

SCHEDULE A: Applications with Recommendation

22/0366

Item No: 04

Date of Committee: 24/03/2023

Appn Ref No:
22/0366

Applicant:
Custodian REIT Plc

Parish:
Carlisle

Agent:
Hedley Planning Services

Ward:
Cathedral & Castle

Location: St Nicholas Gate Retail Park, London Road, Carlisle CA1 2EA

Proposal: Erection Of Hot Food Restaurant/Takeaway With Associated Drive-Thru & Car Parking

Date of Receipt:
09/05/2022

Statutory Expiry Date
04/07/2022

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 Principle Of Development Is Acceptable
- 2.2 Scale, Design And Impact On The Character And Appearance Of The Surrounding Area
- 2.3 The Impact Of The Proposal On Heritage Assets
- 2.4 Highway Issues
- 2.5 Potential For Crime And Disorder
- 2.6 Public Access
- 2.7 The Impact On The Living Conditions Of The Occupiers Of The Neighbouring Properties
- 2.8 Foul And Surface Water Drainage
- 2.9 Health And Wellbeing
- 2.10 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

- 3.1 St. Nicholas Gate Retail Park lies to the south-west of London Road, close to the road junction of London Road and Brook Street, approximately 1 kilometre (0.6 miles) to the south-east of the city centre. The site is currently used for car parking and forms part of the overall 4 hectare site.
- 3.2 The retail park is bounded to the south-west by the Settle to Carlisle Railway which is also a designated conservation area; to the north-west by Woodrouffe Terrace which is a row of two storey Grade II listed buildings that are within the Botchergate Conservation Area; to the north-east by London Road; and to the south-east by the Railway Inn which is a vacant two storey Grade II listed public house.
- 3.3 London Road is the main thoroughfare into the city centre from the south and opposite the application site on London Road are several commercial premises that occupy the ground floor of the buildings and above which is residential accommodation.

The Proposal

- 3.4 The application seeks planning permission to develop part of the car park for a drive-thru/ hot food restaurant with associated parking spaces. The area covered by the development of the restaurant building, car park and drive-thru amounts to approximately 0.28ha of this 4ha site.
- 3.5 The building would be rectangular in form and sited towards the south-east boundary of the site. The building would broadly measure 13 metres in width by 22.2 metres in length. An enclosed bin store would be formed on the north-west gable that would measure 3.2 metres by 5.5 metres providing an overall footprint of 2500 sqft (232.3 sqm).
- 3.6 The building would be constructed from rendered cladding panels coloured mushroom and wood fibre cement panelling on a facing brick plinth. The windows and doors would be powder coated aluminium. An internally illuminated red light box would frame the eaves of the building.
- 3.7 The building is to be used for the sale of hot and cold food and beverages for consumption on and off the premises. A car park is proposed to the immediate north-west of the proposed building to provide a total of 9 spaces which includes two accessible spaces for disabled customers and two spaces for electric vehicles.
- 3.8 The access to the site would be taken from the entrance which also serves Halfords. Vehicles would enter the site and circulate in a clockwise direction, passing the parking spaces and then travelling south-east stopping at the speaker posts to place orders. The drive-thru would then continue between the north-east elevation of the building and London Road before reaching a stop sign. Before exiting, two grill bays would be created.
- 3.9 Within the building the ground floor would consist of a customer area, kitchen, customer toilets, a single accessible toilet, drive-thru order windows,

staff facilities and an office. As previously stated, a refuse store and utility area would be formed on the north-west elevation.

- 3.10 Externally, a seating area and cycle racks would be provided close to the entrance, adjacent to the south-east elevation.

4. Summary of Representations

- 4.1 This application has been advertised by means of two site notices, a press notice and direct notification to the occupiers of 33 properties. In response, ten representations have been received objecting to the application which have been reproduced in full for Members, however, in summary the issues raised are summarised as follows:

Principle

1. although a sequential test has been undertaken, given that the proposal is for a drive-thru facility, it could be located within a 5 kilometre catchment;
2. there are sequentially preferable site which have not been considered namely, land at Georgian Way/ Dukes Drive, land at Viaduct Estate Road and Denton Holme;
3. the proposal is contrary to Policy EC6 of the local plan and section 7 of NPPF. The site's identified above are all suitable and available for the broad type of development proposed i.e. a drive through restaurant and all are located in sequentially preferable locations to the application site.
4. the three sites identified above are considered to be suitable for the development as identified in the applicant's parameters, furthermore there is no evidence that these sites are not available or suitable for the type of development proposed i.e. a drive through restaurant;
5. the long term sustainability of the development is questionable given the general economic situation and competition of other fast food retailers along London Road;
6. there are other similar outlets in the locality, namely McDonalds being 155 metres away, which is contrary to the submitted application documents;

Highway & Car Parking

7. the application details a loss of 50 car parking spaces. The council's Development Design Guide includes Parking Standards at Appendix 1 which lists the parking requirements. On the basis of the floor area for the retail park, there would be a requirement for 504 car parking spaces; however, given the presence of food retailers, the total requirement is 679 spaces. Taking account of the proposed parking spaces stated in this application (389 spaces in the Planning and Retail Statement), this would result in less than 60% of the policy requirement;
8. the proposal would be contrary to Policy IP3 of the local plan. The retail park is a popular shopping destination and the loss of car parking will have a detrimental impact on existing retailers and the surrounding area;
9. although there was previously a fast food restaurant, this was demolished in 2012 and circumstances are very much different now with conditions limiting sales to bulky goods relaxed, thereby resulting in greater car parking provision. On this basis, the proposal can't be considered as a

- mere reinstatement;
10. the site is located on an area of car park which serves three retailers and benefits from 167 car parking spaces. With the loss of 50 spaces, this would be a reduction of 30% which wouldn't provide sufficient parking for one of the retailers, B&M Bargains;
 11. the Transport Statement suggests that 30% of visits will be linked trips and 70% will be passing trade;
 12. the Transport Statement identifies that at the peak hour the proposal will attract 66 cars, equivalent to 1 per minute that will lead to vehicles queuing into the main car park;
 13. the NPPF requires the creation of safe access and Policy EC8 of the local plan requires development to not cause unacceptable levels of traffic generation or highway obstruction. The application fails on both counts;
 14. such uses result in long lines of queuing traffic with engines running, reducing air quality;
 15. the development would emphasises dependency on car travel, contrary to the objectives of national and local policies to promote health, improve the environment and reduce carbon emissions;
 16. the development will discriminate against non-car owners. Will people on foot or bicycle be welcomed and encouraged to use the drive-thru facility in safety and clean air?;
 17. each arterial route is choked by traffic lights and queuing traffic;
 18. the application states that there is extremely good levels of pedestrian and cycle infrastructure in the area but this is untrue and the network is woefully inadequate;

Other Matters

19. there are already high levels of litter, vermin and attacks by seagulls which will all increase as a result of the development;
 20. the previous hot food takeaway was a blight on the local community and the wider city as a major source of anti-social behaviour. The council closes car parks overnight and a new outlet will concentrate this behaviour on this site as it did previously;
 21. there is a shortage of entry-level food service workers which will leave established business with greater staff shortages;
 22. fast food outlets are one of the main drivers of obesity, particularly amongst children.
- 4.2 Additionally three representations have been received supporting the application and one representation commenting on the proposal which are summarised as follows:
1. the business will enhance businesses in the area and benefit customers' experience;
 2. this business should consider measures to minimise waste;
 3. its hoped that this business supports a Land Value Taxation system in favour of abolishing business rates;
 4. this would be an excellent use of an underused car park.

5. Summary of Consultation Responses

Local Environment - Environmental Protection: - the layout, design and construction of the food handling areas must comply with food hygiene legislation requirements. An appropriate number of suitably located grease traps must be provided.

It would be appropriate to condition the hours of operation during the construction phase to limit the impact of construction noise on nearby residents;

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

Local Highway Authority (LHA)

The Highways Technical Note is well written and touches on all of the elements of the previous response. The queuing at the drive-thru has been considered and the Technical Note provides the detail required by the LHA who is content with its findings. The points made in respect of parking are clear and the report's findings are accepted. The details of the traffic signals are clear.

