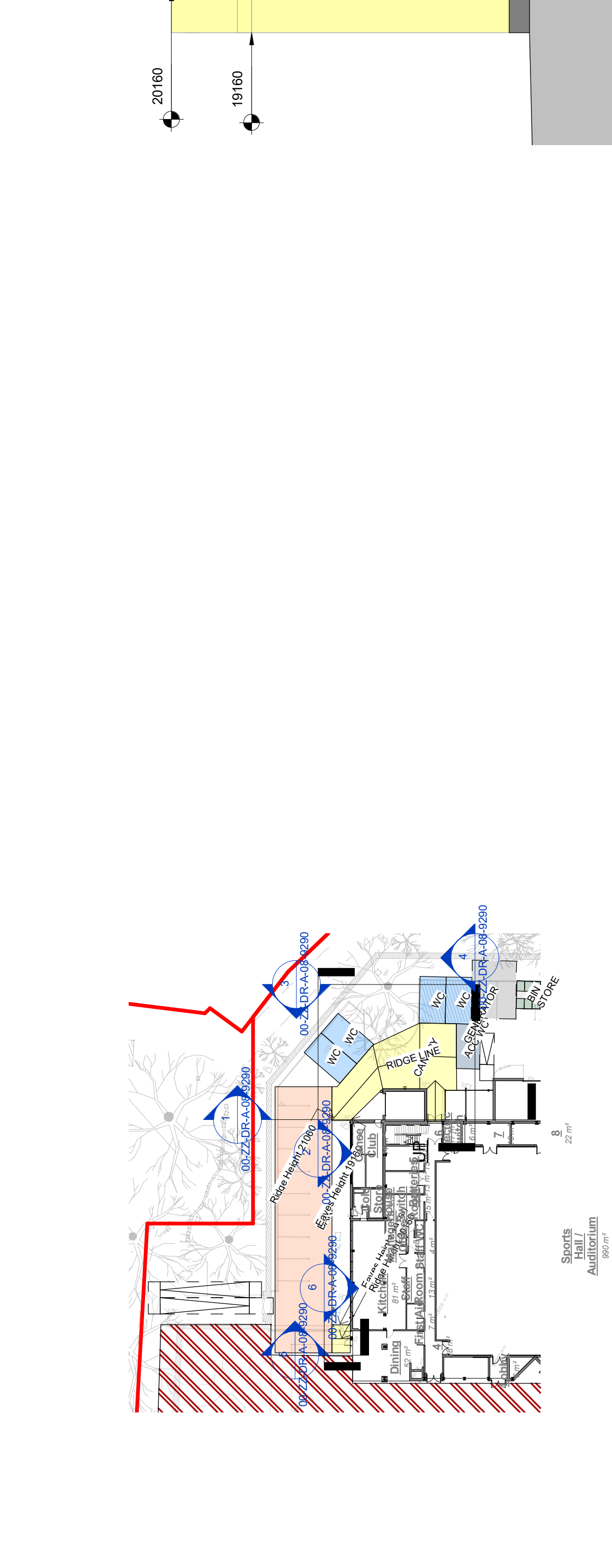
Architectural section drawing of a building facade. The drawing shows a yellow building with a dark grey roof and a dark grey base. A ramp access is indicated on the right side, labeled "RAMP ACCESS FROM EXISTING BUILDING". Dimensions are provided: 19'6" for the height of the main structure and 15'6" for the height of the ramp access area.



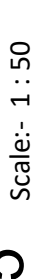
Scale:- 1 : 50



Scale:- 1 : 50



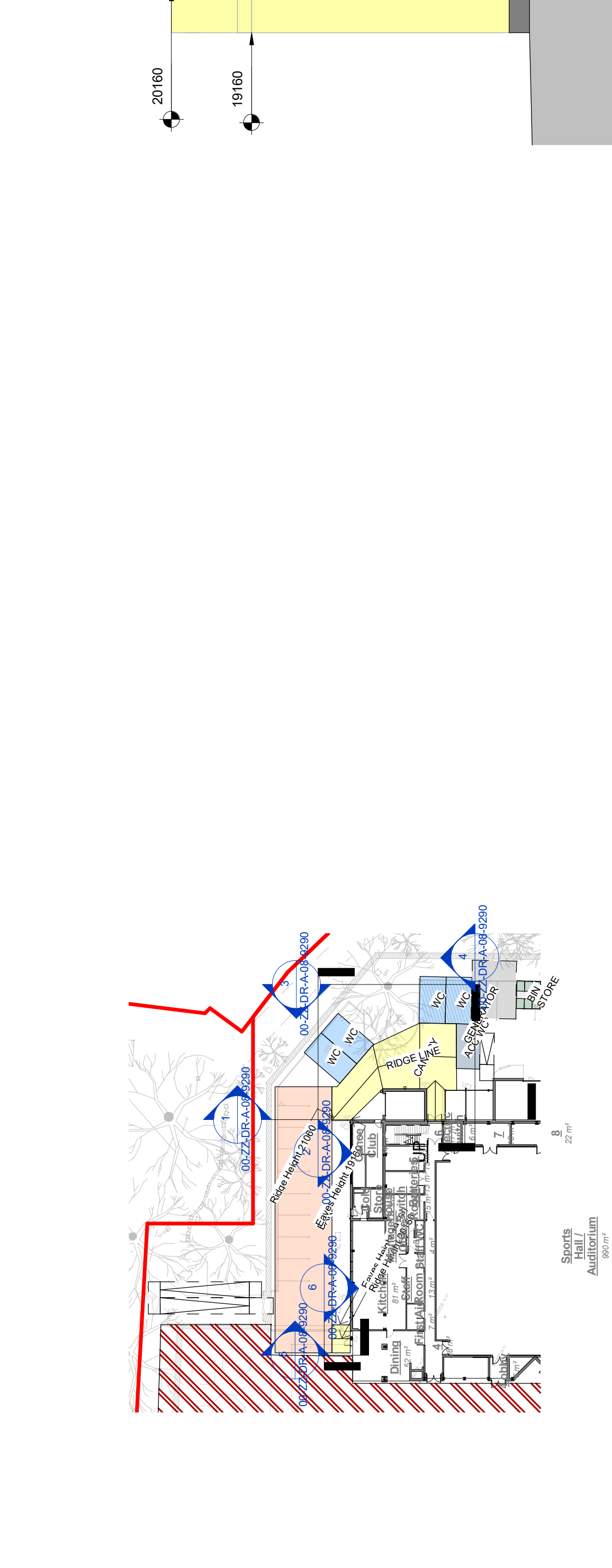
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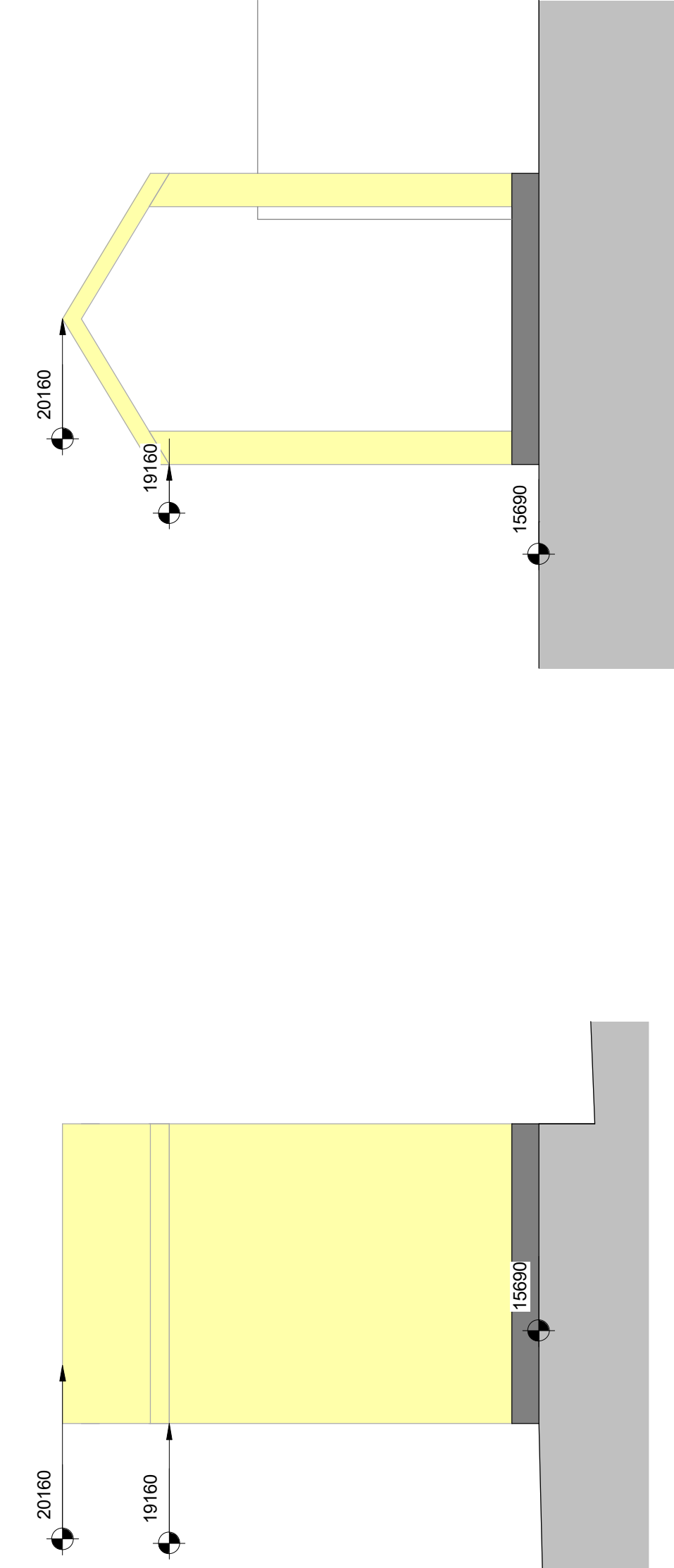
East Bar



Scale:- 1 : 50



Scale:- 1 : 50



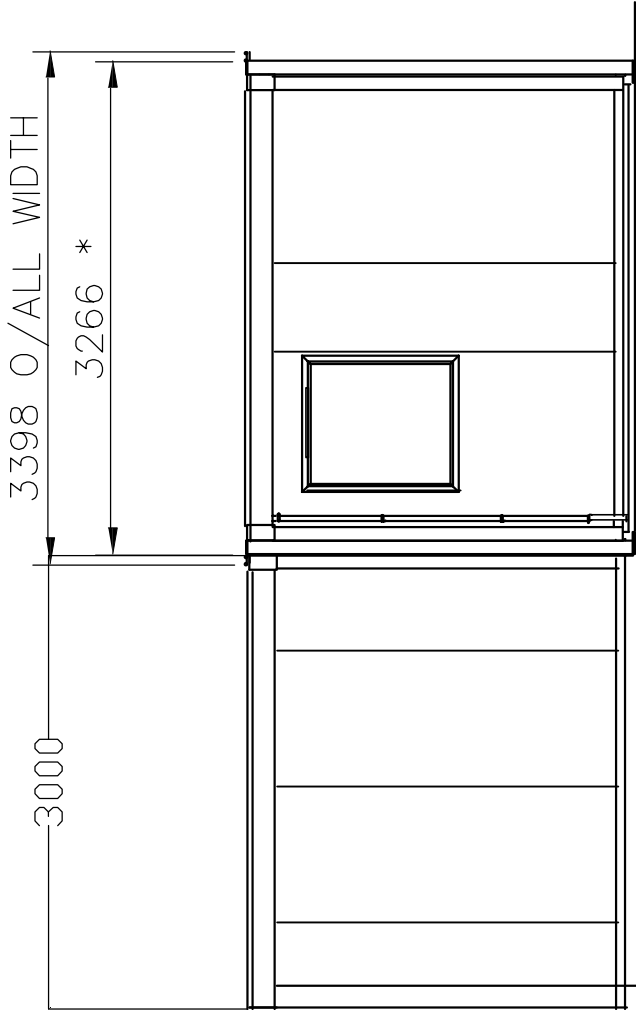
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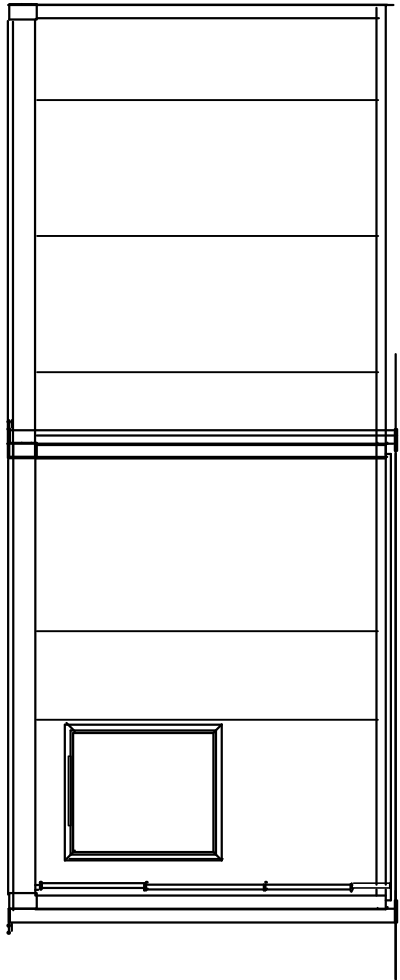
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Rev.	Date	By

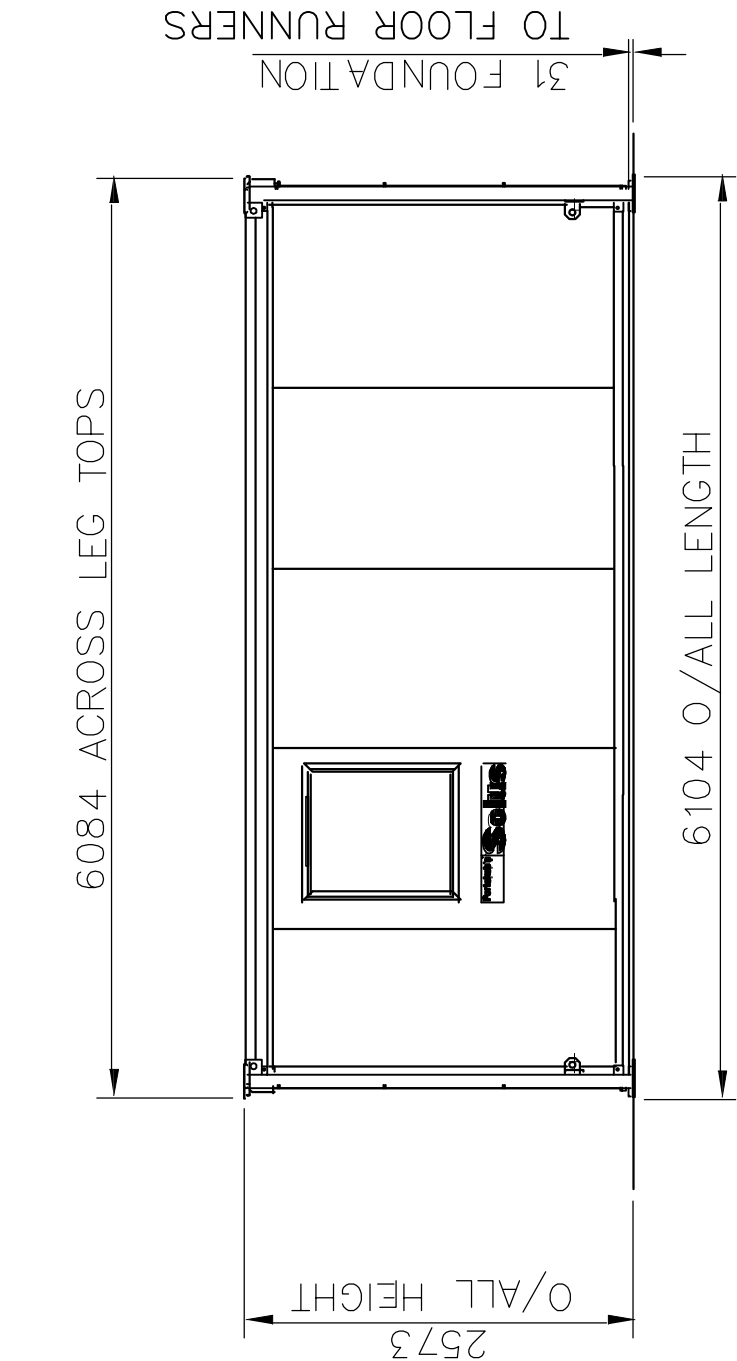
*NOTE O/ALL WIDTH
FOR CONTINENTAL
EUROPEAN BUILDINGS



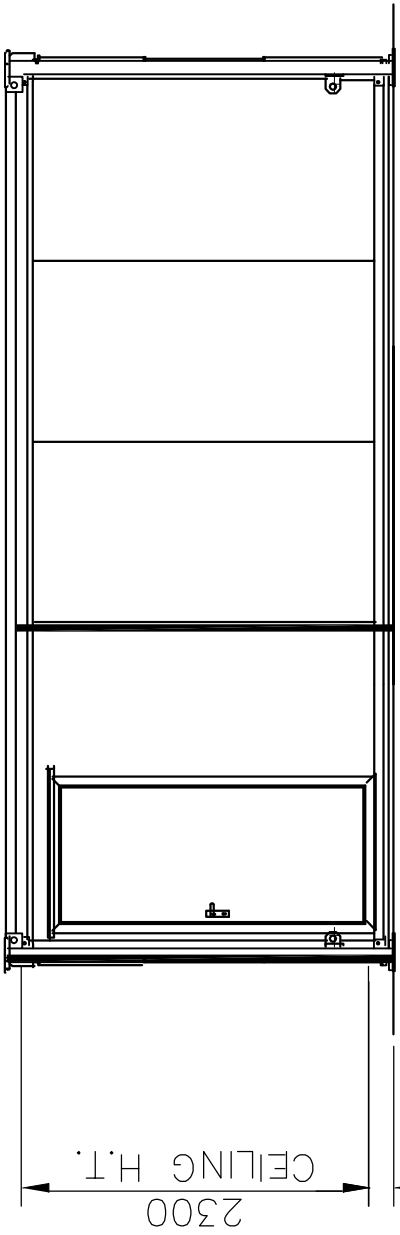
END ELEVATION



END ELEVATION

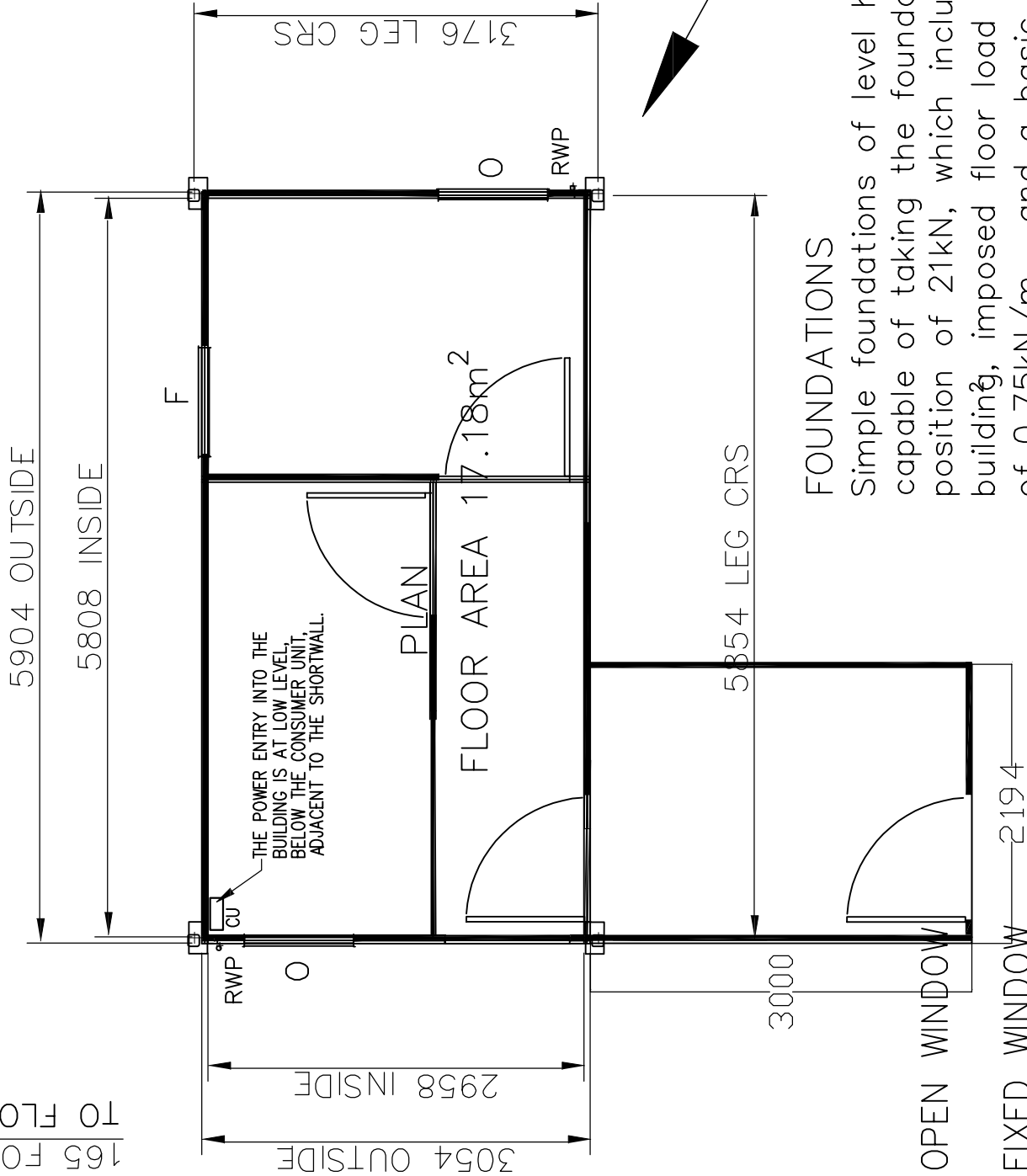


REAR ELEVATION



FRONT ELEVATION

165 FOUNDATION
TO FLOOR LEVEL



PLAN VIEW
LEG BASEPLATE DETAIL



Portakabin Limited Huntingdon York YO32 9PT
Telephone 01904 611655 Fax 01904 611644

Project	PORTAKABIN SOLUS	
Client		
Title	SPECIFICATION DRAWING SL062 LODASTRUT LEG OPTION	
Date	3.10.07	Drawn R.SCHOFIELD
Scale	1:5 & 1:50 @A2	
Drg. No.	DQ2690	Rev. D

KEY

O OPEN WINDOW

F FIXED WINDOW

RWP RAIN WATER PIPE

CU CONSUMER UNIT

FOUNDATIONS

Simple foundations of level hardstandings are required to be capable of taking the foundation design load at each foot position of 21kN, which includes the dead weight of the building, imposed floor load of 3kN/m², imposed roof load of 0.75kN/m², and a basic wind speed to meet the requirements of BS6399: Part 2.

The foundations are to be designed in accordance with BS8004 with level tops of a tolerance of ±3mm.

The area of ground under the building, plus a surrounding 500mm must be no higher than 50mm below the tops of the building foundations.

All buildings are to be anchored to the foundations via the baseplate using M20 anchor bolts, unless it can be established that no climatic or other forces are likely to be applied so as to exceed the intrinsic stability of the building in its unloaded state.

All Lodastrut legs should be fully retracted onto the safety stops with the leg pins fitted through the outer legs and secured by the locking cotter.

It is recommended that professional advice is obtained for the design of the foundations.

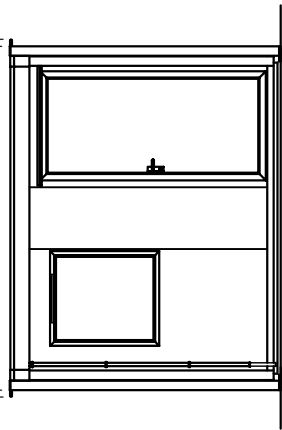
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Rev.

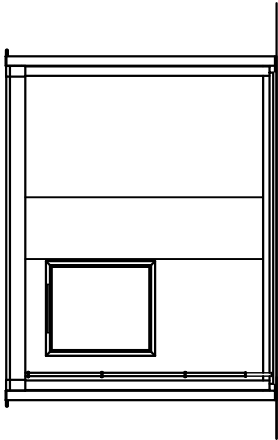
Date

By

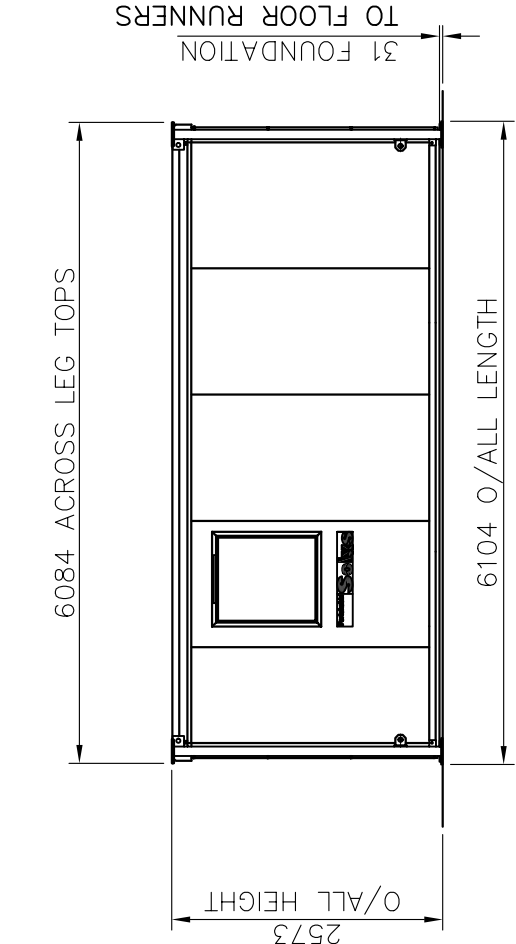
3398 O/ALL WIDTH
3266 *
*NOTE O/ALL WIDTH
FOR CONTINENTAL
EUROPEAN BUILDINGS



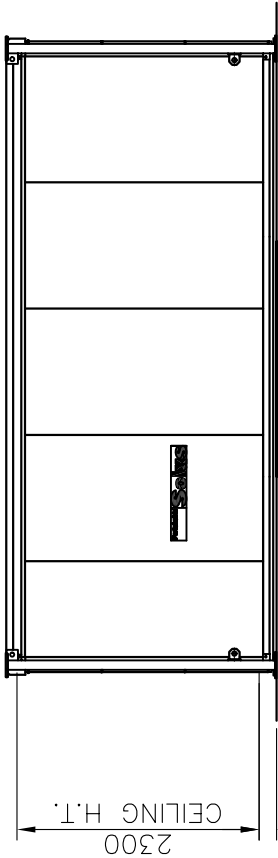
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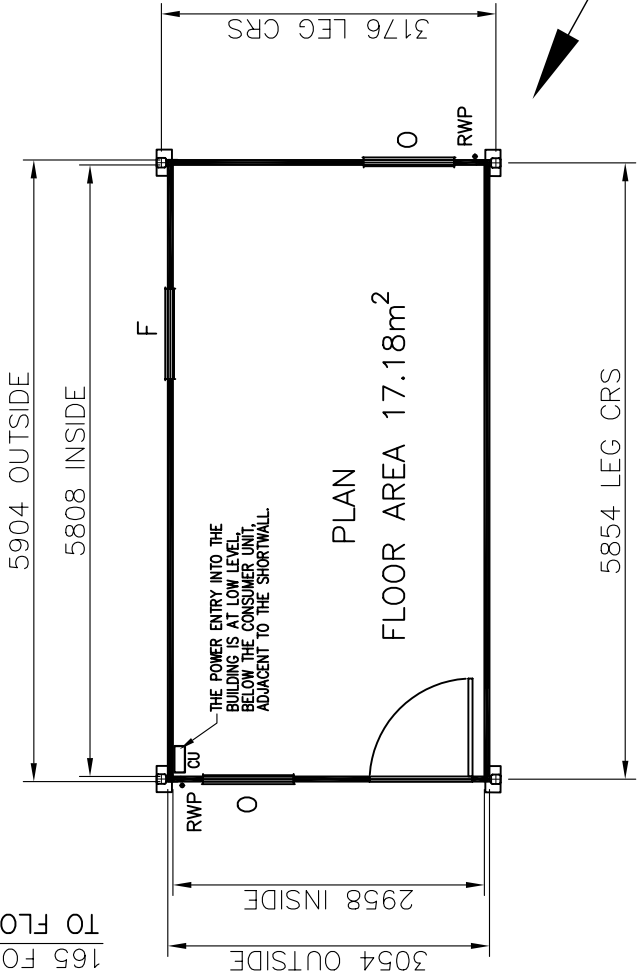
END ELEVATION



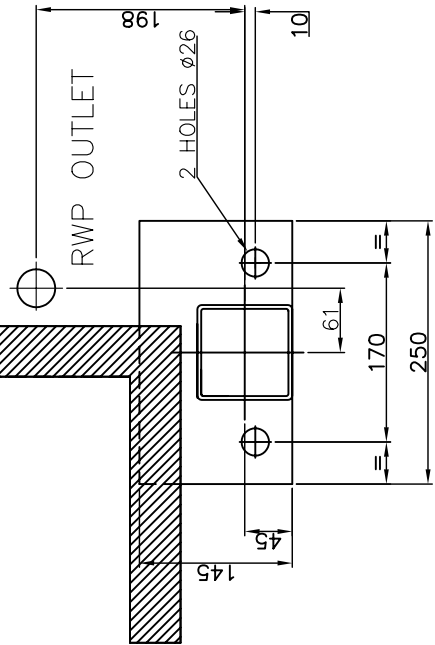
REAR ELEVATION



FRONT ELEVATION



PLAN VIEW
LEG BASEPLATE DETAIL



Portakabin Limited Huntingdon York YO32 9PT
Telephone 01904 611655 Fax 01904 611644

ProjectPORTAKABIN SOLUS	
Client	
Title	
SPECIFICATION DRAWING SL062 LODASTRUT LEG OPTION	
Date3.10.07	DrawnR.SCHOFIELD
Scale1:5 & 1:50	
Drg. No.DQ2690	Rev.D

KEY

O OPEN WINDOW

F FIXED WINDOW

RWP RAIN WATER PIPE

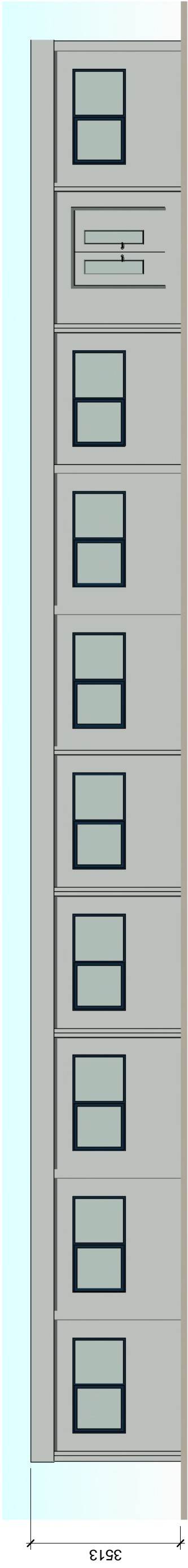
CU CONSUMER UNIT

FOUNDATIONS

Simple foundations of level hardstandings are required to be capable of taking the foundation design load at each foot position of 21kN, which includes the dead weight of the building, imposed floor load of 3kN/m², imposed roof load of 0.75kN/m², and a basic wind speed to meet the requirements of BS6399: Part 2.
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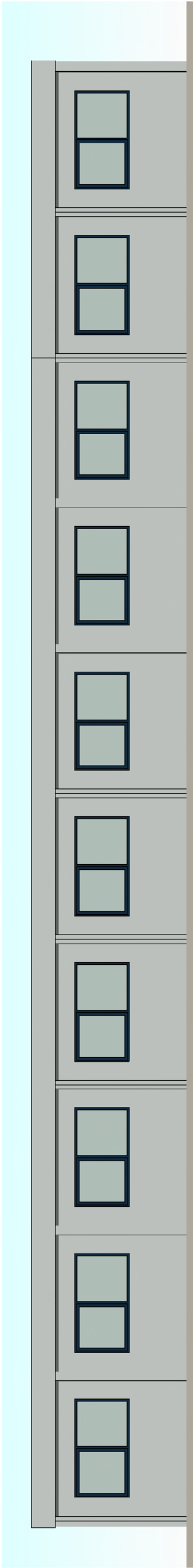
All buildings are to be anchored to the foundations via the baseplate using M20 anchor bolts, unless it can be established that no climatic or other forces are likely to be applied so as to exceed the intrinsic stability of the building in its unloaded state.
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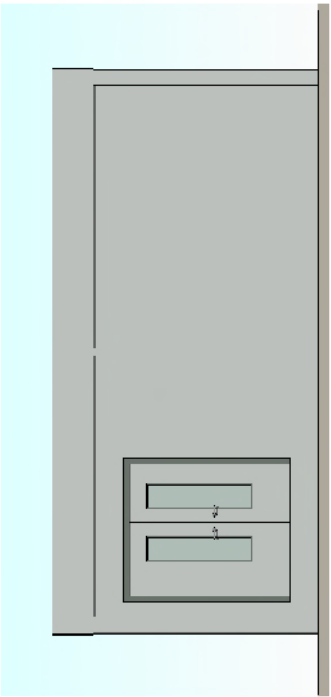
North Elevation

2 1 : 100



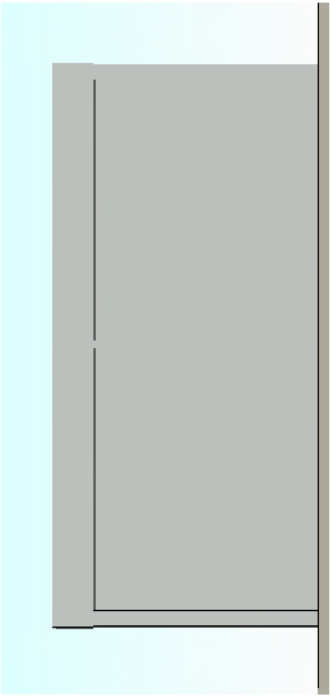
South Elevation

3 1 : 100



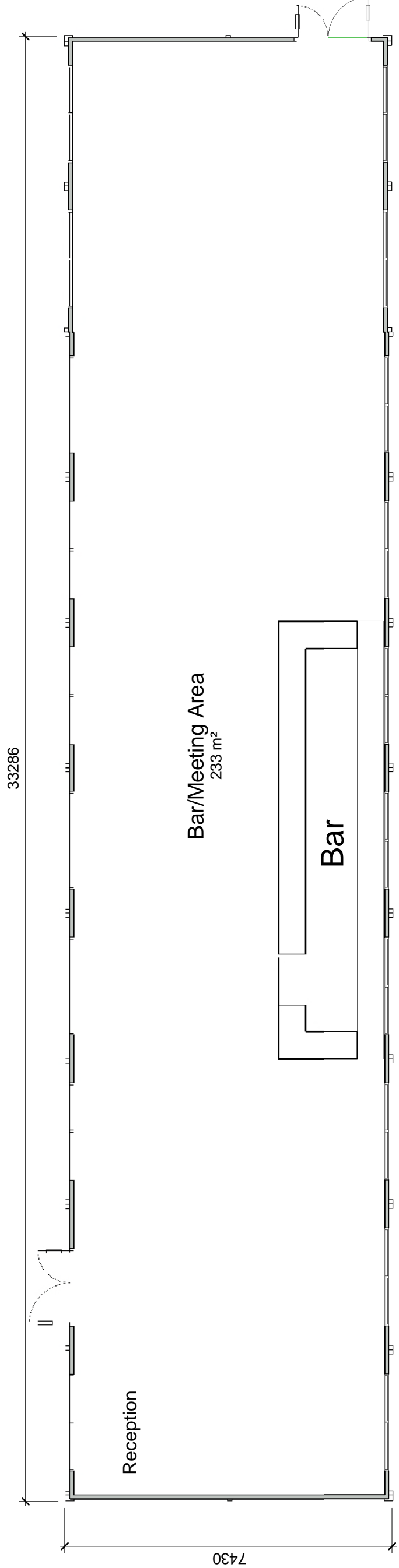
East Elevation

4 1 : 100



West Elevation

5 1 : 100



Proposed Layout

1 1 : 100

Total Floor Area 232m²



Standard floor loading is 3kN/m². Any loading imposed on a floor that is greater than 3kN/m² may require strengthening. Please contact your hire centre if you expect to exceed 3kN/m².

Please note that this and any accompanying drawing(s) are for illustrative purposes only and as such, the building shown may vary from the actual finished building on site.

The position of windows, external doors and electrical fixtures (if shown) are dependent on stock availability at time of order.

- EXTERNAL COLOUR SCHEME | Ultima
- Walls - Goosewing Grey - nearest BS ref 10 A 05
 - Vertical wall fascia (covering beam) - White - nearest BS ref 10 A 05
 - Long wall fascia (covering wall) - Goosewing Grey - nearest BS ref 10 A 05
 - Bottom wall fascia (covering wall) - White - nearest BS ref 10 E 55
 - Roof - White - nearest BS ref 00 E 55
 - External Skirt - Goosewing Grey - nearest BS ref 10 A 05
 - Columns - Intermediate - Grey - BS 4800 10 A 05
 - Windows - Blue Grey - nearest BS 4800 18 B 29
 - Doors (insulated door) - Slate grey - nearest BS 18 B 25

Rev	Revision Description	Date	By
Project Name	Carlisle Sands Facilities		
Client Name	Wates Construction		
Sheet Name	Proposed Layout 10 x UK073 Ultima Modules		
Date	Scale		
03.10.2018	1 : 100 @ A2		
Drawing Number	Rev.	Drawn by	
HD/10256/11		MTK	

N.B Fire exit provision subject to fire office / building control approval.

SCHEDULE A: Applications with Recommendation

18/0912

Item No: 03

Date of Committee: 23/11/2018

Appn Ref No:
18/0912

Applicant:
Carlisle City Council

Parish:
Carlisle

Agent:
Gerald Eve LLP

Ward:
Castle

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

Proposal: Erection Of Temporary Sport/Leisure Facilities And Associated Works To Facilitate The Demolition And Construction Phases Associated With The Redevelopment Of The Sands Centre

Date of Receipt:
11/10/2018

Statutory Expiry Date
06/12/2018

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 Impact On Listed Buildings
- 2.5 Impact On Conservation Areas
- 2.6 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.7 Impact on Existing Trees
- 2.8 Biodiversity
- 2.9 Highway Matters
- 2.10 Drainage Matters
- 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 An application has been submitted (18/0805) which is seeking planning permission 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 Temporary sports/ leisure facilities would, therefore, need to be provided during the demolition and construction works. This application is seeking planning for these temporary facilities.
- 3.11 The temporary facilities include a total of 999 sq m of floorspace comprising:
- Gym and studio
 - Sports hall
 - Equipment storage area
 - Reception
 - Toilets and changing facilities
 - Generator compound
- 3.12 The temporary sports and leisure facilities would be sited on part of the existing car park, that lies between the front of the retained events building and Newmarket Road.
- 3.13 A gym (362 sq m), spinning area (130 sq m), a reception area and an office would be provided in a series of 14 interconnecting portacabins. These would have a maximum height of 3.5m.
- 3.14 A sports hall (300 sq m) would be located to the front of the gym and this would have a ridge height of 6.7m. Changing rooms (42 sq m) and wc/ showers (36 sq m) would be provided to the front of the spinning area and to the west of the sports hall. These would have a ridge height of 2.8m. A generator (40 sq m) would be located between the wc/ showers and the sports hall.
- 3.15 The proposed temporary facilities would be sited on areas of existing hardstanding / car park and no ground works would be required (with the exception of those which might be required to make a new foul water connection).
- 3.16 The existing access to the Sands Centre Car Park via Newmarket Road would be closed during the construction works for the new leisure facilities. Access for the temporary buildings would be via the existing eastern access located on Swifts Bank. A barrier controlled temporary access would be created at the junction of Newmarket Road and Swifts Bank to enable service vehicles to access the site during the construction works. Servicing would continue to take place to the east of the events facility.
- 3.17 A total of 69 car parking spaces would be available at the Sands Car Park during the construction phase, if the temporary sports and entertainment

facilities are provided. Further parking spaces would be made available at Swifts Bank car park, with other parking be available in existing city centre car parks.

- 3.18 Whilst this application is seeking a standard 3 year planning permission, it is anticipated that the accommodation would only be required for approximately 18 months in line with the projected demolition and construction programme. Following the completion of construction works associated with the main application, the temporary buildings would be removed and the application site would be reinstated in line with the main application.

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. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (use of approved access; details of parking, turning, loading and unloading areas; details of surface water drainage scheme including future maintenance; details of construction surface water management plan);

Environment Agency: - the development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere;

Local Environment, Waste Services: - as this is commercial waste, the applicant would have to seek their own private waste collection contract;

United Utilities: - no objections subject to conditions (foul drainage; details of surface water drainage scheme);

Cumbria County Council - (Archaeological Services): - no objections;

Natural England: - no objections, subject to appropriate mitigation being secured through conditions (foul and surface water drainage; protection of surface water drains);

Cumbria Wildlife Trust: - no comments received;

Local Environment - Environmental Protection: - no comments received;

Planning - Access Officer: - no objections;

Cumbria Constabulary - North Area Community Safety Unit: - has recommended a range of security measures that should be included;

Sport England North West: - no objections;

Open Spaces Society: - no comments received.

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 proposal raises the following planning issues.
1. Principle Of Development
- 6.4 The temporary facilities proposed are required to provide continued access to sports and leisure facilities whilst the existing leisure and ancillary entertainment facilities are redeveloped subject to the approval of the main application.
- 6.5 This application is seeking approval for the provision of temporary sports and leisure facilities for the duration of the demolition and construction period relating to the redevelopment of the Sands Centre. The proposed temporary facilities are essential to ensure that existing and future customers of the Sands Centre have continued access to health and fitness facilities. Whilst it is recognised that the temporary facilities are not appropriate for long-term or permanent use, they provide a suitable offer while the modernised leisure facilities are being completed.
- 6.6 The temporary buildings would be removed following completion and re-opening of the Sands Centre and the site would be restored in line with the drawings submitted in support of the main application.
- 6.7 Policy EC6 indicates that new development for main town centre uses should be subject to sequential testing. However, in this instance, the floorspace proposed represents a significant reduction in the existing floorspace at the Sands Centre and would not result in any increased trade. Moreover, the Centre is likely to experience a reduction in trade during the demolition and construction phases. As such, it is not considered necessary

to carry out a sequential assessment for the proposed development.

- 6.8 In light of the above, given the temporary nature of the facilities which are to support an existing operation, the proposal would be acceptable, in principle.

2. Whether The Scale And Design Are Acceptable

- 6.9 The proposal is seeking permission for a series of temporary buildings and structures, which would have a total floor area of 999 sq m.
- 6.10 The temporary sports and leisure facilities would be sited on part of the existing car park, that lies between the front of the retained events building and Newmarket Road.
- 6.11 A gym (362 sq m), spinning area (130 sq m), a reception area and an office would be provided in a series on 14 interconnecting portacabins. These would have a maximum height of 3.5m.
- 6.12 A sports hall (300 sq m) would be located to the front of the gym and this would have a ridge height of 6.7m. Changing rooms (42 sq m) and wc/showers (36 sq m) would be provided to the front of the spinning area and to the east of the sports hall. These would have a ridge height of 2.8m. A generator (40 sq m) would be located between the wc/showers and the sports hall.
- 6.13 The buildings would be small in scale, when compared to the existing building. Given the temporary nature of the buildings, the design of the buildings and the choice of materials is limited but given the scale of the buildings their impact would not be significant.
- 6.14 In light of the above, the scale and design of the proposal would be acceptable.

3. Flood Risk

- 6.15 Due to the site being located within Flood Zone 3 (benefiting from existing flood defences), the applicant has undertaken a Flood Risk Sequential Test for the redevelopment of the Sands Centre.
- 6.16 The development if proposed in isolation would need to carry out a sequential test in respect of flood risk (i.e. to assess whether other sites are available that can accommodate the development within a lower flood zone). In this instance, however, the proposal relates to the temporary provision of existing facilities during the construction period, rather than the creation of new permanent floorspace. Given the temporary facilities are linked to the continued operation of sport and leisure facilities on the site it would be unreasonable and impractical to expect the applicant to relocate the facilities to a site within a lower flood zone in this instance. There is, therefore, no requirement to undertake a sequential test in relation to this proposal.
- 6.17 As no exception test was required for the main application, as a result of the

'less vulnerable' land use proposed, there is no need to carry out an exception test in relation to this current proposal.

- 6.18 A detailed Flood Risk Assessment (FRA) has been submitted with the application. All of the temporary buildings and structures would be protected by the existing flood defences and the overall risk of fluvial flooding to the site is considered to be low.
- 6.19 There is a residual risk of an exceedance event and in order to minimise any risks, the floor levels of the temporary structures would be raised. All of the temporary structures would need to be fixed to the ground to mitigate the risk of floating during an exceedance event.
- 6.20 In the event that defences are overtopped, there would not be a dry, safe egress route from the temporary facilities. The evacuation of people and vehicles would need to be managed through the existing Flood Warning and Evacuation Plan for The Sands, which would need to be updated to include the temporary facilities.
- 6.21 The Environment Agency (EA) has been consulted on the application. It is satisfied that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.
- 6.22 In light of the above, the proposal would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

4. Impact On Listed Buildings

- 6.23 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".

- 6.24 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.25 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.
- 6.26 The 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.

- 6.27 Given the temporary nature of the buildings and their small scale compared to the existing buildings and the building to be retained, any changes to the setting of the listed buildings/ structures would be minimal and would only be short term.

5. Impact On Conservation Areas/ Historic Parkland

- 6.28 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.

- 6.29 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".

- 6.30 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.

- 6.31 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.

- 6.32 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.

- 6.33 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.

- 6.34 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. The mature trees that lie to the north of the Sands Centre along the River Eden would be retained and these, together the retained events building, would screen the temporary buildings from Rickerby Park.

- 6.35 Given the temporary nature of the buildings and their small scale compared to the existing buildings and the building to be retained any changes to views into, and out of, the conservation areas/ historic parkland would be minimal and the proposal would preserve the setting of the City Centre and Stanwix Conservation Areas and Rickerby Park.

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

- 6.36 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 temporary facilities.
- 6.37 The nearest residential properties would be located on Corporation Road and on Stanwix Bank. Use of the proposed temporary sports and leisure facilities would result in limited noise from audio equipment associated with studio classes. The level of noise expected to be audible from outside the proposed accommodation would be minimal and would be inaudible from the nearest dwellings. The noise from the traffic at Hardwicke Circus and on Eden Bridge and the surrounding road network would dominate any noise resulting from the use of the temporary sports and leisure facilities.

7. Impact on Existing Trees

- 6.38 The application is accompanied by an Arboricultural Impact Assessment and an Arboricultural Method Statement. These state that two trees would need to be removed in order to accommodate the temporary sports and leisure facilities. A number of options were considered to avoid tree removal and this proposal results in the fewest number of trees being removed. These two trees to be removed are both identified as Category C (low).
- 6.39 The retained trees in the vicinity of the temporary buildings would be protected during the construction works by tree protection fencing, that would comply with British Standards. This would ensure that there is no significant damage to the retained trees as a result of this proposal.

8. Biodiversity

- 6.40 A Preliminary Ecological Appraisal Report has been submitted in support of the main application. This confirms that there were no bats observed on the site during a series of surveys over the summer and no other protected species were identified nor any areas of sensitive habitat within the application site. Some ecological enhancements would be secured through conditions attached to the main application.
- 6.41 Natural England has been consulted on the application. It notes that the

proposal is adjacent to the River Eden and without appropriate mitigation the application could have an adverse effect on the River Eden SSSI/ SAC.

- 6.42 In order to mitigate these adverse effects and make the development acceptable Natural England considers that the following mitigation measures should be secured: finalised foul and surface water drainage strategy; and the protection of surface water drains if there are plans to excavate and mix and pour concrete.
- 6.43 In response, the applicant has confirmed that: the temporary buildings would not have foundations; the only excavation works that might be required would relate to the installation of the new foul drainage connection, which would not be significant; any concrete mixing would be carried out off-site and delivered to the site pre-mixed; foul drainage would connect to the existing foul system; and there would be no increase in surface water discharge from the site given that the temporary buildings and structures would be sited on existing car parks.

9. Highway Matters

- 6.44 The application is accompanied by a Transport Assessment (TA). The TA notes that the provision of the temporary facilities along with the construction compound required to facilitate the main application would result in a net loss of 225 car parking spaces. As such, 69 parking spaces would be available to use at the Sands Centre while the temporary facilities are in operation. These would be supplemented by the adjacent Swifts Bank Car Park, which has a capacity of 188 spaces.
- 6.45 There are a number of other car parks within a ten minute walk of the site and these provide 1,242 additional car parking spaces. An assessment of the car parks has shown that they are likely to be able to adequately accommodate additional parking demand from the Sands Centre that would be generated by a sell out event.
- 6.46 The existing access to the Sands Centre Car Park via Newmarket Road would be closed during the construction works for the new leisure facilities. Access for the temporary buildings would be via the existing eastern access located on Swifts Bank. A barrier controlled temporary access would be created at the junction of Newmarket Road and Swifts Bank to enable service vehicles to access the site during the construction works. Servicing would continue to take place to the east of the events facility.
- 6.47 A trip generation study was undertaken as part of the TA and this identifies that the development would reduce trips on the local transport network.
- 6.48 The Local Highways Authority has been consulted on the application and has confirmed that it has no objections to the proposal subject to the imposition of conditions. The use of the existing eastern access located on Swifts Bank to serve the temporary facilities would be acceptable. The proposed temporary access at the junction of Newmarket Road and Swifts Bank is acceptable in principle, however, a swept path analysis is required to

ascertain if HGVs can enter and leave the site in a forwards gear without damaging any footways in the area. The proposed car parking provision would be acceptable, given the presence of car parks within the vicinity of the Sands Centre which will be able to accommodate the cars that will be displaced during the construction phase.

- 6.49 In light of the above, there are no transport grounds which would prevent the proposed development from being approved.

10. Drainage Matters

- 6.50 One gravity foul connection is proposed for the temporary sports and leisure facilities. It is proposed that all foul flows within this part of the site would be discharged to the public sewer to the west via an 8m length of 110mm upvc sewer.
- 6.51 The run-off from the existing events building would be retained unchanged and discharge to the existing network. The run-off from the roof areas of the proposed temporary buildings would be discharged via temporary connections to the existing on-site drainage system which is discharged into the River Eden.
- 6.52 The proposed temporary facilities would be located on areas of hardstanding which are mainly car parks. There would, therefore, be no increase in the volume of discharge to the river as a result of this development.
- 6.53 The Lead Local Flood Authority (LLFA) has been consulted on the application and has confirmed that it has no objections to the proposal subject to the imposition of conditions. This proposed surface water drainage is acceptable to the LLFA, as the existing drainage network has a working outfall into the River Eden and currently the surface water from the car park discharges via this method. Therefore, there would be no increase in the impermeable surfacing of the car park, so there will be no change in the runoff / discharge into the River Eden as a result of the temporary facilities.
- 6.54 It is stated within the drainage strategy that the proposed layouts of the drainage system will be reviewed once a survey investigation on the existing private surface water network has been carried out. As a result of this, the LLFA recommends the imposition of conditions in order to scrutinise the final drainage layout / design. It is also noted that within the final drainage design, calculations should be provided to show that the development is not increasing flood risk on site and the drainage layout should show how the temporary facilities are linked to the outfall location.
- 6.55 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.

11. Archaeology

- 6.56 No foundations are proposed for the temporary buildings. The only excavation works that might be required would be for the foul drainage connection to the existing foul sewer, which would not be significant. The County Archaeologist has confirmed that he has no objections to the proposals.

12. Security Issues

- 6.57 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 and these have been forwarded to the applicant for consideration.

13. Ground Contamination

- 6.58 Give that there would be no foundations and the only excavation works would be for a foul drainage connection to the existing foul sewer, the proposal would not have an impact on ground contamination.

14. Public Rights of Way

- 6.59 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

- 6.60 In overall terms, the proposals would be acceptable in principle. The scale and design of the temporary buildings/ structures would be acceptable. The proposals would not have an unacceptable risk on flooding or exacerbate flood risk elsewhere. The proposals would not have an adverse impact on heritage assets, on the occupiers of neighbouring properties, on biodiversity, on trees or on archaeology. The proposed parking and access arrangements and drainage would be acceptable. In all aspects, the proposals are compliant with the relevant national and local plan policies.

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 8th October 2018;
2. the Site Location Plan (drawing ref 17024-GT3-00-XX-DR-A-08-9110-S2-P02) received 8th October 2018;
3. the Existing Site Layout (drawing ref 17024-GT3-00-XX-DR-A-08-9115-S2-P02) received 8th October 2018;
4. the Existing Site Section A (drawing ref 17024-GT3-00-ZZ-DR-A-08-9120-S2-P02) received 8th October 2018;
5. the Existing Site Section B (drawing ref 17024-GT3-00-ZZ-DR-A-08-9130-S2-P02) received 8th October 2018;
6. the Proposed Block Plan (drawing ref 17024-GT3-00-XX-DR-A-08-9117-S2-P02) received 8th October 2018;
7. the Proposed Roof Plan (drawing ref 17024-GT3-00-RF-DR-A-08-9100-S2-P02) received 8th October 2018;
8. the Proposed Site Section A (drawing ref 17024-GT3-00-ZZ-DR-A-08-9121-S2-P02) received 8th October 2018;
9. the Proposed Site Section B (drawing ref 17024-GT3-00-ZZ-DR-A-08-9131-S2-P02) received 8th October 2018;
10. the Proposed Sports Hall Lobby Plans and Elevations (drawing ref 17024-GT3-00-ZZ-DR-A-08-9190-S2-P01) received 8th October 2018;
11. the Proposed Gym/Studio Elevations (drawing ref HD10256/08 Rev E) received 8th October 2018;
12. the Proposed Gym/Studio Floor Plan (drawing ref HD10256/08 Rev E) received 8th October 2018;
13. the Proposed Sports Hall Elevation and Floor Plan (drawing ref DRW-A0004082) received 8th October 2018;
14. the Proposed Site Layout Plan (drawing ref 17024-GT3-00-XX-DR-A-08-9116-S2-P02) received 8th October 2018;
15. the Flood Risk Assessment (ref 0040400) received 8th October 2018;
16. the Drainage Strategy (ref 0040400 Rev 00) received 9th October 2018;
17. the Transport Assessment (ref 0040400) received 8th October 2018;
18. the Arboricultural Impact Assessment received 8th October 2018;

19. the Arboricultural Impact Assessment Tree Protection (drawing ref AIA TPP) received 8th October 2018;
20. the Arboricultural Method Statement received 8th October 2018;
21. the Arboricultural Method Statement Tree Protection Plan (drawing ref AMS TPP) received 8th October 2018;
22. the Notice of Decision; and
23. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The applicant shall notify the Local Planning Authority of the date at which the first of the temporary buildings hereby approved are located on the site. The buildings shall be removed and the land restored in line with the drawings submitted in support of the application 18/0805 within 3 years of this date or when the works are complete and the sports and leisure facilities at the Sands Building are back in use whichever is the sooner.

Reason: To ensure that the temporary buildings are removed from the site when they are no longer required.

4. For the duration of the development, 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, received 8th 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.

5. 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.

6. 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.

7. Foul and surface water drainage shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to the commencement of development, 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.

9. No development shall commence until details to confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary have been agreed in writing with the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

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

10. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

11. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not

thereafter be used for any other purpose.

Reason: To ensure that provision is made for vehicle turning within the site and in the interests of highway safety and to support Local Transport Plan Policies LD7 & LD8.

12. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 & LD8.

Do not scale this drawing. Use figured dimensions in all cases.
Check all dimensions on site. Report any discrepancies to GT3 Architects before proceeding.

Red line indicates application site area

Rev	Description	Date	Rev. By
P02	Planning Submission	04/10/18	SSe
P01	First Issue	27/09/18	SSe

Planning

Carlisle City Council
The Sands Leisure Centre
Newmarket Rd, Carlisle CA1 1JQ

Temporary Facilities - Application 01 - Site Location Plan
GT3 JOB NO: 17024

PROJECT: ORGANATOR VOLUME: LEVEL: TYPE: ROLE: CLASS: NUMBER: SUITABILITY: REVISION:
 DWG NO: 17024-GT3-00-XX-DR-A-08-9110-S2-P02
 SCALE: 1: 1250 @A3
 DRAWN BY: Sse
 CHECKED BY: PRE

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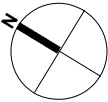


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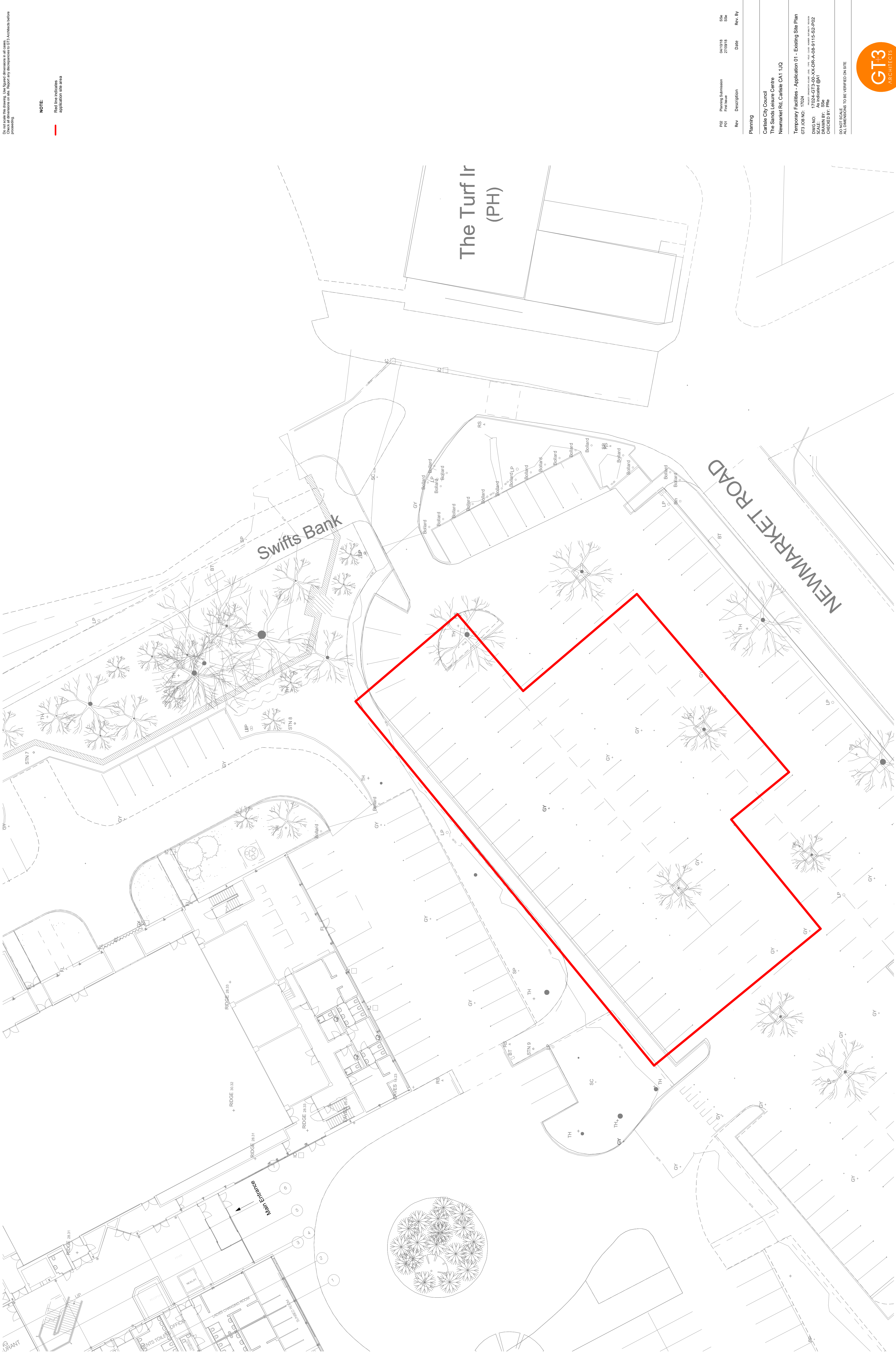
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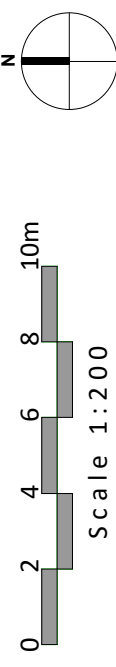
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NOTE:

Red line indicates
application area



Level GF - Existing - Application 01
Scale:- 1:200



P02	Planning Submission	04/10/18	Site
P01	Final Issue	21/08/18	Site

Rev	Description	Date	Rev. By
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Planning
Carlisle City Council
The Sands Leisure Centre
Newmarket Rd, Carlisle CA1 1JQ

Temporary Facilities - Application 01 - Existing Site Plan
GT3.08 NO. 17024

DWG NO: 17024-GT3-00-XX-DR-A-08-9115-S2-P02
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CHECKED BY: PFB

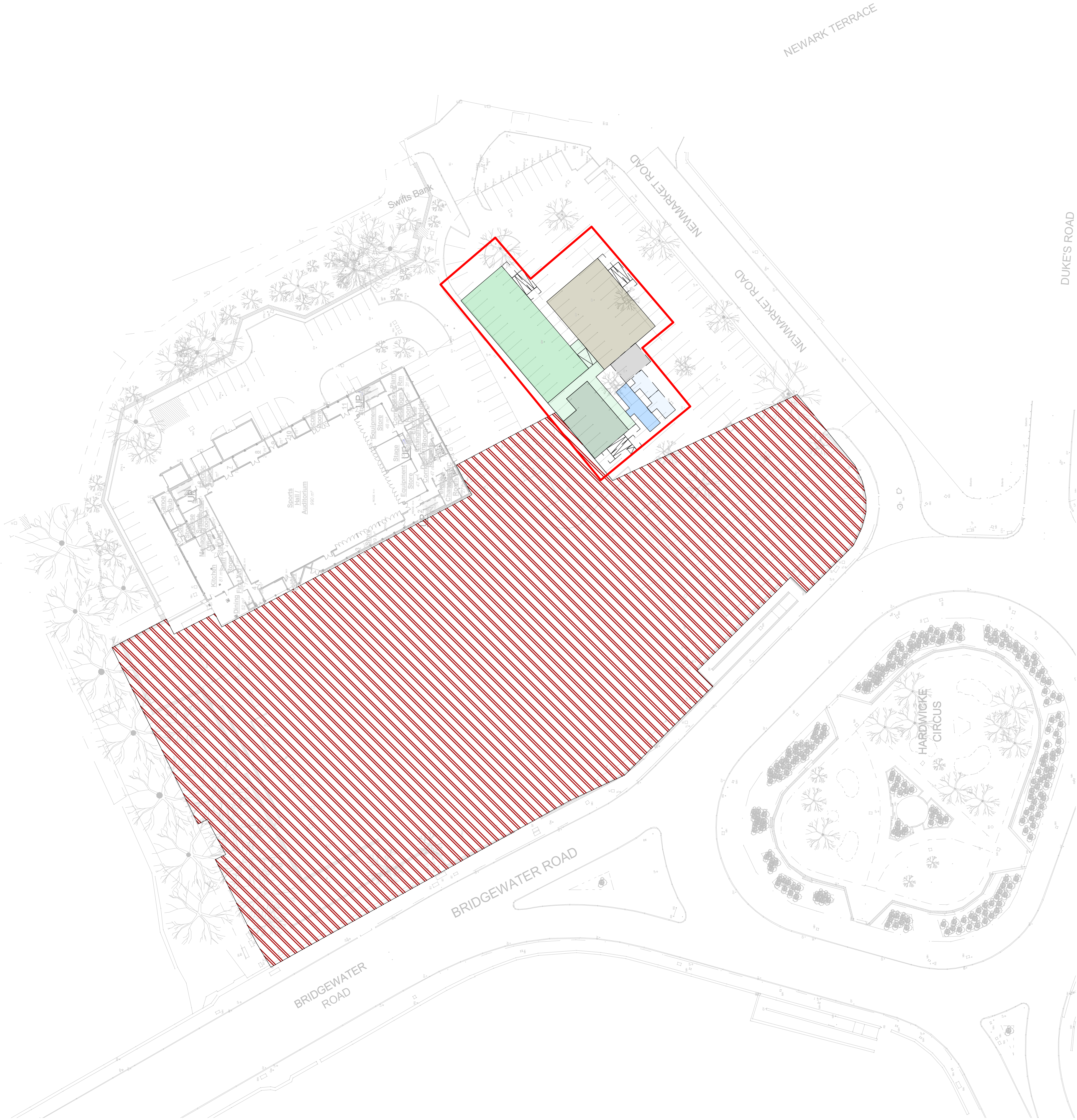
DO NOT SCALE
ALL DIMENSIONS TO BE VERIFIED ON SITE



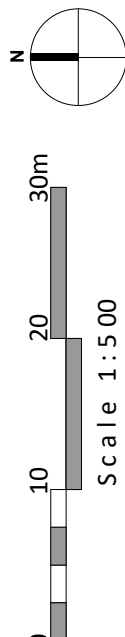
2nd Floor, TWO
Sunderland House
18 Castle Gate
Newcastle upon Tyne
NE2 1JQ
1 0151 847 0000
info@gt3architects.com
www.gt3architects.com

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Key		Reception & Circulation Total Area 88m ² Refer to HD10256, 08 REV_E 27.09.2016 & HD10256 08 REV_D Elevations
		Gym Total Area 360m ² Refer to HD10256, 08 REV_E 27.09.2016 & HD10256, 08 REV_D Elevations
		Spinning Studio Total Area 100m ² Refer to HD10256, 08 REV_E 27.09.2016 & HD10256, 08 REV_D Elevations
		Sports Hall Total Area 300m ² Refer to HD10256, 08 REV_E 27.09.2016 & HD10256, 08 REV_D Elevations
		Changing Room Total Area 100m ² Refer to HD10256, 08 REV_E 27.09.2016 & HD10256, 08 REV_D Elevations
		WC & Showers - Requested Extension Total Area 30m ² Refer to HD10256, 08 REV_E 27.09.2016 & HD10256, 08 REV_D Elevations
		Caravan Total Area 40m ²
		NOTE Total Area 998m ² Red line indicates requested area



Site - Temporary Facilities - Application 01 - Block Plan
Scale: 1:500



P02	Planning Submission	04/10/18	Site
P01	First Issue	27/09/18	Site
Rev	Description	Date	Rev. By
Planning			
Carlisle City Council			
The Saints Leisure Centre			
Newmarket Rd, Carlisle CA1 1JQ			
Temporary Facilities - Application 01 - Proposed Block Plan			
GT3.08.IND.17024			
DWG NO: 17024-GT3-00-XX-DR-A-08-9117-S2-P02			
SCALE: As indicated @A1			
CHECKED BY: PFB			
DO NOT SCALE ALL DIMENSIONS TO BE VERIFIED ON SITE			



2nd Floor, T100
Newmarket Road
Carlisle, Cumbria
CA1 1JQ
1 0191 2817700
info@gt3architects.com
www.gt3architects.com

Standard House
18 Castle Gate
Newmarket Road
Carlisle, Cumbria
CA1 1JQ
1 0115 8470000
www.gt3architects.com

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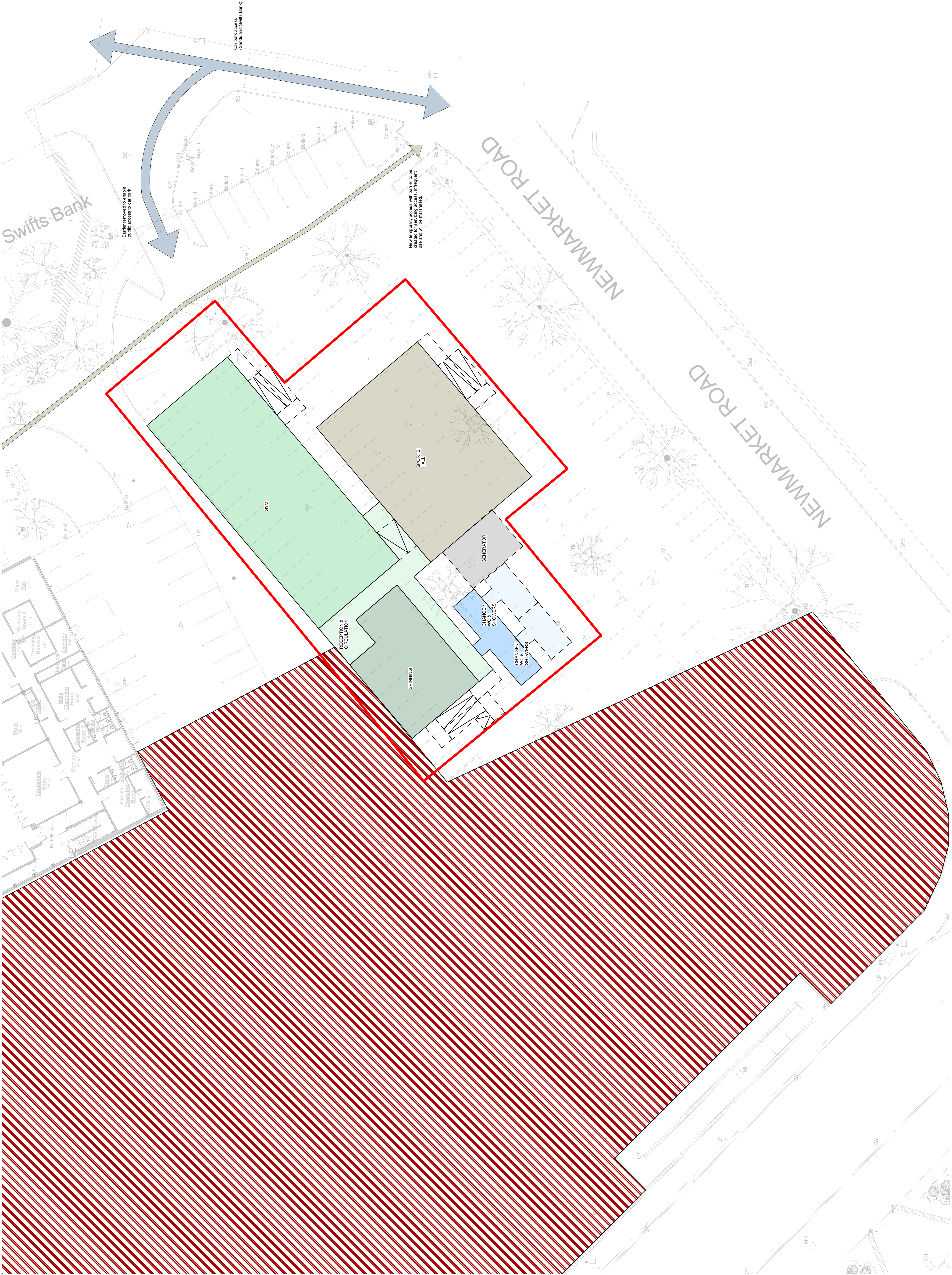
Key

- Reception & Circulation
Total Area 38m²
Refer to HD10256, 08 REV, E 27.09.2018 & HD10256, 09 REV, D Elevations
- Gym
Total Area 300m²
Refer to HD10256, 08 REV, E 27.09.2018 & HD10256, 09 REV, D Elevations
- Spinning Store
Total Area 30m²
Refer to HD10256, 08 REV, E 27.09.2018 & HD10256, 09 REV, D Elevations
- Sports Hall
Total Area 300m²
Refer to HD10256, 08 REV, E 27.09.2018 & HD10256, 09 REV, D Elevations
- Changing Room
Total Area 30m²
Refer to HD10256, 08 REV, E 27.09.2018 & HD10256, 09 REV, D Elevations
- WC & Showers - Requested Extension
Total Area 38m²
Refer to HD10256, 08 REV, E 27.09.2018 & HD10256, 09 REV, D Elevations
- Generator
Total Area 30m²

Overall Total Area
599m²

NOTE:

Red line indicates
application site area



P22	Planning Submission	04/10/18	SSA
P21	First Issue	27/09/18	SSA
Rev	Description	Date	Rev. By

Planning
Carlisle City Council
The Sands Leisure Centre
Newmarket Rd, Carlisle CA1 1JQ

Temporary Facilities - Application 01 - Proposed Site Plan
GT3.08 NO. 17024
DWG NO: 17024-GT3-00-XX-DR-A-08-9116-S2-P02
SCALE: As indicated @A1
CHECKED BY: PFB

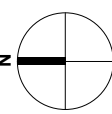
DO NOT SCALE
ALL DIMENSIONS TO BE VERIFIED ON SITE



2nd Floor, 71/72
Newmarket Road, Carlisle
CA1 1JQ
10115 8470000
www.gt3architects.com

Site - Temporary Facilities - Application 01

Scale:- 1:200

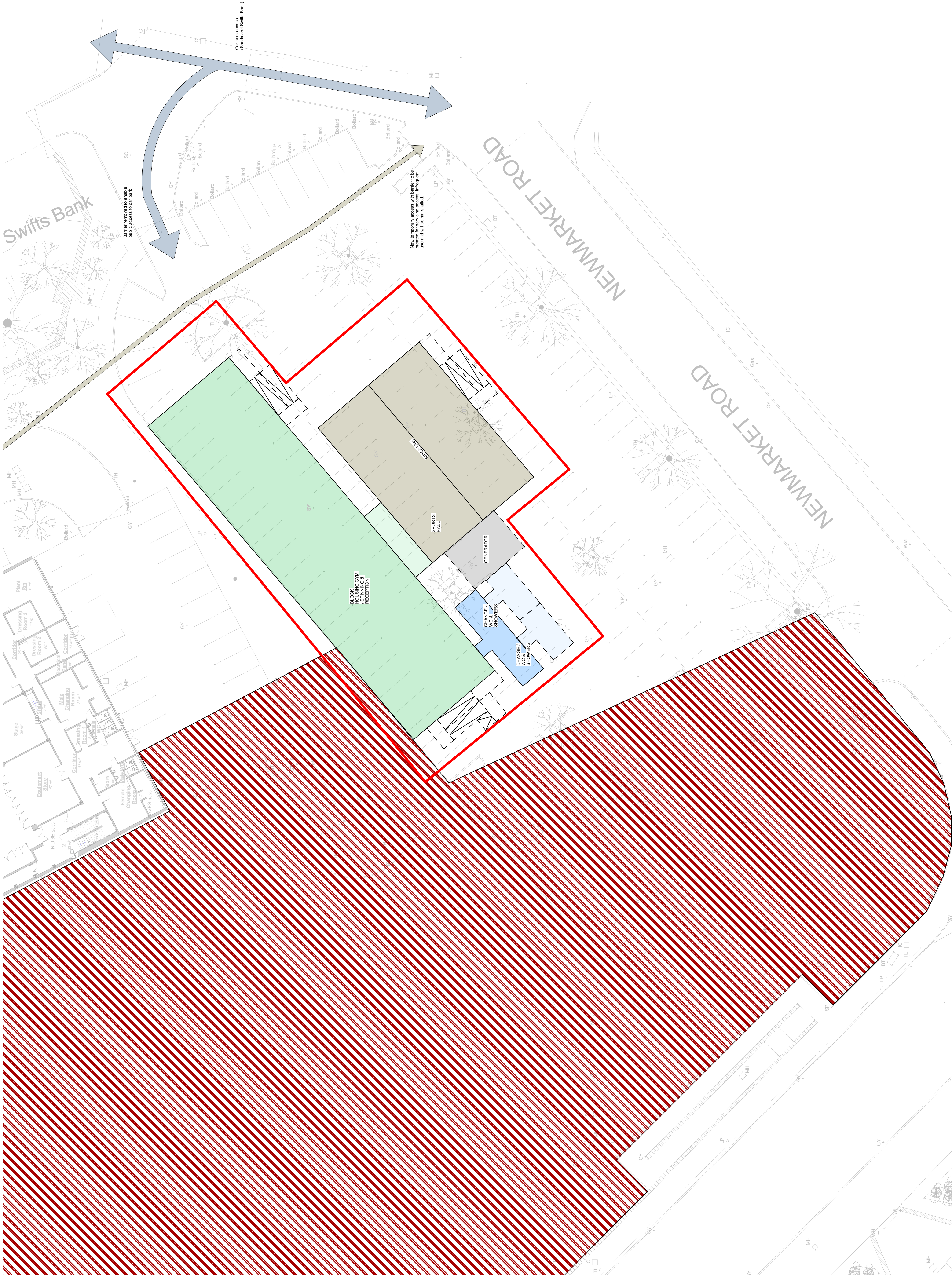


This information has been based upon information supplied by third parties and as such its accuracy cannot be guaranteed. All features are approximate and subject to clarification.

Do not scale this drawing. Use figured dimensions in all cases.
Check all dimensions on site. Report any discrepancies to GT3 Architects before proceeding.

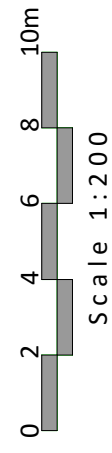
NOTE:

Red line indicates application site area



Roof Plan - Temporary Facilities - Application 01
Scale:- 1 : 200

Scale:- 1 : 200



2nd Floor, TW/0
Jernard Three, Suty
Newcastle Upon Tyne
NE2 1DB
t 0191 2817700
info@gt3architects.com

PID	Rev	Description	Date	Rev. By	Size
041018		Planning Submission	27/09/18		Site
041018		Final Issue			Site
Planning					
Carlisle City Council					
The Sands Leisure Centre					
Newmarket Rd, Carlisle CA1 1JQ					
Temporary Facilities - Application 01 - Roof Plan					
GEG JOB NO.: 1024					
DRAWN BY: [Redacted]					
CHECKED BY: PNO					
DATE: 17/02/21 GAT-300-RF-DRA-A-08-410-S-P12					
SCALE: As indicated @A1					
DO NOT SCALE					
ALL DIMENSIONS TO BE VERIFIED ON SITE					



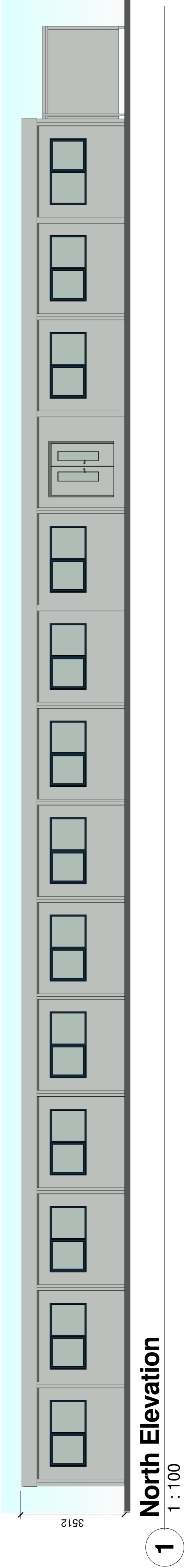
Standard floor loading is 2kN/m². Any loading imposed on a floor that is greater than 3kN/m² may require strengthening. Please contact your hire centre if you expect to exceed 3kN/m².

Please note that this and any accompanying drawing(s) are for illustrative purposes only and as such, the building shown may vary from the actual finished building on site.

The position of windows, external doors and electrical fixtures (if shown) are dependent on stock availability at time of order.

