

SCHEDULE A: Applications with Recommendation

12/0829

Item No: 11

Date of Committee: 19/04/2013

Appn Ref No:
12/0829

Applicant:
Story Construction Limited

Parish:

Date of Receipt:
05/10/2012

Agent:
Positive Planning Solutions

Ward:
Belle Vue

Location:

Land Adj. To Thomas Lane, Burgh Road Industrial Estate, Carlisle, CA2 7NA

Proposal: Change of Use of Vacant Field to Create Additional Yard Storage For Existing Business (Revised Application)

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that authority to issue is granted to the Director of Economic Development, subject to no issues being raised by the Assessment of Likely Significant Effects.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.3 Nature Conservation Issues
- 2.4 Flood Risk/ Drainage
- 2.5 Archaeology
- 2.6 Other Matters

3. Application Details

The Site

- 3.1 The site is an unused field, which is approximately 1.44ha in area, which lies between Burgh Road and Newtown Road Industrial Estates. The field is a

north to south orientated valley landform with a steeply sided west bank and a gently sloping east bank, with a significant change in levels from south to north. A beck runs along the western boundary of the site, part of which is culverted and this flows into the River Eden to the north. A group of semi-mature trees are located towards the southern section of the site, with an area of Japanese knotweed being located along the eastern boundary.

- 3.2 The site is adjoined to the west and east by Burgh Road Industrial Estate and Newtown Road Industrial Estate respectively. Residential properties on Newtown Road adjoin the site to the south and a number of mature trees are located within the rear gardens of these properties. Along the north boundary a belt of trees adjoins the site. A public footpath runs close to north boundary on higher ground beyond the tree belt and this links Newtown Road with the River Eden footpath (Cumbria Coastal Way and Hadrian's Wall Path).

The Proposal

- 3.3 The proposal is seeking to provide an additional storage area, in association with the existing Story business on the adjacent site. The storage area would be required for equipment such as site office cabins, containers and other bulky equipment, associated with the existing construction company. No vehicles would be parked on the site and no equipment would be stored which might leak oil. No buildings would be erected on the site.
- 3.4 A flat area would be formed through a cut and fill exercise using soil from the existing site and no material would need to be imported onto the site. In general site levels would be raised on the north and west boundaries and reduced on the south and east boundaries. The storage area would be surfaced in compacted hardcore, which would provide a suitable surface for storage and allow surface water to percolate through into the ground below, so that the site continues to act as at present in terms of surface water. The existing culvert is unsuitable for use by vehicles and a new culvert would be constructed further to the south, with the existing culvert being removed to compensate for the creation of the new stretch of culvert. The new culvert would be designed to ensure that it has enough capacity to allow the flow of water from the existing beck to pass through without restriction to ensure that it does not increase flooding within the site. The new culvert would allow vehicular access from the adjacent Story's site, via a new 6m wide road, which would be constructed of compacted hardcore.
- 3.5 A large proportion of the site (46%) would be used as a landscaped area. This would include a strip of approximately 40m from the proposed access road to the southern boundary of the site. An acoustic earth bund/ fence would be constructed approximately 20m from the boundary of the residential properties on Newtown Road. The earth bund would be landscaped, as would the land outside the storage area. Noise modelling has been undertaken and this has influenced the location, height and construction of the bund/ fence.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice and notification letters sent to forty-three neighbouring properties. Twenty letters of objection and a petition signed by sixty-two people have been received. The letters of objections make the following points:

- Story Construction does not own the land. The land should be divided between every business on both sides of the estate. Over the past few years Story Construction has broken through from Burgh Road, erecting gates, bridged over the beck and erected a fence, which is unlawful;
- Light pollution from proposal - existing site is like a football stadium, worse in winter when leaves are off trees - complained to Council but they don't monitor it;
- Trees to rear of dwellings on Newtown Road are all deciduous - need evergreen trees;
- Increase in noise - existing site operates 7 days a week - out of hours, starts at 4.30am sometimes at night;
- Loss of view - gardens look onto fields;
- Site is a valuable wildlife habitat in urban area which will be lost - it has not been ploughed, fertilised or sprayed for over 50 years;
- Proposal is unnecessary as Story could use their parking area on Thomas Lane for storage of containers;
- Material will need to be imported on to the site to level it - how long will this take, what type of materials will be imported?;
- Concerned what area will be used for - won't all be needed for storage;
- Could affect drainage of gardens on Burgh Road;
- How high will trees grow - some planted in 1994 are at roof height;
- How high will containers be stacked;
- Residents have used this field for many years- will they still have access?
- Containers should be stacked on sites on existing industrial estates around the city;
- Have severe flooding in back gardens during heavy rain from hard core at Egertons - more hardcore will make it worse;
- Compression of ground - surface water will run off to lowest point, which is the gardens;