Lead Local Flood Authority (LLFA)

There are no objections to the Flood Risk Assessment or the drainage proposals as shown on the submitted documents. This site should hold some betterment for the drainage discharge rate from this site.

The applicant does however still need to provide evidence of the permeability of the site (for the permeable parking areas) as well as improvements to water quality (i.e. potentially through petrol interceptors).

The LLFA is content that this element can be conditioned;

Cumbria Constabulary - North Area Community Safety Unit: - the following response has been received following consultation with the Neighbourhood Policing Team (NPT) that patrols this area.

The NPT does not view this proposal favourably, expressing concerns for yet another drive-thru outlet in the locality. The comment in the 'Statement of Community Involvement' at 4.7 "There are no hot food restaurants/ takeaways offering a drive-thru or 'sit-in' element within the retail park, nor within independent establishments within the wider area, including local centres. There will not be a concentration of particular use or businesses....." is not quite accurate.

It is noted that the Design and Access Statement 'Site Description' omits to mention the former presence of a takeaway and drive-thru premises here - and its enduring negative impact on the Quality of Life of local residents which lasted for many years:

From 1965, the site had been redeveloped to comprise a number of larger

buildings denoted as an engineering works. Prior to 1989, the site was shown as largely undeveloped, comprising a car park, with a structure across the eastern part. By 2021 the structure was no longer present and the site shown in its current layout.

The NPT is anxious to avoid a repetition of the circumstances of the longstanding and persistent issues generated by the drive-thru premises *previously* located on the St Nicholas Gate site.

With the convenience of unrestricted access and extensive car parking, that drive-thru was a popular gathering place for younger motorists who intentionally drove their vehicles in an inconsiderate manner, causing incessant noise nuisance to residents living nearby (St Nicholas Street, London Road, Woodruffe Terrace) - and was particularly noticeable into the late evenings. This despite frequent attendance by police patrols (including the Roads Policing Unit) with various attempts to intervene by education or enforcement - motor vehicle nuisance was a frequent occurrence. Prior to its eventual closure, the establishment also demanded repeated police interventions due to anti-social behaviour and nuisance caused by younger 'customers' at various other times.

It is perhaps a peculiar phenomenon that fast food retail outlets attract persons who choose to behave in an anti-social manner (to the detriment of other customers and staff) whilst other commercial premises remain peaceful. Yet some research by an NPT officer reveals that two other drive-thru outlets in the vicinity continue to generate complaints from members of the public:

Premises 1:

Since **** opened on the 10/12/21 we have had

5 Logs for Dec 2021

1 Log for Jan 2022

4 Logs for Feb 2022

0 Logs for March 2022

4 Logs for April 2022

1 Log for May 2022

Premises 2

Since **** opened on the 10/05/2019 we have had in the last 6 months:

1 Log for May 2022

1 Log for April 2022

0 Logs for March 2022

1 Log for Feb 2022

1 Log for Jan 2022

3 logs for Dec 2021

Unfortunately, SAFE (Incident Logging System) only started from the 18/06/2019 so unable to check logs from the time **** opened, however there are crimes on from when it first opened but from memory, there were a lot of complaints about traffic and parking.

For comparison, it is noticeable that a third hot food retail outlet situated on

the London Road Retail Park generates very few calls for police service. However, it does not offer a Drive-Thru option and ceases trading earlier each evening.

From statistics of premises of this nature, they shall continue to generate calls for police service (of the description already outlined), the proposed location so close to existing dwellings is likely to become a source of repeated complaints. The Constabulary cannot support an application that will persistently demand police resources to the same location for the same reasons;

Northern Gas Networks: - no objection, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, the promoter of these works should contact Northern Gas Networks directly to discuss the requirements in detail. Should diversionary works be required these will be fully chargeable;

United Utilities: - no objection subject to the imposition of a condition.

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, SP7, SP9, EC6, EC8, IP3, IP5, IP6, CC5, CM4, CM5, HE3, HE7 and HE7 of the Carlisle District Local Plan 2015-2030 are relevant. The council's Supplementary Planning Document (SPD) "Designing Out Crime" is also a material planning consideration. The proposal raises the following planning issues.
 1. **Whether The Principle Of Development Is Acceptable**
- 6.3 Paragraph 90 of the NPPF requires impact assessments to be completed on retail proposals over 2,5000 square metres if there is no locally set threshold.
- 6.4 The NPPF advises in paragraph 86 that planning policy should generally promote competitive town centres and that in drawing up local plans local authorities should, amongst other issues allocate a range of sites to meet the scale and type of retail developments needed in town centres. It states that main town centres uses should not be compromised by limited availability.
- 6.5 The NPPF further confirms that LPAs should "*allocated appropriate edge of centre sites for main town centres use*" where "*suitable and viable town centre sites are not available*". It further states that if edge-of-centre sites are not available, policies should consider other accessible locations that are well

connected with the town centre.

- 6.6 Paragraph 91 further confirms that where permissions are to be refused it should be demonstrated that 'significant adverse impact' will occur.
- 6.7 The proposed development as a drive-through restaurant is 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. The NPPF advises in paragraph 87 that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan."

- 6.8 The site is approximately 1.2 kilometres (0.74 miles) south-east of the city centre boundary. The application is accompanied by a Sequential Test which considered 19 premises in the city centre and 4 in the Local Serve Centre (Botchergate). The report concludes:

"The proposed site is situated in close proximity to, but not within any defined centres. As such, a suitable sequential assessment has been undertaken to identify any suitable locations within the primary shopping area and the local centre of Botchergate. No suitable units were found as a result of the sequential search. The proposed unit is 232m² and therefore an impact assessment is not required as per the requirements set out within policy SC6."

- 6.10 Policy EC8 of the local plan allows for the principle of development for food and drink establishments subject to 4 criteria. The issue of the matters relating to amenity and highway issues are discussed in the following paragraphs of this report.
- 6.11 Policy EC8 also seeks to guard against an *"an unacceptable concentration of a particular use or business type within any given locality."* Pizza Hut operates from a premises further along London Road together with a KFC restaurant and McDonalds drive-thru restaurant. Consequently, it would be reasonable to state that there are examples of food restaurants in the vicinity but it would not be reasonable to suggest that this would constitute an *"unacceptable concentration"* of such uses.
- 6.12 Given the historical use and the scale of the development, the proposal would not over intensify the use on the site but would reuse a previously developed brownfield site and add a further element to the range of existing commercial uses in the locality. The proposal does not raise any sustainability issues in the context of its location and previous use. In this respect, the principle of the development is acceptable.

2. Scale, Design And Impact On The Character And Appearance Of The Surrounding Area

- 6.13 Paragraphs 126 to 136 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. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.14 It is further appropriate to be mindful of the requirements in paragraph 134 of the NPPF which states:

“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 and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

- 6.15 Policies seek to ensure that development is 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. This theme is identified 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 make use of appropriate materials and detailing.

- 6.16 The building would be single storey and rectangular in form and is

characteristic of a building which is intended to serve the purposes of a drive-thru restaurant. The development will comprise of simple contrasting elements to break up the elevations of the building. The building would be sited parallel to London Road and would provide dedicated car parking provision within the site and will be viewed in the context of the retail park and adjacent commercial uses. 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. The Impact Of The Proposal On Heritage Assets

3a. Impact On Listed Buildings

- 6.17 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 Buildings

- 6.18 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. 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).
- 6.19 Paragraph 201 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 202, 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.
- 6.20 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. 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.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.21 The Railway Inn is Grade II listed and is located approximately 65 metres to the south-east of the proposed building and the London Road NER Goods Station is approximately 135 metres to the east. The buildings are important historical buildings in the locality and contribute to the railway heritage of Carlisle. Woodruffe Terrace is approximately 165 metres to the north-west and comprises a terrace of traditional buildings.