EXTERNAL COLOUR SCHEME | Ultima

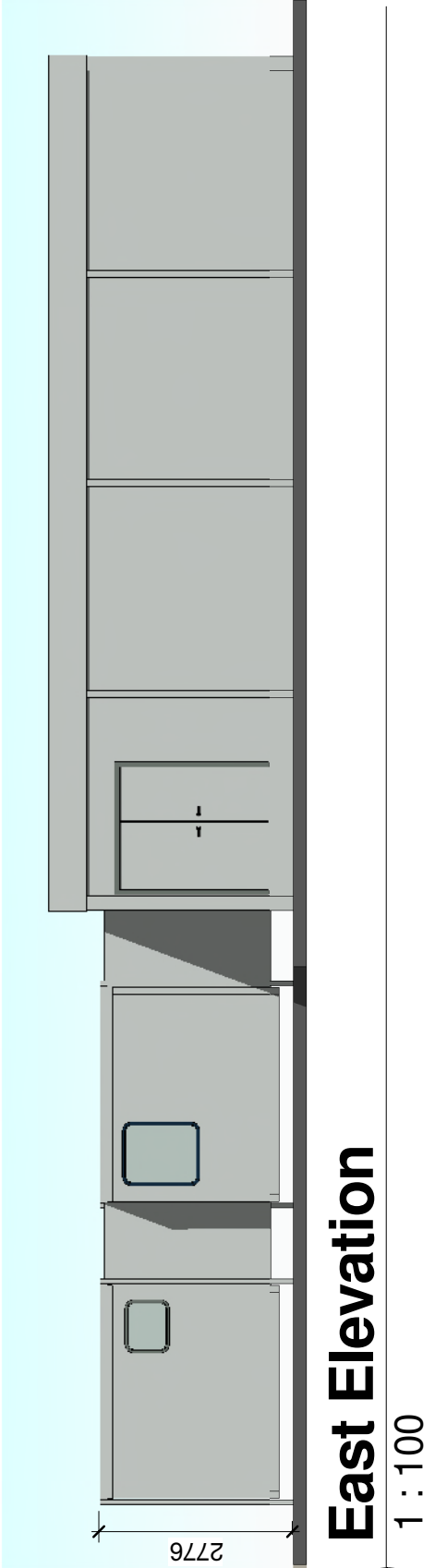
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- Vertical wall trim - Gossawing Grey - nearest BS ref 10 A 05
- Long wall fascia (covering wall) - Gossawing Grey - nearest BS ref 10 A 05
- Long wall fascia (covering beam) - White - nearest BS ref 00 E 55
- Short wall composite fascia - Gossawing Grey - nearest BS ref 10 A 05
- External Skirt - Gossawing Grey - nearest BS ref 10 A 05
- Columns, external corners - Grey - BS 4800 00 A 05
- Columns, intermediate - Grey - BS 4800 00 A 05
- Doors (insulated door) - Slate grey - nearest BS 18 B 25



North Elevation

1 : 100

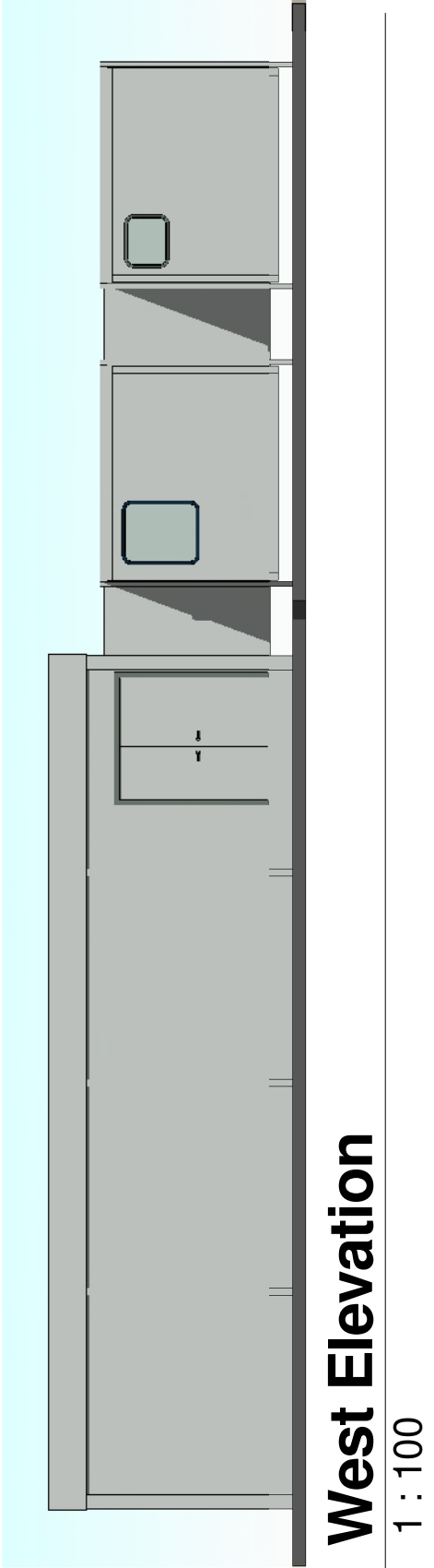
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East Elevation

1 : 100

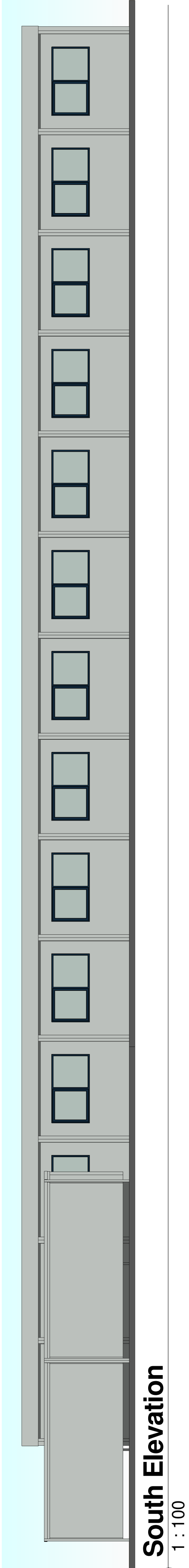
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West Elevation

1 : 100

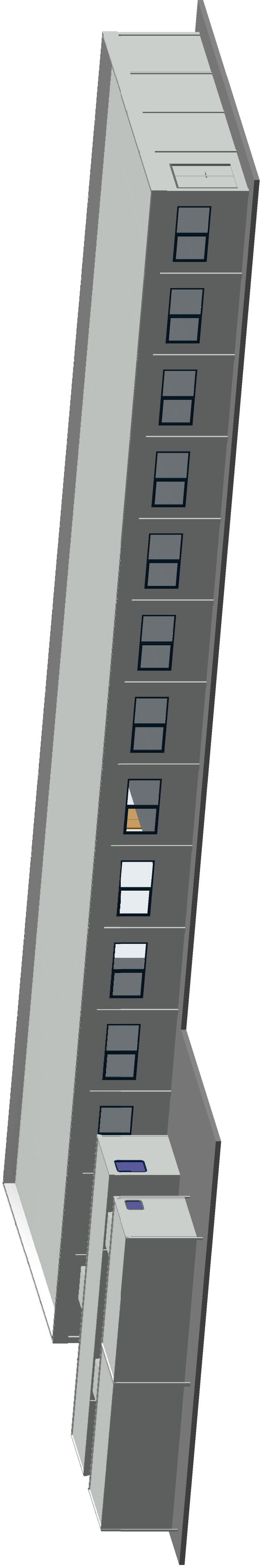
3



South Elevation

1 : 100

4



3D Illustration

5

Rev	Revised Description	Date	By
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3	Issue 3	10/09/2018	MTK
4	Issue 4	10/09/2018	MTK
5	Issue 5	10/09/2018	MTK
6	Issue 6	10/09/2018	MTK
7	Issue 7	10/09/2018	MTK
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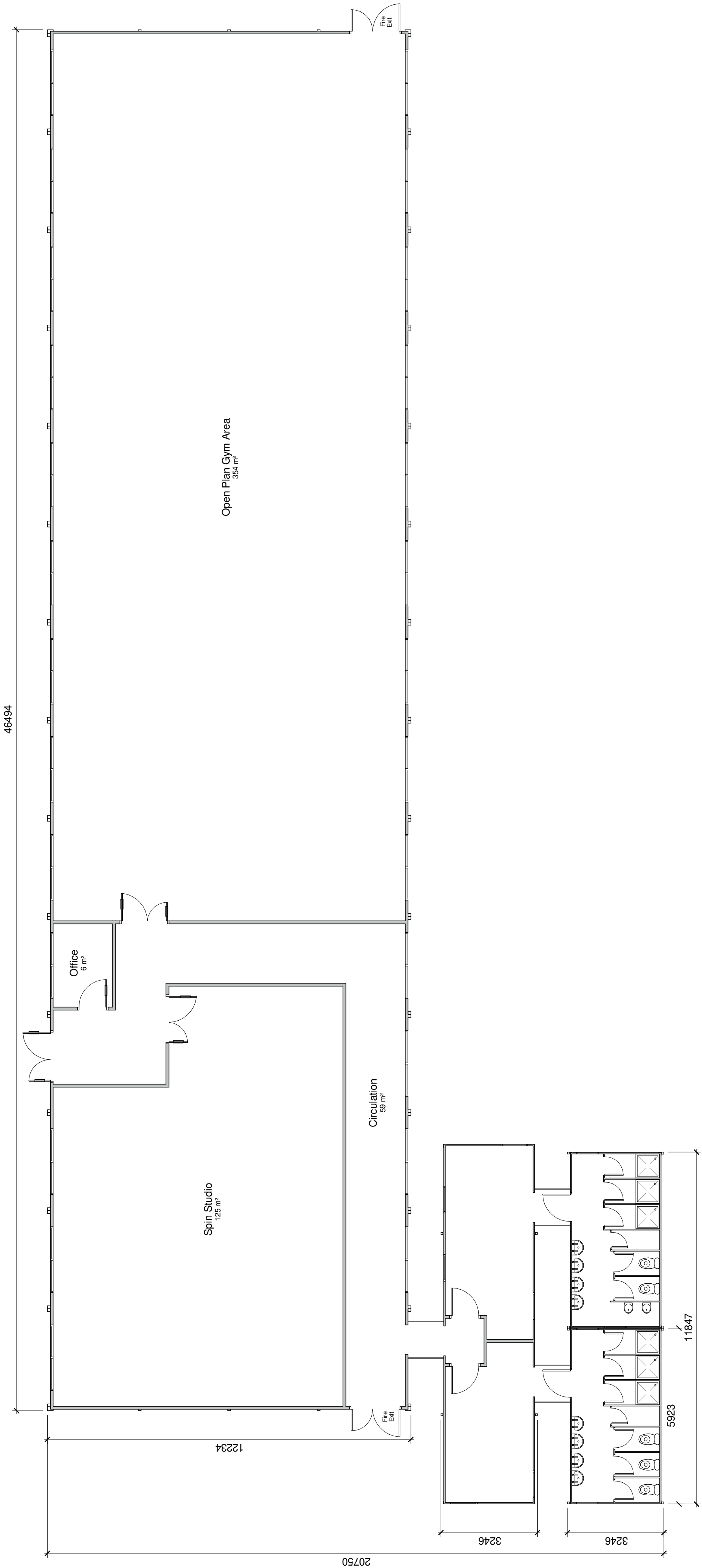
Standard floor loading is 20kN/m². Any loading imposed on a floor that is greater than 3kN/m² may require strengthening. Please contact your hire centre if you expect to exceed 3kN/m².

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EXTERNAL COLOUR SCHEME | Ultima

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- Short wall composite fascia - Gossawing Grey -nearest BS ref 10 A 05
- External Skirt - Gossawing Grey - nearest BS ref 10 A 05
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- Columns, intermediate - Grey - BS 4800 00 A 05
- Doors (insulated door) - Slate grey - nearest BS 18 B 25



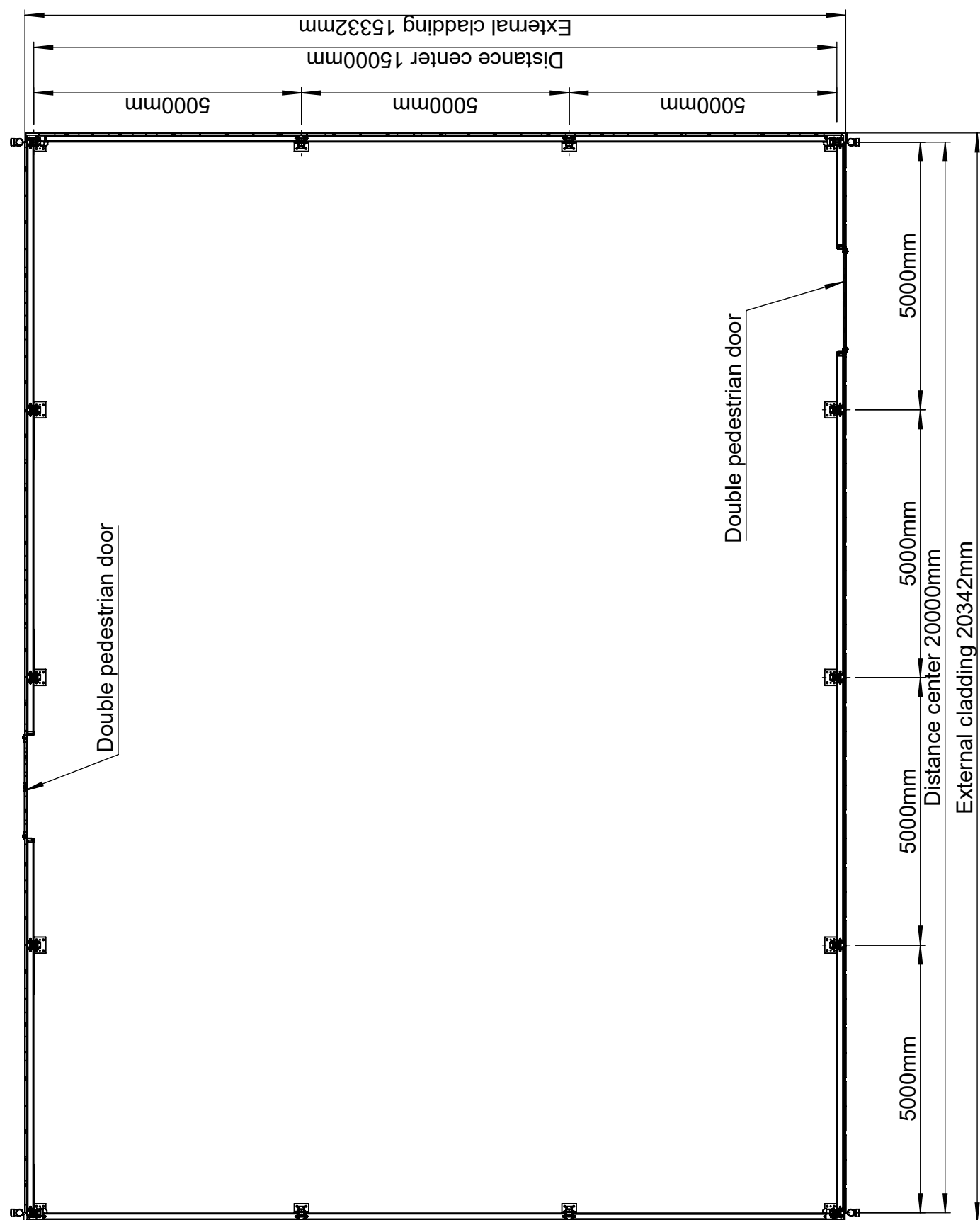
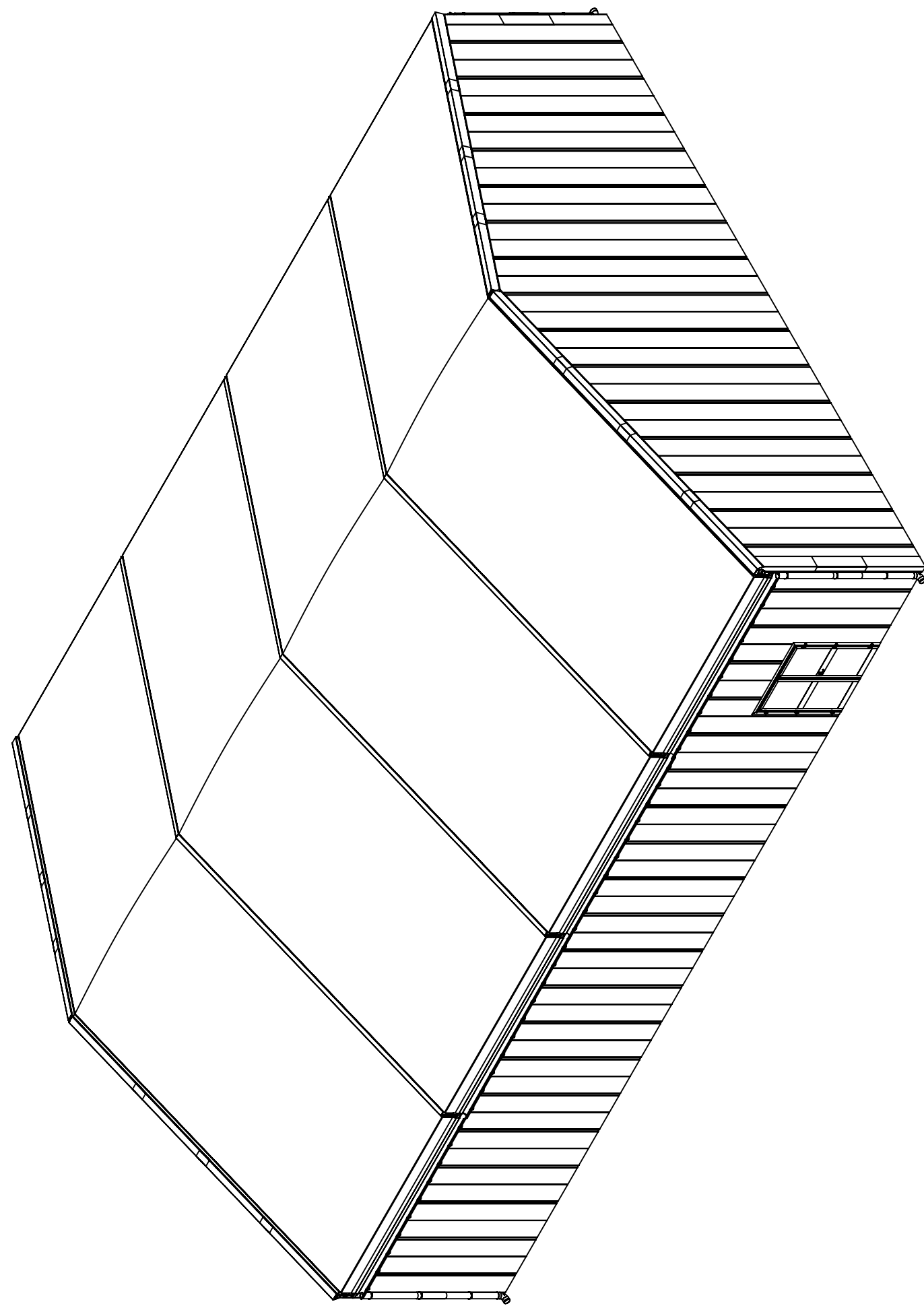
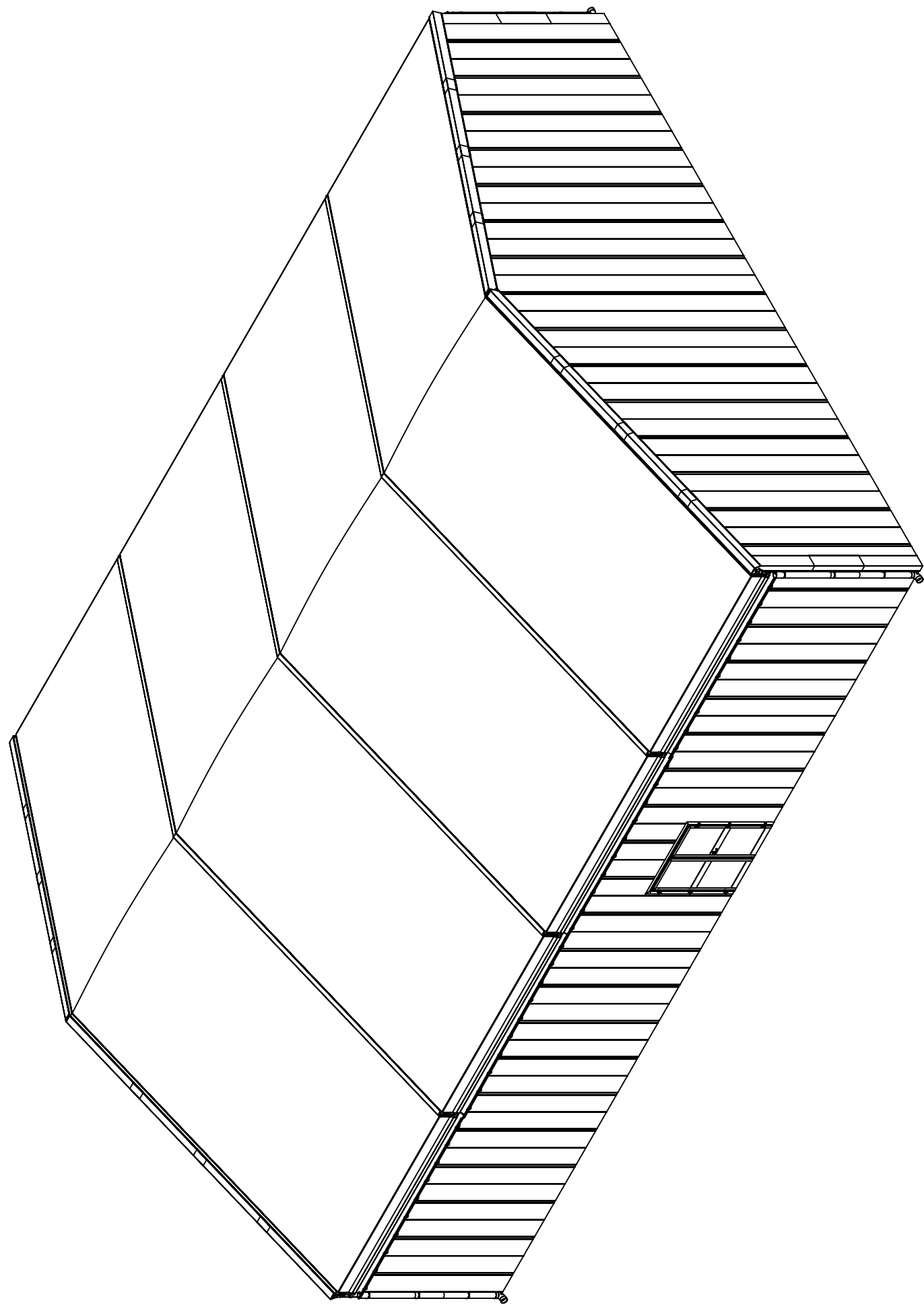
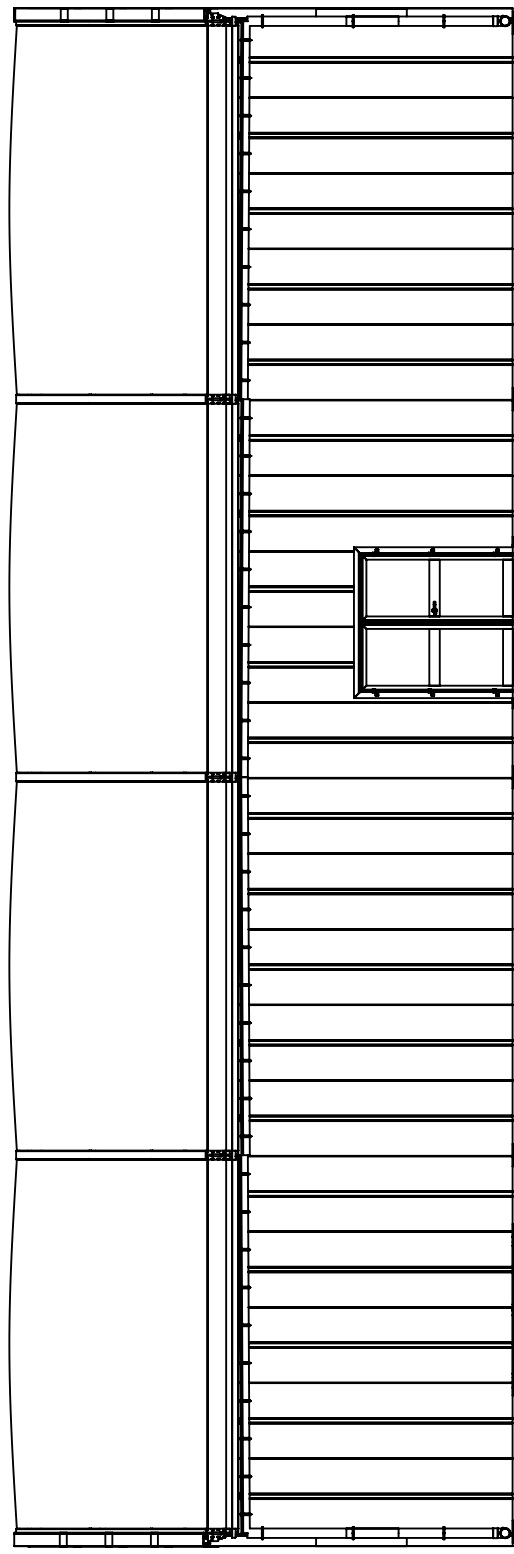
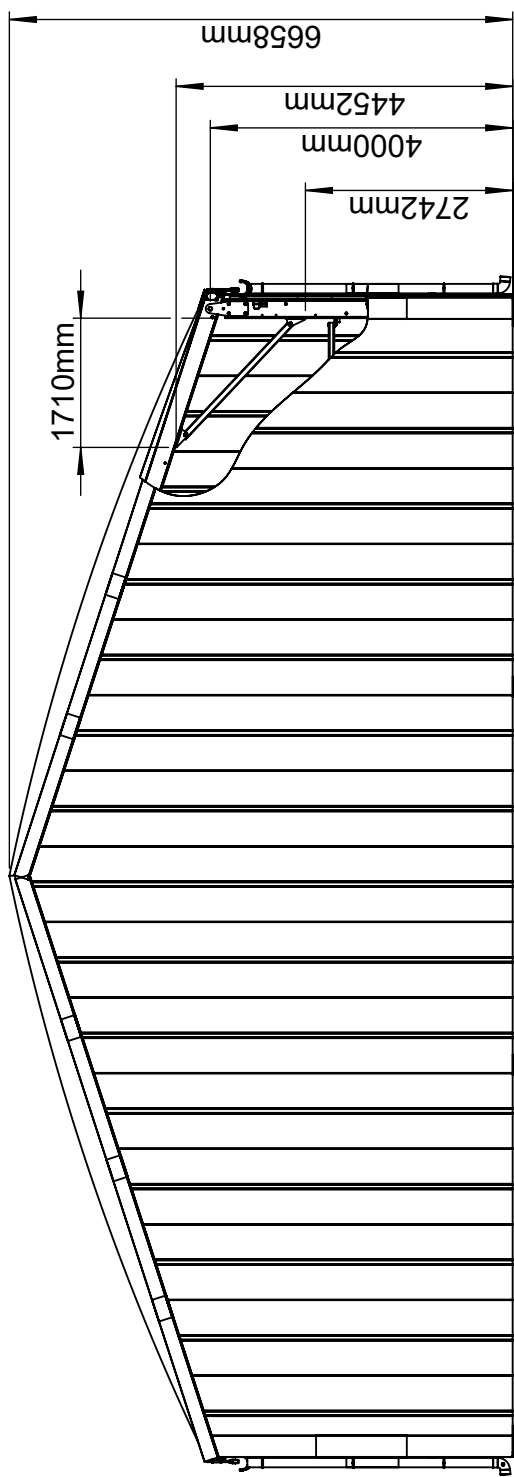
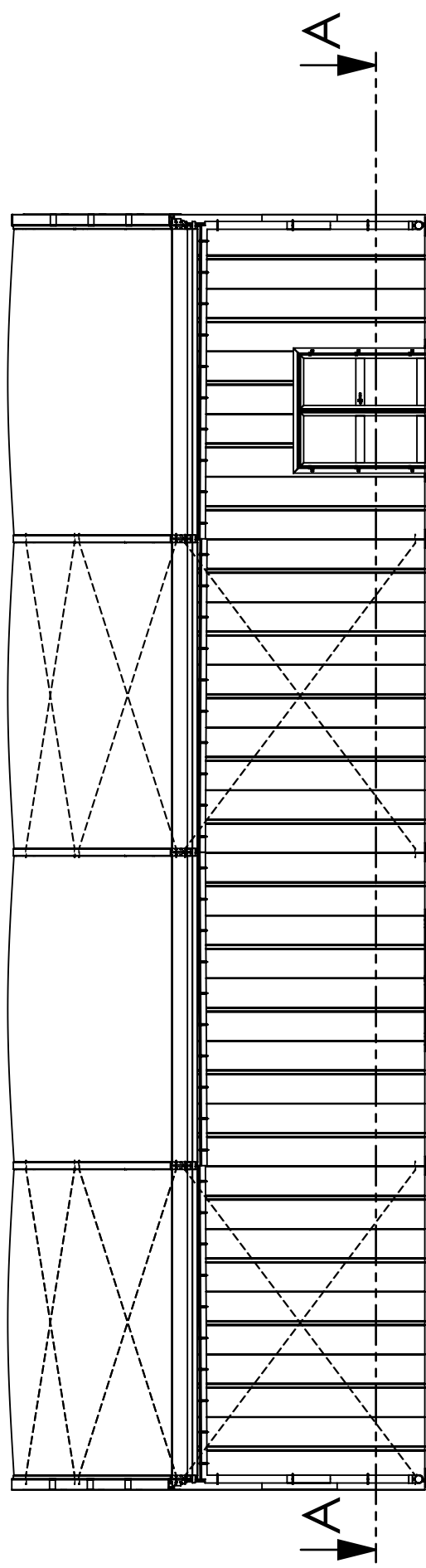
1 Proposed Layout

1 : 100



Total Floor Area 617m²

Rev	Revised Description	Date
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Project Name Carlisle Sands Facilities	Client Name Wates Construction	Sheet Name Proposed Layout - 14 x UK123 Ultima Modules with linked Solum & Portaloos units
Date 10.09.2018	Scale 1 : 100 @ A1	
Drawing Number HD/10256/08	Rev. E	Drawn by MTK



COUPE A-A

1	Upgrade pedestrian doors	02/10/2018	CHBR
0	Creation	27/09/2018	CHBR
REV.	DESCRIPTION	DATE	NAME
Specifications générales / General specifications DIMENSIONS EN MILLIMÈTRES - LA COUVERTURE EST DÉFINIE APRÈS TRAITEMENT (DIMENSIONS ARE IN MILLIMETERS - COVER IS DEFINED AFTER TREATMENT) SHARP EDGE CHAMFRED 0.2 x 40° TOOK RADIUS 0.4 ADMITTED			
Matière / Material :		PROJET / PROJECT : Wates	
TRAITEMENT / TREATMENT :		REF:	A0004082
RANGE	NV65 APPLICATION BS	15x20m H4	
		ECH. / SCALE :	1:100
 <p>Design Manufacture Installation</p> <p>Unité France 20 rue de la République FRANCE WC14 1JN UK Tel : +33 7025 66860</p>		DATE:	1
		NOU / NAME:	DRW-A-0004082_1
		 A1 1/3	

SCHEDULE A: Applications with Recommendation

18/0818

Item No: 04

Date of Committee: 23/11/2018

Appn Ref No:
18/0818

Applicant:
Mr C Binnie

Parish:
St Cuthberts Without

Agent:
Black Box Architects
Limited

Ward:
Dalston

Location: Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY

Proposal: Single Storey Side And Rear Extension To Provide Kitchen And Family Room; Erection Of Replacement Garage

Date of Receipt:
06/09/2018

Statutory Expiry Date
01/11/2018

26 Week Determination
26/11/2018

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Impact of the proposal on the grade II listed building and adjacent listed buildings
- 2.2 Impact of the proposal on the living conditions of neighbouring residents
- 2.3 Impact of the proposal on biodiversity
- 2.4 Other Matters

3. Application Details

The Site

- 3.1 Taupin Skail is located in the centre of Ratten Row. Ratten Row, approximately 4.5 miles south of Carlisle, is linear in form with development primarily focused on the western side of the county highway which runs through the settlement. The vernacular of Ratten Row is predominately that of former farm steads which have been converted into residential dwellings.

- 3.2 Taupin Skail, a converted grade II listed clay dabbin agricultural barn, is located at right angles to the county highway. Two other listed buildings, The Long House and Town Head Farmhouse, are located to the north west and south of the application site respectively.
- 3.3 The accommodation currently consists of living room, kitchen and bedroom with 2no. bedrooms and bathroom above. A large detached garage with workroom/stores above is located to the south of the dwelling. A wooden summer house has also been centrally sited within the garden with a fuel tank located beside it. The roadside boundaries of the application site are made up of stone walls interspersed by the vehicular access serving the dwelling.

The Proposal

- 3.4 The proposal seeks full planning permission for the erection of a single storey extension to provide a kitchen and family room together with the erection of a replacement garage and car port. The submitted drawings illustrate a contemporary sedum roofed larch clad extension angled away from the southern elevation of Taupin Skail. The replacement garage and car port would also be finished in larch cladding but with a slate roof. The proposal also includes the removes a flue from the northern roof slope of Taupin Skail.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of four neighbouring properties and the posting of site and press notices. In response, eight representations of objection and one representation of support have been received.
- 4.2 The representations identify the following issues:
1. questions the contents of the Heritage Asset Statement;
 2. proposal would result in the demolition of at least 20% of the surviving clay construction of the south wall;
 3. questions if Historic England have been consulted;
 4. scale and design of proposal will have a detrimental impact on the appearance of the listed building;
 5. questions the structural stability of the barn to facilitate the extension;
 6. loss of privacy;
 7. impact on the street scene;
 8. clarification on the disposal of foul drainage;
 9. clarification on the siting of the fuel tank;
 10. suggests internal alterations in lieu of extension
 11. Amenity Societies should be consulted;
 12. previous extension to the property was refused.
- 4.3 The Society for the Protection of Ancient Buildings (SPAB) has also

commented, however, in this instance are not a statutory consultee in the determination of this application. The following is a summary of SPAB's observations and advice:

Taupin Skail is a former barn that was converted to residential use approximately two decades ago. It is believed to date from the late C17th/early C18th, but may possibly be earlier. The building is an important and increasingly rare example of a traditional clay building.

While the SPAB is sympathetic to the wishes of the applicants to provide additional accommodation; rationalise the internal layout; and the efforts to try and devise a design which does not detract or compete with the historic barn, SPAB advise that the proposed scheme would cause harm to the buildings special interest and significance, and for which there is no clear and convincing justification and public benefits.

4.3 The representation of support identifies the following issues:

1. viewed the Long House and the barn (Taupin Skail) in the 80's prior to their conversion into dwellings and pleased that they were restored;
2. objections state that the extension should be at the back of Taupin Skail but an extension to the Long House was not at the rear;
3. the orientation of Taupin Skail in relation to the Long House prohibits extensions to Taupin Skail that would not be seen from public viewpoints;
4. the restoration of buildings helps to sustain rural communities. This proposal is for an extension of a dwelling to accommodate a young growing family.

5. **Summary of Consultation Responses**

St Cuthberts Without Parish Council: - the parish council will defer to the advice/comments of the heritage consultees as it is a listed building;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections;

Historic England - North West Office: - on the basis of the information available to date, it is Historic England's view that there is no requirement to notify or consult Historic England under the relevant statutory provisions.

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 is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 of the Planning (Listed Building and

Conservation Areas) Act 1990 and Policies SP6, HO8, HE3 and GI3 of the Carlisle District Local Plan 2015-2030. The City Council's Supplementary Planning Document 'Achieving Well Designed Housing' is also a material planning consideration. Historic England's document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)' is a further material planning consideration. Historic England has also published 'A Guide for Owners of Listed Buildings' (September 2016).

6.3 The proposals raise the following planning issues:

1. Impact Of The Proposal On The Grade II Listed Building And Adjacent Listed Buildings

6.4 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".

6.5 Accordingly, considerable importance and weight to the desirability of preserving the character and setting of Taupin Skail and the listed buildings to the north and south, the Long House and Town Head Farmhouse, respectively. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

6.6 Paragraph 184 of the NPPF highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance ... these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".*

6.7 Paragraphs 193 and 194 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

6.8 Policy HE3 of the local plan outlines that listed buildings and their settings will be preserved and enhanced. The overriding objective of doing so is to ensure that the character and setting of listed buildings are preserved.

6.9 In light of the foregoing it is considered that cognizance has to be given of: a) the significance of the heritage assets including the contribution made to the significance by their settings; and then assess b) the effect of the proposal on the heritage assets and their settings.

a) the significance of the listed building and adjacent listed buildings including the contribution made to the significance by their settings

6.10 Taupin Skail, The Long House and Town Head Farmhouse are Grade II listed buildings. By way of background, as of 2016, there were over 377,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.

6.11 The listing details for the aforementioned properties are as follows:

Taupin Skail (listed by Historic England on 22nd September 1983)

"Barn. Late C17 or early C18. Clay walls repaired with red sandstone, slate roof. 2 storeys, 3 bays. 3 upper and 3 lower doors separated by wooden lintels, with small ground floor window to right: slit vents to rear. Possibly same date as cottage 1689, the barn being in the same ownership"

The Long Barn (listed by Historic England on 22nd September 1983)

"Cottage, possibly late C16/early C17. 1689 date, with initials I & M.L and R & M.L, on door lintel refers to partial re-casing and extension; further extension made, probably in C18. Initials probably those of Losh family. Original building clay-walled; re-casing and extensions in squared rubble with dressed details. Main roof corrugated iron over thatch with brick mid and end chimneys; rear outshut roof stone-flagged. Single storey, 6 bays. Original cottage has 2 (inserted ?) windows, one is 2-light, stone-mullioned. 1689 work incorporates cross passage with dated lintel to chamfered door surround. Fire window and casement under continuous hoodmould to right, casement to left, all with chamfered surrounds. Door and part-blocked fire window in C18 extension. Doors are plank, windows are small-pane casements. Interior: Original cottage subdivided by full-height clay cross-wall; ogee-headed wooden doorcase leads into end room which has loft carried on stop chamfered post and beam. Main room has ogee-head wooden doorcase in gable end separated from inglenook by heck partition. Bressumer carries clay fire-hood; late C18/early C19 range with crane. 2 cruck trusses. Large brick oven in C18 extension".

Town Head Farmhouse (listed by Historic England on 1st April 1957)

"Farmhouse. Dated 1754 on sundial over entrance. Dressed red sandstone

walls, graduated slate roof, 2 stone and one brick chimney stacks. 2 storeys, 3 bays. Raised quoins. Plain window surrounds. Entrance has moulded surround, carved false keystone and moulded cornice. Sundial has moulded stone surround and Roman Numerals whitewashed, numbers picked out in black. Windows all sashes with glazing bars. 4-panel door. Decorative wrought iron scrolls to gutter. Listing does not include farm buildings".

- 6.12 The buildings listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 for their special architectural or historic interest. Located within a rural landscape the properties were once dwellings and a barn associated with former farm steadings within the linear settlement of Ratten Row. Taupin Skail and The Long House, once in the same ownership, are mainly constructed from clay dabbin walls. Town Head Farmhouse is constructed of dressed sandstone walls.
- b) the effect of the proposed development on the heritage assets and their settings
- 6.13 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving Taupin Skail and adjacent listed buildings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.14 As previously outlined in the report, Historic England has produced a document entitled "The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)" (TSHA) to provide information of good practice to assist local authorities, planning and other consultants, applicants and other interested parties in implementing historic environment policy in the NPPF and the related guidance in the PPG.
- 6.15 The TSHA document highlights that the NPPF makes it clear that: *"the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 6.16 The NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (paragraph 189). Paragraph 190 expands by outlining that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage assets

conservation and any aspect of the proposal.

- 6.17 When assessing any potential impact on heritage assets and their settings, most historic buildings reflect the cumulative changes of different ownership and uses and these in themselves can add to the special interest of a listed building, reflecting social and individual values and needs. Historically, such decisions were often made without the constraints of local planning authorities. While the listing of buildings introduces a much greater degree of control, it does not mean historic buildings should remain frozen in time but the addition of sympathetic alterations or additions to improve modern living requirements can often sustain their heritage value.
- 6.18 Historic England acknowledges that listed building have to evolve often with contrasting materials in a modern design. In it's publication 'A guide for owners of listed buildings' it highlights that: *"a new extension should not dominate a historic building: this usually means it should be lower and smaller. There is no rule on the ideal percentage increase in size: it all depends on the size, character and setting of your house. An extension will usually have less effect on your historic home if it is built onto the back and not seen from the front. This is because the back is usually less architecturally important than the front. Side extensions may also work well. Permission for an extension that projects to the front is rarely given, as this is usually the most important and most visible part of the house. The exterior needs to be carefully designed. You should usually aim to use matching or complementary materials for walls and the roof. However, cleverly chosen contrasting materials in a modern design may work for some buildings, where the extension can then be clearly 'read' as different to the old house. But the effect should not be so different that the extension is more prominent than the main building"* .
- 6.19 The proposal seeks full planning permission for the erection of a single storey extension and the erection of a replacement garage and car port. The submitted drawings illustrate a contemporary larch clad extension with sedum roof angled away from the southern elevation of Taupin Skail. The replacement garage and car port would also be finished in larch cladding with a slate roof. The proposal also includes the removal of a flue from the northern roof slope of Taupin Skail.
- 6.20 The Structure and Setting Impact Statement, submitted as part of the application outlining that: *"The proposal leaves this aspect, the original front of the heritage asset as detailed in the assets listing, untouched and preserved. That is apart from the proposal to improve this setting by removal of the steel flue from the current listed building. This is considered to be a positive impact on the setting ... the proposal aims to bring the building group at Taupin Skail back into a more controlled order. To mitigate and minimise the impact on this setting the garden room extension will sit lower (due to some soil excavation) than the current 'summer house' and will be larch clad which will fade to grey with time and have a sedum roof. The garden room extension is also angled away from the main barn to further minimise the impact on the south elevation. Overall, the proposal is considered to have a minimal impact on the setting which is justified by provide a more sustainable*

and functional family home in the long term".

- 6.21 The immediate setting of Taupin Skail has evolved over the years through its conversion into a dwelling and its separation from the adjacent Long Barn. The settlement of Ratten Row remains that of a linear rural settlement; however, has moved away from the appearance of a primarily agricultural settlement through the conversion of buildings once associated with the farm steadings into residential dwellings some of which have been extended and altered. The main focus of the buildings being on the western side of the county highway with the exception of an agricultural building located to the south west of the application site.
- 6.22 The gable elevation of Taupin Skail fronts onto the county highway with a stone boundary wall separating the dwelling and its amenity space from the highway. The majority of the amenity space serving the property is located to the south of the dwelling. A large detached garage is located in the south east corner of the application site with a wooden garden house and fuel tank centrally located within the application site.
- 6.23 When assessing the impact of the proposal on Taupin Skail and the adjacent listed building, The Long Barn, the northern elevation (original front elevation) of Taupin Skail would remain unchanged with the exception of the removal of a flue. In such a context, the character and setting of the listed buildings would be preserved. The removal of the flue also contributing positively to the character and setting of the listed buildings.
- 6.24 The existing garden level would be excavated in order to provide level access from the main dwelling into the proposed extension with the extension angled away from the main dwelling. A doorway would be formed in the western sandstone section of the property, thereby, leaving the clay dabbin sections of the building untouched. The aforementioned proposals together with the contemporary design and materials would also help to ensure that the proposed extension would not dominate the listed building in line with the Historic England's publication 'A guide for owners of listed buildings'. The replacement garage would be 1 metre lower than the garage which it would replace and be finished in larch lapping to replicate the single storey extension and an agricultural building located opposite. The replacement garage due to the scale and materials would appear less prominent than the current garage in the street scene.
- 6.25 As highlighted earlier in the report, access into the proposed extension would be via a new opening formed in the sandstone wall section of Taupin Skail. The submitted drawings also illustrate minimum internal alterations to the listed building, thereby, further protecting the integrity and historic fabric of the listed building. The only alterations would be the reconfiguration of the existing kitchen to provide a bedroom/study and utility room; however, this would be through the use of timber stud partition walls and would not affect the historic fabric of the building.
- 6.26 In respect of the wider context of the proposals on the character and settings of the buildings, an intervening building, existing boundary treatments together with the scale and design of the proposals would avoid any perceived detrimental impact on the settings of those listed buildings. The

City Council's Urban Design/Conservation Officer has been involved in pre-application discussions. In respect of the submitted scheme, revised details have been requested and submitted to address issues raised by the Urban Design/Conservation Officer during the consultation process. The revised scheme now illustrates a reduced entrance from the main dwelling into the extension together with the reduction in scale of the hallway link. The Urban Design/Conservation Officer has confirmed that the revised proposal addresses his original concerns and that the proposal is acceptable.

- 6.27 The proposal does not involve the partial or total demolition of a listed building, therefore, there is no requirement to consult Historic England or National Amenity Societies. Nevertheless, following comments made by third parties, Historic England were consulted and comments received from the Society for the Protection of Ancient Buildings (SPAB). Historic England subsequently concurred with the council in that based on the information, it is its view that there is no need to notify or consult Historic England on this application under the relevant statutory provisions. The comments of SPAB have been reproduced for Members in Section 4 (paragraph 4.3) of this report.
- 6.28 In summary, the proposals although of contemporary design and materials would not result in any demonstrable harm to the listed buildings or their settings. The increased accommodation required by the current occupiers of the property can also be achieved without detriment to the listed building and adjacent listed buildings. In all aspects the proposals are compliant with the objectives of the NPPF, PPG, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant adopted local plan policies.

2. Impact Of The Proposal On The Living Conditions of Neighbouring Residents

- 6.29 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should be achieved.
- 6.30 A third party has raised concerns in respect of potential overlooking. The ground level of the proposed single storey extension would be excavated with the extension so orientated as to achieve the adequate separation distances outlined in the SPD between the proposed dwelling and its immediate neighbours. Nevertheless, a revised drawings has been received illustrating that the proposed windows on the western (rear elevation) would be opaquely glazed. A condition is also recommended to ensure that these windows remain opaquely glazed in perpetuity.
- 6.31 Given the physical relationship of the application site with adjacent properties, the occupiers of those properties are unlikely to suffer from an unreasonable loss of daylight, sunlight or over-dominance.

3. Impact Of The Proposal On Biodiversity

- 6.32 The Councils GIS Layer has identified that the site has the potential for several key species to be present on the site. As the proposed development is within the curtilage of an existing property, the development is unlikely to harm a protected species or their habitat. However, an Informative is recommended to be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

4. Other Matters

- 6.33 Third parties have questioned why Historic England and National Amenity Societies, including the Society for the Protection of Ancient Buildings (SPAB), had not originally been consulted on the application. The Arrangements For Handling Heritage Applications Direction 2015 sets out the requirements when local planning authorities are obliged to notify Historic England and the National Amenity Societies. In the case of this application no formal obligation is required as the proposal does not involve the partial or total demolition of a listed building. Historic England and SPAB have been consulted and their comments summarised in Sections 5 and 4 (paragraph 4.3) of this report respectively.
- 6.34 Further concerns have been raised as to the structural stability of the clay dabbin barn to facilitate the proposed extension. This issue has been addressed in the 'Supplementary Information Structure and Setting Impact Statement'. This document details that the clay dabbin walls would be unaffected as the proposed access link from the original building to the proposed extension would be through the western end of the barn which is of sandstone construction.
- 6.35 Questions have also been raised by a third party as to the position of a septic tank, its outfall together with a fuel storage tank. The property is served by a package treatment plant as opposed to a septic tank and this (if replaced) would connect to the existing system. In respect of the fuel tank, currently located adjacent to the summer house, this would be replaced by an underground tank.
- 6.36 A third party has also made reference to a previous application for an extension to Taupin Skail being refused. Available planning records, however; do not substantiate this claim.

Conclusion

- 6.37 The proposals although of contemporary design and materials would not result in any demonstrable harm to the listed buildings or their settings. The increased accommodation required by the current occupiers of the property can also be achieved without detriment to the listed building or adjacent listed buildings. The proposals would not have a detrimental impact on the living conditions of the occupiers of neighbouring properties.

- 6.38 In all aspects the proposals are compliant with the objectives of the NPPF, PPG, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, and local plan policies. Accordingly, the application is recommended for approval.

7. Planning History

- 4.1 In 1999, listed building consent and planning permission were granted for the conversion of a barn to form a dwelling (application references 99/0518 and 99/0519).
- 4.2 Also, in 1999, an application for listed building consent was submitted for the conversion of barn to residential dwelling with extension but was withdrawn prior to determination (application reference 99/0565).
- 4.3 In 2005, planning permission and listed building consent were granted for the erection of a garage and summer house, provision of access and wooden gate (application references 05/0007 and 05/0067).
- 4.4 In 2015, an application for the listed building consent for the installation of a stainless steel flue to the northern roof for a wood burning stove was withdrawn prior to determination (application reference 15/0656).
- 4.5 In 2016, listed building consent was granted for retention of internal alterations and stainless steel flue to the northern roof for a wood burning stove (application reference 16/0567).
- 4.6 There is currently an application for listed building consent for the single storey side and rear extension to provide kitchen and family room; erection of replacement garage pending a decision (application reference 18/0810).

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 6th September 2018;
 2. the Design and Heritage Statement Rev B received 5th November 2018;
 3. the Supplementary Information Structure and Setting Impact Statement received 5th November 2018;

4. the plans received 9th November 2018 (Drawing No. 2018-108-02C Revision C);
5. the block plan received 6th September 2018 (Drawing No. 2018-108-04);
6. the location plan received 6th September 2018 (Drawing No. 2018-108-05);
7. the draft section of extension received 15th October 2018 (Drawing No. 2018-108-07);
8. the Notice of Decision; and
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

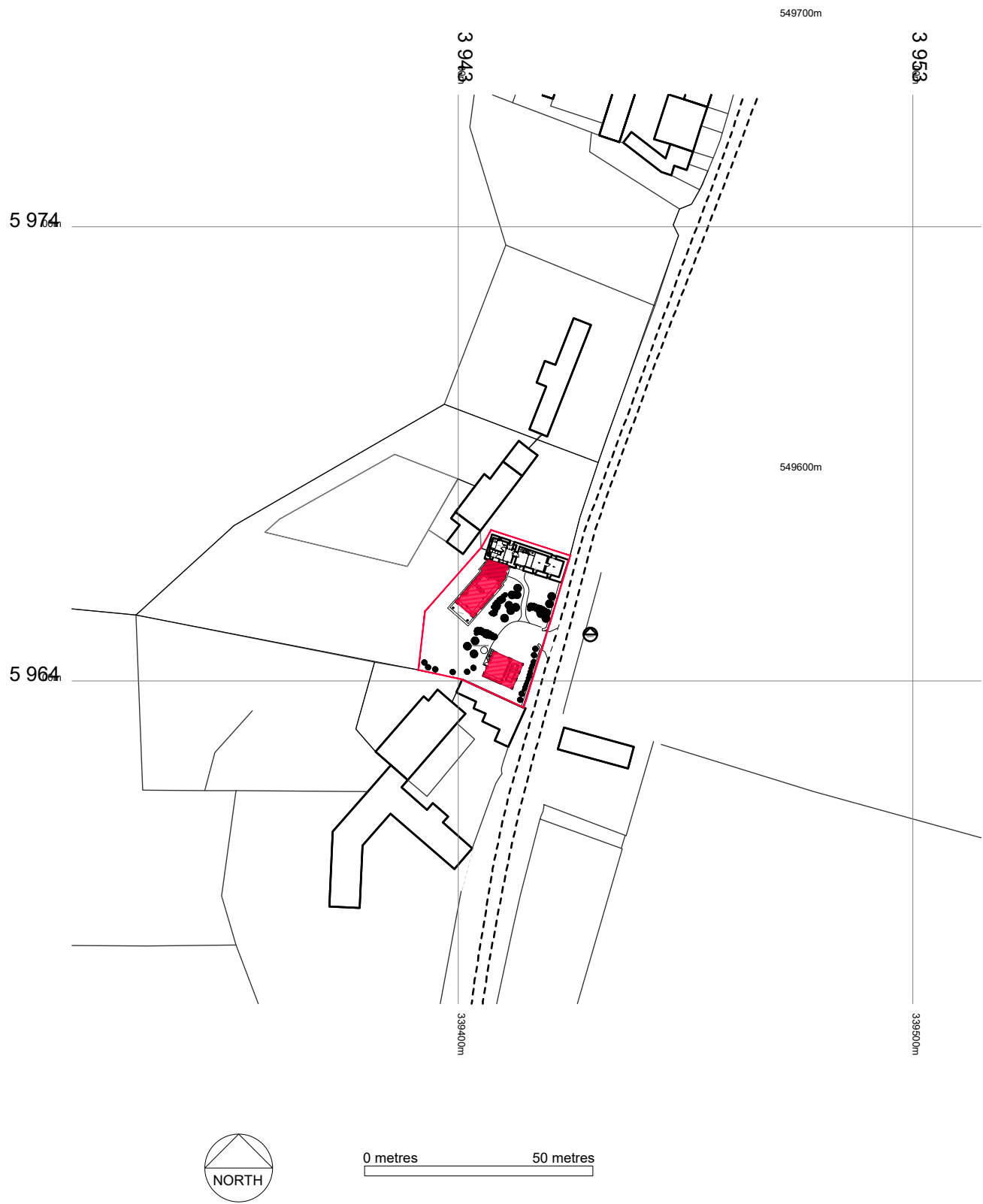
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), the windows in the western elevation of the extension shall be obscure glazed to a minimum of Factor 3 and thereafter retained as such to the satisfaction of the local planning authority.


Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.



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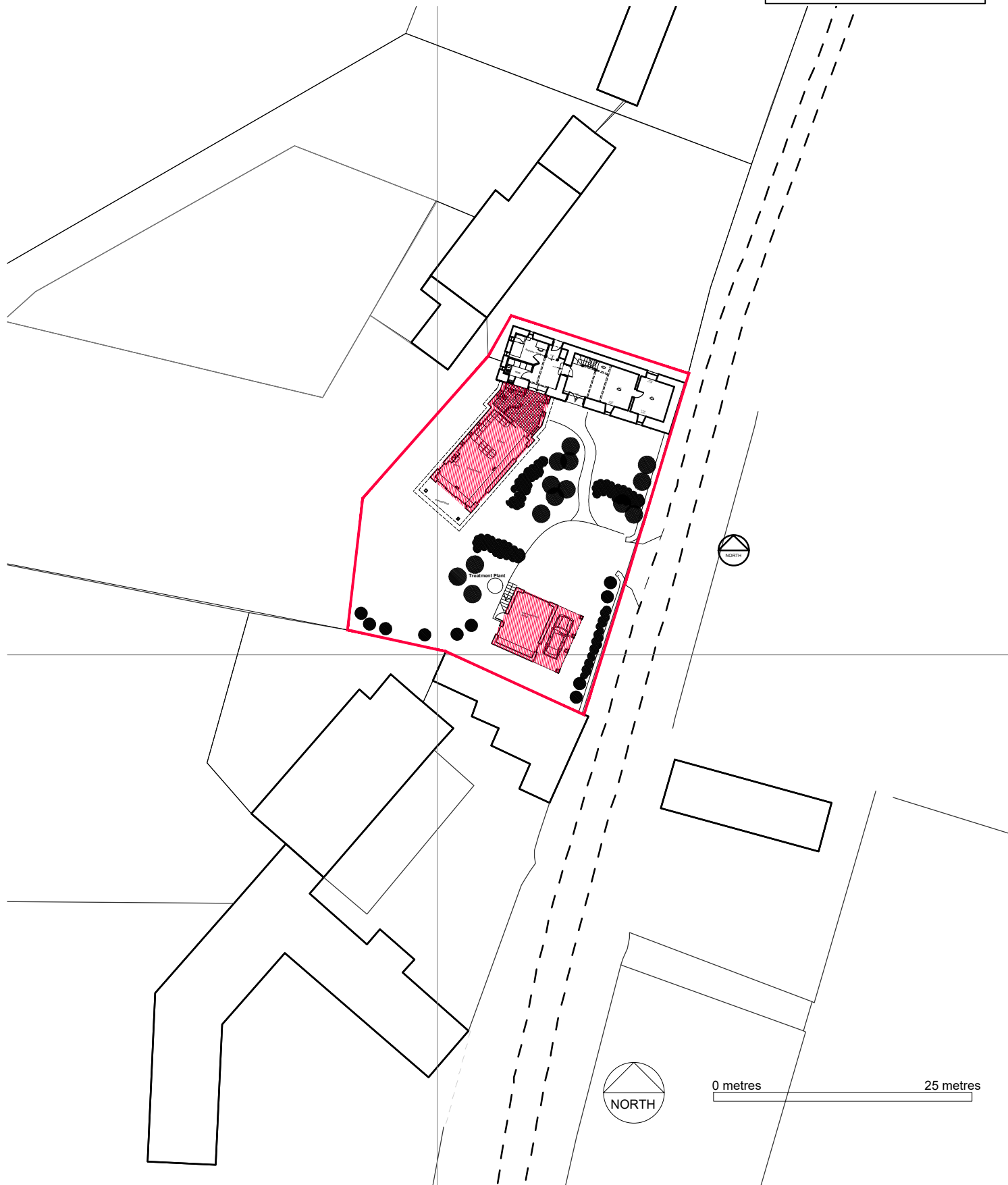
Project	"Taupin Skail" Ratten Row			<div>Black Box Architects Limited. 20 Devonshire Street Carlisle Cumbria. CA3 8LP Tel: 01228 402 200</div> <div> BLACK BOX architects</div>	
Drawing	Planning Submission	Revision	Page 161 of 406		
Detail	Location plan	Job.no	2018-108-05	Date	March-18




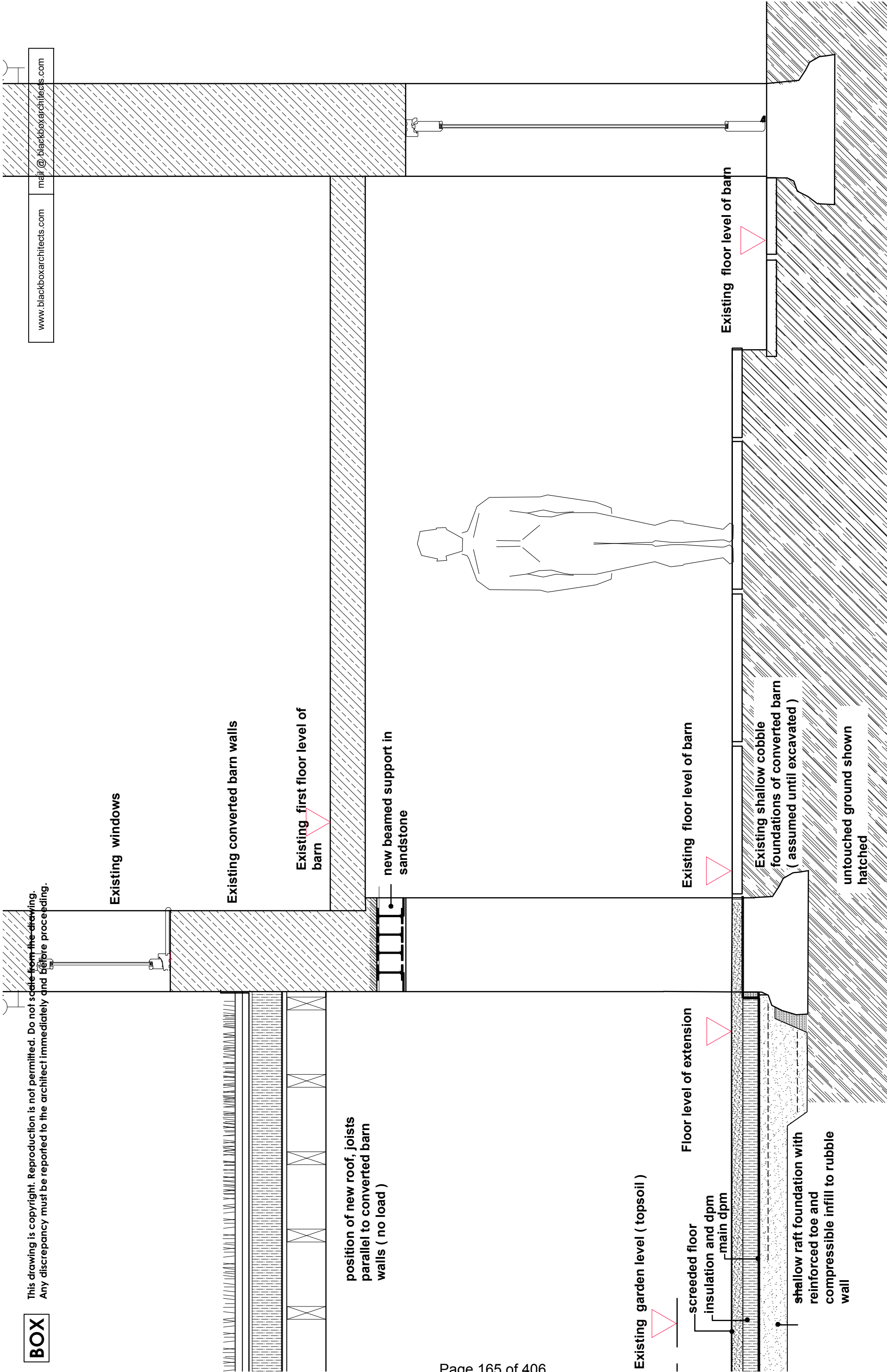
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Project	"Taupin Skail" Ratten Row			Black Box Architects Limited. 20 Devonshire Street Carlisle Cumbria. CA3 8LP Tel: 01228 402 200		 BLACK BOX architects
Drawing	Planning Submission	Revision		Scale	1:500	
Detail	Block plan	Job.no.	2018-108-04	Date	March-18	



**New Garden Room
Extension
and
Replacement Garage
At
“Taupin Skail”
Ratten Row**

SUPPLEMENTARY INFORMATION
STRUCTURE AND SETTING IMPACT
STATEMENT

Mr. and Mrs. C Binnie

2018

INTRODUCTION

This supplementary evidence is in response to comments raised by the public consultation for the New Garden Room Extension and Replacement Garage at Taupin Skail, Ratten Row.

SETTING IMPACT

Ratten Row is a linear settlement of approximately 12 dwellings 4.5 miles to the south of the city of Carlisle. The nature and settling of the buildings is rural-agricultural with a significant diversity of building design, age and layout that has evolved over time. Figure 1 shows the location of Taupin Skail within Ratten Row, it also illustrates the diverse range of building layouts relative to each other.

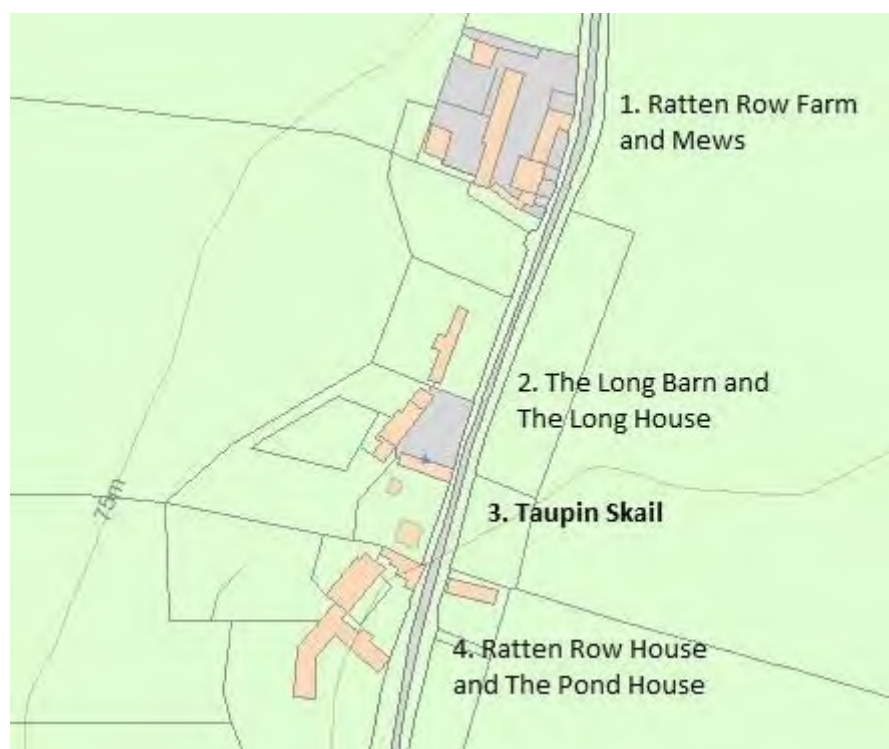


Figure 1 – Setting of Taupin Skail within the context of Ratten Row, Carlisle

Whilst considering the setting this statement groups the building in to four areas as experienced from the public road, North to South.

1. Ratten Row Farm and Mews
2. The Long Barn and The Long House
3. Taupin Skail
4. Ratten Row House and Pond House

1. Ratten Row Farm and Mews



Photographs A & B – Showing diverse range of buildings and converted barns and stable in the wider context of Ratten Row. These are a pair of semi-detached houses and three flats. There is considered to be a **neutral** impact on this setting of Ratten Row of the proposals due to distance and the existing diversity of construction styles.

2. The Long House



Photograph C - Northern elevation of Taupin Skail and Long Barn setting

The Long House setting (photograph C) has historic, vernacular setting in nature with only the existing Long House extension and the Taupin Skail wood burning steel flue being the visible 'modern' additions.

The proposal leaves this aspect, the original front of the heritage asset as detailed in the asset's listing, untouched and preserved. That is apart from the proposal to improve this setting by removal of the steel flue (photograph D below) from the current LBC. This is considered to be a **positive** impact on the setting.



Photograph D – Northern elevation has detailed in the asset’s listing. The proposal is to remove the flue from the current LBC. The western (right-hand side) sandstone construction can be seen in this photograph.

3. Taupin Skail

As described in the Applicants Design and Heritage Statement, the setting at the gateway of Taupin Skail has a somewhat confused layout of barns, timber garden outbuilding and large double story garage (photographs E and F).



Photograph E – Existing double story garage to be demolished and replaced with a single story timber garage and car-port in the same style as the proposed extension.



Photograph F – Taupin Skail setting with flue, summer house, flue

The proposal aims to bring the building group at Taupin Skail back into a more controlled order. To mitigate and minimise the impact on this setting the garden room extension will sit lower (due to some soil excavation) than the current ‘summer house’ and will be larch clad which will fade to grey with time and have a sedum roof. The garden room extension is also angled away from the main barn to further minimise the impact on the south elevation.

Overall, the proposal is consider to have a **minimal** impact on the setting which is justified by providing a more sustainable and functional family home in the long term.

4. Ratten Row House and Pond House



Photograph G – Ratten Row House with two barns, with the Pond House to the left



Photograph H – The Pond House a barn conversion and extension



Photograph I – Agricultural barn across the road from Taupin Skail. The sedum roof extension and the replacement garage reflect the use of vertical cladding (Yorkshire Boarding).

The proposal is considered to have a **neutral** impact on the setting of Ratten Row House and The Pond House.

Summary of impact of proposal on setting:

1. Ratten Row Farm and Mews: **Neutral**
2. The Long House and Northern Elevation of Taupin Skail: **Positive** due to the removal of the steel flue.
3. Taupin Skail gate: **Minimal**. Design to bring more controlled order to the group of buildings.
4. Ratten Row and Pond House: **Neutral**

Overall setting impact of the proposal for Taupin Skail is considered to be **Minimal to positive impact**. With a **neutral** impact for Ratten Row overall.

STRUCTURE IMPACT CONSIDERATIONS

This supplementary statement addresses concerns raised regarding the impact of the proposals on assets construction and structure. It considers:

- a) Clay daubin and stone structure
- b) Foundations
- c) Wood burner heat source

a) Clay daubin and stone construction

Figures 1, 2 and 3 present the survey drawings that were completed at the time of conversion to a residential dwelling to record the structure of the heritage asset. As detailed in these drawings, the western end of the barn is of sandstone construction. The proposed extension link (beam insertion) will be in to the sandstone structure leaving the clay daubin construction undisturbed.

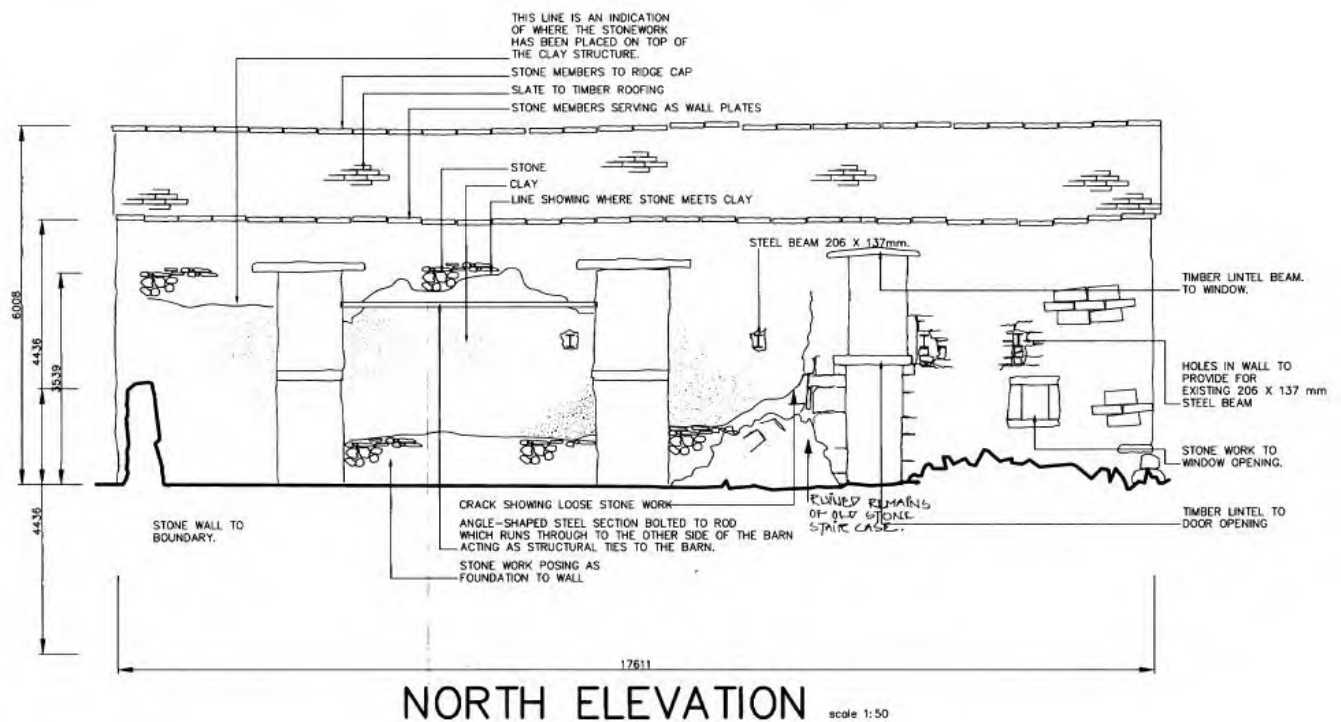


Figure 1 – Northern Elevation survey drawing showing original front elevation of the barn showing the extent of the clay daubin structure. Western end (right-hand side) from the right-most set of bay doors is sand stone construction.

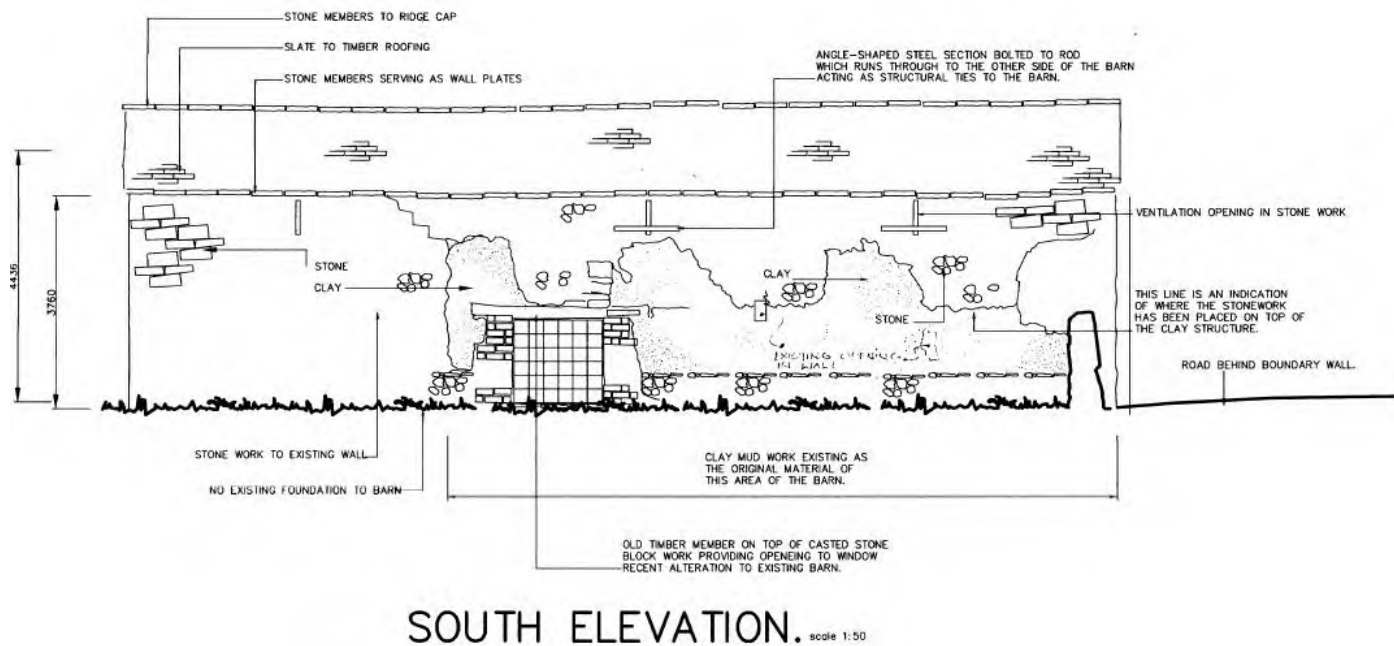


Figure 2 – Southern Elevation survey drawing showing original rear elevation of the barn showing the extent of the clay daubin structure. Western end (right-hand side) sand stone construction.

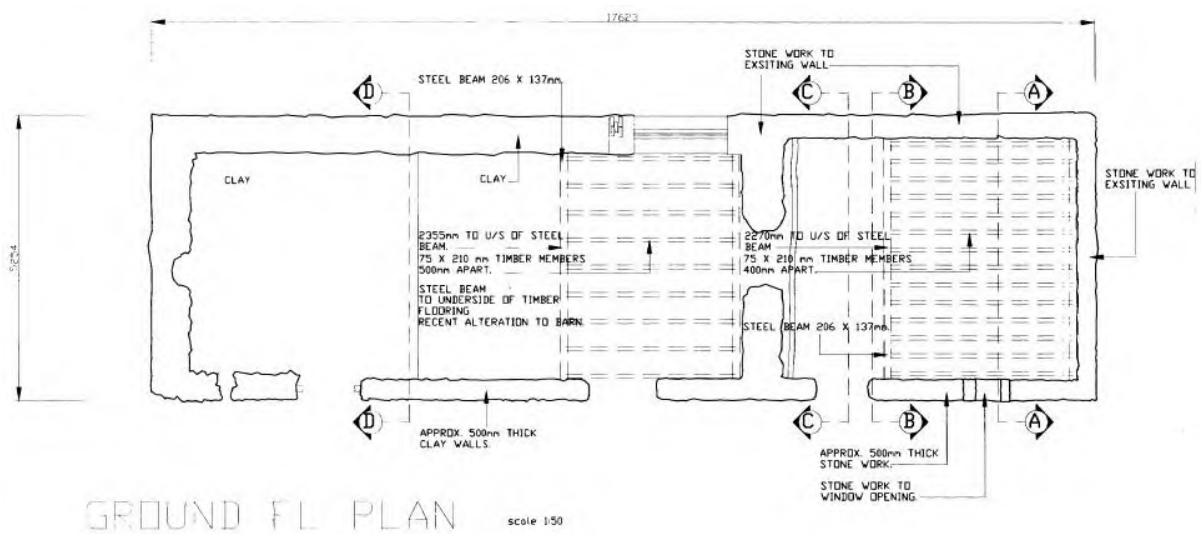


Figure 3 – Ground floor survey drawing, western end (right hand side) is sand stone construction.

Photographs J, K and L show the original western gable end clay daubin wall, this forms a significant feature of the internal character, structure and nature of the asset. This wall and a structural block wall at the eastern end of the asset build during conversion significantly limit internal alterations which would also have a significant impact on the internal character of the asset.



Photograph J and K - Internal clay daubin wall from the top of the stairs (door into main bedroom)



Photograph L - Internal clay daubin taken from inside the living room (door into kitchen)

The proposal is to leave the clay daubin structure untouched and remove a section of sand stone wall to insert an engineered structural beam to form the link to the garden room extension.

The impact of the proposal on the structure of the barn is considered to **neutral** on the clay daubin structure. **Moderate** impact on the sand stone structure. This is justified by providing a more sustainable and functional family home in the long term, leaving the internal clay daubin structure and character untouched and preserved, requiring only one intervention which could be reversed in the future causing minimal impact.

b) Foundations

Due to the aspiration to minimise the impact on the setting by keeping minimising the height of the extension by there will be excavation of material from the simple foundations of the western sandstone end of Taupin Skail. Such works will be thoroughly surveyed and assessed by competent professional engineers experienced in dealing with heritage assets. Therefore this is considered to be a **neutral** impact on the structure.

c) Wood burner heat source

Wood burning stoves can cause significant drying out of clay daubin walls due to their intense heat outputs. A potential improvement to maintaining the clay daubin structure is the removal of the wood burning stove and flue from the first floor 'snug'. However, this is minimal due to the placing of the woodburner >1 metre away from a clay daubin wall.

This proposal is considered to be **minimal (positive)** impact on the structure of the heritage asset.

Summary of impact of proposal on asset structure:

- a) Clay daubin and stone structure: **Neutral** impact on the clay daubin structure. **Moderate** impact on the sand stone structure due to the removal of a section of wall and insertion of an engineered beam which could be reversed in the future with minimal impact.
- b) Foundations: **Neutral**, engineered solution to support new and existing structure as required.
- c) Wood burner heat source: **Minimal (positive)** due to removal of intense heat source.

Overall impact of the proposal for Taupin Skail structure is considered to be **Minimal (positive) to Moderate** impact, justified by providing a more sustainable and functional family home in the long term.

The internal clay daubin structure and character will be untouched and preserved, requiring only one intervention to the sand stone wall which could be reversed in the future.

SCHEDULE A: Applications with Recommendation

18/0819

Item No: 05

Date of Committee: 23/11/2018

Appn Ref No:
18/0819

Applicant:
Mr C Binnie

Parish:
St Cuthberts Without

Agent:
Black Box Architects
Limited

Ward:
Dalston

Location: Taupin Skail, Ratten Row, Dalston, Carlisle, CA5 7AY

Proposal: Single Storey Side And Rear Extension To Provide Kitchen And Family Room; Erection Of Replacement Garage (LBC)

Date of Receipt:
06/09/2018 23:01:02

Statutory Expiry Date
01/11/2018 23:01:02

26 Week Determination
26/11/2018

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Impact of the proposal on the grade II listed building and adjacent listed buildings
2.2 Other matters

3. Application Details

The Site

- 3.1 Taupin Skail is located in the centre of Ratten Row. Ratten Row, approximately 4.5 miles south of Carlisle, is linear in form with development primarily focused on the western side of the county highway which runs through the settlement. The vernacular of Ratten Row is predominately that of former farm steads which have been converted into residential dwellings.
- 3.2 Taupin Skail, a converted grade II listed clay dabbin agricultural barn, is

located at right angles to the county highway. Two other listed buildings, The Long House and Town Head Farmhouse, are located to the north west and south of the application site respectively.

- 3.3 The accommodation currently consists of living room, kitchen and bedroom with 2no. bedrooms and bathroom above. A large detached garage with workroom/stores above is located to the south of the dwelling. A wooden summer house has also been centrally sited within the garden with a fuel tank located beside it. The roadside boundaries of the application site are made up of stone walls interspersed by the vehicular access serving the dwelling.

The Proposal

- 3.4 The proposal seeks full planning permission for the erection of a single storey extension to provide a kitchen and family room together with the erection of a replacement garage and car port. The submitted drawings illustrate a contemporary sedum roofed larch clad extension angled away from the southern elevation of Taupin Skail. The replacement garage and car port would also be finished in larch cladding but with a slate roof. The proposal also includes the removes a flue from the northern roof slope of Taupin Skail.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of four neighbouring properties and the posting of site and press notices. In response, eight representations of objection and one representation of support have been received.
- 4.2 The representations identify the following issues:
1. questions the contents of the Heritage Asset Statement;
 2. proposal would result in the demolition of at least 20% of the surviving clay construction of the south wall;
 3. questions if Historic England have been consulted;
 4. scale and design of proposal will have a detrimental impact on the appearance of the listed building;
 5. questions the structural stability of the barn to facilitate the extension;
 6. loss of privacy;
 7. impact on the street scene;
 8. clarification on the disposal of foul drainage;
 9. clarification on the siting of the fuel tank;
 10. suggests internal alterations in lieu of extension
 11. Amenity Societies should be consulted;
 12. previous extension to the property was refused.
- 4.3 The Society for the Protection of Ancient Buildings (SPAB) has also commented, however, in this instance are not a statutory consultee in the determination of this application. The following is a summary of SPAB's

observations and advice:

Taupin Skail is a former barn that was converted to residential use approximately two decades ago. It is believed to date from the late C17th/early C18th, but may possibly be earlier. The building is an important and increasingly rare example of a traditional clay building.

While the SPAB is sympathetic to the wishes of the applicants to provide additional accommodation; rationalise the internal layout; and the efforts to try and devise a design which does not detract or compete with the historic barn, SPAB advise that the proposed scheme would cause harm to the buildings special interest and significance, and for which there is no clear and convincing justification and public benefits.

4.3 The representation of support identifies the following issues:

1. viewed the Long House and the barn (Taupin Skail) in the 80's prior to their conversion into dwellings and pleased that they were restored;
2. objections state that the extension should be at the back of Taupin Skail but an extension to the Long House was not at the rear;
3. the orientation of Taupin Skail in relation to the Long House prohibits extensions to Taupin Skail that would not be seen from public viewpoints;
4. the restoration of buildings helps to sustain rural communities. This proposal is for an extension of a dwelling to accommodate a young growing family.

5. **Summary of Consultation Responses**

St Cuthberts Without Parish Council: - the parish council will defer to the advice/comments of the heritage consultees as it is a listed building;

Historic England - North West Office: - on the basis of the information available to date, it is Historic England's view that there is no requirement to notify or consult Historic England under the relevant statutory provisions.

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 is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP6 and HE3 of the Carlisle District Local Plan 2015-2030. Historic England's document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)' is a further material planning consideration. Historic England has also published 'A Guide for Owners of Listed Buildings'

(September 2016).

6.3 The proposals raise the following planning issues:

1. Impact Of The Proposal On The Grade II Listed Building And Adjacent Listed Buildings

6.4 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".

6.5 Accordingly, considerable importance and weight to the desirability of preserving the character and setting of Taupin Skail and the listed buildings to the north and south, the Long House and Town Head Farmhouse, respectively. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

6.6 Paragraph 184 of the NPPF highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance ... these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".*

6.7 Paragraphs 193 and 194 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

6.8 Policy HE3 of the local plan outlines that listed buildings and their settings will be preserved and enhanced. The overriding objective of doing so is to ensure that the character and setting of listed buildings are preserved.

6.9 In light of the foregoing it is considered that cognizance has to be given of: a) the significance of the heritage assets including the contribution made to the significance by their settings; and then assess b) the effect of the proposal on the heritage assets and their settings.

a) the significance of the listed building and adjacent listed buildings

including the contribution made to the significance by their settings

6.10 Taupin Skail, The Long House and Town Head Farmhouse are Grade II listed buildings. By way of background, as of 2016, there were over 377,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.

6.11 The listing details for the aforementioned properties are as follows:

Taupin Skail (listed by Historic England on 22nd September 1983)

"Barn. Late C17 or early C18. Clay walls repaired with red sandstone, slate roof. 2 storeys, 3 bays. 3 upper and 3 lower doors separated by wooden lintels, with small ground floor window to right: slit vents to rear. Possibly same date as cottage 1689, the barn being in the same ownership"

The Long Barn (listed by Historic England on 22nd September 1983)

"Cottage, possibly late C16/early C17. 1689 date, with initials I & M.L and R & M.L, on door lintel refers to partial re-casing and extension; further extension made, probably in C18. Initials probably those of Losh family. Original building clay-walled; re-casing and extensions in squared rubble with dressed details. Main roof corrugated iron over thatch with brick mid and end chimneys; rear outshut roof stone-flagged. Single storey, 6 bays. Original cottage has 2 (inserted ?) windows, one is 2-light, stone-mullioned. 1689 work incorporates cross passage with dated lintel to chamfered door surround. Fire window and casement under continuous hoodmould to right, casement to left, all with chamfered surrounds. Door and part-blocked fire window in C18 extension. Doors are plank, windows are small-pane casements. Interior: Original cottage subdivided by full-height clay cross-wall; ogee-headed wooden doorcase leads into end room which has loft carried on stop chamfered post and beam. Main room has ogee-head wooden doorcase in gable end separated from inglenook by heck partition. Bressumer carries clay fire-hood; late C18/early C19 range with crane. 2 cruck trusses. Large brick oven in C18 extension".

