

## SCHEDULE A: Applications with Recommendation

21/0313

Item No: 03

Date of Committee: 22/10/2021

**Appn Ref No:**  
21/0313

**Applicant:**  
Lidl Great Britain Limited

**Parish:**  
Carlisle

**Agent:**  
Rapleys LLP

**Ward:**  
Botcherby & Harraby North

**Location:** Land off Warwick Road, Carlisle

**Proposal:** Erection Of Discount Foodstore With Car Parking And Landscaping  
(Reserved Matters Application Pursuant To Outline Permission  
19/0840)

**Date of Receipt:**  
07/04/2021

**Statutory Expiry Date**  
09/07/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of Development
- 2.2 Reserved Matters - Layout, Scale and Appearance
- 2.3 Reserved Matters - Landscaping
- 2.4 Reserved Matters - Access
- 2.5 Other Planning Conditions to be Discharged
- 2.6 Other Issues

#### 3. Application Details

##### The Site

- 3.1 The application site covers 8,785 sq metres and lies approximately 1.15 miles to the east of the city centre on the northern side of the A69 Warwick Road. The site is on the eastern part of a field and bordering the field to the west is the Riverside development and residential properties along Warwick

Road, and to the east the Shiny Car Wash. On the southern side of Warwick Road lie some residential properties fronting Warwick Road, its junction with Victoria Road, the Botcherby Community Centre and access to Willow Park. Further west is the Lakeland Gate travel inn and the Kingfisher Park development. The site is contained at the front of a larger field and from the northern edge of the site it is a further 280 metres to the flood defences.

## **Background**

- 3.2 Outline planning permission was granted in April this year for the erection of a discount foodstore with car parking and landscaping following approval by Development Control Committee at its meeting of 8th January 2021 and the signing of a S106 legal agreement for a contribution relating to a travel plan.

## **The Proposal**

- 3.3 This application is the Reserved Matters application and includes information to discharge a number of planning conditions. The Reserved Matters include appearance, landscaping, access, scale and layout. The application follows the indicative layout submitted at the outline stage with some modifications in order to discharge conditions.

## **4. Summary of Representations**

- 4.1 This application has been publicised by the posting of a site notice, press notice and direct notification to over 1000 properties within approximately 500m of the proposed development. In response 61 representations have been received comprising 31 objections, 24 in support and 6 comments.
- 4.2 The representations of objection raise the following issues:
- I object very strongly to this as I live on Eden Park Crescent. Warwick Road is busy enough and the amount of road works consistently on this road I believe is an environmental problem for the atmosphere whilst vehicles idle causing an issue with both fumes and noise. My property has already declined in value because of being in a flood area and my insurance increased. I believe that the proposal will increase the likelihood of flooding, environmental and noise pollution.
  - I am concerned about the increase of traffic at an already busy corner of Warwick Rd and Victoria Rd. There are no traffic lights here, and it is already nearly impossible to turn right out of Victoria Rd onto Eastbound Warwick Rd. At rush hour, long queues develop for vehicles turning left and Westbound out of Victoria Rd onto Warwick Rd. Even worse are queues at rush hour of vehicles trying to turn right from Warwick Rd Southbound onto Victoria Rd. Will there be traffic lights here? I am concerned about the building of yet another food store in the area. We do not need one because we already have a Tesco and recently an added Pioneer on Montgomery Way. I am concerned because although flood defences may prove adequate for the time being, I do not believe that in

future, these flood defences will be enough in worsening climatic conditions.

- I cannot understand why with Warwick Road being flooded twice in just over 10 years anyone would want to build a supermarket on the flood plain. We have a Tesco at the end of Warwick Road and a Aldi at just off London Road, not to mention Brunton Park post office and the shops on Florida way at Botcherby. If there are floods again where does the water go, the area could be developed into a wildlife area which would benefit the environment better. Also the traffic on Warwick Road is already congested at certain time of the day and it is difficult to get out of Victoria Road. Would it mean another set of traffic lights. There are already 4 sets between Tesco and St Aidans' church, not of which seem to be sync to each other. There is only so many people to shop in Carlisle and the surrounding areas, does this mean another store will be taking customers from other shops. Just one other thing, when Michael Knighton owned Carlisle United he wasn't allowed to develop the area as it was designated a flood risk.
- I strongly object to this application for a number of reasons. 1. More building works on land that is required to drain water off during flooding. 2. Further congestion on an already over busy Warwick Road. We have already witnessed the delays that were brought about with the recent roadworks on Warwick Road. This is a main arterial route in and out of the city. 3. There is already a supermarket 1/4 mile further down the road. 4. Environmental impact.
- The development will lead to an increased risk of flooding by building on this land. The land currently provides a vital role in the absorption of excess water which will be lost upon tarmacing. This water will need to go somewhere else leading to flooding of residential properties. Carlisle has suffered 2 severe episodes of flooding and the more building that takes place the increased chance of runoff and flooding occurring in the future. The land has been part of the floodplain for many years hence why no housing has ever been built on it. Lidl have stated they are working with the Environment Agency to mitigate the risk of flooding however the EA's best efforts to reduce flooding did not prevent the severe flooding in 2015. There is no guarantee the flood defences they are strengthening at the moment will be sufficient to protect against future storms and leaving land undeveloped plays a vital role in the flood defence strategy. There are so many unknowns due to climate change but the indications are for more severe storms and more flooding. The new defences have not been tested in an extreme weather event hence the decision to build on the flood plain is too hasty. Another major concern is the risk of congestion on an already busy road. There will be a significant increase in the volume of traffic for both domestic cars and also commercial vehicles making deliveries to the store. Heavy goods vehicles will lead to an increase in the level of pollution in a residential area. The increased volume of traffic will hamper residents access to their driveways. There will need to be extra traffic lights installed which will slow down the flow of traffic. Idling cars are particularly polluting. There is no need for this

supermarket to be built in Carlisle. There is already one supermarket on Warwick Rd which does price matching on many items with Lidl and Aldi. Additionally, there is another discount supermarket 1.5 miles from this site. The idea that there is a requirement for a supermarket with a capacity for 146 cars is unfounded. People have sufficient choice for food shopping as it is. What value does this development bring to the City of Carlisle? 40 additional jobs at Lidl however this will lead to a fall in sales in other stores, including smaller independent retailers and put their workforce under threat. The benefits do not outweigh the environmental risks. Money should be invested in providing online deliveries which reduce the environmental impact with green delivery vans rather than additional stores. Or a supermarket should be built further out of town e.g. Brampton where there is more requirement

- Apart from the fact that this is our City Council possibly allowing more building work on one of the few flood plains in this area, the impact on traffic congestion will be immense. Warwick Road is one of the main routes into the City and the small bridge over the river has already had to have extensive repair work done to it following the last two floods. Carlisle itself already has numerous discount food stores and I can see no logical explanation for another one being built on this flood plain.
- I strongly oppose the application for the following reasons, Carlisle does not need another discount food store especially when Tesco is some 3 min walk from the proposed site, the area is prone to extensive flooding i.e 2005 / 2015 the subject site is part of the flood plain and would hold a large amount of flood water within its boundary, also the local planning dept policy is no building what-so-ever in an area designated ( by post code ) as within a flood risk area. I was personally involved with a site in Carlisle in a flood risk area which already had planning permission on it, the planning officer told me that i would never get permission on the site if i applied now as it was on a flood plain, and that if i demolished the existing building i would not even be allowed to rebuild it ( as it was on a flood plain ) What has changed ? this application should be refused.
- Environmental impact on residential properties in the surrounding area. The land proposed for development holds a significant amount of water in times of heavy and prolonged rainfall. This amount of water falling on developed land Presents an increased risk of surface water flooding in the area. The A69 is a main arterial route into and out of the city, increased traffic volumes associated with this development will have a significant impact on air quality. The development runs against the stated aims of the Council's own Air Quality Improvement plans.
- I write to express my objections to the above planning application on a number of issues which I feel sure must be considered by the planning committee. The access into the area via the entrance on Warwick road creates a dangerous cross roads between the food store and the main route into the city and Victoria road I believe this could create a difficult junction and exasperates the current traffic hazards I am drawn to a similar situation where only last week Cumbria County Highways objected

to a similar situation in Kendal, I feel sure their decision to object creates a precedent which equally applies in this situation.

- I believe the design to be a generic design of quick and cheap 'shed' like building which has been replicated not only in the city already but throughout the UK and therefore is not good vernacular design architecture and certainly not what one would want as a first insight into the city from the major transport route. Has the effect on other traders close by been considered there are a few quality local food outlets which may be adversely impacted by this development which we as Carlisle citizens must protect and preserve as they trade with and in conjunction to farms and producers in the city and County.
- More disconcertingly the discount food brands have already got things pretty much sewn up with stores on all major transport routes into the city why do we need another one and with this application it then precludes all others from setting up stores as an issue of propensity on the same major roads how then can all other food stores be allowed in Carlisle. This is not a city full of discount shoppers the socio economic groups are expanding with the wealth of the city and these groups require representation. I urge you to seriously consider this application as potentially damaging to local trades people in the city and do the right thing and throw it out as not acceptable.
- I feel that the traffic that will build up on an already busy main road into the town centre will only increase and lead to longer waiting times and congestion. The flood plain is there for a reason and as Warwick road is already a high risk area for flooding I feel that building on the site is only going to increase risks of flooding. Just because there is a spare bit of land doesn't mean it should be built on as is seemingly becoming the case in Carlisle.
- I feel the building of another supermarket in the area will be detrimental to local shops and post offices which people with mobility problems and the elderly rely on. It will make these businesses unviable.  
I have huge concerns for the loss of another green area and the environmental impact this will have on flora and fauna. It will have a detrimental effect on flooding and drainage in the vicinity and further downstream. It is a flood plain area. Traffic congestion and pollution is already an issue. A child died who lived near a main road and the inquest found that pollution from the nearby main road was the cause of her death. "Air pollution was a cause of 9-year-old Ella Kissi-Debrah's death, a UK coroner ruled Wednesday. She died of an asthma attack in 2013. It's the first time air pollution will be listed on a death certificate. 17 Dec 2020" \_ It will be very hard to justify the building of another supermarket if this were to be repeated. This is a residential area and the effects of increased traffic are not acceptable on any level.
- We don't need any more supermarkets plus flooding concerns. Traffic
- Taking away customers from local shops and the traffic on Warwick Road is bad as it and its a great area for local people to walk