- ii) the effect of the proposed development on the settings of the Grade II listed building
- 6.22 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA). 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.
- 6.23 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 200). However, in paragraph 202, 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.
- 6.24 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 the adjoining listed buildings and 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).
- 6.25 The proposal involves the erection of a single storey detached building within an existing retail park. The road and pavement at the junction with Brook Street is relatively wide with the road being four lanes wide in addition to a cycle lane in the road. Although there is an intervening building, currently occupied by Halfords, this is set back from the listed building. The proposed building would be set within the site back from the boundary with London Road along which there is a row of trees. The gable of the Railway Inn is visible when approaching from the city centre obscured partly by the trees. The character of the highway network together with the proposed siting of the building would result in a largely unencumbered view of the building.
- 6.26 The London Road NER Goods Station is set back from London Road and there are buildings adjacent to it and as such, would not be viewed in the same setting. Woodrouffe Terrace to the north-west is viewed in the context of the retail park. Although the proposed building would be forward of the existing buildings, this would not demonstrably affect the setting of the terrace.
- 6.27 In this context, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

3b. The Carlisle To Settle Conservation Area

- 6.28 The application site is located adjacent to the Carlisle to Settle Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG and 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, NPPG and policies within both the local plan. Policy HE7 of the local plan advises that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.31 The Settle to Carlisle Conservation Area boundary is approximately 65 metres to the east and then continues to the rear of the Railway Inn following the line of the railway at which point it is approximately 70 metres south of the application site. The Botchergate Conservation Area is approximately 160 metres to the north.
- 6.32 The council's Heritage Officer has previously advised on the proposal. There was no fundamental objection but recognised that there are a number of well-established trees which the scheme may impact on and the advice was that present trees should be retained, or where there loss is unavoidable, should be replaced by suitably scaled extra heavy standard fastigate columnar trees to maintain the landscaped corridor. Some trees are outwith the site and therefore outside the applicant's control but notwithstanding this, a landscaping condition is included within this report.
- 6.33 The development would have a contemporary appearance and use a palette of modern materials; however, in the context of the site and surrounding built environment, the proposal is small scale and well related to the site. The visual impact would be appropriate and on this basis, the proposal would not have a detrimental impact on the character or appearance of the conservation area to warrant a refusal of the application.

4. Highway Issues

- 6.34 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway. To provide some context to the highways assessment, the highway authority initially responded with the following:

"It is disappointing that no modelling has been done for this application at this constrained section of the highway network. We would recommend that the applicant model the impact of this development to assess the performance of

the signalised junctions at London Road / Asda access as well as London Road / St Nicholas Street.

We disagree with the methodology used in the Transport Statement as far as it relates to 1) the traffic generation (in the TRICS survey selection, some surveys were included although undertaken in very highly populated areas (>125.000) and 2) the number of new / pass by/ diverted trips. The TS assumes all traffic will be pass by traffic.

It is our view that due to the nature of this development (the only Burger King in Carlisle) that this will be an attractor in its own right . We will therefore suggest a 30% linked, 30% new and 40 % pass-by split.

Of some concern is that the TS states that In the weekend peak hour, 66 vehicles will arrive at the site (more than 1 vehicle per minute). These would queue back into the parking area to the main access of the Retail Park. Within the parking area, there is space for 12 queued vehicles, and these would reduce access to the adjacent parking spaces.

This could create one of 2 (or both) issues . The parking spaces could become unusable and/or the queue length could be much longer due to cars having to allow vehicles to exit these parking spaces. The applicant should be invited to comment on whether this was considered when they stated that the stacking of vehicles will not have an impact on the highway."

- 6.34 The applicant submitted a Highways Technical Note in August which fell short of fully addressing the highway authority's comments. A further revision was submitted in November which concludes that:

It has been agreed by both parties [Cumbria County Council and the highway consultant] that the proposed development may generate a maximum of 18 vehicles queuing within the drive through lane. When considering the very robust assumptions that this is based upon, it is also agreed that this is a 'worst case' queue length that is unlikely to occur, in reality.

It has then been shown that the layout of the drive through ensures that there is sufficient capacity for this maximum queue, without impacting upon the operation of any car parking spaces.

Furthermore, an additional 11-15 vehicles could queue through the car park before any impact on the operation of the signalised access to the Retail Park would be experienced.

In terms of the wider Retail Park car parking, the overall provision would be reduced to 374 parking spaces as a result of this proposal. Based the extant planning permission for the site (from 2009), CCC have agreed that the minimum number of car parking spaces that the Retail Park requires is 320.

In addition, the tenants of the larger retail units have agreed that the absolute minimum number of parking spaces that they consider necessary to successfully operate the Retail Park is 315. This has subsequently been

written into their tenancies.

On this basis, the proposals for 374 car parking spaces remain in excess of the minimum CCC and a number of the tenants consider as the minimum required for the Retail Park, and therefore the proposals are not expected to have any material impact on its operation.

Finally, the process MTP [Milestone Transport Planning (applicant's highway consultant) have undertaken to validate the three traffic models has been clarified, with the surveyed queue length data re-presented within this Note. The results show that the models validate well, and are generally reporting pessimistic results, when compared to the surveys.

As such, the conclusion that there will be no significant impact on the operation of these junctions as a result of the junction is considered robust and valid.

To conclude, the proposed development traffic would not have any significant impact on the operation of the car park or the local highway network, the drive through lane would operate within capacity and there is sufficient car parking provided to ensure the ongoing success of the Retail Park. As such, it is considered that the development proposal is satisfactory on highways and road safety grounds."

- 6.36 On the basis of the submitted highways information and the consultation response from Cumbria County Council as the Local Highways Authority, the impact on the local highway network would be acceptable and sufficient car parking would be provided within the site. The proposal would not prejudice the safety of users of the highway and accordingly, the proposal is acceptable in this regard.

5. Potential For Crime And Disorder

- 6.37 Policy CM4 of the local plan requires that new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime.
- 6.38 Cumbria Constabulary has provided a response which raises concerns about the potential for calls for police service once. This is supported by examples of calls for service to two other unidentified premises together with the nature of the calls. In addition, there is a concern about antisocial behaviour generally within the retail park, a point also made by some third parties.
- 6.39 The Neighbourhood Policing Team (NPT) refer to the long-standing issues relating to the former Burger King drive-thru premises at St Nicholas Gate. Over several years, the NPT instigated various 'enforcement and education' interventions in response to the numerous complaints of motor vehicle misuse and noise nuisance. These issues were only finally resolved with the re-development of the St Nicholas Gate business park (with the demolition of the Burger King premises).

- 6.40 This is reinforced by the fact that the KFC premises in Penrith continues to generate calls for police service for these reasons due to motor vehicle misuse in the early hours. This concern is shared by the Neighbourhood Policing Team for this site that the issues will be repeated by the presence of comparable premises situated so close together.
- 6.41 The record of calls for police service has been expanded and the type of incidents are now listed as:

Premise 1

June – 0

July – 0

August – 1 – assault on 12 year-old girl outside the premises

September – 0

October – 0

November – 1 – Teenage boy being assaulted

December – 0

January – 0

Premise 2

June – 1 – Disturbance, reportedly involving person with mental health issues

July – 1 – Youth disorder, crime for sec 4a Public Order [PO] submitted

August – 2

1 – Security guard threatened, crime for common assault submitted

1 – 5 x 18/ 19 year-olds being aggressive, crime for Sec 4a PO submitted

September – 1

1 – Youths refusing to leave

October – 4

1 – Youth assaulted outside, crime for common assault

1 – Person reported as Missing From Home [MFH]

1 – Customer being abusive and blocking drive thru

1 – 2 females refusing to leave

1 – MFH from Dorset on searching found in possession of 2 knives

November – 4

1 – Youth Anti-Social Behaviour, crime for Sec 4a PO

1 – Road Traffic Collision in car park

1 – 16 year-old reportedly overdosed in public

1 – Member of staff racially abused, Sec 4a PO racially motivated

December – 3

1 – Vehicle uplift no insurance

1 – Youth Anit-Social Behavior (ASB), youngsters causing a nuisance and won't leave

1 – Youth ASB and threats, crime for Sec 4a PO

January –

1 – Youth ASB, shouting and swearing, riding scooters around
1 – Road Traffic Collision

The above includes 3 safeguarding reports (Concern for welfare) and 10 recorded offences listing Premise 2 as the place of offence, these crimes range from assaults, Public Order, including racially aggravated Public Order and possession of bladed article.