Town Head Farmhouse (listed by Historic England on 1st April 1957)

"Farmhouse. Dated 1754 on sundial over entrance. Dressed red sandstone walls, graduated slate roof, 2 stone and one brick chimney stacks. 2 storeys, 3 bays. Raised quoins. Plain window surrounds. Entrance has moulded surround, carved false keystone and moulded cornice. Sundial has moulded stone surround and Roman Numerals whitewashed, numbers picked out in black. Windows all sashes with glazing bars. 4-panel door. Decorative wrought iron scrolls to gutter. Listing does not include farm buildings".

- 6.12 The buildings listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 for their special architectural or historic interest. Located within a rural landscape the properties were once dwellings and a barn associated with former farm steadings within the linear settlement of Ratten Row. Taupin Skail and The Long House, once in the same ownership, are mainly constructed from clay dabbin walls. Town Head Farmhouse is constructed of dressed sandstone walls.
- b) the effect of the proposed development on the heritage assets and their settings
- 6.13 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving Taupin Skail and adjacent listed buildings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.14 As previously outlined in the report, Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)' (TSHA) to provide information of good practice to assist local authorities, planning and other consultants, applicants and other interested parties in implementing historic environment policy in the NPPF and the related guidance in the PPG.
- 6.15 The TSHA document highlights that the NPPF makes it clear that: *"the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 6.16 The NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (paragraph 189). Paragraph 190 expands by outlining that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local planning authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.
- 6.17 When assessing any potential impact on heritage assets and their settings, most historic buildings reflect the cumulative changes of different ownership and uses and these in themselves can add to the special interest of a listed building, reflecting social and individual values and needs. Historically, such decisions were often made without the constraints of local planning

authorities. While the listing of buildings introduces a much greater degree of control, it does not mean historic buildings should remain frozen in time but the addition of sympathetic alterations or additions to improve modern living requirements can often sustain their heritage value.

- 6.18 Historic England acknowledges that listed building have to evolve often with contrasting materials in a modern design. In it's publication 'A guide for owners of listed buildings' it highlights that: *"a new extension should not dominate a historic building: this usually means it should be lower and smaller. There is no rule on the ideal percentage increase in size: it all depends on the size, character and setting of your house. An extension will usually have less effect on your historic home if it is built onto the back and not seen from the front. This is because the back is usually less architecturally important than the front. Side extensions may also work well. Permission for an extension that projects to the front is rarely given, as this is usually the most important and most visible part of the house. The exterior needs to be carefully designed. You should usually aim to use matching or complementary materials for walls and the roof. However, cleverly chosen contrasting materials in a modern design may work for some buildings, where the extension can then be clearly 'read' as different to the old house. But the effect should not be so different that the extension is more prominent than the main building"*.
- 6.19 The proposal seeks full planning permission for the erection of a single storey extension and the erection of a replacement garage and car port. The submitted drawings illustrate a contemporary larch clad extension with sedum roof angled away from the southern elevation of Taupin Skail. The replacement garage and car port would also be finished in larch cladding with a slate roof. The proposal also includes the removal of a flue from the northern roof slope of Taupin Skail.
- 6.20 The Structure and Setting Impact Statement, submitted as part of the application outlining that: *"The proposal leaves this aspect, the original front of the heritage asset as detailed in the assets listing, untouched and preserved. That is apart from the proposal to improve this setting by removal of the steel flue from the current listed building. This is considered to be a positive impact on the setting ... the proposal aims to bring the building group at Taupin Skail back into a more controlled order. To mitigate and minimise the impact on this setting the garden room extension will sit lower (due to some soil excavation) than the current 'summer house' and will be larch clad which will fade to grey with time and have a sedum roof. The garden room extension is also angled away from the main barn to further minimise the impact on the south elevation. Overall, the proposal is considered to have a minimal impact on the setting which is justified by provide a more sustainable and functional family home in the long term"*.
- 6.21 The immediate setting of Taupin Skail has evolved over the years through its conversion into a dwelling and its separation from the adjacent Long Barn. The settlement of Ratten Row remains that of a linear rural settlement; however, has moved away from the appearance of a primarily agricultural

settlement through the conversion of buildings once associated with the farm steadings into residential dwellings some of which have been extended and altered. The main focus of the buildings being on the western side of the county highway with the exception of an agricultural building located to the south west of the application site.

- 6.22 The gable elevation of Taupin Skail fronts onto the county highway with a stone boundary wall separating the dwelling and its amenity space from the highway. The majority of the amenity space serving the property is located to the south of the dwelling. A large detached garage is located in the south east corner of the application site with a wooden garden house and fuel tank centrally located within the application site.
- 6.23 When assessing the impact of the proposal on Taupin Skail and the adjacent listed building, The Long Barn, the northern elevation (original front elevation) of Taupin Skail would remain unchanged with the exception of the removal of a flue. In such a context, the character and setting of the listed buildings would be preserved. The removal of the flue also contributing positively to the character and setting of the listed buildings.
- 6.24 The existing garden level would be excavated in order to provide level access from the main dwelling into the proposed extension with the extension angled away from the main dwelling. A doorway would be formed in the western sandstone section of the property, thereby, leaving the clay dabbin sections of the building untouched. The aforementioned proposals together with the contemporary design and materials would also help to ensure that the proposed extension would not dominate the listed building in line with the Historic England's publication 'A guide for owners of listed buildings'. The replacement garage would be 1 metre lower than the garage which it would replace and be finished in larch lapping to replicate the single storey extension and an agricultural building located opposite. The replacement garage due to the scale and materials would appear less prominent than the current garage in the street scene.
- 6.25 As highlighted earlier in the report, access into the proposed extension would be via a new opening formed in the sandstone wall section of Taupin Skail. The submitted drawings also illustrate minimum internal alterations to the listed building, thereby, further protecting the integrity and historic fabric of the listed building. The only alterations would be the reconfiguration of the existing kitchen to provide a bedroom/study and utility room; however, this would be through the use of timber stud partition walls and would not affect the historic fabric of the building.
- 6.26 In respect of the wider context of the proposals on the character and settings of the buildings, an intervening building, existing boundary treatments together with the scale and design of the proposals would avoid any perceived detrimental impact on the settings of those listed buildings. The City Council's Urban Design/Conservation Officer has been involved in pre-application discussions. In respect of the submitted scheme, revised details have been requested and submitted to address issues raised by the Urban Design/Conservation Officer during the consultation process. The revised scheme now illustrates a reduced entrance from the main dwelling

into the extension together with the reduction in scale of the hallway link. The Urban Design/Conservation Officer has confirmed that the revised proposal addresses his original concerns and that the proposal is acceptable.

- 6.27 The proposal does not involve the partial or total demolition of a listed building, therefore, there is no requirement to consult Historic England or National Amenity Societies. Nevertheless, following comments made by third parties, Historic England were consulted and comments received from the Society for the Protection of Ancient Buildings (SPAB). Historic England subsequently concurred with the council in that based on the information, it is its view that there is no need to notify or consult Historic England on this application under the relevant statutory provisions. The comments of SPAB have been reproduced for Members in Section 4 (paragraph 4.3) of this report.
- 6.28 In summary, the proposals although of contemporary design and materials would not result in any demonstrable harm to the listed buildings or their settings. The increased accommodation required by the current occupiers of the property can also be achieved without detriment to the listed building and adjacent listed buildings. In all aspects the proposals are compliant with the objectives of the NPPF, PPG, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant adopted local plan policies.

2. Other Matters

- 6.29 Third parties have questioned why Historic England and National Amenity Societies, including the Society for the Protection of Ancient Buildings (SPAB), had not originally been consulted on the application. The Arrangements For Handling Heritage Applications Direction 2015 sets out the requirements when local planning authorities are obliged to notify Historic England and the National Amenity Societies. In the case of this application no formal obligation is required as the proposal does not involve the partial or total demolition of a listed building. Historic England and SPAB have been consulted and their comments summarised in Sections 5 and 4 (paragraph 4.3) of this report respectively.
- 6.30 Further concerns have been raised as to the structural stability of the clay dabbin barn to facilitate the proposed extension. This issue has been addressed in the 'Supplementary Information Structure and Setting Impact Statement'. This document details that the clay dabbin walls would be unaffected as the proposed access link from the original building to the proposed extension would be through the western end of the barn which is of sandstone construction.

Conclusion

- 6.31 The proposals although of contemporary design and materials would not result in any demonstrable harm to the listed buildings or their settings. The increased accommodation required by the current occupiers of the property can also be achieved without detriment to the listed building or adjacent listed buildings. The proposals would not have a detrimental impact on the living conditions of the occupiers of neighbouring properties.

- 6.32 In all aspects the proposals are compliant with the objectives of the NPPF, PPG, Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, and local plan policies. Accordingly, the application is recommended for approval.

7. Planning History

- 4.1 In 1999, listed building consent and planning permission were granted for the conversion of a barn to form a dwelling (application references 99/0518 and 99/0519).
- 4.2 Also, in 1999, an application for listed building consent was submitted for the conversion of barn to residential dwelling with extension but was withdrawn prior to determination (application reference 99/0565).
- 4.3 In 2005, planning permission and listed building consent were granted for the erection of a garage and summer house, provision of access and wooden gate (application references 05/0007 and 05/0067).
- 4.4 In 2015, an application for the listed building consent for the installation of a stainless steel flue to the northern roof for a wood burning stove was withdrawn prior to determination (application reference 15/0656).
- 4.5 In 2016, listed building consent was granted for retention of internal alterations and stainless steel flue to the northern roof for a wood burning stove (application reference 16/0567).
- 4.6 There is currently an application for full planning permission for the single storey side and rear extension to provide kitchen and family room; erection of replacement garage pending a decision (application reference 18/0818).

8. Recommendation: Grant Permission

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

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:
1. the submitted planning application form received 6th September 2018;
 2. the Design and Heritage Statement Rev B received 5th November 2018;
 3. the Supplementary Information Structure and Setting Impact Statement received 5th November 2018;
 4. the plans received 9th November 2018 (Drawing No. 2018-108-02C

- Revision C);
5. the block plan received 6th September 2018 (Drawing No. 2018-108-04);
 6. the location plan received 6th September 2018 (Drawing No. 2018-108-05);
 7. the draft section of extension received 15th October 2018 (Drawing No. 2018-108-07);
 8. the Notice of Decision; and
 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), the windows in the western elevation of the extension shall be obscure glazed to a minimum of Factor 3 and thereafter retained as such to the satisfaction of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

SCHEDULE A: Applications with Recommendation

18/0359

Item No: 06

Date of Committee: 23/11/2018

Appn Ref No:
18/0359

Applicant:
Lowther Used Furniture

Parish:
Brampton

Agent:

Ward:
Brampton

Location: Unit 11, Old Brewery Yard, Craw Hall, Brampton, CA8 1TR

Proposal: Change of Use Of Former Gym to Warehouse/Retail Shop
(Retrospective/Revised Application)

Date of Receipt:
17/05/2018

Statutory Expiry Date
12/07/2018

26 Week Determination
26/11/2018

REPORT

Case Officer: Richard Maunsell

ADDENDUM REPORT

The application was presented to Members of the Development Control Committee on the 24th August 2018 with a recommendation that the application was refused on the basis that a Sequential Test was absent from the application and that the proposal did not provide adequate off-street parking facilities.

Members resolved to defer consideration of the application in order to allow the preparation and submission of a Sequential Test and to await a further report on the application. The applicant has submitted a Sequential Test which has subsequently been revised three times. A copy of the fourth and final report is reproduced in this schedule.

The purpose of a Sequential Test is to guide main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

Whilst there is no set format for a Sequential Test, there is clear guidance in the checklist in the National Planning Policy Guidance (NPPG) (Paragraph: 010 Reference ID: 2b-010-20140306) which states:

- *“with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*
- *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *if there are no suitable sequentially preferable locations, the sequential test is passed.”*

In assessing the submitted Sequential Test, the applicant should have set out from the onset their ‘functional’ requirement for the proposal e.g. floorspace requirements and any special requirements to accommodate the development with justifications and reasons. This could also include locational factors such the requirement for a bulky goods store to have a premises with large warehousing/storage attached or delivery bays etc.

The methodology/ approach undertaken for the Sequential Test should be set out e.g. working with a local estate agent/ land agent or from discussion with the Council's property or planning policy team, etc, etc. In other words, how have they demonstrated a robust method for searching the local property market and how have they evidenced this.

The applicant has undertaken an analysis of identified premises and provides reasons why they have been discounted. The document has identified four alternatives in Brampton and two premises on Townfoot Industrial Estate.

The Sequential Test concludes:

“This sequential test has identified that only five alternative sites are available at the present point in time. For the reasons described in this Statement the Town Centre sites located on Front Street and Market Place are not suitable.

The alternative available sites at Town Foot Industrial Estate, whilst not ideally suited to the applicant's needs, have to be discounted, in line with the advice contained in the NPPF, on the basis that it is not situated in a sequentially preferable location to the application site.

The alternative site put forward by the objector's Planning Consultant (No. 27 Market Place) has been discounted as not suitable.

On the basis of the above, it is concluded that there are no sequentially preferable sites available and, therefore, the application site should pass the sequential test.”

The Sequential Test identifies premises with a floor space over several floors with one of the reasons they are discounted is for this reason; however, there are other premises within the district that are used to retail furniture and home furnishings that are arranged over several floors. Not all the applicant's items are large bulky items

with much of it able to be easily carried to other floors. On this basis, the Sequential Test identifies a degree of inflexibility.

In respect of the highway issues, the applicant's agent states that previous planning permission for B1, B2 and B8 uses commands a higher level of parking provision than the proposed retail use. The agent therefore makes reference to case law and specifically to the Court of Appeal Judgement 'Mansell v Tonbridge and Malling BC [2016] EWHC 2832 (Admin)' (Case No. C1/2016/4488) where Lord Justice Lindblom provides an explanation of the 'fallback position'. In doing so, at Paragraph 27 (2) Lord Justice Lindblom quotes an earlier judgement and states that "*The basic principle is that "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice*".

The conclusion being that the applicant (or any other potential tenant) can lawfully implement the extant planning permission that requires a greater level of parking provision than that required for the use subject of this application. Whilst the fallback position is a material consideration, it is also pertinent to consider the vehicle movements to the premises. The retail use will generate a greater degree of frequent visitors which on a site with appropriately sited parking provision may be acceptable but the issue with this site is that parking is to the rear. Even if this could be provided, the use would lead to customers parking on the front to load the vehicles which would not occur with an industrial use.

There is limited flexibility in the format and scale of the proposed use which may otherwise be accommodated by alternative town centre sites. As such, the continued use may potentially impact on the vitality and viability of the town centre would not be unacceptably affected by this proposal.

Since the publication of the previous report, an additional three letters of objection have been received. On behalf of the objectors, a planning agent commented on second Sequential Test and the main issues raised are summarised as follows:

1. the document outlines the applicant's reasons for moving to the property a couple of years ago, and lacks any substantive detail regarding the properties that were taken into account at this stage or the extent to which the amount of floorspace available fell short of requirements;
2. reference is made to rental levels being higher in the premises referred to than that at the application site, but this essentially is a commercial matter that can have only a limited bearing on the planning merits of the application. Neither does it show that the applicants have demonstrated flexibility on issues such as the format and scale of their requirements, as required by paragraph 87 of the NPPF;
3. perhaps more crucially the study contains no assessment, as it should do, of premises in Brampton in sequentially preferable locations that are currently available. Neither does it contain any reasoning to suggest that there is a lack of current or future demand for employment use at the application property;
4. consequently, it has not been demonstrated that a sequential test has been complied with by the proposed development, and for this reason it conflicts with the National Planning Policy Framework and Policy EC6 of the local plan, which seek to enhance the vitality of town centres, and ensure that main town centre uses are primarily located within existing centres.

In respect of the second version of the Sequential Test, three letters have been received and the main issues raised are summarised as follows:

1. this Sequential Test is incomplete, misleading and has inaccuracies;
2. it is not true that the distance from Unit 11 to edge of town centre is only 330 metres; measurement on the ground gives 410 metres. It is an “out of centre” development, not in accordance with the local plan: and as such a Transport Assessment or Statement is needed for Impacts on traffic, and elderly and handicapped persons;
3. there is no comment that this disproportionate out-of-scale retail development in this location will reduce vitality and viability of town centre, by attracting away customers from the town centre;
4. there is no comment that Industrial rates (£28 sqm) undercut town Retail rates (£120+);
5. there is no comment on Unit 11’s almost complete lack of required provision of ‘off-road’ forecourt parking; minimum 8 spaces required for a retail shop development of this size (239 sq.m.); nor that Courtyard private parking 200 m distance not considered “credible” by the Planning Officer;
6. alternative customer parking on highway does not remove this ‘off-road’ parking requirement;
7. this out-of-scale/ out-of-town-centre retail development location is unsuitable;
8. Sequential Tests should relate to available premises not a historic appraisal of why the business is at the premises;
9. there are a number of vacant premises and it is inaccurate to state that Omega Music closed down due to a lack of passing trade;
10. Capernaum was discounted in the Sequential Test as the applicant was told it is a sub-let but the lease is direct with the landlord;
11. the applicant states that many of the customers walk from the town centre but most drive there in case they want to buy something. If they did park in the town centre, this would disadvantage businesses in Brampton;
12. the applicant's website encourages customers to visit including directions and map with no instructions to park in the town centre;
13. the size of the business is increasing traffic in the conservation area and drawing trade away from the town centre;
14. the neighbouring premises is described as a retail use which is untrue as it is a business to business trade manufacturer;
15. the applicant has signed a B Industrial lease which is perhaps why the Sequential Test describes as “affordable and great value for money” rather than a lease for retail purposes;
16. the provision of two to three parking spaces at the front of the premises is queried;
17. a recent sales promotion in October resulted in vehicles parking on the forecourt and on the restricted parking area towards Millfield which is a common occurrence;
18. the Highway Authority previously recommended refusal of the application and it is believed that this opinion changed because planning Officers had advised them that the courtyard is private land and there is no highway jurisdiction over it;
19. the Highway Authority has advised objectors that they must accept (without question the 15 car parking space figure and that it is this theoretical but inaccurate that lead to the change of recommendation from refusal;

20. various responses from the Highway Authority have only just been published on the council's website and it is requested that Members are able to see the Highway Authority responses from July;
21. the Highway Authority has confirmed that *"it is however accepted that this parking allocation to a single user could have a rear detrimental impact on the neighbouring business."*;
22. the applicant's agent has tried to persuade Brampton Parish Council to change their opinion;
23. the accuracy of the applicant's courtyard plan was not checked before publication and plans were commissioned separately by objectors. Only nine of the fifteen spaces are achievable;
24. the Officer's report in August did not make it clear that of these courtyard parking spaces, seven are taken up by existing tenants;
25. the applicant's courtyard plan does not show any turning circles which are required by larger vehicles;
26. based on the size of the building, 11.5 car parking spaces should be provided but the Highway Authority has only requested eight;
27. the landlords letter does not give assurances that the car parking spaces are available to the applicant in perpetuity;
28. a Travel Plan and Travel Assessment is required where any development is likely to increase accidents or raises conflicts between motorised and non-motorised users, both of which apply in this instance but none has been submitted;
29. visitors to the application site frequently park on the pavement requiring pedestrians to walk on the road and a Travel Plan and Travel Assessment would have addressed this;
30. approval of this application with lack of appropriate parking may lead to a precedent for approval of other such applications;
31. approval of the application will erode the provision of small scale industrial units;
32. a solvent in the unit below the application site set off the fire alarms raising the potential for a fire in the furniture premises;
33. approximately 20 years ago, a fire occurred in another unit under the application site and partially damaged the building's fire resistance. The occupier of the same unit currently uses and stores petrol;
34. no fire exit signs are marked on the applicant's plans;
35. it is assumed that assurances have been provided by the fire service that health and safety issues have been addressed by the applicant;
36. previous approvals listed in the committee report are misleading and show that the premises was used a gym for longer than was the case;
37. photographs shown to Members show no vehicles on the forecourt which is normally not the case;
38. some empathy is given to the applicant as he has been allowed to embed himself into the premises but this is the wrong development in the wrong location;
39. the Highway Authority has twice recommended refusal only now recommending approval subject to a condition but which the Highway Authority has no jurisdiction over the courtyard therefore basing their recommendation on the applicant's flawed submission that there are 15 car parking spaces.

One letter of support has been received and the main issues raised are summarised as follows:

1. more business like this are needed in Brampton;
2. The issue of parking has been raised but if the premises was used as a warehouse there could be articulated wagons pulling up all day long and that would be bad for Brampton;
3. a lot of the parking problems are from neighbouring premises which has a shop there and sometimes there are cars parked right over the pavement. Parking in Brampton town centre is bad enough so that furniture shop is in the right place. The parking issue is ridiculous when you look at the rest of the town;
4. the furniture warehouse is a good little business and it would be a shame to lose it.

Additionally, Brampton Parish Council has commented as follows:

"Members resolved that they were not in a position to make a meaningful observation on the sequential test and therefore have no further observations."

In response to some of the objections raised, through the committee report, site visit and Officer's presentation, it was expressly made clear to the committee that the number of spaces available within the courtyard was significantly less than those being claimed by the applicant. It was not deemed appropriate to consider the applicant's parking plan for validity prior to publication as this was what the applicant considered appropriate and therefore an assessment was made by Officers.

The letters of objection state that a Travel Plan and Travel Assessment are required for this development. In response to the question of when is a Travel Plan required, Paragraph: 009 Reference ID: 42-009-20140306 of the National Planning Policy Guidance states:

"Paragraph 36 of the National Planning Policy Framework sets out that all developments which generate significant amounts of transport movement should be required to provide a Travel Plan."

Local planning authorities must make a judgement as to whether a proposed development would generate significant amounts of movement on a case by case basis (i.e. significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development which proposes no car parking in an area of high public transport accessibility).

In determining whether a Travel Plan will be needed for a proposed development the local planning authorities should take into account the following considerations:

- *the Travel Plan policies (if any) of the Local Plan;*
- *the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Travel Plan);*
- *existing intensity of transport use and the availability of public transport;*
- *proximity to nearby environmental designations or sensitive areas;*
- *impact on other priorities/ strategies (such as promoting walking and cycling);*
- *the cumulative impacts of multiple developments within a particular area;*
- *whether there are particular types of impacts around which to focus the Travel Plan (e.g. minimising traffic generated at peak times); and*

- *relevant national policies, including the decision to abolish maximum parking standards for both residential and non-residential development.”*

In responding to the consultation, no Travel Plan has been requested by the Highway Authority.

No assurances are required in terms of health and safety matters which are required under separate legislation and are matters for the applicant to comply with separately.

In light of this, the Recommendation (paragraph 1.1) remains unaltered by the submission of the Sequential Test and additional information; however, it is recommended that the first reason for refusal is amended to read:

“The proposal is for a retail unit with ancillary warehousing which is defined in the National Planning Policy Framework as a “main town centre use”. The site is outside a Defined Centre and as such, a Sequential Test is required to ensure that main town centre uses are located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) consideration can be given to out of centre locations. Although a Sequential Test has been provided, the assessment demonstrates inflexibility in the applicant's approach to the available premises. The proposal is therefore contrary to Paragraph 86 of the National Planning Policy Framework and Policy EC6 (Retail and Main Town Centre Uses Outside Defined Centres) of the Carlisle District Local Plan 2015-2030.”

The second reason for refusal remains unchanged.

COMMITTEE REPORT FOR 24th AUGUST 2018 MEETING

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Highway And Parking Issues
- 2.3 The Impact On The Occupiers Of Neighbouring Premises
- 2.4 The Impact Of The Proposal On The Brampton Conservation Area
- 2.5 Whether The Proposal Would Affect Developed Land In Floodplains

3. Application Details

The Site

- 3.1 Old Brewery Yard is located to the south-east of the centre of Brampton adjacent to Craw Hall. The buildings accommodate a series of small commercial and industrial units together with Brampton Parish Council's

office.

- 3.2 From the roadside frontage on Craw Hall, the building varies in height from single and two storey and is constructed from stone under a slate roof. The footprint of the building extends adjacent with Millfield to the south-east and then returns parallel with the rear of the properties along Millfield resulting in a u-shaped building.
- 3.3 Adjacent to the north-west corner of the building is a vehicular junction with the County highway. This access leads to the rear of the building and a courtyard area where the height of the building varies between two and three storeys and in which there are additional units at ground floor level. The courtyard provides access and parking for tenants and visitors to these units.
- 3.4 Unit 11 is located in the south-east corner of the building, adjacent to the junction of Craw Hall and Millfield and is accessed from Craw Hall. It is approximately 400 metres to the south-east of the centre of Bampton. The building is within the Bampton Conservation Area.

Background

- 3.5 The use of the premises commenced on 2nd February 2017 and an application for retrospective planning permission to change the use of the former gym to a warehouse/ retail shop was submitted in June 2017. Following lengthy discussions between Officers and the Highway Authority, the application was subsequently withdrawn by the applicant in 2018. Enforcement action was commenced but has not been continued as a result of the submission of the revised application for planning permission.

The Proposal

- 3.6 Planning permission is sought for a change of use of the building from a gym to a warehouse/ retail shop. The applicant currently operates a used furniture and antiques business. No external changes are proposed as part of this application.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 12 of the neighbouring premises. In response, three letters of objection have been received, two from the occupiers of a neighbouring premises and one from a planning consultant on behalf of these two neighbours. The issues raised are summarised as follows:
 - 1. some of the information provided on the application form is either misleading, confusing or factually incorrect. Part 3 describes the application as a change of use from a Gym to Warehouse /Retail and that this use has already started. Part 18 states 75 sq m are used for retail purposes, yet nothing is shown allocated for warehousing;
 - 2. the answer given to Part 8 implies that the applicant is related to a

- Member or Officer of the Council, although the nature of that relationship is not stated as it should be;
3. there remains with this revised application a great deal of contradiction with regards to the number and location of parking spaces serving the development. This has not been helped by the lack of accurate plans and therefore a local surveyor has produced an accurate site plan on behalf of the objectors;
 4. the Ownership Certificate has been completed indicating that the applicant either owns the Unit or has a leasehold interest with at least 7 years to run. The entire complex is owned by an overseas management company, with local agents and that leases here are generally for 2 or 3 years and not 7 or more, all of which indicates that Certificate B should have been completed. This is particularly important as it is noted that the applicants are showing parking spaces allegedly available exclusively to them that are situated some 200 m from their unit and by using spaces that are apparently allocated to other business at the site in their respective leases. Clearly this aspect requires urgent clarification to establish whether or not the application is in fact legally valid;
 5. the Old Brewery Yard industrial site is identified in the Local Plan Policies Map as a Primary Employment Area. Policy EC2 restricts uses within these areas to B1, B2 and B8 uses. Condition 3 of the original planning permission relating to the sub-division of the Old Brewery site into 11 units (Ref: 94/0310) also restricts the use to B1 and B8 uses;
 6. the reality of the use is that it is a retail unit open to visiting members of the public with a very small element of warehousing. The use is not ancillary in nature, is not of a proportionate scale and the introduction does not aid the overall attractiveness or sustainability of the employment area. The proposal is, therefore, clearly contrary to Policy EC2 of the Development Plan and the application should be refused on these grounds alone;
 7. Policy EC6 requires development proposals for new retail and main town centre uses should, in the first instance, be directed towards defined centres, and for comparison retailing proposals the defined Primary Shopping areas within these centres. Brampton is a Defined Centre with a defined Primary Shopping Area. The application site is not within the Primary Shopping Area, so the application is in conflict with this policy;
 8. even if the site was within the primary shopping area of Brampton, Policy EC5 indicates that proposals for retail development will be acceptable providing that ... appropriate access, parking and security arrangements can be achieved. Policy IP3 also states requires the provision of a minimum number of parking spaces per new dwelling/ m2 of floor space;
 9. in this case, there is clearly inadequate parking for the applied-for use and no provision is made to encourage alternative means of travel;
 10. the business provides a useful service to its customers but it is simply in the wrong place and there other more appropriate units available on the Townfoot Industrial Estate;
 11. the use has been operating without authorization since February 2017. The extremely limited parking available for the former gym means that customers of the furniture shop park on the forecourt of Winged Heart Stained Glass, or on the road, obstructing access to the forecourt. This is interfering with the efficient working of the business with delivery drivers /

- outworkers unable to pick up or drop off their stained glass products. Because the nature of the retail use involves the sale of mainly heavy and bulky goods, virtually all shoppers arrive in vehicles;
12. one or two parking spaces are clearly insufficient for the applied-for use and the forecourt area is too small to accommodate most cars/ vans and, in any event, which is usually unavailable for parking as it is used for display purposes. If cars are parked end on to the building, they force pedestrians, particularly those with pushchairs or wheelchairs, onto the carriageway of the busy road;
 13. recent parking problems have resulted in a proposal from Cumbria Highways to use double yellow lines to restrict on-street parking at the junction of Millfield and Craw Hall. Whilst this is welcome in terms of road safety, the restrictions are likely to exacerbate problems experienced by neighbouring premises by further reducing local on-street parking and putting additional pressures on the parking spaces outside of their units;
 14. the former gym use did not cause as many problems because users mainly attended in the evenings when other businesses are not operating;
 15. the applicants have shown car parking spaces within the rear courtyard of the complex. It is understood that these spaces are included in the leases of the businesses around the courtyard for their use and there is no evidence provided by the applicant to show that he has any right to claim that his customers can freely use them, or that such parking if allowed would not affect the parking requirements of the other business users;
 16. even if such parking were to be allowed its practicality is questioned. The business at Unit 11 is a furniture store and the rear courtyard parking area is some 200 m away. It is unrealistic to expect shoppers to carry their often heavy furniture purchases this far, and so it is highly predictable that they are likely to revert to picking up from the front doors of the unit thereby introducing additional traffic exacerbating the unsatisfactory highway situation;
 17. as well as currently operating without planning permission, the current use is operating in breach of three of the conditions imposed upon the original planning permission for the site (94/0310) which restricts the use to purposes falling within use classes B1 and B8; prevents the outdoor storage or display for sale of goods and materials; and limits the hours of use of the units;
 18. the application should be refused being contrary to Policies EC2, EC6 and IP3 of the Carlisle District Local Plan 2015-2030 and to continue with the previously agreed planning enforcement action to require the early cessation of the use.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

Highway Authority

The Highway Authority have been in discussions with the applicant since the original planning application (17/0549). It was stated throughout the

consultation that the parking requirement for an individual shop is 8 car parking spaces, 1 disabled space, 1 motorcycle and 2 pedal cycle spaces. This requirement was calculated on a gross internal floor space of 225m². This is in contradiction to the application form that states 75m². These parking requirements were to be provided by the applicant both in front and in the courtyard to the rear.

Discussions took place with the applicant to determine if the applicant could provide these parking requirements within the courtyard to the rear of the Old Brewery. In principle this is accepted by the Highways Authority; however a written agreement is required from the landlord that Unit 11 may use the rear yard for car parking or this element should be conditioned.

Within the revised parking plan as submitted on the 28th June 2018 there is enough room for 15 car parking spaces within the courtyard with a dimension of 2.4m x 4.8m. Eight of these spaces are to be allocated towards the Old Brewery which would leave a provision of 7 for the remaining businesses. The application has therefore shown that they can provide the required number of car parking spaces. This is acceptable from a highway point of view. The waiting restrictions proposed at the junction of Millfield and Craw Hall will also improve the road safety at this location.

In light of the above the Highway Authority has no objection to this application. It is however accepted that this parking allocation to a single user could have a real detrimental impact on the neighbouring business. This is however a planning matter and not for this authority to comment on further. The Highway Authority recommend the imposition of a condition requiring the provision and retention of eight parking spaces.

Lead Local Flood Authority Response

The Lead Local Flood Authority has no objection to the proposal as it is considered that it will not affect flood risk on site or downstream of the development;

Brampton Parish Council: - the parish council will only agree to a retail application on condition that the applicant can prove that he has been allocated all the designated spaces shown in the rear of the Brewery Yard;

Planning - Access Officer: - no objection.

6. Officer's Report

- 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 is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP2, EC2, EC5, EC6,

IP3, CC4, CM5 and HE7 of the Carlisle District Local Plan 2015-2030 are also relevant. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the Cumbria Development Design Guide 2017 are also material planning considerations.

6.3 The proposal raises the following planning issues.

1. Whether The Principle Of Development Is Acceptable

6.4 Paragraph 8 of the NPPF outlines that there are three dimensions to sustainable development: economic, social and environmental all of which give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

6.5 Paragraph 11 of the NPPF highlights the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.6 The land is designated as being Primary Employment Land and as such policies allow for the redevelopment and expansion of employment sites subject to the consideration of the relevant policy criteria, namely that: the use of the site is applicable; and that the residential amenity of the occupiers of any neighbouring properties and parking and transport issues are not adversely prejudiced.

6.7 Development should also be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.

6.8 Paragraph 89 of the NPPF requires impact assessments to be completed on retail proposals over 2,5000 square metres if there is no locally set threshold.

6.9 The NPPF advises in paragraph 85 that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by:

- defining a network and hierarchy of town centres and promote their long-term vitality and viability;
- defining the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations;
- retaining and enhancing existing markets and, where appropriate, re-introduce or create new ones;

- allocating a range of suitable sites in town centres to meet the scale and type of development likely to be needed;
- where suitable and viable town centre sites are not available for main town centre uses, allocating appropriate edge of centre sites that are well connected to the town centre; and
- recognising that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

6.10 In paragraph 86, the NPPF confirms that:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

6.11 It therefore follows in paragraph 90 that:

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.”

6.12 The proposed development is predominantly retail with ancillary storage facility to the rear of the premises and is therefore defined in the NPPF as a “*main town centre use*”. The guidance confirms that when edge and out of centre proposals are considered, preference should be given to accessible sites. In accordance with paragraph 86 of the NPPF a sequential test is therefore required.

6.13 Policy EC6 of the local plan echoes the national planning policy guidance and requires the submission of a sequential test for sites and premises outside defined centres.

6.14 The site is approximately 400 metres south-east from the centre of Brampton. Whilst the principle of the reuse of the building may be acceptable, no sequential test accompanies the application and therefore an appropriate assessment of a retail use in this location cannot be undertaken. The applicant is aware of this requirement but has thus far opted to attempt to address the parking and highway issues which are discussed in the following paragraphs of this report. Nevertheless, in the absence of a sequential test, the proposal fails to meet the planning policy requirements of both the NPPF and the local plan.

2. Highway And Parking Issues

6.15 The frontage of the building is adjacent to Craw Hall, along with the neighbouring buildings. A small area exists in front of these premises and is demarked by block paving, adjacent to the footpath and then the road. These parking areas are narrow and taper in front of Unit 11. To the rear, due to the

change in topography, the building is occupied by other users in the lower floors of the building which are served by parking facilities within a courtyard arrangement.

- 6.16 Cumbria County Council as the Highway Authority has advised that the use would generate the need for eight car parking spaces, one disabled space, one motorcycle and two pedal cycle spaces. It was suggested by the Highway Authority that these parking requirements could be provided within the courtyard provided that this arrangement is not to the detriment of other business users in the vicinity.
- 6.17 The Highway Authority further requested that a written agreement be provided from the landlord that occupier of Unit 11 may use the rear yard in perpetuity for car parking and that the provision for Unit 11 would not affect the parking requirements for other business users.
- 6.18 Within the current application the plans submitted illustrate that one parking spaces for disabled persons would be provided in front of and parallel to the premises along Craw Hall. A further 15 spaces would be provided within the courtyard that would accommodate customers visiting the premises subject to the application together with tenants and visitors of the other units. On this basis, subject to the submitted plan being implemented, the Highway Authority has raised no objection.
- 6.19 Officers have concerns that the submitted parking layout plan is unachievable and therefore cannot be implemented. For example, where four spaces are shown in the east of the courtyard, only three spaces can be physically achieved. In addition, the two to the south are proposed where a tenant stores his machinery. The three spaces further along are shown in a narrow area of paving where there is an external fire escape. As such, although an attempt has been made to demonstrate that the parking spaces can be made available to the rear, these are not physically achievable. The plan fails to take account of the layout, physical obstacles such as the presence of an external metal fire escape and existing access requirements to the units.
- 6.20 The objector has commissioned a survey of the site which shows that only nine spaces can be achieved which reflects the conclusion of Officers. It therefore follows that whilst the Highway Authority has no objection to the application provided that the parking plan can be implemented, if it cannot be implemented, then the proposal raises highway and parking issues.
- 6.21 Correspondence submitted by the applicant from his landlord confirms that the footprint of the building is subject to the lease with the area to the front (adjacent to Craw Hall) permitted for parking. When commenting on the land within the courtyard subject to the parking layout plan, the landlord states:

“Extract 2 shows our overall ownership edge blue. As with all of the occupiers at this estate parking at the front of the estate is limited so we have no objection in principle to their visitors parking within the “Courtyard Area” (being the area where Old Brewery Yard is written on the plan) on a temporary basis providing of course that this does not interfere with the use

and operation of those occupiers that are located within the Courtyard.”

- 6.22 This statement has two implications in the consideration of this application. Firstly, the landlord makes reference to being accepting of the principle on a “*temporary*” basis and secondly, it is only acceptable provided that the arrangement does not affect other tenants and visitors to the site.
- 6.23 Officers are concerned that if customers of the premises subject to this application park in the courtyard, which it has already been stated is limited due to existing parking requirements and the physical layout and restrictions of the courtyard, this may then displace existing tenants and visitors thus resulting in parking issues elsewhere. As such, it is less than certain that the landlord is supportive of the scheme as required by the Highway Authority.
- 6.24 The use has the potential to generate additional vehicle movements and parking requirements. A number of Officers have passed the site since the business has been trading and witnessed up to 5 vehicles parked indiscriminately at the front of the premises across the parking area, footpath and highway. In practical terms, it is difficult to conclude whether patrons of the business would, in fact, park in the courtyard, walk to the premises and then walk back to the courtyard. In any event, vehicles may still have to park on the front to load any large items purchased.
- 6.25 In overall terms, the submitted plan shows a parking layout which is, in reality, unachievable. As such, the development fails to provide adequate access and parking facilities and is therefore contrary to both national and local planning policies.

3. The Impact On The Occupiers Of Neighbouring Premises

- 6.26 Planning policies require that development proposals do not adversely affect the amenity of occupiers of neighbouring premises or properties. The proposed use, based on its own merits as a retail unit, subject to the trading hours proposed on the application form of 9am until 5pm Mondays to Saturdays and 11am until 4pm on Sundays and Bank Holidays would not in itself give rise to any loss of amenity to neighbouring occupiers, subject to the imposition of appropriate conditions.
- 6.27 The issues arising from the parking situation are discussed in the preceding paragraphs.

4. Impact Of The Proposal On The Brampton Conservation Area

- 6.28 The application site is located within the Brampton Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG, Policy HE7 of the local plan are relevant.
- 6.29 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".

- 6.30 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.31 The proposal involves the reuse of the existing building with no external alterations and as such, it is not considered that the character or setting of the conservation area would be adversely affected should planning permission be granted for this development.

5. Whether The Proposal Would Affect Developed Land In Floodplains

- 6.32 Old Brewery Yard is located within Flood Zone 2 and 3 of the Environment Agency's Flood Map. No external or internal alterations are proposed, therefore, the proposed change of use of the premises would not affect the floodplain. No issues are therefore raised in respect of the objectives of Policy CC5 of the local plan.

Conclusion

- 6.33 In overall terms, the premises is allocated as being within a Primary Employment Area. Whilst alternative uses may be acceptable, as evidenced by the planning permission granted for the building for the change of use to a gym, such uses must be compliant with planning policies and in particular, given that the proposed use is a main town centre use, must be supported by a sequential test. No sequential test has been submitted in respect of this application.
- 6.34 The use of the premises results in additional traffic and parking demands which would need to satisfy the criteria outlined in the Cumbria Development Design Guide. Whilst parking is shown within the courtyard, this is neither achievable, realistic or supported by the landlord who advocates a temporary use provided that it does not prejudice other users.
- 6.35 In light of this report, it is considered that the application is contrary to both national and local planning policies and Members are recommended to refuse the application.

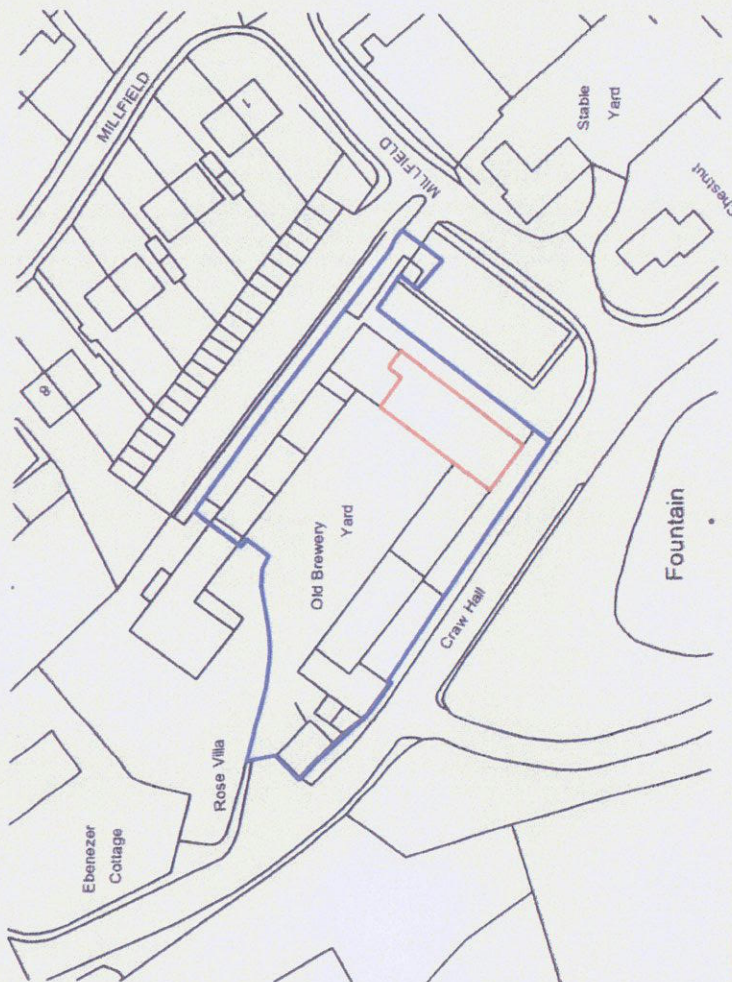
7. Planning History

- 7.1 Planning permission was granted in 1994 for the subdivision of existing buildings into 11 light industrial letting units.
- 7.2 Planning permission was granted in 1996 for the change of use of the building from a gymnasium (Use Class D2) to business (Use Class B1/ B2/ B8).

- 7.3 In 2012, retrospective planning permission was granted for the change of use to a gymnasium (Use Class D2).
- 7.4 An application for retrospective planning permission was submitted in 2017 for the change of use of former gym to a warehouse/ retail shop but was withdrawn in 2018.

8. Recommendation: Refuse Permission

1. **Reason:** The proposal is for a retail unit with ancillary warehousing which is defined in the National Planning Policy Framework as a “main town centre use”. The site is outside a Defined Centre and as such, a sequential test is required to ensure that main town centre uses are located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) consideration can be given to out of centre locations. The proposal is therefore contrary to Paragraph 86 of the National Planning Policy Framework and Policy EC6 (Retail and Main Town Centre Uses Outside Defined Centres) of the Carlisle District Local Plan 2015-2030.
 2. **Reason:** The proposal requires the provision of eight car parking spaces, one disabled space, one motorcycle and one pedal cycle spaces. The application fails to adequately demonstrate that appropriate levels of parking provision can be satisfactorily achieved and is likely to result in the displacement of other tenants and visitors to the neighbouring premises. As such, the proposal is contrary to Paragraph 102 of the National Planning Policy Framework, Appendix A of the Cumbria Development Design Guide 2017 and Policy IP3 (Parking Provision) of the Carlisle District Local Plan 2015-2030.
-



Location Plan
Scale 1:1250

RECEIVED
27 APR 2018
2018/0359

RECEIVED
20 JUL 2017
17/0349

Notes:

Rev	Date	Revision Description	Initials
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Purpose of Drawing:
Planning

Client Name:
Dunedin

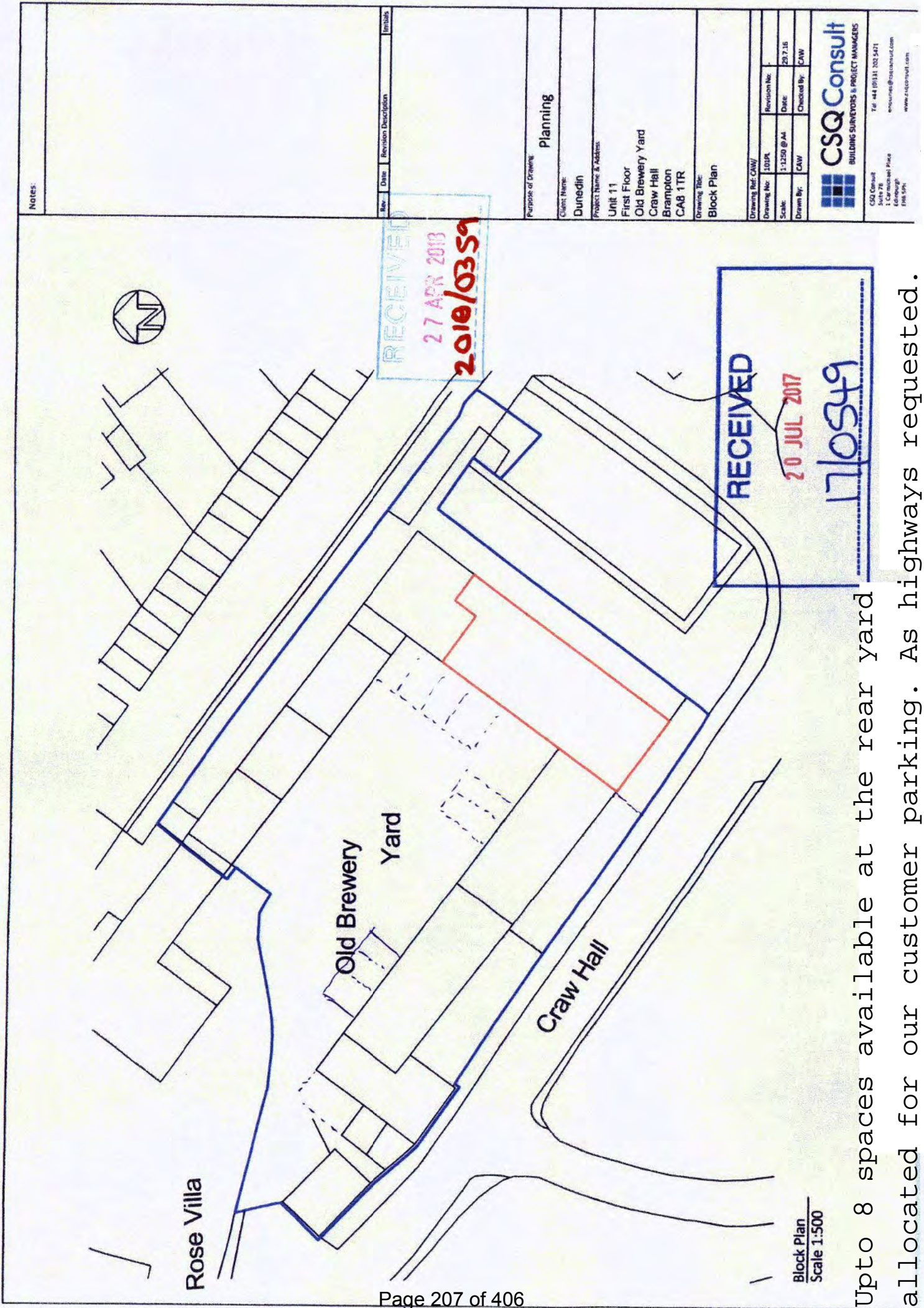
Project Name & Address:
Unit 11
First Floor
Old Brewery Yard
Craw Hall
Brampton
CAB 1TR

Drawing Title:
Location Plan

Drawing Ref: CAW/	Revision No:	Revision No:
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Scale:	1:1250 @ A4	Date:
		28.7.16
Drawn By:	CAW	Checked By:
		CAW

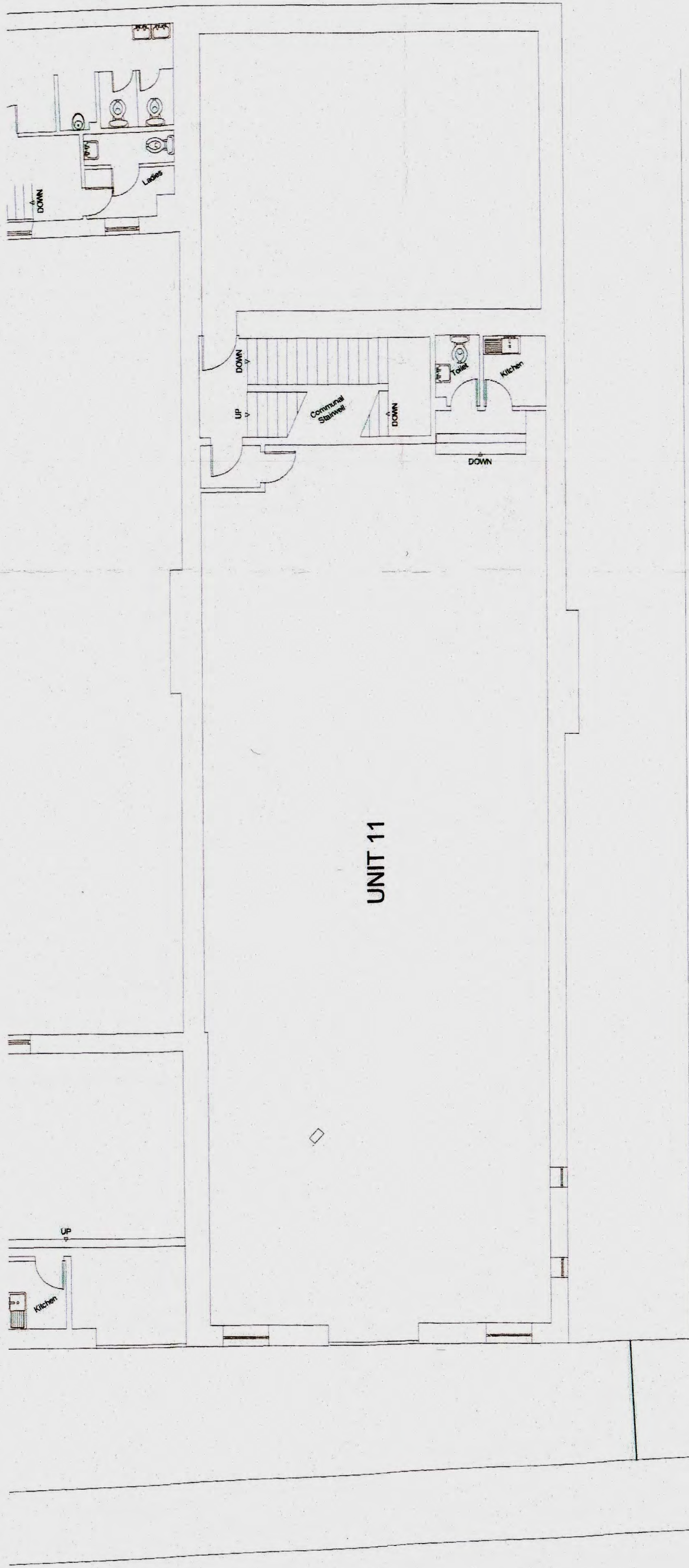
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Tel: +44 (0)31 203 5471
enquiries@csqconsult.com
www.csqconsult.com



Upto 8 spaces available at the rear yard allocated for our customer parking. As highways requested.

Notes:



Existing and Proposed Floor Plans (unchanged)
Scale 1:100

RECEIVED
27 APR 2018
2010/0359

RECEIVED
20 JUL 2017
1710549

Rev	Date	Revision Description	Initials

Project Name	
Dunedin	
Project Name & Address	
Unit 11	
First Floor	
Old Brewery Yard	
Craw Hall	
Brampton	
CA8 1TR	
Drawing Title	
Existing and Proposed Floor Plans	

Drawing Ref: CAW	
Drawing No:	102PL
Revision No:	
Scale:	1:100 @ A2
Date:	29.7.16
Drawn By:	CAW
Checked By:	CAW

CSQ Consult	
BUILDING SURVEYORS & PROJECT MANAGERS	
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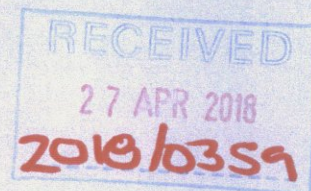
Heritage Statement

The building is unlisted, it is believed to be built in 1783.

We have no intention to change anything structural inside or outside.

We have parking bays on the front of the building for 2/3 cars at any one time, we unload the van on the front of the premises then move the van elsewhere so the parking is free for customers.

We have 2 potted fir trees (as pictured) either side of our doors purely for decoration to draw the eye to our business for passing trade, these do not obstruct the customer parking.



These were the pictures from our last planning, trees etc are now removed for ease of customer parking. Also no furniture is displayed on the shop front except for loading and unloading times.

SAM GREIG PLANNING
Chartered Town Planners

M 07533400061 **E** Sam@samgreigplanning.co.uk

SEQUENTIAL TEST

CHANGE OF USE OF FORMER GYM TO WAREHOUSE/RETAIL SHOP
(REVISED/RETROSPECTIVE APPLICATION)

UNIT 11, OLD BREWERY YARD, CRAW HALL, BRAMPTON, CA8 1TR

LPA REFERENCE 18/0359

My Ref: 18/051

November 2018

Revision A

1.0 Introduction

- 1.1 Application 18/0359 seeks planning permission for the change of use of a former gym to a warehouse/retail shop that sells furniture. In planning terms, the proposed use of the unit falls into Use Class A1 (Retail) and is defined as a 'town centre' use.
- 1.2 The site is situated approximately 330 metres from the nearest building that is identified as forming part of Brampton's 'Primary Shopping Area', as illustrated on the Proposals Map that accompanies the Carlisle District Local Plan (CDLP). Annex 2 of the National Planning Policy Framework (NPPF) states that locations proposed for retail use are defined as being 'edge-of-centre' if they are well connected to and within 300 metres of the Primary Shopping Area. Whilst the site is only 330 metres from the Primary Shopping Area, it has to be regarded as 'out-of-centre'.
- 1.3 The NPPF sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan. These are referred to as the sequential test and the impact test.
- 1.4 The sequential test is discussed in the following sections of this Statement; however, the 'impact test' does not have to be applied as the floor area of the building is below the 300 square metre threshold that has been set by Policy EC6 of the CDLP in relation to comparison retail sales in Brampton.

2.0 The National Planning Policy Framework

2.1 The NPPF provides specific commentary on retail matters under the chapter headed “Ensuring the vitality of town centre”. Paragraph 85 states that:

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;*
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;*
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;*
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;*
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and*
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*

2.2 Paragraph 87 states that *“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre (my emphasis). Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”*

3.0 The Sequential Test

- 3.1 The NPPF states that applicants and Local Planning Authorities should demonstrate flexibility on issues should as the format and scale of the development so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. This requirement has been taken into account in respect of this sequential test.
- 3.2 Prior to taking on the current premises, the applicant traded, concurrently, from two separate premises in Houghton and Brampton. These premises had a floor area of 450 square feet and 350 square feet respectively, which proved too small to accommodate the growth of the business. Similarly neither premises had separate parking or loading/unloading space. It is the applicant's experiences of trading from these locations that has influenced their requirements in respect of alternative retail floor space. In order to meet the needs of the business and to enable the business to trade effectively and efficiency the applicant has sought alternative premises that incorporate the following characteristics:
- a) An open plan floor area of circa 2,500 square feet that could be used as both retail floor space and as a workshop area; the latter of which is used for preparing the furniture for sale;
 - b) An off-street loading/unloading area so that furniture can be safely loaded off the public highway. It is preferable that the loading area is under cover and not exposed to the weather;
 - c) Large external openings to enable furniture to be easily manoeuvred into and out of the premises;
 - d) Close proximity to the Town Centre to benefit from passing trade and to encourage prospective customers to make 'linked trips'; and
 - e) Parking provision within close proximity of the site (preferably on-site) so to cater for those customers travelling from further afield than Brampton.
- 3.3 The availability of suitable site has been assessed by viewing the websites of national and local property agents, as well as Zoopla and Rightmove. The search identified that only five properties are available now. The available properties are identified in Table 1 overleaf. The table provides a brief summary as to why these premises are unsuitable, which is expanded upon in the following paragraphs.

Table 1: Summary of alternative available premises.

LOCATION	COMMERCIAL PROPERTY AGENT	SIZE	REASON WHY UNSUITABLE
Former restaurant, 23-25 Market Place, Brompton, CA8 1RW	Walton Goodland	2,100 sq ft (195 sq m)	<p>A narrow staircase provides access to the upper floors that is of insufficient width to accommodate larger items. Consequently only circa 33% of the floor space would be available for the bulky items, which is insufficient for the needs of the business.</p> <p>The property is a Grade II Listed Building and, therefore, there is limited scope to alter internal layout/exterior of the building to make it suitable for the proposed use i.e. to provide a lift to provide access to the upper floors.</p> <p>The premises require refurbishment from its former use as a restaurant, which would be cost prohibitive for the applicant. It is understood that the premises would also require rewired throughout.</p> <p>No dedicated off-street loading/unloading facilities.</p> <p>Whilst the size of the accommodation is broadly comparable to that which is required it is provided over three floors and, therefore, impractical for the proposed use.</p>
Former Barclay's Bank, 16 Front Street, Brompton, CA8 1NG	CBRE	2,622 sq ft (243 sq m)	<p>A staircase provides access to the upper floors that is of limited width to accommodate larger items.</p> <p>Consequently only circa 40% of the floor space would be available for the bulky items, which is insufficient for the needs</p>

			<p>of the business.</p> <p>The property is a Grade II Listed Building and, therefore, there is limited scope to alter internal layout/exterior of the building to make it suitable for the proposed use i.e. to make it open plan or to provide a lift to provide access to the upper floors.</p> <p>The premises require refurbishment from its former use as a bank, which would be cost prohibitive for the applicant.</p> <p>No dedicated off-street loading/unloading facilities.</p> <p>Whilst the size of the accommodation is broadly comparable to that which is required it is provided over four floors and, therefore, impractical for the proposed use.</p>
2 Market Place, Brampton, Cumbria, CA8 1RW	Edwin Thompson	628 sq ft (58 sq m)	<p>Accommodation too small for operational requirements.</p> <p>No dedicated off-street loading/unloading facilities.</p>
Units 5D, 5E and 5F, Townfoot Industrial Estate, Brampton CA8 1SW	Carigiet Cowen	732 - 2,487 sq ft (68 – 231 sq m)	<p>The accommodation comprises three interconnecting industrial units.</p> <p>Physical alterations are required to make the premises commercially attractive as a retail unit.</p> <p>Limited benefits from passing trade/linked trips due to location within an Industrial Estate.</p> <p>The site is located 745 metres from the nearest property within Brampton's Primary Retail Area and, therefore, its location is not sequentially preferable in planning terms to the application site.</p>

Unit 1, Townfoot Industrial Estate, Brampton CA8 1SW	EC Property Link	4,766 sq ft (443 sq m)	<p>The premises is currently under offer and, therefore, not available.</p> <p>The size of the accommodation is double that which the applicant requires and, therefore, it is not suitable for them.</p> <p>Limited benefits from passing trade/linked trips due to location within an Industrial Estate.</p> <p>The site is located 618 metres from the nearest property within Brampton's Primary Retail Area and, therefore, its location is not sequentially preferable in planning terms to the application site.</p>
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- 3.4 The premises at 23-25 Market Place are located in a Town Centre location. It is, therefore, sequentially preferable in planning terms; however, it is not suitable for the proposed use as whilst it provides the appropriate level of floor space, the accommodation is provided over three floors; the upper floors of which are accessed via a narrow staircase. This would limit the available floor space for bulky items to circa 33% of the floor area which is insufficient for the needs of the business, as the available space for bulky items would be less than that which was available in the previous premises that they traded from.
- 3.5 The premises also has external doors that are domestic in scale and, therefore, unsuitable for larger items of furniture. As the property is Grade II listed and within the Brampton Conservation Area is considered that the alterations required to make the building suitable for the proposed use would be unacceptable in planning terms. Such alterations would include widening the entrance door and installing a lift; the latter of which would be cost prohibitive. The premises require rewired throughout and the existing kitchen removed/refurbished, which imposes a further cost implication.
- 3.6 The premises also lack off-street unloading facilities and, therefore, any loading/unloading would have to take place on the public highway to the detriment of highway safety. Prior to taking on the current premises the applicant viewed 23-25 Market Place and discounted for the above reasons.
- 3.7 The above comments in Paragraph 3.4 and 3.6 are also relevant to the former Barclay's Bank, No. 16 Front Street. The premises is a former bank and would require a comprehensive refurbishment to make it available for the proposed

use; which would be cost prohibitive to the applicant. Given the listed status it is unclear as to whether or not the open plan arrangement that the applicant requires would be acceptable to the Council.

- 3.8 Whilst there is accommodation to the upper floors and the basement, there are practical difficulties with moving furniture up and down stairs. The installation of a lift would be cost prohibitive. As with No. 23-25 Market Place smaller items could be accommodated on the upper floors/basement; however that would limit the available floor space for larger items to 1,068 square feet (100 square metres), which is only marginally more than the space that was available to the applicants when compared with the premises that they relocated from.
- 3.9 There public car parking spaces located outside the premises, however, these are not ideally suited to the loading and unloading of furniture into delivery vans, particularly as furniture may have to be manoeuvred around parked cars if no parking provision is available immediately outside of the premises. Such an arrangement is clearly impractical and would impact upon the efficient operation of the business.
- 3.10 In relation to both No. 16 Front Street and No. 23-25 Market Place, the inability to easily access the upper floors impacts on the operation of the business; however, it would also be contrary to criterion 5 of Policy SP 6 (Securing Good Design). Policy SP 6 states that proposals should be **“accessible and inclusive to everyone”**, which includes the disabled and those with impaired mobility. Policy HO 10 also identifies at Paragraph 5.81 that **“The age profile for Carlisle is slightly older than found regionally or nationally, with a greater proportion of people in all age groups from 45 onwards. Within the rural area there is a much larger population of people aged 45 and over than in the urban area. Nearly 30% of the population of each rural HMA is aged 60 or over”**. Aside from the business implications, the applicant wants to ensure that his premises are accessible for all whether that be the elderly, the disabled or those who are less mobile.
- 3.11 No. 2 Market Place is also a Town Centre location and, therefore sequentially preferable in planning terms; however, at 628 square feet the premises is too small to meet the applicant's requirements. The absence of dedicated loading/unloading facilities is also an issue.
- 3.12 The interconnected units at Townfoot Industrial Estate (Units 5D, 5E and 5F) provide the required level of floor space. The units are industrial in appearance; however, modifications, such as glazed frontages in lieu of the roller shutter doors, could make them better suited for retail proposes. Notwithstanding these points, the premises are located in the corner of the industrial estate and are

not well connected to the Town Centre. As such, they are not likely to benefit from passing trade and, therefore from a commercial perspective, the Industrial Estate is not a location that the applicant would choose to locate his business.

3.13 Unit 1 at Townfoot Industrial Estate is double the size that the applicant requires and therefore, it is not suitable for their needs. The significantly larger size of the premises would also result in increased running costs. Furthermore, the marketing agent's website states that the premises is under offer and, therefore, it is not available to the applicant.

3.14 From a planning perspective, the units at Townfoot Industrial Estate are located in an out-of-centre location. Paragraph 87 of the NPPF is clear that ***“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre”***. As the units at Town Foot Industrial Estate are located 618 metres and 745 metres from Brampton's Primary Shopping Area the locations are less sequentially preferable to the application site, which is only located 330 metres from the Primary Shopping Area.

3.15 A Planning Consultant acting on behalf of one of the objector's has undertaken a review of the original Sequential Test submitted by the applicant. In addition to the aforementioned commercial premises covered by this Sequential Test the consultant has highlighted that the following premises may be available. The objector's Sequential Test does not highlight with which commercial agent the property is available with, but for robustness the property has been included within this Sequential Test.

Table 2: Summary of alternative available premises suggested by the objector's Planning Consultant.

LOCATION	COMMERCIAL PROPERTY AGENT	SIZE	REASON WHY UNSUITABLE
Fruits and Roots greengrocers, 27 Market Place, Brampton, CA8 1RW	Not specified	2,626 sq ft (243 sq m)	It has not been possible to review the marketing agent details; however, based on the objector's Sequential Test the accommodation comprises 100 sq m of retail floor space to the ground floor. It is assumed that the remaining floor space is split between the basement and the

			<p>first and second floors.</p> <p>Whilst the size of the accommodation is broadly comparable to that which is required it is provided over four floors and, therefore, impractical for the proposed use.</p> <p>Contrary to the Objector's Sequential Test there are no dedicated off-street loading/unloading facilities. The side lane is known as Surgery Lane and it is understood that it serves other residential properties and, therefore, it is not practical for it to be used for the loading/unloading of furniture. There is also a sign that expressly states "Please keep access clear".</p>
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3.16 On the basis of the above, there are no sequentially preferable alternative premises available that are suitable for the proposed use. As such, the sequential test is passed.

4.0 Summary

- 4.1 This sequential test has identified that only five alternative sites are available at the present point in time. For the reasons described in this Statement the Town Centre sites located on Front Street and Market Place are not suitable.
- 4.2 The alternative available sites at Town Foot Industrial Estate, whilst not ideally suited to the applicant's needs, have to be discounted, in line with the advice contained in the NPPF, on the basis that it is not situated in a sequentially preferable location to the application site.
- 4.3 The alternative site put forward by the objector's Planning Consultant (No. 27 Market Place) has been discounted as not suitable.
- 4.4 On the basis of the above, it is concluded that there are no sequentially preferable sites available and, therefore, the application site should pass the sequential test.

Prepared by:

Sam Greig
Sam Greig Planning
8th November 2018

SCHEDULE A: Applications with Recommendation

17/0995

Item No: 07

Date of Committee: 23/11/2018

Appn Ref No:
17/0995

Applicant:
C/o Story Contracting

Parish:
Wetheral

Agent:
PFK Planning

Ward:
Wetheral

Location: Land off Broomfallen Road, Scotby, Carlisle, CA4 8DE

Proposal: Erection Of 28no. Dwellings, Open Space And Associated Infrastructure
(Revised Application)

Date of Receipt:
23/11/2017

Statutory Expiry Date
22/02/2018

26 Week Determination
24/05/2018

REPORT

Case Officer: Christopher Hardman

1. Recommendation

- 1.1 It is recommended that authority is given to the Corporate Director of Economic Development to issue an approval subject to completion of an appropriate Section 106 agreement to secure the provision of on-site affordable housing, the management and maintenance of the open space; the payment of £14,300 towards the provision and maintenance of off-site open space and play facilities; and, the payment of £72,306 towards local education provision.

2. Main Issues

- 2.1 Whether the proposal is acceptable in principle
- 2.2 Landscape and visual impact
- 2.3 The impact of the proposal on the living conditions/amenity of neighbouring residents and future occupiers
- 2.4 Whether the scale, layout and design of the proposed dwellings is acceptable
- 2.5 Housing mix and affordable housing
- 2.6 Highway issues
- 2.7 The impact of the proposal on ecology
- 2.8 Trees, hedgerows and landscaping
- 2.9 Flooding and drainage

- 2.10 Land contamination and stability
- 2.11 Archaeology
- 2.12 Planning Obligations – Education & Open Space
- 2.13 Waste and recycling

3. Application Details

The Site

- 3.1 The application relates to a largely square parcel of land extending to approx. 1.32 hectares and located on the southern edge of the village of Scotby adjacent to the public highway on the approach to Cumwhinton. The land is currently agricultural pasture used for the grazing of livestock. Within the site, there is an area of marsh and wetland at the westernmost side of the site with broad leaved tree planting along the north-west boundary and a substantial band of trees to the southern field boundary.
- 3.2 The topography of the land is such that the site slopes down from east to west with an approximate difference of 6 metres in level and a similar fall from the north-east to south-west corners of the site.
- 3.3 To the east, the site is bound by a mature hedgerow alongside the public highway and to the north by a similar hedgerow, beyond which runs a public bridleway which sweeps around the western limits of the site. To the immediate west of the site is Wash Beck watercourse.
- 3.4 South of the Settle to Carlisle Railway Line, Broomfallen Road is predominantly characterised by two storey dwellings of varying styles and designs. Properties are generally set back from the public highway with properties on the east side of the road being elevated from the road reflecting the topography of the surrounding area.
- 3.5 To the north of the site, beyond the bridleway, is a relatively modern development of four two storey detached properties of contemporary design with render finishes and tile roofs.
- 3.6 Opposite the site, to the east, is a working farm with associated outbuildings. The built form of the village then continues in a ribbon style form of development along the eastern side of the road with a mix of two and three storey properties.

The Proposal

- 3.7 The application is a revised scheme based on planning approval for 28 dwellings on this site as granted by the Development Control Committee under application 12/0790 in September 2012.
- 3.8 This application seeks planning permission for the erection of 28 dwellings, together with associated open space and infrastructure. A single vehicular and pedestrian access point would be established along the eastern

boundary of the development to gain access to the site directly off Broomfallen Road. A pedestrian pavement would extend approx. 27m into the site at which point a shared surface would be provided.

- 3.9 The proposed layout comprises of a mix of detached, semidetached and terraced properties. In total, seven different house types are proposed which comprise a variety of 2, 3, 4 and 5 bedroom dwellings. The properties would all be two storey in height and completed in a range of materials including brick, stone and render.
- 3.10 Each dwelling is proposed to have a minimum of two dedicated off-street parking spaces with some of the larger dwellings incorporating single or double garages.
- 3.11 An area of land close to the western boundary has been put aside to form a detention basin as part of a Sustainable Drainage Scheme (SuDs) to manage surface water runoff from the site via a hydrobrake before discharge into the adjacent Wash Beck watercourse. A pumping station is proposed to manage foul water from the development.
- 3.12 The proposal also includes the provision of 0.26 hectares of onsite public open space provision and a cycle path to connect the site to the adjacent public bridleway.

4. Summary of Representations

- 4.1 The application has been published by means of neighbour notifications carried out in accordance with the formal procedures prescribed by the Town & Country Planning (Development Management Procedure) Order 2015. This has resulted in 31 neighbouring properties being notified of the proposed development, two Site Notices posted at the site and a notice published in the local press.
- 4.2 As a consequence, a single letter of objection has been received from a nearby resident. The concerns put forward by this resident are summarised as follows:
 - 1. Loss of light and privacy to properties at The Grange
 - 2. Overshadowing of properties at The Grange
 - 3. Design and appearance of the development
 - 4. Highway safety and traffic issues

5. Summary of Consultation Responses

Wetheral Parish Council: No observations.

Cumbria County Council (Highways & Lead Local Flood Authority):
No objection subject to conditions.

Cumbria Constabulary:

The dwellings are laid out so that they overlook each other, without compromising privacy. I am encouraged to note the strong definition of some front garden curtilages by the use of continuous planting and would urge the deployment of physical (not symbolic) treatments to all frontages for this purpose. I am also pleased to note the deployment of 1.8m timber fencing to separate rear gardens and the interlocking of rear gardens (Units 19 – 25) to deter intrusion.

Car parking is generally 'on-plot' but as mentioned, physical treatments shall reinforce the concept of defensible space to parking areas and more obviously separate public and semi-private space.

But the Public Open Space, pump station and cycle link are positioned towards the rear of Units 7 – 10 and consequently will not be easily supervised. Views towards the POS shall be further obstructed by the fall in ground level towards the west of the site, the eventual establishment of the hedging forming the rear garden boundaries of Units 8 – 10 and other landscaping elements.

As proposed, I believe the POS is not an inclusive part of the site and therefore shall be more prone to ASB or nuisance gathering.

It appears to me, therefore, that although stated in 3.29 ".....Indeed all areas of the development are well overlooked by housing in order to lessen the opportunity for anti-social behaviour.....the landscaping has been designed to ensure it does not create secluded areas.....or reduce natural surveillance" these objectives are not actually achieved.

Dwelling protection against burglary – I recommend the incorporation of exterior doors and ground floor windows compliant with PAS 24:2016 and fitted with laminated glazing (BS EN 356:2000) as appropriate.

A significant proportion of domestic related burglary across the county is directed towards garages and other outbuildings. I therefore recommend the incorporation of garage vehicle entry doors compliant with LPS 1175 SR1 or STS 202 BR1.

Despite the rural location, dwellings should be provided with external lighting for security purposes. The deployment of low-energy 'white' light sources, controlled by photoelectric cell is recommended for this purpose.

Cumbria County Council (Education Authority):

Using a dwelling led model on the housing mix provided of: 7 x 2 bed, 6 x 3 bed and 15 x 4+ bedroomed dwellings it is theoretically estimated to yield 11 children: 6 primary and 5 secondary pupils. The development is in the catchment of Scotby Primary School (1 mile) and Central Academy for secondary education (3.1 miles). The next nearest primary school is Cumwhinton (1.7 miles) and nearest secondary is Newman (3.2 miles) however, this is a faith school and does not have a specified catchment area and is currently relocated to a site at Harraby due to flood damage on the building.

Currently there are four developments affecting the primary schools used for this assessment and thirty three for the secondary schools. The table attached shows both the catchment and nearest schools and the developments that will affect them.

Primary

The catchment school of Scotby is full before any other developments are taken into account. The next nearest primary school is Cumwhinton Primary which also has no spaces available once the developments have been considered. Therefore education contribution of £72,306 (6 x £12,051) required to provide capacity at either Scotby Primary School or the nearest school where capacity can be provided to mitigate the impact of the proposed development.

Secondary

Whilst it is considered the development of this site will further contribute to the pressure on secondary school places, taking into account the pooling restrictions that are applied through the CIL regulations where only five planning obligations can be pooled towards a single piece of infrastructure it is not considered that the scale of this development will generate a large enough contribution to use one of the five planning obligations up. Therefore no contribution will be sought for secondary school places.

Primary

Subject to the above contribution being provided no contribution is sought in relation to primary school transport.

Secondary

Richard Rose Central Academy is within the statutory walking distance, therefore no contribution is sought in relation to secondary school transport.

Green Spaces:

A commuted sum of £11,200 for provision of new play equipment and an additional £3,100 for maintenance should also be payable for off-site provision.

Cumbria County Council (Footpaths):

Public bridleway 138049 runs to the north and west side of the proposed development, the Bridleway must not be altered or obstructed before or after the works have been completed.

Northern Gas Networks:

No objection subject to informative note to advise the applicant of Northern Gas Networks infrastructure in the area.

Cumbria County Council (Historic Environment Officer):

Numerous prehistoric finds have been recovered from Scotby over the years and a 10th century hoard of coins and silver ingots was found very close to the site. The applicant has helpfully commissioned an archaeological geophysical survey of the site and the results indicate that buried archaeological assets of possible prehistoric origin may survive there. Any

such remains would be disturbed by the construction of the proposed development.

I therefore recommend that, in the event planning consent is granted, the programme of archaeological investigation required by conditions 11 and 12 on previously approved permission 12/0790 is undertaken and is secured by attaching similarly-worded conditions.

United Utilities:

No objection to the proposal subject to the imposition of a planning condition to ensure the means of surface water discharge as proposed.

Local Environment, Waste Services: No objection.

Local Environment, Environmental Protection:

No objection subject to conditions to limit construction hours and construction stage mitigation measures in the interests of neighbouring residential amenity and other sensitive off-site receptors.

Natural England: No comment.

The Ramblers Association: No response.

The RSPB: No response.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF), published 24 July 2018, maintains the supremacy of development plan policies in the consideration of all proposals for development.
- 6.2 In this case, the relevant local policy framework, against which the proposal is considered, is the Carlisle District Local Plan 2015-2030 from which the following policies are of relevance to this application:
- SP1 Sustainable Development
 - SP2 Strategic Growth and Distribution
 - SP5 Strategic Connectivity
 - SP6 Securing Good Design
 - SP8 Green and Blue Infrastructure
 - SP9 Healthy and Thriving Communities

HO1 Housing Strategy and Delivery

HO4 Affordable Housing

IP1 Delivering Infrastructure

IP2 Transport & Development

IP3 Parking Provision

IP4 Broadband Access

IP5 Waste Minimisation and the Recycling of Waste

IP6 Foul Water Drainage on Development Sites

IP8 Planning Obligations

CC4 Flood Risk and Development

CC5 Surface Water Management and Sustainable Drainage Systems

CM2 Educational Needs

CM4 Planning Out Crime

CM5 Environmental and Amenity Protection

HE2 Scheduled Ancient Monuments and Non-Designated Archaeological Assets

GI1 Landscapes

GI3 Biodiversity and Geodiversity

GI4 Open Space

GI6 Trees and Hedgerows

6.3 The National Planning Practice Guidance (NPPG) is also a material consideration in the assessment of this proposed development, as are the Council's adopted Supplementary Planning Documents: 'Achieving Well Designed Housing'; 'Trees and Development'; 'Designing Out Crime'; and 'Affordable and Specialist Housing'.

6.4 The proposal raises the following planning issues:

The Principle of Development

6.5 The revised NPPF reaffirms the planning system's role in the achievement of

sustainable development with a presumption in favour of such development where positive economic, social and environmental gains are mutually accrued. Paragraphs 10 and 11 of the NPPF advise that in order for sustainable development to be pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development which, for decision-taking, means:

“approving development proposals that accord with an up-to-date development plan without delay; or

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

6.6 This national planning approach is echoed by policy SP1 of the Carlisle District Local Plan 2015-2030 (CDLP) which pursues the achievement of sustainable development that improves the economic, social and environmental conditions of the District. Policy SP2 (Strategic Growth and Distribution) of the CDLP states that sufficient land will be identified to accommodate 9,606 net new homes between 2013 and 2030 including a minimum annualised average of:

- 478 net new homes between 2013 and 2020; and
- 626 net new homes between 2020 and 2030 (adjusted to have regard to delivery in the 2013-2020 period).

6.7 The application site is allocated for housing development under CDLP policy HO1 as site allocation R16 – Land at Broomfallen Road. The policy allocation suggests an indicative yield of 28 dwellings and delivery in years 0-5 of the Local Plan period.

6.8 Appendix 1 of the CDLP provides ‘site profiles’ of all housing sites allocated under policy HO1 setting out some of the issues associated with each site and any known constraints. The site profile for the application site is as follows:

“R 16: Land at Broomfallen Road, Scotby

The site has planning permission for 28 houses (including seven affordable houses), subject to the signing of a Section 106 agreement to secure the affordable units, open space, community transport, education contribution and waste bins. The site is allocated to safeguard the planning permission.

Highways advice: there are no fundamental issues with the proposed development.

Biodiversity: no statutory or non-statutory designations apply within or adjacent to the site. A key issue is that a length of hedgerow is to be removed for access to the site. This must be undertaken outside of the bird nesting season. The area is especially important for protected species such as yellowhammer, spotted flycatcher and tree sparrow. Some form of appropriate compensatory planting should be undertaken so as to avoid a net loss of hedgerow biodiversity.

Heritage assessment: there is an unscheduled archaeological site to the north and south of this site. It is therefore recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development.

Other constraints: public bridleway 138049 runs along the northern and north western boundary of the site.”

- 6.9 The application site benefits from an extant planning permission for 28 dwellings approved by members of the Development Control Committee in April 2013 with the subsequent decision notice being issued on 24 February 2016 following the satisfactory completion of a Section 106 legal agreement (Application Ref. 12/0790).
- 6.10 Accordingly, the principal of housing development on this site has previously been established through extant planning permission (12/0790) and the housing allocation under policy HO1. The Council has since adopted a new Local Plan, however, the site is allocated as part of the Local Plan and this new local policy framework does not diminish the principle of developing the site for housing. The principle of development, as presented by this application, is therefore established and accepted, subject to all other material considerations being satisfied.

Landscape and visual impacts

- 6.11 The NPPF seeks to conserve and enhance the natural environment by protecting and enhancing valued landscapes. This approach is achieved locally through CDLP policies SP6 and GI1 which together require that development takes into consideration any important landscape or topographical features to ensure that local landscape character is respected and protected from excessive, harmful or inappropriate development.
- 6.12 The proposal involves the development of an open field which will undoubtedly have a visual impact upon local landscape character. However, the site is located on the southern edge of the settlement and will therefore be read alongside existing built development along Broomfallen Road which extends along the highway out of the settlement.
- 6.13 The topography of the site coupled with a strong southern boundary in the form of the existing belt of trees, that are to be retained as part of the proposal, will minimise any landscape impacts and reduce the visibility of the

development.

- 6.14 The development would be visible when travelling along Broomfallen Road in a southerly direction towards Cumwhinton, however, the development would be well contained by existing landscape features along its north, south and western boundaries and as a southern extension to the village would relate well to the existing settlement. On this basis, the development would not amount to a prominent visual intrusion into the open countryside but rather form a logical extension to the existing settlement pattern.
- 6.15 Furthermore, the land has no special landscape designation that would warrant any particular consideration or indicate that development should be resisted.
- 6.16 Overall, the landscape and visual impacts of the proposal are considered to be minimal and localised to a degree that the proposal would be compliant with CDLP policies SP6 and GI1 and the associated provisions of the NPPF.

Impact on residential amenity

- 6.17 The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is a core principle of the planning system and is echoed by Policy SP6 of the CDLP which seeks to ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development.
- 6.18 The development has been designed and laid out to take account of the requirements set out in the Council's 'Achieving Well Designed Housing' Supplementary Planning Document and as such all proposed dwellings are compliant with the minimum separation distance of 21m between primary facing windows and 12m between primary windows and blank elevations. This would ensure acceptable levels of privacy and outlook for existing neighbouring residents and future occupiers of the proposed properties.
- 6.19 A single objector has suggested that the proposal would result in an unacceptable loss of privacy and overshadowing of existing properties to the immediate north of the site. In particular, the objector is concerned that the properties proposed for Plots 13 to 17 will overshadow a recently completed single storey property at Plot 1 The Grange and would overlook the property leading to a harmful loss of privacy and overbearing effect.
- 6.20 Plots 13 to 17 of the proposed development are two storey dwellings with north facing rear gardens. The separation distance between the rear facing elevation of these proposed properties and Plot 1 The Grange is 21m with an intervening mature hedgerow at a height of approx. 2m and a public bridalway. The existing site sits slightly higher (less than 1m) than the properties at The Grange and this change in level will largely be maintained with the finished floor levels of Plots 13 to 17 being set to reflect the falling gradient of the site from northeast down to southwest.