- I am objecting against the proposal to build Lidl supermarket on Warwick Road. This is a vital piece of land acting as a flood plain for a vulnerable area. Flood defences alone do not guarantee against flooding and flood plains are invaluable, especially to this area. Carlisle is saturated with supermarkets, mostly discount ones and the area is already served well by a few major supermarkets and more importantly local shops and businesses which serve the local community and also vulnerable members of the community with services such as utility bills and post offices. A major retailer would do nothing but harm these.
- Carlisle does not need another supermarket along this road. I believe not only will there be more traffic and Warwick Road is bad enough with the amount of cars that use it. It is also a flood plane. Which should start ringing alarm bells for anyone with any common sense. This development should not be allowed
- Erection of building will increase flood risk to neighbouring properties, erection of discount store will also lead to increased traffic near a school. Custom will also be taken from local shops which may result in closure, taking away a service that local vulnerable people rely on.
- The negative impact this store will have on local shops is catastrophic. A lot of the community rely on those shops who will not be able to compete with a store like this. Is it wise to create a situation where people will out of work? In the current climate I would think not. Another aspect is the impact on traffic near a school and estate. When Warwick Road is already causing congestion on the nearby streets would it be wise to have more stationary traffic, creating more pollution. This area is also a Hadrians Wall buffer zone, this needs to be considered carefully. The whole project should have been thrown away on the grounds that the area they want to build on constantly floods. In fact if you want there now after a day of rain you would see stagnant water sitting on the field. However, it is better there than in local residents homes! At least I think so, not sure if the council would agree or if they are just after another back hander. I'm sure Lidl will have promised to pay for resurfacing of that area of road or a traffic light system to ensure they get what they want. I wonder what constitutes as a bribe in these circumstances?
- This new store will take business away from smaller shops, will increase congestion on an already busy business road and junction and will increase the risk of flooding.
- I am against this due to lack of thought for building in a field which holds water as well as how busy the traffic will be on an already terrible road
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- This should not go ahead. The area is congested enough and the flood risk to surrounding residents is immoral. Carlisle does not need another food store in this area
- I would like to strongly object to the building of the new Lidl superstore on the flood plain behind Shiny car wash off Warwick road Carlisle. For the following reasons:
  1. Traffic congestion. This area of Warwick Road is extremely busy already and has numerous sets of traffic lights along the stretch from the motorway to Lismore Place. There are often tailbacks from the motorway roundabout, along eastern way, up Victoria Road to the school, up Greystone Road and built back to Richard Rose School on Lismore Place. Another set of traffic lights along this stretch will only make things worse. Anyone who had to live through the recent water main work along Warwick Road and the sets of temporary lights on this stretch will understand what a disaster another set of lights would be. Adding to this, the extra filter lanes which are to be added to facilitate access to the site and the already queuing traffic to get into Shiny will make this a major bottleneck. The new developments being built at the Old Dairy and the major housing being built at the Meadowbrook site have already increased the traffic using Victoria Road to get onto Warwick Road. There being a school at the top of Victoria Road this can only raise concerns for the safety of the children attending the school.
  - 2. Local Shops. The building of a major superstore on this site can only have a detrimental impact on the local shops in the area. The two post offices in the area supplement their income by selling a small selection of necessities, if there is a superstore built then they will lose this custom and will struggle to survive. Are Lidl going to provide a post office if the others close? I very much doubt it. How will the older people in the community access this service provided by these two shops. When I asked the Lidl representative about this during their information evening, I was told they wanted to "take Tesco's trade from them". And that "they weren't interested in the smaller shops".
  3. Environmental. The environmental impact on this area would be huge. This field called a "waste ground " by some is actually a flood plain and has been used for agricultural purposes for centuries. The field is home to numerous different species of plants, birds, and wildlife. We see Heron, pheasant, and rabbits. Recently we have even seen deer moving around this and the adjacent fields. It seems quite bizarre that the council have praised themselves for converting a local amenity ( Swifts Golf Course) into a bee and butterfly meadow when less than a mile away they are wanting to build on a field that is already their natural habitat. Surely it would have been more noteworthy if they had

used this field as well or instead. To top it off they propose tearing out two established trees to make an entrance for the store, not very green.

- 4. Flood risk. As mentioned before the proposed site is on a natural flood plain. This field sits in water for the majority of the year, where will this water go once the concrete and tarmac is down? Having experienced two "once in a lifetime" floods in the last 16 years I feel far from comfortable in the flood report stating the new defences are for a one in 150-year flood! I will not be the only one who lives in the area who gets a bit nervy when there is heavy rain and building on a flood plain will only increase the stress levels. There seems to be a miss conception about where this area floods from. After the last floods I spoke to the representative from the Environment Agency about what had happened. I was telling him how I live on Victoria Road and that we got flooded the morning after the houses past Petteril Bridge. To my amazement he told me the new pumping station on the new flood bank had lost power during the night and had then gone onto its diesel generator. This only has a limited supply and the following morning had ran out, causing Durranhill Beck to burst its banks and flood the area. The only way to remove the water from the area was for the Army to come and pump the water from one side of the flood bank to the other, using this field for access. A flood bank holds water in just as well as holding it out. This is not a one-off occurrence, only last December Durranhill Beck threatened to overwhelm the new pumping station and flooded the adjacent field to the development site. Obviously North West water weren't as confident as the town planners as they protected the doors of the old pumping station situated in the corner of the development site with sandbags that are still there as I write. I spoke to the Lidl flood expert at the information meeting and asked him about the flood risk, to my surprise he answered " The store will be designed with flood resilience in-built but if the worst came to the worst they could be back running within a couple of weeks". Unfortunately, we, the local residents are looking at nine months to a year out of our properties in such an eventuality.

To Summarise. This development is bad for the traffic congestion in the city and the health effects associated with increased and queuing traffic. Has a detrimental effect on the area. Which is predominantly a residential area. Will have a negative impact on the local convenience stores and the elderly and vulnerable that they serve. Have a negative effect on the environment. Increase the risk of flooding in the area.

The Lidl representative admitted that they had withdrawn their application after the last floods as they realised this was a sensitive site due to the risk of flooding. This was to sympathise with the flooded residents. Obviously that sympathy has worn off and the prospect of making more profit for a multinational company overrides the feelings of the local community.

- The flood plain will worsen if this goes ahead
- Not necessarily needed another supper Market on Carlisle
- Warwick Road suffers from severe traffic problems which another store is only going to enhance. There is already a supermarket in vicinity and



smaller shops which will be affected. concentration should be on empty units within city which do not have a tendency to flood.

- I cannot believe our council who is supposed to be working for the good of the Carlisle residents, would even consider this application for the building to be put on a historic flood plain. This area has been flooded badly and causes a lot of sorrow and hardship to the people in that area. They do not need any extra risks which may make any future flooding worse. Is this a case of 'money means more than peoples lives'
- I oppose this application most strongly, the land on which this proposed store is to be built is almost permanently submerged in water it is my belief that to build here would further add to the fear of more possible flooding in this area [a constant worry to local residents]. This development would add to an already heavily traffic congested area. Please planners consider very carefully the consequences of this proposal Carlisle [a small city] already has :- 4 B&M, 3 Aldi 2 Tesco, 2 Asda, 2 Sainsbury, 1 Morrisons, 1 Lidl. Numerous convenience stores Coop etc. I ask myself and you planners do we really need any more?
- I am objecting to the proposed Lidl super store on Warwick Road for the following reasons:
  1. Traffic Congestion - The location this store is planned on is a busy and major road in and out of the City, there are already numerous sets of traffic lights along this stretch of road which can cause tail backs especially during busy times and when essential maintenance work is being carried out. (We have just experienced this due to work carried out by North west Water). The entrance for the supermarket is opposite Victoria Road which, is also busy and could become a hazard considering there is a school on this road and traffic already backs up. Local residents have experienced parked cars being hit on numerous occasions by traffic using this road as a rat run and not abiding to the 20mph speed limit (which never seems to be enforced). I recently witnessed a bottle neck being created on Warwick Road due to cars turning left and right into Shiny car wash, I can imagine the added congestion and pollution on this stretch if Lidl were to be granted permission.
  - 2. Local Community - There are 2 local convenience stores in this area both of which have a Post Office connected to them. These stores are a lifeline to some of the elderly and more vulnerable residents of the neighbourhood who are limited due to personal circumstance and mobility. The staff in these 2 shops are not just assistants but have become support networks to many of their customers who they know personally and as a result are trusted by the people they serve. If Lidl was to open not only would these Post Offices be at risk of closure but there would also be loss of jobs from these shops.
  3. Flood and Environmental Issues - This piece of land is not, as some have commented, unsightly waste ground but is in fact a flood plain. This land holds water for most of the year, where will this water run to if it is built on? This neighbourhood has had 2 serious floods in the last 16 years and residents feel this is very insensitive to even consider building on here. At a meeting with Lidl representatives, at Botcherby Community

Centre, a member of their staff told me that the application was withdrawn after the floods in Dec 2015 in sympathy for the flooded residents, I can only presume sympathy has a time limit and that has ran out!

Furthermore, I am left bewildered as to why there is money being spent on a new wildlife haven at the former Swifts golf centre when you are willing to destroy a natural forming one here. Some of the wildlife that is regularly seen on this sight is: Bees, Butterflies, various birds, heron, ducks, rabbits, hedgehogs and recently there has been deer sighted. I hope these points will be considered and not left to fall on deaf ears!

- As I was timed out previously best keep it simple.
  1. The most obvious is this is on a flood plain that historically floods. Photographs readily available for those interested enough to care.
  2. Any proposed traffic signals coupled with the extra traffic expected at the proposed development would only further disrupt the flow of traffic along Warwick Road. This was proven during the recent works carried out by the Utilities company.
  3. There is already a traffic overspill caused by the car wash when busy.
  4. Match day traffic has always parked in this area and along Warwick Road as well as the lower end of Victoria Road. Preventing this parking will only cause further parking problems in nearby housing estates. Everyone knows this is a commercial/financial decision and this exercise is purely a required procedure. Let the madness commence
- Why are we continually encroaching on the flood plane? Protecting areas where water was previously allowed to sit just moves the problem elsewhere. Last time Carlisle flooded the water came further down Warwick Rd than ever before. The current flood defence 'improvements' to heighten the flood banks along the Petteiril and thus channel the water under Petteiril bridge seem fool hardy if there are no plans to make the bridge bigger. I fear next time we flood, huge areas formerly flood plane will be fine, areas further down Warwick Road and beyond which have never flooded before will not.
- Can it please be noted that as a resident of Kingfisher Park I have concerns for local businesses in these very challenging times for them(Harraby, Botcherby, Warwick Road and Rosehill),more traffic congestion, more massive disruption in the area. More traffic lights? We have recovered from devastating flooding again and the new flood defences haven't even been completed yet. We have put up with United Utilities pipeworks for months and the widening of Eastern Way with the threat to the residents to chop down the trees near the road. It appears to be a permanent building or roadworks area. We already have 3Aldi, 1 Lidl, 3 B&M bargain stores, Poundland and numerous discount stores, Tesco, in the City Centre and Warwick Road Tesco. More green space will be lost in this most attractive area of our City.
- Why would you allow concrete to be poor on a flood plain?