These incidents have shown – and continue to show – repeated calls for police service to drive-thru type premises for a variety of matters, potentially posing risk of harm or alarm to members of the public (and associated premise staff). Consequently, it is not inconceivable to conclude that another drive-thru in the same locality will generate similar incidents, demanding further police intervention and excessive claims on our resources.”

- 6.42 A drive-thru restaurant previously existed within the retail park further to the north-west, near to Woodrouffe Terrace. At that time, the retail park was also served by a junction onto St. Nicholas Bridge allowing access and egress in addition to the two junctions onto London Road. The retail park was subject to anti-social behaviour through people congregating with their vehicles, engines running, horns blaring, playing of loud music and racing through the retail park. In response, through the redevelopment of the site, the access onto St. Nicholas Bridge was closed as a through-route and only access by service and delivery vehicles to the rear of the buildings. Automatic number plate recognition (ANPR) cameras were installed. Later in 2012, the drive-thru restaurant was demolished.
- 6.43 The calls police attendance are not disputed and the concern of the constabulary are noted and is a material consideration in the assessment of this application. The redevelopment of the site served to significantly reduce the incidents of anti-social behaviour on the site. The number of accesses has been reduced and eradicated the ‘rat-run’ through the site. There is no longer a straight run from one end of the retail park to the other which includes traffic calming measures. Additionally, the ANPR cameras continue to monitor vehicles and deter vehicles being in the retail park for long periods.
- 6.44 In considering the examples of service calls at the other establishments, it is necessary to differentiate those which are general policing issues and those generated as a direct result of the use of the premises. For example, it would be unreasonable to suggest that a drive-thru restaurant is directly linked to a customer having no vehicle insurance or causing a road traffic collision
- 6.45 It would be appropriate to include a condition requiring details of how the building would be resistant to burglary (i.e. specification of exterior doors and glazing) and details of the proposed CCTV system. The applicant should also consider cash-handling facilities (to limit the storage of cash on premises overnight) and the provision of secure storage for staff personal belongings.
- 6.46 Through alterations to the layout of the retail park and the ANPR cameras, these have reduced the opportunity for the potential for anti-social behaviour

witnessed at that time. Conditions are suggested limiting the trading hours and restrict access to the site following its closure. In combination, it is considered that the development would not result in issues sufficient to warrant refusal on the basis of crime and disorder.

6. Public Access

- 6.47 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.
- 6.48 The Planning Statement identifies that the development will be accessible and will provide an appropriate range of seating facilities. In Addition, two car parking spaces will be provided for disabled persons. The proposal would also have to be compliant with other legislation and accordingly, the proposal is acceptable and does not raise any accessibility issues.

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

- 6.49 There are residential properties adjacent to the application and in the wider vicinity. The proposal has the potential to affect the living conditions of neighbouring occupiers directly from the development itself and from patrons to the site. The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by local plan Policies SP6 and CM5 which together seek to ensure that development does not result in adverse impacts to the environment, health or the amenity of future or existing occupiers. Specifically, Policy CM5 states that development will not be permitted where it would generate or result in exposure to unacceptable levels of pollution (from contaminated substances, odour, noise, dust, etc.) which cannot be satisfactorily mitigated as part of the proposal or by means of the imposition of, and compliance with, appropriate planning conditions.
- 6.50 As referenced in the report, there was previously a drive-thru restaurant on another part of the retail park. Such uses have the potential to give rise to anti-social behaviour from its patrons and late night use of the car park and this was previously the case. Although the building would be sited directly opposite commercial premise, the properties in the area are sufficiently close enough that there it has the potential to adversely affect their amenity though noise, disruption and disturbance.
- 6.51 Policy EC8 of the local plan requires consideration to be given to how proposals for food and drink establishments may impact upon the amenity of neighbouring residential uses. The policy states that, in order to maintain acceptable levels of amenity and mitigate possible disruption, opening hours will be imposed having regard to the surrounding uses, character of the area, possibility of nuisance to residential areas and public safety.

- 6.52 The proposed development does have the potential to impact upon the residential amenity of nearby residents and therefore to safeguard the living conditions of these residents it would be appropriate to limit the opening hours of the development to 6am to 11pm each day. With this restriction in place and the controlled use of the car park area, the proposal would not result in significant adverse impacts to neighbouring residential amenity. Further conditions are also recommended to ensure the installation of adequate ventilation and extraction equipment that would mitigate any potential noise or odour issues arising from the proposal.

8. Foul And Surface Water Drainage

- 6.53 The foul drainage would be connected to the mains infrastructure which is acceptable.
- 6.54 The applicant has indicated on the application form that the surface water will be disposed of directly into the mains sewer. The NPPF and Policy CC5 of the local plan advocates that in the first instance the applicant should explore and give priority to the use of sustainable drainage systems for surface water drainage. Accordingly, notwithstanding details in the application form, it is considered appropriate to impose a condition requiring the submission of a surface water drainage scheme that explores sustainable drainage options in the first instance. This is in line with a suggested condition from the Lead Local Flood Authority although the condition reproduced in this report is more robust.

9. Health And Wellbeing

- 6.55 Government recognises the role of the planning system in promoting and influencing the health and wellbeing of the population as referenced in the NPPF. Paragraph 93(b) of the NPPF states that planning decisions should:

“take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;”

- 6.56 Locally this theme is set out in Policy SP9 of the local plan which commits the council, through planning decisions and in fulfilling its wider functions, to work with partners to proactively improve the health and sense of wellbeing of the District's population, and reduce health inequalities. In ensuring that all development contributes to enhanced health and wellbeing outcomes the policy requires the creation of high-quality and inclusive environments that supports people in making healthy choices. This policy approach is emphasised in the city council's ongoing Healthy City Initiative which aims to tackle health inequalities.
- 6.57 Furthermore, the NPPG advises that planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can have a role in enabling a healthier environment by supporting opportunities for communities to access a wide range of healthier food production and consumption choices. The national guidance goes on to state that local planning authorities can consider

bringing forward, where supported by an evidence base, local plan policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required. In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant.

- 6.58 It is well known that obesity levels within the child and adult population of the Carlisle District, like other parts of Cumbria, are higher than the national average. Therefore, planning proposals for fast food outlets and hot food takeaways, such as this proposal, raise concerns in relation to the proliferation of potentially unhealthy eating outlets. Indeed, Public Health England has recently stressed the link between the concentration of hot food takeaways, obesity levels in children and levels of general deprivation.
- 6.59 Notwithstanding these significant concerns, Members should note that the council does not have any adopted planning policies or supplementary planning documents that would prevent the provision of further fast food outlets, as is proposed in this application, and no such policies are currently being prepared.
- 6.60 Accordingly, in the absence of specific evidenced based local policies that would suggest otherwise, the proposal is not considered to result in a demonstrable adverse impact on the health or wellbeing of the district's population. The proposal would, therefore, accord with policy SP9 of the local plan and the associated provisions of the NPPF.

10. Impact Of The Proposal On Biodiversity

- 6.61 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.
- 6.62 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. As the proposal would involve the development of previously development land, the development would not harm a protected species or their habitat; however, 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

- 6.63 In overall terms the principle of the redevelopment of the site is acceptable.

The proposed scale, design and layout of the proposal raise no significant issues and are considered to be appropriate in the context of the surrounding area and would not have a detrimental impact on any heritage asset.

- 6.64 Highway matters have been satisfied and drainage details are subject to the submission of further details for approval to ensure a sustainable method of drainage is achieved.
- 6.65 Potential for crime, anti-social behaviour and adverse impacts to nearby residential properties have been mitigated through the imposition of planning conditions primarily to control the hours of opening for the drive-through restaurant and restrict access to the car park area.
- 6.66 Having assessed the application against the relevant policies contained within both the local and national planning policy frameworks, it is considered that, subject to conditions, the proposal represents a sustainable form of development and any adverse impacts are either adequately controlled by condition. In all aspects the proposals would be compliant with the objectives of the relevant local plan policies and accordingly, the proposal is recommended for member's approval.