- 6.21 The 21m separation distance between properties and the retained hedgerow will maintain acceptable levels of privacy for existing and future occupants and is compliant with the Council's prescribed requirements to protect against overlooking. This distance will also ensure no adverse overbearing or oppressive impacts to any existing nearby properties. It is accepted that during winter months (November to February) when the sun is at its lowest in the sky there would be some loss of direct sunlight and overshadowing to existing properties to the immediate north of the site, including Plot 1 The Grange, as a result of the proposal, however, this does not amount to a significant adverse affect that would warrant a refusal of planning permission.
- 6.22 Overall, given the layout and orientation of the proposed properties and their relationship with existing neighbouring dwellings, it is not considered that the living conditions of existing residents or future occupants would suffer from any loss of privacy or unacceptable levels of overshadowing or harmful overbearing effects. In this regard the proposal would maintain acceptable levels of residential amenity and is therefore compliant with CDLP policy SP6 and the requisite requirements of the NPPF.
- 6.23 It is acknowledged that during the construction period neighbouring residents are likely to experience a level of disruption associated with the development, however, these effects can be adequately controlled through the imposition of planning conditions.

Scale, layout and design

- 6.24 Policy SP6 of the CDLP requires development proposals to demonstrate a good standard of sustainable design that responds to, and is respectful of, the existing character and distinctiveness of the local area. This policy approach is echoed by Section 12 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. Indeed, the framework insists that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 6.25 To this end planning policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area respecting the established form and pattern of development in relation to height, scale, massing, siting and use of appropriate materials, architectural detailing and landscaping.
- 6.26 When considering the acceptability of the proposal in terms of design, layout and scale, in the context of the site's allocation under CDLP policy HO1 the main issues are considered to focus around:
- whether the scheme integrates into its surroundings by reinforcing existing connections and creating new ones;
 - whether the proposal has a mix of dwelling types and tenures that suit local requirements;
 - does the scheme create a distinctive character which takes advantage of

- existing features;
 - does it create well defined streets and spaces;
 - is the scheme designed to make it easy to find your way around;
 - are streets designed to encourage low vehicle speeds;
 - is resident and visitor parking sufficient and well integrated;
 - are public and private spaces clearly defined, attractive and safe;
 - is there adequate external storage space for bins and recycling as well as cycles;
 - is there adequate and effective open space.
- 6.27 The site is well-contained within the limits of an existing mature field boundary that will largely be retained as part of the proposal, with the exception of the eastern site boundary with Broomfallen Road where properties would front the highway with their own individual access via driveways. The remaining development would be accessed via a single new point of access taken directly off Broomfallen Road to provide vehicular and pedestrian access to the development. The housing would be laid out in a manner that seeks to make the best use of the site and reflecting the topography of the site with properties arranged around a single access road culminating in a cul-de-sac.
- 6.28 The proposed scheme would create a positive frontage onto Broomfallen Road which is an improvement on the previously approved scheme where the development turned away from the highway. In this context, the proposed development would continue the built form of Scotby in a logical and legible pattern of development that would complement the surrounding area whilst retaining strong landscape features to the south, west and northern boundaries of the site.
- 6.29 Proposed properties are a mix of 15 two storey detached houses, 10 two storey semi-detached houses and three two storey houses arranged in a terrace. Seven different house types are proposed, all with pitched roofs and a range of gable and hipped roof features to add interest, reduce massing and provide a varied design. The properties would be well proportioned and of an appropriate scale to that of the surrounding area. The proposed dwellings are mainly positioned to face each other with access and parking provision to the front of each property. All proposed dwellings have open front gardens and enclosed private rear gardens with intervening 1.8m high timber fencing. Garden areas are comparable to the size of the units they would serve, thereby ensuring that the development does not appear cramped or overdeveloped.
- 6.30 Proposed materials are varied throughout the development to add visual interest and avoid an overly uniform or bland appearance. Elements include facing brickwork, stone and limited render treatments, however, a detailed specification of the proposed suite of materials is yet to be agreed and therefore full details will be required via the imposition of a planning condition.
- 6.31 An area of open space is proposed towards the western side of the site to the rear of plots 8, 9 and 10 and adjacent to the proposed drainage detention basin. The open space would incorporate a cycle/footpath to connect the site

to the adjacent bridleway in order to improve movement between the site and the surrounding area. Concerns have been raised by Cumbria Police over the positioning of this open space which has limited natural surveillance, due to its positioning to the rear of three properties, which could give rise to anti-social behaviour or nuisance gatherings. However, the applicant's agent has advised that in order to provide some level of passive surveillance to the area, a house has been positioned to the top of the road in order to overlook the access to the area and lessen the possibility of anti-social behaviour.

Housing mix and affordable housing

- 6.32 The NPPF supports the delivery of a variety of housing types, sizes and tenures to ensure the provision of housing to meet current and future housing need. CDLP housing policies seek to increase the range and choice of housing across the district by improving the balance of the district's housing stock in terms of dwelling size, type, and tenure.
- 6.33 The application site falls within Affordable Housing Zone A, which, in accordance with CDLP policy HO4, requires a 30% affordable housing contribution. In order to achieve mixed and inclusive communities, policy HO4 stipulates that the affordable housing provision shall be provided on site for developments of 11 units or over and the tenure split shall be 50% social or affordable rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from the market value and via the Council's Low Cost Housing Register).
- 6.34 The Council's Housing Development Officer has confirmed that to be compliant with the requirements of policy HO4, based on a 28-unit development, the affordable housing requirement would be to provide a minimum of eight units – four social or affordable rent and four intermediate properties for discounted sale.
- 6.35 The proposal offers seven affordable units, all of which as intermediate housing for discounted sale. This is clearly contrary to the specific requirements of policy HO4, however, the applicant's agent is reliant on their extant planning consent (Ref. 12/0790) as a fallback position to justify this deficient level of affordable housing.
- 6.36 The extant planning permission for 28 dwellings on this site was granted in February 2016 prior to the adoption of the Carlisle District Local Plan 2015-2030. That extant permission includes the provision of seven affordable units, all as intermediate housing, in accordance with policy HO5 of the previous Local Plan which sought a 25% affordable housing contribution. However, since this permission was granted the Council adopted the Carlisle District Local plan 2015-2030 in November 2016 which now requires a 30% contribution for the scale of developed proposed on this site.
- 6.37 Notwithstanding the current policy requirement, the applicant's agent suggests that the extant planning permission represents a significant material consideration that indicates that the scheme, and level of affordable housing, as proposed, should be granted.

- 6.38 When considering the affordable housing requirement for this site there are clearly competing interests of the previous permission and the Council's adopted SPD which are both material considerations. The weight given to either of these needs to form part of any balanced judgement regarding the appropriate provision of affordable housing.
- 6.39 The starting point for consideration is the previous permission which provided for 7 discounted sale properties including flats and semi-detached housing. Whilst the revised policy seeks a contribution of 8 units the provision of flats are no longer considered to be desirable due to difficulties in finding occupiers for this form of development. The applicant has therefore revised the format of the housing by the provision of 4 semi-detached houses and a terrace of 3 properties. The provision of all two-storey units is an improvement on the original permission and will provide much needed family accommodation.
- 6.40 The Council's SPD also considers that a mix of units should be provided with some being rented and some discounted sale. The fact that the previous permission did not include any rented accommodation is a material consideration in the mix of housing being provided. The change from flats to two storey accommodation has presented a financial increase in the contribution to affordable housing from the development and therefore whilst not all sectors are being catered for by the new provision this is an improvement on the level of contribution from what was previously approved.
- 6.41 The applicant proposes to cluster all the affordable units together based on the previous permission contrary to the objectives of the Local Plan and NPPF which seek to achieve mixed and inclusive communities. Whilst the proposed new layout puts the affordable housing adjacent to larger properties it is still grouped together within the site.
- 6.42 When considering the overall position regarding affordable housing Members need to consider the balance of components provided, the policy and the previous permission. The proposed layout and provision is an improvement over and above the previous consent and therefore represents an improvement in affordable housing provision which policies seek to achieve. It does not provide the full ask in revised policy terms but some weight has to be given to the original position and therefore the improved contribution proposed are considered to be a satisfactory contribution to affordable housing.

Highway issues

- 6.43 Policies IP2 and IP3 of the CDLP require all development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision. The policy impetus being to maintain highway safety, ensure good access to development sites via all modes of transport and to avoid unacceptable highway impacts.
- 6.44 Access will be taken mainly from a single point along the eastern site boundary and directly off Broomfallen Road. Individual access points are also

proposed to serve the main frontage plots. Off-street parking provision is to be provided in the form of two spaces per unit and four additional off-street visitor parking spaces dispersed throughout the site, resulting in a minimum of 60 off-street parking spaces and additional garage parking to some plots.

- 6.45 An objector raises concerns with the proposed individual access points to serve the frontage plots along Broomfallen Road, suggesting that this would jeopardise highway safety. However, the Highway Authority has been consulted over the proposal and has confirmed that the proposed access, parking provision and internal access road would be acceptable and therefore does not result in any highway safety or capacity concerns.
- 6.46 Furthermore, the proposal offers a pedestrian link to the existing pavement along Broomfallen Road connecting the development to the village to the north. A cycle path is also proposed to connect the development to the adjacent bridleway. This offers future occupiers good connectivity to the village of Scotby via sustainable modes of transport as an alternative to the private car.
- 6.47 Nevertheless, the Highway Authority has recommended a number of planning conditions to ensure that suitable standards of highway construction are achieved along with the provision of adequate visibility splays and the submission of a Construction Phase Traffic Management Plan to ensure highway safety during the construction phase of the development. Subject to the imposition of these conditions the Highway Authority offer no objection to the proposal.
- 6.48 Consequently, with regard to highway matters, the proposal would not result in an adverse impact on highway capacity, highway safety or be deficient in parking provision. The proposal is therefore compliant with the requirements of CDLP policies IP2 and IP3 and the associated provisions of the NPPF.

Ecology

- 6.49 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must 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. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
- 6.50 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 Section 15 of 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.

- 6.51 Policy GI3 of the CDLP seeks to ensure the protection and, where possible, enhancement of biodiversity assets across the District. These policies are consistent with Section 15 of the revised NPPF which advocate for the conservation and enhancement of the natural environment including the protection and enhancement of habitats and biodiversity.
- 6.52 The application is supported by a Phase 1 Ecological Appraisal and Habitat Survey which sets out the following findings:
- The plant species assemblages recorded at the site are all common in the local area and are considered low ecological value. Domestic gardens and sympathetically landscaped open space is considered to offer habitat of equal or greater ecological value
 - None of the hedgerows around the site perimeter were considered important under the Hedgerow Regulations 1997
 - The plantation woodland and scrub lined stream corridor are considered to be the habitats of most ecological value and should be retained or enhanced
 - Birds are likely to utilise scrub on site for nesting between March and September. Any vegetation clearance should therefore be undertaken outside of this period
 - No notable or protected species were recorded at the site
- 6.53 Based on this information, it is not considered that the proposal would adversely impact on the habitat of any protected species nor adversely affect the conservation of such species. To ensure this is the case it is considered necessary to impose a planning condition to ensure that any site clearance works are conducted outside of the bird nesting season.
- 6.54 Submitted plans indicate that some hedgerows will be removed with others rationalised along with the removal of a small section of woodland along the western boundary of the site. As identified in the Ecological Appraisal these landscape features have the most ecological value and therefore an Avoidance and Mitigation Strategy which includes the retention of boundary trees and hedgerows wherever possible provision between garden boundaries to allow hedgehogs to move around the site, timing of works, protection of retained trees and provision of a means of escape in excavations left open overnight. Notwithstanding this requirement the loss of the section of hedgerow along the eastern boundary with Broomfallen Road to facilitate a positive roadside frontage is unfortunate but considered acceptable.
- 6.55 It is also noted that Natural England raise no objection to the proposal with

regard to its impact on ecology.

- 6.56 On the basis of the foregoing, and subject to conditions, it is considered that the proposal is consistent with the aims of policy GI3 of the CDLP which seeks to conserve and enhance biodiversity in conjunction with the relevant statutory requirements.

Trees, hedgerows and landscaping

- 6.57 Policy GI6 of the local plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the city council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy SP6 which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing hedges.
- 6.58 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.59 A detailed landscape plan has not been provided with the application and therefore will be secured by condition prior to the commencement of development. A tree survey and mitigation plan has been submitted with the application, however, the plans do not match the current proposed layout and therefore it is not possible to be clear over the extent of tree or hedgerow removal beyond that of the proposed removal of the eastern boundary hedgerow as indicated by all proposed layout plans.
- 6.60 The removal of the hedgerow which forms the eastern boundary of the site is unfortunate but will enable the provision of a positive frontage onto Broomfallen Road which will assist the development to integrate with the surrounding built form of the village. Notwithstanding the lack of detail in this regard, and given the general open character of the site, with boundary hedges and trees, it is considered that the proposed layout of residential properties could be achieved subject to the submission of further details to outline the extent of existing trees and hedgerows along the site boundaries, a justification for their removal or rationalisation and a mitigation plan to protect these features during the construction phase.

Flooding and drainage

- 6.61 In order to protect against pollution, CDLP policies IP6 and CC5 seek to

ensure that development proposals have adequate provision for the disposal of foul and surface water.

- 6.62 It is proposed that foul water drainage would be discharged into the existing main sewer system via a new foul water pumping station located within the site and ultimately adopted and maintained by United Utilities under a Section 104 agreement in respect of the Water Industries Act 1991 (as amended). This is considered to be acceptable and United Utilities offer no objection to this proposed arrangement.
- 6.63 As detailed within the applicant's Flood Risk Assessment (FRA), the site is not within an area of flood risk from fluvial or surface water sources. The FRA concludes that the site is located entirely within Flood Zone 1 and is at a low risk of flooding from all sources. The proposed development is classified as a 'more vulnerable' type of development which is acceptable at this location given the low risk of flooding.
- 6.64 Surface water drainage from the development is proposed to be conveyed via underground drainage pipes discharged into a detention basin located in the western corner of the site and adjacent to the area of open space. The detention basin will have a capacity of 365m³ of surface water run-off and will discharge into the adjacent Ordinary Watercourse, Wash Beck, at an attenuated rate of 5 litres per second. The detention basin has been designed to cope with a 1 in 100 flood event with a 40% allowance for climate change.
- 6.65 The applicant has also provided an Operation and Maintenance Plan for the drainage arrangements for the site which specifies that: the detention basin and hydrobrake flow control system will be maintained by a third party management company; the highway access roads and drainage gullies within the site are to be adopted by the local Highway Authority; and, the foul and surface water gravity sewers will be adopted and maintained by United Utilities.
- 6.66 The Lead Local Flood Authority have been consulted over the proposed drainage arrangements and following the submission of further details to confirm infiltration rates on the site and the capacity of the detention basin to accommodate a 40% allowance for climate change they raise no objection to the development.

Land contamination and stability

- 6.67 The NPPF requires the planning system to address issues associated with the development of known or suspected contaminated land or ground instability. Accordingly, the development of contaminated or potentially unstable land is a material planning consideration and the actual or possible presence of contamination or instability and the associated risks must be established and appropriately mitigated through the planning system.
- 6.68 Paragraph 178 of the NPPF states that planning decisions should ensure that:

- *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- a) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- b) *adequate site investigation information, prepared by a competent person, is available to inform these assessments*

6.69 This national policy approach is echoed by the local planning policy framework as set out in policy CM5 of the CDLP which requires proposals for development to address issues of potential land contamination or other hazards and only permits development on land affected by contamination or other hazards if mitigation and/or remediation is or can be carried out to a standard appropriate for the proposed end use to ensure a safe development with no threats to public safety or health.

6.70 To address this, the applicant has provided a 'Ground Investigation Report' for land contamination. The report concludes that an elevated concentration of lead is present in the made ground in the far western part of the site. Given the proximity of the identified contaminated land to Wash Beck and the siting of the SuDS detention basin at this location, the report recommends that further analysis and investigations are required to fully understand the extent of this contamination and to inform a remediation strategy to safely manage or remove the contamination.

6.71 Officers concur with the recommendations of the Ground Investigation Report and conditions will be imposed to secure further investigation and remediation to ensure a safe development can be achieved.

Archaeology

6.72 The County Council's Historic Environment Officer has advised that numerous prehistoric finds have been recovered from Scotby over the years and a 10th century hoard of coins and silver ingots was found very close to the site.

6.73 The applicant has submitted a Geophysical Survey of the site and the results indicate that buried archaeological assets of possible prehistoric origin may survive there. Any such remains would be disturbed by the construction of the proposed development and therefore the Historic Environment Officer recommends that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken prior to the commencement of development. These requirements will be secured by appropriately worded planning conditions.

Planning Obligations – Education & Open Space

- 6.74 On the matter of planning obligations Policy IP8 of the local plan makes clear that new development will be expected to provide infrastructure improvements which are directly related to and necessary to make the development acceptable.
- 6.75 Policy CM2 of the CDLP explains that to assist in the delivery of additional school places, where required, to meet the needs of development, contributions will be sought. In terms of primary school provision, Cumbria County Council has advised that the development is likely to yield six primary school aged children. However, the catchment of Scotby Primary School is full and therefore an education contribution of £72,306 is required to provide capacity at either Scotby Primary School or the nearest school where capacity can be provided to mitigate the impact of the proposed development.
- 6.76 In terms of secondary school provision, Cumbria County Council has advised that, whilst the development would further contribute to the pressure of secondary school places, taking into account current pooling restrictions imposed by CIL regulations, it is not considered that the scale of this development would generate a significant enough obligation to warrant use of one of the five planning obligations towards secondary education provision. Therefore no contribution is sought for Secondary education provision.
- 6.77 Policy GI4 states that new housing developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrade of open space provision in the locality, especially if a deficit has been identified.
- 6.78 The proposed development would include a small area of public open space in the west of the site adjacent to the SuDS detention basin and to the rear of plots 8, 9 and 10. Whilst natural surveillance of this area is limited it would be overlooked by a single property, plot 20. The Council's Green Spaces Manager offers no objection to the proposed area of open space subject to the completion of a Section 106 agreement to secure the future maintenance of the area and a commuted sum of £11,200 for off-site provision of new play equipment and an additional £3,100 for maintenance of the off-site provision.
- 6.79 Subject to securing these planning obligations the proposal would be compliant with CDLP policies IP8, CM2 and GI4 along with the associated requirements of the NPPF.

Waste & recycling

- 6.80 In accordance with CDLP policy IP5 (Waste Minimisation and the Recycling of Waste) adequate provision has been provided within each plot for accommodating waste storage bins. The Council's Waste Services Team has advised that the site layout does not give rise to any concerns regarding waste collections and therefore waste collection vehicles should have no

problems serving the development. Accordingly, the Council's Waste Services Team offer no objection to the proposal.

Conclusion

- 6.81 The proposed development represents a logical and sustainable extension to the southern edge of the village of Scotby which is reflected by its allocation for residential development under CDLP policy HO1 and its extant planning permission. The proposal also benefits from an extant planning permission for 28 dwellings on this site.
- 6.82 With regard to matters of scale, layout and design, the proposal offers a mix of dwelling types and designs which reflect the scale of the surrounding built environment. The proposed layout has sought to create a distinctive and attractive development which takes account of the topography of the site with well-defined and legible streets and spacing between properties with clearly defined public and private spaces.
- 6.83 Adequate off-street parking provision has been provided and a safe means of access would be provided to connect the development to the local highway network.
- 6.84 Supporting documentation adequately address matters of ecology, land contamination, trees and hedgerows, flooding and drainage, archaeology and where further information and mitigation is required it will be secured via planning conditions.
- 6.85 The proposal would not be detrimental to the character of the surrounding landscape and would not result in any unacceptable adverse effects on the living conditions of existing neighbouring residents or future occupiers.
- 6.86 In conclusion, having assessed the application against the relevant policies contained within both the local and national planning policy frameworks and all other material considerations, it is considered that, subject to conditions, the proposal represents a sustainable form of development with no unacceptable impacts. The proposal is therefore recommended for member's approval.
- 6.87 The officer recommendation is for members to give authority to the Corporate Director of Economic Development to issue an approval subject to completion of an appropriate Section 106 agreement to secure the provision of on-site affordable housing, the management and maintenance of the open space; the payment of £14,300 towards the provision and maintenance of off-site open space and play facilities; and, the payment of £72,306 towards local education provision.

7. Planning History

- 7.1 In February 2016 planning permission was granted for the erection of 28 dwellings (Ref. 12/0790).

8. Recommendation: Grant Subject to S106 Agreement

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

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

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

1. the submitted planning application form received 20 November 2017;
2. the Location Plan (Drawing No. SS016.90.9.LP) received 20 November 2017;
3. the Site Layout Plan (Drawing No. SS0016.90.9.SP Revision A) received 9 November 2018;
4. the Proposed Finished Floor Levels and External Levels (Drawing No. K34557/A1/102 D) received 9 November 2018;
5. the Proposed Elevation and Boundary Treatments (Drawing No. SS0016.90.9.TP Revision A) received 9 November 2018;
6. the Proposed Foul and Surface Water Drainage Plan (Drawing No. K34557/A1/120 A) received 9 November 2018;
7. the Proposed Exceedance Flow Route Plan (Drawing No. K34557/A3/122 A) received 9 November 2018;
8. the Proposed Highway Longitudinal Sections (Drawing No. K34557/A1/103A) received 20 November 2017;
9. the Detention Basin Plan and Section (Drawing No. K34557/A1/121) received 20 November 2017;
10. the Scott House Type Floor Plans 1 (Drawing No. SCO-PLP1) received 23 March 2018;
11. the Scott House Type Floor Plans 3 (Drawing No. SCO-PLP3) received 23 March 2018;
12. the Scott House Type Elevations 1/2 (Drawing No. SCO-PLE1/2) received 23 March 2018;
13. the Scott House Type Elevations 1/5 (Drawing No. SCO-PLE1/5) received 23 March 2018;
14. the Graham House Type Floor Plans 1 (Drawing No. GRA-PLP1) received 20 November 2017;
15. the Graham House Type Elevations 1/1 (Drawing No. GRA-PLE1/1) received 20 November 2017;
16. the Glendenning House Type Floor Plans 1 (Drawing No. GLE-PLP1) received 20 November 2017;
17. the Glendenning House Type Elevations 1/3 Drawing No. GLE-PLE1/3) received 20 November 2017;
18. the Armstrong V2 House Type Floor Plans 1 (Drawing No. ARM-PLP1) received 9 November 2018;
19. the Armstrong V2 House Type Elevations 1/2 (Drawing No. ARM-PLE1/2) received 9 November 2018;

20. the Routledge House Type Floor Plans 1 (Drawing No. ROU-PLP1) received 20 November 2017;
21. the Routledge House Type Elevations 1/1 (Drawing No. ROU-PLE1/1) received 20 November 2017;
22. the Routledge House Type Elevations 1/6 (Drawing No. ROU-PLE1/6) received 20 November 2017;
23. the Johnstone House Type Floor Plans 1 (Drawing No. JOH-PLP1) received 20 November 2017;
24. the Johnstone House Type Elevations 1/1 (Drawing No. JOH-PLE1/1) received 20 November 2017;
25. the Johnstone House Type Elevations 1/6 (Drawing No. JOH-PLE1/6) received 20 November 2017;
26. the Boundary Details – 1800mm High Open Boarded Fence (Drawing No. BD-03) received 20 November 2017;
27. the Boundary Details – 1800mm High Stone Wall (Drawing No. BD-18)
28. the Single Detached Garage 1 Elevations, Plan & Section 1 (Drawing No. SG1-EPS1) received 20 November 2017;
29. the Ground Investigation Report and its recommendations received 6 March 2018;
30. the Flood Risk Assessment and Drainage Strategy received 20 November 2017;
31. the Operation and Maintenance Plan for Sustainable Drainage Systems received 20 November 2017;
32. the Ecological Appraisal and its recommendations received 20 November 2017;
33. the Notice of Decision; and
34. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development is carried out in complete accordance with the approved documents and to avoid any ambiguity as to what constitutes the permission.

3. Notwithstanding any description of materials in the application hereby approved, no external materials shall be used until a schedule and detailed specification of materials and finishes for all external surfaces for each dwelling, along with a sample for the external walls and roof coverings, has been submitted to, and approved in writing by the Local Planning Authority. The specification of the materials shall include the type, manufacturer's specification, colour and texture of the materials to be used and any finish to be applied.

Reason: To ensure that the materials are suitable for the site and harmonise with the surrounding area in accordance policy SP6 of the Carlisle District Local Plan 2015-2030.

4. Prior to their use on site, a detailed specification of the hard surface finishes to all public and private external areas of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The specification of the materials shall include the type, manufacturer's specification, colour and texture of the proposed surface

finish.

Reason: To ensure that the materials are suitable for the site and harmonise with the surrounding area in accordance policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Notwithstanding the submitted details and approved plans and documents, development shall not commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate the proposed types, species planting heights and planting densities of all trees, shrubs and other landscape features.

Reason: To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of policy SP6 of the Carlisle District Local Plan 2015-2030.

6. The landscaping scheme approved under Condition No. 5 shall be fully implemented either contemporaneously with the completion of individual plots or, alternatively, not later than the end of the planting and seeding season following completion of the development and maintained thereafter to the satisfaction of the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of policy SP6 of the Carlisle District Local Plan 2015-2030.

7. Notwithstanding the submitted details and approved plans and documents, development shall not commence until a Tree and Hedgerow Survey, Arboricultural Implications Assessment and a Tree and Hedgerow Constraints/Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall be prepared by a suitably qualified and competent individual in accordance with BS5837 2012 and detail all trees and sections of hedgerow proposed for removal or rationalisation with adequate justification.

Reason: In order to ensure that adequate consideration and protection is afforded to all trees and hedgerows on the site in support of policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

8. Prior to the commencement of the development hereby permitted protective fencing shall be erected around those hedges and trees to be retained and shall not be removed until all construction works and all plant and temporary accommodation have been removed from the site. Within the protection zone and the restricted area:

- c) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree

- no equipment, machinery or structure shall be attached to or supported by a retained tree or hedge or by the hedge protection barrier;
- no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area;
- no alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority;
- no materials or vehicles shall be stored or parked within tree or hedgerow protection areas;
- no alterations to the natural/ existing ground level shall occur (except in accordance with the approved scheme);
- no excavations will be carried out within the fenced off area.

If any trenches for services are required in the fenced off area, they shall be excavated or backfilled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered.

Those trees and hedges chosen for retention and protection shall not for the duration of the development works be damaged or destroyed, felled, lopped or topped without the prior written consent of the local planning authority.

Reason: In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

9. All work associated with the construction of the development hereby approved, shall be carried out only between 07:30 hours and 18:00 hours on Mondays to Fridays inclusive, 07:30 hours and 13:00 hours on Saturdays and at no time on Sundays or Bank / Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring premises in accordance with policy SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

10. Development shall not commence until a Construction Environmental Management Plan has been submitted to, and agreed in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, bio-security measures to prevent the introduction of disease and invasive species, measures to prevent pollution including the management of site drainage such as the use of silt traps during construction, the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread invasive species, the construction hours of working, wheel washing, vibration management, dust management, vermin control, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, and mitigate impacts on wildlife in accordance with Policies GI1, SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

11. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
 - access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
 - the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
 - details of proposed crossings of the highway verge;
 - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - the surfacing of the access roads from the public highway into the site shall extend for a minimum of 25m;
 - construction vehicle routing;
 - the management of junctions to and crossings of the public highway and other public rights of way/footway;
 - the scheduling and timing of movements, temporary warning signs and banksman.

Reason: 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 to ensure an adequate form of development that does not adversely affect the amenities of the occupiers of neighbouring premises in accordance with Cumbria Local Transport Plan policy LD8 and policy IP2 of the Carlisle District Local Plan 2015-2030.

12. Development shall not commence until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the local planning authority and shall include measures to secure:
- formation of the construction compound and access tracks and any areas of hardstanding;
 - cleaning of site entrances and the adjacent public highway;
 - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - post-construction restoration/reinstatement of the working areas.

Reason: 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 in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan

2015-2030 and to support Local Transport Policy LD8.

13. The development shall be carried out in strict accordance with the Construction Environmental Management Plan, Construction Traffic Management Plan the Construction Method Statement as approved under Condition No.'s 10, 11 and 12 of this planning permission.

Reason: In order to ensure that the development is carried out in complete accordance with the approved details and to avoid any ambiguity as to what constitutes the permission.

14. The carriageway, footways, footpaths, cycleways, etc. shall be designed, constructed, drained and lit to a standard suitable for adoption by the Local Highway Authority and in this respect further detailed plans and specifications, including longitudinal/cross sections, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Reason: To ensure a minimum standard of construction is achieved in the interests of highway safety and in accordance with Cumbria Local Transport Plan policies LD5, LD7 and LD8 and policy IP2 of the Carlisle District Local Plan 2015-2030.

15. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs, mobility scooters, etc. to safely manoeuvre at kerb lines. Detailed plans and specifications, including longitudinal/cross sections of all such ramps, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety in accordance with Cumbria Local Transport Plan policies LD5, LD7 and LD8 and policy IP2 of the Carlisle District Local Plan 2015-2030.

16. The development shall be carried out in strict accordance with the details and specifications approved under Condition No.'s 14 and 15 of this planning permission. The approved works shall be fully completed before any dwelling is occupied and retained as such thereafter.

Reason: In order to ensure that the development is carried out in complete accordance with the approved details and to avoid any ambiguity as to what constitutes the permission.

17. No dwelling shall be occupied until visibility splays providing clear visibility of 90 metres measured 2.4 metres down the centre of the access road and the nearside channel lines of the adjacent public highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting

that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety in accordance with Policies SP6 and CM5 of the Carlisle district Local Plan 2015-2030 and to support Local Transport Plan Policies LD7 and LD8.

18. No dwelling shall be occupied until the respective estate/access road (including associated footways, turning heads and surface water drainage where applicable) has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

Reason: To ensure that the matters specified are designed and provided to ensure a minimum standard of access when the development is brought into use in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

19. No dwelling shall be occupied until the respective drive and parking area/spaces for that unit have been completed in accordance with the approved plans. The car parking shall thereafter be retained in accordance with the approved plans and available for use as car parking and no other use whatsoever.

Reason: To ensure that the matters specified are provided to ensure a minimum standard of parking in accordance with Policy IP3 of the Carlisle District Local Plan 2015-2030.

20. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate roads, footways and cycle path.

Reason: In the interests of highway safety in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Policies LD7 and LD8.

21. No development 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 in writing by the Local Planning Authority.

This written scheme of investigation will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.

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 examination and recording of such remains in accordance with Policy HE1 of the Carlisle District Local Plan 2015-2030.

22. Where the results of the programme of archaeological work referred to in Condition No. 21 of this planning permission make it appropriate, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy HE1 of the Carlisle District Local Plan 2015-2030.

23. Development shall not commence until full details of the proposed wildlife compensation, mitigation and enhancement measures (including subsequent management and retention), and the timetable for such have been submitted to and approved in writing by local planning authority.

Reason: To ensure such works are carried out in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

24. Notwithstanding the submitted details and approved documents, development shall not commence until a further intrusive site investigation has been undertaken, as per the recommendations of the submitted Ground Investigation Report received 6 March 2018, and a Phase 2 Risk Assessment report of the findings is submitted to the Local Planning Authority for written approval.

The site investigations will consist of a series of boreholes / trial pits, insitu testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design. The site investigations and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice. The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason: In order to ensure the land is suitable for its end use and to ensure the development is carried out without unacceptable safety or health risks to the public and/or offsite receptors in

accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.

25. The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved by the Local Planning Authority under Condition No.24 of this planning permission shall be fully implemented prior to commencement of the development hereby permitted.

Reason: In order to ensure the land is suitable for its end use and to ensure the development is carried out without unacceptable safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.

26. Following completion of the Intrusive Site Investigation and Phase 2 Risk Assessment (required by Condition No.24), and following the approval of the documentation by the Local Planning Authority, if the findings of the Phase 2 investigation recommend that remediation works be undertaken then a 'Remediation Scheme' is required to be produced and submitted to the Local Planning Authority for approval prior to the commencement of the development and before any remediation works commence.

The scheme will be required to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings or other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a 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 site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.

27. The Remediation Scheme approved under Condition No.26 shall be fully implemented prior to commencement of the development hereby approved and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

without unacceptable safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.

28. Following completion of the remediation measures approved under Condition No.26, and prior to first use of the development, a detailed Remediation Verification Report shall be submitted to the Local Planning Authority for written approval. The report should verify that the required works regarding contamination have been carried out in complete accordance with the approved Remediation Scheme and should provide a summary of the remedial works carried out together with documentary evidence and post remediation test results to demonstrate that the required standard of remediation has been achieved.

Reason: To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.

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

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

Reason: To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.

30. No dwelling shall be occupied until the surface and foul water drainage systems have been completed in accordance with the approved plans and details.

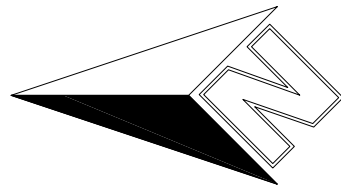
Reason: To ensure the provision of surface and foul water drainage in accordance with policies IP6 and CC5 of the Carlisle District Local Plan 2015-2030.

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

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

32. The development shall be carried out in strict accordance with the details and specifications approved under Condition No.'s 3, 4, 7, 21 and 23 of this planning permission.

Reason: In order to ensure that the development is carried out in complete accordance with the approved details and to avoid any ambiguity as to what constitutes the permission.



Proposed
Housing Development
Scotby

Site Plan
Location Plan

DRAWN BY	SDM	DATE	28-7-2017
CHECKED BY		SCALE	1:125000 A1
DRAWING NUMBER	SS016.90.9.LP	REVISION	-
Revisions			



Broomfallen Road, Scotby

Site Layout Plan

DRAWN BY		SDM	DATE	03-04-2018
CHECKED BY				
		SCALE 1:1000@A3		
DRAWING NUMBER	SS0016.90.9.SP			
		REVISION		
		A		

Revisions

A	Site Layout amended Cycle track amended Kerr house types amended to Scott house types	10-10-18
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Tel 01229 590444

Brick Retaining wall

Brick High Wall
(1800mm high)

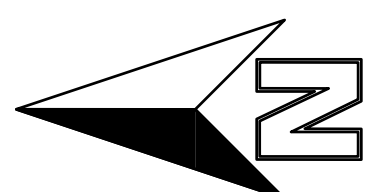
Timber Fence
(1800mm high)

Brick Wall

Stone Wall

Quoins

Reiver Crest



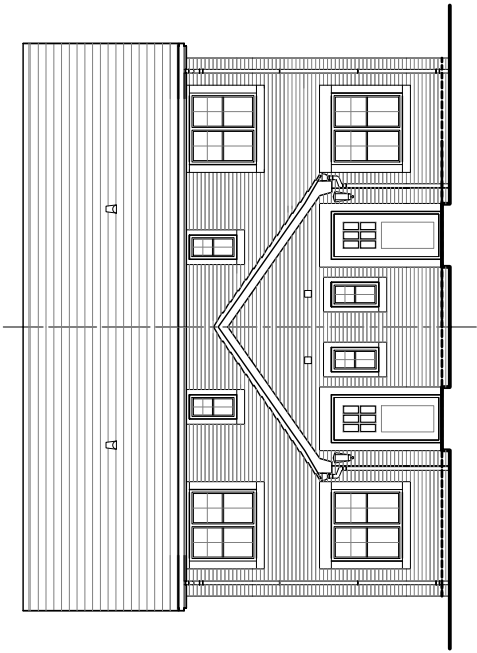
REIVERHOMES

Broomfallen Road, Scotby

Elevation and Boundary Treatments

DRAWN BY	SSM	DATE	05-04-2018
CHECKED BY		SCALE	1:1000000
DRAWING NUMBER	SS0016.90.9.TP	REVISION	A
Revisions			
A	Site Layout amended Cycle track amended Kerr houses types amended to Scott house types		10-10-18

Existing tree belt rationalised to enable garden extension and formation of new plot boundaries



House Type
(2 bed)

The Scott

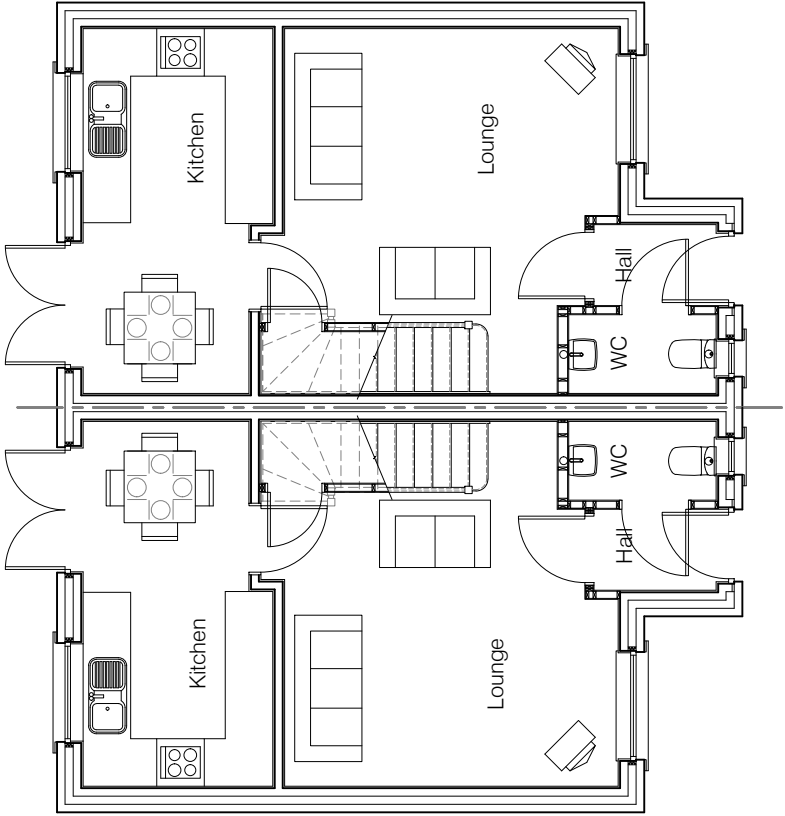
GF/FF 64.75 sq.m. (696.96 sq.ft.)

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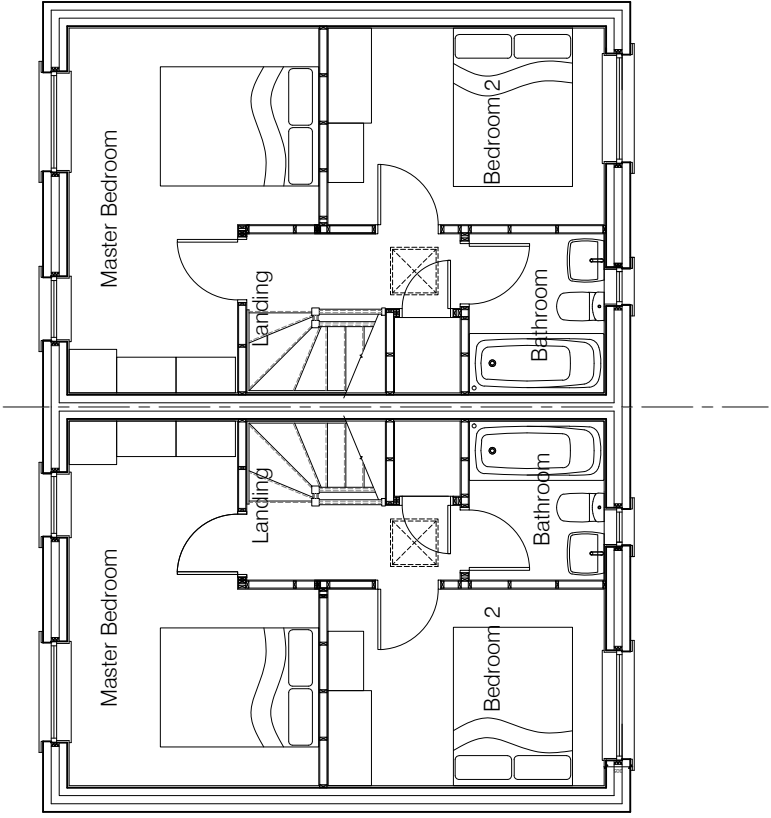
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

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Ground Floor Plan



First Floor Plan



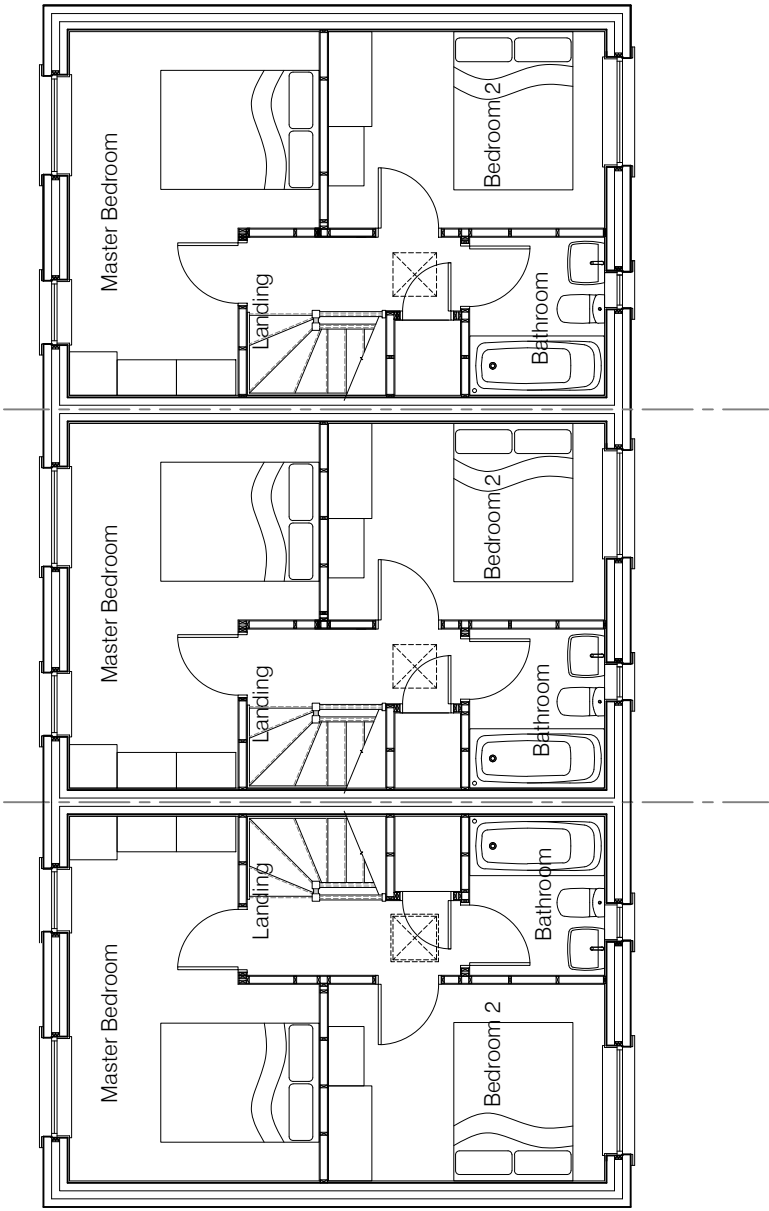
HOUSE TYPE

The Scott

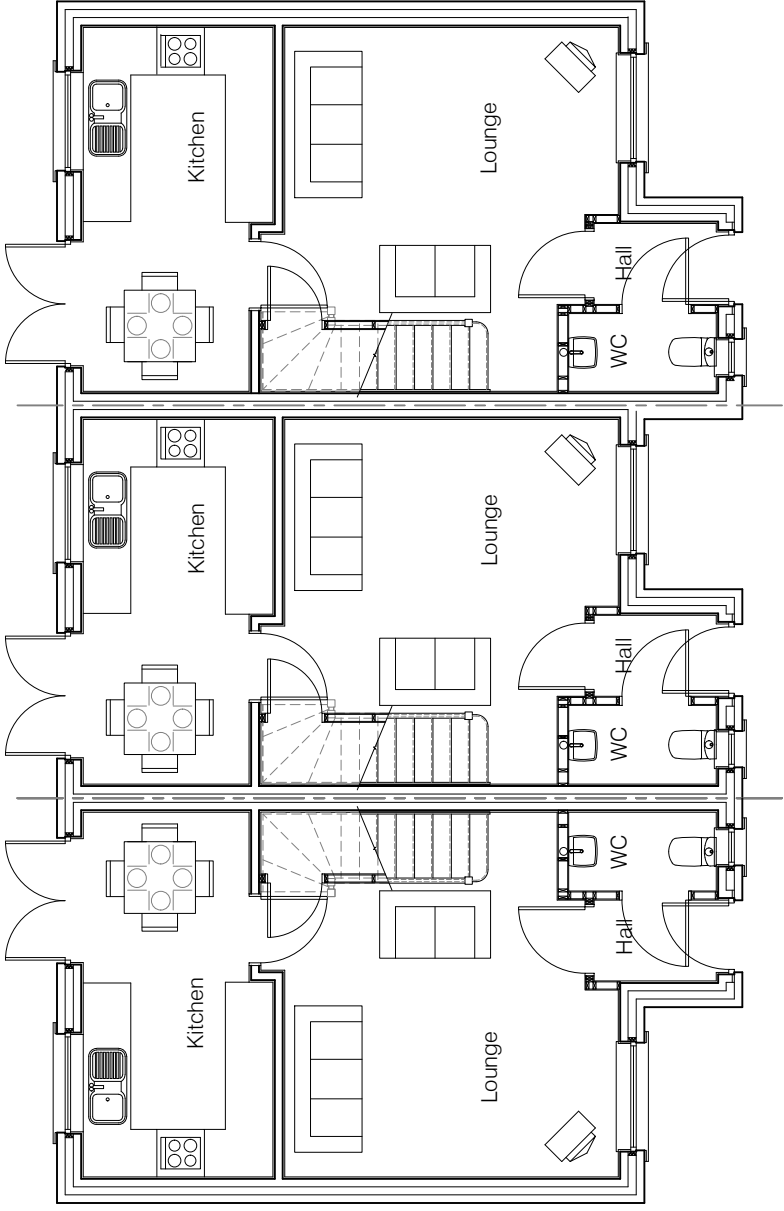
DRAWING

Planning Plans 1

DRAWN BY	CTM	DATE	09/09/2013
CHECKED BY	-	SCALE	1:100
ISSUE	DRAWING NUMBER	SCO - PLP1	REVISION
Revisions			



First Floor Plan



Ground Floor Plan



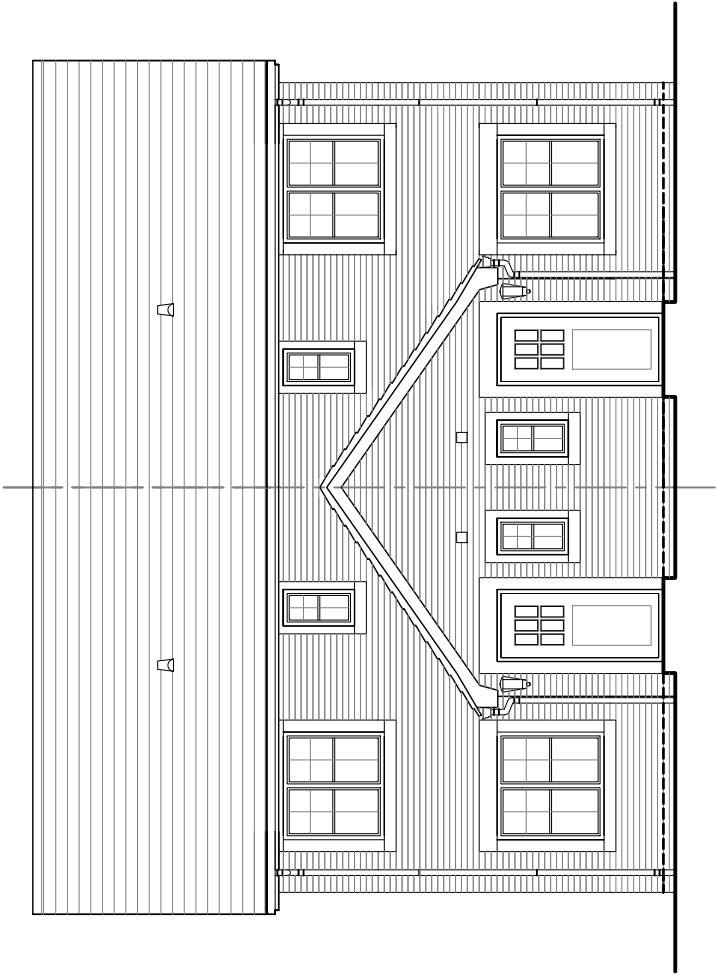
HOUSE TYPE

The Scott

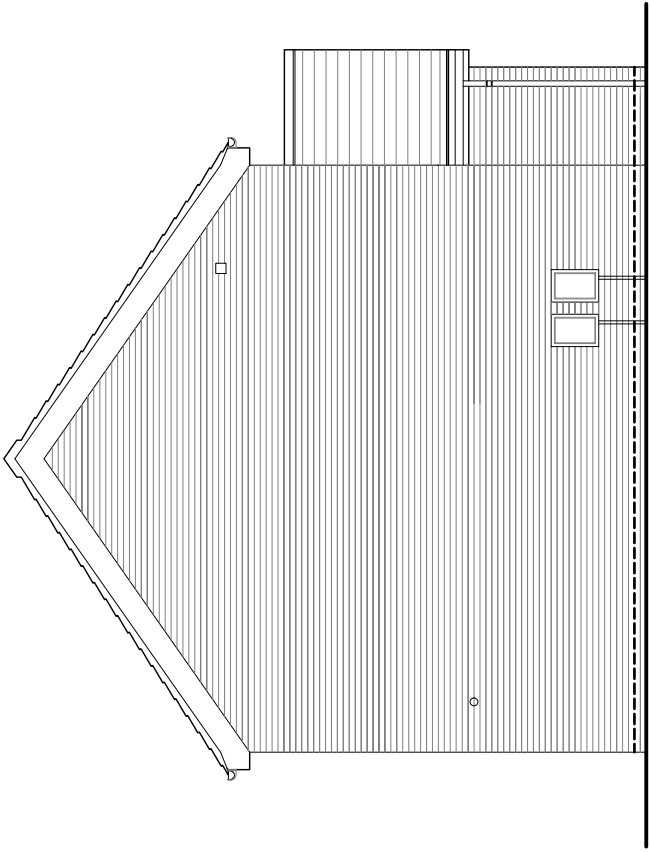
DRAWING

Planning Plans 3

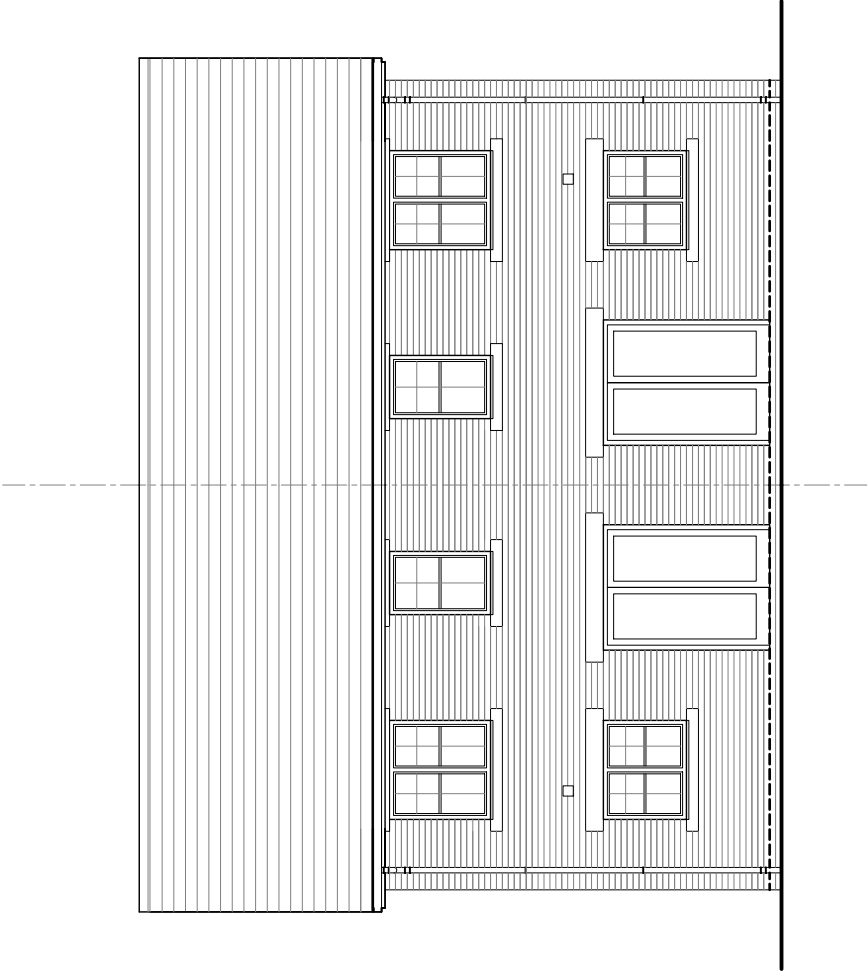
DRAWN BY	sdm	DATE	30/06/2017
CHECKED BY	-	SCALE	1:100
ISSUE	DRAWING NUMBER		
	SCO-PLP3		
Revisions		REVISION	



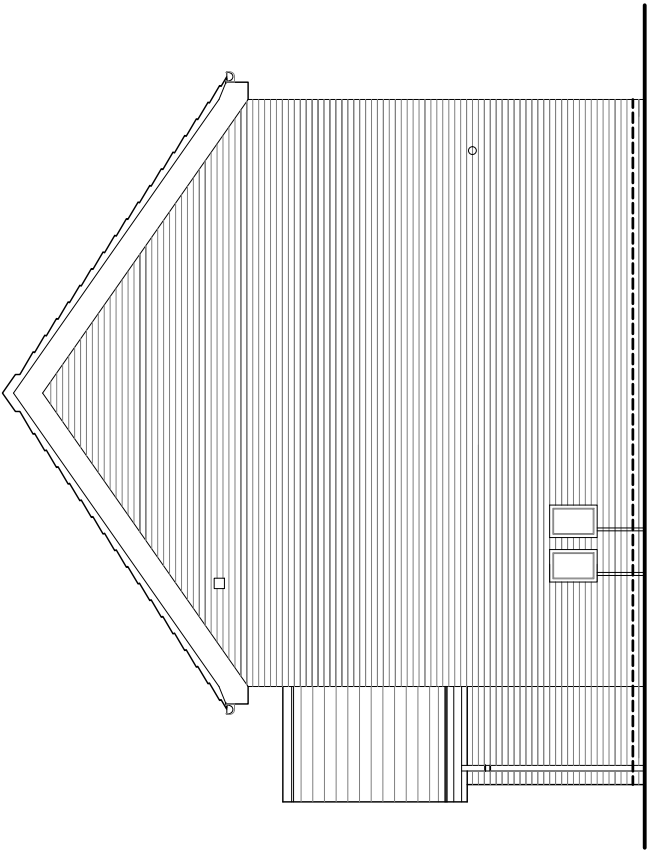
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



HOUSE TYPE

The Scott

DRAWING

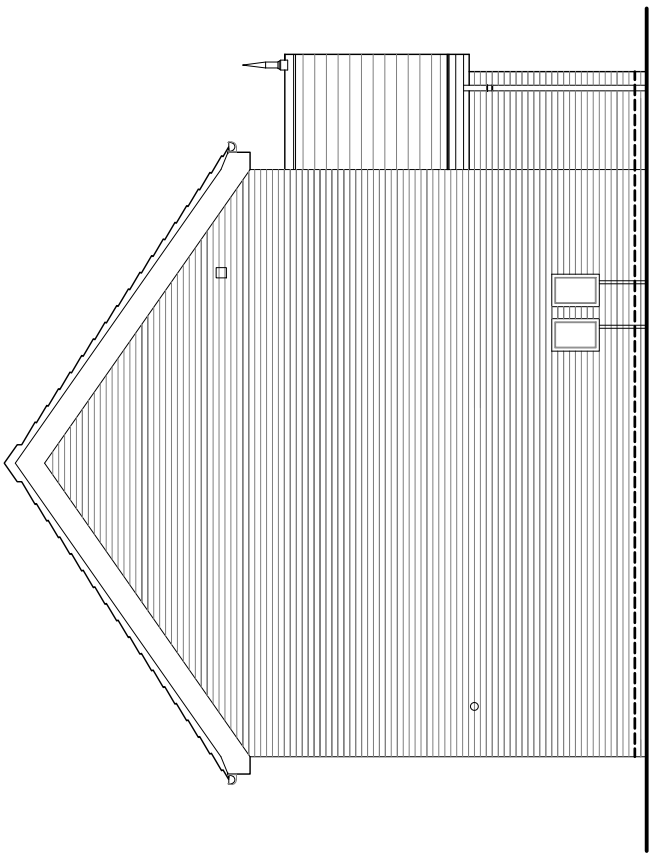
Planning Elevations 1/2

DRAWN BY	TAA	DATE	27/06/2017
CHECKED BY	-	SCALE	1:100
ISSUE	-	DRAWING NUMBER	SCO - PLE1/2
REVISION	-	REVISION	-

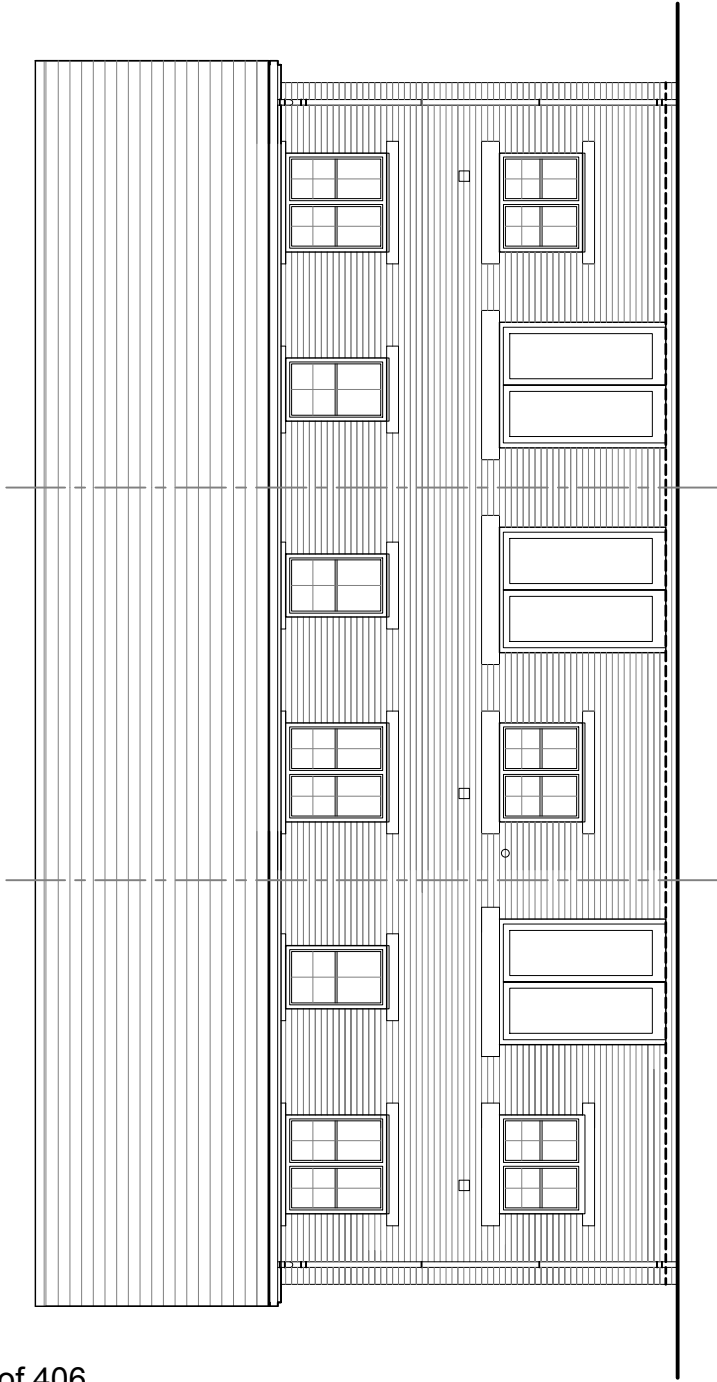
Revisions



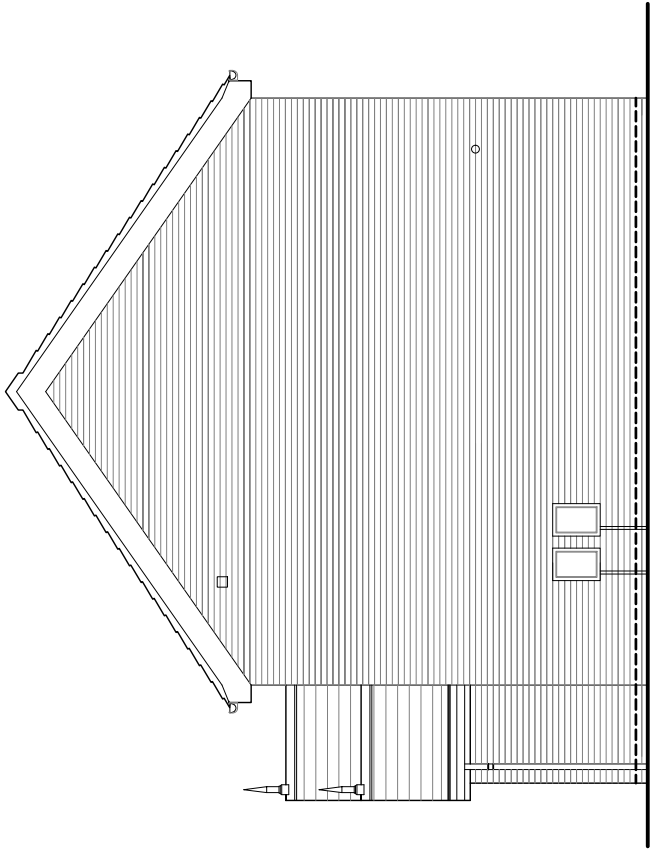
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



HOUSE TYPE

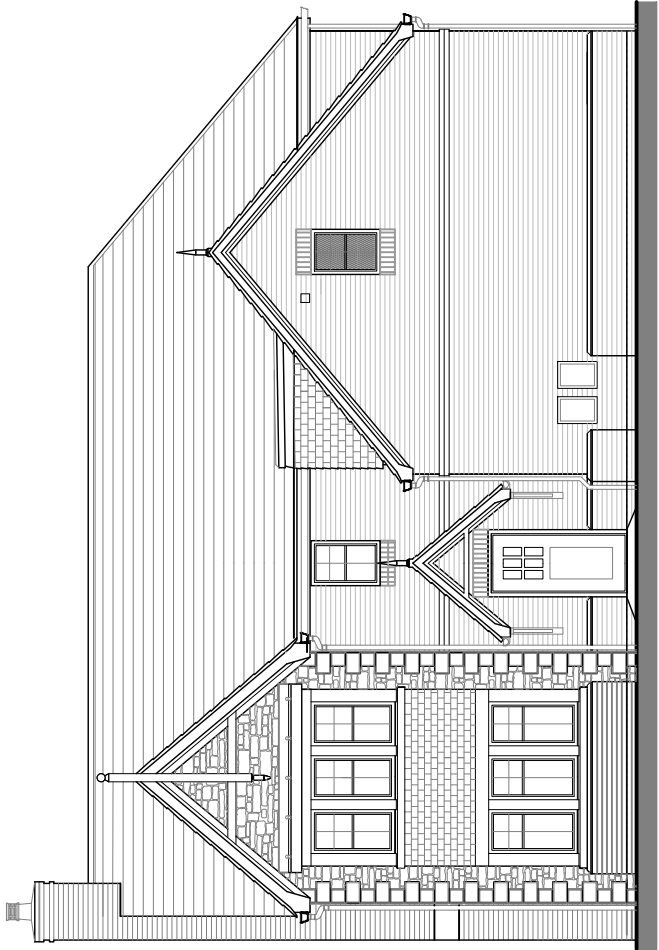
The Scott

DRAWING

Planning Elevations 1/5

DRAWN BY	TAA	DATE	10/02/2017
CHECKED BY	-	SCALE	1:100
ISSUE	DRAWING NUMBER	SCO - PLE1/5	REVISION

Revisions



House Type

The Graham

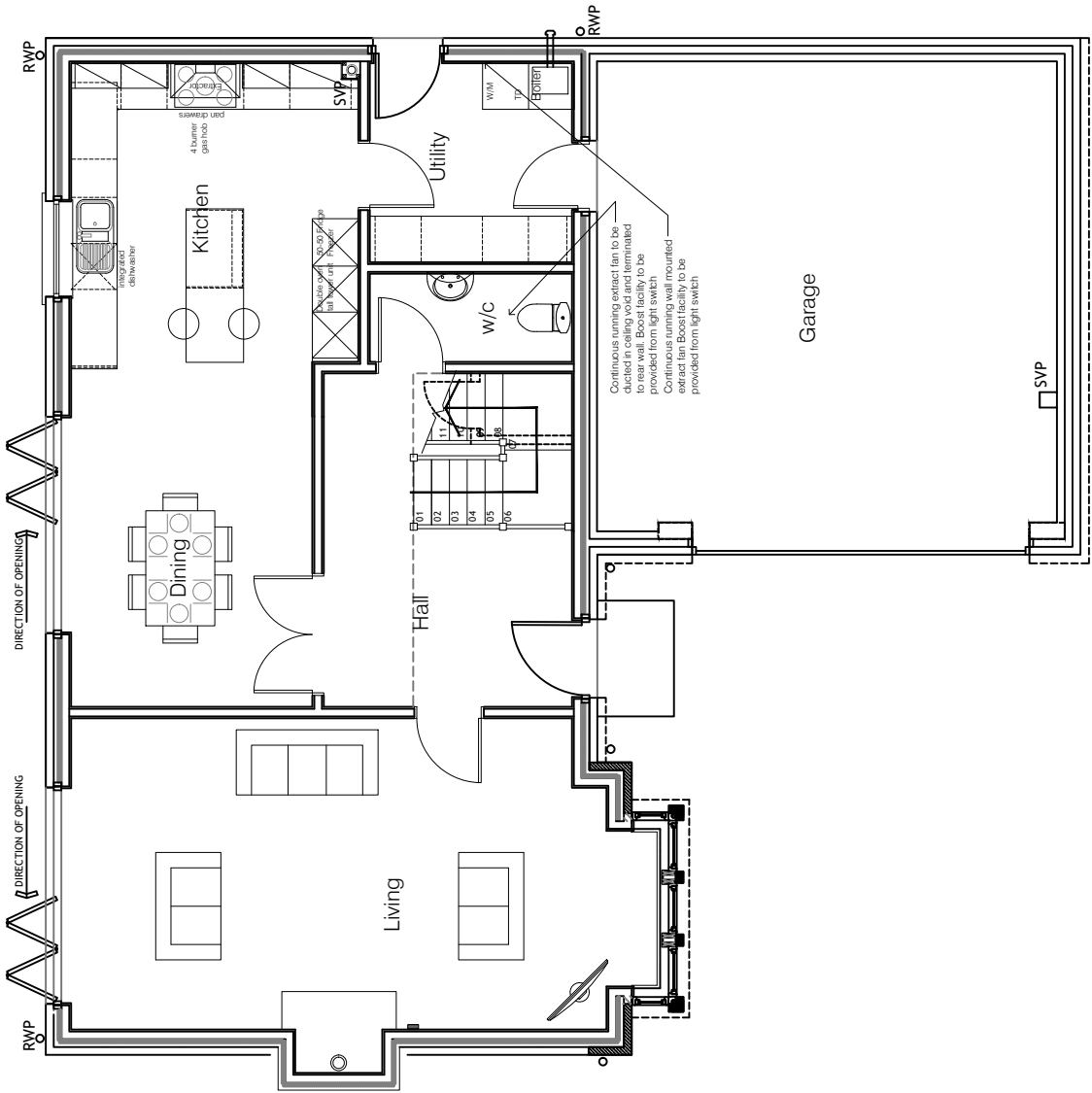
GF/FF 196.73 sq.m. (2117.48 sq.ft.).
Garage 36.17 sq.m. (389.33 sq.ft.).

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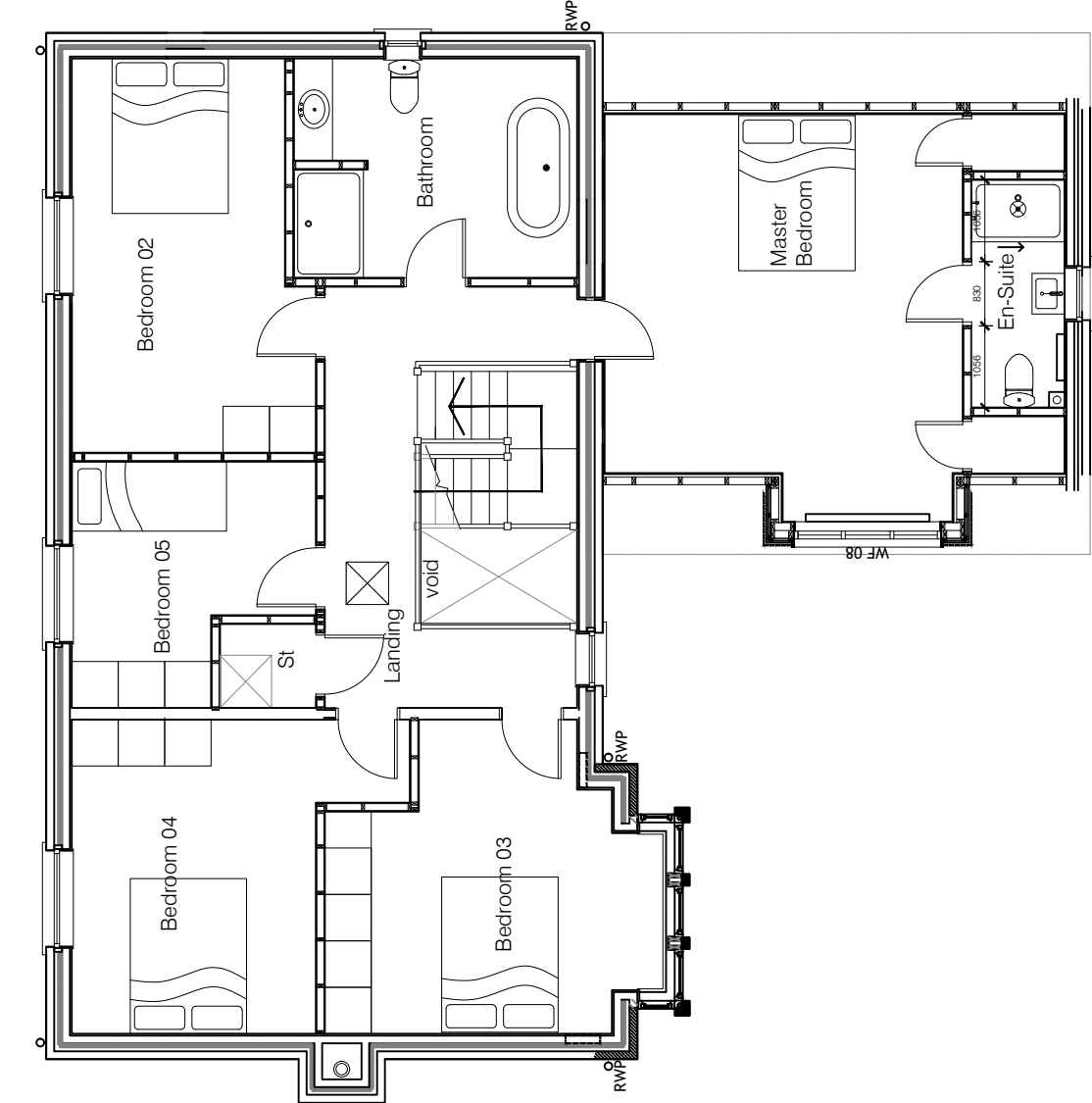
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

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Ground Floor Plan



First Floor Plan

REIVERHOMES

HOUSE TYPE

GRAHAM

Planning Plans 1

DRAWING

DRAWN BY sdm DATE 19.07.16

CHECKED BY - SCALE 1:100

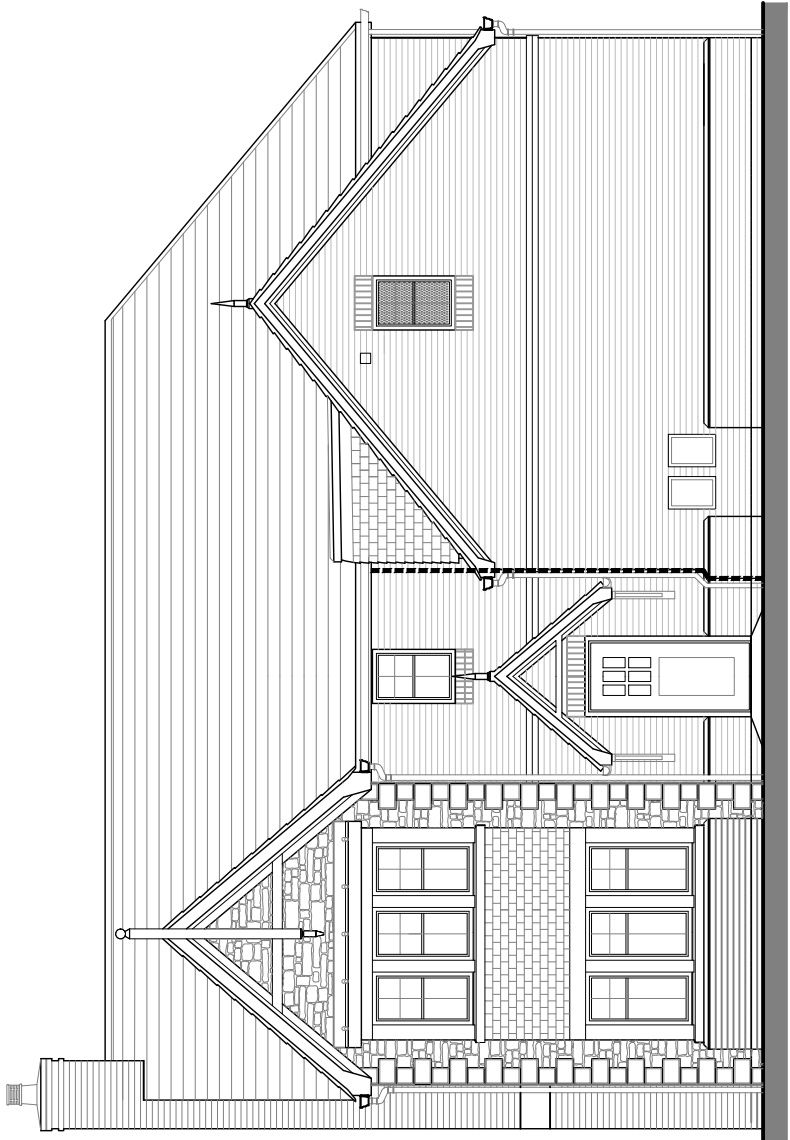
ISSUE - DRAWING NUMBER GRA-PLP1 REVISION

Revisions

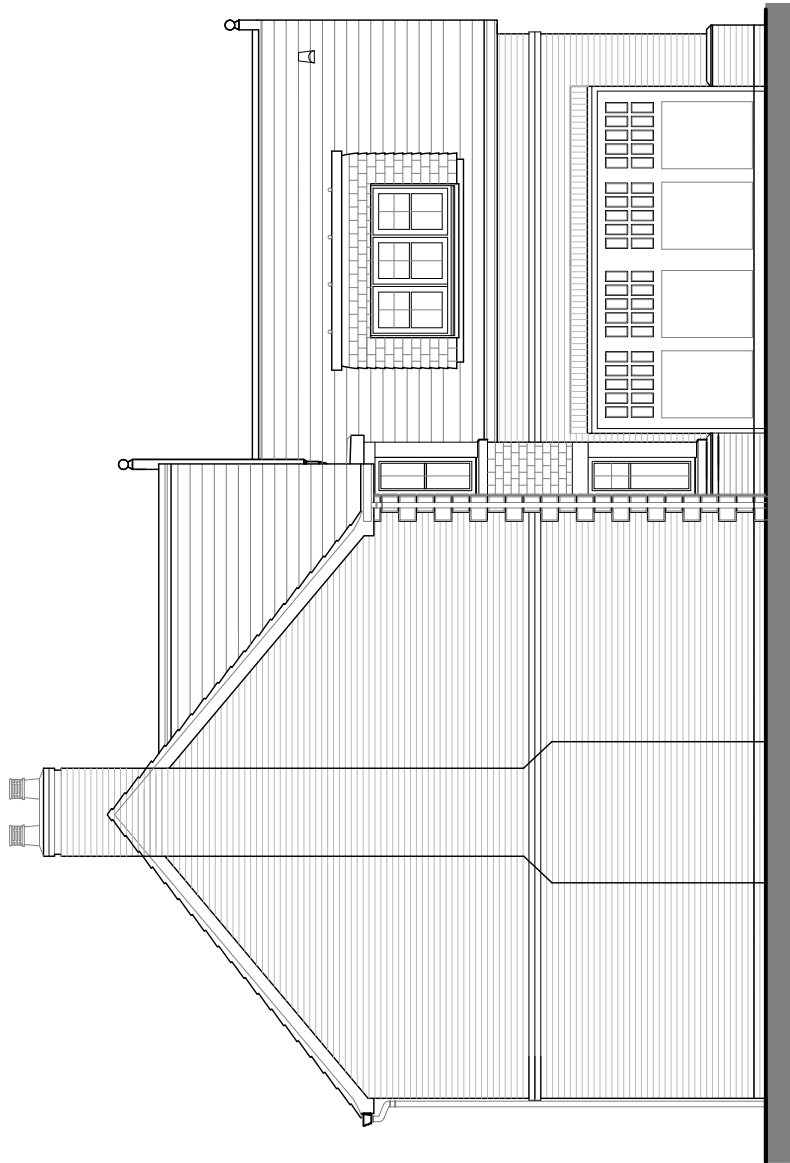
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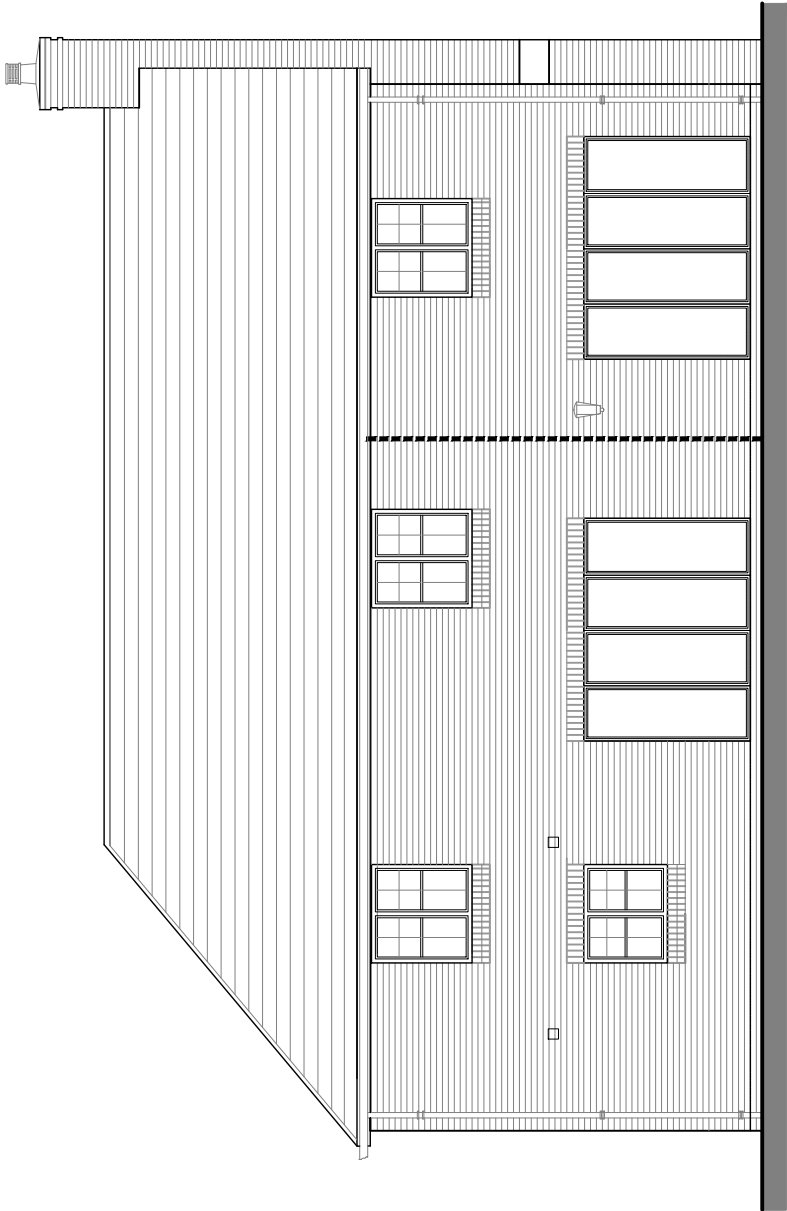
Tel 01228 590444 Fax 01228 593359



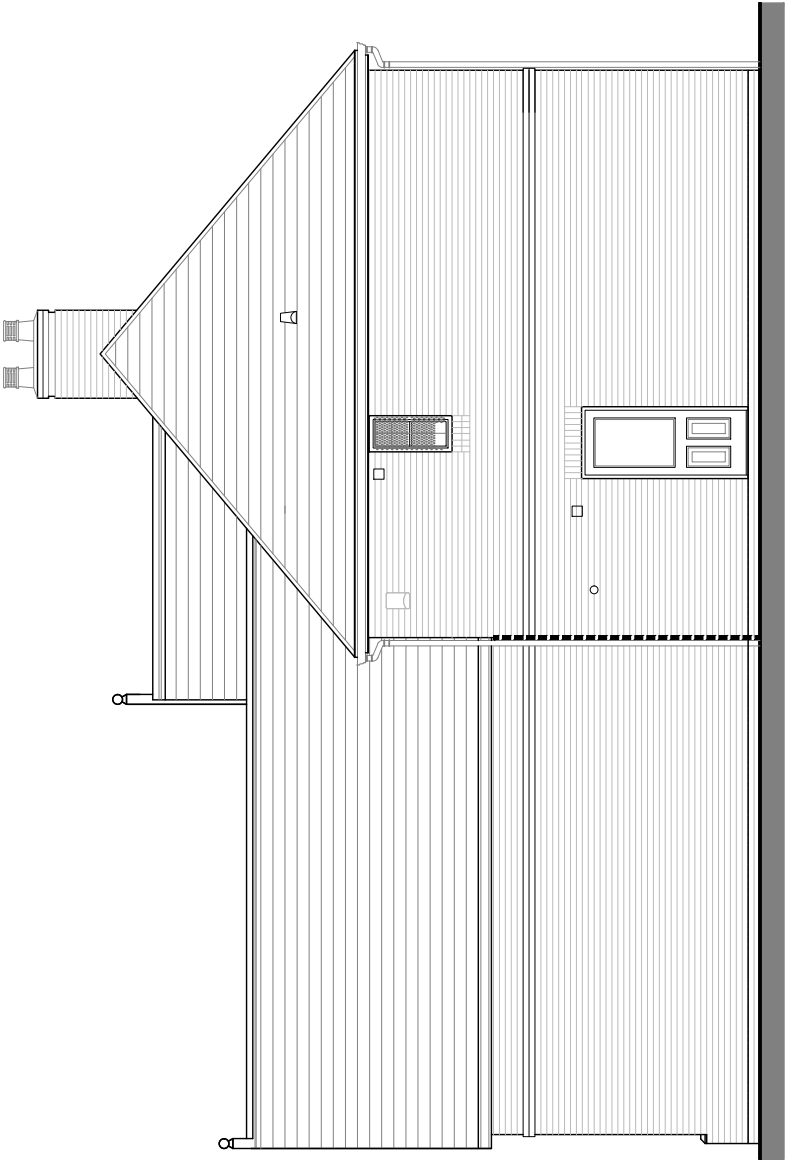
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



HOUSE TYPE

GRAHAM

DRAWING

Planning Elevations 1/1

DRAWN BY	sdm	DATE	19.07.16
CHECKED BY	-	SCALE	1:100
ISSUE	-	DRAWING NUMBER	GRA-PLE1/1
		REVISION	

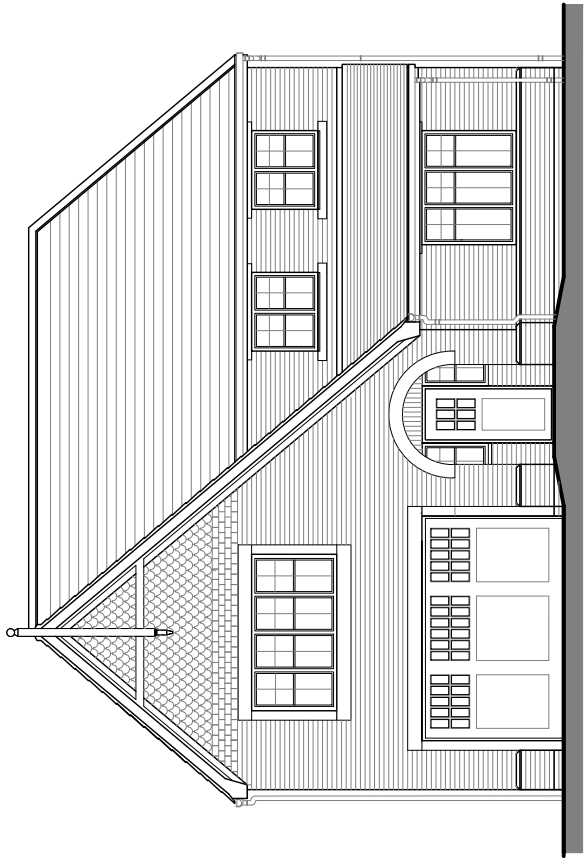
Revisions

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House Type

The Glenderning

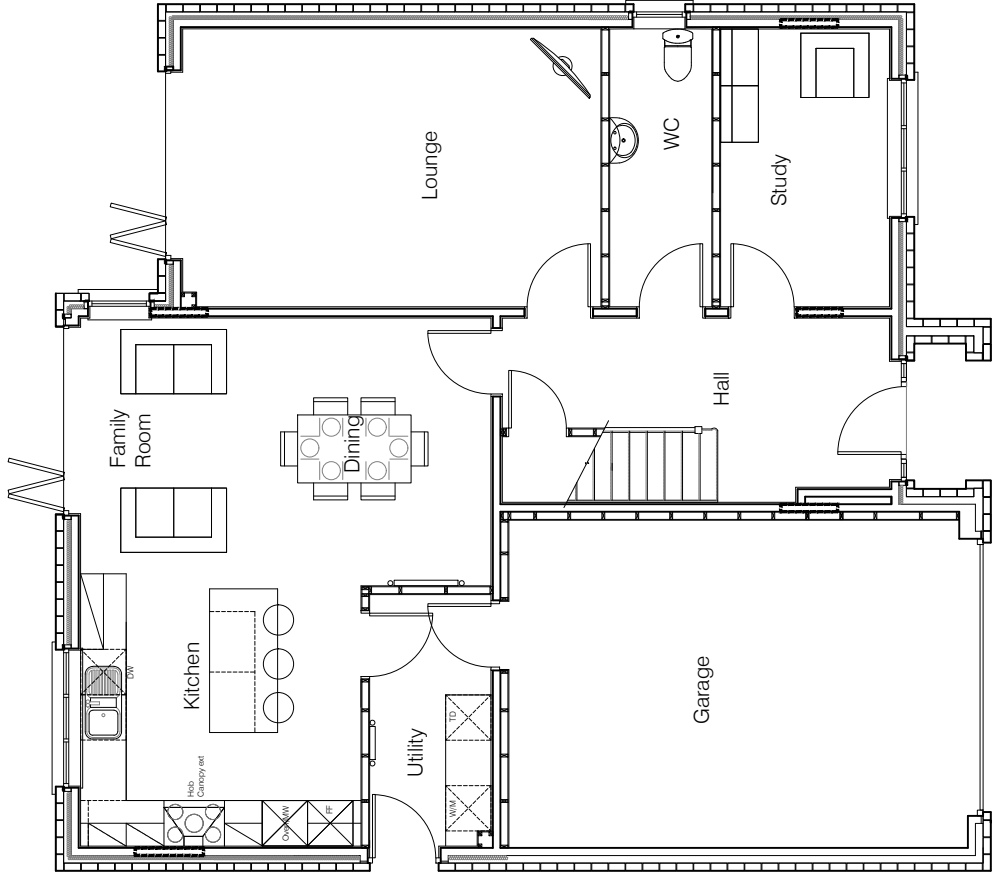
GF/FF 183.82 sq.m. (1978.62 sq.ft.).
Garage 26.29 sq.m. (282.98 sq.ft.).