#### 4.3 The representations of support raise the following points:

- I have no objections to this store at all in fact I believe it will be an asset to

the People of Warwick Road and parts of Botcherby. Tesco's is along walk if one hasn't a car and buses are infrequent

- I am wholeheartedly in support of this project to build a Lidl Foodstore on land off Warwick Road. My question about this overall project is why it is taking so long to reach approval? We seem to be going around in circles without making any definite progress. I accept that there are legal processes to be gone through but Yea Gods it is taking an inordinate amount of time to achieve anything. Just get on with it!
- At the moment this area is a scruffy wasteland, any building on it can only improve it and a food store would be very welcome, particularly for the less able bodied without cars.  
I know most of my neighbours are quite excited about getting a new local store
- I hope we get a food store it will save me going to Morrison's in the car save me petrol and. Money
- This quality, low cost foodstore would add to the value of the area. Tesco has had the monopoly in this area and a rival could drive down overall prices, which would benefit the residents in this area.  
The site is ideal and at present it is only a scruffy, unkempt piece of land. It would be presumed that traffic measures would be approved by the County Highways as to road safety.
- I would like to add my support to the application for Lidl to open a store on the Warwick Road. I don't drive and the Lidl in town is just too far for me to carry heavy shopping back from. It will bring much needed jobs to the area - vital as we restart the economy after lockdown - and it will be really helpful for lots of people living on this side of the town to have a discount food store within easy reach. I was flooded in December 2015 and I know there must be concern about any additional flood risk, but I understand that Lidl have undertaken flood mitigation measures in the plans. I think it shows confidence in the city and the enhanced flood defences, that a major supermarket is prepared to invest large sums of money in this development. Quite honestly, if we have a storm bigger than Storm Desmond that overwhelms the new flood defences, then that will happen regardless of whether Lidl is there or not.
- I think this is a good and well thought placing of the new Lidl store, very handy for locals with no transport.

4.4 The representations of comment are consistent with the concerns above.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):**

### Highways response:

The reserved matters application currently under consideration seeks approval for the layout, scale, access, appearance and landscaping of a discount food store pursuant to the outline approval 19/0840. It is noted that as part of the outline planning approval 19/0840 that the access arrangements were agreed upon with the Highways Authority subject to a series of conditions.

As stated previously, a s278 agreement is required for the works to the

existing highway including the additional UTC control that is currently used for the Warwick road corridor into the city centre.

A Safety Audit (Stage 1) has been undertaken by the applicant at the outline stage of this application with regards to the proposed design and the recommendations within the report have been incorporated into the design. A Stage 2 Road Safety Audit will be required for the detailed design of the site which should be submitted as part of the discharge of conditions application. The applicant is seeking approval to remove conditions 4 (carriageway design), 5 (vehicle turning), 7 (pedestrian ramps), 9 (Warwick Road Highway Improvements), 11 (Parking and Unloading), 13 (Foul and Surface Water Drainage), 14 (Surface Water Drainage Scheme), 15 (Surface Water Management Plan), 17 (Building Exterior Details), 18 (Hard Surfacing), 19 (Landscaping) and 22 (Ground Levels and Floor Finish Level) imposed as part of the approval 19/0840 within the current reserved matters planning application. The Highways Authority have assessed each condition recommended as part of the planning approval 19/0840 and assessed them below in light of the submitted information.

Conditions 4 (carriageway design), Condition 5 (vehicle turning), 7 (pedestrian ramps) and 9 (Warwick Road Highway Improvements)

The developer will be required to enter into a Section 278 Agreement with the County Council for the works that are required on Warwick Road and Victoria Road to reconfigure the network in the vicinity of this new store. The developer will need to forward a full set of technical drawings for these proposals to allow the Council to formally review the proposed design. These drawings should include:

- ☐ 1:2500 scale location plan with north point;
- ☐ 1:500 scale plan showing full details of the road including curves, footways, cycleways, vehicular access, lighting, highway drains, road markings, traffic signal locations. This needs to encompass the full extent of any road marking changes;
- ☐ Plans showing construction detail, including cross sections of proposed construction;
- ☐ Plans for the traffic signals, including cable routes etc;
- ☐ Longitudinal sections if deemed to be appropriate;

The current site layout shown in 20/0313 is not sufficient to allow these matters to be fully considered. As such it is recommended that Conditions 4, 5, 7 and 9 are not discharged as part of the Reserved Matters application. The developer should note that they will be required to obtain a new commercial access permit to form the new access onto Warwick Road. As such the applicant is advised to contact [streetworks.east@cumbria.gov.uk](mailto:streetworks.east@cumbria.gov.uk) to obtain the required applications at their earliest convenience.

Condition 11 (Parking and Unloading)

The applicant has stated within the Planning Statement submitted as part of this application that the proposed foodstore is to provide in curtilage car parking for 124 cars. This includes 12 disabled car parking spaces, 13 parent and child spaces, 2 active EV charging spaces and 23 passive EV charging spaces. A further 10 bicycle spaces are to be provided at the northern boundary of the site. The proposal incorporates a food store with a net sales area of 1,256m<sup>2</sup>. In line with the requirements of the Cumbria Development Design Guide, a minimum of 84 car parking spaces, 4 motorcycle spaces, 4

pedal cycle spaces, and 4 disabled spaces are required.

As such the parking requirement is insufficient with regards to the motorcycle provision. If the applicant wishes to remove condition 11 then a revised layout is required with provision for 4 motorcycles.

Condition 17 (Building Exterior Details)

I can confirm that the Highway Authority and Lead Local Flood Authority has no objection to the proposed removal of condition 17 as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere.

Condition 18 (Hard Surfacing)

I can confirm that the Highway Authority and Lead Local Flood Authority has no objection to the proposed removal of condition 18 as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere.

Condition 19 (Landscaping)

I can confirm that the Highway Authority and Lead Local Flood Authority has no objection to the proposed removal of condition 9 as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere.

Therefore to conclude the Highways Authority have no objections with regards to the approval of planning permission, however, the applicant should be aware that further information should be submitted to discharge conditions 4, 5, 7, 9 and 11 of the outline planning permission 19/0840.

LLFA response:

Conditions 13 (Foul and Surface Water Drainage), 14 (Surface Water Drainage Scheme), 15 (Surface Water Management Plan) and 22 (Ground Levels and Floor Finish Level)

It is noted that as part of the outline approval 19/0840 that the LLFA agreed the drainage arrangements with the applicant for the development of a food store at Warwick Road, Carlisle.

Within the submitted FRA it is stated that the discharge of the surface water from the development site is into the culverted ordinary watercourse to the East of the site as previously agreed. The applicant undertook a CCTV survey of the culverted watercourse which illustrated that the 600mm diameter concrete culvert is in good condition downstream of the proposed connection manhole to its outfall into Durranshill Beck. The applicant has confirmed within the FRA that the QBar green field runoff rate for the site of 4.1l/s and this is to be the maximum surface water discharge rate into the watercourse. The applicant has also submitted detailed Micro Drainage calculations which demonstrate that attenuation is to be provided on site to accommodate a 1 in 100 year plus 40% to account for climate change storm event. This provision is acceptable to the LLFA.

The applicant has noted the requirement within the FRA for pollution control measures in line with page 568 of the SuDS manual in relation to the treatment of the surface water prior to discharge.

The applicant has confirmed that permeable blacktop will be used for the surfacing of the development with further details of the pollution control submitted at a later stage of the planning process.

Therefore, to conclude the LLFA have no objections with regards to the approval of planning permission; however there is currently insufficient information regarding the treatment of surface water to be able to recommend

that conditions 13, 14, 15 and 22 are fulfilled and therefore further information is required to discharge these conditions at a later date.

#### Summary

To summarise, neither the Local Highway Authority or the LLFA have any objections to the Reserved Matters application. However, it is advised that the information provided is not sufficient to remove conditions 4, 5, 7, 9, 11, 13, 14, 15 and 22 of the outline planning permission 19/0840 and it is anticipated that further information will be issued in due course to discharge these conditions.

Following re-consultation the County Council have responded thus 17 September 2021

#### **Highways response:**

As stated previously, a s278 agreement is required for the works to the existing highway including the additional UTC control that is currently used for the Warwick road corridor into the city centre. A Safety Audit (Stage 1) has been undertaken by the applicant at the outline stage of this application with regards to the proposed design and the recommendations within the report have been incorporated into the design. A Stage 2 Road Safety Audit will be required for the detailed design of the site which should be submitted as part of the discharge of conditions application. As such conditions 4 (carriageway design), Condition 5 (vehicle turning), 7 (pedestrian ramps) and 9 (Warwick Road Highway Improvements) cannot be removed at this point as the Stage 2 Road Safety Audit has not been undertaken the results could result in amendments to the highway design and layout.

#### Condition 11 (Parking and Unloading)

The proposal incorporates a food store with a net sales area of 1,256m<sup>2</sup>. In line with the requirements of the Cumbria Development Design Guide, a minimum of 84 car parking spaces, 4 motorcycle spaces, 4 pedal cycle spaces, and 4 disabled spaces are required. Within the revised site plans submitted as part of this application the proposed food store is to provide in curtilage car parking for 124 cars. This includes 12 disabled car parking spaces, 13 parent and child spaces, 2 active EV charging spaces and 23 passive Electric Vehicle charging spaces. A further 10 bicycle spaces are to be provided at the northern boundary of the site. Following a review of the design and the number of car parking spaces provided, the provision is in accordance with the Cumbria Development Design Guide and is therefore acceptable.

As such the Highways Authority have no objections with regards to the removal of condition 11.

#### Condition 17 (Building Exterior Details)

The Highways and LLFA have no further comments further to the 18 May 2021 response.

#### Condition 18 (Hard Surfacing)

The Highways and LLFA have no further comments further to the 18 May 2021 response.

#### Condition 19 (Landscaping)

The Highways and LLFA have no further comments further to the 18 May 2021 response.

Therefore to conclude the Highways Authority have no objections with regards to the approval of planning permission, however, the applicant should be aware that further information should be submitted to discharge conditions 4, 5, 7 and 9 of the outline planning permission 19/0840.