7. Planning History

- 7.1 There is a lengthy planning history relating to the development of the retail park.

8. Recommendation: Grant Permission

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

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

- 2. The approved documents for this Planning Permission comprise:
 - 1. the Planning Application Form received 4th May 2022;
 - 2. the Location Plan received 4th May 2022 (Drawing no. 15625-110 Rev A);
 - 3. the Proposed GA and Roof Plan received 4th May 2022 (Drawing no. 15625-113);
 - 4. the Proposed Elevations received 4th May 2022 (Drawing no. 15625-114);
 - 5. the Retained Trees Shown on Proposed Layout With Protective Measures Indicated received 4th May 2022 (Drawing no. AIA TPP Rev A);
 - 6. the Arboricultural Method Statement – Revision A received 4th May 2022;
 - 7. the Arboricultural Impact Assessment – Revision A received 4th May

- 2022;
8. the Proposed Drainage Layout received 4th May 2022 (Drawing no. C001);
 9. the Typical Drainage Details received 4th May 2022 (Drawing no. C005);
 10. the Microdrainage Layout received 4th May 2022 (Drawing no. C006);
 11. the Notice of Decision;
 12. 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 Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include and address the following matters (where appropriate):

- 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 measures to prevent mud from vehicles leaving the site during construction including wheel washing facilities and their management;
- 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;
- details of any proposed temporary access points (vehicular/ pedestrian);
- details of provision to ensure pedestrian and cycle safety;
- parking and turning for vehicles of site personnel, operatives and visitors.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the local planning authority.

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policies SP6 and IP3 of the Carlisle District Local Plan 2015-2030.

4. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

Reason: To ensure a satisfactory means of surface water disposal and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance the National Planning Policy Framework and National Planning Practice Guidance and Policies SP6 and IP6 of the Carlisle District Local Plan 2015-2030.

5. Before any development takes place, a plan shall be submitted to and approved in writing by the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding any description of materials in the application hereby approved, no development shall take place until samples or full details of all materials to be used externally on the exterior shall be submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be constricted in accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be implemented in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

8. 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 in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

9. Notwithstanding the details shown on the approved plans, prior to the construction of any boundary structure, full details of the siting, height, design, materials and finish to be used in the construction of all boundary treatments to the site shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details before the drive-through/ restaurant hereby approved is first brought into use and retained as such thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. No external lighting shall be installed on the buildings or elsewhere on the site without the prior written approval of the local planning authority. Details of any such lighting shall be submitted to and approved in writing by the local planning authority prior to its installation and the development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent disturbance to nearby residential occupiers and to ensure appropriate development within the street scene in accordance with Policies SP6, EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

11. Prior to the installation of any mechanical ventilation or extraction system, details of the design, height, external finish and position of the equipment (including the use of silencers where appropriate) shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of neighbouring premises in accordance with Policies EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

12. Prior to the building being brought into use, a written report must be submitted to, and approved in writing by, the Local Planning Authority which must:
- identify all mechanical services noise sources associated with the relevant commercial unit, including (but not limited to): refrigeration units, heating plant, air conditioning and mechanical ventilation;
 - detail the type and models of the proposed mechanical equipment /

- plant, installation locations, and predicted acoustic performance; and
- assess the predicted noise emissions from the identified equipment / plant in accordance with BS4142 (or a methodology agreed in writing by the Local Planning Authority) and demonstrate, with detailed proposals for noise control and mitigation measures if necessary, that noise emissions will not have an adverse impact on the existing and approved dwellings.

Thereafter the commercial unit must be developed in accordance with the approved report(s).

Reason: In the interest of residential amenity in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

13. Prior to the first opening of the drive-through restaurant/ hot food takeaway, hereby approved, a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. No deliveries shall take place between 00:00 hours and 07:00 hours, 12:00 hours and 14:00 hours, 16:00 hours and 18:00 hours and 22:00 hours and 00:00 hours each day.

Reason: To prevent disturbance to nearby residential occupiers and to minimise the impact of the development on traffic flows and highway safety in accordance with policies EC8, SP6, CM5 and IP2 of the Carlisle District Local Plan 2015-2030.

14. A secure barrier/ bollard system shall be deployed to prohibit vehicular access other than by members of staff to the car park area and drive-through between 23:00 hours and 06:00 hours. Prior to the opening of the drive-through restaurant/ hot food takeaway a detailed specifications and plans of the proposed barrier/ bollard system shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to minimise the potential for crime, disorder and anti-social behaviour and to reduce the potential for noise and disturbance to neighbouring residential occupiers in accordance with policies CM4 and SP6 of the Carlisle District Local Plan 2015-2030.

15. Prior to the building hereby approved being brought into use, details to minimise the potential for crime and disorder shall be submitted and approved in writing by the local planning authority. Such details shall include:
- consideration to restrict vehicle access/parking after business hours;
 - exterior lighting scheme;
 - buildings physical security (specification of exterior doors, roller shutters, windows and glazing to resist forced entry);
 - deployment of anti 'ram-raid' type measures;
 - waste bin management (to mitigate against exploitation as climbing aid and arson risks);
 - internal secure storage facilities, if appropriate;

- presence and configuration of intruder alarm systems;
- presence and configuration of CCTV.

These measures shall be implemented prior to the building being brought into use and shall be retained unaltered thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In order to minimise the potential for crime and disorder and to reduce the potential for noise and disturbance from the site in accordance with Policies CM5 and SP6 of the Carlisle District Local Plan 2015-2030.

16. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority. 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.

17. A scheme for the provision and management of the litter bins together with litter picking arrangements shall be submitted to and approved in writing by the local planning authority prior to the building being brought into use. The development shall then be implemented and undertaken in strict accordance with the approved details.

Reason: To ensure that adequate means of litter management is provided in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

18. The approved refuse recycling/ bin store shall be made available for use before the drive through restaurant hereby approved is first brought into use and retained thereafter for no other purpose. No goods, waste or other materials shall be stored or deposited in any area of the site, other than within the bin storage area.

Reason: To ensure that adequate secure refuse facilities are provided within the site in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

19. The premises shall be used within Class E of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended) as a drive-through restaurant and for no other purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality occupiers in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

20. The drive-through restaurant/ hot food takeaway, hereby approved, shall not be open to customers between the hours of 23:00 and 06:00 hours. No customers shall remain on the premises outside of these times.

Reason: To prevent disturbance to nearby residential occupiers in accordance with policies EC8, SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

21. No work associated with the construction of the building or associated development hereby approved, including deliveries to or from the site, shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

22. No loading or unloading of service vehicles or collection of packaging, waste or other items shall take place outside the hours of 07.00 hours and 20.00 hours on any given day.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policies EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