© **Reiver Homes.**

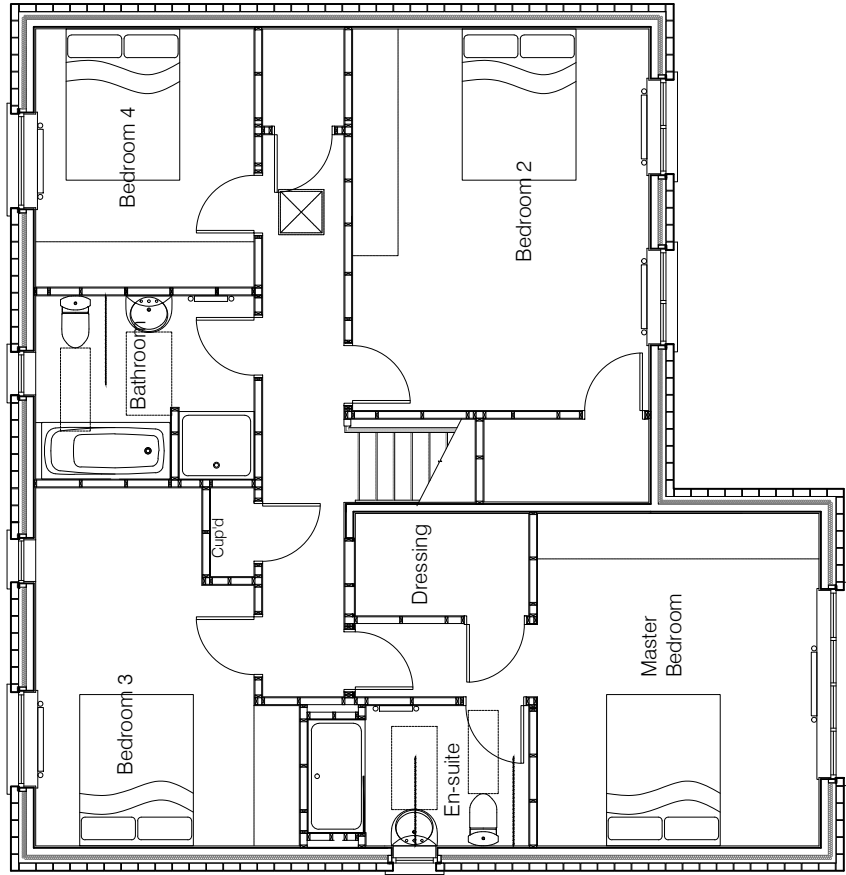
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

Tel 01228 640850

Fax 01228 640851



Ground Floor



First Floor



HOUSE TYPE

GLENDENNING

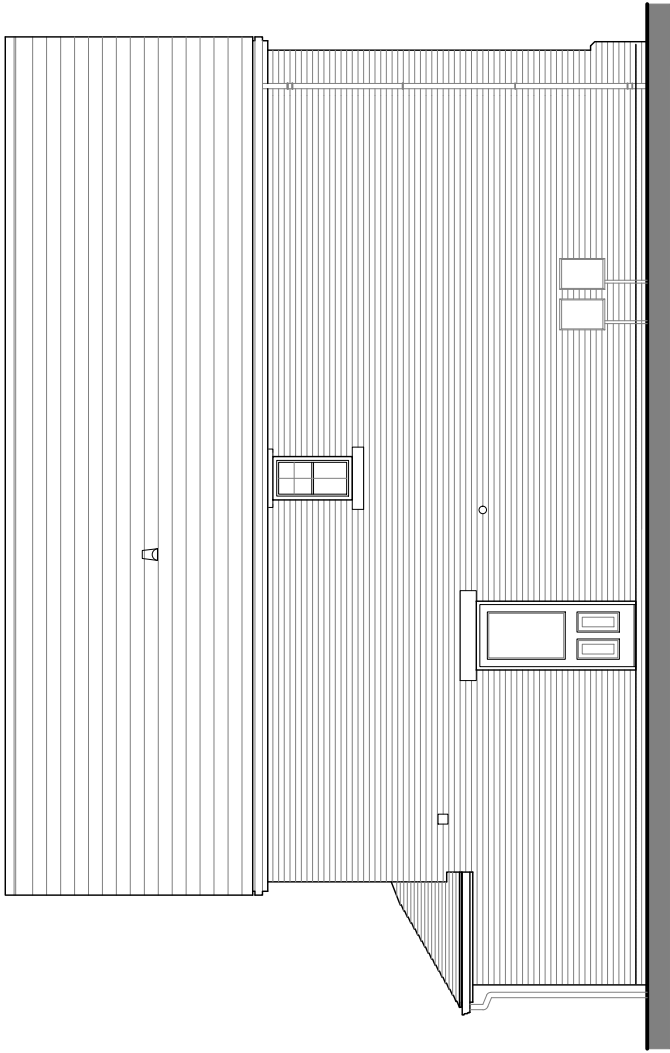
DRAWING

Planning Plans 1

DRAWN BY	sdm	DATE	19.07.16
CHECKED BY	-	SCALE	1:100
ISSUE	-	DRAWING NUMBER	GLE-PLP1
		REVISION	
Revisions			



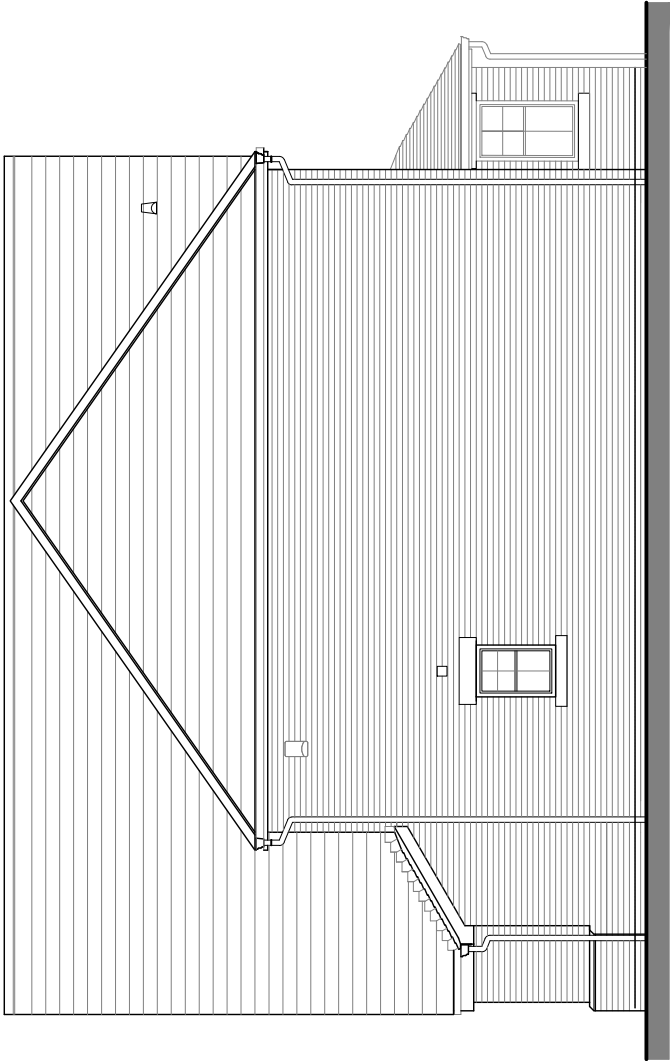
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



HOUSE TYPE

GLENDENNING

DRAWING

Planning Elevations 1/3

DRAWN BY sdm DATE 19.07.16

CHECKED BY - SCALE 1:100

ISSUE DRAWING NUMBER GLE-PL1/3 REVISION

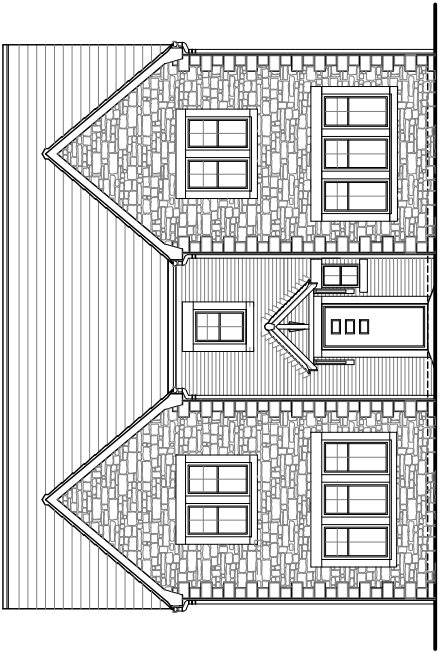
Revisions

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Tel 01228 590444

Fax 01228 593359



House Type

The Armstrong V2

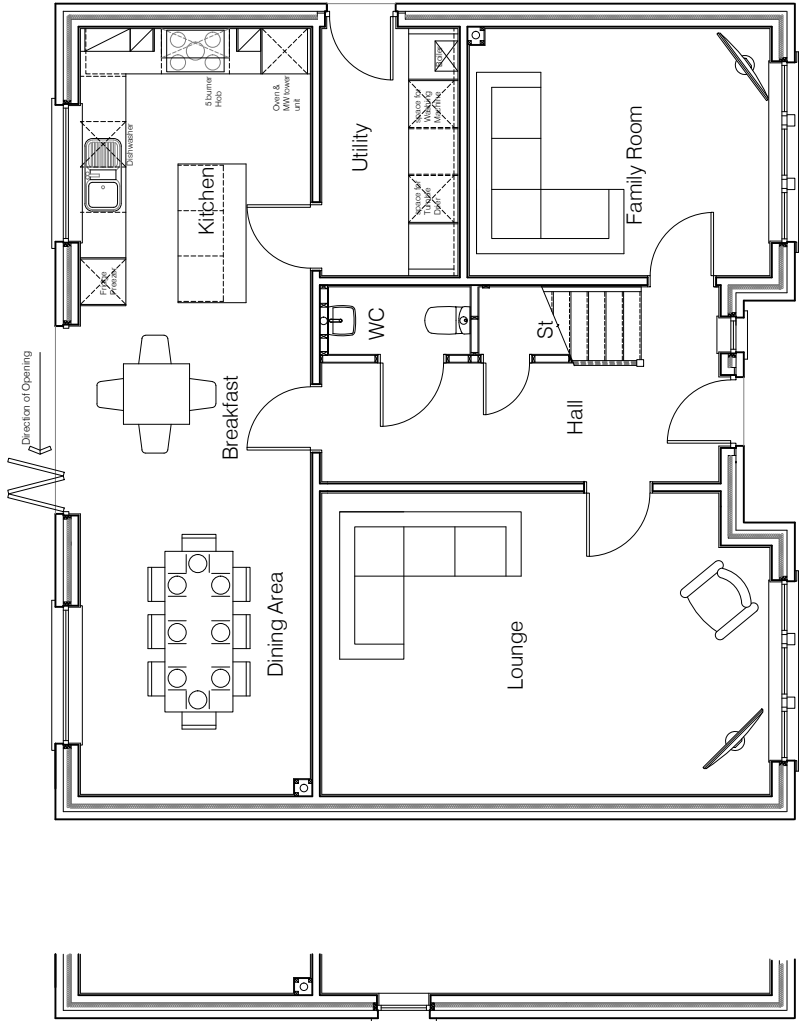
GF/FF 179.63 sq.m. (1933 sq.ft.)

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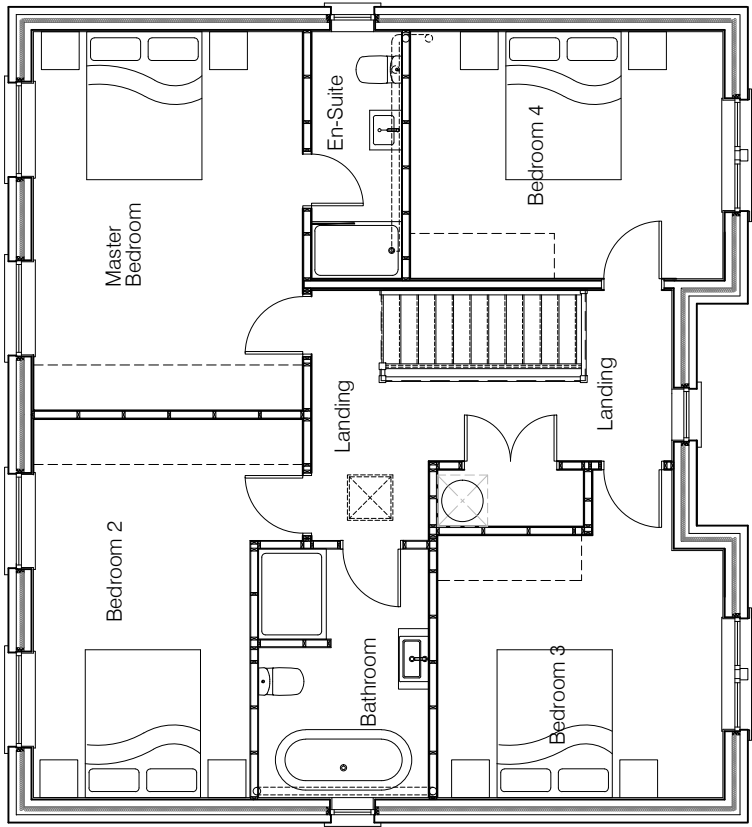
Tel 01228 640850

Fax 01228 640851



Note:
Gable window required on
specific plots only - please refer to
site layout for plot designations.

Ground Floor Plan



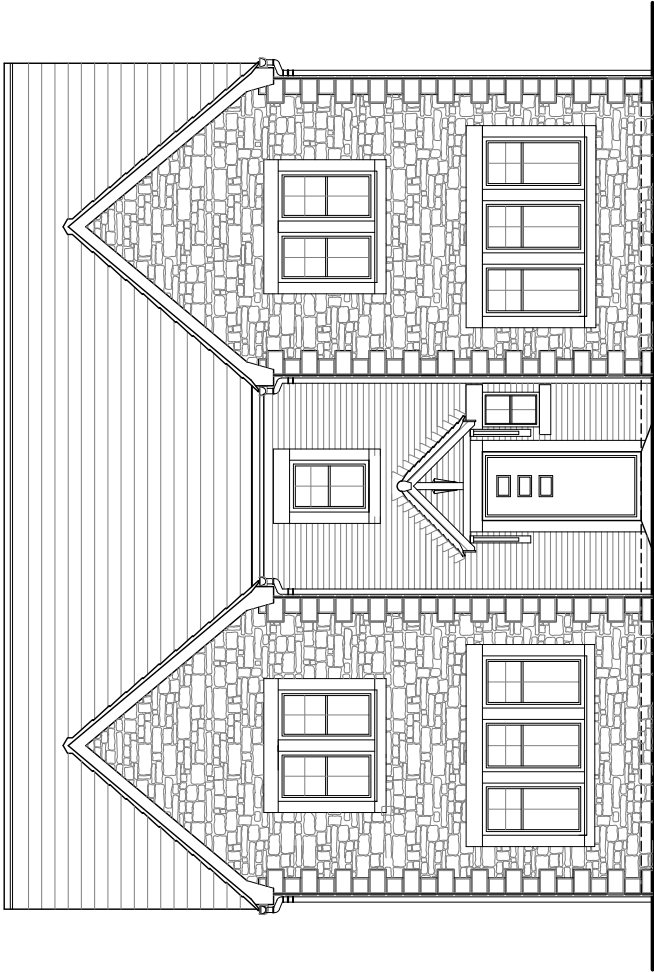
First Floor Plan



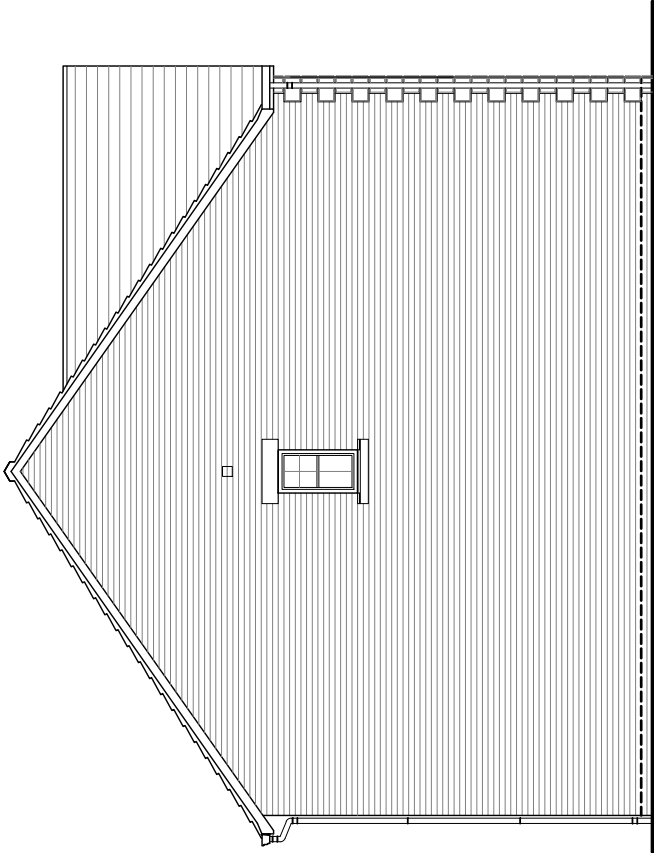
HOUSE TYPE
The ARMSTRONG

DRAWING
Planning Plans 1

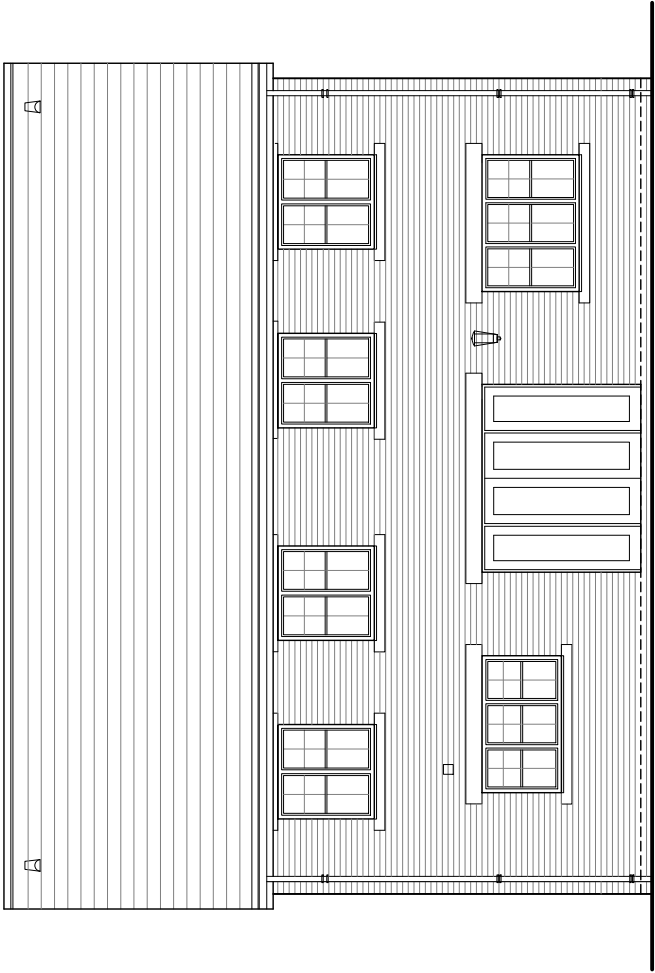
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ISSUE	DRAWING NUMBER	REVISION	
(V2)	ARM - PLP1		
Revisions			



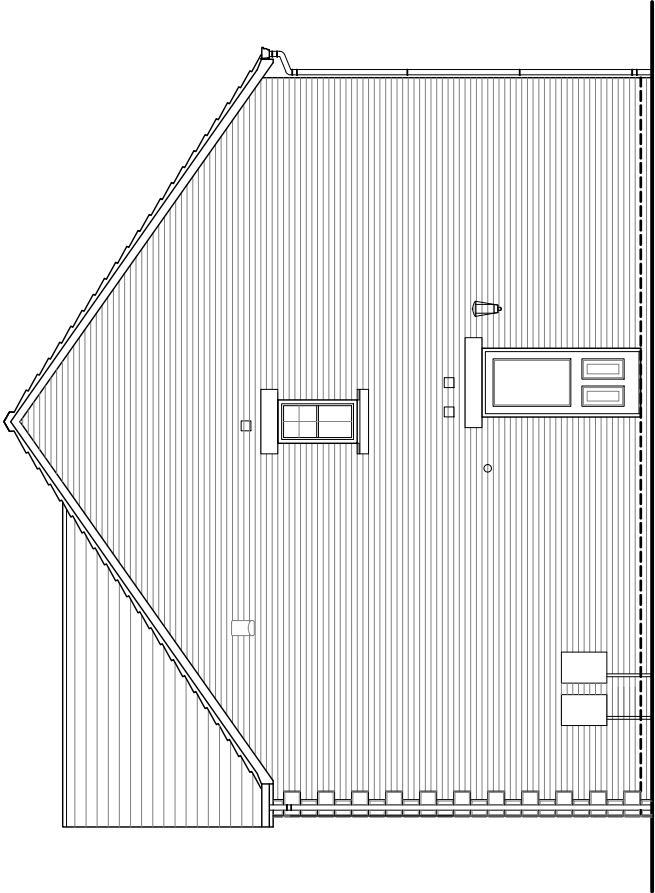
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



HOUSE TYPE

The ARMSTRONG

DRAWING

Planning Elevations 1/2

DRAWN BY	scdm	DATE	12/04/2017	SCALE	1:100	REVISION
CHECKED BY						
ISSUE	(V2)	DRAWING NUMBER	ARM - PLE1/2			
Revisions						

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House Type

The Routledge

GF/FF 168.18 sq.m. (1810.28 sq.ft.)
Garage 18.79 sq.m. (202.25 sq.ft.)

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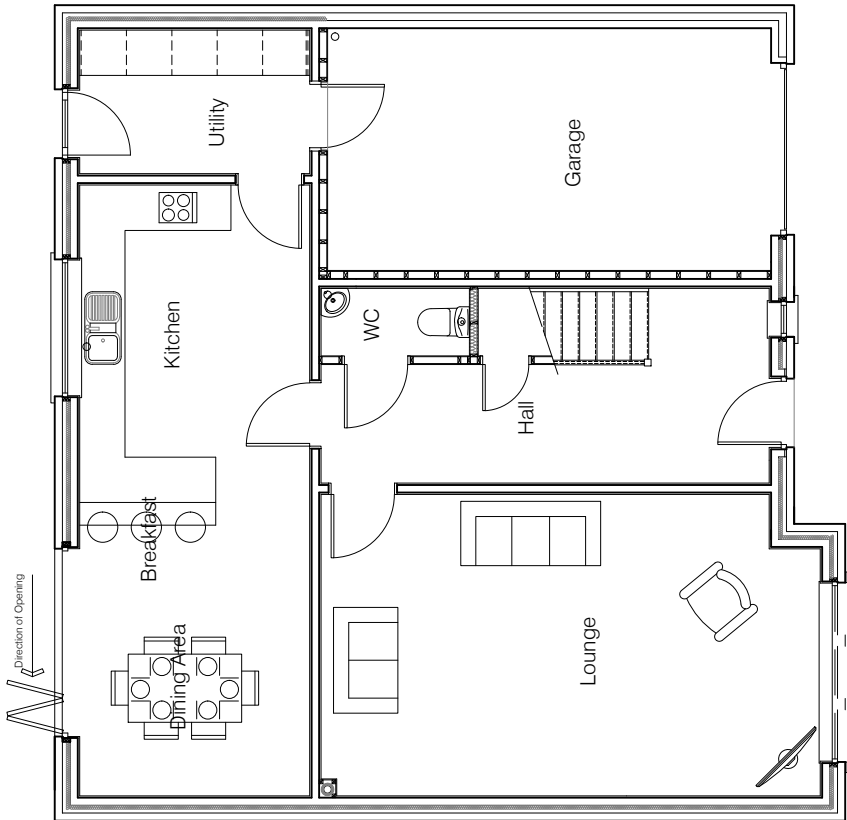
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

Tel 01228 640850

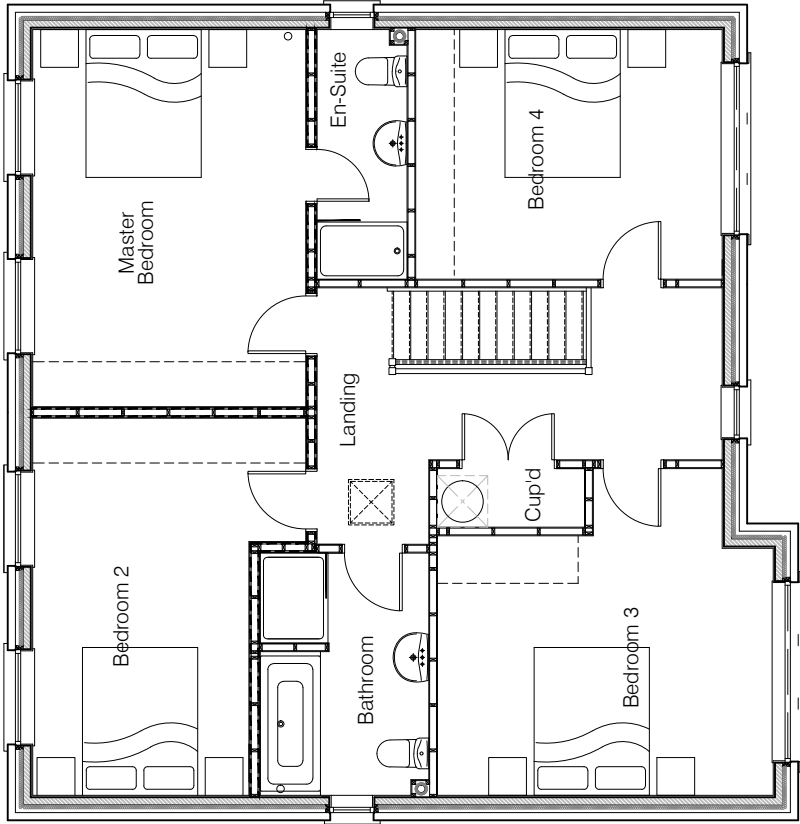
Fax 01228 640851




Note:
Gable window required on
specific plots only - please refer to
site layout for plot designations.



Ground Floor Plan



First Floor Plan

REIVERHOMES

HOUSE TYPE

The ROUTLEDGE

DRAWING

Planning Plans 1

DRAWN BY	scdm	DATE	12/04/2017
CHECKED BY	-	SCALE	1:100
ISSUE	DRAWING NUMBER	REVISION	
(v1)	ROU - PLP1	-	
Revisions			

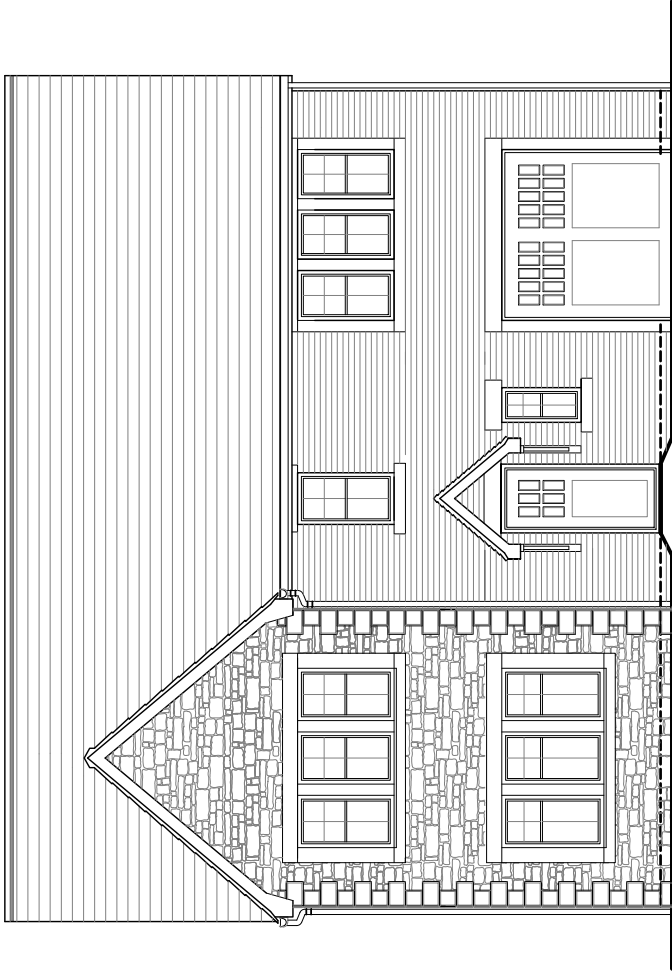
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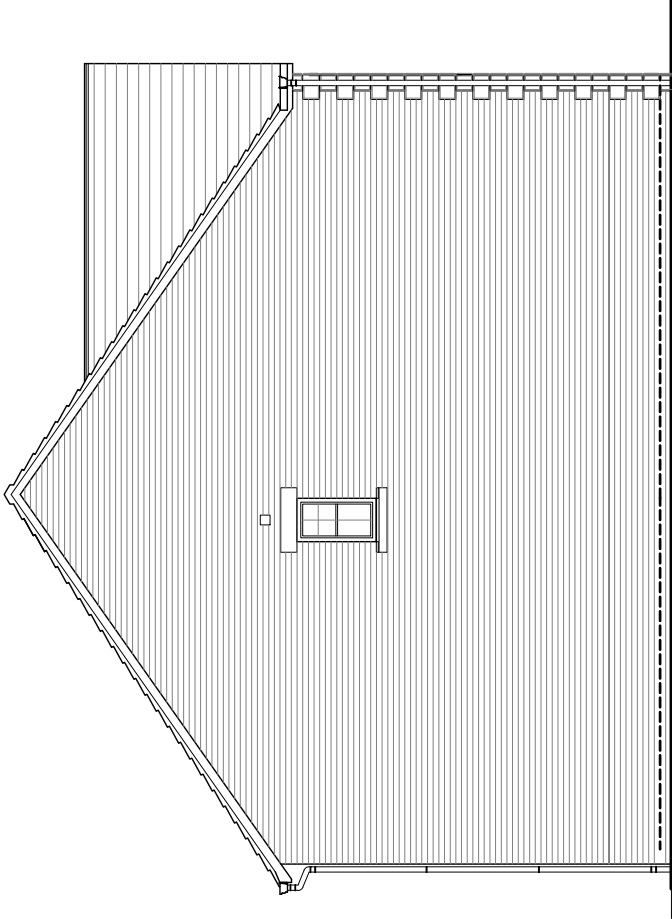
Burgh Road Industrial Estate, Carlisle, Cumbria, CA2 7NA

Tel 01228 590444

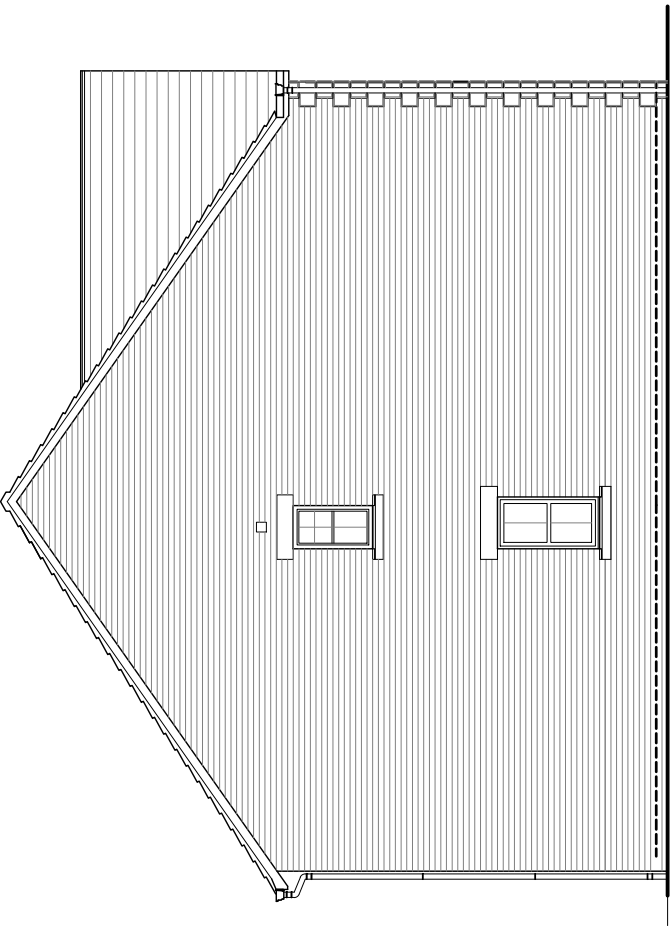
Fax 01228 593359



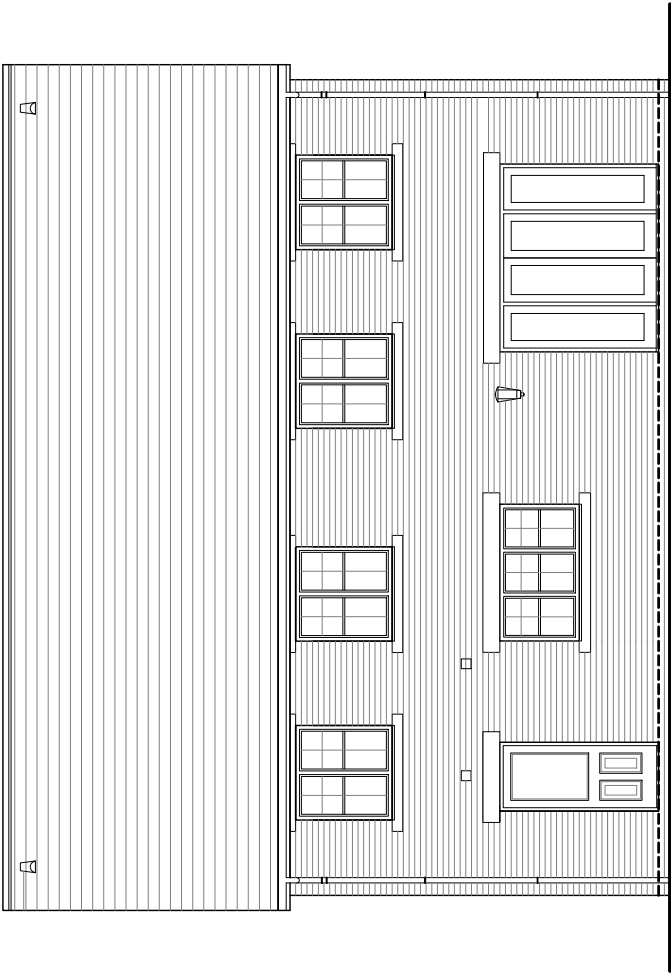
Front Elevation



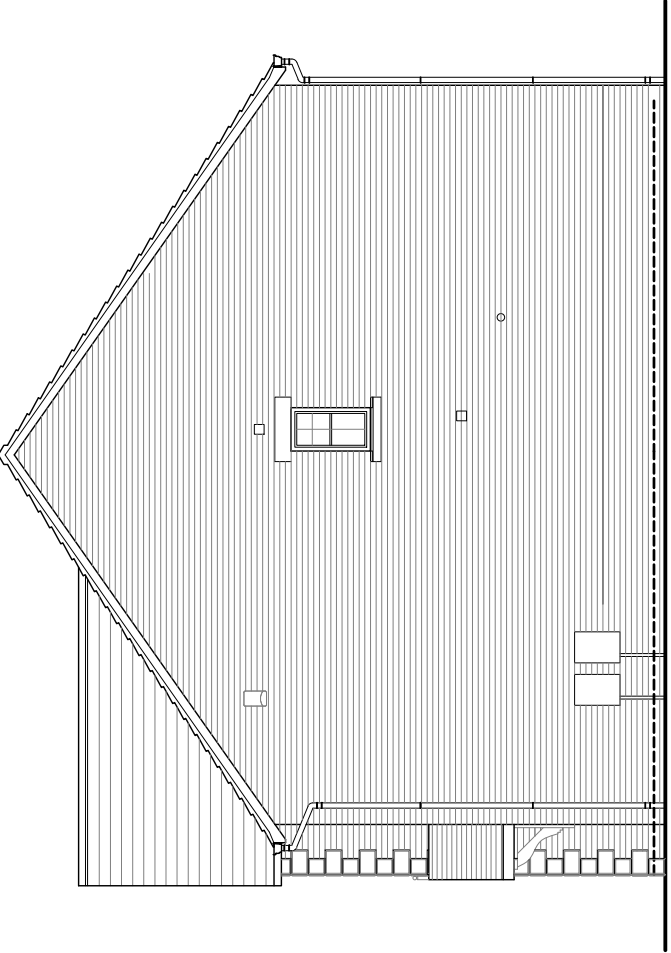
Side Elevation



Alternative Side Elevation
(Feature gables only - refer to site layout for plot designations)



Rear Elevation



Side Elevation



HOUSE TYPE

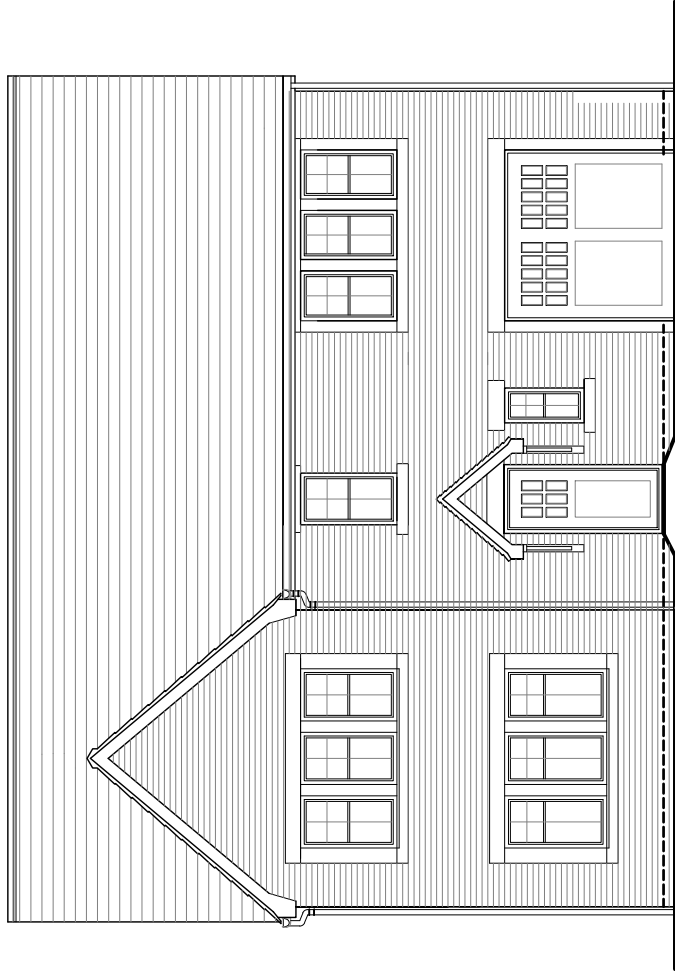
ROUTLEDGE

DRAWING

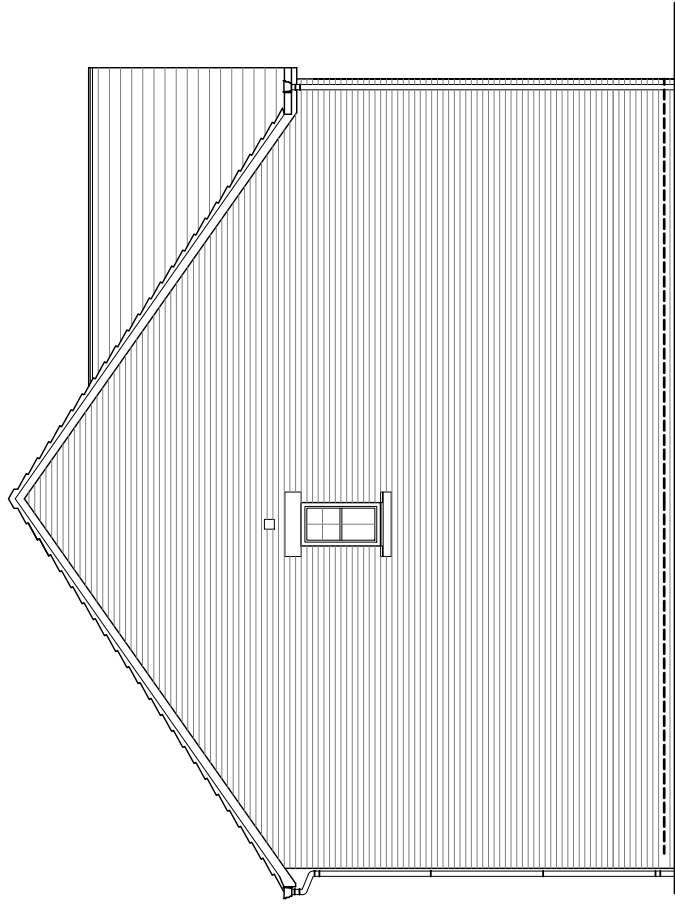
Planning Elevations 1/1

DRAWN BY	TAA	DATE	27.07.17
CHECKED BY	-	SCALE	1:100
ISSUE	DRAWING NUMBER	REVISION	
-	ROU - PLE1/1	-	

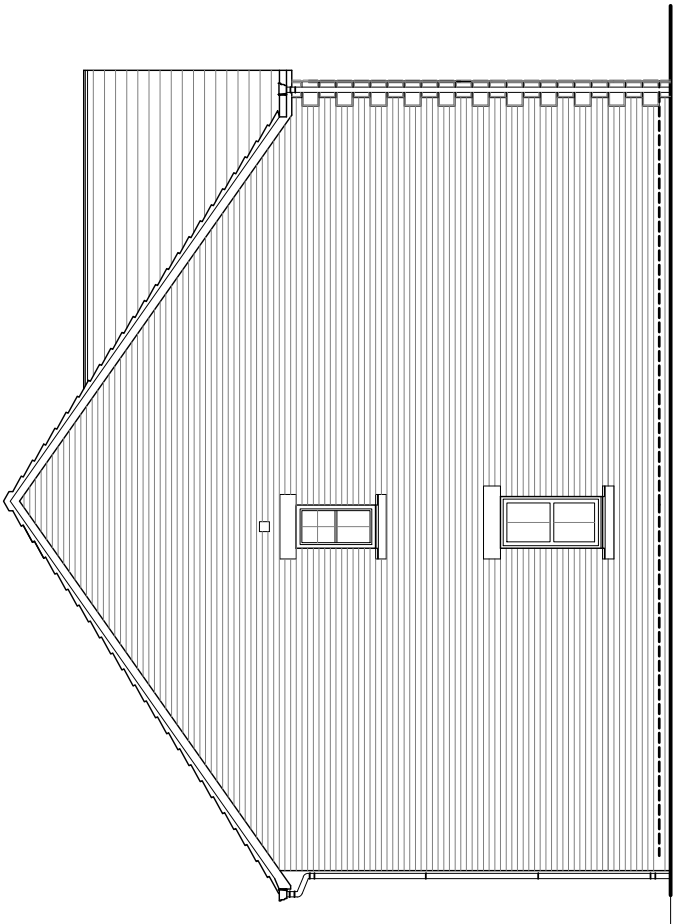
Revisions



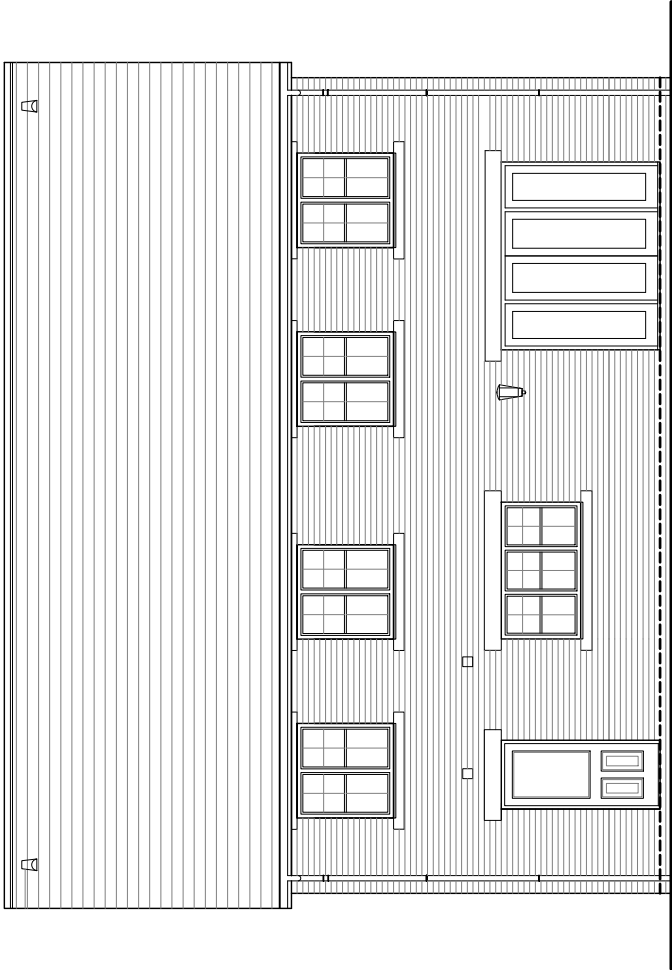
Front Elevation



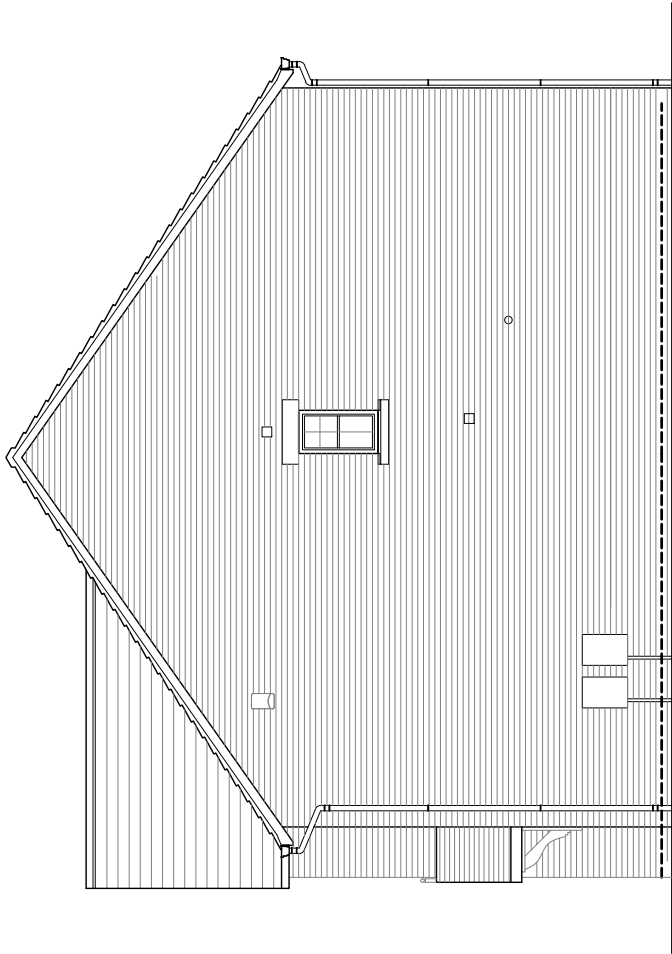
Side Elevation



Alternative Side Elevation
(Feature gables only - refer to site layout for plot designations)



Rear Elevation



Side Elevation



HOUSE TYPE

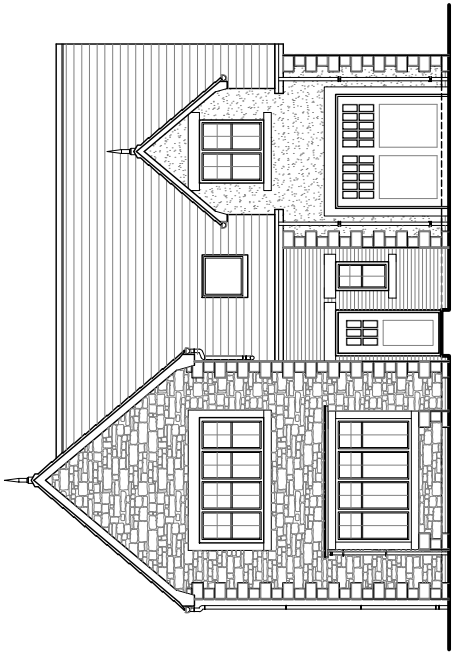
ROUTLEDGE

DRAWING

Planning Elevations 1/6

DRAWN BY	TAA	DATE	27.07.17
CHECKED BY	-	SCALE	1:100
ISSUE	DRAWING NUMBER	REVISION	
-	ROU - PLE1/6	-	

Revisions

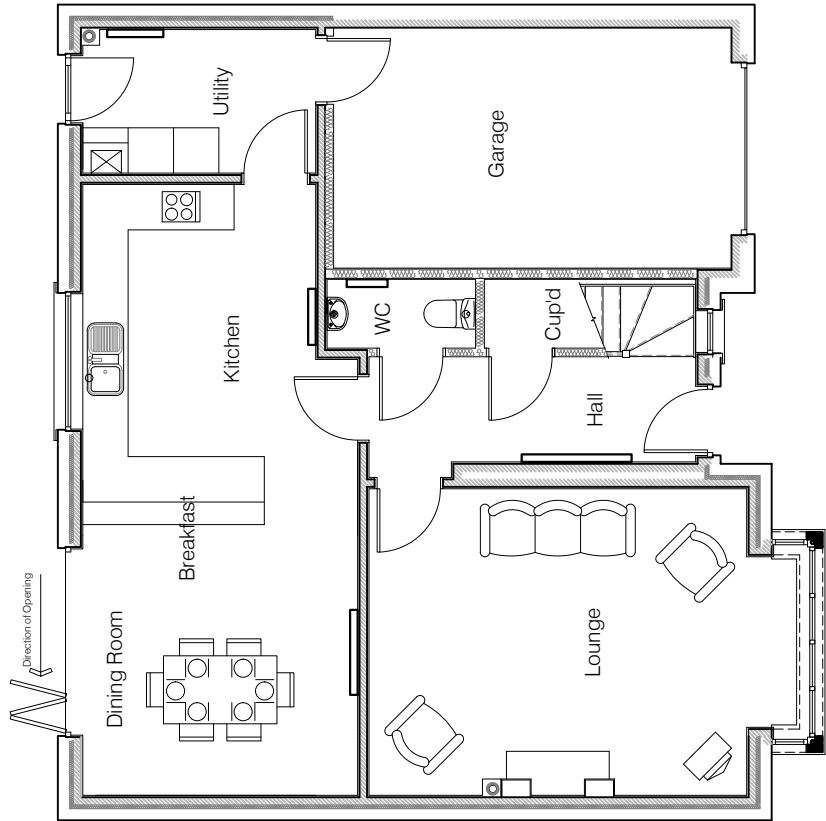


House Type

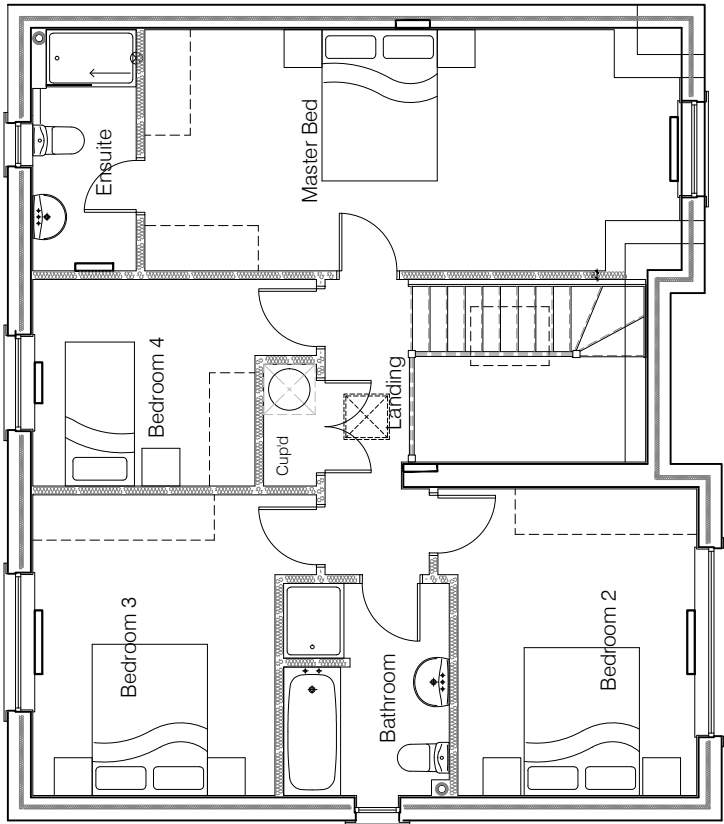
The Johnstone

GF/FF 149.23 sq.m. (1606.3 sq.ft.)
GAR 16.74 sq.m. (180.19 sq.ft.)

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Ground Floor Plan



First Floor Plan



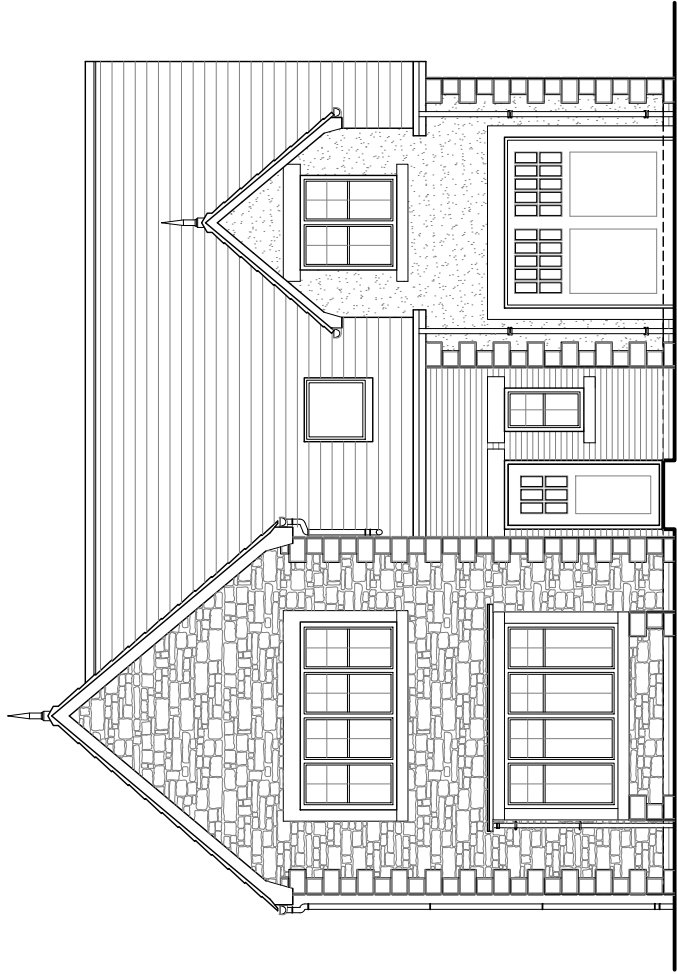
HOUSE TYPE

The Johnstone

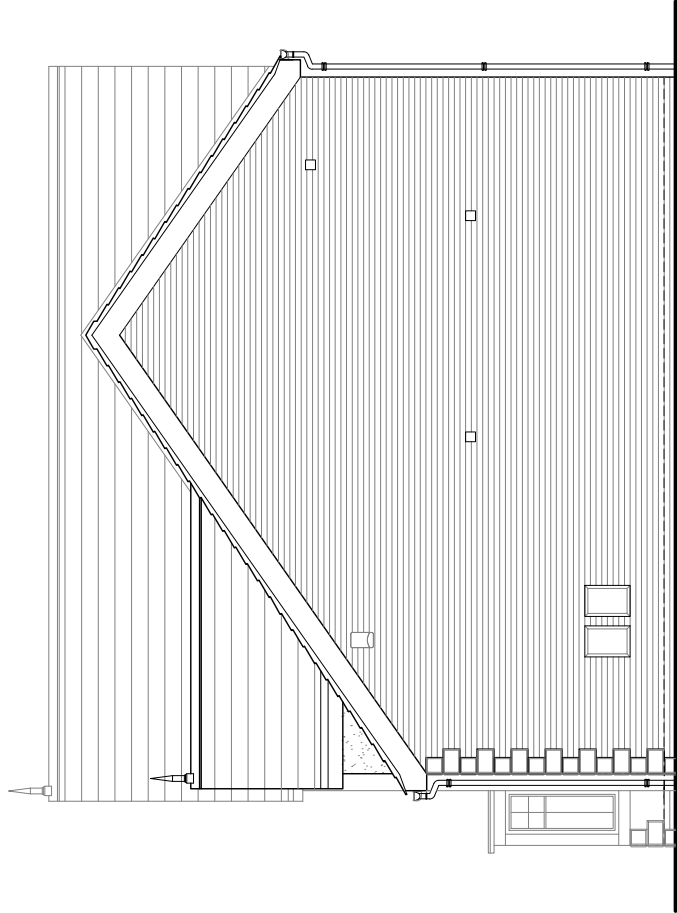
DRAWING

Planning Plans 1

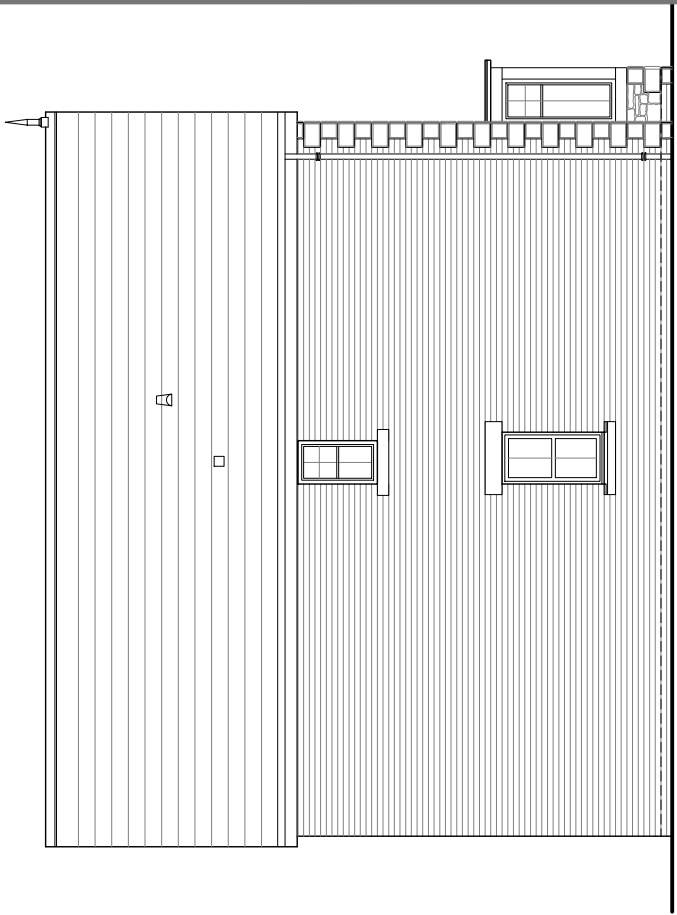
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ISSUE	DRAWING NUMBER	JOH - PLP1	REVISION
Revisions			



Front Elevation

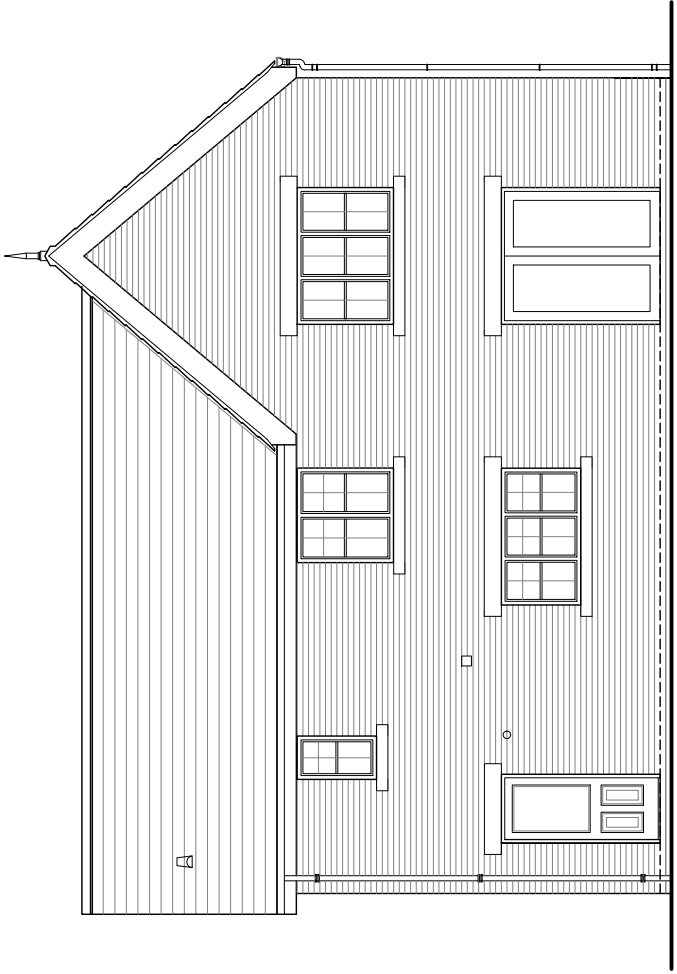


Side Elevation

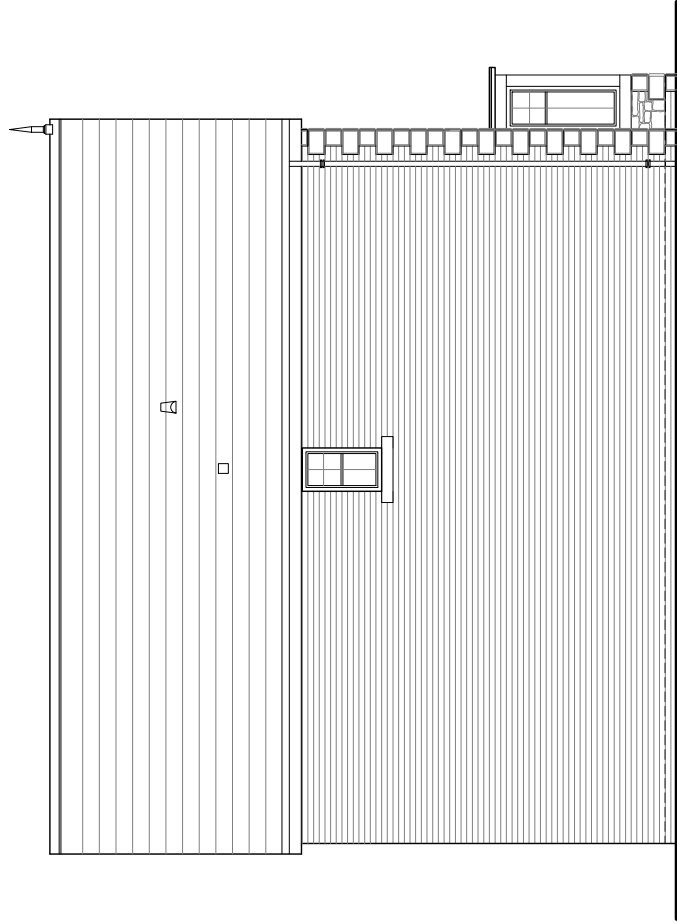


Alternative Side Elevation

(Feature gables only - refer to site layout for plot designations)



Rear Elevation



Side Elevation



HOUSE TYPE

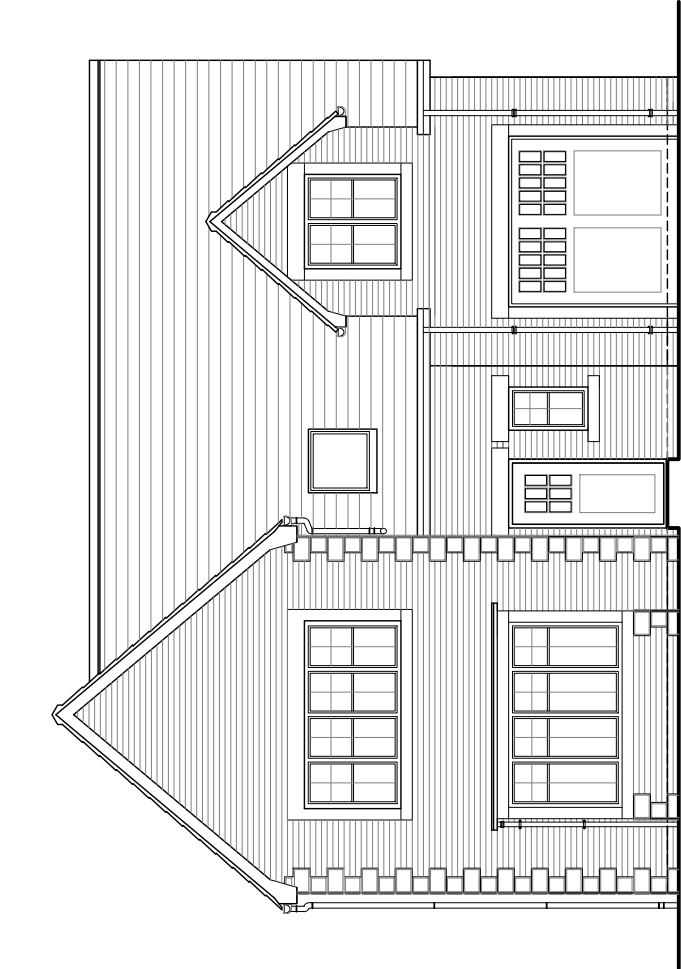
The Johnstone

DRAWING

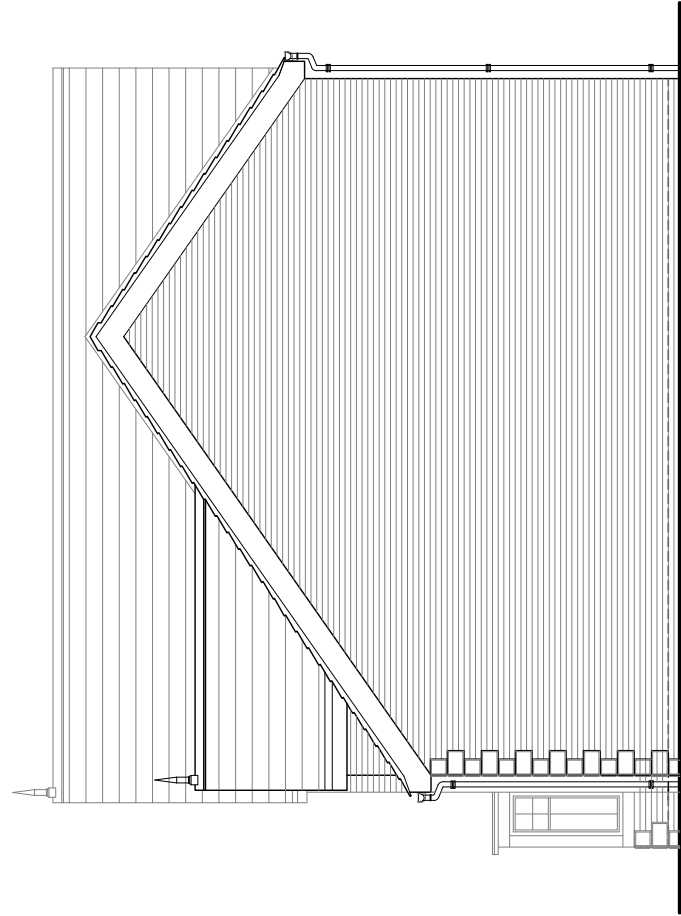
Planning Elevations 1/1

DRAWN BY	TAA	DATE	28/06/2017	SCALE	1:100
CHECKED BY	-				
ISSUE		DRAWING NUMBER	JOH - PLE1/1	REVISION	-

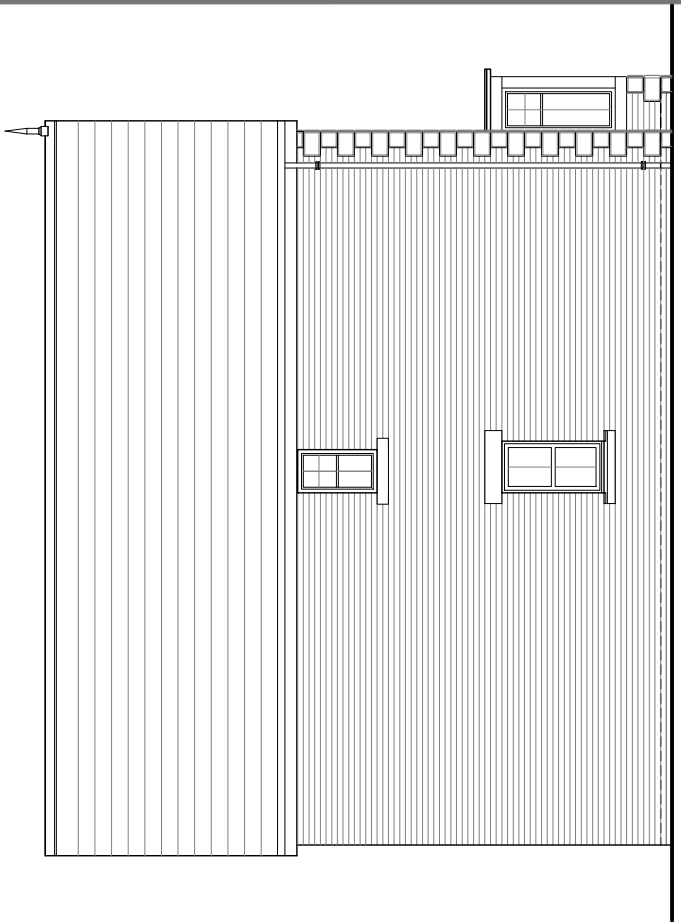
Revisions



Front Elevation

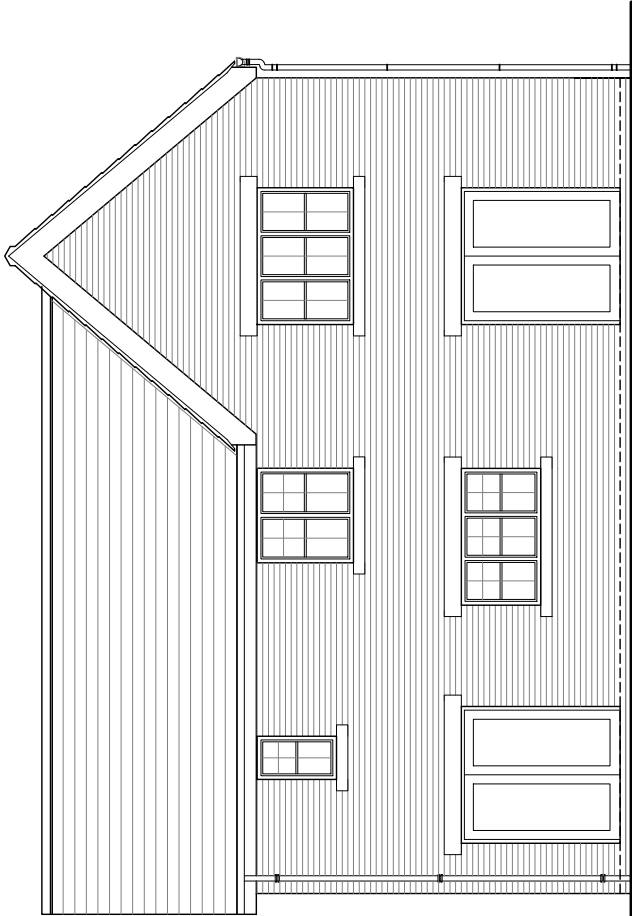


Side Elevation

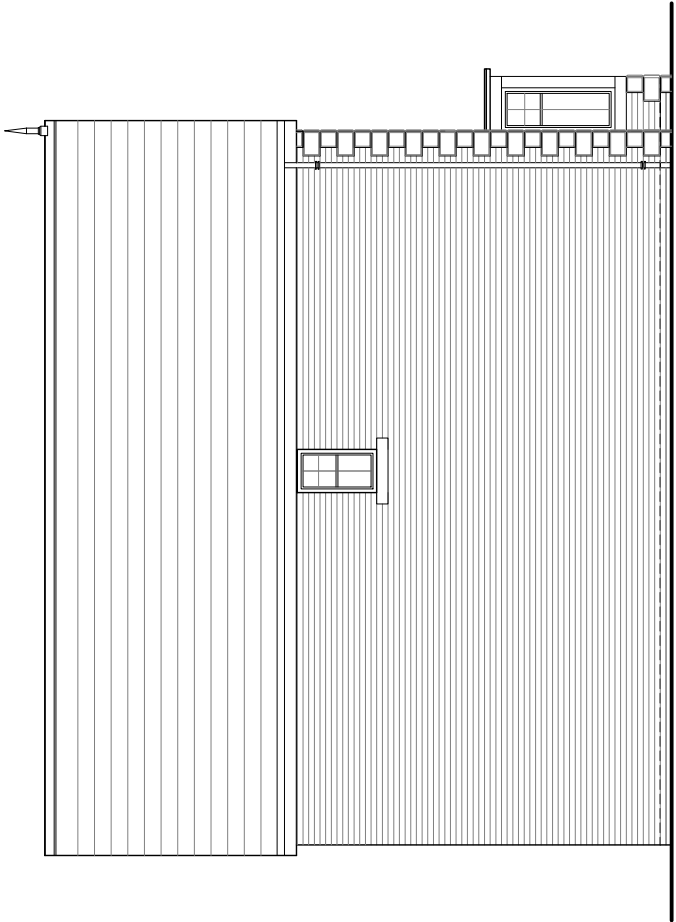


Alternative Side Elevation

(Feature gables only - refer to site layout for plot designations)



Rear Elevation



Side Elevation



HOUSE TYPE

The Johnstone

DRAWING

Planning Elevations 1/6

DRAWN BY	TAA	DATE	28/06/2017	SCALE	1:100
CHECKED BY	-	DRAWING NUMBER	JOH - PLE1/6	REVISION	-
ISSUE					

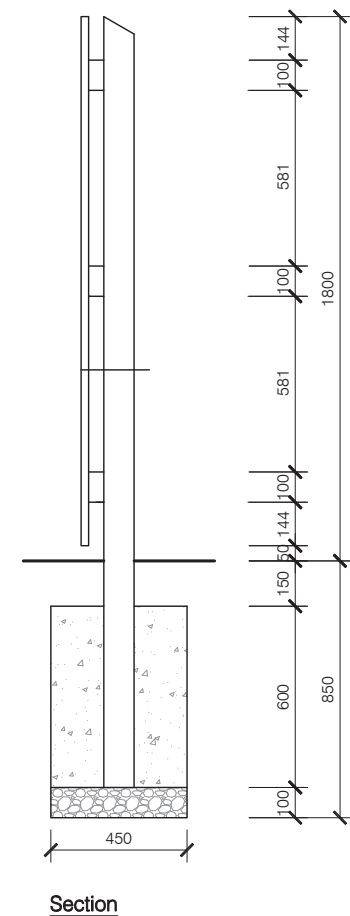
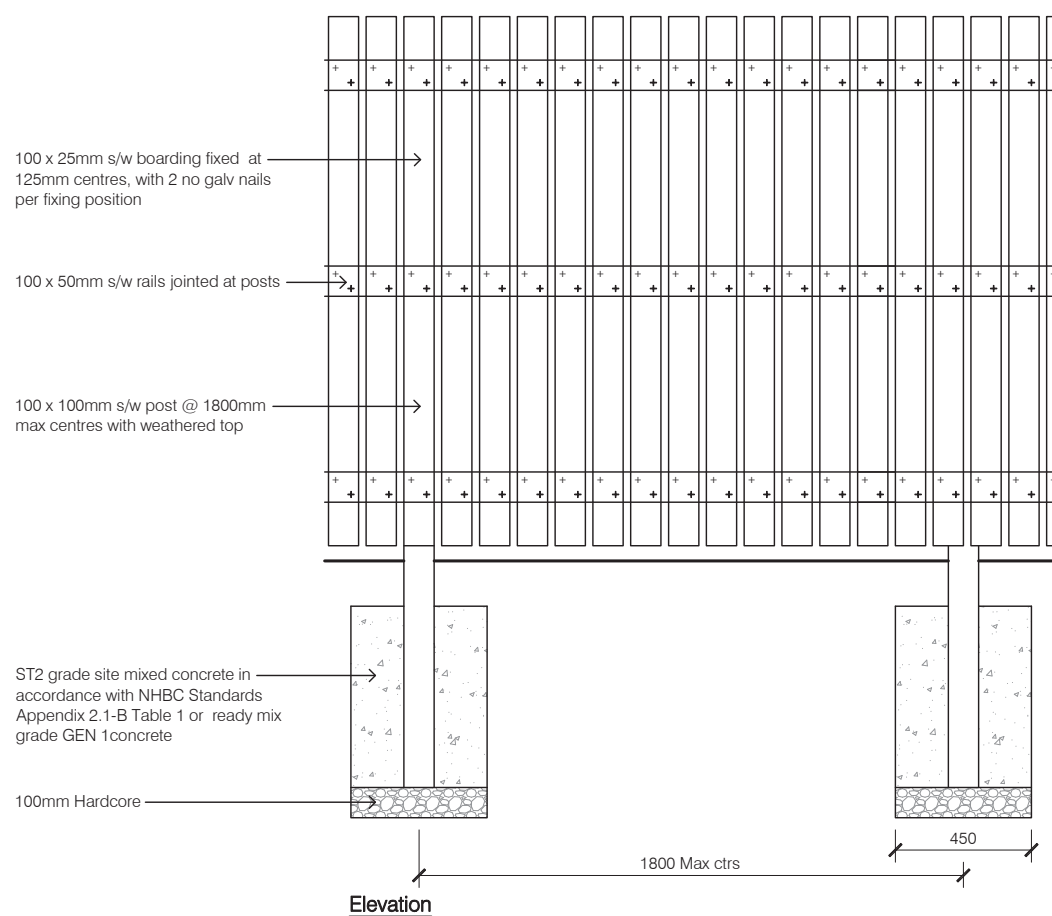
Revisions



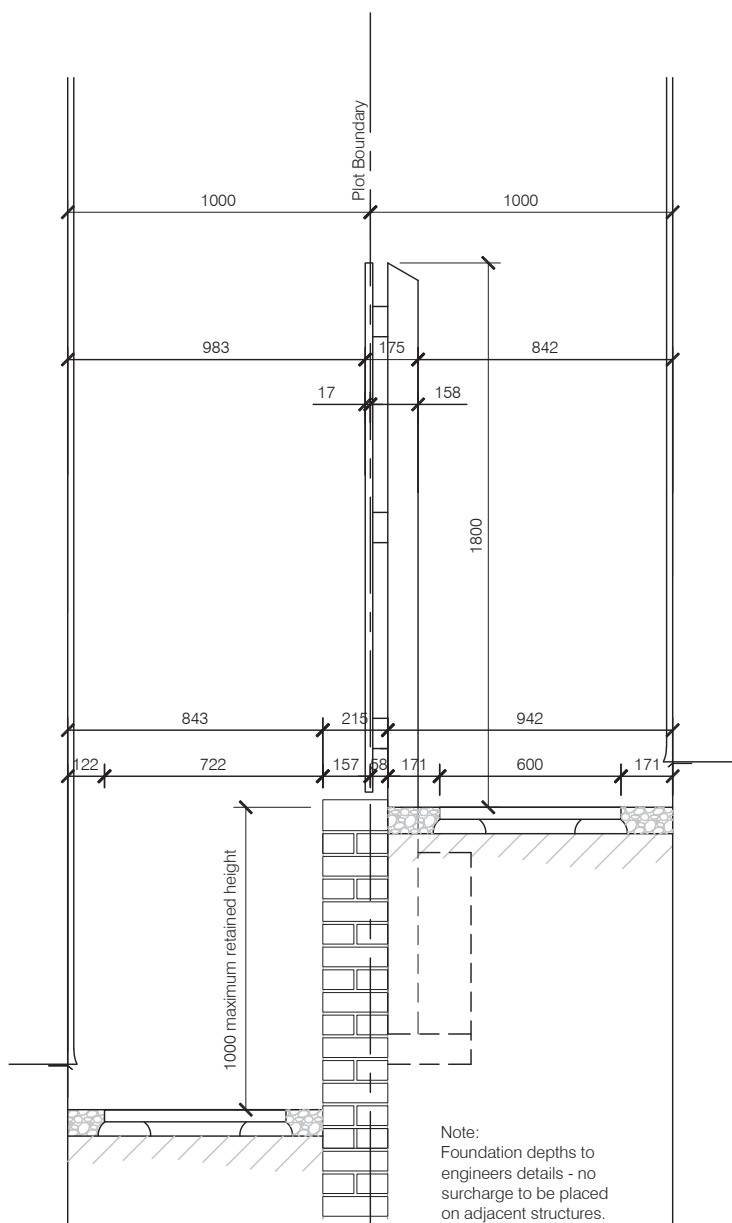
Standard Construction Details

Boundary Details

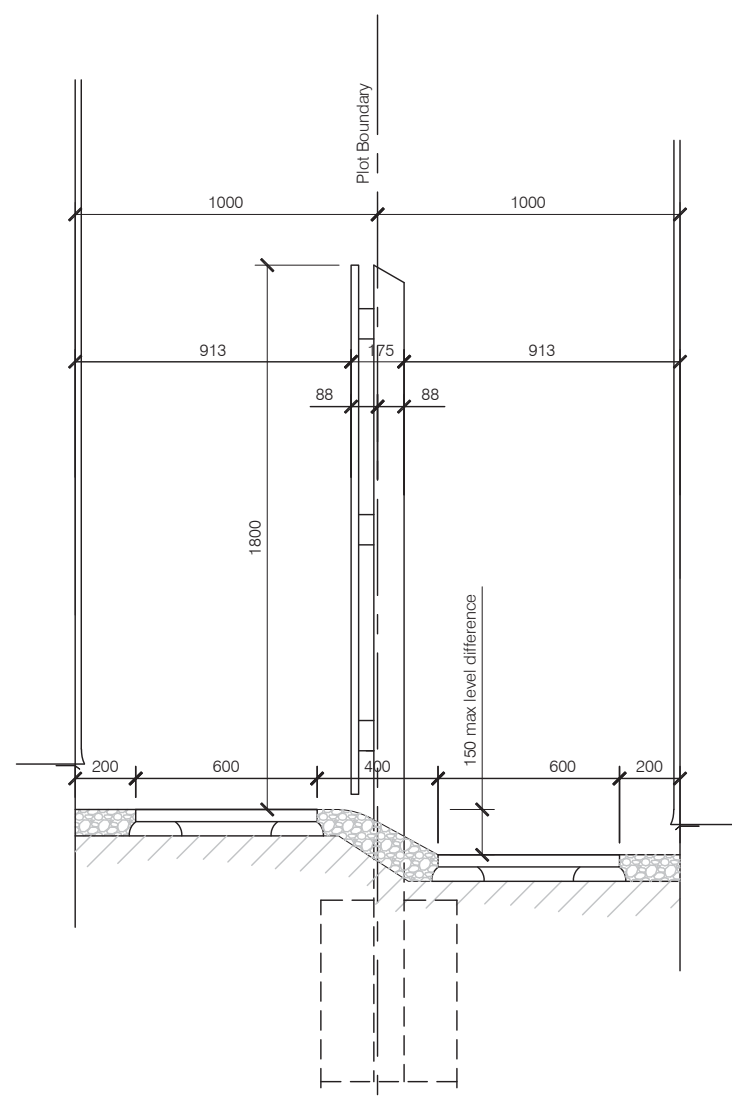
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Tel 01228 404550 Fax 01228 404551




1800mm High Open Boarded Fence



Positioning of Fencing Between Adjacent Properties
(max level difference between floor levels 1000mm).