- Container storage yard is not a quiet operation and is not suitable for a residential area;
- Hours of work are given as 7:30 to 18:00 - but existing yard operates longer hours;
- No hazardous materials should be stored on the site;
- There has already been an increase in traffic on Newtown Road since bypass opened;
- An increase in heavy container vehicles using the adjacent roads which are already congested would cause unacceptable increase in congestion and delays to residents and road users;
- An archaeology survey should form part of any planning application;
- Question the legal position of the council considering a planning application for a site that is not owned by the applicant;
- If planning permission is started there must be adequate drainage put in to prevent home gardens flooding;
- Opening up land to the rear would increase likelihood of robberies and theft;
- Site is near Hadrian's Way and Route 72 Hadrian's Cycleway and should be promoted as part of World Heritage Site;
- Site is regularly used by local people for walking and recreation;
- Shown as urban fringe landscape - not allowed for employment development;
- Site is semi-natural unspoiled grassland, which is some of the richest habitat for wildlife in England - supports more priority species than any other habitat;
- Habitat has a positive effect on the climate by absorbing and storing carbon;
- Question validity of the habitat survey and whether the true biodiversity of the site has been fully explored - would be beneficial to have an impartial and unbiased habitat survey carried out;
- Highly likely that there might be Great Crested Newts on the land - terrain is ideal and there is a pond approx 200m from the proposal site;
- Unacceptable adverse impact on the character and appearance of the surrounding area;
- Story should move to a suitable site that would allow them to expand without affecting residential areas e.g. Kingmoor Park Industrial Estate;
- Unlikely jobs will be created;

- Watercourse takes surface water from the Berkeley Grange estate - bank is eroding - concerned about additional water entering watercourse. Who would be responsible for maintenance of watercourse?;
- Change in ground levels means vehicles will be seen as well as heard during winter;
- Noise report does not cover 'emergency' loading or noise created by cranes or self loading vehicles loading or unloading containers - could be a lengthy operation;
- Who will be responsible for trees;
- Site is close to River Eden SSSI - industrial development poses a clear and evident risk to the river through its polluting activities;
- Proposal will reduce air quality and increase vibration at surrounding properties;
- Noise Assessment is out of date and was taken at times to avoid noise;
- Site is already over capacity.

4.2 A petition which has been signed by 62 people has been submitted. This objects to:

- Story Construction claiming the vacant field;
- Destruction of a historical site;
- Destruction of a natural habitat;
- Filling the site with hardcore and using it to store unsightly containers and portacabins;
- Noise and light pollution.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): - no objections;

Environment Agency: - no objections subject to conditions, following receipt of additional information;

Cumbria County Council - (Archaeological Services): - no objections following receipt of an archaeological evaluation;

Natural England - relating to protected species, biodiversity & landscape: - no objections subject conditions and the completion of an Assessment of Likely Significant Effects;

Local Environment - Environmental Protection: - no objections to the above planning application, provided an acoustic barrier designed to the specification proposed in the environmental noise assessment is installed prior to the sites use. In addition, it is essential that emergency work or any

other unforeseen night work is carried out as quickly and as quietly as possible.

English Heritage - North West Region: - applicant should submit an archaeological evaluation of the site, which should take place prior to the determination of the application.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, LE1, LE7, LE9, CP2, CP3, CP5 and CP12 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Proposal Is Acceptable In Principle

6.2 It is acknowledged that the site is designated as Urban Fringe Landscape in the adopted Local Plan and the policy seeks to retain the open character of this land. The policy does, however, allow small scale development adjacent to other groups of buildings, if it reflects the scale and character of the existing group of buildings; there is no adverse impact on the character and appearance of the surrounding area or on the amenity of neighbouring properties; and satisfactory access and parking can be achieved.

6.3 The land is currently vacant but has previously been used for agriculture. It is located within the urban area of Carlisle and lies between Burgh Road Industrial Estate and Newtown Road Industrial Estate. The land immediately to the west of the site on Burgh Road Industrial Estate is the existing operational base for Story Contracting and Story Homes. Story Contracting is seeking to provide additional yard storage for the existing business to allow it to continue to thrive.

6.4 The proposal does not involve the erection of any buildings on the site. The site would be used for the storage of equipment, such as site cabins and containers and it would be transitory and changeable in its appearance. The character and appearance of the site would reflect that of the adjacent industrial estates.

6.5 In light of the above, the proposal would be acceptable in principle providing that it does not have an adverse impact on the amenity of neighbouring properties, and this issue is considered below.

2. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

6.6 The site is only readily visible from the adjacent industrial estates and from the residential properties on Newtown Road that adjoin the site to the south. The proposed access road into the site would be approximately 40m away from the end of the rear gardens and approximately 80m from the rear elevations of the nearest dwellings. The storage area would be at a lower

level than the adjacent residential properties, which would help to reduce noise levels in the dwellings. A landscaped buffer would be provided between the storage area and these dwellings and this would contain an acoustic bund, which would include an acoustic fence, and which would be landscaped. This would further help to reduce noise levels in the dwellings on Newtown Road.