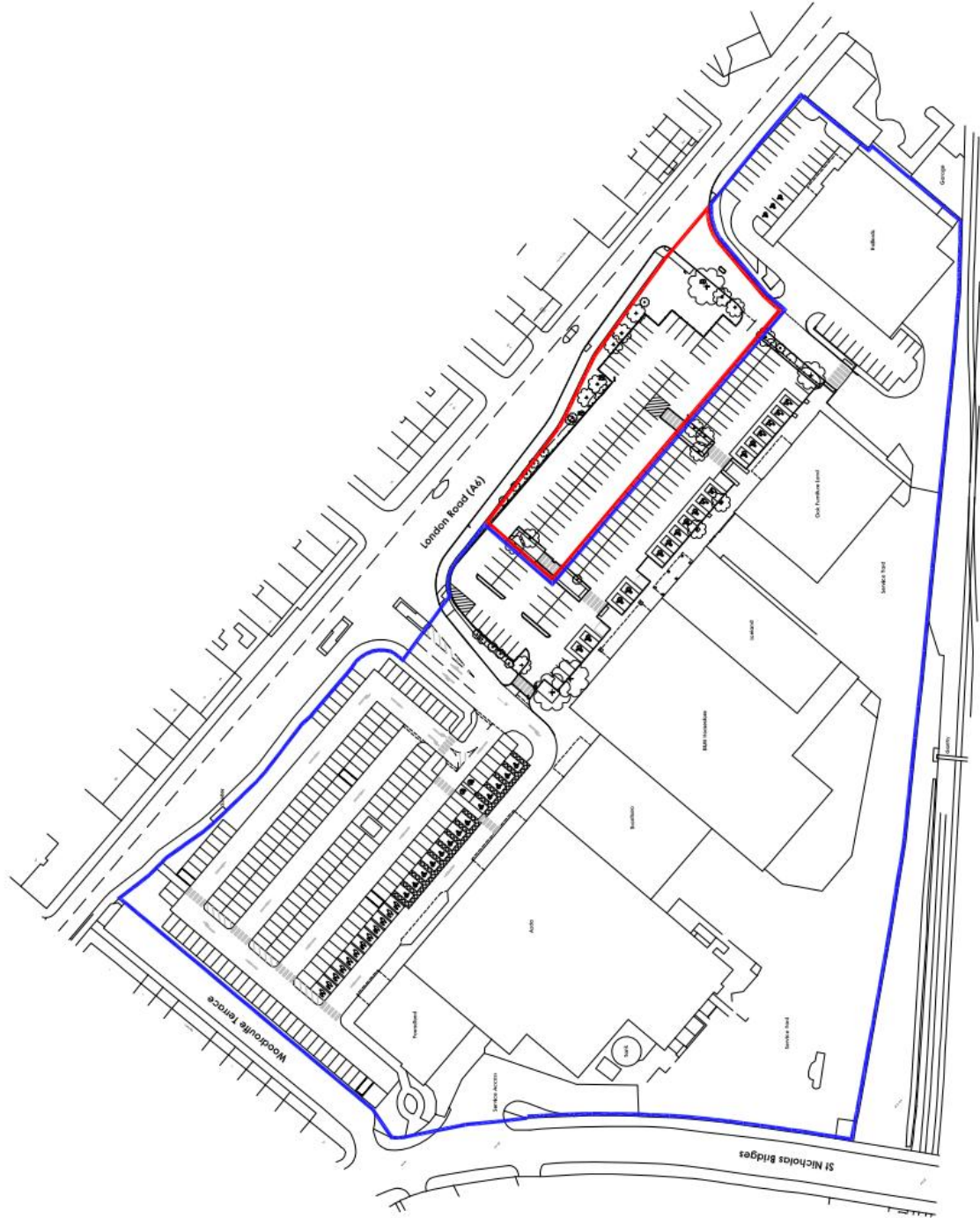
23. The areas for access and the car parking and hard standing area, including the pedestrian crossing points, shown on the approved plans shall be constructed and marked out in full accordance with the details shown, concurrently with the construction of the drive through building hereby permitted and shall be made available for use before the drive through building is first brought into use and retained thereafter.

Reason: In the interests of highway and pedestrian safety in accordance with Policies EC8 and SP6 of the Carlisle District Local Plan 2015-2030.

24. Other than conversations from the speaker posts, no music, singing or other form of live entertainment or amplified sound shall be permitted within the external areas of the site at any time.

Reason: In order to safeguard the amenities of the occupiers of neighbouring premises in accordance with policy SP6, EC8 and CM5 of the Carlisle District Local Plan 2015-2030.

This drawing is computer generated and may not reproduce in black and white. All dimensions are in millimeters unless otherwise stated. Do not scale off the drawing.

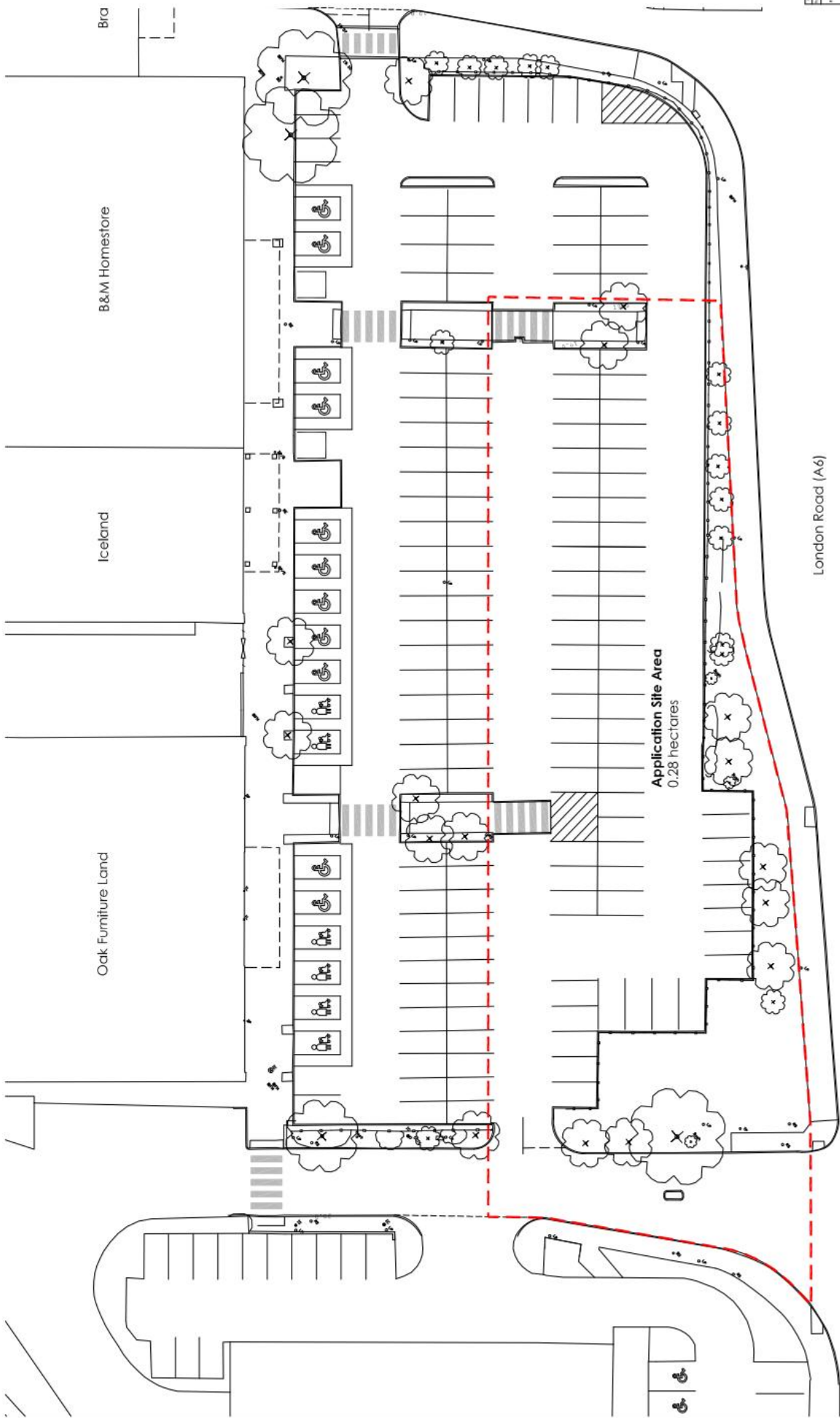


Rev	Date	Description	JAI	CS
A	31.03.2022	Red line extended to London Road		
Project Title				
Proposed Drive Thru Unit				
St Nicholas Gate Retail Park				
London Road				
Cortisla				
Client				
Custodian Capital				
Status				
Planning				
Scale				
1:1250				
Drawn By				
James				
Checked				
CS				
Done				
30.03.2022				
Drawing Title				
Location Plan				
Job/Draw No				
15625-110				
Rev				
A				



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Application Site Area
0.28 hectares

London Road (A6)

Client	Proposed Drive Thru Unit
Project Name	31 Nichols Gate Retail Park London Road Cardiff
Site	Custom Capital
Date	1/2023
Drawn by	30.03.2023 (Drawn by: EY)
Checked by	15.03.2023 (Checked by: AJ)
Project No.	15625-111

THE HARRIS ARCHITECTS

15625-111
15625-111
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15625-111
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15625-111
15625-111
15625-111