#### Conditions 13 (Foul and Surface Water Drainage), 14 (Surface Water Drainage Scheme) and 15 (Surface Water Management Plan)

It is noted that as part of the outline approval 19/0840 that the LLFA agreed the drainage arrangements with the applicant for the development of a food store at Warwick Road, Carlisle. However within the previous LLFA response to this application dated 18 May 2021 further information regarding the treatment of surface water prior to discharge was requested. The LLFA have reviewed the additional information submitted by the applicant following this response and note that no additional information is available regarding the treatment of surface water. Therefore, to conclude the LLFA have no objections with regards to the approval of planning permission; however there is currently insufficient information regarding the treatment of surface water to be able to recommend that conditions 13, 14 and 15 are fulfilled and therefore further information is required to discharge these conditions at a later date.

#### Condition 22 (Ground Levels and Floor Finish Level)

The applicant has submitted the ground levels and finish floor levels associated with the proposed food store on Warwick Road, Carlisle. It is noted in the FRA that the proposed finished floor level of the retail building is 13.7m which is 300mm above ground level in the north of the site. The FRA acknowledges that if the flood defences are breached to the north then flooding to the site will be circa 2.60m, and as such the design of the building takes this into consideration through the raising of electrical equipment and installations 600mm above the finished floor levels. This provision is acceptable to the LLFA and no objections are raised with regards to the removal of condition 22.

#### **Highways England:** - No objections

**Environment Agency:** - We are satisfied that the Flood Risk Assessment is compliant with the requirements for a FRA set out in the National Planning Policy Framework (NPPF).

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application.

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, and flood hazard rating against the design flood for the proposal. We agree that this indicates that under flood breach or

overtopping events flooding could result on site that has the potential to present:

A danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services).

We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

**Historic England:** - No comments

**Local Environment - Environmental Protection:** Requested mitigation for potential noise nuisance although noted that the applicant had referred to the car wash as an intervening factor in any potential noise nuisance. Agreed that a condition covering potential nuisance to be investigated by the applicant should there be a complaint regarding noise would suffice.

**Access Officer:** - Just one observation regarding the car park, in particular the electric charging points. I would advise the inclusion of a Wheelchair Access Vehicle point.

Space is required to allow wheelchair users to transfer and circulate around their vehicle for front, end or side charging connection. The charging post needs to be at bay level, not fixed on top of the kerb with a wrap around barrier to protect against collision. Operating controls/ charging socket-outlets should be between 0.75m and 1.2m above the ground. Display screens between 1.2m and 1.4m above the ground. Signage should state 'reserved for wheelchair access vehicles'.

**Cumbria Constabulary** - North Area Community Safety Unit (formerly Crime Prevention): -

I wish to offer the following comments, which I have considered from a crime prevention perspective. I refer to my earlier comments dated 21<sup>st</sup> November 2019, in response to outline application 19/0840, outlining information that would be helpful upon submission of the application for full permission.

I have perused the published documents and drawings and despite several references to crime prevention in the Design and Access Statement and Planning Statement (National Planning Policy Framework and Policy CM 4 of the Local Plan), these documents do not include the information as previously requested...

The Planning Statement refers to the inclusion of a Proposed Lighting Layout and Proposed Lighting Report – but these documents do not appear to have been published.

From my interpretation of the drawings supplied, I offer these observations:  
Boundary Treatment Plan – The deployment of a 2.0m 'Paladin' fence is noted. Consideration should be given to restricting vehicle access to prevent misuse / abuse of the car park outside business hours.

Proposed Site Layout – Noted provision of cycle parking in easy view of customers.

Noted provision of vehicle bollards along store frontage and glazed elevation  
It would appear there is no provision of an Automated Teller Machine in this development

I would welcome further information in respect of the following security



measures:

- Building resistance to burglary (specification of external doors, roller shutters, curtain walling, etc. to resist forced entry)
- Design and features to deter unauthorised access to the roof
- Security lighting scheme (car park and building exterior) utilising high uniformity and CRI values
- Presence and configuration of the intruder alarm
- Secure cash handling facilities
- Robust internal access control measures to prevent unauthorised access to non-public spaces
- Internal store layout to optimise surveillance opportunities and thus disrupt retail crime activity
- Secure external waste bin storage (to mitigate against exploitation as climbing aid and arson risks)
- Presence and configuration of CCTV, particular reference to retail crime risk and integration with intruder alarm (image standard and Data Protection legislation compliance issues)

I shall be pleased to advise on any crime prevention issues arising from this application.

**Connect Roads:** - no response - see LHA

**United Utilities:** - United Utilities has reviewed the drainage proposals of discharging surface water into the existing highway drains and confirm the proposals are acceptable in principle.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

According to our records there is an easement crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 15/07/1971 UU Ref: Z1594 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply to the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

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

### **Assessment**

- 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 are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, EC6, SP6, SP9, IP2, IP3, IP6, CC4, CC5, CM4, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030.

### **1. The Principle of Development**

- 6.3 This application is for the approval of Reserved Matters following the granting of outline planning permission earlier this year. A reserved matters application provides additional detailed information relating to matters of layout, scale, appearance, access and landscaping and does not seek to introduce new information which would raise questions about the principle of development and result in material changes to the development proposed under the connected outline application which reserved those matters in the first instance. In addition, when the original outline permission was granted it was subject to a number of conditions which required additional information to ensure the development was in accordance with the development plan and other material planning guidance. There is the opportunity to discharge planning conditions by separate planning applications however, as in this instance, the applicant is seeking to discharge some conditions with details submitted at this point. Often similar information is required however this will be discussed later in this report in relation to each of the conditions imposed on the development.
- 6.4 Planning application 19/0840 for the "Erection of Discount Foodstore with Car

Parking and Landscaping" was approved by Development Control Committee on the 8 January 2021 and was subject to a legal agreement for a contribution towards travel plan monitoring and the decision was issued on the 1 April 2021. An outline application established the principle of development and at the time, consideration was given to the location on Warwick Road and in particular the site's potential to be used for flooding or flood storage, the sequential and impact test of this type of retail development and the proposal for a new access point and alterations to the junction arrangement. The details in relation to drainage (which may impact on flood considerations) and access appear again in this application in relation to the reserved matters and discharge of conditions however extensive work at the outline stage meant that once granted, the outline permission has confirmed the principle of development.

- 6.5 Some objectors have raised similar concerns about the principle of development which would be disregarded and have also intimated that as permission has been granted their objection would potentially be overlooked. Although the principle of development has been accepted and that consent granted earlier this year, the reserved matters and planning conditions are there to ensure that the policies upon which the principle has been based is adhered to and the flood risk, drainage and access arrangements all accord with the information upon which the principle was established.
- 6.6 The principle of development has therefore been established however this report now considers the reserved matters and other planning conditions under the current application.

## **2. Reserved Matters - Layout, Scale and Appearance**

- 6.7 This application now seeks to confirm the site layout, the scale of the proposed buildings and associated works and the appearance of the building. On first look at the application, the site is in general accordance with that which formed the basis of the documentation provided with the outline application however this is the stage at which those details are now confirmed.
- 6.8 The net sales area of the store is 1,256 sq m within an overall 1,900 sqm gross internal area forming the main structure. This includes the usual store layout of a sales area, warehouse delivery area, freezer area, bakery, managers office and staff welfare facilities as well as customer toilets. This is accompanied by a car park which includes 124 car parking spaces (including specific designations for 12 parking spaces for disabled badge users, 13 parent and child spaces and 2 active electric vehicle charging spaces). 23 of the car parking spaces will also be provided with passive charging infrastructure. There will be 10 cycle spaces close to the store's entrance.
- 6.9 The building will be oriented east-west so that it runs parallel to Warwick Road and set back within the site (partly determined by underground infrastructure). Parking is in front of the store and along to the western elevation whilst the delivery bay will be on the eastern elevation.

- 6.10 The layout indicates that the main vehicular access to the site will be taken from Warwick Road (the details of which are considered separately). Pedestrian access is provided by two pedestrian walkways, this has changed since the original concept and ensures there is separate provision to improve pedestrian safety.
- 6.11 The store is single-storey 6.7 metres high and is of a contemporary design with mainly a glass elevation towards the main road and western elevation as well as a glazed entrance. The doors will use aluminium frames and be made from powder coated steel using the corporate colours of Gentian Blue. The remaining walls will be clad with metal cladding panels including White Aluminium and match the soffits and fascia panels. The roof top design although not generally noticeable at ground floor level, includes a rooftop solar array consisting of 468 solar panels, reducing carbon emissions and was not identified at outline stage but reflects the changing demands of reducing environmental impacts as a company and from their customers. The 3.30° slope will ensure that they have a slim profile to match the profiled metal roof. Rooftop plant will be located above the delivery bay end of the building.
- 6.12 Associated with the reserved matters of layout, scale and appearance is specifically Condition 17 (Building Exterior Details) of application 19/0840 which states:  
*"Prior to their use as part of the development hereby approved, full details of all materials to be used on the exterior of the buildings, including roofs, walls, cladding, doors, windows, external frames and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with the approved details."*  
The details provided by the application and outlined above are sufficient to discharge this planning condition and no further information is required for Condition 17.
- 6.13 Condition 18 (Hard Surfacing) states that: *"Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed application site and approved in writing by the local planning authority before their use as part of the development hereby approved. The approved development shall be carried out in strict accordance with the details approved in response to this condition."* The proposed hard surfaces include the use of permeable paving to denote parking spaces, different tarmac finished for vehicular and pedestrian routings and stretcher bond block paving around the building. These materials are acceptable and the local highway authority has also raised no objections to their use for different hard surfaces within the site.
- 6.14 Condition 22 (Ground Levels and Floor Finish Level) states that: *Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the building shall be submitted to and approved in writing by the Local Planning Authority before any construction works begin.*

This directly relates to the scale of the building to ensure that what is constructed relates to the relative ground level. It is feasible that when drainage schemes are finally adopted, the need for SUDS and gravity fed schemes can change the overall floor levels of a building and ultimately affect the overall height. Whilst it is noted that this development is single-storey and there are several two-storey and higher developments in the area it is still appropriate to ensure that finished floor levels are proportionate to the surrounding ground levels as would be viewed from the road and neighbouring existing development. It is also important in this instance to ensure that it complies with the levels upon which drainage and flood assessments are based. The finished floor level of the store would be 13.7m which is below the surrounding site levels of approximately 14.6-15.0m along the Warwick Road frontage. The levels have also been considered by the Lead Local Flood Authority in relation to flood risk. The submitted information is acceptable to discharge the condition.