Positioning of Fencing Between Adjacent Properties
(max level difference between floor levels 200mm).



HOUSE TYPE

Boundary Details

TYPICAL DETAIL

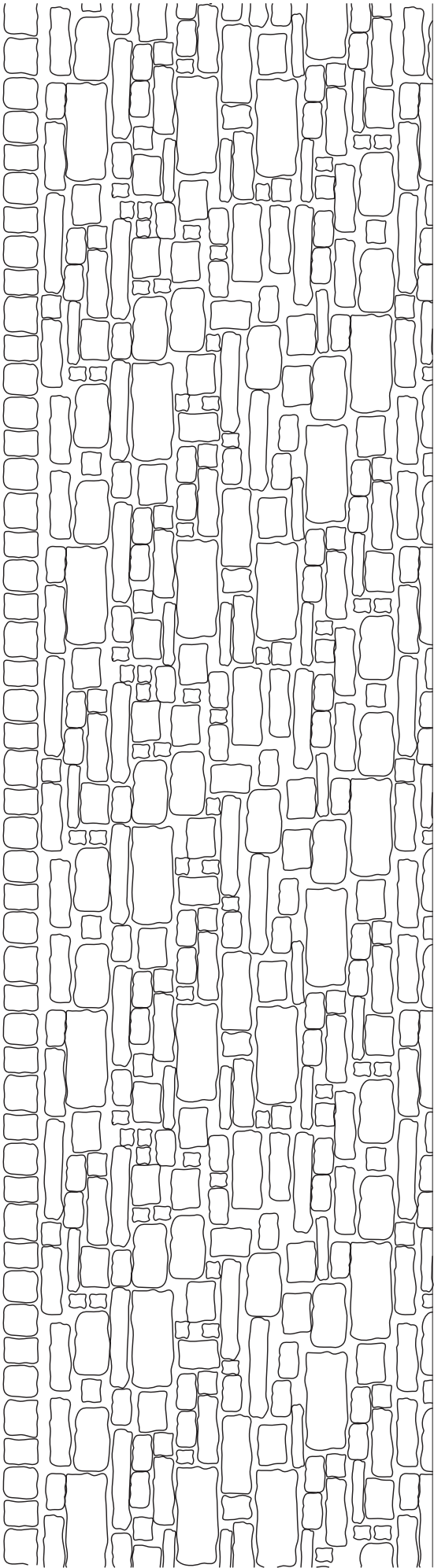
DRAWING

1800mm High Fence

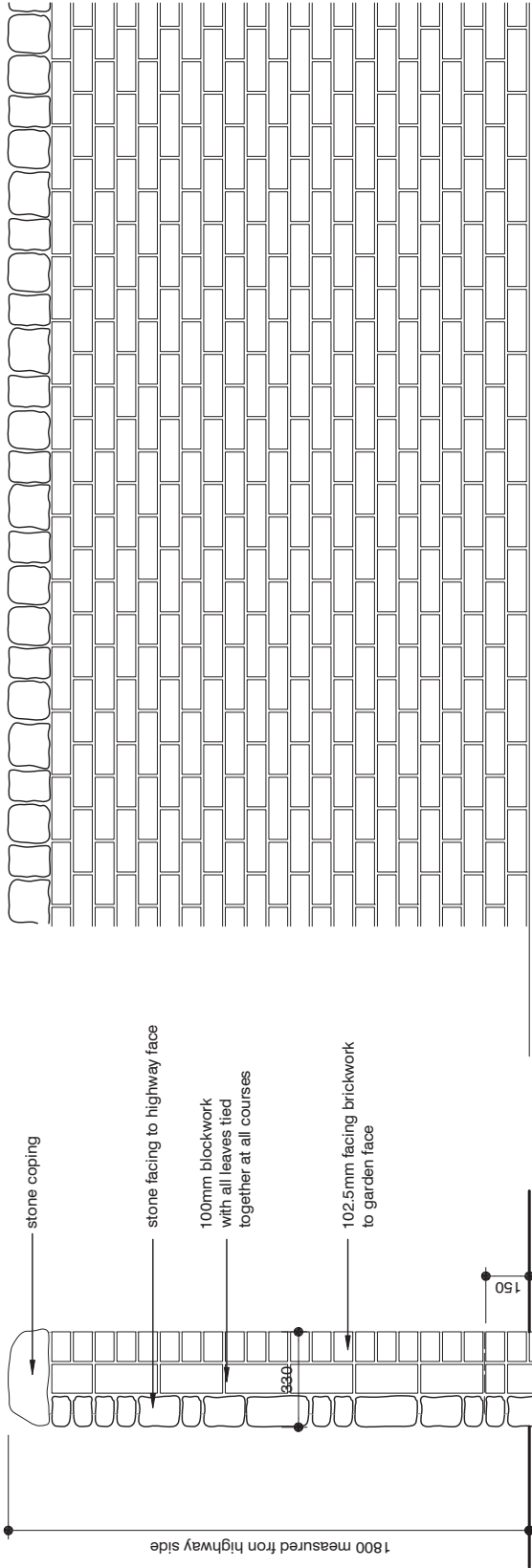
OPEN BOARDED

DRAWN BY	sdm	DATE	20/04/2012
CHECKED BY	-	SCALE	1:25@A3
ISSUE	DRAWING NUMBER	REVISION	
(1)	BD - 03	-	

Revisions



Elevation to Highway



Elevation to Garden

ST2 grade site mixed concrete in accordance with NHBC Standards Appendix 2.1-B Table 1 or ready mix grade GEN 1 concrete

Section

1800mm High Stone/Brick Wall



HOUSE TYPE

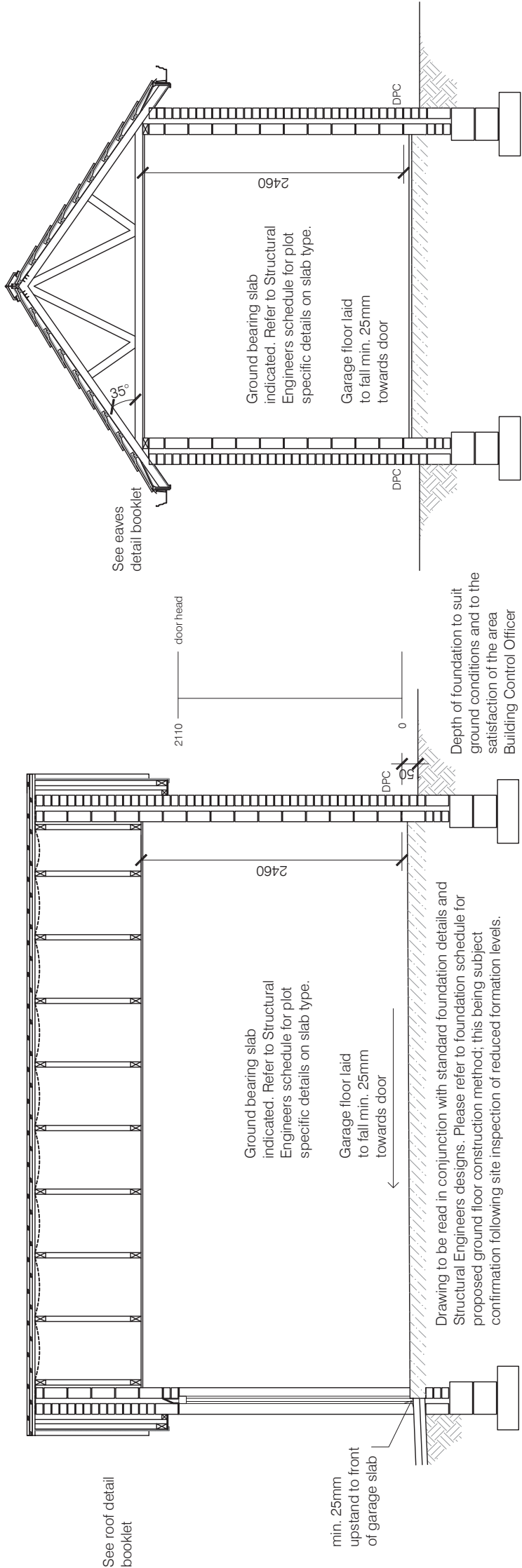
Boundary Details

TYPICAL DETAIL

DRAWING

1800mm High Stone Wall

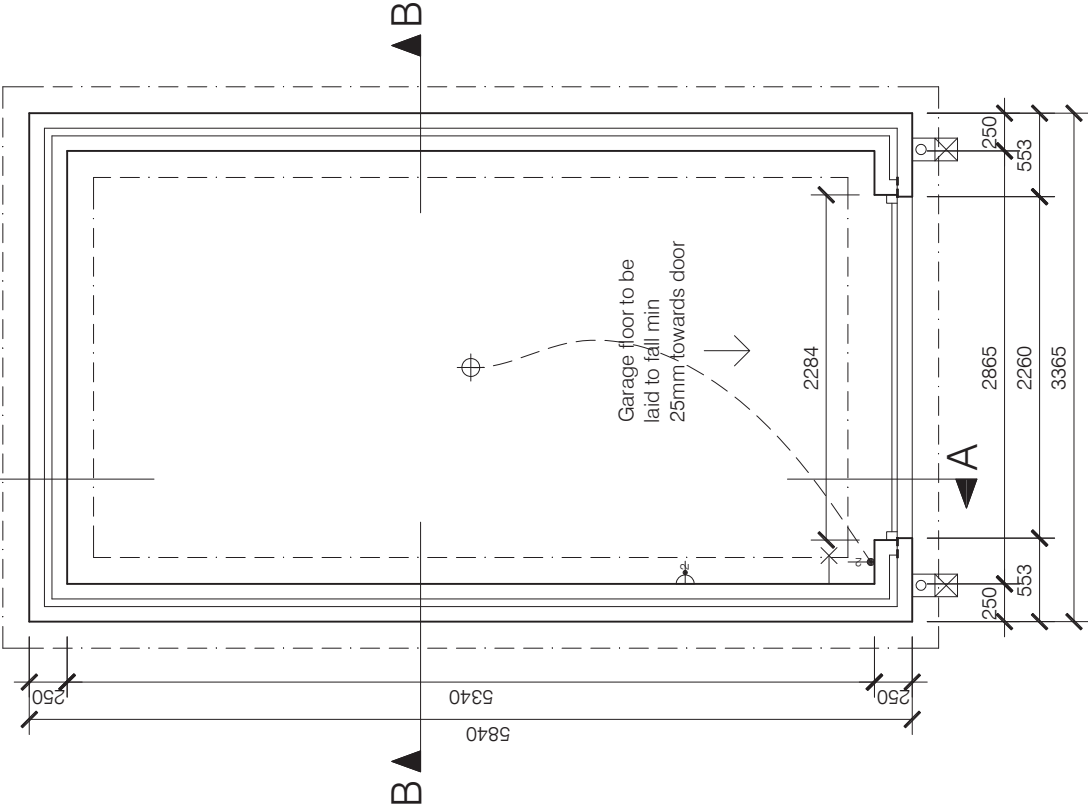
DRAWN BY	CTM	DATE	20/04/2012
CHECKED BY	-	SCALE	1:25@A3
ISSUE	DRAWING NUMBER	REVISION	
(1)	BD - 18	-	
Revisions			



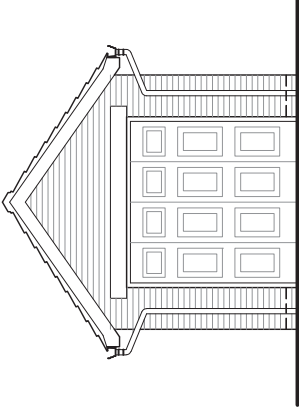
Section A-A

Construction Notes

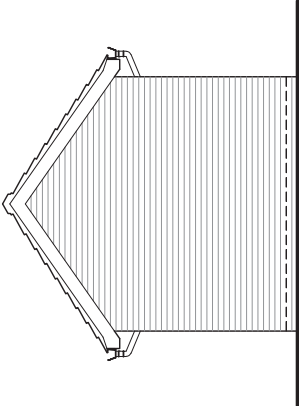
- Foundations - 600x200mm concrete footing.
- External Walls - **100mm Brickwork or Stone or Rendered Blockwork outer leaf - refer to elevations.**
 - 50mm clear cavity.
 - 100mm fair faced blockwork internal leaf.
- Lintel - Keystone lintel Ref HD/K-50, length x 2850, with artstone feature lintel 215 x 100 x 2848
- Roof - 100x50mm softwood wallplate.
 - 100x38mm gable ladders.
 - 100x25mm softwood bracing.
 - 175 deep foil faced PVC barge boards - black ash colour.
 - 150 deep foil faced PVC fascia boards - black ash colour.
- Approved trusses at max 600mm centers at 35° pitch. Manufactured fixed and braced to BS 5268 Part 3 1985.
- 30x5mm galvanised MS straps @ max 2m centers over min 3 No trusses at rafter and ceiling level with solid noggins/blockings between ceiling ties/rafters and packing between the ties/rafter and wall at restraint strap positions.
- The truss design is to comply with the section 7.2-D3 of the NHBC standards and Approved Document 'A' of the Building Regulations for Dead and Imposed loading to the roof.



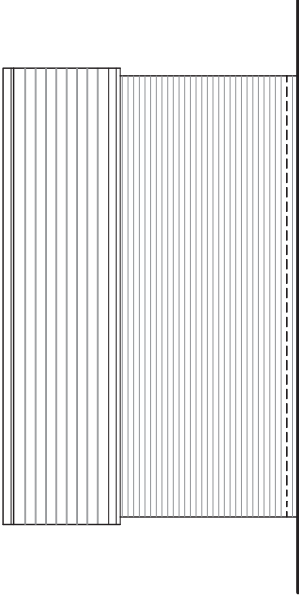
Ground Floor Plan



Front Elevation



Rear Elevation



Side Elevation

Section B-B



GARAGE TYPE

Single Detached Garage 1

DRAWING

Elevations, Plan & Section 1

DRAWN BY	CTM	DATE	20/04/2012
CHECKED BY	-	SCALE	1:100 @ A3
ISSUE	DRAWING NUMBER	REVISION	
(1)	SG1 - EPS1	-	
Revisions			

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SCHEDULE A: Applications with Recommendation

18/0792

Item No: 08

Date of Committee: 23/11/2018

Appn Ref No:
18/0792

Applicant:
Mr Neve

Parish:
Farlam

Agent:

Ward:
Irthing

Location: Field opposite Prospect Cottage, Farlam, Brampton, CA8 1LA

Proposal: Erection Of 1no. Dwelling

Date of Receipt:
03/09/2018

Statutory Expiry Date
29/10/2018

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Principle Of Development In Farlam Is Acceptable
- 2.2 The Impact On The Character And Appearance Of The Landscape
- 2.3 Whether The Scale And Design Would Be Acceptable
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Highway Matters
- 2.6 Foul And Surface Water Drainage
- 2.7 Biodiversity

3. Application Details

The Site

- 3.1 The application site, which measures 0.24 hectares, forms part of an undeveloped agricultural field. The field slopes steeply downhill from east to west, although the eastern part of the field, where the dwelling would be sited, is relatively flat. A stone wall is located on the eastern and southern

site boundaries.

- 3.2 The application site is adjoined by the remaining parts of the agricultural field to the north and west. High Barn, which is a large detached property set within a large plot which contains a number of mature trees, lies to the south of the application site. The U1220, which links Farlam to Talkin and Hallbankgate, runs along the eastern site boundary beyond which lies a garden area/ allotment and a group of trees. Prospect Cottage, a stone property, would lie opposite the proposed access to the dwelling.

The Proposal

- 3.3 The proposal is seeking planning permission for the erection of one dwelling on the site. The proposed dwelling would be a two-storey detached property which would have a floor area of 237 sq m (including the garage). The front elevation of the dwelling would face east towards the adjacent road. A double garage, with a workshop to the rear, would be attached to the southern side of the dwelling, with a single-storey sunroom being attached to the rear elevation.
- 3.4 The front and rear elevations of the dwelling would be constructed of natural stone to match dwellings in the local area, with the gable walls being smooth painted render with cast stone quoins. Doors and windows would be white upvc, with cast stone surrounds. Roofs would be slate, with the garage roof containing solar panels.
- 3.5 The ground floor would contain a kitchen/ dining area, a lounge, a sunroom, an office, a utility, a w.c. and a large hallway, with the first floor containing three bedrooms (one en-suite), a bathroom and a storeroom.
- 3.6 A large tarmac area would be provided to the front (east) and south of the garage and this would be accessed via a tarmac drive which would run from the existing field gate to the rear of the stone wall which would be retained on the eastern site boundary. A patio would be provided to the rear (west) of the dwelling, beyond which would lie a small garden area. A larger garden area would be provided to the north of the dwelling. A new 1.3m high timber post and rail fence would be erected along the northern and western site boundaries.
- 3.7 The existing field gate would be moved further back into the field, with the existing stone wall being modified to form a new entrance with gates with appropriate visibility splays being provided.
- 3.8 Foul drainage would discharge to a septic tank or treatment plant, with surface water discharging to a soakaway in the adjacent field.
- 3.9 The Design and Access Statement that has been submitted with the application states that the applicants have both lived in the Parish of Farlam all their lives, on working family farms (one in Farlam and one in Tindale). As a young couple, they would struggle to afford to purchase a house in the area. Both applicants work on their respective farms, so they need to stay in

the area to continue to help their families.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice and notification letters sent to three neighbouring properties. In response, six letters of support and one letter of objection have been received.

4.2 The letters of support make the following points:

- the application would allow Miss Elliott to remain in the village where she has lived all her life;
- both of the applicants have grown up in the Parish and want to remain here;
- both the applicants work on family farms in the Parish and so the need to stay within the area is key and this development would allow them to do so;
- proposal would support younger members of the public who work and support rural communities;
- it is nice that the younger generation of the village will be able to stay and support the small local community;
- application will enable a young couple to remain in the community from which they come;
- the applicants should not be forced to move into town as a result of the high house price of village property;
- the house will be integrated in to the existing village and would not extend the village boundary in any way;
- the plans are appropriate for the site, which will not adversely affect the anyone in the village;
- the dwelling will enhance and benefit the hamlet;
- the dwelling will match the properties in the immediate vicinity and also in the majority of the hamlet and be wholly in keeping with the surrounding area;
- other planning applications have been approved in Farlam in recent years with far less justification;
- the access road is virtually traffic free unlike some other sites that have been granted, particularly in the Talkin area.

4.3 The letter of objection makes the following points:

- there are three available sites for sale in the village - why are the applicants not buying one of these?
- it would be nice for all the children who grew up in the village to build a house at Farlam and move back to the area but it is not made that easy for others.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (visibility splays; surfacing of access road; reduction in height of highway boundary wall);

Farlam Parish Council: - no observations;

United Utilities: - no objections, subject to conditions (foul and surface water drainage).

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 SP2, SP6, HO2, IP3, IP6, CC5, GI1 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The Council's Supplementary Planning Document on "Achieving Well Design Housing" together with the Cumbria Landscape Character Guidance and Toolkit are also material planning considerations.
- 6.3 The proposal raises the following planning issues.
1. Whether The Principle Of Development In Farlam Is Acceptable
- 6.4 The main issue to establish in the consideration of this application is the principle of development.
- 6.5 Para 10 of the NPPF states "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development".
- 6.5 Para 78 of the NPPF states that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the

vitality of rural communities". It goes on to state that "where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 6.6 Policy HO2 (Windfall Housing Development) of the adopted Local Plan states that new housing development will be acceptable in the rural area provided that there are either services in the village where the housing is being proposed, or there is good access to one or more villages with services.
- 6.7 When assessing the application against the foregoing policies, it is acknowledged that the site is located on the edge of Farlam. Although Farlam does not have any services, it is located in close proximity to Hallbankgate which has a range of services (school, public house, village hall and garage). Talkin village, which also lies in close proximity to Farlam also contains some services (public house, church and village hall). Accordingly, the application site is considered to be in a sustainable location for housing development.

2. The Impact On The Character And Appearance Of The Landscape

- 6.8 Criterion 3 of Policy HO2 states that "on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside".
- 6.9 Paragraph 5.16 of the supporting text to Policy HO2 states that "Development is more likely to be acceptable on sites that are physically contained by existing landscape features such as hedges, trees, woodland or topography, physically and visibly connected to the village, and do not adversely impact on wider views into or out of a village".
- 6.10 The policy assessment in this respect is therefore twofold; whether the site is physically well contained and whether the proposal would adversely impact on wider views.
- 6.11 Although the area has no statutory landscape designation, the Cumbria Landscape Character Guidance and Toolkit outlines that the area is characterised as foothills (Category 11). The key characteristics are described as rolling, hilly or plateau farmland and moorland; occasional rocky outcrops; hills are dissected by numerous streams and minor river valleys; areas of improved grassland, unimproved heathland and extensive conifer plantations; semi natural woodland in the small valleys; and large areas of farmland are bounded by stone walls and hedges. The vision for the area seeks to conserve and enhance the landscape.
- 6.12 The dwelling would be located within an undeveloped agricultural field that lies to the west of the U1220. The field slopes steeply downhill from east to west, although the eastern part of the field, where the dwelling would be sited, is relatively flat. The site is adjoined to the south by a residential property (High Barn), however, this is well screened by a number of mature

trees. All of the other dwellings in this part of Farlam are located on the eastern side of the U1220 and form a linear pattern of development.

- 6.13 The proposed dwelling would not be well contained by existing landscape features and would adversely impact on wider views into the village. It would not integrate well with the existing settlement and would lead to an unacceptable intrusion into the open countryside. The proposal would, therefore, be contrary to Criterion 3 of Policy HO2 of the adopted Local Plan.

3. Whether The Scale And Design Would Be Acceptable

- 6.14 The front elevation of the dwelling would face east towards the adjacent road. A double garage, with a workshop to the rear, would be attached to the southern side of the dwelling, with a single-storey sunroom being attached to the rear elevation.
- 6.15 The front and rear elevations of the dwelling would be constructed of natural stone to match dwellings in the local area, with the gable walls being smooth painted render with cast stone quoins. Doors and windows would be white upvc, with cast stone surrounds. Roofs would be slate, with the garage roof containing solar panels.
- 6.16 The ground floor would contain a kitchen/ dining area, a lounge, a sunroom, an office, a utility, a w.c. and a large hallway, with the first floor containing three bedrooms (one en-suite), a bathroom and a storeroom.
- 6.17 A large tarmac area would be provided to the front (east) and south of the garage and this would be accessed via a tarmac drive which would run from the existing field gate to the rear of the stone wall which would be retained on the eastern site boundary. A patio would be provided to the rear (west) of the dwelling, beyond which would lie a small grass area. A larger garden area would also be provided to the north of the dwelling. A new 1.3m high timber post and rail fence would be erected along the northern and western site boundaries.
- 6.18 In light of the above, the scale and design of the dwelling would be acceptable.

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

- 6.19 High Barn would lie to the south of the proposed dwelling and would be partly screened by a number of mature trees and a detached garage. The nearest part of High Barn would be 27m away from the proposed dwelling, which would only have a landing window at first floor level in the south elevation facing High Barn.
- 6.20 The north elevation, which would face towards Prospect Cottage, would only have one window at first floor level. This is shown as serving a store room but the room is large enough to be used as a bedroom in the future. This window would be 25m away from the south elevation of Prospect Cottage.

- 6.21 Given the separation distances between the proposed dwellings and the nearest existing dwellings, the proposal would not have an adverse impact on the occupiers of the existing dwellings through loss of light, loss of privacy or over-dominance.

5. Highway Matters

- 6.22 A double garage would be attached to the southern side of the dwelling and a large tarmac area would lie to the front (east) and south of the garage. The garage would be accessed via a tarmac drive which would run from the existing field gate to the rear of the stone wall which would be retained on the eastern site boundary. The existing field gate would be moved further back into the field, with the existing stone wall being modified to form a new entrance with gates with appropriate visibility splays being provided.
- 6.23 The Local Highway Authority (LHA) has been consulted on the application. Following the receipt of a speed survey, the LHA has confirmed that it has no objections to the proposal subject to the imposition of conditions, including the provision of visibility splays prior to the commencement of development and the surfacing of the access road prior to occupation.

6. Foul And Surface Water Drainage

- 6.24 Foul drainage would discharge to a septic tank or treatment plant, with surface water discharging to a soakaway in the adjacent field.
- 6.25 The Lead Local Flood Authority (LLFA) has been consulted on the application. It has no objections to the proposal, which would not increase the risk of surface water flooding. The proposed soakaway would be acceptable and the channel drain from the access would also be connected to the soakaway to prevent surface water draining onto the highway.

7. Biodiversity

- 6.26 The site is an undeveloped field which is enclosed by stone walls. There would be scope to provide hedgerow and trees as part of any landscaping scheme and a condition could be added to require wildlife enhancement measures to be incorporated into the dwelling.

Conclusion

- 6.27 Whilst the principle of erecting a new dwelling in Farlam and matters of detail relating to the proposed dwelling would be acceptable, the proposed dwelling would not be well contained by existing landscape features and would adversely impact on wider views into the village. It would not integrate well with the existing settlement and would lead to an unacceptable intrusion into the open countryside. The proposal would, therefore, be contrary to Criterion 3 of Policy HO2 of the adopted Local Plan.

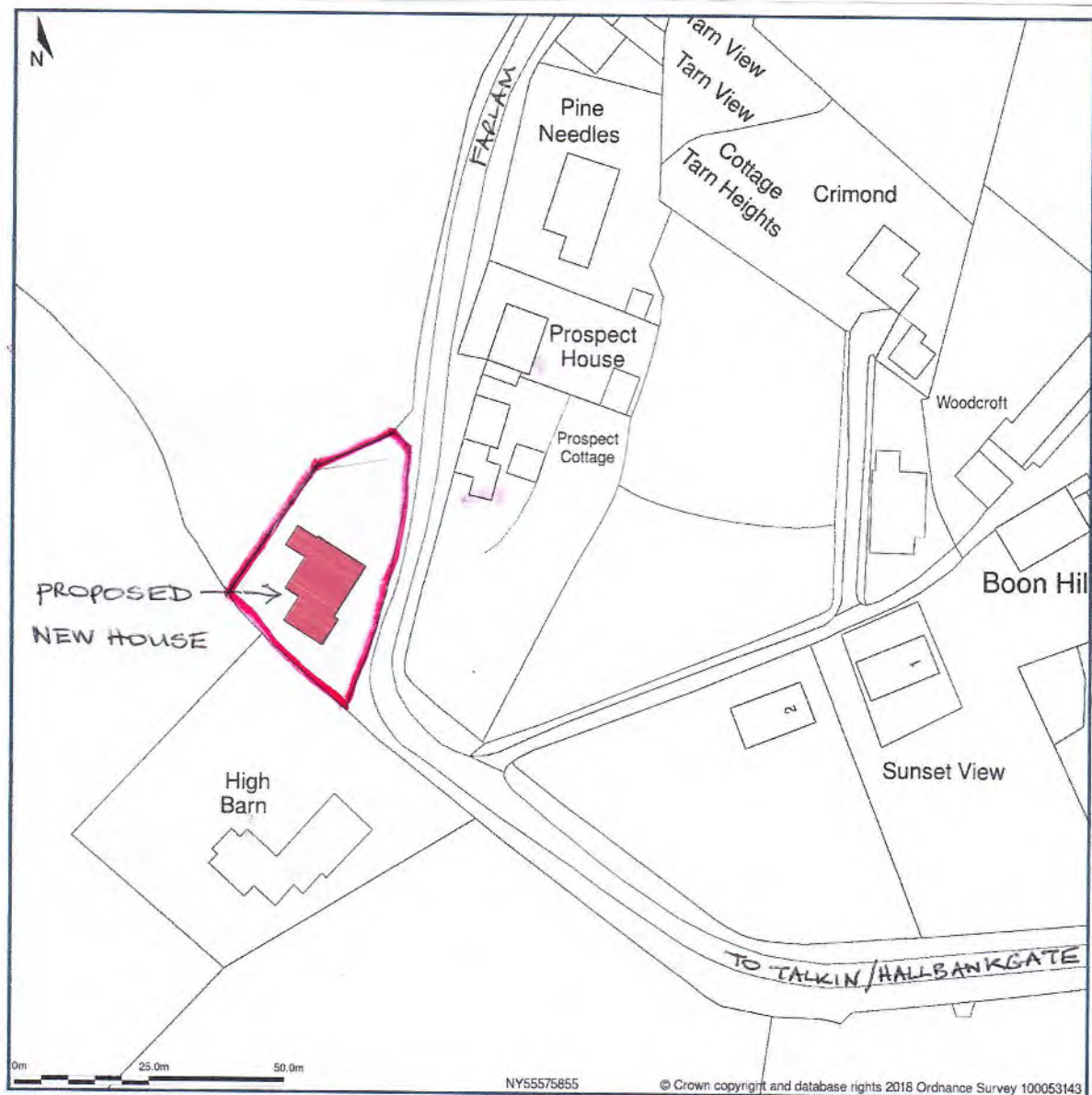
7. Planning History

- 7.1 There is no planning history relating to the use of this site.

8. Recommendation: Refuse Permission

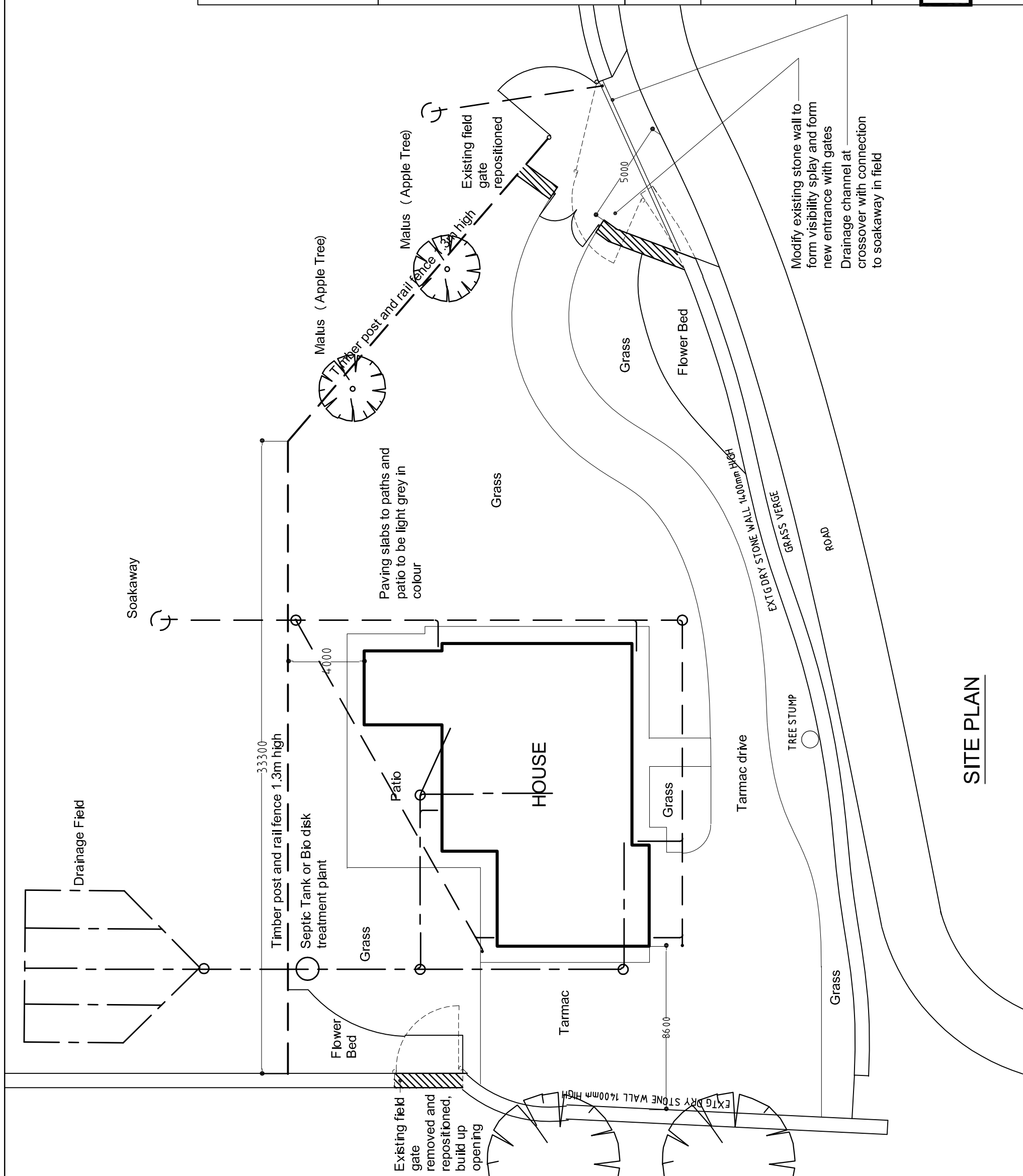
1. **Reason:** The dwelling would be located within an undeveloped agricultural field that lies to the west of the U1220. The field slopes steeply downhill from east to west , although the eastern part of the field , where the dwelling would be sited, is relatively flat. The site is adjoined to the south by a residential property (High Barn), however, this is well screened by a number of mature trees. All of the other dwellings in this part of Farlam are located on the eastern side of the U1220 and form a linear pattern of development. The proposed dwelling would not be well contained by existing landscape features and would adversely impact on wider views into the village. It would not integrate well with the existing settlement and would lead to an unacceptable intrusion into the open countryside. The proposal would, therefore, be contrary to Criterion 3 of Policy HO2 of the adopted Local Plan.
-

AA DESIGN SERVICES

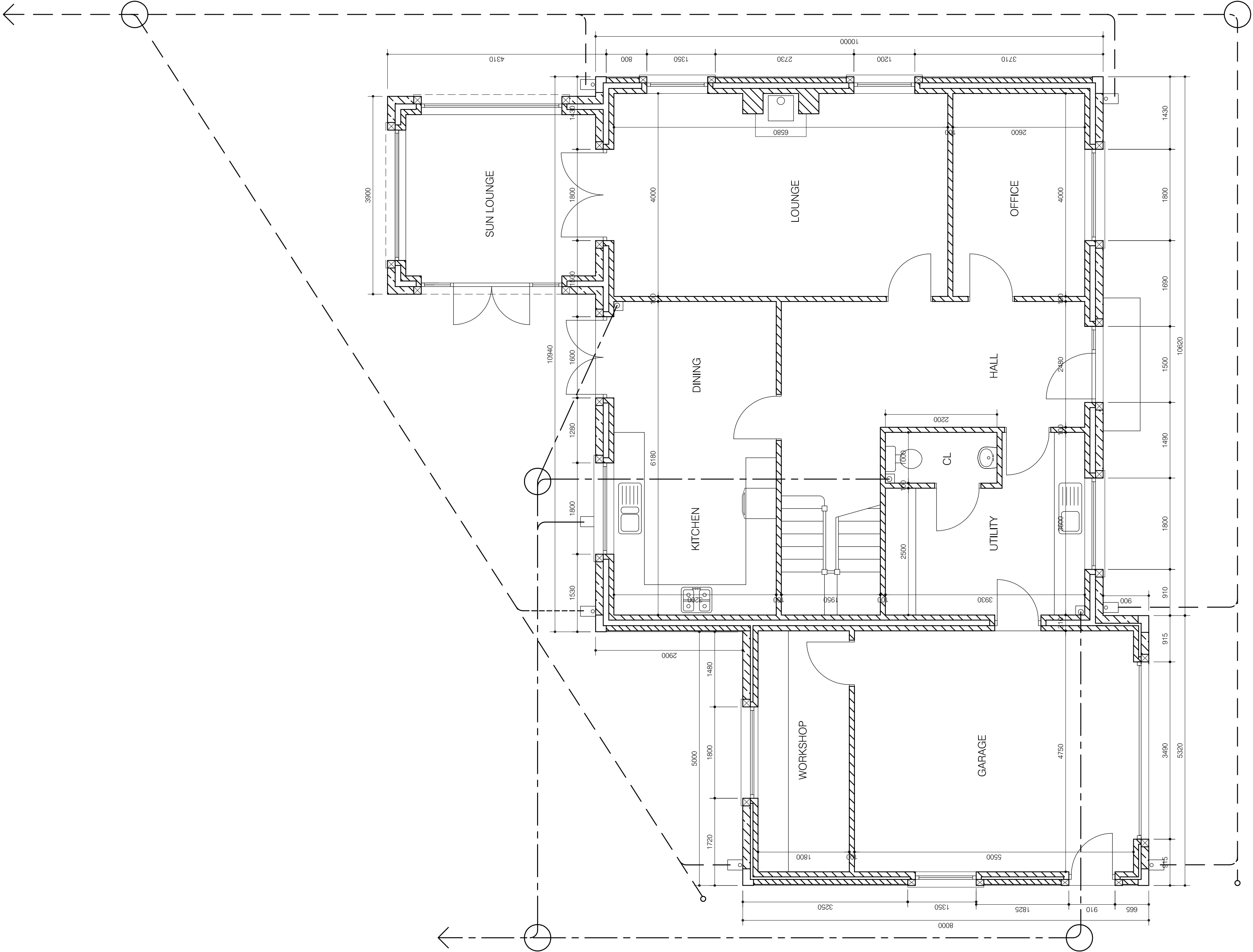


PROPOSED NEW HOUSE, FARLAM, BRAMPTON, CUMBRIA
FOR MR J. NEVE AND MISS L. ELLIOTT
LOCATION PLAN SCALE 1:1250

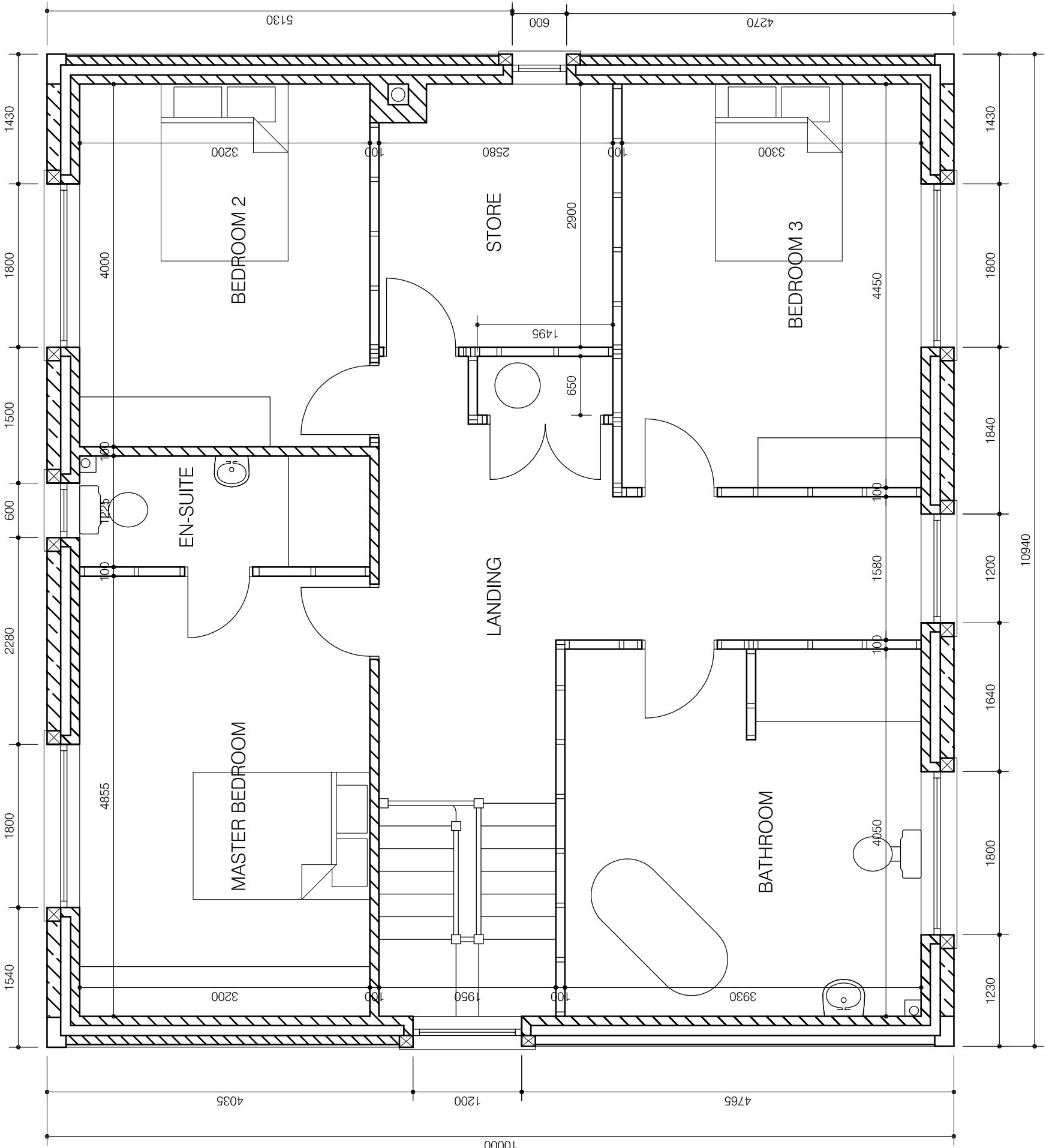
DRG NO 2018/4/1/004



Revision Rev	Date	Amendments	Initials
<h1>AA DESIGN SERVICES</h1> <p>Alan Armstrong MCIAT, Montcalm, Walton, Brampton, Cumbria, CA8 2DH.</p> <p>Tel. 0169773164 Mob. 07919513983 E-mail: almaz.gram@btinternet.com</p>			
<p>client MR J. NEVE AND MISS L. ELLIOTT</p>			
<p>job PROPOSED NEW DWELLING, FARLAM</p>			
<p>drawing SITE PLAN</p>			
<p>scale 1:200</p>		<p>date drawn July 2018</p>	
<p>dwg no. 2018/4/1/003</p>		<p>rev. 0</p>	
<p>DO NOT SCALE THIS DRAWING</p>			



GROUND FLOOR PLAN



FIRST FLOOR PLAN

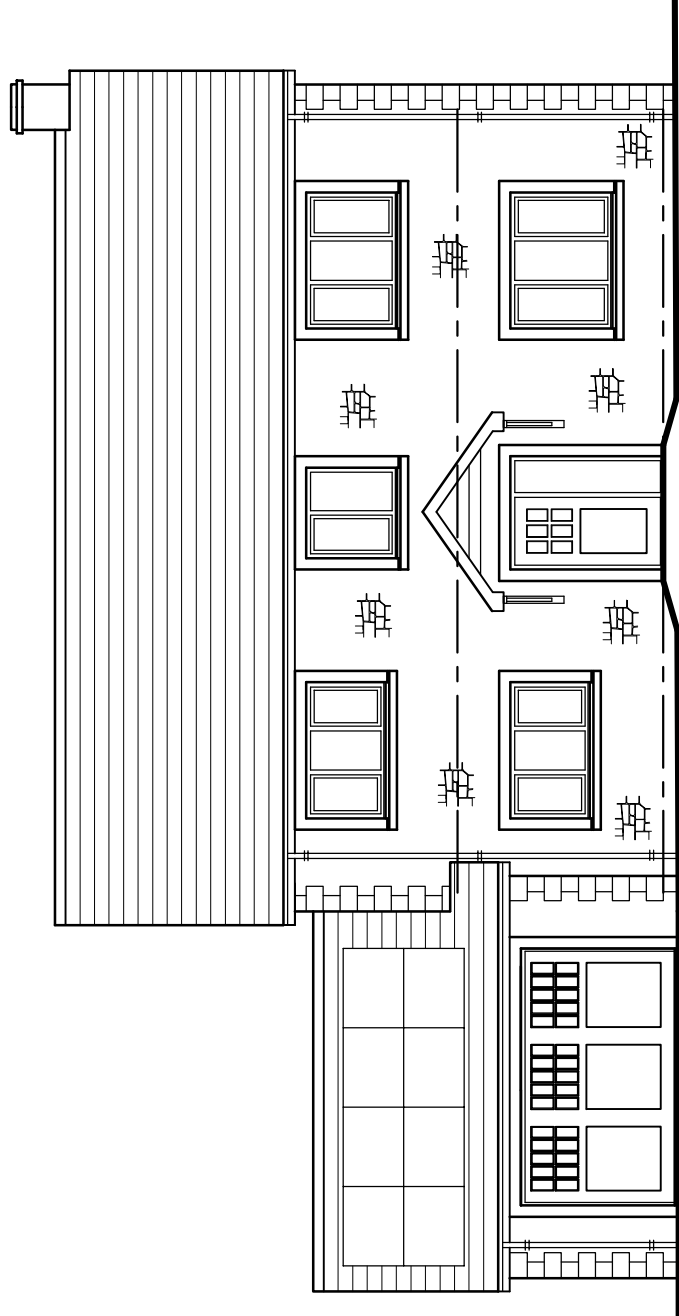
Revision	Date	Amendments	Initials
Rev	A	15-05-18	TAA
Door added to Garage			
Creaks door moved			
Bathroom and Bedroom 2			
Landing with harrowed			
swapped over			
B	27-05-18	Conservatory changed to Sun	TAA
Lounge with slate roof			
C	17-06-18	Solar panels to Garage and	TAA
Render finish to gable walls			

AA DESIGN SERVICES
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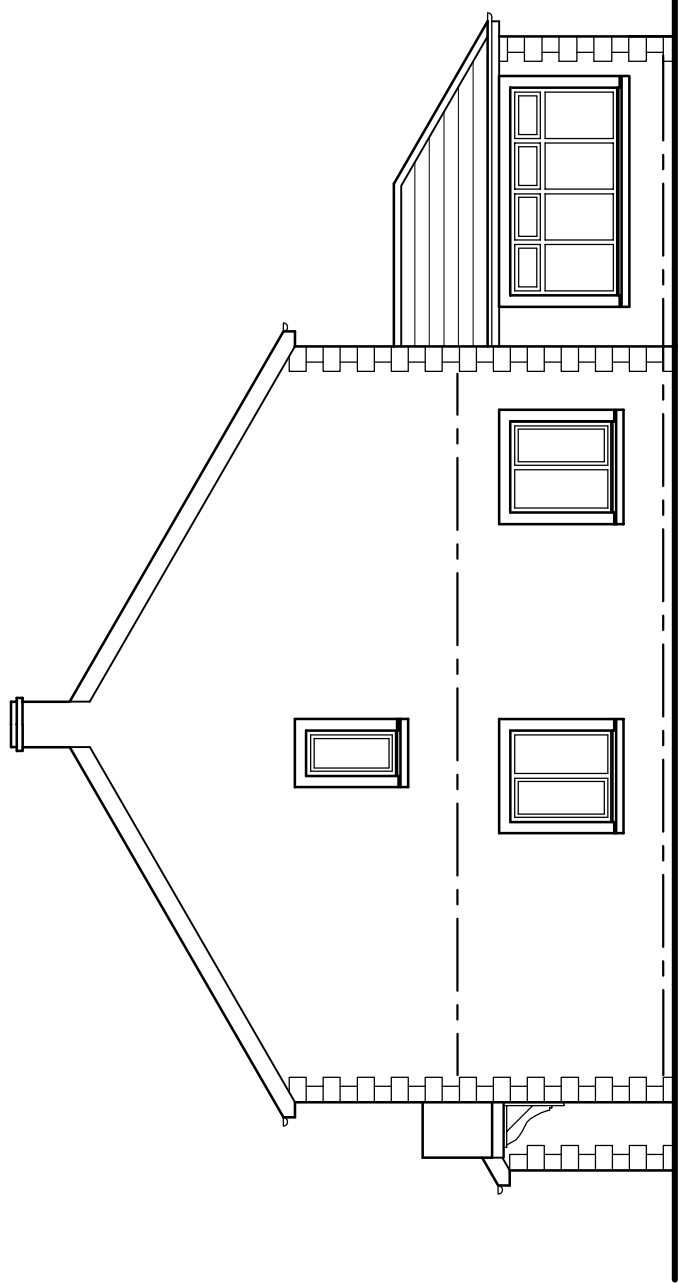
client	MR J. NEVE AND MISS L. ELLIOTT		
job	PROPOSED NEW DWELLING FARLAM		
drawing	PLANS AS PROPOSED		
scale	1:50	date drawn	APRIL 2018
sheet no.	2018/4/1001	rev.	C

DO NOT SCALE THIS DRAWING

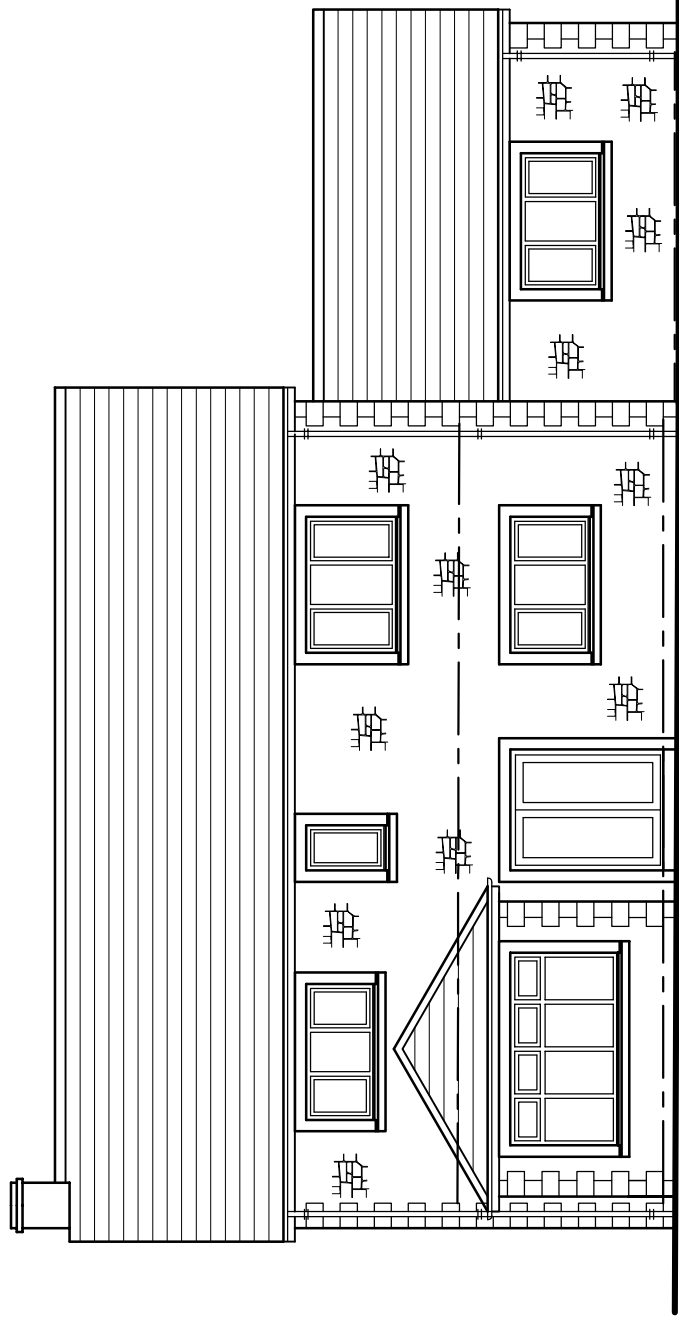
EXTERNAL FINISHES
ROOF - Blue slated roof (Solar panels to Garage roof)
WALLS - Natural Stone to match existing area to Front and Rear , Smooth painted render to Gable walls.
WINDOWS - White UPVC with Cast Stone surrounds
RAINWATER GOODS - Black UPVC



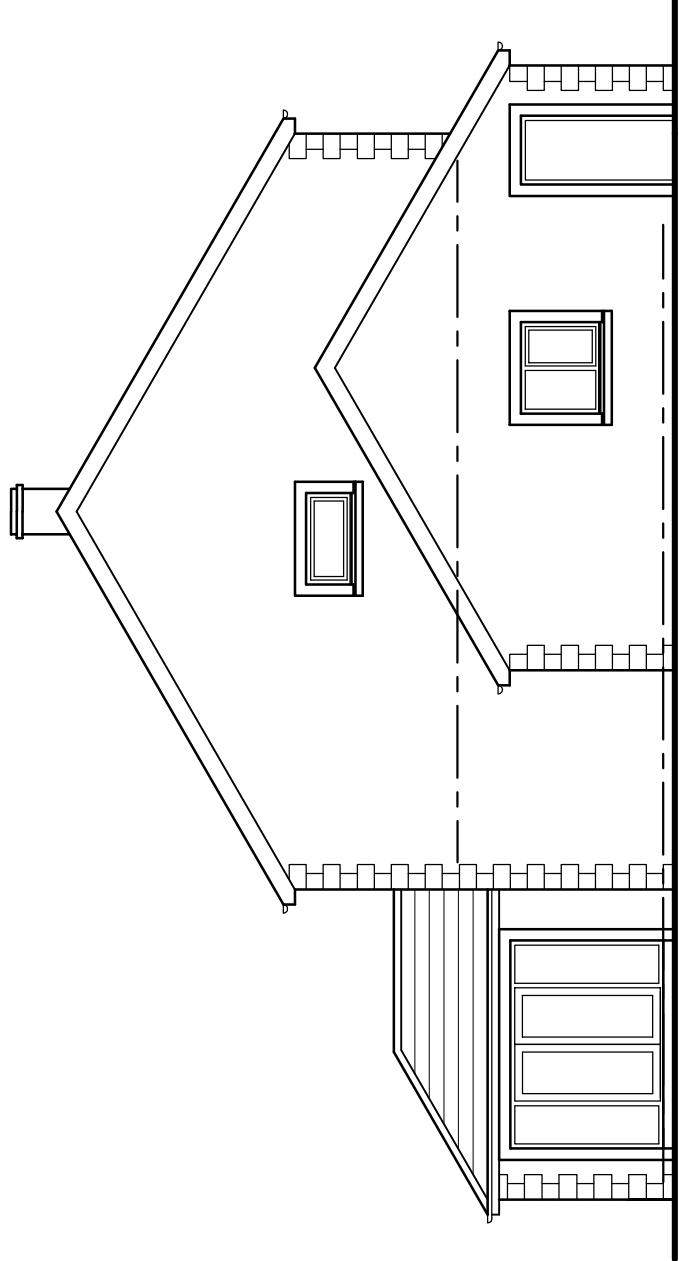
FRONT ELEVATION



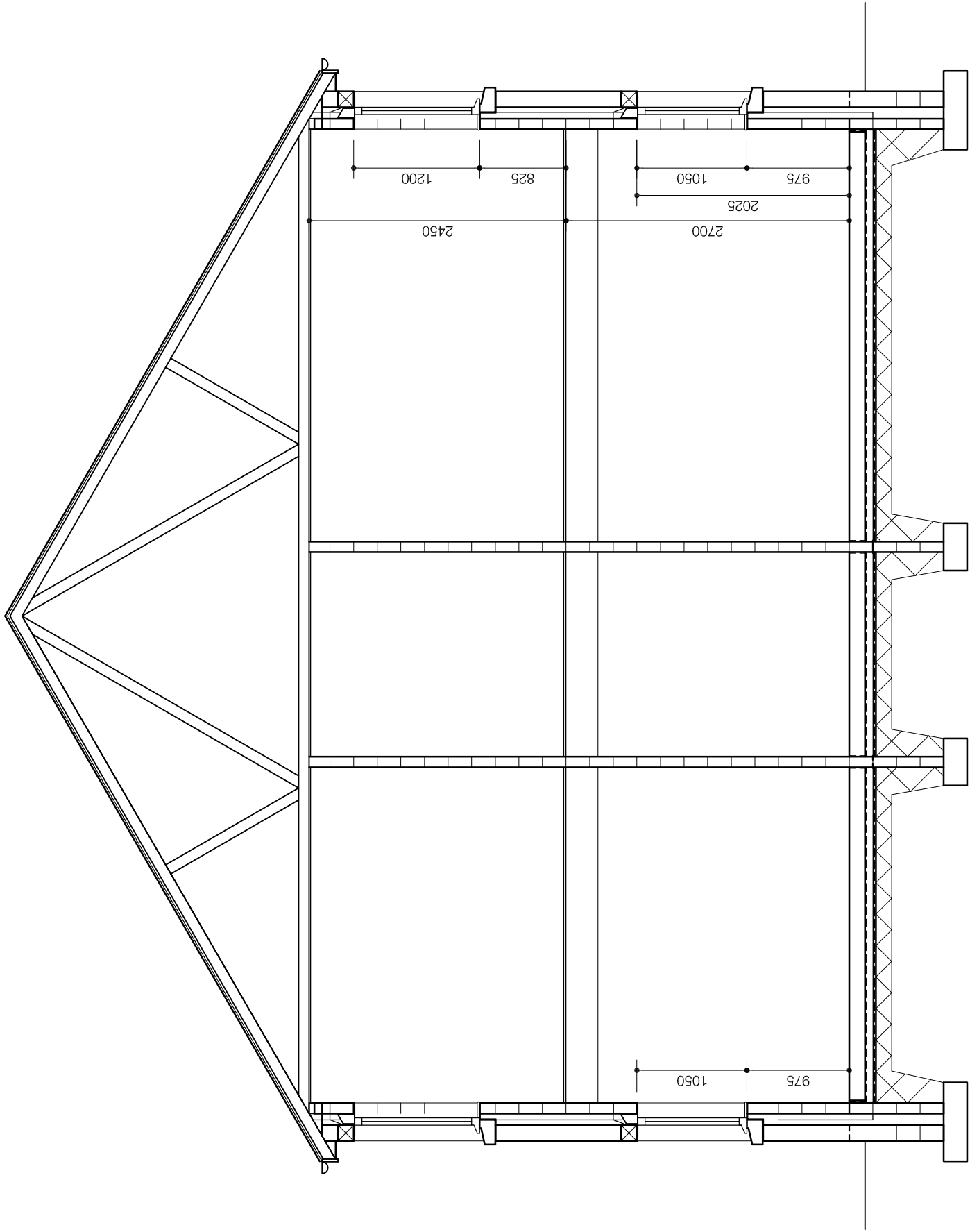
END ELEVATION



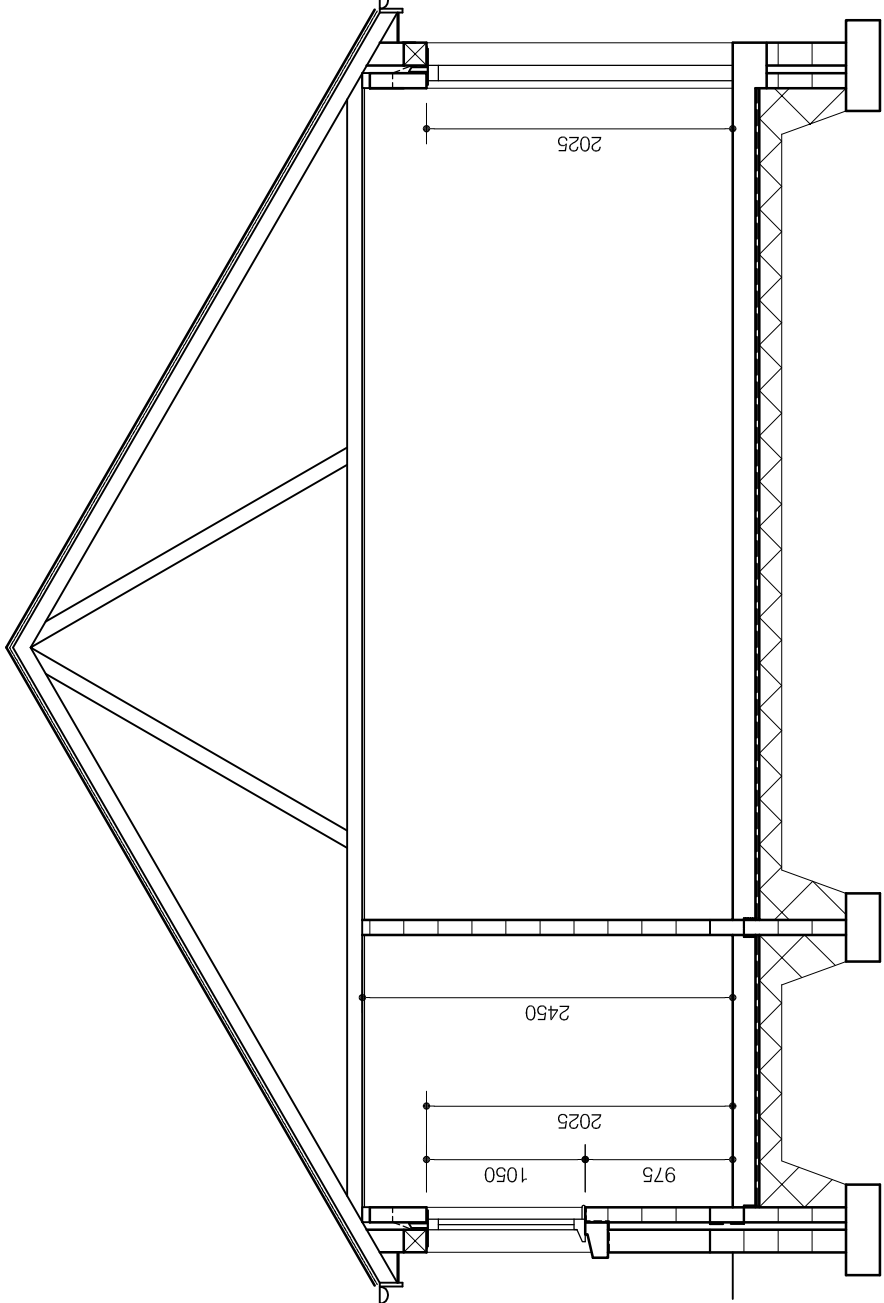
REAR ELEVATION



END ELEVATION



HOUSE SECTION



GARAGE SECTION

Revision	Date	Amendments	Initials
A	15-05-18	Door added to Garage Cloak's door moved Bathroom and Bedroom 2 swapped over Landing width narrowed Cloak's door moved to Gar. Lounge with slate roof and Bedroom window over reduced in height	TAA
B	27-05-18	Conservatory changed to Sun Lounge with slate roof and Bedroom window over reduced in height	TAA
C	17-06-18	Solar panels added Gable walls now render Solar panels moved	TAA
D	02-08-18	Solar panels moved	TAA

AA DESIGN SERVICES

Alan Armstrong MCIAT,
Montcalm, Walton, Brampton,
Cumbria, CA8 2DH.

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E-mail: almaz.gram@btinternet.com

client	MR J. NEVE AND MISS L. ELLIOTT		
job	PROPOSED NEW HOUSE FARLAM		
drawing	ELEVATIONS AND SECTIONS AS PROPOSED		
scale	1:50 & 1:100	date drawn	APRIL 2018
drawn by	2018/4/1002	rev.	D
DO NOT SCALE THIS DRAWING			

SCHEDULE A: Applications with Recommendation

18/0693

Item No: 09

Date of Committee: 23/11/2018

Appn Ref No:
18/0693

Applicant:

Parish:
Kingmoor

Agent:
Savills (UK) Limited

Ward:
Stanwix Rural

Location: Land west of Junction 44, Parkhouse, Carlisle

Proposal: Erection Of Retail Floorspace (A1) And Drive Thru (A3/A5); Associated Works Including Access/Highways Works, Provision Of Parking Spaces And Landscaping

Date of Receipt:
06/08/2018

Statutory Expiry Date
05/11/2018

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

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

2. Main Issues

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

3. Application Details

The Site

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

The Proposal

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

4. Summary of Representations

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

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

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

5. Summary of Consultation Responses

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

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

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

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

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

Environment Agency: - No response received

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

Natural England: - No objections

Planning - Access Officer: - No objections

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

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

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

6. Officer's Report

- 6.1 Section 70 of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies EC2, EC6, SP6, IP2, IP3, IP6, CC5, CM4, CM5 and GI6 of the Carlisle District Local Plan 2015-2030.

1. The Principle of Development

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

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

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

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

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

Where there is no reasonable prospect of an entire employment site remaining in continued employment use; interventions to improve the attractiveness of the site are not feasible; and its release would not impact on the wider strategy for employment land or the availability of local employment opportunities, applications for alternative uses of land or buildings will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

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

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

impact on the wider strategy for employment land or the availability of local employment opportunities, applications for alternative uses of land or buildings will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities"

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

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

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

2. Sequential Test and Retail Impact

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

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

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

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

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

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

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

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

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

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

4. Highways Impact

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

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

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

5. Drainage

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

6. Landscaping

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

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

7. Other Matters

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

Conclusion

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

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

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

7. Planning History

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

8. Recommendation: Grant Subject to S106 Agreement

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 30th July 2018;
2. the Boundary Plan (drawing ref 18005_PL11) received 30th July 2018;
3. the Existing Site Plan (drawing ref 18005 PL00 rev C) received 30th July 2018;
4. the Proposed Site Plan (drawing ref 18005 PL01 rev K) received 1st November 2018;
5. the Proposed Ground Floor GA (drawing ref 18005 PL02 rev B) received 30th July 2018;
6. the Proposed Costa GA Plan (drawing ref 18005 PL03 rev D) received 1st November 2018;
7. the Proposed Costa Elevations (drawing ref 18005 PL04 rev E) received 1st November 2018;
8. the Proposed Costa GA Roof Plan (drawing ref 18005 PL05 rev F) received 1st November 2018;
9. the Proposed Roof Plan (drawing ref 18005 PL06 rev A) received 30th July 2018;
10. the Existing Site Sections (drawing ref 18005 PL07 rev B) received 30th July 2018;
11. the Proposed Elevations (drawing ref 18005 PL08 rev E) received 1st November 2018;
12. the Proposed Sections (drawing ref 18005 PL09 rev C) received 1st November 2018;
13. the Proposed First Floor GA (drawing ref 18005 PL10 rev E) received 30th July 2018;
14. the Planting Plan (drawing ref 201 rev C) received 1st November 2018;
15. the Landscape Layout (drawing ref 103 rev F) received 30th October 2018;
16. the Tree Retention Removal Plan (drawing ref 102 rev A) received 30th July 2018;
17. the Swept path Analysis: Rigid HGV (drawing ref 1602/SP/03) received 1st November 2018;
18. the Planning Statement received 30th July 2018;
19. the Design and Access Statement (rev D) received 1st November 2018;
20. the Retail Statement received 23rd August 2018;
21. the Marketing Overview received 30th July 2018;
22. the Transport Assessment received 30th July 2018;
23. the Transport Assessment (Technical Note 2) received 4th September 2018;
24. the Travel Plan received 30th July 2018;
25. the Tree Survey Report received 30th July 2018;
26. the Energy and Sustainability Statement received 30th July 2018;
27. the Ground Investigation Report received 30th July 2018;
28. the Air Quality Assessment received 30th July 2018;
29. the Extended Phase 1 Habitat Survey received 30th July 2018;
30. the Flood Risk Assessment received 30th July 2018;
31. the Desk Based Phase I Environmental Site Assessment received 30th July 2018;
32. the Phase II Intrusive Environmental Investigation received 30th July 2018;
33. the Notice of Decision; and

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

Reason: To define the permission.

3. Other than those trees identified for removal on the approved plan, no tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be in accordance with the details submitted landscape layout, tree retention removal plan and planting plan.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

4. There shall be no amalgamation of units 4,5 or 6 inclusive with any other unit in the development without approval of the local planning authority.

Reason: In order to protect the viability and vitality of the City Centre in accordance with the NPPF and Policy SP2 of the Carlisle District Local Plan 2015-2030.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the permitted Class A1 retail floorspace in Units 1-6 shall not be used for the sale of goods other than those within the following categories: DIY and/or garden centre goods and associated equipment; furniture and furnishings; kitchens; carpets; floor coverings and tiles and associated equipment; camping; boating and caravanning goods; motor vehicle and cycle goods and associated equipment; and electrical goods. Goods falling outside this range may be sold only where they form an ancillary part of the operation of any of the proposed stores.

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with the NPPF and Policy EC6 of the Carlisle District Local Plan 2015-2030.

6. Unit 7 shall be used as a coffee shop and for no other purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policy EC6 of the Carlisle District Local Plan 2015-2030.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.