Oak Furniture Land

Iceland

B&M Homestore

Bra

Application Site Area
0.28 hectares
Net loss of 50no. car parking spaces

Proposed Drive thru Unit
2,500sqft (232.3sqm) G/A
R1, 20m x 100m

London Road (Ad)

Key

- Existing tree (cloud icon)
- Existing tree (square icon)
- Proposed tree (circle icon)
- Proposed fence (dashed line icon)
- Proposed hedge (green bar icon)
- Proposed site (dotted area icon)
- Proposed parking (dotted area icon)
- Proposed road (dashed line icon)
- Proposed driveway (dashed line icon)



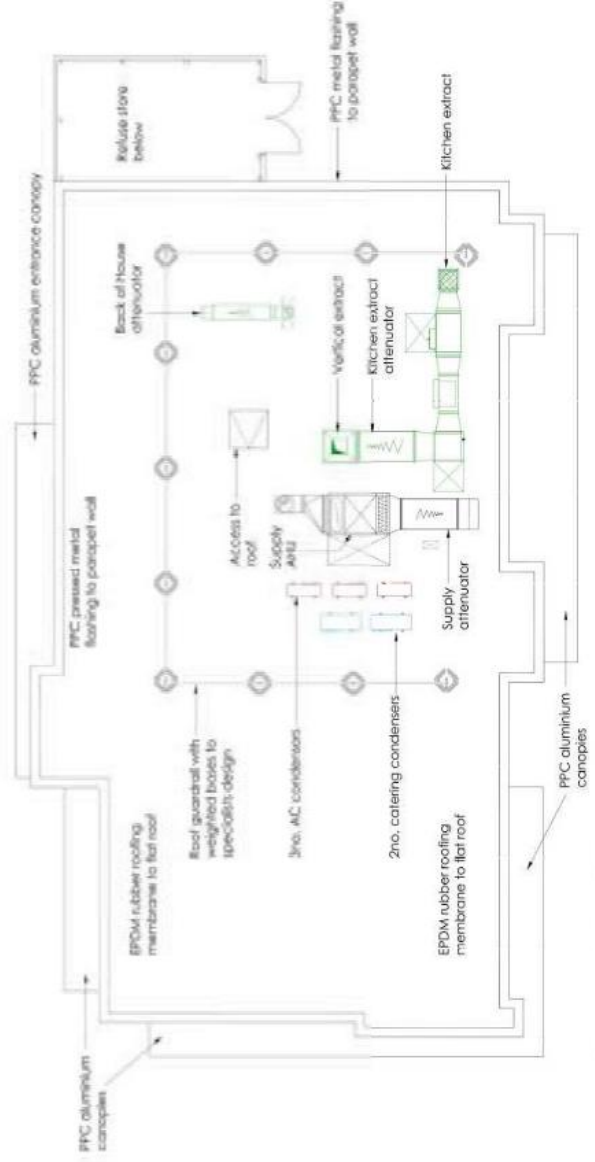
Project Name	St Nicholas Gate Retail Park London Road Cotnam
Client	Custom Capital
Scale	1:200
Date	10/2022
Author	EV
Checked	JA
Project No.	15625-112
Rev.	B

IFC (15/03/2022)
 IFC (15/03/2022)
 IFC (15/03/2022)
 IFC (15/03/2022)
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Proposed GA Plan

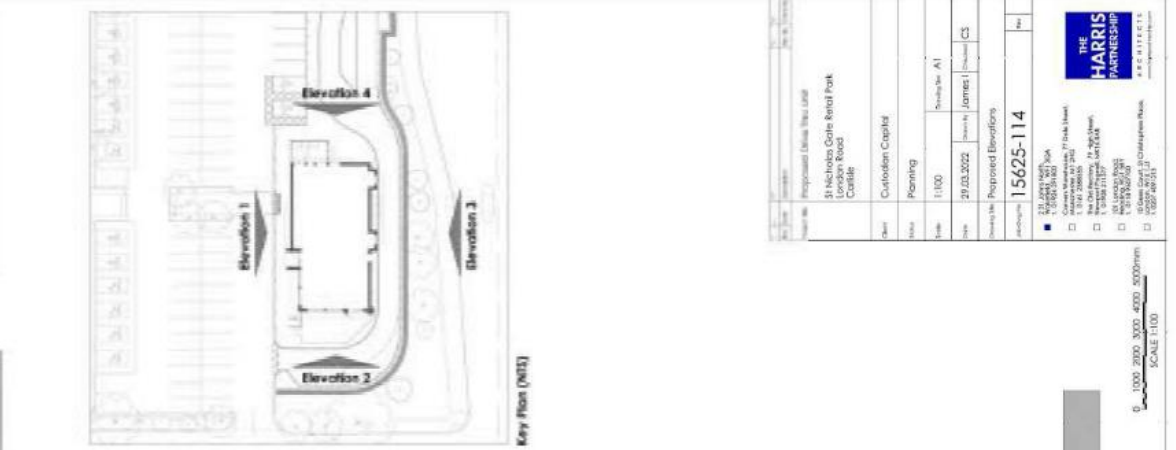


Proposed Roof Plan

Rev	Description	Rev 11	Check by
1	Proposed Drive Thru Unit		
2	St Nicholas Gate Retail Park		
3	London Road		
4	Carlisle		
Client	Custodian Capital		
Series	Planning		
Scale	1:100	Domestic	A2
Date	29/03/2022	Drawn by	James Created CS
Drawing title	Proposed GA and Roof Plan		
Project no	15625-113		
231, Johns North, Weybridge, Wt, 30A C. 01753 464000, 77 Dale Street, Manchester, M1 2DG T. 0161 2366555 The Old Rectory, Wyth Street, Newbold Pagnall, Leicestershire, LE16 6JN T. 01938 211377 101 London Road, Carlisle, Cumbria, CA1 1JL T. 01273 400 211 10 Chest Court, St Christophers Place, London, W1D 3HU T. 0207 400 211 www.harrispartnership.com			



- Material Key:**
- 1. Charcoal-stained solid pine wood
 - 2. Cedar vertical-slat siding
 - 3. Redwood horizontal siding
 - 4. Cedar horizontal-slat siding
 - 5. Cedar vertical-slat siding
 - 6. Cedar horizontal-slat siding
 - 7. Cedar vertical-slat siding
 - 8. Cedar horizontal-slat siding
 - 9. Cedar vertical-slat siding
 - 10. Cedar horizontal-slat siding
 - 11. Cedar vertical-slat siding
 - 12. Cedar horizontal-slat siding
 - 13. Cedar vertical-slat siding
 - 14. Cedar horizontal-slat siding
 - 15. Cedar vertical-slat siding
 - 16. Cedar horizontal-slat siding
 - 17. Cedar vertical-slat siding
 - 18. Cedar horizontal-slat siding
 - 19. Cedar vertical-slat siding
 - 20. Cedar horizontal-slat siding



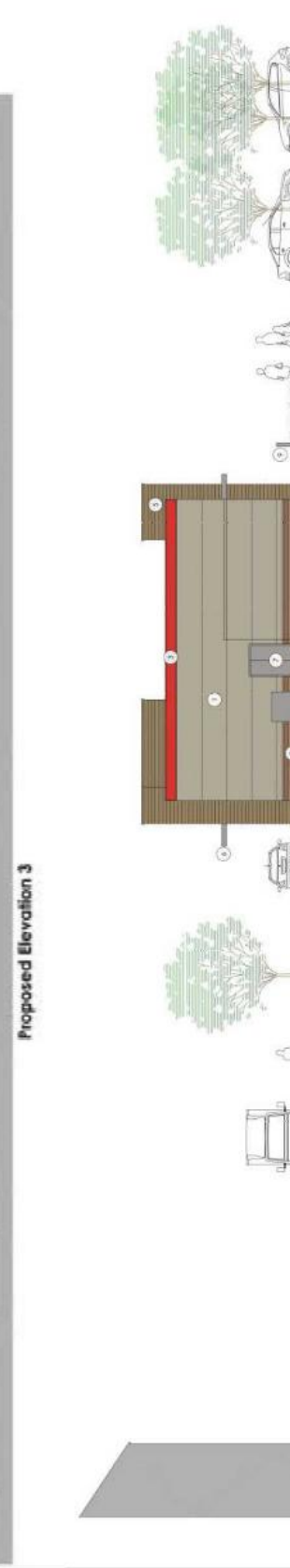
Proposed Elevation 1



Proposed Elevation 2



Proposed Elevation 3










Proposed Elevation 4



Project Name	31 Nicholas Gate Retail Park London Road Cottrell
Client	Cottonwood Capital
Architect	The Harris Partnership
Date	29.03.2022
Drawn by	J. James
Checked by	C.S.
Project No.	15625-114