### **3. Reserved Matters - Landscaping**

- 6.15 Accompanying this application is a landscaping plan and a detailed tree assessment of the existing trees which front the site. It was known at the outline stage that in order to provide the necessary access arrangements there would be some tree removal from the street trees and one tree has already been removed due to its health which was undertaken separately to this application. The tree assessment confirms that the quality of the existing trees has its limitations and would not under normal circumstances prevent the development as they do not warrant individual protection. The site however provides the opportunity for new planting. When considering the details of a landscape proposal it is now important to note that the Environment Bill progressing through Parliament will bring in legislation relating to biodiversity net gain. This is to ensure that there is a positive uplift in biodiversity. Within this site the tree plan noted that the species at the front of the site provided reduced overall benefit due to their restrictive growing conditions combined with the limited benefit of the site itself. The landscaping scheme therefore contains more replacement trees including some within the site where there was previously no tree growth. The proposals also seek to introduce shrub and other planting on the western boundary and along the site frontage compensating for any loss.
- 6.16 Condition 19 ( Landscaping) states that: *No construction shall commence until, a landscaping scheme has been submitted to and agreed with the local planning authority including details of trees and shrubs to be retained and proposed new planting. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and size for new planting. Any trees which are required to be removed for works associated with the scheme shall be replaced on a 1:1 basis. The scheme shall then be implemented in accordance with the approved details.*
- The landscaping details submitted with this application include the species and planting numbers as required by the planning condition and the information is sufficient to discharge this condition.

#### 4. Reserved Matters - Access

- 6.17 The final reserved matter to consider is access. This includes the point of access and connection to the highway and can include internal road layouts. In this instance the proposed access is a vehicular connection to a new traffic light junction and two pedestrian walkways separated from the vehicular access. The proposed junction arrangement was explored at the outline stage to ensure that in principle the access was acceptable given other junctions within the area and the access required for adjacent businesses. As it was a reserved matter the details confirming that a new junction would be established are left to this application. The County Council as Local Highway Authority has considered the proposals and in terms of the reserved matter for access raises no objection.
- 6.18 The application includes the discharge of a number of conditions relating to highway works namely:
- Condition 4 (carriageway Design)  
*The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the local planning authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is brought into use.*
- Condition 5 (Vehicle Turning)  
*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.*
- Condition 7 (Pedestrian Ramps)  
*Ramps shall be provided on each side of every junction 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 before development commences. Any details so approved shall be constructed as part of the development*
- Condition 9 (Warwick Road highway Improvements )  
*Prior to the start of any development details of the proposed highway changes to Warwick Road and Victoria Road including crossing of the highway verge and/or changes to the footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved. The approved changes shall be brought into use prior to the first use of the development.*
- 6.19 Although the principle of the access connecting to a new junction on Warwick Road is acceptable the discharge of the conditions above will determine the exact details. Although a stage 1 Road Safety Audit was undertaken as part of the outline application, the levels of detail required for construction of the access arrangements has to be compatible with a Stage 2 Road Safety Audit. This has not been undertaken and the Local Highway Authority therefore

recommend that these conditions are not discharged without consideration of that information. It is therefore recommended that conditions 4, 5, 7 and 9 are not discharged.

- 6.20 There is one aspect of detailed highway arrangements which is acceptable in detail and this is in relation to parking and unloading.

Condition 11 ( Parking and Unloading) states:

*Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, 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.*

- 6.21 The Local Highway Authority has considered the provision which exceeds the Cumbria Development Design Guide and is therefore sufficient to allow the condition to be discharged. It is therefore recommended that Condition 11 is discharged.

## **5. Other Planning Conditions to be discharged**

- 6.22 The application has provided additional information relating to drainage and this has been considered by the Environment Agency, United Utilities and Cumbria County Council as Lead Local Flood Authority (LLFA). In particular they are seeking to discharge the following three planning conditions:

Condition 13 (Foul and Surface Water Drainage ) - *Foul and surface water shall be drained on separate systems*

Condition 14 (Surface Water Drainage Scheme ) - *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. 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 November 2020 proposing surface water discharging to the culverted ordinary watercourse. The development shall be completed, maintained and managed in accordance with the approved details.*

Condition 15 ( Surface Water Management Plan) - *No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.*

- 6.23 Whilst in general the Environment Agency and United Utilities are satisfied with the information, the LLFA had concerns over the details submitted and required additional information. Information was forthcoming however the concerns remained and the latest response from the LLFA confirms that the conditions relating to drainage should not be discharged. On this basis the application has stated that they wish the application to be considered without the submission of further information. Conditions 13, 14 and 15 cannot be discharged and would therefore require a separate application to discharge those conditions.

## **6. Other Issues**

- 6.24 The Council's Environmental Health team made no specific stipulations at the outline planning stage other than conditions in relation to potential contamination. They have however reviewed the submitted information and raised concerns in relation to the potential for noise to be an issue in relation to the site plant (located above the delivery bay). The applicant does not consider this to be an issue due to its location, distance from the adjacent use which is a noise emitting car wash and the further distance to any residential properties. Whilst the Environmental Health team are minded to agree with this conclusion, in the interests of safeguarding the amenity of future neighbours of the operational store, it is recommended that an additional planning condition is added so that in the event that claims of noise nuisance are made, the applicant investigates those issues and where founded, appropriate mitigation is considered to resolve any potential statutory nuisance.
- 6.25 Additional planning conditions should not be generally added to a reserved matters application especially if they are to be added to overcome something which may have been forgotten or omitted at outline stage. Where, in this instance, the measures directly relate to the Reserved Matters of layout such as confirming the location of the store plant equipment, it is possible to accept that information with additional conditions.
- 6.26 The police design advisor made some observations on the overall layout of the site and has welcomed revisions to the layout to overcome his concerns and assurances from the operator to other measures which are to be implemented as part of the operational security.

## **7. Conclusion**

- 6.27 This is a reserved matters application relating to layout, scale, appearance, access and landscaping. The principle of development has been accepted by application 19/0840. The information provided contains appropriate proposals to deal with all those reserved matters and condition 2 which sets out those matters of the original outline application 19/0840 has been complied with.
- 6.28 The application also seeks to discharge a number of planning conditions however additional information is required by the Local highway Authority and



the Lead Local Flood Authority in order to discharge some of those conditions and therefore they will require additional applications. For clarity, conditions 4, 5, 7, 9, 13, 14 and 15 should not be discharged based on the submitted information in this application. Environmental Health has raised concerns about the location of the proposed operational plant and the potential for noise. As a consequence of their concerns an additional planning condition is proposed.

- 6.29 It is recommended that the reserved matters are accepted, conditions 11, 17, 18, 19 and 22 of outline application 19/0840 are discharged and that an additional condition relating to noise is imposed.

## **7. Planning History**

- 7.1 Application 15/0836 for the Erection Of Foodstore With Associated Car Parking And Servicing was withdrawn prior to determination.
- 7.2 Outline Planning Application 19/0840 for the Erection Of Discount Foodstore With Car Parking And Landscaping was Granted Subject to Legal Agreement on the 01/04/2021
- 7.3 Application 21/0476 for the Display Of 2no. Internally Illuminated Canopy Signs, 1no. Internally Illuminated Flagpole Sign, 2no. Externally Illuminated Wall Mounted Billboard Signs, 1no. Internally Illuminated Poster Display Unit, 1no. Externally Illuminated Double Sided Parking Sign & 3no. Externally Illuminated Wall Mounted Billboard Panels is currently undetermined.

## **8. Recommendation: Grant Permission**

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 2, 11, 17, 18, 19 and 22 attached to the outline planning consent to develop the site.
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 05 April 2021;
  2. the Site Location Plan received 05 April 2021 (Drawing No A(90)EXP001 Rev 4;
  3. the Proposed Site Layout Plan received 23 August 2021 (Drawing No ZZ-XX-DR-A-91-0001 Rev P23);
  4. the Ground Floor Plan received 05 April 2021 (Drawing No ZZ-OO-DR-A-01-0001 Rev P2);
  5. the Proposed Elevations Sheet 1 received 05 April 2021 (Drawing No ZZ-XX-DR-A-02-0001 Rev P3);

6. the Roof Plan received 05 April 2021 (Drawing No ZZ-OO-DR-A-01-0002 Rev P3);
7. the PV Roof Layout received 05 April 2021 (Drawing No SQ4S-PV-Lidl-C1582-R-A);
8. the Proposed Substation received 05 April 2021 (Drawing No ZZ-XX-DR-A-91-0004 Rev P1);
9. the Proposed Levels received 23 August 2021 (Drawing No 141725/1001 Rev C);
10. the Boundary Treatment Plan received 23 August 2021 (Drawing No ZZ-XX-DR-A-91-0003 Rev P4);
11. the Landscape Details received 05 April 2021 (Drawing No R/2426/1D);
12. the Proposed Lidl Car Park received 05 April 2021 (Drawing No P101, P102 & P103);
13. the General Arrangement and Site Clearance received 23 August 2021 (Drawing No 16-1102/300 Rev T2);
14. the Typical Details received 23 August 2021 (Drawing No 16-1102/305 Rev T1);
15. the LiAS Design Notes and Luminaire Schedule received 23 August 2021;
16. the Design and Access Statement received 05 April 2021;
17. the Ecological Impact Assessment received 05 April 2021;
18. the Planning Statement received 05 April 2021;
19. the PV System received 05 April 2021;
20. the Transport Addendum Report received 05 April 2021;
21. the Arboricultural Report received 05 April 2021;
22. the Flood Risk Assessment received 07 April 2021;
23. the Notice of Decision;
24. any such variation as may subsequently be approved in writing by the Local Planning Authority.