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Revision
C General Layout
D General Layout

Scale 1:500 @ A1
Status PL
Drawn by E.G.
Date 09/05/19
Client Chancerygate Ltd

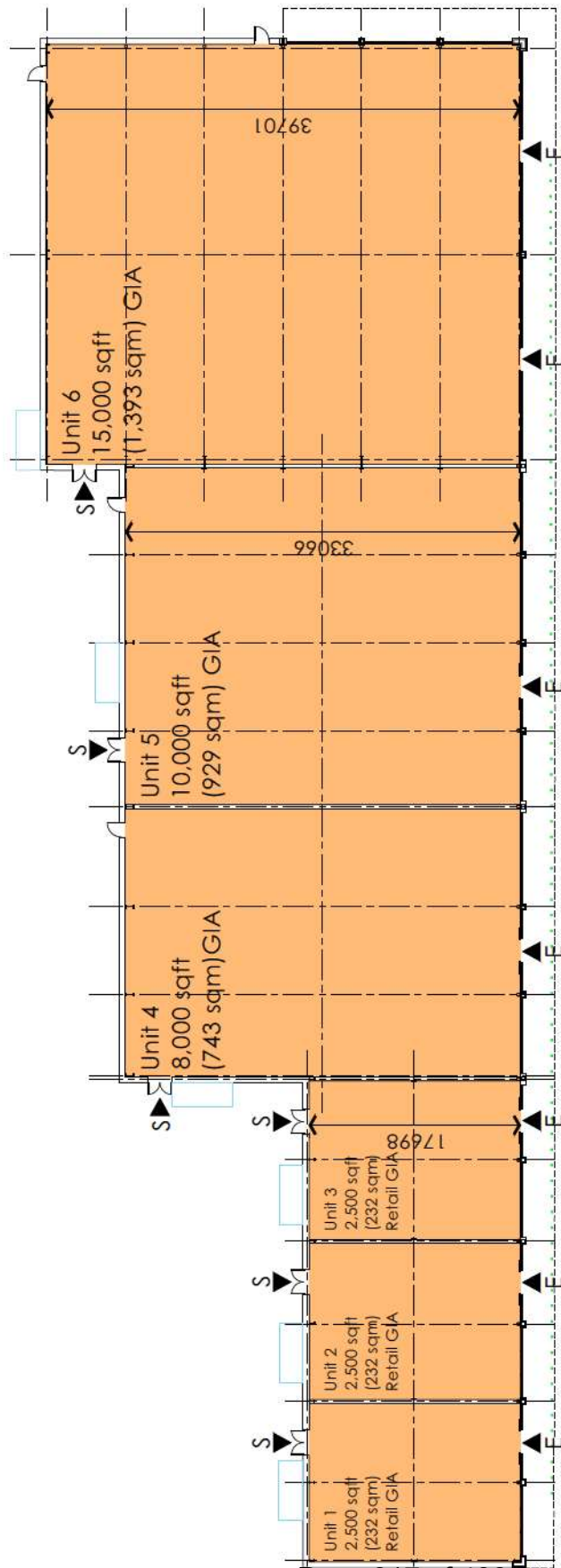
Project Gateway 44, Parkhouse Industrial Estate
Drawing Description Existing Site Plan

Drawing No. 18005 PL00 Rev. C
fletcher + rae

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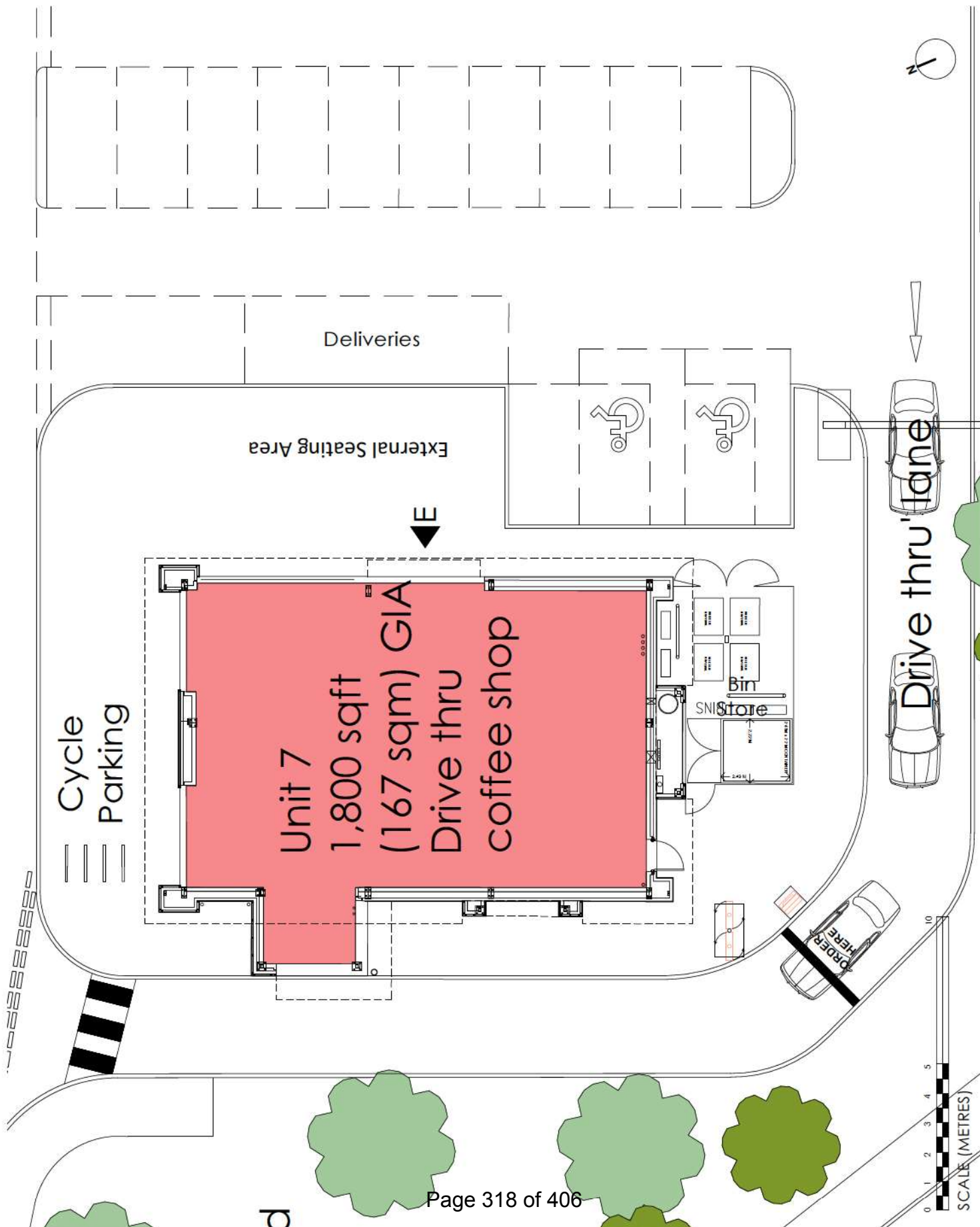


9. SCHEDULE OF ACCOMMODATION

[illegible]

GEA

Unit 7
2120ft²
197m²



Revision	Description	By	Date
1	Issue for Construction	PL	09/05/19
2	Draw for Construction	EG	09/05/19
3	Contract Works	EG	09/05/19
4	Final Issue	EG	09/05/19

Scale: 1:500 (A1)
Status: PL
Drawn by: EG
Date: 09/05/19
Client: Chancerygate Ltd

Project: Gateway 44, Parkhouse Industrial Estate

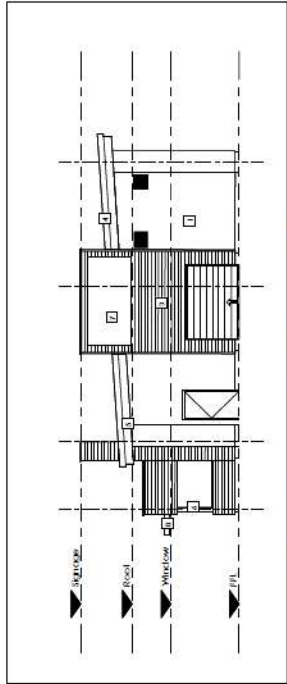
Drawing Description: Proposed Costa GA Plan

Drawing No: 18005 PL03

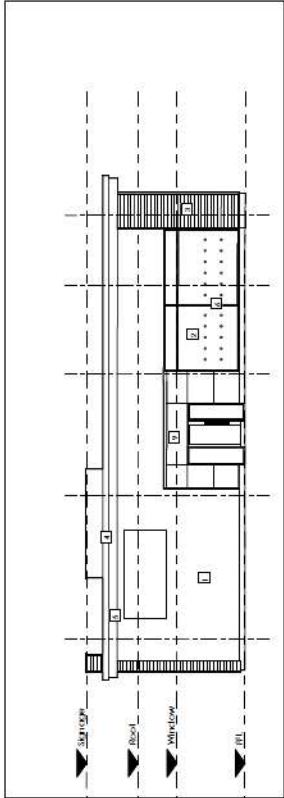
Rev: D

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ARCHITECTS & INTERIORS

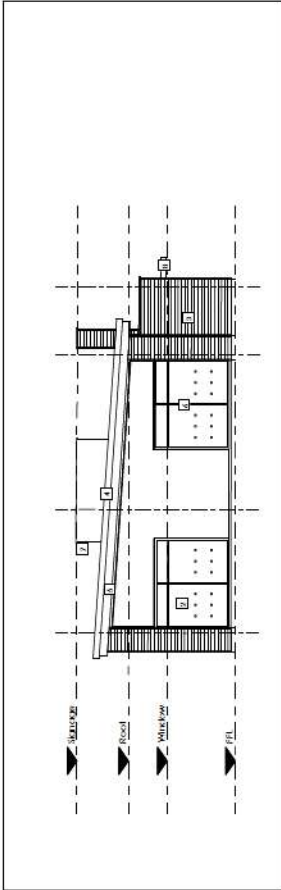
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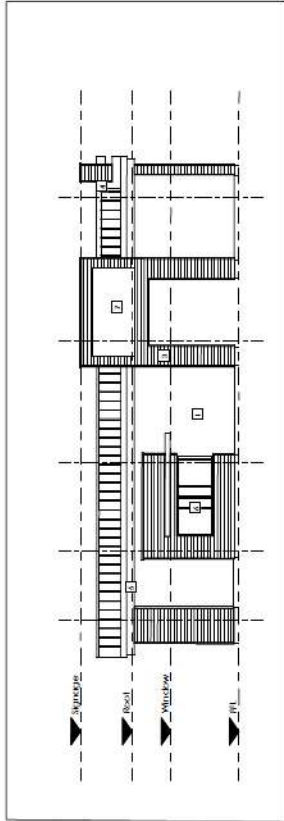
1. ELEVATION FACING BIN STORE



2. ELEVATION FACING CAR PARK



3. ELEVATION FACING TERRACE



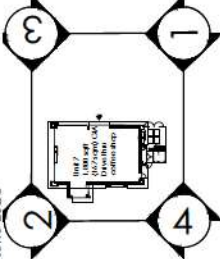
4. ELEVATION FACING DRIVE THRU



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Materials

1. Thru colour render RAL 9010 White
2. Glass curtain walling
3. American red cedar timber cladding
4. Merlin grey (BS18B25) composite cladding panel roof
5. Anthracite (Ral 7016) flashing and gutters
6. Anthracite (Ral 7016) shop front frames
7. Composite signage panels
8. Canopy, colour as roof
9. Thick Aluminium Backed Panels, powder coated Pantone 202C



Revision	A
1. Submittal	
2. Design Development	
3. Design Development	
4. Construction	

Scale	1:100 @ A1
Status	PL
Drawn by	EG
Date	09/05/19
Client	Chancerygate Ltd

Project
Gateway 44, Parkhouse Industrial Estate
Drawing Description
Proposed Costa Elevations
Drawing No. 18005 PL04 Rev. E

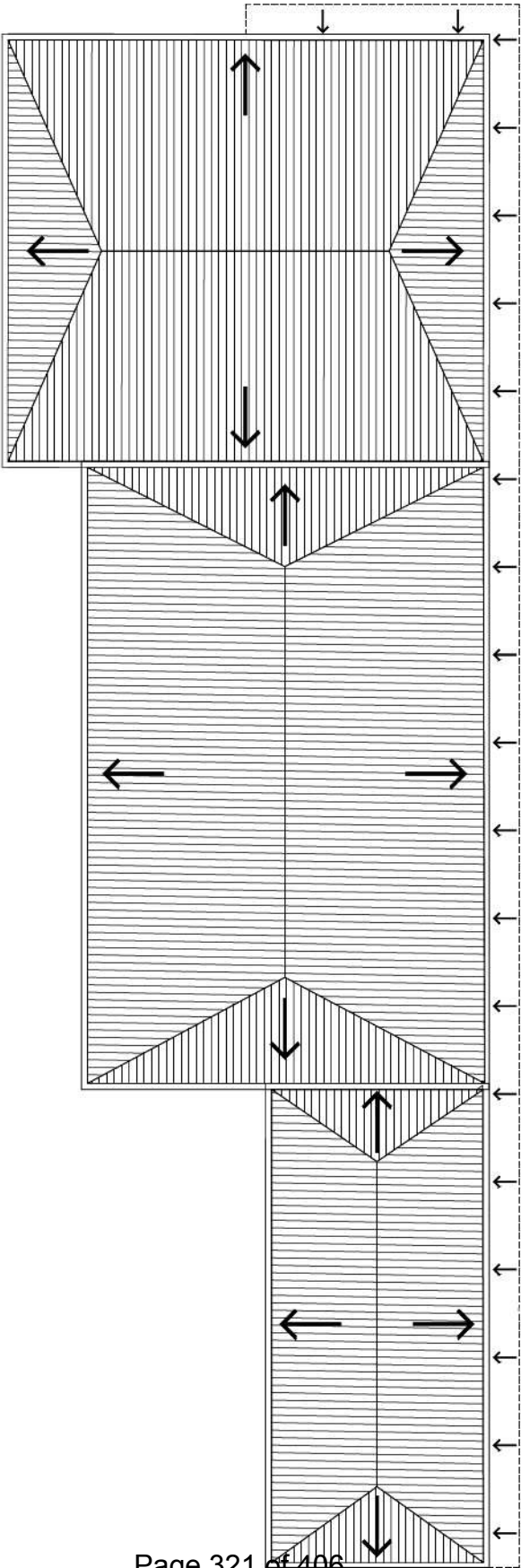
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Revision	A	Head Light Statement	10/05/18	10/05/18
Scale	1:2000@A1			
Status	PL			
Drawn by	EG			
Date	01/05/18			
Client	Chancerygate Ltd			

Project
Gateway 44, Parkhouse Industrial Estate
Drawing Description
Proposed Roof Plan
Drawing No. 18005 PL06
Rev. A

fletcher|rae

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GEA

Total FF GEA

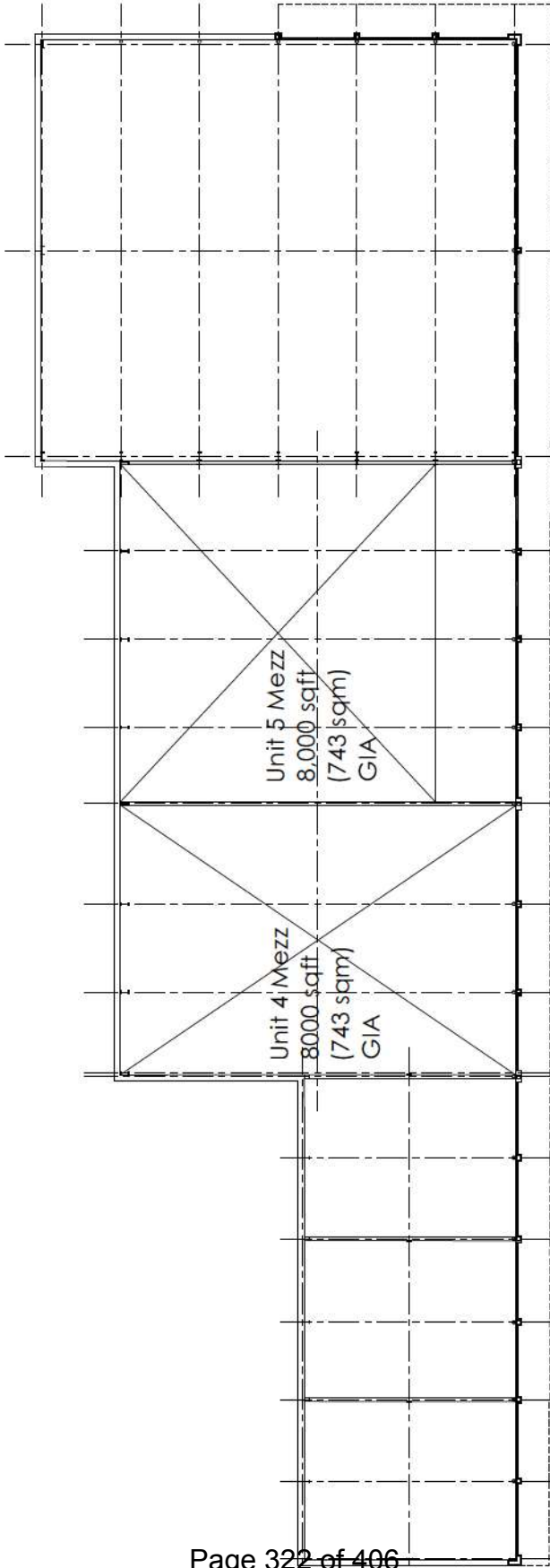
16,756 ft²
1,540m²

Unit 4

8,342ft²
775m²

Unit 5

8,234ft²
765m²



LAYOUT OF MEZZANINE SPACE SUBJECT TO CONFIRMATION BY
INCOMING TENANTS



Revision	A	Proposed
Scale	1:200 (AS1)	
Status	PL	
Drawn by	EG	
Date	01.05.19	
Client	Chancerygate Ltd	

Unit 4	Unit 5
16,756 ft ²	16,756 ft ²
1,540m ²	1,540m ²
8,342ft ²	8,342ft ²
775m ²	775m ²

Project
Gateway 44, Parkhouse Industrial Estate

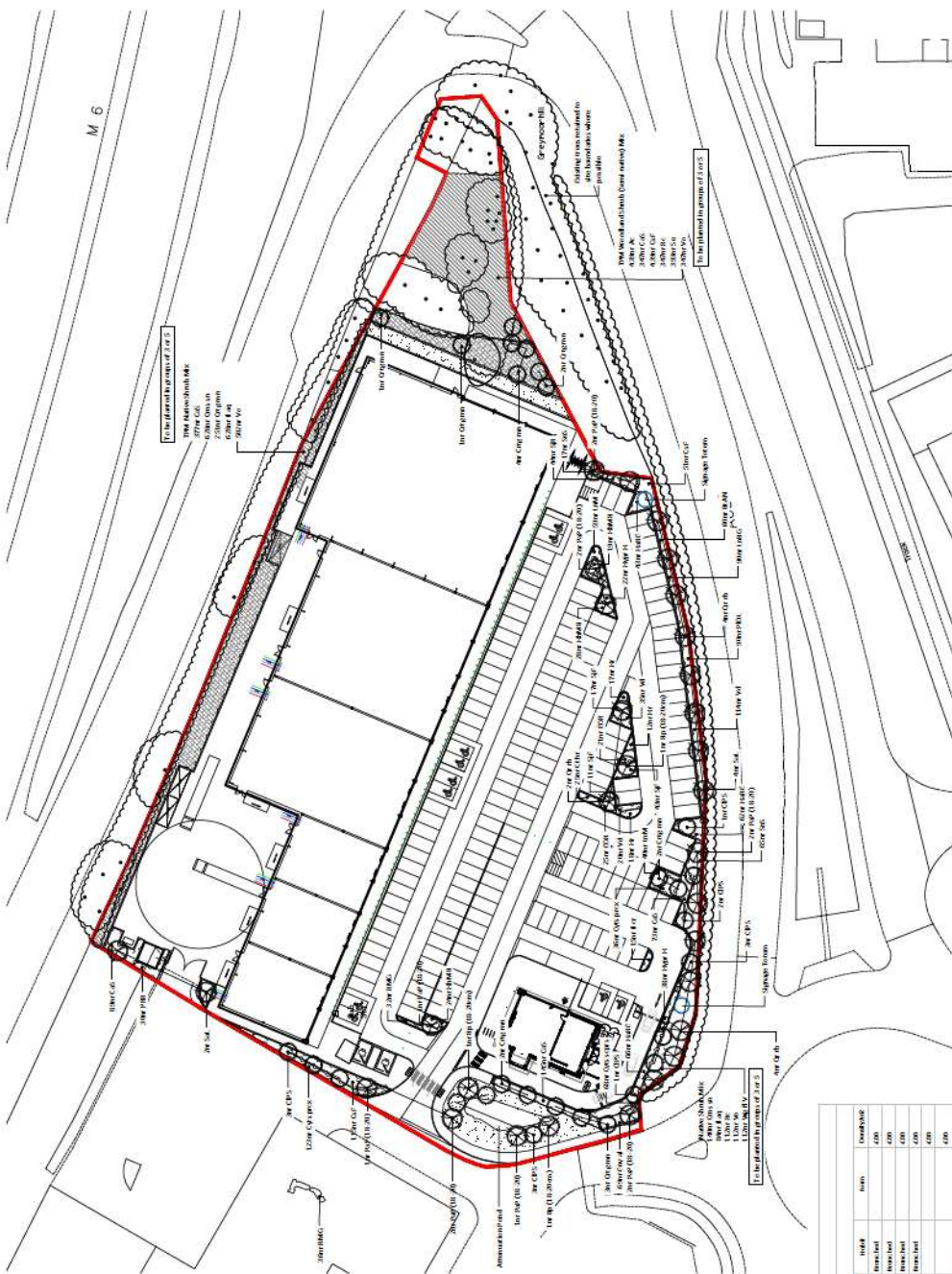
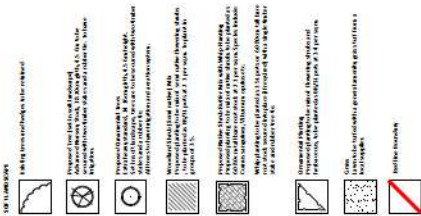
Drawing Description
Proposed First Floor GA

Drawing No. 18005 PL10 Rev. E



18005 PL10, 5, Station Street, Manchester, M15 4PY
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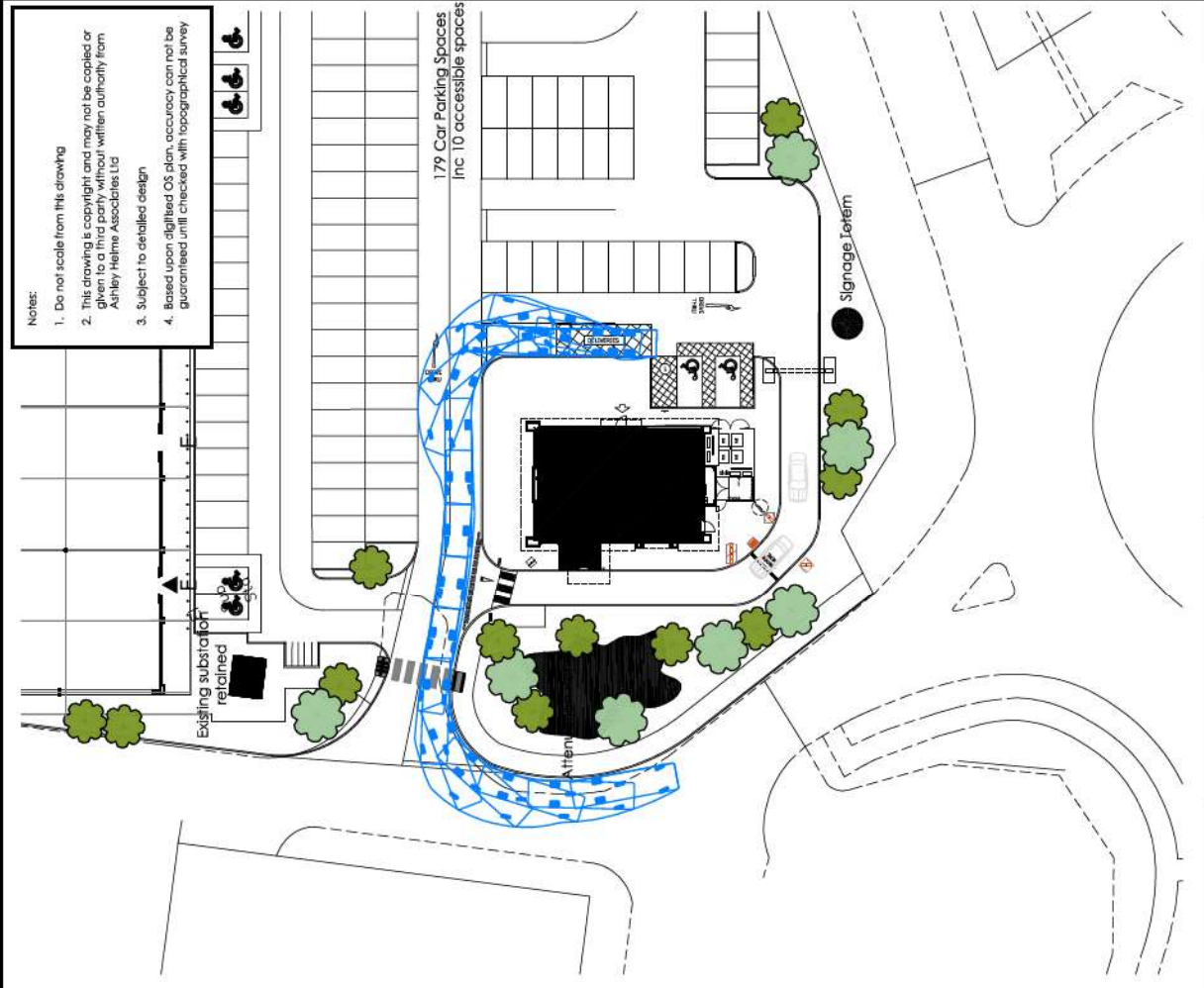
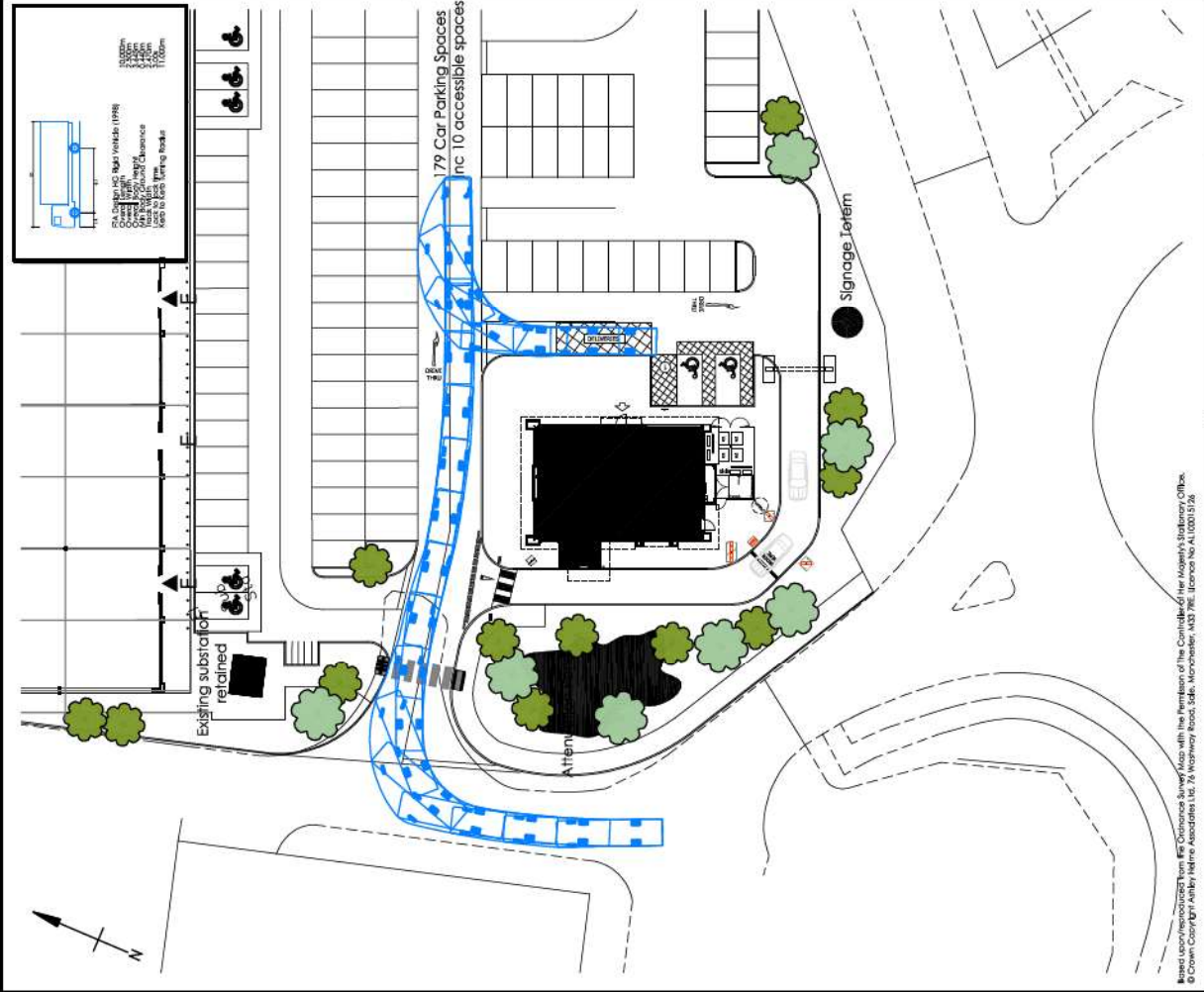
USE/NO



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2. This drawing is to be read in conjunction with the landscape architect's specification.
3. This drawing is to be read in conjunction with the landscape architect's specification.
4. The landscape architect is not responsible for the design of the building or the design of the building's structure. The landscape architect is responsible for the design of the building's exterior and the design of the building's interior.
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Project		Title	
GATEWAY 44, CARLISLE		SWEPT PATH ANALYSIS: RIGID HGV	
Client		Drawing No	
CHANCERYGATE		1 602/SP/03	
		Date	SEPTEMBER 2018
		Scale	1:500@A3
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ashleyhelme associates 76 washway road, sale, manchester, m33 7re a.h.a@ashleyhelme.co.uk t: 0161 972 0533 f: 0161 972 0533			

SCHEDULE A: Applications with Recommendation

18/0388

Item No: 10

Date of Committee: 23/11/2018

Appn Ref No:
18/0388

Applicant:
Mr Ian Murray

Parish:
Carlisle

Agent:

Ward:
Botcherby

Location: Land adjacent Geltsdale Avenue, Durranshill, Carlisle, CA1 2RL

Proposal: Proposed New Vehicle and Pedestrian Entrance

Date of Receipt:
30/04/2018

Statutory Expiry Date
25/06/2018

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Scale, Design And Impact On The Character And Appearance Of The Street Scene Is Acceptable
- 2.2 Highway Safety
- 2.3 Impact on Protected Trees
- 2.4 Heritage Assets
- 2.5 Residential Amenity
- 2.6 Whether The Method of Disposal Of Surface Water Is Appropriate
- 2.7 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

- 3.1 The application site comprises a 0.17 hectare parcel of land located between Geltsdale Avenue and Durranshill Road. The land comprises of a copse of trees and vegetation, some of the tree are subject to a Tree Preservation Order (TPO) 4.

- 3.2 The site is flanked by residential properties with those to the south-east on Alexandra Drive separated by Durranhill Road. A stone wall flanks this boundary with the footpath and County highway. Durranhill House to the north-east and Durranhill Lodge to the south-west are Grade II listed buildings.

The Proposal

- 3.3 This application is for full planning permission for the formation of a vehicular entrance on the south-east boundary leading onto Durranhill Road. The access would involve the reconstruction of the boundary wall to provide visibility splays of 2.4 metres by 60 metres and would involve a pair of access gates recessed 6 metres within the site from the carriageway edge.

4. Summary of Representations

- 4.1 This application has been advertised by means of two site notices and direct notification to the occupiers of 21 of the neighbouring properties together with a Ward Councillor. In response, six letters of objection have been received and the main issues raised are summarised as follows:
1. there is no clear mention of the association between this application and the applicant's previous and ongoing attempts to construct a dwelling on the site in question;
 2. it is rather worrying that the City Council is prepared to accept without question the suggestion, as made in the Design and Access Statement, that the only reason for this latest application is to provide an access to the site "so that vehicles can access the site to allow removal of rubbish and maintenance of the trees";
 3. the same "Tree Report for Proposed House Development at Geltsdale Avenue, Durranhill, Carlisle, September 2015" has now been submitted three times in respect of the three applications as can be seen by the City Council's valiant attempts to re-endorse the same document as having been received by them on 19 October 2015 (15/0967), 23 May 2016 (16/0454) and most recently on 30 April 2018(18/0388). It is worrying that the City Council is prepared to accept this latest Application Form, in which the applicant has replied to the question (Section 17) "Does your proposal include the gain or loss of residential units?", with the answer "NO";
 4. this application is now put forward, by both the applicant and the City Council, as merely an attempt by the owner of the land to maintain the land and trees upon it (what's left of them). The very same person who has applied both to build a house on the site and to clear away all trees, including protected ones, that get in the way?;
 5. if the access is required only for the maintenance of the land then this would involve minimal, occasional use. If however, the access is for a family dwelling, then access will be required constantly, not just by the occupants of the house but also by all of the associated service vehicles, delivery vans, visitors etc. It needs to be made clear to the public and to

- those making the decisions regarding planning consent, just exactly what the access will be used for;
6. there is no mention of these connections which is an underhand way of attempting to remove the obstacles to acquiring planning consent for the construction of a new house. The applicant and his various advisers have evidently concluded that the two issues which will raise opposition are the clearance of the trees and access to the site;
 7. some trees have already been felled and there are ongoing attempts to remove the rest. Presumably, once the matter of access has been resolved, permission to build the house will be given;
 8. the new pedestrian footpath/ crossing point/road narrowing (with Give & Take priority system) situated on Durranhill Road between the Alexandra Drive and Chapel Brow junctions was completed in October 2017. The footpath/ crossing point has now become surprisingly busy with pedestrians encouraged to use the narrowing as a crossing point and the priority system as constructed gives significant cause for concern in respect of public safety;
 9. many drivers travelling west from the Scotby end of Durranhill Road are reluctant to give way and consequently, there have been numerous near misses at the narrowing point with vehicles mounting the pavement to avoid a collision posing a danger to pedestrians;
 10. as well as the near misses, there have also been several minor collisions at the narrowing point;
 11. the fact that traffic calming was needed is an acceptance by the Highway Authority that the road is already an accident risk, building another access will only increase that risk substantially;
 12. it is only a matter of time, before a major head-on collision occurs at the narrowing, with consequent serious injury, or worse;
 13. this is made all the more likely by the lack a 20mph speed limit and a HGV ban on Durranhill Road;
 14. hence, the proposal to allow the construction of a vehicle access from the woodland onto Durranhill Road at a point immediately adjacent to the priority narrowing point can only be regarded as reckless in the extreme: drivers and pedestrians have enough to contend with at present, without the addition of a fourth, obstructed access within the new traffic control measures.
 15. Geltsdale Avenue is a one way street entering Scotby Road. It would possibly be a dangerous manoeuvre due to traffic calming point nearby plus it would require the removal of well established trees and wild life would suffer;
 16. the vehicular access is not necessary in order to maintain the woodland. The fact is driving any vehicle in there is likely to damage the root system and therefore the trees. Given the scale of the woodland any maintenance / removal of rubbish can be achieved by parking a vehicle adjacent to it.

4.2 Following revised plans and Road Safety Audit (RSA), five letters objection have been received and the main issues raised are summarised as follows:

1. the previous objections remain valid and there is nothing in this new proposal that changes anything fundamentally regarding the safety of this

- access;
2. this proposed access is inherently unsafe, especially now that the traffic calming measures have been put in place where the proposed access connects to the highway;
 3. there have been numerous minor accidents and nears misses since the traffic calming work was complete;
 4. the fact that traffic calming was needed is an acceptance by the Highway Authority that the road is already an accident risk, building another access will only increase that risk substantially;
 5. the proposed entrance could not be in a worse position. It is far too close to the new narrowed section of road with cars meeting and try to squeeze through the narrows;
 6. cars speed up the hill and there are a large number of HGV's and farm vehicles which makes it a busy road.
 7. for some reason vehicles use the road to access the industrial estate so it can be very busy. If a vehicle entrance is to be installed why has consideration not been give to undertaking this lower down the hill where there is a little more space, the proposed location is far too narrow and undoubtedly there will be a serious accident at some point;
 8. regarding the property to be constructed built against the boundary wall immediately in front of my property this will result in us being overlooked with resulting loss of privacy;
 9. the current "Give and Take" traffic scheme on Durrhill Road is of poor design (the narrowing is far too short and encourages westbound traffic to risk "jumping" the obstruction) and there are frequent near-misses, with opposing traffic often in conflict on the highway;
 10. many vehicles significantly exceed the speed limit which includes articulated HGVs;
 11. there have been a number of road traffic accidents at the narrowing which so far have only been minor collisions;
 12. on a number of occasions, neither vehicle has given way, passing each other at the narrowing point; in order to do this, they have each had to mount the pavement. This is actually at the location of the pedestrian crossing point - hence the existing "traffic calming" scheme is far from safe;
 13. to then consider allowing the addition of a new vehicle access directly beside this traffic safety measure and within a few metres of the existing Alexandra Drive junction can only be regarded as foolhardy in the extreme;
 14. as it stands, drivers appear to either misunderstand or ignore the priority scheme;
 15. the status of drivers turning right out of Alexandra Drive is unclear whilst crossing the carriageway, should westbound drivers coming over the brow of the hill Give Way to them or not? This overall confusion can only be increased by the addition of another entrance almost invisible within the confines of the traffic-calmed area;
 16. on the basis the application should be refused but if Carlisle City and Cumbria County Council approve this, they will be jointly responsible for making an already dangerous situation even worse, further compromising public safety. This entrance is both unsafe and unnecessary;
 17. planning permission has not been granted to erect a dwelling so access is

- not required for that;
18. this site was sold as an amenity site not a building plot;
 19. the woodland is very small so vehicular access is not necessary to maintain it. Any maintenance can be carried out by parking adjacent to the woodland;
 20. the construction of a driveway will likely cause damage of the root system of the trees. The trees add amenity value to this area and are a haven for bats and birds and provide a screen between Geltsdale Avenue and Durranhill Road.
 21. around 200 new houses are being built next to Barley Edge which will mean an increase in traffic on Durranhill Road so this buffer will become more important than ever;
 22. the location of this entrance on an already busy road, close to a traffic calming area and the entrance to Alexandra Drive just seems inherently unsafe.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

Highway Authority

Background

The above application requires permission for a new access from land adjacent to Geltsdale Avenue to Durranhill Road. A previous application under reference 15/0967 which was submitted with an access from Geltsdale Avenue was withdrawn as it is understood that the applicant was unable to demonstrate the land required to gain a satisfactory access to Geltsdale Avenue was within the applicant's control or suitable permission to cross third party land could be achieved.

A subsequent application has been made for the erection of one dwelling under 16/0454 and it is understood that the status of this application is 'registered'. The application site is currently an area which contains several mature trees including trees with Tree Preservation Orders. As a minimum the applicant is proposing to create an access suitable to access the site to maintain the trees.

The Local Highway Authority originally responded on the access to Durranhill Road on 8th June 2016 with an initial objection due to lack of information (visibility splays etc) as part of application 16/0454. Further information was provided as requested which the Local Highway Authority considered acceptable subject to conditions, this response was made to the Local Planning Authority on 20th July 2016.

Persimmon Homes Development – Barley Edge

A planning application, 16/0362, was submitted by Persimmon Homes in relation to traffic calming in order to discharge condition 22 of application

10/0792. Condition 22 states –

No dwellings hereby approved shall be occupied until the following works have been constructed and brought into full operational use:

1. The creation of a new pedestrian footpath along the southern side of Durranhill Road, which shall link the application site with the existing pedestrian footway on Durranhill Road; and
2. The provision of a pedestrian island on Durranhill Road to the north of Pastures Walk.

Prior to development commencing construction drawings detailing the aforementioned works shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of highway safety and to support Local Transport Policies LD7 and LD8.

Unfortunately, due to the constraints within the carriageway it was not possible to install the provision of a pedestrian island on Durranhill Road to the North of Pastures Walk and, therefore, Persimmon Homes applied under application 16/0362 to have a variation to condition 22 which included permission for the build-out on Durranhill Road close to Alexandra Drive. This was granted permission on 10th February 2017. The features (build-out etc) agreed in 16/0362 were installed soon after.

Following the installation of the build-out, a Stage 3 Road Safety Audit which recommended various actions including amendments to current signage, relaying of road markings through the build-out and installation of solid edge of carriageway markings through the build-out on both sides. These works are still to be completed by the developer.

However, it was recognised that these works were located close to the proposed access for application 16/0454 land adjacent to Geltsdale Avenue and a further response to application 16/0454 was issued to the Local Planning Authority raising concern at the proximity of the access to the new build out. The applicant has since provided further information and this is discussed later in the letter.

Other Developments Within The Area

The area around Durranhill Road has been subject to several developments in recent years including Barley Edge and most recently the Taylor Wimpey site. As part of the Planning Application for the Taylor Wimpey site (17/0669) further traffic calming measures were identified on Durranhill Road. These measures will be introduced following an appropriate S278 agreement with the Local Highway Authority. Although this development will increase traffic flow on Durranhill Road it is considered that these measures will further reduce speeds on Durranhill Road.

Assessment Of The Proposed Development 18/0388

The proposed access for this development is on to Durranhill Road close to the Durranhill Road / Alexandra Drive junction and the newly constructed build-out as detailed above. Durranhill Road is a well-used road which links several developments with Durranhill Industrial Estate, Scotby and Eastern Way. The applicant has provided various plans and a stage 1/2 road safety audit and it is considered that this information is sufficient to determine that an adequate access can be achieved. The relevant information provided includes the following –

- IM/NEW ENT/VS1 Rev A – this demonstrates that visibility splays of 60m can be achieved in each direction from the site. This complies with the Cumbria Development Design Guide for accesses within a 30mph speed zone. It is considered that a condition shall be applied to any permission granted to ensure that this is maintained throughout the use of the development.
- IM2/DURRANHILL/VP1 Rev A – This demonstrates that a sweep path analysis of refuse vehicles has sufficient room to enter and exit the site without overrunning the new build out.
- Road Safety Audit (RSA) Stage 1 / 2 – the applicant has provided a road safety audit which has assessed the proposed access in line with the terms of reference of the audit as described in HD 19/15 of the Design Manual for Roads and Bridges (DMRB). It is considered that the RSA is appropriate to the size of the development (access for maintenance);
- IM/DH/NEW ENTRANCE 2 Rev B - this plan has been produced following the completion of the RSA and demonstrates a wider access of 5.5m which will allow for two vehicles to pass one and other if they were to be within the access at the same time. This width corresponds with the details within the Cumbria Development Design Guide for highway widths and the ability to allow 2no vehicles to pass each other.

In order to determine the suitability of the access the Local Highway Authority has also considered accident records on Durranhill Road at the site. The accident details are based on those reported to the police. The accident data shows no cluster of accidents at the proposed entrance location. However, the Local Highway Authority is aware that following the introduction of the new build out there was misuse of the new traffic layout and complaints were received. These have now reduced and the Local Highway Authority consider that the introduction of the proposed traffic calming alongside the Taylor Wimpey site and the installation of the improvements to the existing build-out identified in the Stage 3 road safety audit will continue to reduce speeds on this section of Durranhill Road.

The Local Highway Authority recognises that the entrance is close to the new build-out and considers that the proposed installation of solid edge carriageway markings through the build-out on both sides shall be extended past the proposed access that should be subject to a condition.

Summary

To summarise the Local Highway Authority have considered the information provided by the applicant, the existing road network in the area and the

potential impact of further development particularly the Taylor Wimpey site and consider the size of the development will have a negligible impact on road safety at this location.

Therefore, the Local Highway Authority have no objections to the proposal but would recommend that the imposition of several conditions to any permission that the Local Planning Authority might be minded to grant.

Following the receipt of this response, an Addendum has been received which reads:

Unfortunately due to an oversight while preparing the response for the above application dated 27th September 2018 a condition referring to a Stage 3 Road Safety Audit was omitted. It is therefore recommended that consideration is given to the inclusion of the following condition in any permission the council is minded to grant:

"Following completion of the access a stage 3 road safety audit shall be submitted to the Local Planning Authority and any recommendations shall be implemented within 6 months of the completion of the access.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8;"

Northern Gas Networks: - no objection.

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 is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, IP3, CC5, CM5, HE3, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The Supplementary Planning Documents "Achieving Well Designed Housing" and "Trees and Development" adopted by the City Council are also material planning considerations. Section 66 of the Planning (Listed Building and Conservation Areas) is also a material planning consideration.
- 6.3 The proposal raises the following planning issues.

1. Whether The Scale, Design And Impact On The Character And Appearance Of The Street Scene Is Acceptable

- 6.4 Adopted policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design including care in relation to siting, scale, use of materials

and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is reflected in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.

- 6.5 The entrance would be formed in the existing stone wall which flanks the south-eastern boundary. The wall itself is slightly elevated above the height of the adjacent foot path.
- 6.6 The proposal would involve some physical alterations to the boundary structure in the form of a new opening and visibility splays; however, the splays would be constructed in stone either from the existing wall or additional material that would match the existing.
- 6.7 Subject to the imposition of condition requiring the use of appropriate stone where new material is required, the proposal would not result in a discordant feature within the street scene and would not therefore be detrimental to the character and appearance of the area.

2. Highway Safety

- 6.8 Members will be aware from the planning history that there is a current application for the erection of a dwelling on the site. Reference is made in the letters of objection that approval of this application would be the 'thin end of the wedge' and would, by default, pave the way for approval of the dwelling. The issue of a dwelling on the site not only raises issues about the access but also about the impact on the protected trees, ecology and the amenity of neighbouring residents. Further discussions are ongoing with the applicant which is why this application is outstanding. Notwithstanding this, Members will be aware that it is unreasonable to refuse an application on the basis of supposition. It should be clear, therefore, that this application should be considered on the basis of the details as submitted which is for the formation of the vehicular access only.
- 6.9 The proposal would create an access onto Durranhill Road which is a classified road (C1010 Scotby Close to Montgomery Way). The gates would be recessed 6 metres from the carriageway edge and the reconstructed boundary wall would incorporate visibility splays of 2.4 metres by 60 metres. In addition, there would be no obstruction above 1.05 metres with the visibility splay.
- 6.10 A number of objections have been received from residents in respect of the potential impact on highway safety as a result of this development, particular in relation to the physical proximity to the brow of the hill to the north-east and the recently constructed traffic calming measure.
- 6.11 Cumbria County Council as the Highway Authority has previously raised objections to the application despite the inclusion of a Swept Path Analysis to demonstrate appropriate turning provision. The Highway Authority's consultation response based on the initial application documents read as

follows:

“The Highways Authority have previously raised no objections to the planning application 16/0454 at this site for 1 dwelling and its associated access. The first responses raised concerns which were addressed by the applicant and the LHA’s response on the 27th October 2016 recommended no objection to the development with conditions. Unfortunately, since the comments of 27th October 2016 an application to carry out alterations to the carriageway under application reference 16/0362 was approved. This granted permission for the narrowing of the carriageway close to the proposed entrance of the new development under application 16/0454.

Therefore, the LHA requested on 21 March 2017 that the applicant provides further information, namely sweep path analysis to demonstrate that delivery vehicles will be able to safely access and turn around within the site following the installation of the alterations to the carriageway proposed under 16/0362 (particularly dwg. C006 rev H). These were submitted and found to be acceptable by the Highways Authority and thus no objections were raised with regards to the proposals.

Following on from this, the current application 18/0388 has been submitted for a single access into woodland to manage the site. The applicant has submitted the visibility splays and swept path analysis which was submitted as part of 16/0454 and is therefore still acceptable to the Highways Authority. However since the initial no objections were issued by the Highways Authority, road safety concerns have become apparent at this location due to the complex nature of the road due to its close proximity to the traffic calming and being opposite a junction.

Also since the initial application the Cumbria Development Design Guide 2017 has been released by Cumbria County Council which clarifies the guidance in relation to new developments and their access requirements.

The Cumbria Development Design Guide states on page 25 that although a private access road or drive is not adoptable by the Highway Authority, how they connect to the highway is of extreme importance to ensure safety and maintain the efficiency of that highway. The type of arrangement used at the transition point between public highway and a private access road or drive is dependent on a number of influencing factors. These can include the existing geometry of the site, existing landscaping and the design character of the new dwelling.

- *Is the access obvious?*
- *Can it be recognised by approaching traffic and what are the clues that inform people of its presence?*

Considering these factors it is deemed that the proposed access will not be obvious for users of Durranhill Road due to its complexity and therefore the Highways Authority recommends this application for refusal due to highway safety concerns.”

- 6.12 Since these comments were provided, the applicant employed an independent highway consultant to undertake a Road Safety Audit (RSA). The RSA identified two issues, namely:

“Location: A – Durranhill Road / proposed new access.

Summary: Depth of access

It is understood that a private gated access is proposed off of Durranhill Road immediately northeast of Alexandra Drive for the general maintenance of the site and for vehicle and pedestrian access to a dwelling. The Audit team are concerned that the depth of the access at 6 metres could be too short to accommodate a large vehicle such as the refuse vehicle shown on drawing number IM2/Durranhill/VP1 Rev A if the gates are closed. This could allow such a vehicle to overhang onto the public highway where it could be a potential hazard to passing vehicles.

RECOMMENDATION

The proposed new gated access should be of sufficient depth to accommodate the largest vehicle required to enter the site if the gates are closed. Alternatively, the gate should be removed.

Location: B – Durranhill Road / proposed new access.

Summary: Width of access

It is understood that a private gated access is proposed off of Durranhill Road immediately northeast of Alexandra Drive for the general maintenance of the site and for vehicle and pedestrian access to a dwelling. The Audit team are concerned that the width of the access at 4.8 metres could be insufficient to allow two vehicles to pass one another. This could lead to side swipe type conflicts, injury to vehicle occupants and injudicious reversing back onto the highway.

RECOMMENDATION

The proposed new gated access should be suitably increased in width to allow two vehicles to pass one another.”

- 6.13 Following an assessment of the information provided including the Road Safety Audit it is considered that the access can meet the requirements of those within the Cumbria Development Design Guide (CDDG). For example within a 30mph speed limit zone a visibility splay of 60m is required (Chapter B of the CDDG) and the applicant has provided appropriate information to demonstrate that this can be achieved. It should also be noted that page 25 of the guide requires that pedestrian visibility splays of 2m are required which are adequately provided for by off-setting the wall indicated in the enlarged entrance layout provided on the submitted drawings. The plans show the gates recessed six metres from the carriageway edge with the width of the access road increased to 5.5 metres.

- 6.14 Within the objections received, reference is made to the speed of vehicles travelling along Durranhill Road, despite the imposition of the traffic calming measures. Members may recall the planning application on the opposite side of Durranhill Road submitted by Taylor Wimpey for the erection of 198 dwellings. This development has commenced and as part of this permission, the developer is required to install a further traffic calming measure further along Durranhill Road towards Scotby which comprises of a build out of the pavement with priority through the narrowed section of the highway given to vehicles travelling from Scotby. This is shown on the drawing reproduced following this report. The requirement to complete these works is subject to condition 37 of the planning permission (reference 17/0669) which reads:

"Prior to the occupation of the 50th dwelling, the traffic calming measures shown on the Proposed Traffic Calming Scheme on Durranhill Road (Drawing ref C001 Rev A) received 23rd October 2017 shall be completed and shall be retained for use thereafter."

- 6.15 In light of the fact that the development has commenced and the requirement to adhere to this condition, it is considered that significant weight can be attached to this. The presence of this additional traffic calming measure has previously been accepted by the Highway Authority and would further reduce traffic speeds along Durranhill Road and should address some of the situations which residents state are occurring at present.
- 6.16 Cumbria County Council, as the Highway Authority raise no objection to the application subject to the imposition of conditions and accordingly it is not considered that this proposal raises any issues with regard to highway safety.
- 6.17 Members will note in the Consultation Notes (Section 5 of this report) that the Highway Authority has provided an Addendum to their revised consultation response requesting the consideration is given to the imposition of a condition requiring the applicant to submit a Stage 3 Road Safety Audit. Ordinarily, a Stage 3 report should be undertaken when the Highway Improvement Scheme is substantially complete and preferably before the works are open to road users. The scheme would be examined during daylight and during the hours of darkness, so hazards particular to night operation can also be identified and representatives from the police, local authority and maintaining agent would be invited to accompany the Audit Team to offer their views for the Stage 3 Audit. Works within the highway require agreement under section 278 (S278) of the Highways Act 1980. A S278 agreement is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the council to make alterations or improvements to a public highway, as part of a planning application. It is an offence to carry out any works within the public highway without permission of the Highway Authority. It is considered that if a Stage 3 audit is required, this should be submitted as part of the S278 process rather than the planning application. The imposition of such a condition as part of the planning permission would not meet the relevant tests for a condition, in particular it would not be necessary. The Stage 1/2 audit has identified that the principle of the access is acceptable. Any further ongoing highway improvements (which may or may not be

identified by a Stage 3 audit) should be considered under highway legislation rather than after the completion of the development approved by the planning permission.

3. Impact on Protected Trees

- 6.18 There are number of established and mature trees within the site and along the frontage and within the site, some of which are protected by a Tree Preservation Order (TPO). These trees are a significant feature within the area and are seen from over a wide area above the roofs of surrounding properties. They provide a significant degree of amenity and are a visually attractive feature of the character of the area and contribute to the ecological value of the site.
- 6.19 There is the potential that the development would have an impact on the trees within the site and Policy IP2 of the local plan together with the Supplementary Planning Document (SPD) "Trees and Development" requires that *"development should provide for the protection and integration of existing trees and hedges."*
- 6.20 The site has been subject to two applications for the removal of trees on the site. The application was submitted and the council sought independent advice from an arboricultural consultant who confirmed that the in respect of application 17/0026/TPO, there was a small cavity at the base which is known to be infected by a fungus known as giant polypore. The fungus begins by affecting the structural roots and as it progresses, it affects the remaining roots and the crown starts to decline. The second tree had a large column of decay with an open cavity. It is stated that *"the existence of an open cavity of this size will have a negative effect on the structural integrity of the tree, rendering it likely to fail."*
- 6.21 With regard to the second application, 17/0030/TPO, one tree was beginning to retrench and one had basal swelling, which in terms of the latter, can result in a significant loss of structural stability and the consultant described the decay as possibly extensive. Both applications were granted but require replacement trees to be replanted.
- 6.22 In conjunction with the same consultant, as a result of these applications and local interest from the Ward Council, together with good management practice, the council has undertaken a review of the TPO and this is being progressed. Indeed, the PPG in Paragraph: 051 Reference ID: 36-051-20140306 Revision Date 06/03/2014 states:

"Reassessing Orders helps to ensure that protection is still merited and Orders contain appropriate classifications. So authorities are advised to keep their Orders under review. For example, authorities should consider reviewing Orders protecting trees and woodlands affected by development or other change in land use since the Order was made. In addition, authorities may wish to set up a programme to review Orders that include the area classification."

- 6.23 The objections make reference to the fact that the development will necessitate the loss of further trees, particularly mature trees along the frontage. The existing trees are of good quality and have high amenity value and make a positive contribution to the character of the locality. Their stature and location make them a focal point in the locality. There appears no reason why the trees should not have a substantial life span ahead of them and they are worthy of the protection offered by the TPO which is reflected in the review; however, the access could be provided without the loss of additional tree and none are proposed as part of this application. Therefore, should the applicant wish to remove additional projected trees, he would have to submit an appropriate application.
- 6.24 A condition is imposed within the suggested conditions which requires the submission and agreement of tree protection barriers together with construction methods in the vicinity of the trees.

4. Heritage Assets

- 6.25 Paragraph 7 of the NPPF states that:

"The purpose of the planning system is to contribute to the achievement of sustainable development".

- 6.26 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

Impact Of The Proposal On The Character And Setting of the Grade II Listed Building

- 6.27 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".

- 6.28 Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.29 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal

will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.30 Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- 6.31 Durranhill House is Grade II listed and listed adjacent to the north-east boundary whilst Durranhill Lodge is located further to the south-west of the application site and is also Grade II listed.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.32 There are two listed buildings in the vicinity of the site as already outlined earlier in this report.
- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.33 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.34 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.35 The proposal involves the formation of a vehicular access. This development would not be viewed in the context of either listed building given the topography, scale of the development and intervening trees. In this context, it is considered that the proposal would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

5. Residential Amenity

- 6.36 There are residential properties adjacent to the site with the nearest properties being on Alexandra Drive; however, these properties are off-set from the proposed access and have blank gables facing the site, save for 2 Alexandra Drive which has on obscurely glazed first floor window.
- 6.37 The principle of the development together with the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers would suffer from loss of privacy or unacceptable levels of noise or disturbance.

6. Whether The Method of Disposal Of Surface Water Is Appropriate

- 6.38 In order to protect against pollution, Policy CC5 of the local plan seeks to ensure that development proposals have adequate provision for the disposal of surface water. The application documents, submitted as part of the application, shows that surface water run-off would be captured from the access and drained by means of a soakaway.
- 6.39 The principle of these means of disposal is acceptable; however, no details of the soakaway have been submitted. A condition is imposed requiring further details of the location and construction together with a route for the services connecting it to the access to be agreed prior to the commencement of development.

7. Impact Of The Proposal On Biodiversity

- 6.40 Planning Authorities in exercising their planning and other functions must 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). Such due regard means that planning authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.41 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. The National Planning Policy Framework (NPPF) states that *"the planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible..."*
- 6.42 The scale of the intrusion of the access onto the land is minimal and as previously stated, would not involve the loss of any trees; however, it would be appropriate to impose a condition prohibiting the formation of any additional areas of hard standing, over and above that shown on the submitted plans, to ensure that there is no additional encroachment which may be affect the biodiversity on the land.
- 6.43 An Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

Conclusion

- 6.44 In overall terms, the principle of the development is acceptable in this location. Additionally, the scale and design would be appropriate to the site and would not result in an adverse impact on the character or appearance of

the area.

- 6.45 The submitted plans take account of the highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced subject to the imposition of conditions.
- 6.46 The means of surface water drainage can be suitably addressed through the imposition of a planning condition.
- 6.47 In all aspects, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

- 7.1 In 2007, permission was granted for works to protected trees T1 and T3 and to fell T2.
- 7.2 An application for planning permission for the erection of a dwelling was submitted in 2015 but was withdrawn by the applicant.
- 7.3 A revised application for planning permission was submitted in 2016 for the erection of a dwelling which remains current.
- 7.4 In 2016, an application was submitted to removal of TPO trees 6, 7, 8, 12, 13, 14, 15, 16, 17 and 18 plus additional non TPO trees to accommodate the development of a dwelling but was withdrawn by the applicant.
- 7.5 An application to remove T12 and T24 Beech trees subject to TPO No. 4 was approved in 2017.
- 7.6 Later in 2017, an application was approved for the removal of trees T18 (Sycamore) & T45 (Horse Chestnut) subject to TPO No.4

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 Planning Application Form received 25th April 2018;
 - 2. the Location Plan received 25th April 2018 (Drawing no. IM/DRRANHILL/SLP);
 - 3. the Site Block Plan received 25th April 2018 (Drawing no.

- IM/NEW/ENT/SBP Rev A);
- 4. the New Vehicle Entrance received 30th August 2018 (Drawing no. IM2/DH/ENTRANCE1 Rev B);
- 5. the Visibility Splays received 25th April 2018 (Drawing no. IM/NEW ENT VS1 Rev A);
- 6. the Vehicle Paths received 25th April 2018 (Drawing no. IM2/DURRANHILL/VP1 Rev A);
- 7. the Tree report for Propsoed House Development received 12th June 2018;
- 8. the Combined Stage 1/2 Road Safety Audit received 30th August 2018;
- 9. the Notice of Decision;
- 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

- 3. No development hereby approved by this permission shall commence until details of the specification and location of root protection barriers have been submitted in writing to and approved by the local planning authority. The root protection barriers as agreed shall be erected prior to commencement of any works on site and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area. In the event of trenches or excavations exposing tree roots of 50mm/ 2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/ 2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval in writing of the Local Planning Authority and where such approval is given, the roots shall be cut back to a smooth surface.

Reason: To protect the trees on the site in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

- 4. No development hereby approved shall commence until a detailed Method Statement of the 'no dig' construction method for the access, driveway and hardstanding within the root protection area is submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To protect the trees on the site in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

- 5. Prior to the commencement of any development, 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. Such details shall include measures to prevent surface water discharging onto the highway together with the route of any infrastructure connections the drainage strip to the surface water drainage scheme..

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

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

6. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road in both directions have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

7. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Highway Authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

8. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 6 metres inside the site, as measured from the carriageway edge. There shall be no vehicular access or egress from the site other than via the approved access.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

9. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

10. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 and LD8.

11. Solid edge carriageway markings through the build-out on both sides which is extended past the proposed access shall be installed at the same time as the vehicle access. Details of the proposed markings shall be agreed in writing with Local Planning Authority prior to the installation.

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

12. All new external stonework relating to the reconstructed boundary wall shall be carried out in natural stone which shall, in type, and in the manner in which it is laid, match that of the existing wall.

Reason: To ensure the works harmonise as closely as possible with the existing wall in accordance with Policies SP6 of the Carlisle District Local Plan 2015-2030.

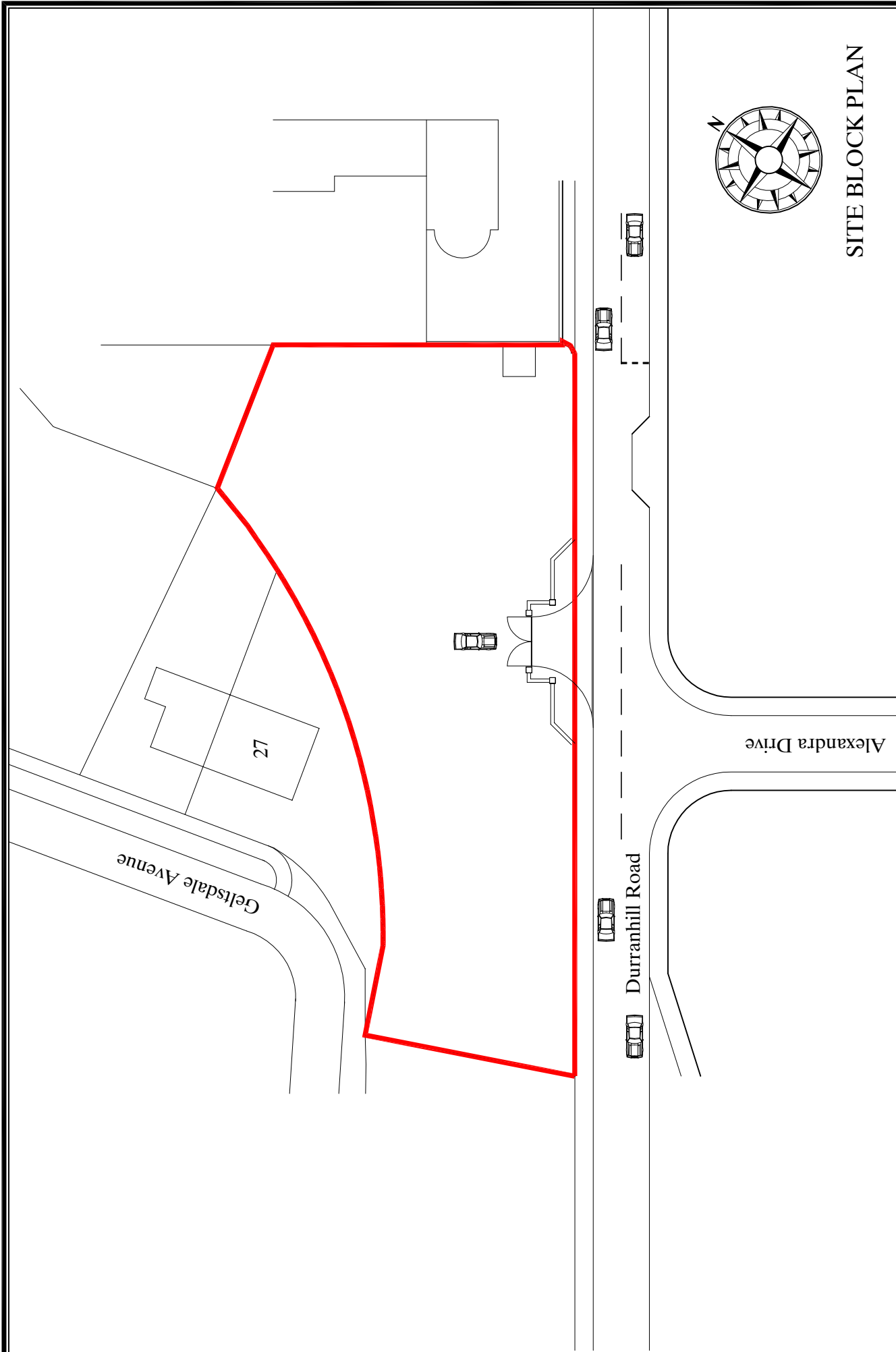
SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 342748 , 555206



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11:40:28 01/10/2015



LAND ADJACENT TO
GELTSDALE AVENUE
IN/DURRANTHILL/SLP

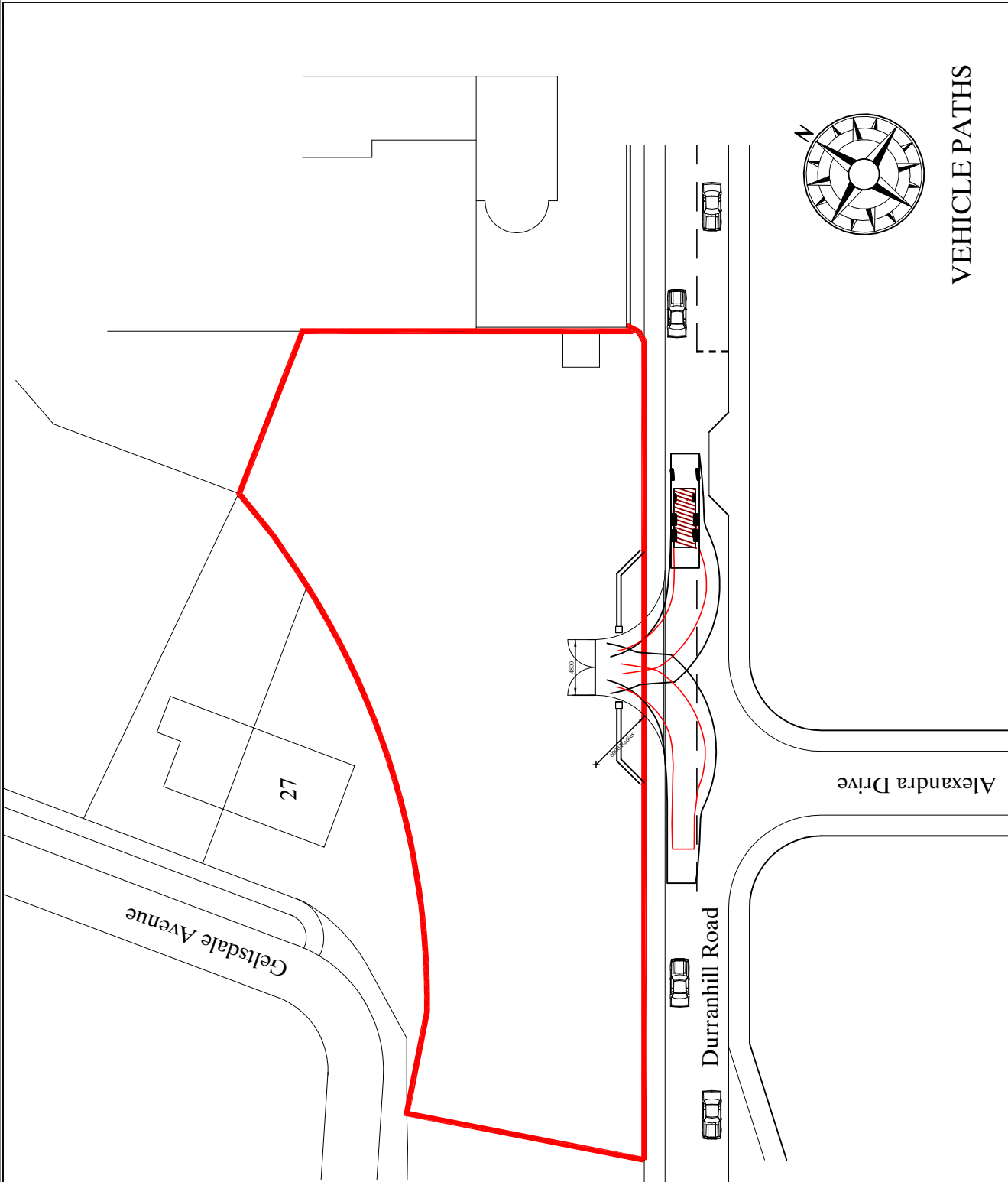
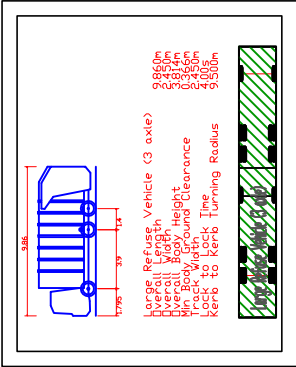
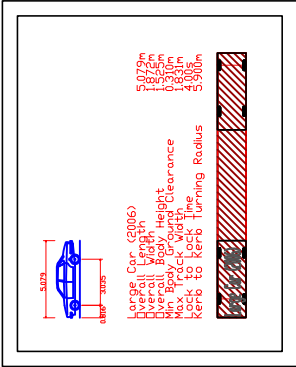


SITE BLOCK PLAN

Drawn By	G.Tyler
Scale	1:500
Date	16th March 2018
Drawing No	IM / NEW ENT / SBP
Rev	A

Proposed New Vehicle Entrance
to Land Adjacent to Geltsdale Avenue, Durranhill, Carlisle for Mr. I. Murray

Rev.	Date	Description
A	16/03/18	Original Issue

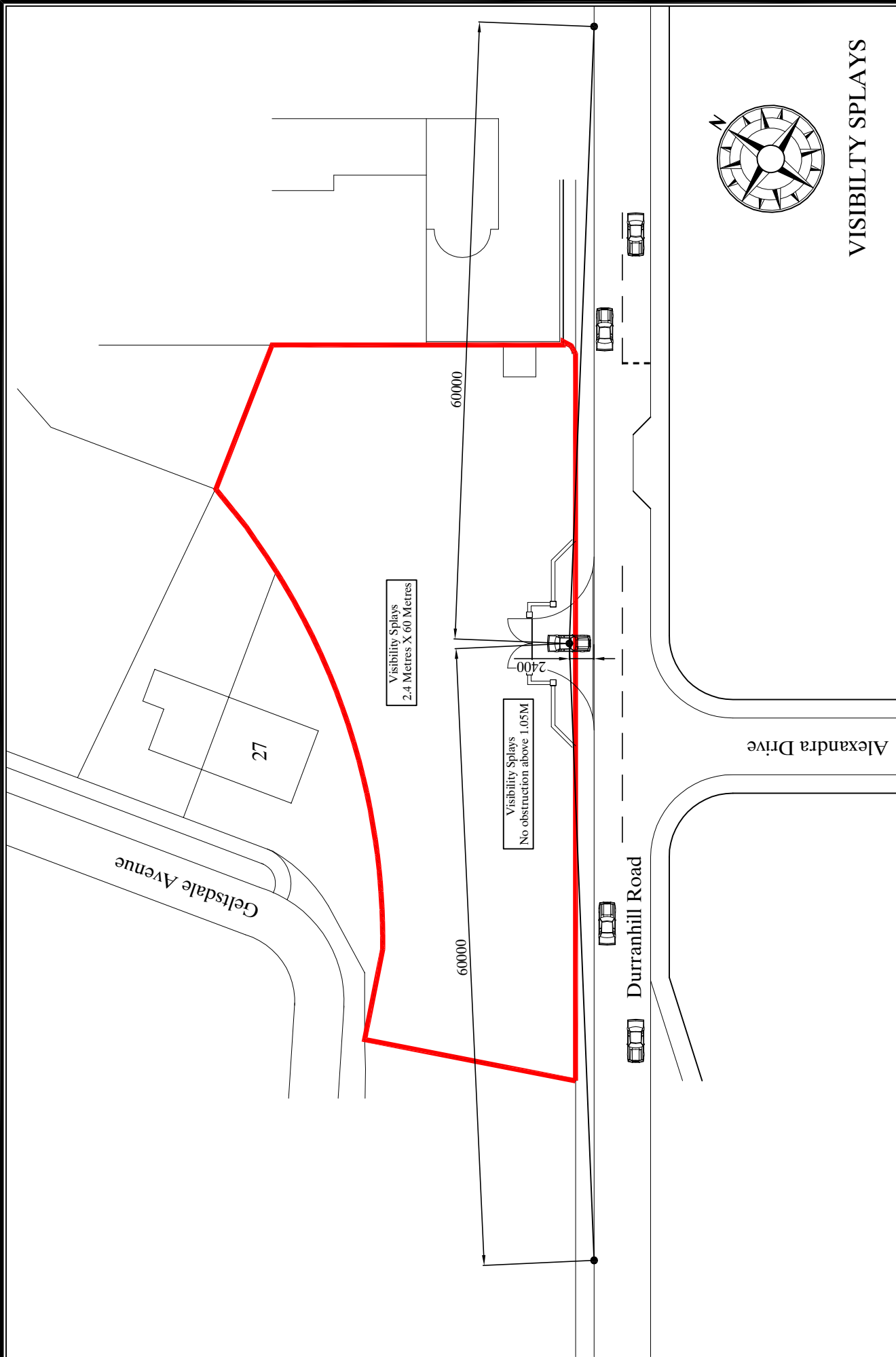


VEHICLE PATHS

Drawn By	G.Tyler
Scale	1:500
Date	12th April 2018
Drawing No	IM2 / DURRANHILL / VP1 Rev A

Proposed New Vehicle & Pedestrian Entrance	
to Land Adjacent to Geltsdale Avenue, Durranshill, Carlisle for Mr I. Murray	

Rev.	Date	Description
A	12/04/18	Original Issue

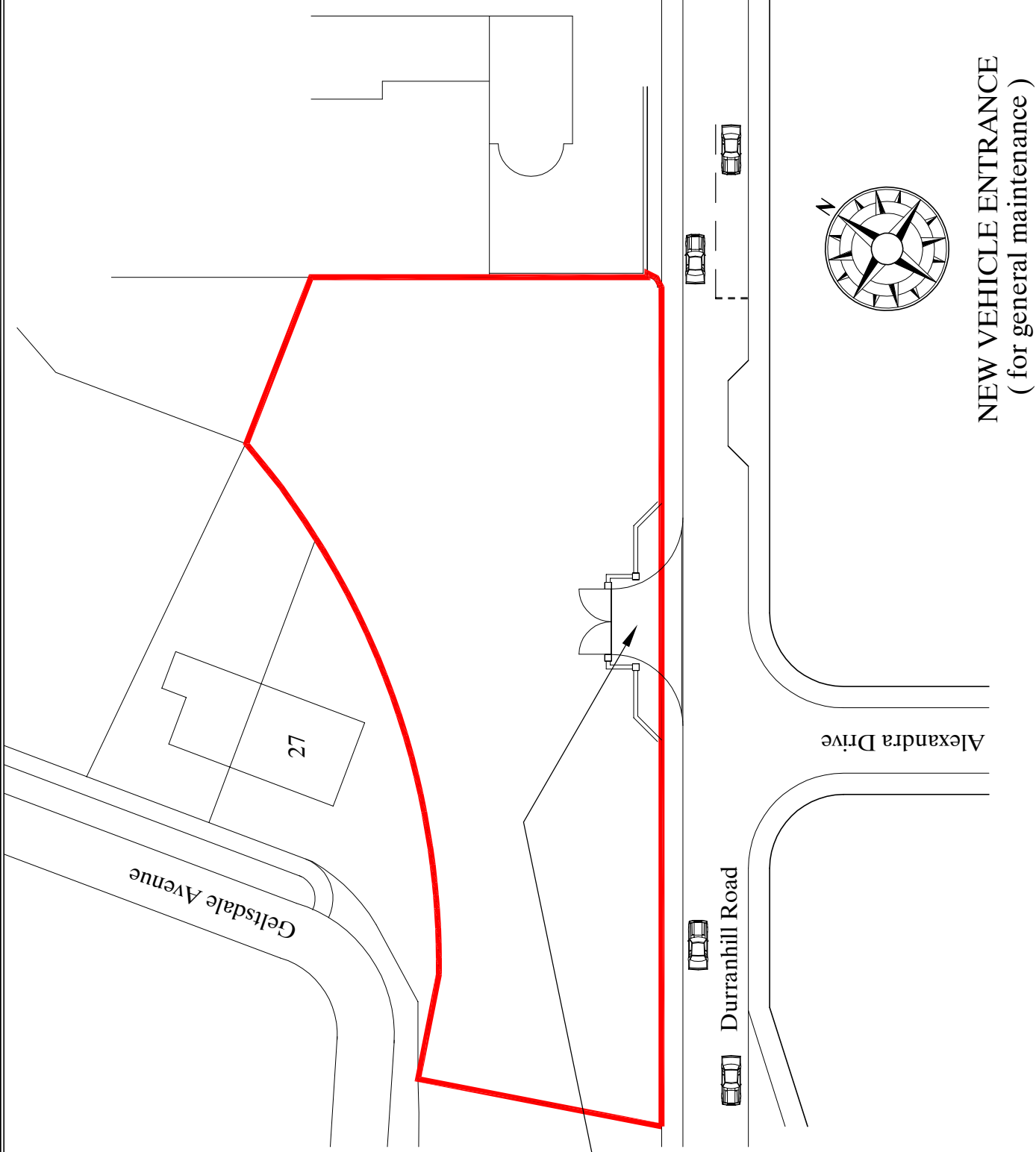


VISIBILITY SPLAYS

Drawn By	G.Tyler
Scale	1:500
Date	16th March 2018
Drawing No	IM / NEW ENT / VS1
Rev	A

Proposed New Vehicle Entrance
to Land Adjacent to Geltsdale Avenue, Durranshill, Carlisle for Mr I. Murray

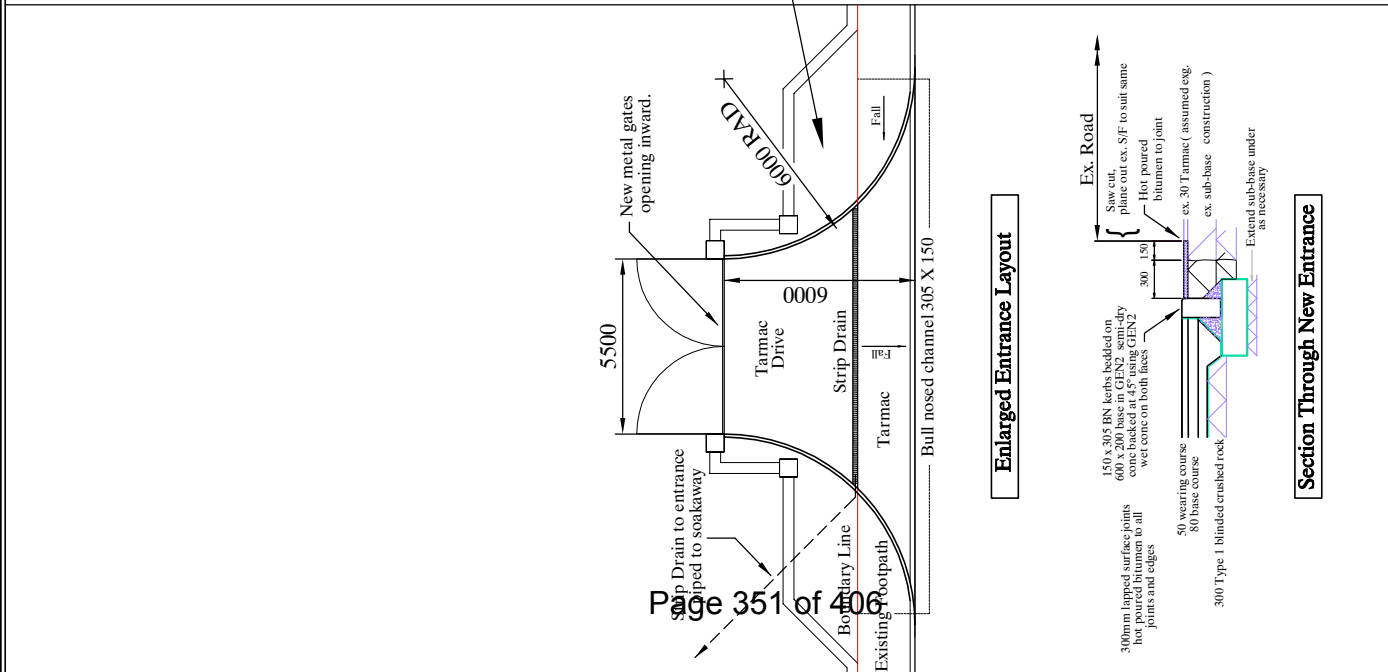
Rev.	Date	Description
A	16/03/18	Original Issue



NEW VEHICLE ENTRANCE (for general maintenance)

Drawn By	G.Tyler
Scale	1:500
Date	5th March 2018
Drawing No	IM / DH / NEW ENTRANCE 1 Rev B

Proposed New Vehicle Entrance
to Land Adjacent to Geltsdale Avenue, Durranhill, Carlisle for Mr I. Murray



B	16/08/18	Amended to suit Road Safety Audit recommendations
A	05/03/18	Original Issue
Rev.	Date	Description

DO NOT SCALE. CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS



NOTE:

1. THIS DRAWING DEPICTS AN ILLUSTRATIVE DESIGN. THE FINAL DESIGN SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND THE HIGHWAY AUTHORITY AS PART OF THE HIGHWAYS ACT SECTION 278 PROCESS DETAILS NOT SHOWN ON THIS DRAWING THAT IT IS ASSUMED WILL BE DEVELOPED AS PART THE FUTURE SECTION 278 PROCESS.
 - VERTICAL ALIGNMENT
 - DRAINAGE AND DUCTING
 - LIGHTING AND ELECTRICAL WORKS
 - EXTENTS OF SURFACING WORKS
 - MATERIALS INCLUDING LANDSCAPING
 - PATHWAYS
 - HIGHWAY BOUNDARY TREATMENTS
2. JUNCTIONS SUBJECT TO DETAILED OPERATIONAL MODELLING

REV	DESCRIPTION	BY	CHK	APP	DATE
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Client
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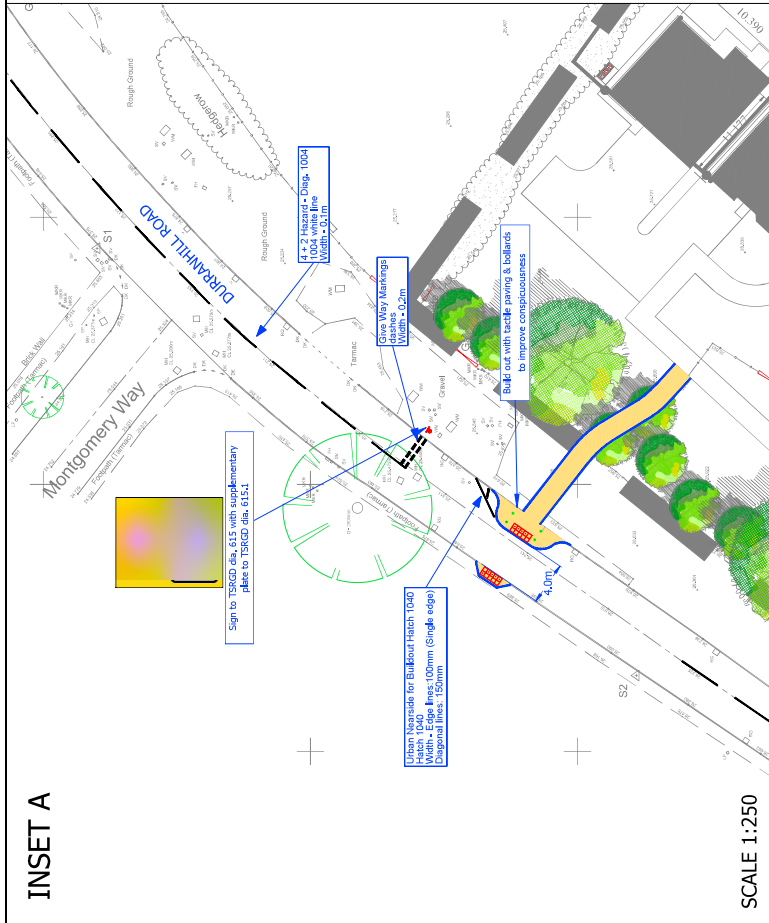
Project
DURRANHILL ROAD, CARLISLE

Drawing Title
PROPOSED TRAFFIC CALMING SCHEME
ON DURRANHILL ROAD

Scale	Drawn	Checked	Date	Reviewed	Date
AS SHOWN	17	26/06/17	GW	26/06/17	GW
Project No.	Office	Type	Drawing No.	Revision	
A102722	91	18	C001	-	

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INSET A



SCALE 1:250

INSET B



SCALE 1:250



SCALE 1:500

SCHEDULE A: Applications with Recommendation

18/0702

Item No: 11

Date of Committee: 23/11/2018

Appn Ref No:
18/0702

Applicant:
Mrs Brown

Parish:
Stanwix Rural

Agent:

Ward:
Stanwix Rural

Location: Green Acres, High Knells, Houghton, Carlisle, CA6 4JW

Proposal: Change Of Use From Agricultural Land To Provide Additional Land For Existing Caravan Storage Compound

Date of Receipt:
03/08/2018

Statutory Expiry Date
28/09/2018

26 Week Determination
26/11/2018

REPORT

Case Officer: Barbara Percival

ADDENDUM

This application was deferred by Members of the Development Control Committee at the last meeting in order to undertake a site visit.

1. Recommendation

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

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on landscape character
- 2.3 Whether the scale and design of the proposal is acceptable
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Whether the proposed methods for the protection of the environment are acceptable
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on biodiversity
- 2.8 Other matters

3. Application Details

The Site

- 3.1 The application site is located to the north and east respectively of an existing caravan storage compound and touring caravan site at Green Acres, High Knells, Houghton.

The Proposal

- 3.2 The proposal seeks full planning permission for the change of use of agricultural land to provide additional land for an existing caravan storage compound.
- 3.3 The land, equating to 0.213 hectares, is the north west corner of an agricultural field located immediately adjacent to an existing caravan storage compound and touring caravan site. The submitted details illustrate that a new native hedgerow would be planted along the northern and southern boundaries of the application site. Vehicular access to the proposed extended storage compound would be via the existing access serving Green Acres.

4. Summary of Representations

- 4.1 This application has been advertised by the posting of a Site Notice. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections;

Stanwix Rural Parish Council: - the application site has a long planning history. The most recent application in 15/0574 for proposed combined use of existing agricultural stackyard to provide overspill for adjoining caravan storage area for up to 45no. caravans; addition of 5no. hardstanding caravan pitches for seasonal use from March 1st to October 31st on land currently designated for this use. The City Council's website appears not to record any caravan site licences, therefore, the parish council as unaware as to the current existing permitted total of seasonal and storage pitches. The photographic site plan accompanying the current application appears to show approximately 75 units on site.

The landscape character is one of open fields bounded by agricultural hedgerows. Photographs of the site show hedges forming the site boundary to be trimmed and maintained to a height which fails to screen the existing parked caravans from the surrounding countryside. The applicants covering letter states that the proposed change of use is to accommodate larger, longer caravans, the visibility of these within the landscape can only be conjectured. The parish council is therefore concerned that should this application be permitted the continued expansion of the site would be

sufficient to result in the final creation of an unacceptable visual intrusion into open countryside that would be out of scale and character within the setting of the rural landscape. The parish council therefore objects to the application and recommends refusal. Should consent be granted; however, the parish council would then urge conditioning to require interception measures to prevent ground, or groundwater contamination arising through accidental leaks or spillages;

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): - no observations or comments to offer in respect of this application;

Environmental Health Section:- the storage areas are not a concern for Environmental Health as this does not affect any human habitation and would be a planning matter, nor would it affect the site licence as they are not used for habitation whilst in storage. The site licence was amended 13th January 2016 to show for amended planning permissions 15/0872. The current licence allows for the total number of occupied touring caravans on the site at any time not to exceed 35. The caravans shall not be occupied as permanent accommodation; in addition, up to 5 tents may also be pitched on site. There is no requirement for the licence to be displayed on the council's web site, it only needs to be displayed on site or available on request. Sites shown on the council's website are the site rules for sites that have residential status and fall under the Mobile Home Act 2013, Green Acres does not and is governed by Caravan Control and Development Act 1960.

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 is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), and Policies SP2, SP6, EC9, EC10, EC11, IP6, CC5, CM4, CM5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The City Council's Supplementary Planning Document 'Trees and Development' is also material planning consideration. The Cumbria Landscape Character Guidance and Toolkit (March 2001) is a further material consideration.
- 6.3 The proposal raises the following planning issues:

1. Principle of Development

- 6.4 Whilst the preferred location for new development will be in existing settlements, changes in agriculture over recent decades have resulted in a decline in farm-related jobs. As a result there is now a need to strengthen the

economy in rural areas by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas. Paragraph 80 of the NPPF recognises this by stating that: *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

- 6.5 In order to achieve this aim, paragraph 83 goes on to state that planning policies and decisions should enable: *"a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship"*.
- 6.6 Paragraph 84 highlights that: *"sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist"*.
- 6.7 The aforementioned paragraphs of the NPPF are reiterated in Policies EC9, EC10 and EC11 of the local plan all of which seek to support sustainable rural tourism and leisure developments where they respect the character of the countryside and where identified needs are not met by existing facilities in rural services centres. Specifically in relation to caravan, camping and chalet sites, Policy EC10 of the local plan highlights that proposals for the development of and extension to of sites will be supported subject to compliance with the criteria identified within the policy.
- 6.8 The application seeks full planning permission for the change of use of agricultural land to extend an existing caravan storage compound at Green Acres, High Knells, Houghton. The submitted documents highlighting that:
- there has been a caravan storage compound at Green Acres for a number of years
 - the closure of several storage facilities within the area has lead to a demand in caravan owners seeking alternative storage facilities
 - modern touring caravans now have fixed beds resulting in longer units
 - the larger caravans require wider storage spaces and more space to manoeuvre when hitching up and dropping off the vans
 - some of the owners who currently store their caravans at Green Acres

live outside the county but then site them on the adjoining caravan site when visiting the county

- tourism brings additional benefits to the local economy
- do not envisage any significant increase in vehicular traffic movements
- the existing boundary hedges around the existing caravan storage area are over three metres high and the usual height of a caravan is 2.3 metres in height, therefore, are well screened from the surrounding countryside
- the proposed boundary hedge around the enlarged storage area would match the existing boundary hedgerows
- the existing hedge line along the southern and western boundaries would only be removed once new hedge line provides adequate screening
- prior to entering the storage area., waste from chemical toilets and waste water will have been emptied into the appropriate disposal points within the caravan park or elsewhere prior to travelling
- no washing of caravans is allowed within the storage compound

- 6.9 Stanwix Rural Parish Council recommends refusal of the application citing the continued expansion of the caravan site and storage compound would result in an unacceptable visual intrusion into open countryside, out of character with the setting of the rural landscape. The views of the parish council are noted; however, the proposal would be an expansion of an existing sustainable rural tourism business. Justification has been provided as to the requirement of the additional storage compound; the application site is well related to the existing caravan site and storage compound with additional landscaping proposed to minimise any perceived visual impact; adequate access/parking provision can also be achieved; and the application site is not located within a flood risk area. Accordingly, the proposal accords with the objectives of the NPPF and relevant local plan policies.