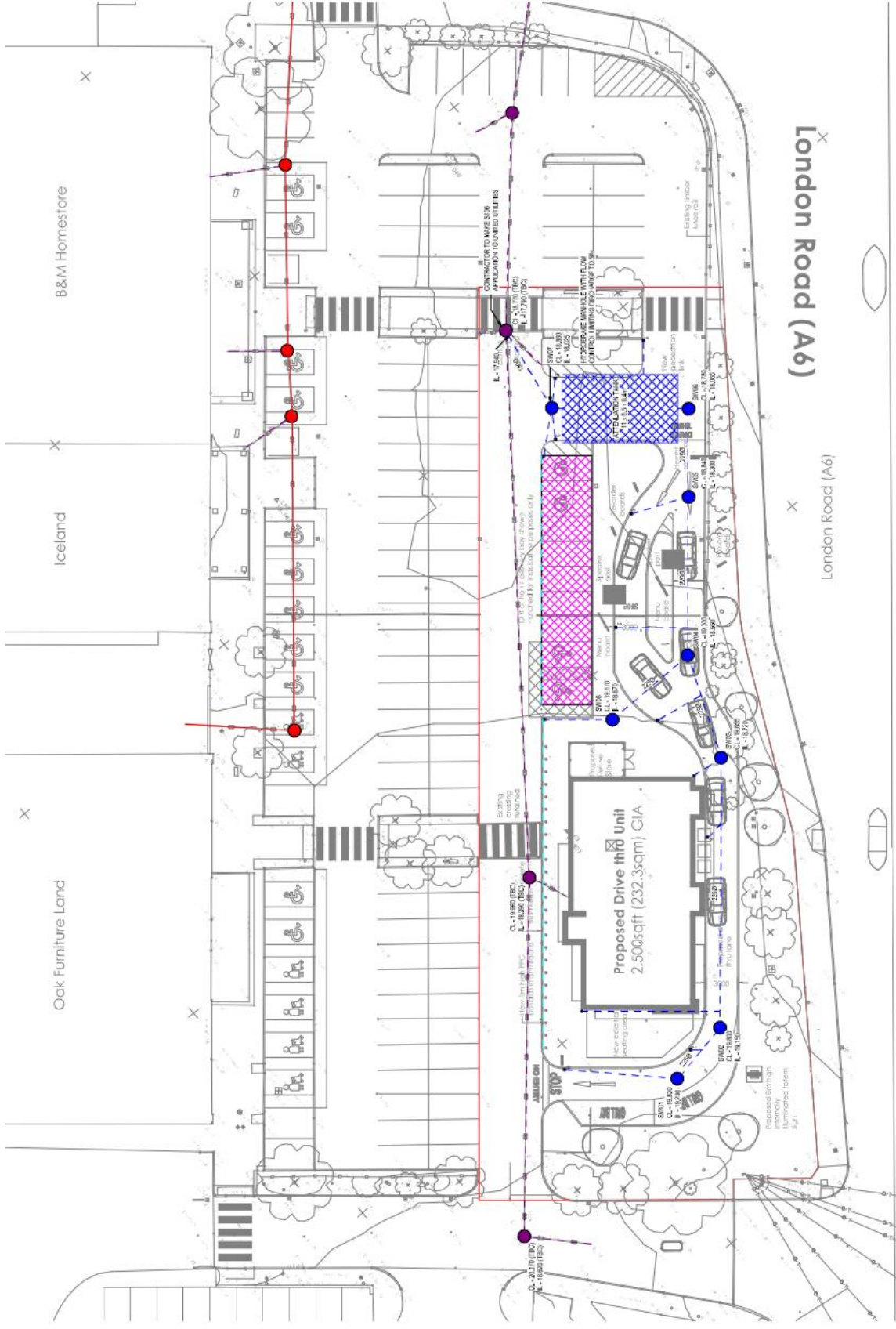
KEY:

-  SURFACE WATER DRAINAGE
-  GULLY
-  RWP
-  CHANNEL DRAIN WITH OUTLET
-  Ext. COMBINED WATER DRAINAGE
-  Ext. SURFACE WATER DRAINAGE
-  PERMEABLE PAVING

NOTE:

- COVER LEVELS TO BE CONFIRMED ONCE EXTERNAL LEVELS HAVE BEEN DEVELOPED
- ALL RWP POSITIONS ARE INDICATIVE ONLY - NUMBER AND POSITION OF RWPs TO BE CONFIRMED BY ABOVE GROUND DRAINAGE ENGINEER
- ALL SURFACE WATER DISCHARGE FLOW RATE AND ATTENUATION TO THE LULFA APPROVAL
- ALL EXISTING ROUTES AND CONDITIONS TO BE SURVEYED BY CCTV

1. DO NOT SCALE FROM THE DRAWING.
2. ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED.
3. ALL LEVELS ARE IN METRES ABOVE DRAINAGE DATA.
4. DRAWING TO BE READ IN CONJUNCTION WITH THE BELOW GROUND DRAINAGE SPECIFICATION AND DRAWINGS.
5. ALL UNDERGROUND DRAINAGE TO BE CONFORMED TO BS EN 12052 AND BS EN 12053 TO BE 400 AND 800 IN 1000, OR STRUCTURED WALL THERMOPLASTIC TO 1000 400/400.
6. ALL SURFACE DRAINAGE TO HAVE GRASSY CONCRETES AS ABOVE UNLESS OTHERWISE STATED WITHIN 3000 OF UNDERSIDE OF SLAB CLASS 2 OF CONCRETE TO BE WITHIN THE 1000 OF UNDERSIDE OF SLAB. SPECIAL PROTECTION REQUIRED WHERE PIPELINES ARE WITHIN 1m OF FOUNDATIONS.
7. COVER TO SURFACE WATER DRAINS SHALL BE 0/150 LAB AT A GRADIENT OF 1:50 UNLESS OTHERWISE INDICATED ON DRAWINGS.
8. POINT OF COLLECTION FOR SURFACE WATER DRAINAGE ELEMENTS TO BE 300mm FOR SURFACE WATER FOR CHANNEL DRAIN.
9. THE CONTRACTOR TO TAKE MEASURES TO PREVENT DAMAGE TO EXISTING UTILITIES FROM DAMAGE DURING THE CONSTRUCTION PERIOD.
10. ALL EXISTING AND DRAINAGE COMPONENTS TO BE MAINTAINED UNLESS OTHERWISE STATED.
11. ALL EXISTING DRAINAGE WITHIN THE SITE IS TO COMPLY WITH THE REQUIREMENTS OF BS EN 752:2008 AND THE BUILDING REGULATIONS PART 8.
12. ALL MANHOLE COVERS IN HARD PAVED AREAS TO BE 600mm DIA. UNLESS OTHERWISE SPECIFIED BY THE ARCHITECT.
13. ALL INTERNAL MANHOLES TO HAVE RECESSED COVERS AND BE FILLED TO MATCH FINISH LEVEL OF SURROUNDING FLOOR. ALL ALSO HAVE DOUBLE SEALED COVERS AND FRAME AND BE SCHEDULED TO DRAW.
14. ALL SANITARY FITTINGS SHALL BE AS SPECIFIED BY THE ARCHITECT.
15. ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE USED AS GUIDE LINES AND CHECKED AT SITE BEFORE COMMENCING THE WORK.
16. ALL SETBACK AND LEVELS ARE THE RESPONSIBILITY OF OTHERS.



Proposed Drainage Layout
Scale: 1:200