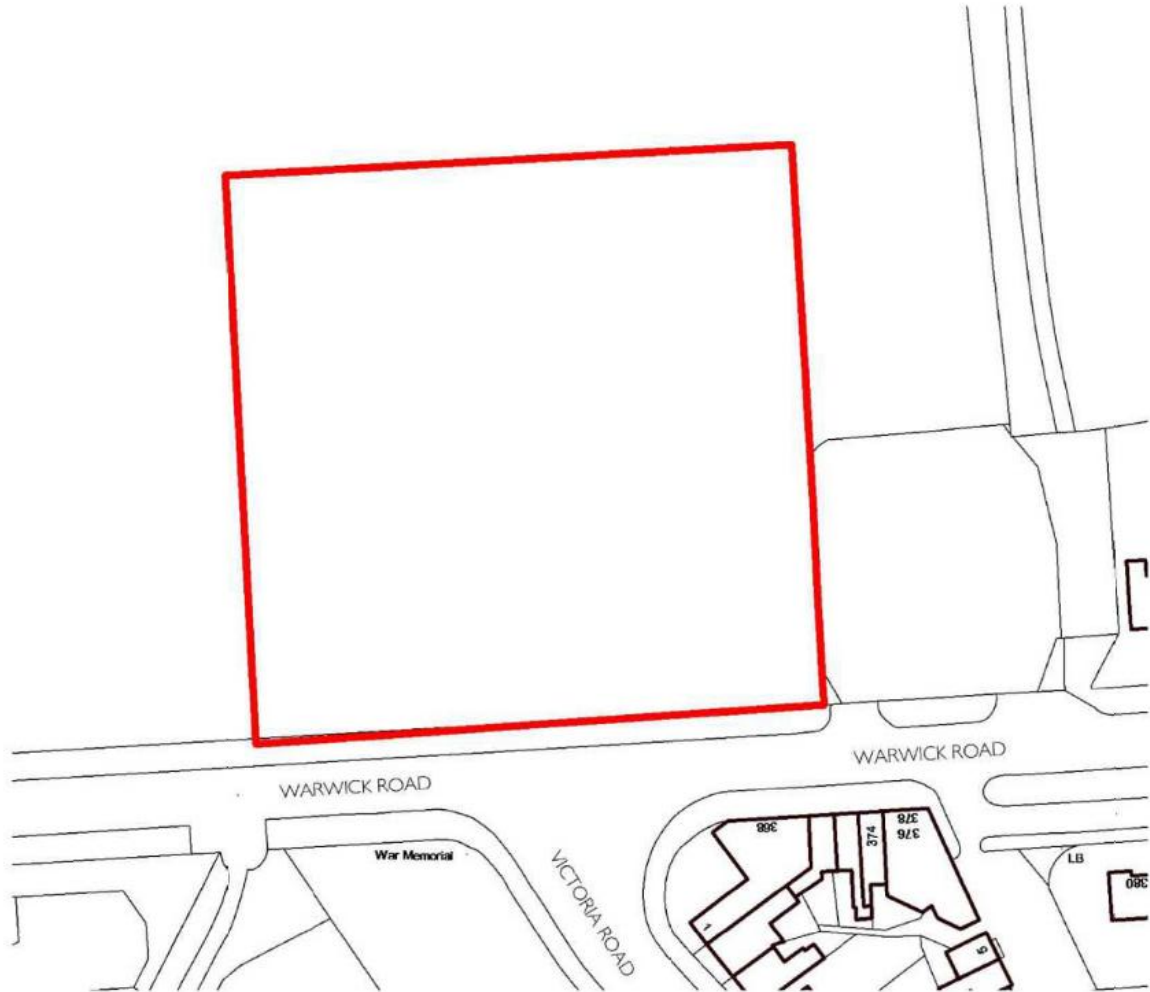
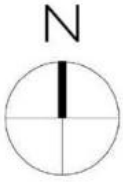
**Reason:** To define the permission.

3. In the event that a complaint is received relating to noise caused by the proposed plant: Within 28 days from the receipt of a written request from the Local Planning Authority, the operator of the proposed facility shall, at the operators expense, employ an independent consultant approved by the Local Planning Authority, to assess the level of noise emissions from the

facility at the complainant's property. This should be carried out in accordance with the most appropriate current standard (such as BS4142:2014) and a suitable report prepared. The report should demonstrate compliance with the appropriate standard. If necessary the applicant shall, within 28 days, propose a scheme of noise mitigation to the Local Planning Authority, to utilise any appropriate on site measures as is necessary, to ensure that sound levels from the site are reduced to an acceptable level. This scheme shall specify the timescales for implementation.

**Reason:** To prevent disturbance to nearby occupiers in accord with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

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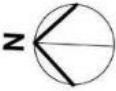
Status	Planning		
Project	Lidl, Warwick Road, Carlisle		
Drawing	Site Location		
Project No.	06927	Dwg. No.	A(90)EXP001
		Rev.	4
Scale at A4	1 : 1250	Drawn	DW
		Checked	KH

\_space™

WARWICK ROAD, CARLISLE

SITE AREA:	8785 m²
Ancillary Area	209 m²
Sales Area	1256 m²
Warehouse Area	435 m²
GROSS INTERNAL AREA	1900 m²
Asides:	5
CAR PARKING	12
Disabled	2
Electric Vehicle Charging	13
Parent & Child	97
Standard	124
TOTAL	10
BICYCLE PARKING	10
Short Stay Cycles	10
TOTAL	10

Tarmac (Vehicles)	Tarmac (Pedestrians)
Permeable paving	Concrete cast in-situ
Block paving, stretcher bond	Tactile paving
Soft landscaping	



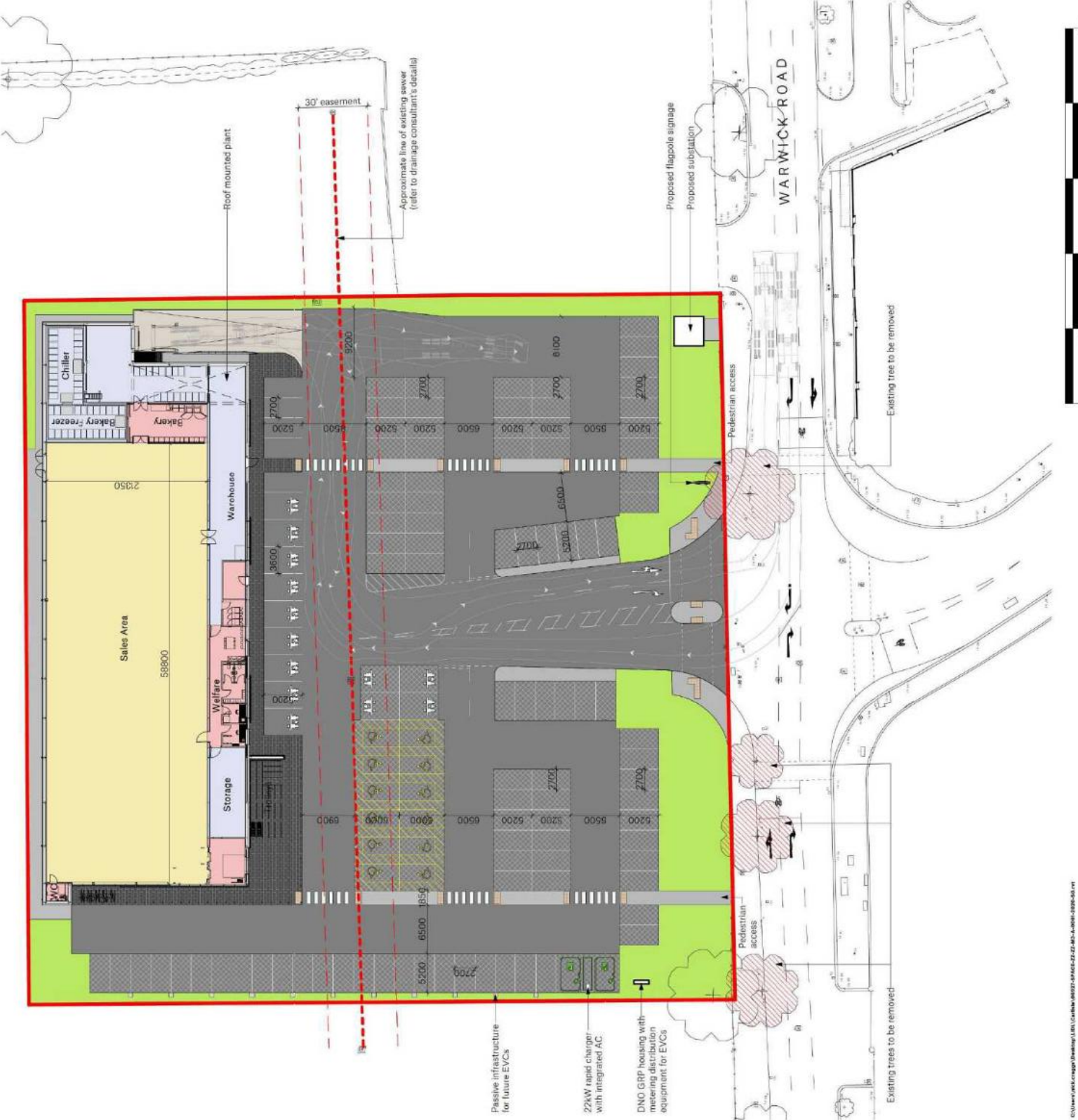
Store Specification  
**BBS 20 ECO**  
Drawing Purpose  
**PLANNING**  
This drawing has been prepared for the sole purpose of forming part of a planning application, and should not be used for any other purpose.

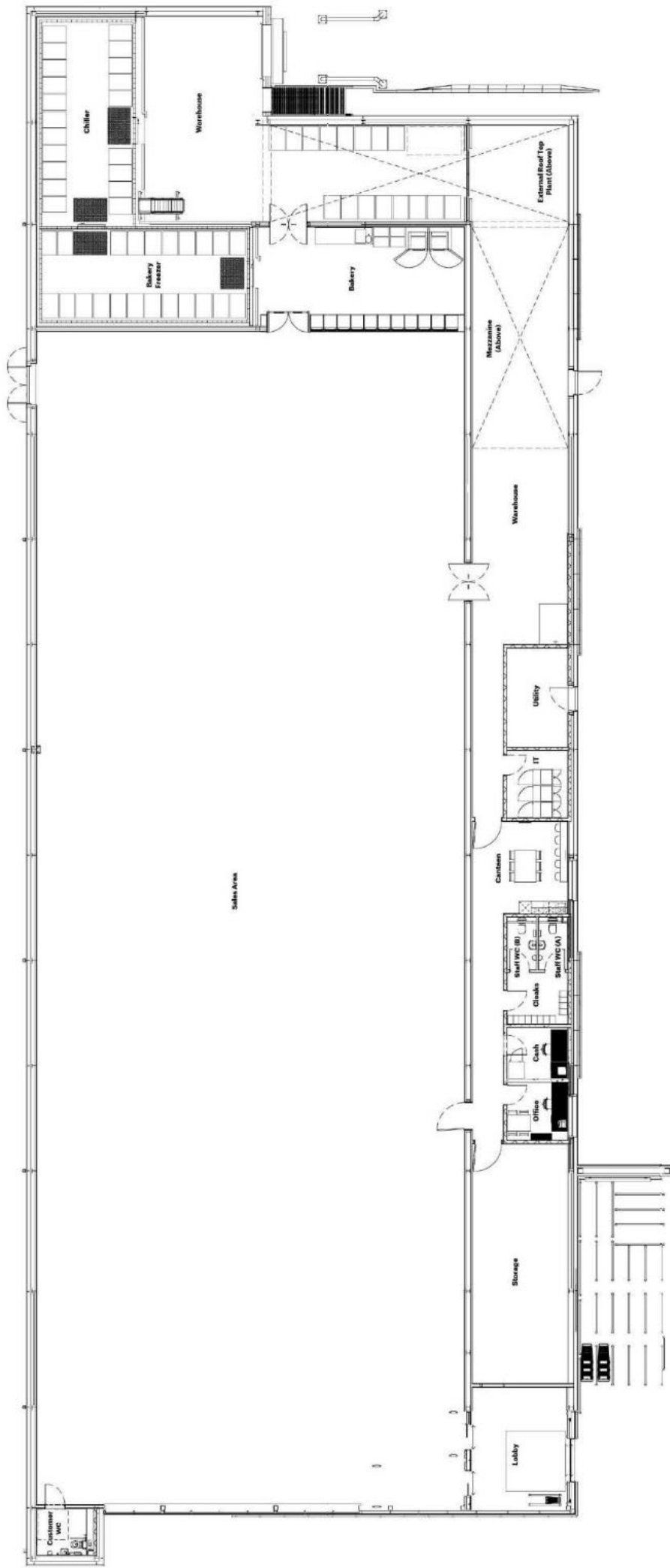
SPACE

Spaceworks, Barton Park Road, Newcastle upon Tyne, NE7 7LX  
T: +44 (0)144 800 6660  
www.spaceworks.co.uk