2. Impact Of Proposal On Landscape Character

- 6.10 The Cumbria Landscape Character Guidance and Toolkit (March 2001) (CLCGT) describes the character of different landscape types across the county and provides guidance to help maintain their distinctiveness. The CLCGT identifies that the application site falls within the Cumbria Landscape Character Sub-Type 5b "Low Farmland". The toolkit advises that key characteristics of this landscape are: undulating and rolling topography; intensely farmed agricultural pasture; hedges, hedgerow trees; and fences bound fields and criss cross up and over the rolling landscape.
- 6.11 The supporting guidance in respect of access and recreational development outlines that: *"small scale sensitive farm based tourism/recreational businesses should be well sited close to or within existing farm buildings and appropriate landscaping should be included to integrate new facilities into the landscape"*. In such a context, the application site would be screened from public viewpoints by existing and proposed hedgerows and viewed against the backdrop of several large agricultural type buildings which would also mitigate for any perceived visual impact. A condition is also recommended that would ensure that the proposed hedgerows along the northern and eastern boundaries are maintained at a height of 3 metres when measured

from the existing ground level. Accordingly, the proposal is unlikely to have a significant detrimental impact on the character of the area.

3. Whether The Scale and Design Of The Proposal Is Acceptable

- 6.12 As highlighted earlier in the report, the proposal seeks full planning permission for the change of use of agricultural land to provide additional land for an extension to an existing caravan storage compound. The application site, equating to approximately 0.213 hectares, forms the south west corner of a large agricultural field immediately adjacent to the existing caravan site and caravan storage compound.
- 6.13 The submitted details highlighting that a new boundary hedgerow would be planted around the application site to mirror that of the existing hedgerows around the existing caravan site and storage compound which are maintained at a height of 3 metres. The height of a caravan is approximately 2.3 metres, therefore, once established the hedgerows would help to screen the application site from public viewpoints.
- 6.14 In overall terms, the scale of the proposal is acceptable with any perceived visual impact mitigated by the planting of a hedgerow. Furthermore, the compound would be viewed against the backdrop of the existing caravan park, storage compound and large agricultural type buildings. Accordingly, the proposal would not form a discordant feature within the landscape.

4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.15 The nearest residential property, Cavalaire (annotated as Viewlands on the OS map), is located approximately 212 metres and 270 metres south east from the application site and the caravan site respectively. Given the existing use of the site and the distance from the development, the proposal would not have a significant impact on the living conditions of occupiers of neighbouring properties through intensification of use or unacceptable noise and disturbance.

5. Whether The Proposed Methods For The Protection Of The Environment Are Acceptable

- 6.16 A further issue raised by the parish council was the potential contamination of ground and ground waters through contamination arising from accidental spillages. The applicant has provided additional information to address the concerns of the parish council. These detail that the additional storage compound would follow the same procedures in place for the existing storage compound. Prior to entering the compound the chemical toilets and waste water from the caravans would have been emptied as it is common practice not to travel carrying water or chemical water within the units. Furthermore, there will be no washing of caravans within the storage compound. The concerns of the parish council are noted; however, given the existing procedures in operation for the disposal of chemicals and waste water from the caravans it is unlikely that the proposal would have a detrimental impact

through potential contamination of existing ground or ground waters.

6. Impact Of The Proposal On Highway Safety

- 6.17 Policies EC10 and EC11 of the local plan seek to ensure that development proposals should normally be accessible by public transport, walking and cycling. However; for some developments in the rural area this may not be possible. In these cases new development should be able to demonstrate that adequate access/parking is available and that proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.
- 6.18 Cumbria County Council, as Highways Authority, has been consulted and raise no objections as the proposal will not have a material effect on existing highway conditions.

7. Impact Of The Proposal On Biodiversity

- 6.19 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development it is unlikely that the proposed development would not harm protected species or their habitat. To further protect biodiversity and breeding birds, informatics are recommended within the decision notice drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

8. Other Matters

- 6.20 The parish council in its response comments that the city council's website does not record any caravan site licences, or any amendments thereof. The city council's Environmental Health Division has confirmed that there is no requirement for the licence to be displayed on the council's web site, it only needs to be displayed on site or available on request. Those caravan sites published on the council's website are the site rules for sites that have residential status and fall under the Mobile Home Act 2013. Green Acres is governed by separate legislation i.e. Caravan Control and Development Act 1960.
- 6.21 By way of background, the site licence for Green Acres was amended in January 2016 following the granting of planning permission for the proposed combined use of existing agricultural stackyard to provide overspill for adjoining caravan storage area for up to 45no. caravans; addition of 5no. hardstanding caravan pitches for seasonal use from March 1st to October 31st on land currently designated for this use (application reference 15/0872). The current site licence allows for the total number of occupied touring caravans on the site at any time not to exceed 35. The caravans shall not be occupied as permanent accommodation; in addition, up to 5 tents may also be pitched on site.

Conclusion

6.22 In overall terms, the principle of development is acceptable. The location, scale and design of the development is appropriate to the character of the area with adequate access/parking achievable and would not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network. Any perceived visual impact from public viewpoints would be mitigated through the planting of native hedgerows to mirror the existing hedgerows surrounding the site. Given the scale and orientation of the development in relation to neighbouring properties it is unlikely that the development would have a significant detrimental impact on the living conditions of the occupiers of those properties through intensification of use or unacceptable noise and disturbance. Accordingly, the proposals accord with the objectives of the NPPF, PPG and relevant local plan policies.

6.22 The application is, therefore, recommended for approval.

7. Planning History

7.1 In 1996, full planning permission was granted for change of use of part field no. 6757 to form caravan site and new access from highway and track through edge of field no. 7544 (application reference 96/0121).

7.2 In 1997, full planning permission was granted for change of use of field no: 7458 and adjoining hard standing for storage of touring caravans (application reference 97/0340).

7.3 In 1999, full planning permission was granted for variation of condition no.8 of approval 96/0121 to allow caravans to remain on the site for up to 28 consecutive days (application reference 99/0699).

7.4 In 2000, outline planning permission was granted for erection of wardens dwelling and office (application reference 99/0698).

7.5 Also in 2000, full planning permission was granted for extension of existing caravan storage area and formation of overspill caravan site for additional 12 pitches (application reference 99/0967).

7.6 Again in 2000, reserved matters approval was granted for erection of wardens bungalow and office (application reference 22/0210).

7.7 In 2003, full planning permission was granted for provision of 12 pitches to allow caravans to be sited for seasonal use, from 1st March to 31st October on land currently designated for overspill use (application reference 03/0574).

7.8 In 2015, full planning permission was granted for proposed combined use of existing agricultural stackyard to provide overspill for adjoining caravan storage area for up to 45no. caravans; addition of 5no. hardstanding caravan pitches for seasonal use from March 1st to October 31st on land currently designated for this use (application reference 15/0872).

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 30th July 2018;
2. the site location plan received 3rd August 2018 (Reference No. 1);
3. the aerial photograph received 30th July 2018 (Reference No. 2);
4. the highways details received 30th July 2018 (Reference No. 3);
5. the supporting details received 30th July 2018 (Reference No. 4);
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the storage compound or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy GI6 of the Carlisle District Local Plan 2015-2030.

4. The proposed hedgerows to be planted along the northern and eastern boundaries shall be maintained at a height of not less than 3 metres as measured from the existing ground level.

Reason: In the interests of visual amenity in accordance with Policy GI1 of the Carlisle District Local Plan 2015-2030.

Reference No 2

EXISTING HEDGE TO BE REMOVED
WHEN NEW HEDGE PROVIDES
ADEQUATE SCREENING

PROPOSED
STORAGE
EXTENTION

PROPOSED NEW HEDGE LINE
MATCHING EXISTING HEDGE

PROPOSED NEW HEDGE LINE

SCHEDULE A: Applications with Recommendation

18/0865

Item No: 12

Date of Committee: 23/11/2018

Appn Ref No:
18/0865

Applicant:
Aldi Stores LTD

Parish:
Carlisle

Agent:
KLR Planning

Ward:
Harraby

Location: Aldi Stores Limited, Petteril Bank Road, Carlisle, CA1 3AG

Proposal: Extension To Rear Of Existing Store; Reconfiguration Of Car Parking Area And Additional Car Parking

Date of Receipt:
20/09/2018

Statutory Expiry Date
15/11/2018

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Scale, Design And Impact On The Character And Appearance Of The Surrounding Area
- 2.3 Highway Issues
- 2.4 The Impact On The Living Conditions Of The Occupiers Of The Neighbouring Properties
- 2.5 Drainage
- 2.6 Potential For Crime, Disorder And Anti-Social Behaviour
- 2.7 Public Access

3. Application Details

The Site

- 3.1 Aldi, London Road, Carlisle is a large retail unit which forms part of an overall 0.77 hectare site. The store is located to the west of London Road and

adjacent to the junction with Petteril Bank Road and London Road.

- 3.2 The site is bounded by residential properties immediately adjacent to the north which comprise of both two and three storey properties separated from the site by a 1.8 metre high fence. Further to the east on the opposite side of London Road and to the south on the opposite side of Petteril Bank Road are residential properties. The houses on Baird Road to the west are separated in part by an area of vacant land that will form the extended car park. A residential care facility also adjoins this part of the site.
- 3.3 London Road is the main thoroughfare into the city centre from the south and the frontage of the site has an open aspect from the street scene being bounded by a low brick wall.

The Proposal

- 3.4 This application seeks planning permission to extend the existing store along the northern elevation, adjacent to the properties in Cavaghan Gardens. The extension will provide an additional 286sqm (net) of retail sales space. In addition the application seeks planning permission to extend the car park area into an area of vacant land that would provide an additional 36 car parking spaces.
- 3.5 In addition, the refrigeration equipment would be upgraded and repositioned, the existing parking layout would be reconfigured, landscaping would be planted, additional trolley shelters will be installed and acoustic fencing will be constructed on parts of the site. The area to the rear of the store adjacent to the boundary with Cavaghan Gardens would be enclosed at either end by a 2.1 metre high weldmesh fence and gates.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 58 of the neighbouring properties. In response, eight letters of objection and one letter commenting on the application have been received and the main issues raised are summarised as follows:
1. the extension will be much closer to neighbouring properties than the existing building and will appear oppressive;
 2. the outlook of bricks and steel will not be appealing from the neighbouring gardens;
 3. the Noise Assessment shows some noise from the operation of the store and car park but sensors were placed at the back of the building where there is little noise;
 4. the fans and equipment create noise levels up to 55dBA compared to background noise of 30dBA;
 5. the tannoy from the store are loud and disturbing;
 6. the Noise Assessment does not mention anything about those two extractor fans on the roof or the air conditioning unit on the back wall. There is also no indication of them on existing or proposed plan;

7. the extension will result in a loss of sunlight and will overshadow neighbouring properties potentially from 40% shade in March to 90% when the extension is complete;
8. the Noise Assessment states that they are planning to build 2m tall noise fence which has not been included in the shade study as this was done 7 months ago. A 2 metre noise fence would be 20cm taller than our existing fence which would put even more shade into neighbouring gardens;
9. looking at the shade study the reduced sunlight will have a detrimental effect on existing plants and trees;
10. the current buffer zone between Aldi and the neighbouring fence has some bushes and small trees. The application form states that there are no trees on the site and the landscape area plan shows some trees to be removed;
11. the store could be extended to the front rather than the back and the only reason this is not proposed is the need for the store to close for longer which is inconvenient for the applicant;
12. the cage around the chillers occasionally attracts youths leading to anti-social behaviour;
13. the applicant has been made aware of unwanted materials being found in the buffer zone;
14. the proposal would be detrimental to local wildlife;
15. the loss of any shrubbery and landscaping would be detrimental to the natural security and defence arrangements for the community.

5. Summary of Consultation Responses

Local Environment - Environmental Protection: - following receipt of further information regarding the noise output of the selected refrigeration plant also proposed additional mitigating features, this department is satisfied that the provided the refrigeration equipment is installed and maintained in accordance with manufacturers guidance, the proposed noise levels fall within World Health Organisation guidelines and should not cause a nuisance.

However, due to the proximity of the development to residential properties it would be appropriate to include a condition limiting the hours of construction work to protect any nearby residents from possible statutory noise or vibration nuisance. Consideration should be given to applying appropriate noise mitigation measures during the construction phase, for example, the storage/unloading of aggregates away from sensitive receptors and the use of white noise reversing alarms, where possible. These measures should aim to minimise the overall noise disturbance during the construction works.

In the event that the store is to remain open during the construction phase, it will be necessary to ensure the segregation of construction works from other activities in order to ensure the safety of all persons on site;

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

Highway Authority

The application under consideration is to extend the existing ALDI store on Petteril Bank Road. As part of the proposals the access arrangements are to remain unchanged but there is to be an increase in the number of car parking spaces. There are to be an additional 35 car parking spaces and one further parent / child space. These proposals are acceptable to the Highway Authority. However, no information has been provided regarding the construction vehicle routing detailing how materials for the extension will be delivered to the site, the number of HGVs and for how long HGVs will be arriving on site. This information is to be provided at a later date through the imposition of a planning condition.

Lead Local Flood Authority (LLFA)

Within the suite of documents submitted as part of this application it is not stated how the new extension and car park will connect into the existing surface water drainage network for the site. The addition of the car park is on a current greenfield site and therefore attenuation will be required on site to maintain the discharge from the car park is at the greenfield rate into the existing drainage network (to prevent flooding during a 1 in 100 year event plus a climate change allowance of 40%). It is worth noting that the site currently does not suffer from any surface water flooding and in principle there are no issues with the proposed development taking place at this site. As a result the Lead Local Flood Authority, as part of any approval, require the below conditions to be applied to properly assess the drainage arrangements on site.

Therefore to conclude the LLFA has no objections with regards to the approval of planning permission subject to the imposition of a planning condition requiring details of the surface water drainage and management scheme;

Cumbria Constabulary: - no comment;

Planning - Access Officer: - no objection;

United Utilities: - no objection subject to the imposition of conditions requiring foul and surface water to be drained on sperate systems together with the submission of a surface water drainage scheme.

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 is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP2, SP6, EC6, IP3, CC5, CM4, CM5 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. The council's Supplementary Planning Documents (SPD) "Designing Out Crime" and "Achieving Well Designed Housing" 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. The proposal raises the following planning issues.

1. The Principle Of Development

- 6.5 Paragraph 8 of the NPPF outlines that there are three dimensions to sustainable development: economic, social and environmental all of which give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.
- 6.6 Paragraph 11 of the NPPF highlights the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.7 Development should also be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.
- 6.8 The store has been established on the site for a number of years; however, consideration must be given to the impacts of the proposed extension.

Section 7 of the NPPF sets out a clear town centre first approach to ensure the vitality of town centres.

- 6.9 The NPPF advises in paragraph 85 that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by:
- defining a network and hierarchy of town centres and promote their long-term vitality and viability;
 - defining the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations;
 - retaining and enhancing existing markets and, where appropriate, re-introduce or create new ones;
 - allocating a range of suitable sites in town centres to meet the scale and type of development likely to be needed;
 - where suitable and viable town centre sites are not available for main town centre uses, allocating appropriate edge of centre sites that are well connected to the town centre; and
 - recognising that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 6.10 Paragraph 89 in particular requires an impact assessment if the development is over a proportionate, locally set floorspace threshold (or default is 2,500sqm) to consider the impact on planned investment in Carlisle City Centre and the overall impact on vitality and viability. Applications should be refused where these are likely to have a significant adverse impact or fail the sequential test.
- 6.11 This proposal is for the extension to an existing store and therefore the potential locations for such an extension are limited to existing sites. In this instance all three of the Aldi Stores in Carlisle are in out-of-centre locations and no alternative is available to the store owner. In undertaking the assessment of the proposal the question is whether this out-of-centre extension in floorspace of 286sqm is sufficient to have a significant adverse impact on the city centre.
- 6.12 The proposed development is a small extension of an existing store which would allow for the greater sale of goods. In terms of impact on the city centre the floorspace is below that which requires a sequential test. Given the size of store as exists and the proposed extension whilst this could increase both convenience and comparison sales and increase potential turnover it is not considered that the increases will be significant enough to warrant refusal of the application.
- 6.13 Policy EC6 of the local plan echoes the national planning policy guidance and requires the submission of an impact assessment where the threshold would be breached. Based on the details of the proposed development, the principle of the scheme would not conflict with either the NPPF or Policy EC6 of the local plan.

2. Scale, Design And Impact On The Character And Appearance Of The

Surrounding Area

- 6.14 Development should also be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.
- 6.15 The building would be single storey and rectangular in form. It has a mono ridge roof sloping down the length of the building with the high point at the juncture with the existing roof. The development will comprise of a simple colour pallet that would comprise of Staffordshire Blue Brindle facing brickwork with profile sheeting and a composite panel system that will comprise of the corporate colours of aluminium, pale grey and medium grey.
- 6.16 The extension would be located to the rear of the building and would be sited parallel to the boundary with the properties in Cavaghan Gardens. From London Road, the gable of the extension would be visible with views of the western gable visible from within the car park. Given the proximity of the elevation to the northern boundary, there would be very limited public views although the roof of the extension would be visible. The detailing and quality of the elevations will reflect the fenestration of the building already on site.
- 6.17 The development would allow the reuse of the vacant land to extend the existing car park. The area would form an extension both in layout and in terms of additional landscaping both of which would be proportionate to the site.
- 6.18 Given the context of the neighbouring built environment and the location, it is considered that the proposal would neither be obtrusive nor disproportionate and is acceptable.

3. Highway Issues

- 6.19 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway.
- 6.20 The application seeks to provide additional car parking to the rear of the site and to improve circulation within the existing car park. Overall, the development would provide a total of 36 additional car parking spaces. The site is accessible by a number of different modes of transport including public transport, walking, cycling as well as the car. Cumbria County Council as the Highway Authority has confirmed that there is no objection subject to the imposition of a condition requiring the submission of a Construction Traffic Management Plan.
- 6.21 The scale of the additional retail floor space is relative small and any parking requirements could adequately be met within the retail park and the proposal would not result in unacceptable levels of additional traffic such that it would

be detrimental to the adjacent highway network. As such, the use would not give rise to a significant increase in traffic over and above the existing use of the overall site and is acceptable in highway terms.

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

- 6.22 There are residential properties adjacent to the application site. As well as the potential for crime and disorder, which is discussed in the following section of this report, the main issue raised by objectors is the adverse impact that the development will have on the living conditions of the occupiers of neighbouring properties from the use of the site. This includes noise from the proposed plant and equipment, as well the impact from the physical structure in terms of loss of daylight and sunlight.
- 6.23 The existing refrigeration equipment is located on the northern side of the building adjacent to the north-west corner and some of this equipment has been in situ for some time. As part of the development, this equipment would be repositioned adjacent to the south-west gable of the building i.e. further away from the neighbouring properties. Additionally, the equipment would be upgraded to more modern plant.
- 6.24 A 2 metre high acoustic fence is proposed to enclose the plant on the northern and western aspects. This fence would then continue along the new car park area on the northern and western boundaries.
- 6.25 The application is accompanied by a Noise Assessment which concludes:
- “7.1.2 The noise models produced demonstrate the benefits that the proposed scheme will have on the residential amenity of existing sensitive receptors located closest to the external plant, to the west and north of the site, with noise levels predicted to be lower than those currently experienced.*
- 7.2.1 The BS4142 assessment found that during the day and night, noise from the ALDI store would not give rise to an adverse impact at the nearest receptors, including consideration of HGV movement, peak vehicle movements and car park use and external refrigeration plant.*
- 7.2.2 It is concluded that noise should not be a prohibitive factor in the determination of this planning application.”*
- 6.26 Further to this, the objectors make reference to the excessive noise levels from the tannoy system within the store. In light of this, the manager of the store has adjusted these levels to address this point.
- 6.27 The council's Environmental Health Officer initially raised concerns about the Noise Assessment and the figures that were quoted, particular in respect of the night-time figures.
- 6.28 Additional information has been submitted by the applicant's noise consultant which states:

“In terms of the lowest LA90 noise level measured over the full 8 hour survey between 2300h and 0700h, this was measured between 0007h and 0022h at 31dB.

As discussed, Aldi will also install a quieter CO2 unit than that we have modelled, measuring 32dB at 10m, as we appreciate the concerns you have relating to existing residents overlooking the site.

To avoid any further issues with regards to the noise modelling software used to determine the predicted noise impact, as agreed, I have provided a basic distance attenuation calculation for the closest receptors to the north of the plant using the updated sound power level of 60dB. This calculation does not take into account any ground absorption, barrier attenuation, building reflection or difference in topography, however demonstrates simplistically that the predicted rating noise level at the closest receptors will be below the quietest background noise level of 31dB.

I also mentioned to you that Aldi have also decided to install a 2m high acoustic barrier around the external plant as shown on the attached plan, in addition to that proposed along the site boundary.”

- 6.29 In response, the Environmental Health Officer has accepted this additional information and confirmed that the noise levels fall within the World Health Organisation guidelines and should not cause a nuisance. Several issues are recommended to be controlled by way of conditions.
- 6.30 Given the nature of the use together with the distance from the residential properties, it would be acceptable during the existing permitted trading hours stated but it would be reasonable to impose a condition restricting the hours of construction and thereby safeguarding the living conditions of the occupiers of neighbouring properties during this phase of the development.
- 6.31 In terms of the physical structure, this would extend closer to the neighbouring properties but would retain a 12 metre separation distance. The properties vary from two storey in height adjacent to London Road to three storey town houses towards the western boundary. The land slopes gently up in the same direction and a 1.8 metre high timber panel fence flanks the boundary.
- 6.32 The application is accompanied by a series of sections across the site from the proposed extension to the neighbouring properties and illustrates references at either end of the site together with a section in the middle. A Shadow Study drawing also accompanies the application and shows the existing impact on 23rd March at 8am, 10am, 12 noon and 2pm. There would be increased loss of daylight in the garden area at 10am and 12 noon.
- 6.33 An assessment has to be made as to whether the extension and changes to external areas would have a significant detrimental impact on the living conditions of neighbouring residents. Although the roof structure would be visible from some of the neighbouring properties, particularly the upper floors,

in respect of the first and second floor windows these would look over the roof. The extension would be screened from the ground floors windows by the existing boundary fence.

- 6.34 The development would retain the minimum distance required by the housing SPD. Whilst there would be some loss of daylight in the gardens at certain times of year, the gardens are already overshadowed to a degree. Given the location of the extension and changes proposed, none of these are close to neighbouring residential properties and therefore the proposal would not exacerbate the current situation to an unacceptable level to warrant refusal.

5. Drainage

- 6.35 The proposal would increase surface water run-off from the site by virtue of the additional roof area and the extended car park. Policy CC5 of the local plan seeks to ensure that development proposals have adequate provision for the disposal of surface water. The application form states that surface water drainage would be disposed of by means of foul drainage. Cumbria County Council as the Lead Local Flood Authority and United Utilities have raised no objection subject to the imposition of conditions which are included following this report.

6. Potential For Crime, Disorder And Anti-Social Behaviour

- 6.36 In addition to the concerns about the impact on amenity, residents are also concerned about the potential for crime and anti-social behaviour.
- 6.37 Cumbria Constabulary has been actively involved in the consultation process and has raised no objection. To tackle the existing alleged situation of persons gathering to the rear of the store, sitting on parts of the building and scaling neighbouring fences, a weld mesh fence and gate would enclose either open end of the extension. Access by authorised personnel would still be permitted for maintenance etc. A condition is imposed requiring the implementation and retention. On this basis, the proposal would not raise any issues in terms of crime and disorder and would improve the existing situation.

7. Public Access

- 6.38 The design and layout of the building is required to be designed to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender in accordance with the objectives of Policy SP6 of the local plan.
- 6.39 The proposal does not involve any alterations to the entrance of the building. The council's Access Officer has raised no objection to the application and accordingly, the proposal is acceptable and does not raise any accessibility issues.

Conclusion

- 6.40 In overall terms the principle of an extension to the building is acceptable. The scale, design and appearance of the overall development, including the extended car park area, would not be detrimental to the character or appearance of the street scene.
- 6.41 The site is accessible by a variety of modes of transport and adequate parking provision can be accommodated within the existing and extended car park.
- 6.42 The building would be extended closer to the neighbouring properties; however, the submitted plans show that a minimum distance of 12 metres would be retained. Although some gardens would be affected by a reduced amount of daylight and sunlight in the gardens, these areas are already overshadowed by the existing building. The additional degree of overshadowing for 2 hours as highlighted by the supporting drawing showing the impact at the spring equinox, would not be unreasonable.
- 6.43 Conditions are imposed relating to the construction hours, provision of a landscaping scheme and the means of enclosure to reduce the potential for crime and disorder.
- 6.44 In all aspects the proposals would be compliant with the objectives of the relevant local plan policies.

7. Planning History

- 7.1 There is a lengthy planning history relating to development on the site by the former occupier Cavaghan and Gray.
- 7.2 In 2006, planning permission was granted for the reclamation/ remediation of the former factory site to facilitate subsequent residential/ commercial development.
- 7.3 Outline planning permission was granted in 2007 for a mixed use development (residential, food store and employment units).
- 7.4 In 2007, advertisement consent was granted for non-illuminated signage.
- 7.5 Reserved matters approval was granted in 2008 for a proposed Aldi supermarket, additional retail unit and workshop development with office units over.
- 7.6 Later in 2008 a revised application for reserved matters approval was granted for a proposed Aldi supermarket, additional retail unit and single storey workshop development.
- 7.7 Planning permission was granted in 2010 for a proposed Aldi supermarket and single storey workshop development.
- 7.8 In 2012, planning permission was granted for the variation of condition 22 of

previously approved application 08/0472 to allow trading between 0800 to 2100 hours Monday to Saturday.

- 7.9 Planning permission was granted in 2014 for the variation of condition 3 of previously approved permission 12/0606 to allow trading from 0800 hours to 2200 hours Monday to Saturday.

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 Planning Application Form received 20th September 2018;
2. the Site Location Plan received 20th September 2018 (Drawing no. 0305 PL (0) 01);
3. the Proposed Site Plan received 29th October 2018 (Drawing no. 0305 PL (0) 05 Rev B);
4. the Proposed Floor Plan received 20th September 2018 (Drawing no. 0305 PL (0) 06);
5. the Proposed Floor Plan received 20th September 2018 (Drawing no. 0305 PL (0) 06);
6. the Proposed Elevations received 29th October 2018 (Drawing no. 0305 PL (0) 08 Rev B);
7. the Proposed Landscaping Plan received 29th October 2018 (Drawing no. 0305 PL (0) 09 Rev B);
8. the Proposed Car Park Section received 25th October 2018 (Drawing no. 0305 - SK58);
9. the Proposed Site Section received 25th October 2018 (Drawing no. 0305 - SK55);
10. the Proposed Site Section received 29th October 2018 (Drawing no. 0305 - SK50);
11. the Proposed Site Section received 29th October 2018 (Drawing no. 0305 - SK59);
12. the Existing & Proposed Shadow Study received 20th September 2018 (Drawing no. 0305 - SK50);
13. the Statement of Community Involvement received 20th September 2018;
14. the Addendum Statement of Community INvolvement received 31st October 2018;
15. the Noise Assessment received 1st October 2018;
16. the Notice of Decision;
17. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. 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:
- 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;
 - details of proposed crossings of the highway verge;
 - retained areas for vehicle parking, maneuvering, 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;
 - surface water management details during the construction phase

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: 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 to ensure an adequate form of development that does not adversely affect the amenities of the occupiers of neighbouring premises in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Policy LD8

4. Prior to the commencement of any development, a surface water drainage scheme including a construction phase 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 system shall demonstrate that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 30 % to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc). The scheme must also confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary.

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. In the event of surface water draining to the surface water public sewer, the pass forward flow rate to the surface water public sewer must be restricted to 5l/s for any storm event.

The development shall be undertaken in accordance with the approved surface water drainage and management scheme.

Reason: To ensure a satisfactory means of surface water disposal in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

5. No construction work associated with the development hereby approved shall be carried out before 0730 hours or after 1800 hours Monday to Friday, before 0730 hours or after 1300 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with the objectives of Policy CM5 of the Carlisle District Local Plan 2015-2030.

6. The Acoustic Fence shown on the Proposed Site Plan received 29th October 2018 (Drawing no. 0305 PL (0) 05) shall be constructed prior to the extension hereby approved being brought into use and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that appropriate acoustic attention measures are provided on the site to protect the living conditions of the occupiers of neighbouring properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

7. The weld mesh fence and gate shown on the Proposed Site Plan received 29th October 2018 (Drawing no. 0305 PL (0) 05) shall be constructed prior to the extension hereby approved being brought into use and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the potential for crime and disorder in accordance with Policy CM4 of the Carlisle District Local Plan 2015-2030.

8. The extended car park shown on the Proposed Site Plan received 29th October 2018 (Drawing no. 0305 PL (0) 05) shall be constructed and completed prior to the extension hereby approved being brought into use and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To provide a proportionate level of car parking provision in

accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.



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Rev	Date	Description	Rev By	CHKD By
1	-	-	-	-



Client
Aldi Stores Ltd



Project Title
Aldi - Carlisle

Project Address
**Petteril Bank Road
Carlisle**

Drawing Title
Site Location Plan

Drawing Number
0305 PL (0) 01

Revision
1

Drawn JP	Checked JWC	Date 21.08.18	Scale 1:1250	Size A4
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Status PLANNING

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Coquet Street
Newcastle Upon Tyne
NE1 2QB**

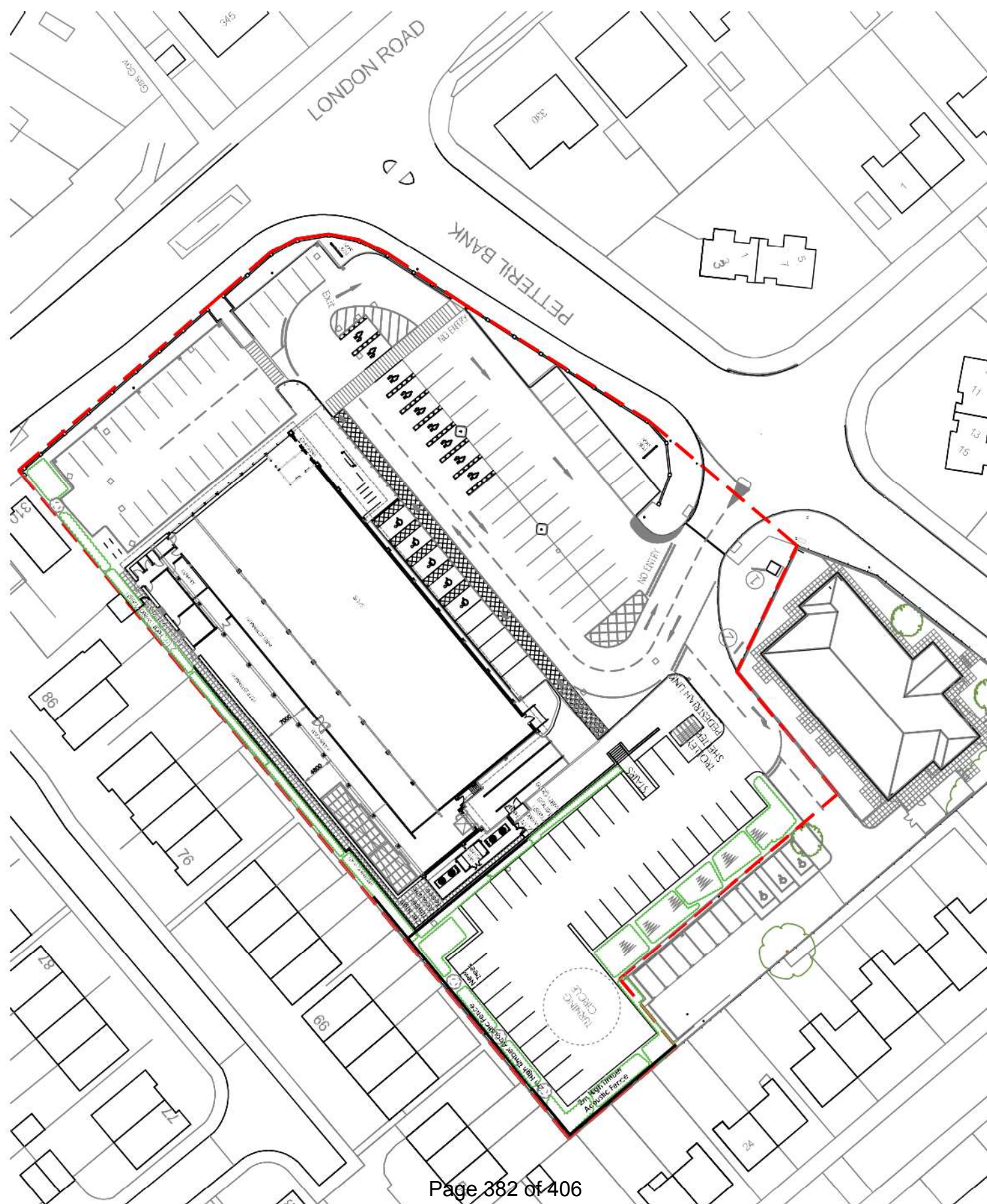
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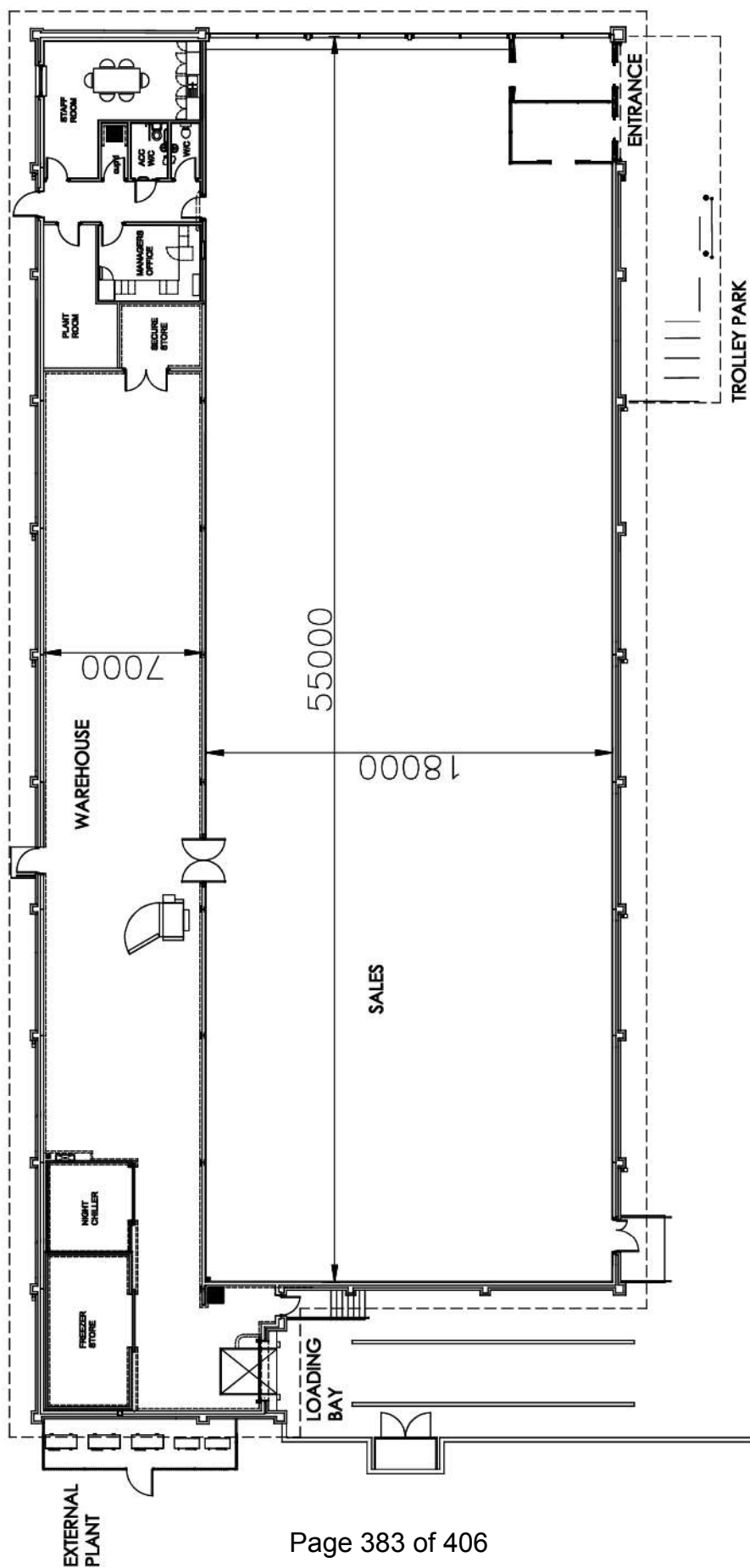
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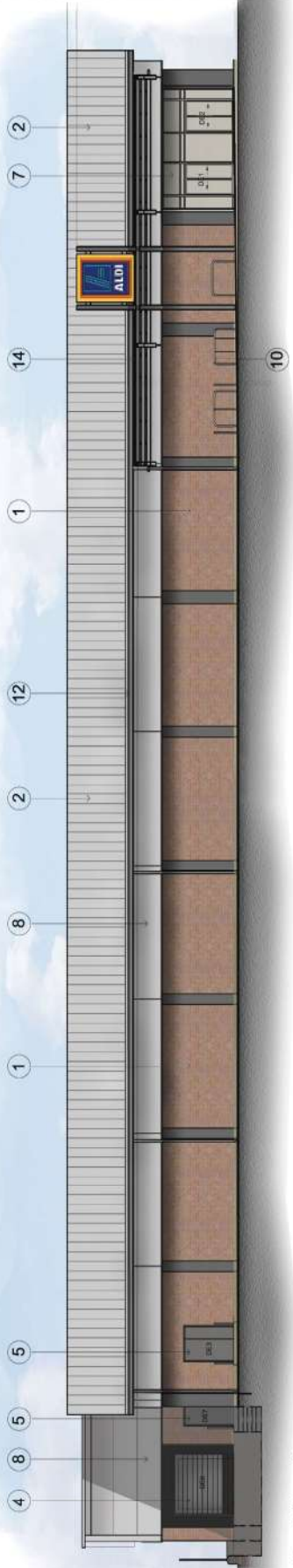


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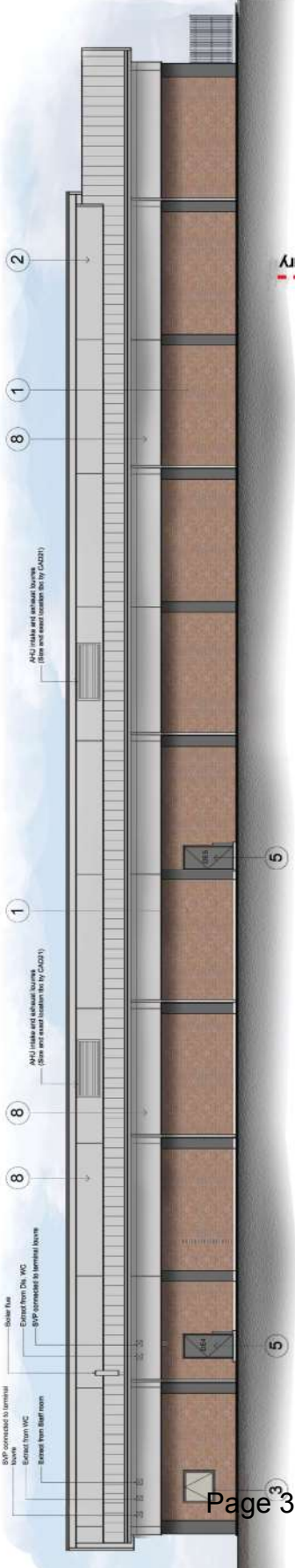








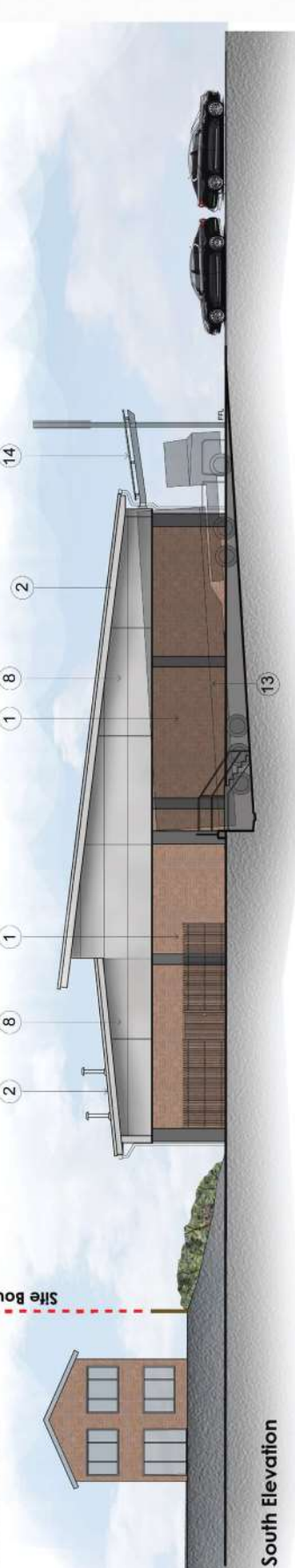
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West Elevation

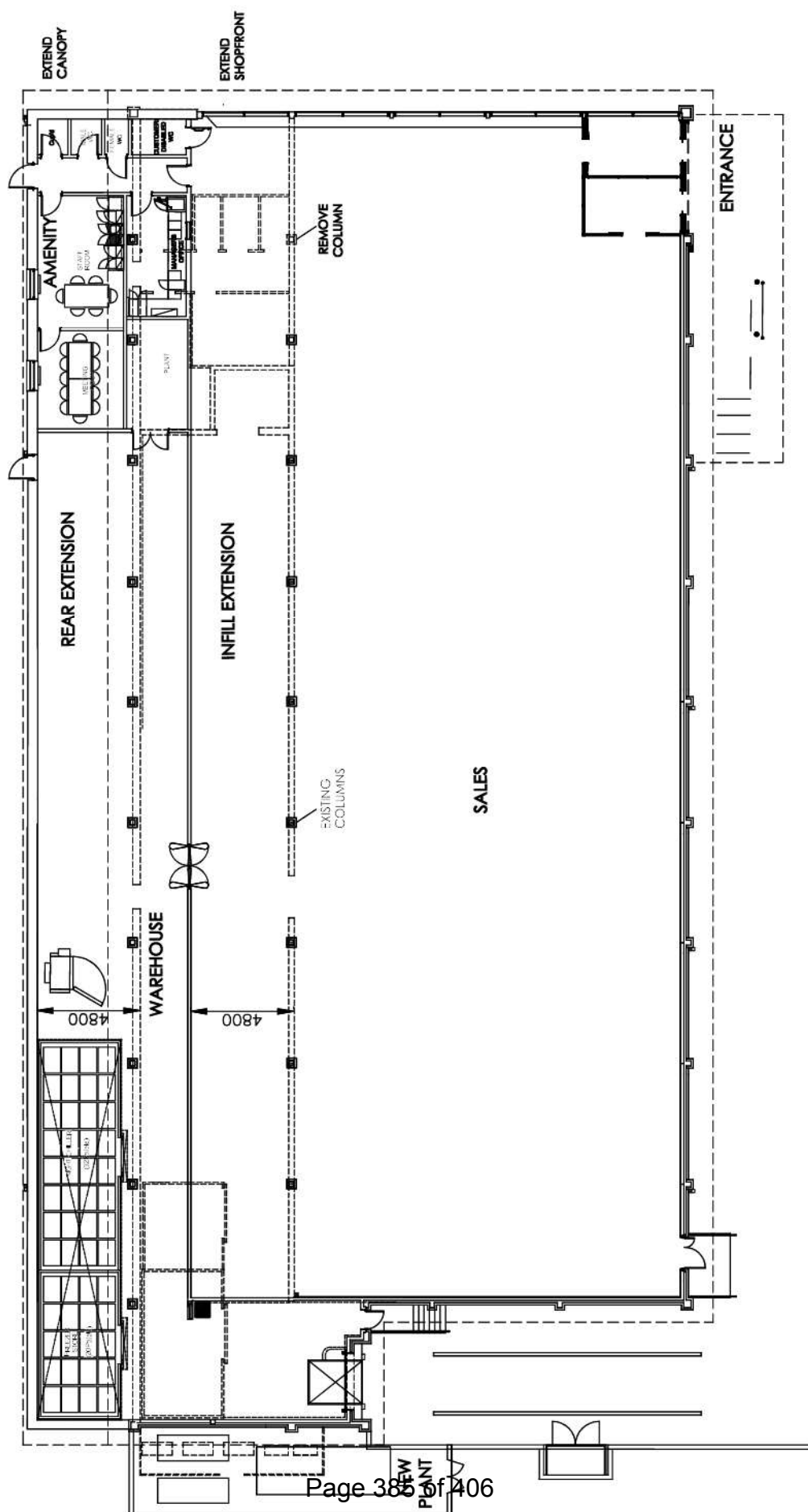


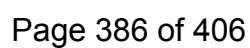
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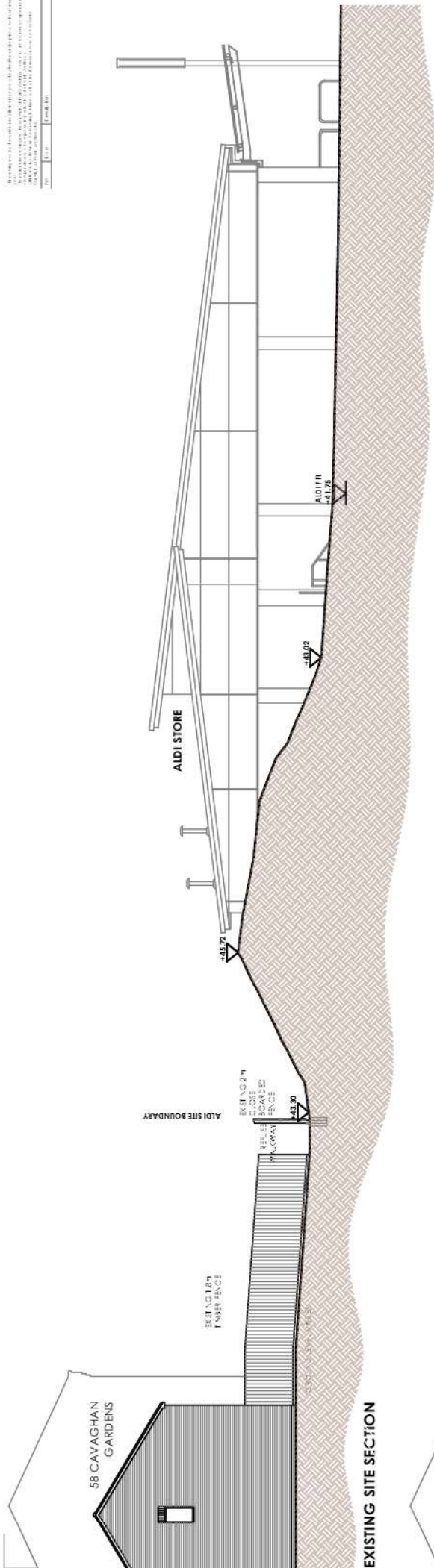
South Elevation

- ### EXTERNAL FINISHES
- 1 Walls - Block Hmley Mixed Rustle facing brickwork in natural mortar
 - 2 Piers - Block Staffordshire Blue Bricks cragglaced facing brickwork in matching mortar
 - 3 Roof - Kingspan K51000RW Insulated steel composite roof cladding
 - 4 Windows - polyester powder coated aluminium RAL 9006
 - 5 Sectional Overhead Door - PVF coated steel RAL 7045
 - 6 Steel Escape Doors - Polyester Powder coated RAL 7045
 - 7 Shopfronts - polyester powder coated aluminium RAL 9006
 - 8 Gable & wall cladding - Kingspan K51000MW Micro-rb steel composite panel system. Colour RAL 9006
 - 9 Rainwater pipes - 100mm dia, natural aluminium
 - 10 Retaining wall to ramp
 - 11 Steel framed glass canopy. Frame RAL 9006
- Colours:
- RAL 9006 Aluminium
 - RAL 7045 Dark Grey
 - RAL 7046 Medium Grey 2

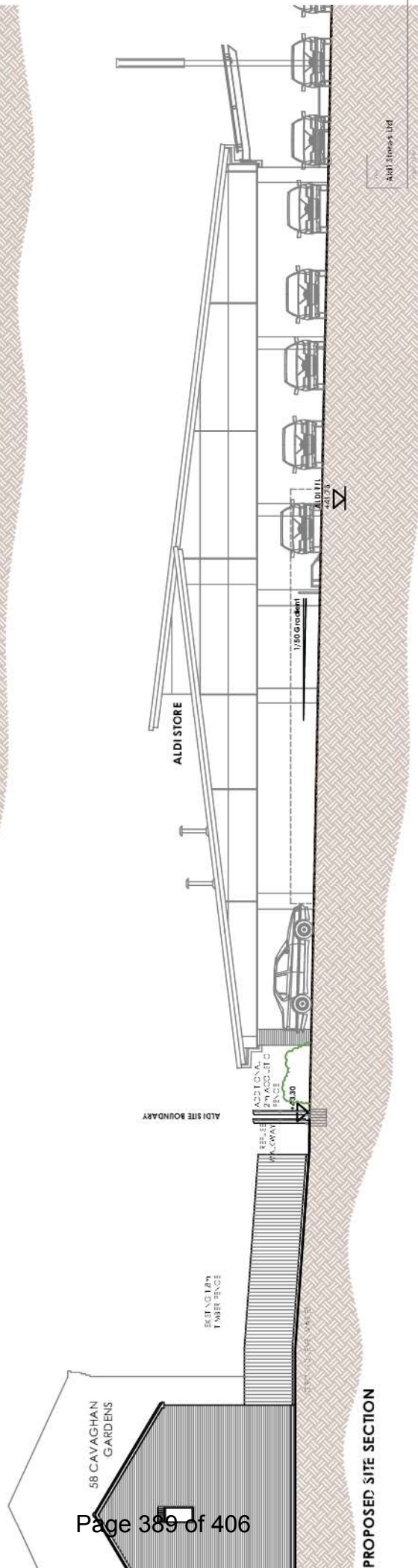




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EXISTING SITE SECTION



PROPOSED SITE SECTION



Proposed Car Park Section

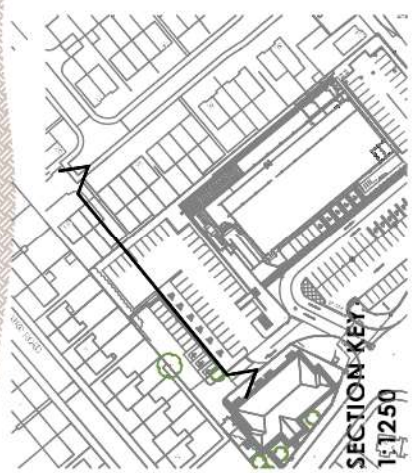
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NE1 2QB

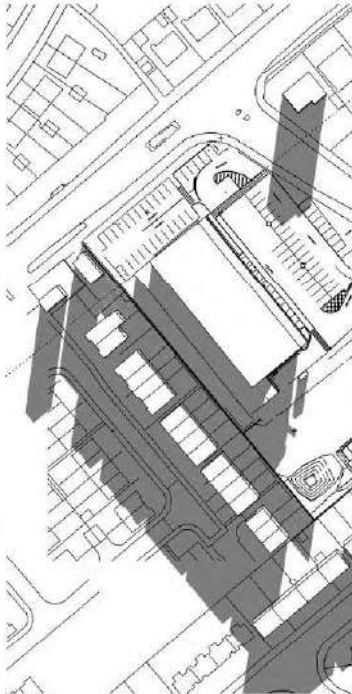
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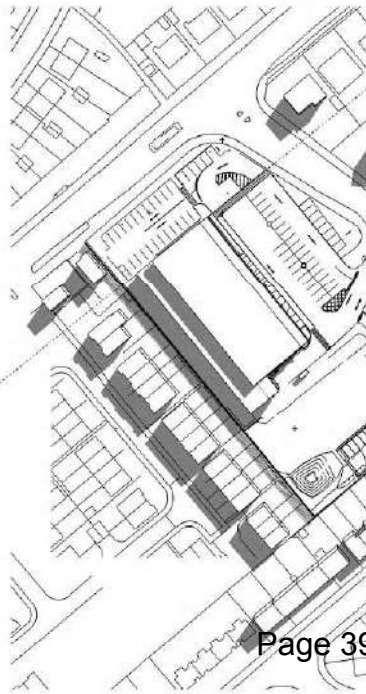


Note: Adjacent buildings and levels shown for indicative purposes only.

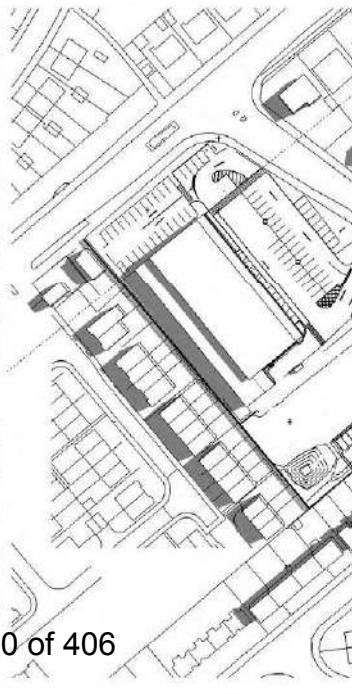
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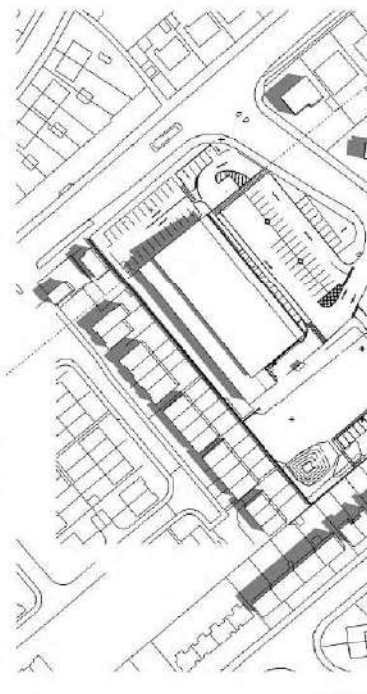
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23rd March 10am

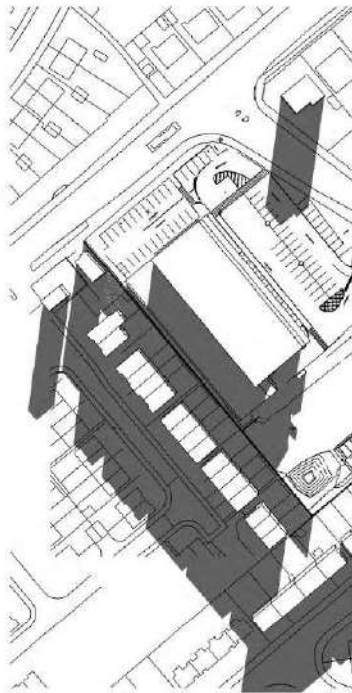


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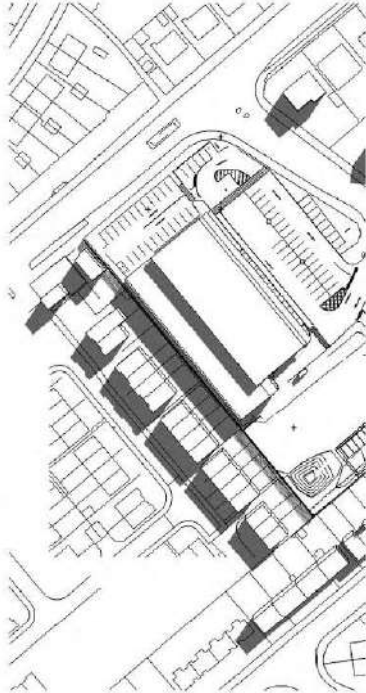


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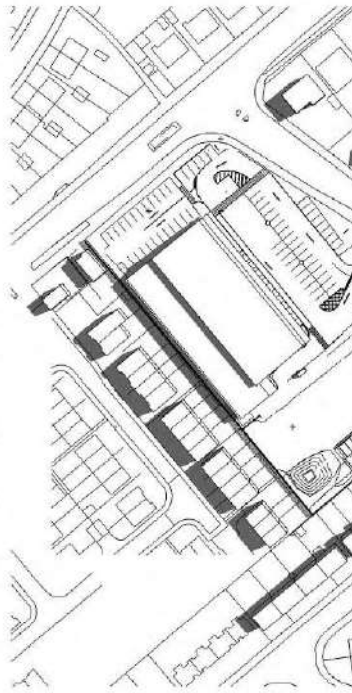
Proposed Site Plan



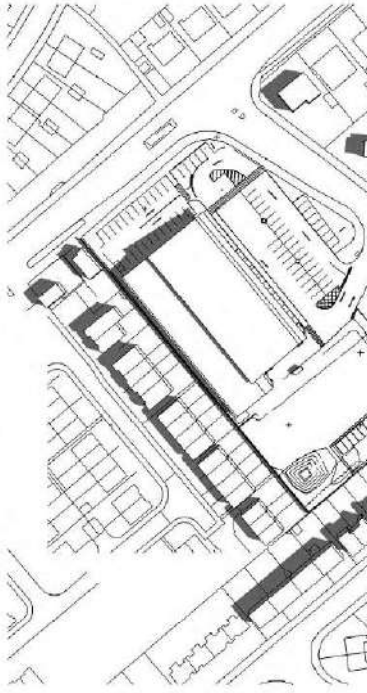
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23rd March 10am



23rd March 12noon



23rd March 2pm

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Project Address: Petril Bank Road, Carlisle
Project Ref: 0305 - SK50
Drawing Title: Existing & Proposed Shadow Study
Drawing No: 0305 - SK50
Drawing Date: 03.05.18
Drawing Scale: A3
Drawing Status: Final

ALDI

Aldi Stores Ltd
Project Name: Aldi - Carlisle
Project Address: Petril Bank Road, Carlisle
Drawing Title: Existing & Proposed Shadow Study
Drawing No: 0305 - SK50
Drawing Date: 03.05.18
Drawing Scale: A3
Drawing Status: Final

project

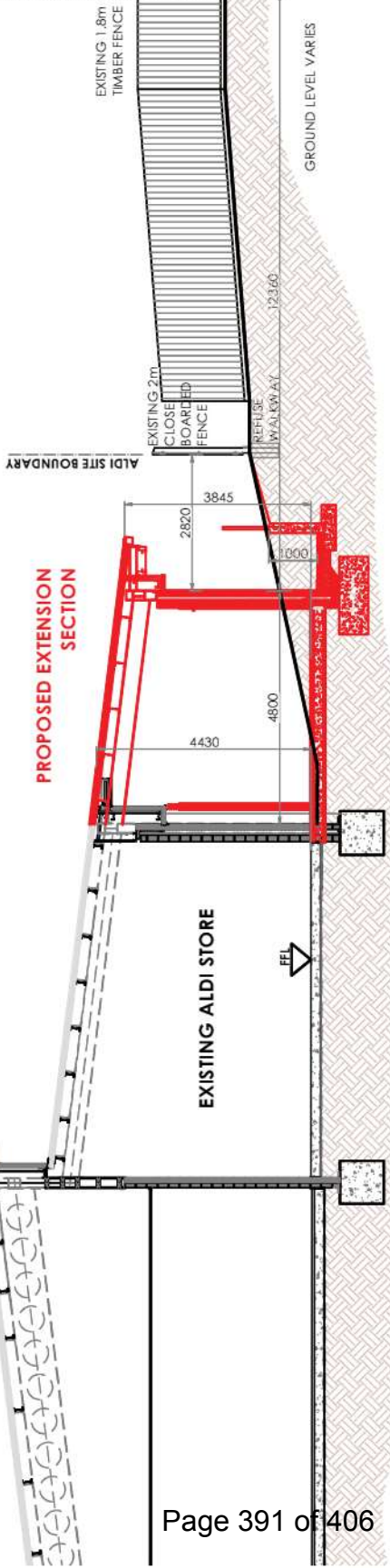
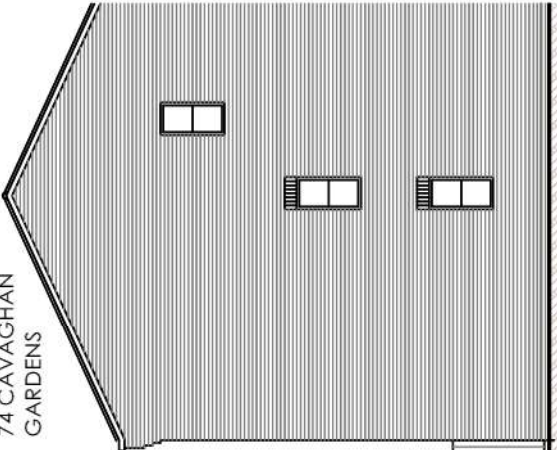
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Note: Adjacent buildings and levels shown for indicative purposes only.

74 CAVAGHAN
GARDENS





Aldi Stores Ltd

Aldi - Carlisle

Pefferill Bank Road
Carlisle

Proposed Site Section

0305 - SK55

JWC

23.10.18

1:100


A3

project

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Coquet Street
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NE1 2QB

Foxsyth House
93 George Street
Edinburgh
EH2 3ES

SECTION KEY: 1:2000



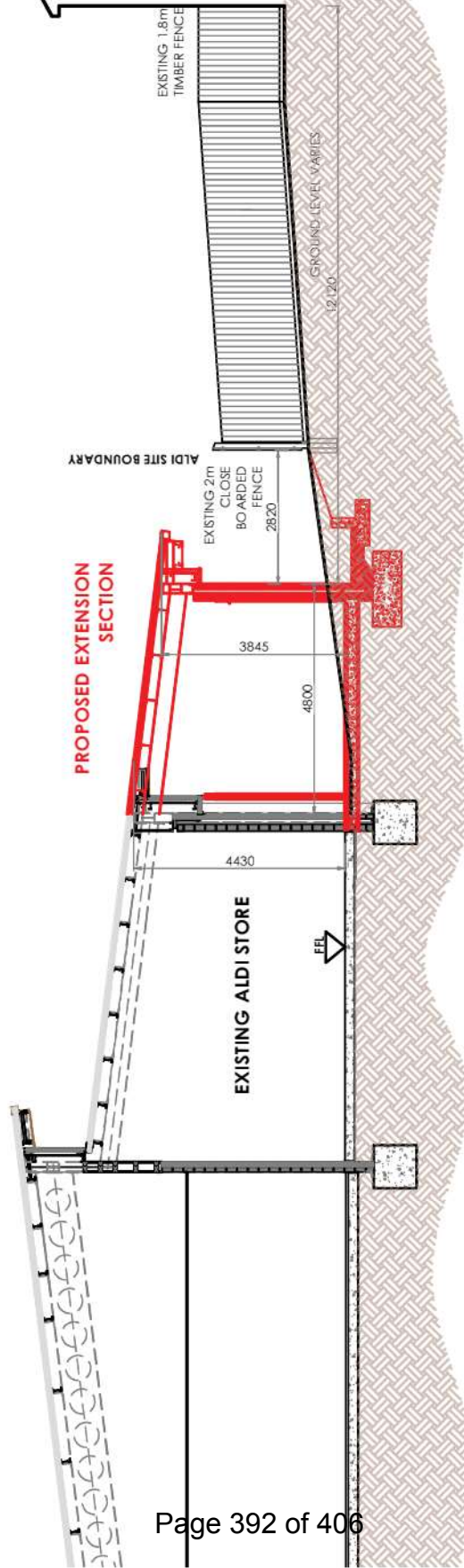
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project

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Note: Adjacent buildings and levels shown for indicative purposes only.

82 CAVAGHAN
GARDENS



Aldi Stores Ltd

Aldi - Carlisle

Petteril Bank Road
Carlisle

ALDI

Proposed Site Section

0305 - SK50

JWC

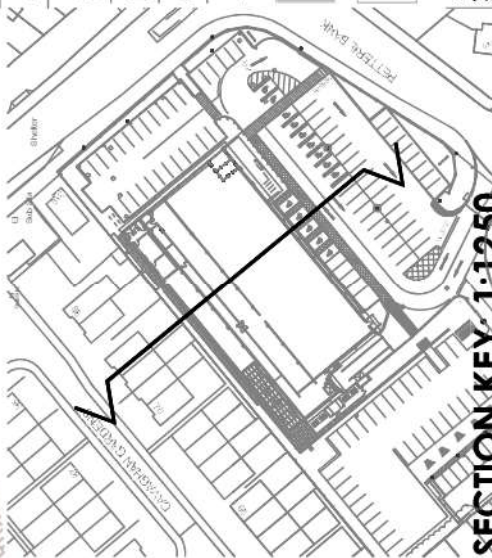
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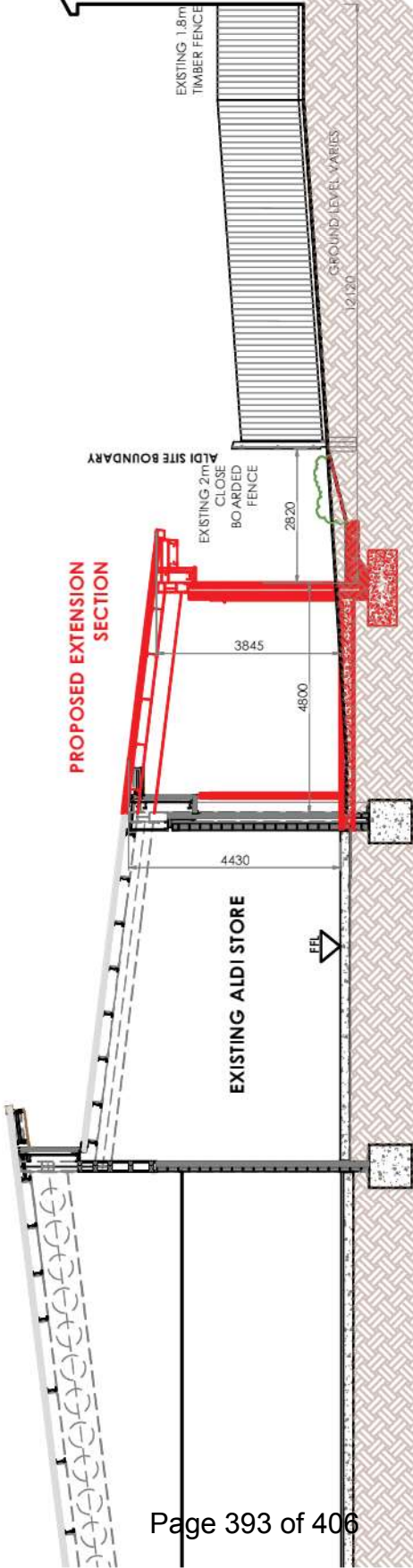
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SECTION KEY: 1:1250

Note: Adjacent buildings and levels shown for indicative purposes only.

84 CAVAGHAN
GARDENS



Aldi Stores Ltd

Aldi - Carlisle

Petteril Bank Road
Carlisle

0305 - SK59

JWC

26.10.18

1:100

A3

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SECTION KEY: 1:1250

project

SCHEDULE B

SCHEDULE B

SCHEDULE B: Applications Determined by Other Authorities

Item No: 13

Between 29/09/2018 and 09/11/2018

Appn Ref No:

18/0944

Applicant:

Mr D Mackenzie

Parish:

St Cuthberts Without

Date of Receipt:

16/10/2018

Agent:

Ward:

Dalston

Location:

Land to the North of Glebe House, Wreay, Carlisle

Grid Reference:

343412 548936

Proposal: Retention Of Hardstanding For Parking Of Vehicles On Land Adjacent To Existing Parking Compound (Appeal Decision Against Enforcement Notice EC/16/0139 Which Was Allowed)

Amendment:

REPORT

Case Officer: Karen Greig

City Council Observations on the Proposal:

Decision: Grant Permission

Date: 16/10/2018

Decision of: Planning Inspectorate

Decision Type: Appeal Allowed with Conditions

Date: 16/10/2018

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

Appeal Decision

Site visit made on 2 October 2018

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2018

Appeal Ref: APP/E0915/C/18/3201327

Glebe House, Wreay, Carlisle CA4 0RL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Derek McKenzie against an enforcement notice issued by Carlisle City Council.
- The enforcement notice was issued on 28 March 2018.
- The breach of planning control as alleged in the notice is (a) Engineering work that includes the creation of a second compound by extending access from Lawful Compound with hardstanding and fencing for the storage of vehicles; (b) Changed Use of Land from field to vehicle storage compound.
- The requirements of the notice are (a) All vehicles being stored on the land must be removed; (b) Hardstanding and Fence to be lifted and removed from the site and disposed of; (c) Land to be reverted back to the original condition; (d) Land should be re-graded, levelled and seeded within the first planting season.
- The period for compliance with the requirements is 6 months from the date of this notice.
- The appeal is made on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

The appeal on ground (c)

1. The appellant does not dispute that the engineering operation consisting of the laying of hardstanding and the change of use of land to form an extended vehicle storage compound comprise development requiring planning permission. The ground (c) appeal is limited to the contention that part of the boundary fence erected does not constitute a breach of planning control, on the basis that its height would not exceed 2 metres. Accordingly the appellant says that this part of the fence would amount to permitted development under the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
2. Schedule 2, Part 2, Class A of the GPDO allows for the erection of a fence as permitted development, subject to various provisos. One such proviso concerns the height of the structure, such that where the enclosure is not adjacent to a highway, as in this case, it should not exceed 2 metres in height. During the site visit the height of the fence was measured at various locations. As a result and from the written submissions beforehand, it is apparent that most of the unauthorised fence line exceeds 2 metres in height, with the exception of a relatively short section which forms the eastern boundary of the

site, running parallel to Chapel Hill Road. In this location the fence is some 1.8 metres in height.

3. Although this shorter section of the fence technically falls within the aforementioned height tolerance, it adjoins the taller fence forming the northern boundary of the appeal site and is part and parcel of the overall structure which collectively encloses the land in question. It therefore seems to me that the test for permitted development should be applied to the fence line in its entirety as a single enclosing structure. Accordingly planning permission would therefore have been required for the boundary fence as a whole, attacked by the notice. The ground (c) appeal therefore fails.

The appeal on ground (a)

Main Issue

4. The main issue is the effect of the development on the character and appearance of the village, including the setting of the listed building and various structures associated with the nearby Church of St Mary.

Reasons

5. Wreay is a small village characterised by the low density development of informally laid out buildings, predominantly dwellings, centred around the Grade II* listed Church of St Mary, with its spacious and verdant grounds. The village setting is enhanced by the presence of several mature trees and large gaps between buildings which serves to open up long distance views away from the settlement over the surrounding countryside, notably to the north, south and east.
6. The appeal site is on the western side of the village and consists of a rectangular portion of land which slopes to the north and serves to extend an existing vehicle storage compound. Immediately to the north of the site is a new small-scale residential development, with the grounds of the Wreay Church of England Primary School to the east.
7. Despite the location of the site on the edge of the village, it is not in a prominent location in relation to any rights of way to the west. From Chapel Hill Road to the north, the site is substantially screened by the aforementioned residential development. The most prominent view of the site is from Chapel Hill Road immediately to the east, between the school building and the entrance to Glebe House, and opposite the front of the church. From here the extensive northern boundary line of the appeal site is visible. The straight linear orientation of the fence line and regularity of supporting fence posts gives the structure a formality and uniformity, somewhat at odds with the informal character of the village.
8. However the lower part of this fence is substantially hidden by the straight line of an existing timber fence marking the boundary of the school grounds with the aforementioned new residential development. That fence, albeit shorter, is nevertheless very prominent, being situated closer to and running parallel with Chapel Hill Road. It has not been brought to my attention that this school boundary fence is unauthorised. There are also some tall mature trees situated in the foreground, within the grounds of the school, which tend to draw the eye and other mature trees beyond the site, against which the appeal fence is

- viewed. In combination these factors serve to mitigate the visual impact of the development in this case.
9. In addition it is important to bear in mind that if the unauthorised development were removed and the compound reinstated in its previous position, it would still be possible to view the straight fence line of the original northern site boundary. In these circumstances, although the fence would be set further back away from the road, it would also be at a higher ground level when taking into account the sloping aspect of the site. It therefore seems to me that there is little material difference in the visual impact of the boundary fencing, in the most prominent views of it from Chapel Hill Road to the east, in that when taking into account the above mitigating factors the fence does not appear significantly more incongruous than it would in its authorised position. I consider that this constitutes a strong fallback position, which weighs in favour of the grant of planning permission in this case.
 10. Furthermore, for the above reasons, when also considering the relative narrowness of the site in question, I am not persuaded that the development has resulted in any undue sense of enclosure or material harm to the sense of openness of views into and away from the village.
 11. In terms of the use of the compound, there is no dispute that the height of the fence would serve to substantially screen the parking of vehicles within this area, which could be further assisted by the application of a planning condition to restrict the size of vehicles being parked there. These factors would therefore assist in protecting the character and appearance of the area.
 12. I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the development on the setting of the Church of St Mary, which is a Grade II* listed building, and also on the setting of the various Grade II listed structures within its grounds, which comprise a mausoleum, cross, sundial and font. It seems to me that the special interest of this building and the other structures derives from their age, form and appearance. Whilst there is some inter-visibility between the church and its grounds and the appeal site, they are also substantially separated. I consider that the elements of setting that contribute to the significance of the listed building and structures include their relationship with the adjacent roads and the limited amount of built development and presence of mature trees within their immediate surroundings. In this context, I consider that the appeal site contributes little to the significance of the listed building and other listed structures or to their setting and that there would be no harm in this regard.
 13. The Council has indicated that although Glebe House is not a designated heritage asset, it nevertheless has heritage interest because of its historic connections with the village. However it was evident from my visit that this building is separated from the appeal site by a tall hedgerow and I am therefore satisfied that the development does not result in harm to its setting.
 14. Drawing the above considerations together I conclude that the development does not result in harm to the character and appearance of the surrounding area and wider village, including the setting of the listed building and various listed structures associated with the nearby Church of St Mary. Accordingly there is no conflict with Policies SP 1, SP 6, SP 7, EC 11, HE 3 and HE 6 of the Carlisle District Local Plan 2015 – 2030, insofar as they seek to promote

sustainable development which responds to local context in terms of character and distinctiveness and preserves and enhances heritage assets. I do not consider Policies EC 1 (Employment Land Allocations) and EC 2 (Primary Employment Areas) to be relevant to the development in this case.

Conditions

15. The appellant has suggested that conditions be applied to allow for a small landscaping scheme and to control the height of vehicles being stored on this site. I agree that conditions allowing for additional landscaping and control over the size of vehicles stored on the appeal site would be beneficial to the visual amenity of the area.

Overall Conclusion

16. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Formal Decision

17. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely Engineering work that includes the creation of a second compound by extending access from Lawful Compound with hardstanding and fencing for the storage of vehicles and the Changed Use of Land from field to vehicle storage compound on land at Glebe House, Wreay, Carlisle CA4 0RL referred to in the notice, subject to the conditions in the schedule below.

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Landscaping/planting shall be fully implemented during the first available planting season from the date of this permission, in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority. Any trees which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees of an equivalent size and species unless the Local Planning Authority gives written consent to any variation.
- 2) No vehicles other than cars, car derived vans or light goods vehicles (vehicles with a gross vehicle weight of no more than 3.5 tonnes) shall be permitted to access the application site for the purposes of the development hereby permitted.

END OF SCHEDULE OF CONDITIONS

Item No: 14

Between 29/09/2018 and 09/11/2018

Appn Ref No:
EC/17/0021/EC**Applicant:**
Mr A Jackson**Parish:**
Scaleby**Date of Receipt:****Agent:****Ward:**
Stanwix Rural**Location:**
The Glade, Burnhill Cottage, Burnhill, Scaleby,
Carlisle, CA6 4LU**Grid Reference:**
343526 563168

Proposal: Change of use of part of the domestic garden from ancillary residential use to commercial use, namely the operation of the business "Eco Green Energy Centre Ltd" from the office and sheds

REPORT**Case Officer:** Sue Stashkiw**Decision:** The appeal is dismissed and the enforcement notice is upheld with corrections **Date:** 16/10/2018**Decision of:** Planning Inspectorate**Decision Type:** Appeal Dismissed**Date:** 16/10/2018

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



Appeal Decision

Site visit made on 2 October 2018

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2018

Appeal Ref: APP/E0915/C/18/3198177

Eco Green Energy Centre Ltd, The Glade, Burnhill Cottage, Scaleby, Carlisle CA6 4LU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Adam Jackson against an enforcement notice issued by Carlisle City Council.
- The enforcement notice was issued on 19 February 2018.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of part of the domestic garden from ancillary residential use to commercial use, namely the operation of the business "Eco Green Energy Centre Ltd" from the office and sheds.
- The requirements of the notice are Cease commercial use of the land within 6 months from the date of this Enforcement Notice.
- The period for compliance with the requirements is 6 months from the date of this Enforcement Notice.
- The appeal is made on the ground set out in section 174(2) (c) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections.

Preliminary Matters

1. The appeal was lodged on ground (c), that is that the matter alleged does not constitute a breach of planning control. However during the course of the appeal the appellant confirmed that they wished to change the ground of appeal to (a), that planning permission should be granted. The Council confirmed that the requisite fee was paid and I have therefore dealt with the appeal on this basis.
2. The notice refers to a 'commercial use', which is vague as it does not describe a specific use. The Council considers the notice should have specified that the commercial use in question related to office and storage and distribution uses. Therefore it considers that the description of the alleged breach should be corrected accordingly. Furthermore, whilst referring to sheds in the alleged breach and although there are sheds present within the appeal site, the Council acknowledges that the enforcement notice plan failed to include, within the site boundary, those sheds that are actually associated with the alleged unauthorised storage and distribution use. For this reason, it says that the enforcement notice plan should also be corrected.

3. From the submissions made and my visit, I am in no doubt that the appellant understands the identity of the office that the notice is concerned with. I am satisfied that the notice can be corrected, so that the alleged breach and requirement specifically refer to the office use, without resulting in injustice.
4. I recognise that the Council had intended to include sheds situated outside the red line edge of the site. However to increase the size of the site at this stage, so as to include the sheds in question, and to refer to the storage and distribution use, would widen the scope of the notice. This has the potential to result in injustice, and it is not therefore within my powers to correct the notice in this regard.
5. I note that the appellant has stated that the sheds are no longer used for business purposes and that no business related storage and distribution takes place on the site. However because I have found that I am unable to correct the notice, to encompass the sheds referred to by the Council, the question of their relevance, if any, to the business, including any storage and distribution impact, is outside the remit of this appeal and therefore not addressed in my decision. However this would not prevent the Council from taking enforcement action in the future, should it consider it expedient to do so.

The appeal on ground (a)

Main Issue

6. The main issue is whether the appeal site is an acceptable location for the office use currently being operated there.

Reasons

7. Policy SP 2 of the Carlisle District Local Plan 2015 – 2030 sets out the Council's locational strategy for new development. It seeks to focus new development within the Council's larger settlements and states that within the open countryside, development proposals will be assessed against their need to be in that location, so as to ensure sustainable patterns of development.
8. The appeal site is part of one of a small number of properties that are loosely grouped together. The Council regards the site as being within the open countryside, which is not disputed by the appellant. In keeping with the requirements of the development plan policy it is therefore necessary to demonstrate the need for the office to be operated in this location.
9. The appellant has confirmed that the business has operated historically from this location, as it was also the home of the business owner. It would appear that that person continues to live in the house adjacent to the office, however is no longer actively involved in the business. The business use at the appeal site, according to the appellant, is limited to office administration which is undertaken by a single member of staff. That person commutes to and from the site on a daily basis.
10. It seems to me that despite an historic practical connection between the business operated on the site and the person resident there, that connection no longer exists. The appellant has made a number of points in support of their case to continue the business use on the site. These include that there are no visiting members of the public and no deliveries and collections to and from

this location in connection with the business; also that the office cannot be seen from beyond the site boundaries.

11. Despite the office not being prominently located, in keeping with the requirements of the Council's development plan, I have not been presented with a compelling reason as to why the continued business use of the site, as an office, needs (my emphasis) to be within this open countryside location, and why it should not be in a more sustainable place where the need to commute by private transport may be significantly reduced. The appellant has also referred to other businesses operating within the rural area. Whilst this may be so, the circumstances of any such developments have not been made clear to me so as to enable any meaningful comparison.
12. I therefore conclude, on the basis of the information before me, that the appeal site is not in an acceptable location for the office use, which is undisputed to be currently operating there. Accordingly there is conflict with Policy SP 2 of the Carlisle District Local Plan 2015 - 2030 insofar as it seeks development within the open countryside to be justified on the basis of its need to be in that location. The Council has also referred in the enforcement notice to conflict with Policy DP1 of the Carlisle District Local Plan 2001 - 2016. However this policy would appear to have been superseded by the more recently adopted development plan.

Conclusion

13. For the reasons given above I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the deemed application.

Formal Decision

14. It is directed that the enforcement notice be corrected by:

- 1) Deleting paragraph 3 and substituting the following wording instead:

"3. The Matters which appear to constitute the Breach of Planning Control

Without planning permission, the change of use of part of the domestic garden from ancillary residential use to an office use, namely the operation of the business "Eco Green Energy Centre Ltd" from the office and sheds."

- 2) Deleting the word "commercial" in paragraph 5, and substituting the word "office".

15. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

INSPECTOR