Project  
**Lidl - Warwick Road, Carlisle**  
Drawing Title  
**Proposed Site Layout**

Project No.	Drawing No.	Status	Revision	Scale at A3
06927	ZZ-XX-DR-A-91-0001	S3	P23	1:500
File Reference: 06927-SPACE-22-XX-DR-A-91-0001				





**BBS 20 ECO**  
Feasibility Study

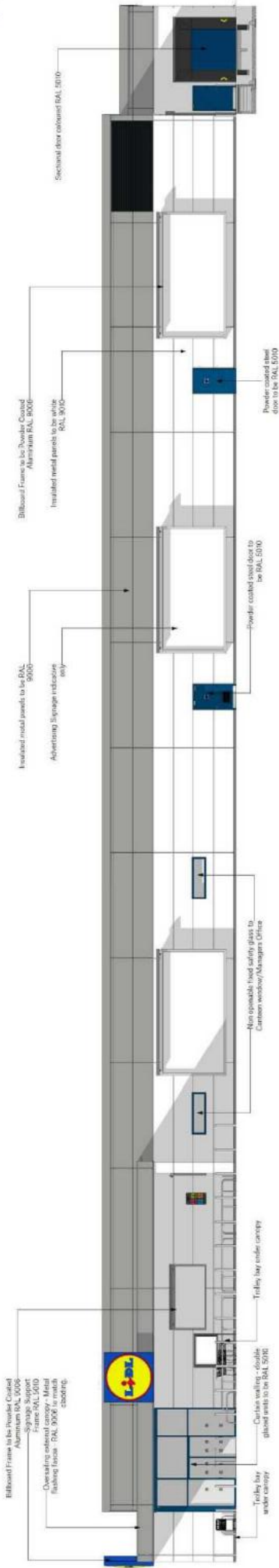
## SPACE

*Keywords:* Internet-based; computer-aided; self-paced; self-directed; self-instructional

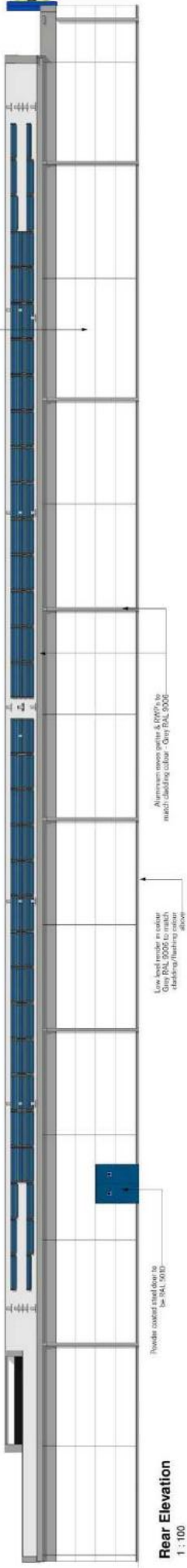
Address	Lidl - Warwick Road, Carlisle	
Business Name	General Arrangement Plan - Ground Floor	
Reference No.	066927	066927
Contract No.	ZZ-06-DR-A-01-0001	S3 P2
Scale	1:100	



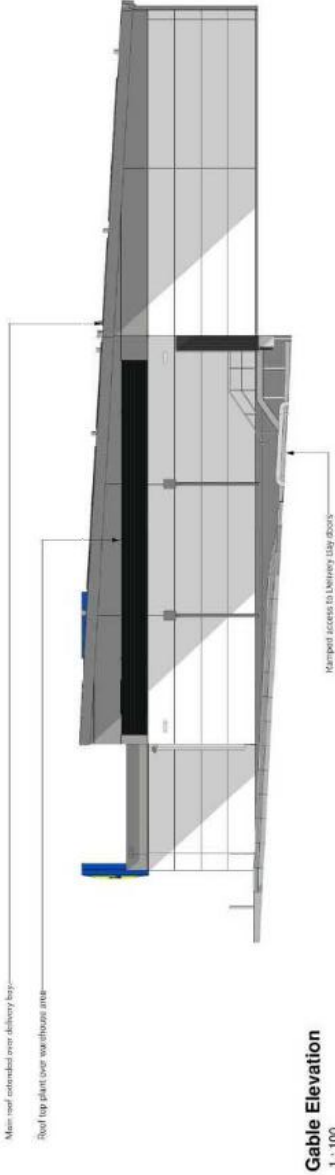




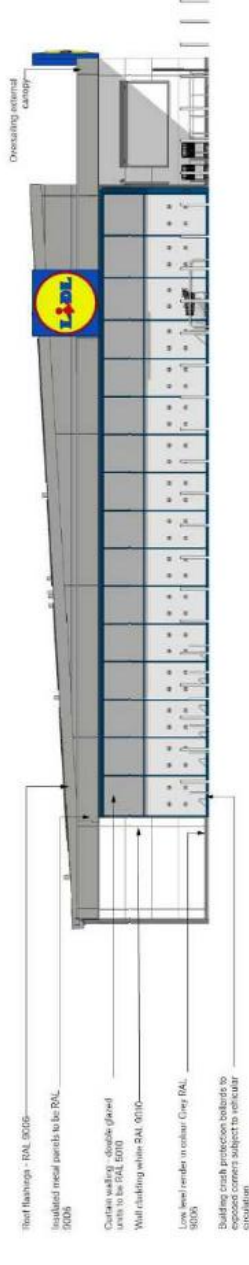
Front Elevation  
1 : 100



Rear Elevation  
1 : 100



Gable Elevation  
1 : 100



Glazed Gable Elevation  
1 : 100

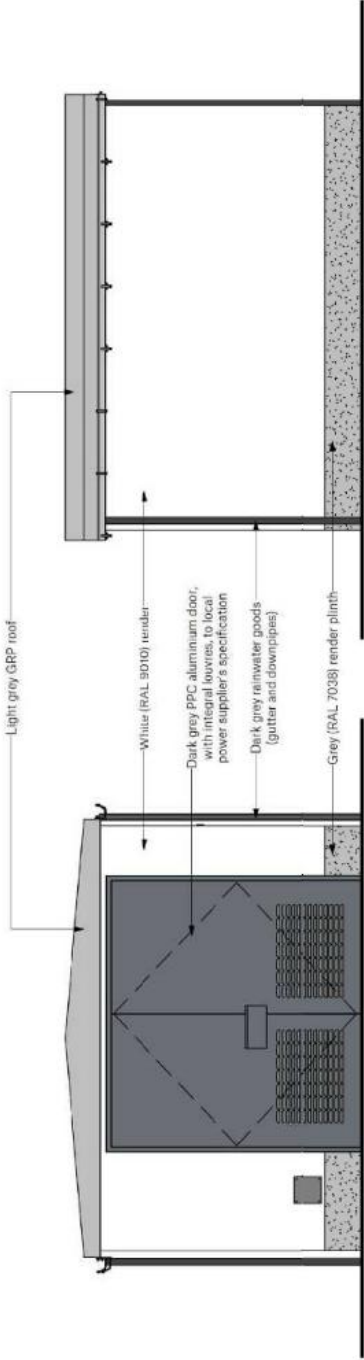


## SPACE

Project: LIDL - Warwick Road, Curdridge  
Client: LIDL  
Architect: LIDL

LIDL - Warwick Road, Curdridge			
General Arrangement Elevations - Sheet 1			
Project No.	06927	Revision No.	03
Project Name	22-XX-08-A-02-0001	Revision Date	11/06/2023
Project Location	Warwick Road, Curdridge	Project Status	Final



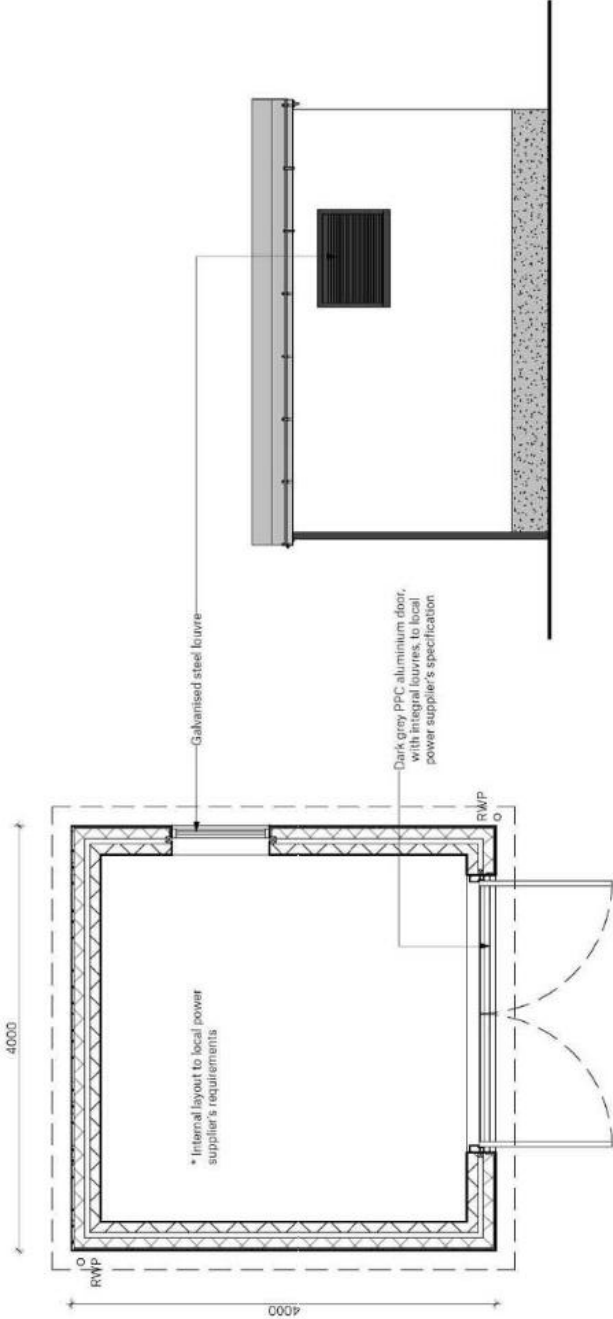


Front Elevation

1 : 50

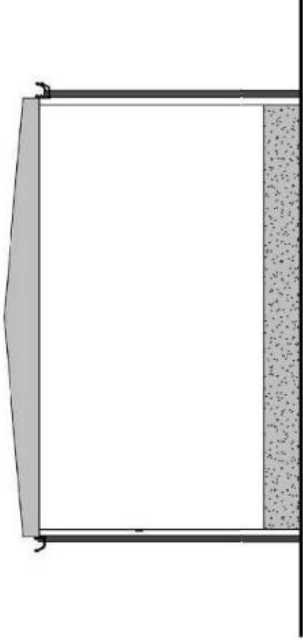
Side Elevation 1

1 : 50



Plan

1 : 50



Rear Elevation

1 : 50

Store Specification	N/A
Drawing Purpose	<b>PLANNING</b>
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Project			
Lidl - Warwick Road, Carlisle			
Drawing Title			
Proposed Substation			
Project No.	Drawing No.	Status	Revision
06927	ZZ-XX-DR-A-91-0004	S3	P1
Scale at A3			
1 : 50			
File Reference:			
06927-SPACE-ZZ-XX-DR-A-91-0004			
This drawing is Copyright. Check all dimensions on site. Inform us in person of any discrepancies. Work to agreed dimensions only. Please note.			

Revision

Author

Checker


Date

P4


NJC

DWW

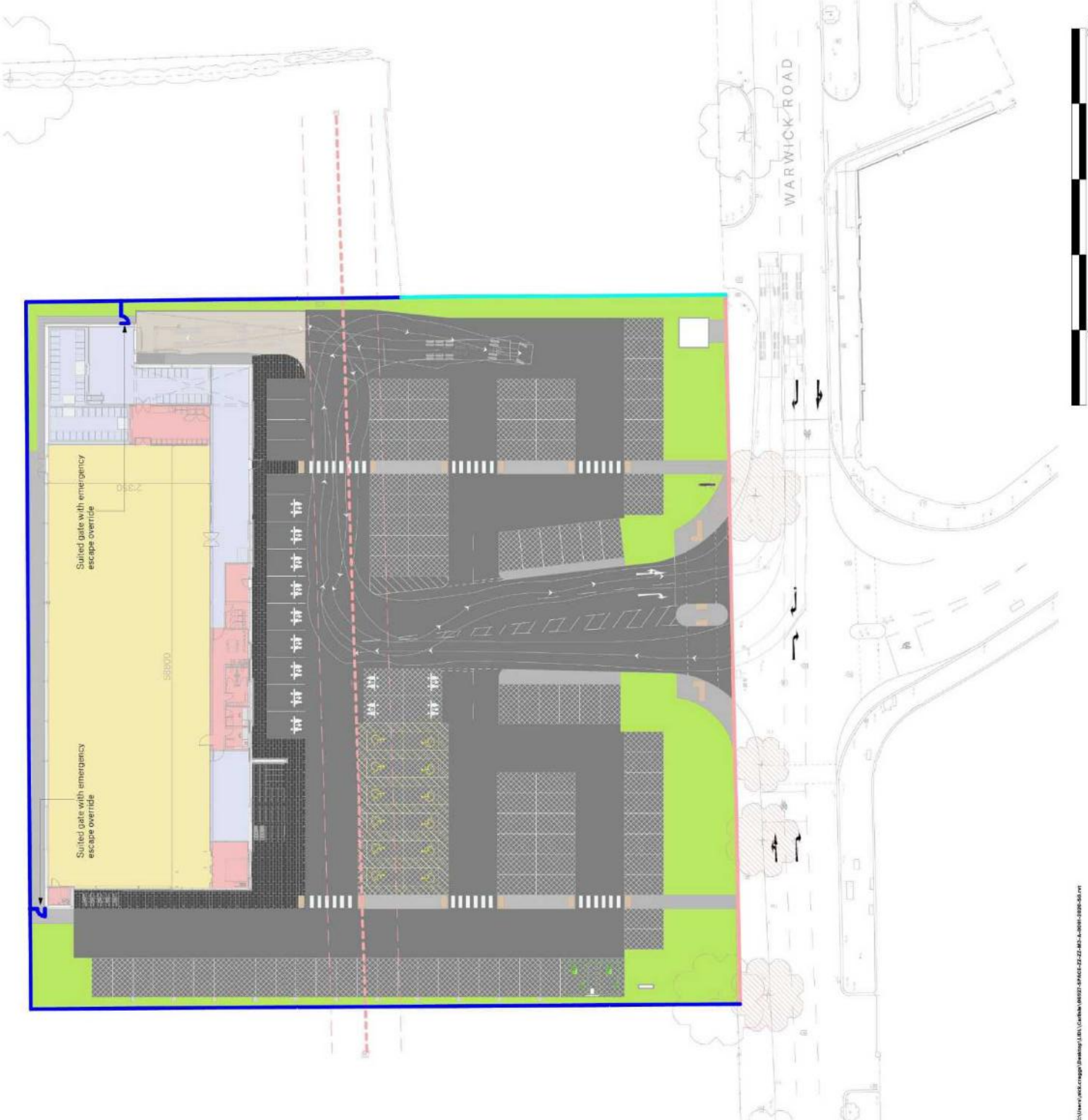
23.04.21



2m high metal paladin fence



Existing wall



Store Specification

**BBS 20 ECO**

Drawing Purpose

**PLANNING**

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Project				Lidl - Warwick Road, Carlisle			
Drawing Title				Boundary Treatment Plan			
Project No.	Drawing No.	Status	Revision	Scale at A3			
06927	ZZ-XX-DR-A-91-0003	S3	P4	1:500			
File Reference:				06927-SPACE-22-XX-DR-A-91-0003			

## PROTECTION OF EXISTING VEGETATION

Adding vegetation to site shall be protected where necessary during works by a tree protective barrier, secured to a scaffold tubing framework with fluorescent tape to the top rail. Protective fencing shall be erected on the canopy drip line wherever possible. Laminated, waterproof A4 signs shall be fixed to the fence posts at 10m intervals bearing the words PROTECTED TREE ZONE - NO STORAGE OR OPERATIONS WITHIN FENCED AREA.

Tracking of machinery, storage of chemicals and building materials shall not be permitted within the protected area. Trucks or spits should be removed immediately and the contaminated soil replaced. No bonfires shall be lit within 5m of the canopy spread. Any excavation work beneath the canopy spread shall be carried out by hand. All works affecting trees within the development shall be subject to BS 37:2015.

[illegible]

All shrub material shall be first quality, sturdy, well rooted non-refrigerated stock with well branched heads and fibrous root systems. Shrubs shall be planted into 450mm good quality fibrous topsoil incorporating organic compost and slow release fertilizer in accordance with all local horticultural practices.

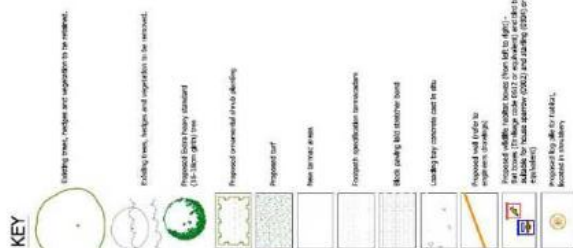
A proprietary geotextile membrane is to be installed between the soil and mulch of the planted areas (with 200mm minimum overlap) cut with T or X slots to fit around the plants as required. Sufficient pegs to be used to ensure that membrane does not lift. All plant material shall be a minimum of 2l, pot size unless otherwise specified and conform to BS3936 Part 1 and BS 4426.

Finished beds shall be dressed with 50mm depth of suitable size chippings.

SPECIES	HT in m	NUMBERS REQUIRED
	Girth in cm	
<i>Acacia camptoparia</i> (Barkley) (ACE)		2
<i>Carpinus betulus</i> Testi-Stigler (TSP)		4
<i>Pinus calleryana</i> Charadzev (PCD)		2

All trees to have clear stems to 1.8 m above ground level with well developed branching heads with a single, central leader and healthy, vigorous root systems. Trees shall be planted into pits of an appropriate size to accommodate the root system without restrictions, backfilled with a 3:1 topsoil:compost mix and shall be secured to a machine mounted stake using 1 no. line tie with rubber spacer. Finest height of stake

- Flat roosting and bird nesting boxes to be installed onto the rear and side elevation of the building under the eaves.



Year	Management
March 2021	Dr D: Addition of substitution and amendment of planting to western boundary (S7)
March 2021	Dr C: Minor adjustment to car park layout (S7)
March 2021	Dr B: Incorporation of ecological recommendations where appropriate (S7)
Jan 2021	Dr A: Additional tree planting to fence and road barrier to eastern edge of new catchment (S7)

Site Name Site Address Site Location	Site Plan Site Map Site Photos	Site Description Site History Site Features	Site Analysis Site Recommendations Site Conclusion	Site Summary Site Notes Site Comments	Site Attachments Site References Site Contacts	Site Date Site Author Site Reviewer	Site Status Site Version Site Comments	Site Date Site Author Site Reviewer
Site Name Site Address Site Location	Site Plan Site Map Site Photos	Site Description Site History Site Features	Site Analysis Site Recommendations Site Conclusion	Site Summary Site Notes Site Comments	Site Attachments Site References Site Contacts	Site Date Site Author Site Reviewer	Site Status Site Version Site Comments	Site Date Site Author Site Reviewer





- [illegible]

[illegible]

Minimum

Maximum

Protection or diversions may be essential to allow formation of the proposed access

Existing gully to be grouted up to allow formation of new highway existing connection to be maintained to provide a positive connection for the new gully

100mm high lane | merge  
existing to lane 20A

60mm

150mm Curb Hgt  
kerbs as required

Roadside  
in gutter

[illegible]