- 6.7 The use of the site would be restricted to the storage of equipment and this would be ensured by condition. Conditions would also be used to restrict the height of the storage; to restrict the hours that the yard could be used; to ensure that the acoustic bund is suitably designed; and to require the details of any lighting to be agreed with the Council. The imposition of these conditions would ensure that the proposal would not have an adverse impact on the living conditions of the occupiers of the neighbouring dwellings.
- 6.8 A number of objections make reference to existing noise problems from the current Story site, which operates for long hours, sometimes through the night. There are, however, no conditions on the existing Story site to limit hours of use or control noise and it is not possible to apply conditions to the existing site as part of this application.

3. Nature Conservation Issues

- 6.8 A Phase 1 Habitat Survey of the site has been submitted with the application. A condition has been added to the permission to ensure that a scheme to mitigate the loss of existing habitats and to ensure the provision and management of compensatory habitats is agreed with the Local Planning Authority. This would include the planting of tree and hedgerows and wild flowers. Further survey work might be required in relation to reptiles and this issue is currently being discussed with Natural England and Members will be updated at committee.
- 6.9 The watercourse that runs through the site flows into the River Eden, which lies approximately 200m to the north. The proposal, therefore, has the potential to effect the River Eden, which is designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI), both during the construction phase and the operation of the site once established.
- 6.10 The proposal seeks to maintain surface water run-off at its current rate by using hardcore. Pollution control measures would be put in place both during construction and operation to prevent pollution entering the watercourse.
- 6.11 Japanese knotweed, which is an invasive non-native species, is present on the site. It is proposed a management plan is put in place to ensure that this plant is not spread across the site. A condition has been added to the consent that requires appropriate control measures to be put in place to deal with this issue.
- 6.12 An Assessment of Likely Significant Effects (ALSE) needs to be undertaken in order to identify all the risks to the designated river from the proposed development and appropriate measures that would need to be employed in

order to mitigate those risks to an acceptable level. The permission cannot be issued until the ALSE has been completed but on the basis of the conditions proposed, it is unlikely that the proposal would have a significant effect.

4. Flood Risk/ Drainage

- 6.13 Hardcore would be used to form the surface of the storage area and this would allow the surface water that falls onto the site to continue to percolate naturally into the ground. The proposal would not, therefore, increase flood risk either within the site or downstream.
- 6.14 A Flood Risk Assessment (FRA) has been submitted with the application and conditions have been added to the permission to ensure that the measures outlined within this are implemented.

5. Archaeology

- 6.15 The site has been the subject of an archaeological evaluation. The results of the evaluation indicate that no significant archaeological remains would be disturbed by proposed development. The County Archaeologist, therefore, has no objections to the proposal.

6. Other Matters

- 6.16 A number of objectors have raised concerns that Story do not own the land and should not, therefore, be submitting a planning application on this land. Story are entitled to submit a planning application on land that they do not own.

Conclusion

- 6.17 In overall terms, the proposal is acceptable in principle. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties, on any protected species or on archaeology. It would not increase flood risk within or adjacent to the site. Providing that the Assessment of Likely Significant Effects concludes that the proposal is unlikely to have a significant effect on the River Eden SAC the proposal would be acceptable. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.
- 6.18 It is recommended that authority to issue is granted to the Director of Economic Development, subject to no issues being raised by the Assessment of Likely Significant Effects.

7. Planning History

- 7.1 There is no planning history relating to this site.

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 submitted planning application form received 5th October 2012;
2. the Location Plan (drawing number SC/YE/003) received 5th October 2012;
3. the Existing Layout (drawing number AA2858/EW/01) received 5th October 2012;
4. the Indicative Plan (drawing number SC/YE/003) received 5th October 2012;
5. the General Arrangement Plan (drawing number AA2858/EW/02) received 5th October 2012;
6. the Setting Out and Cut/Fill Plan (drawing number AA2858) received 5th October 2012;
7. the Cross Sections 1-10 (drawing number AA2858/EW/03) received 5th October 2012;
8. the Cross Sections A-F and Culvert (drawing number AA2858/EW/04) received 5th October 2012;
9. the Planning Statement received 5th October 2012;
10. the Flood Risk Assessment received 5th October 2012;
11. the Tree Survey received 5th October 2012;
12. the Design and Access Statement received 5th October 2012;
13. the Environmental Noise Assessment received 5th October 2012;
14. the Extended Phase 1 Habitat Survey received 5th October 2012;
15. the Cultural Heritage Desk-Based Assessment and Archaeological Evaluation Report received 6th March 2013;
16. the Notice of Decision; and
17. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle

District Local Plan 2001-2016.

4. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with BS5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed in writing by the Local Planning Authority. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policy CP3 of the Carlisle District Local Plan 2001-2016.

5. The site shall only be used for storage and for no other purpose. The portacabins and containers shall be stacked a maximum of two high. No vehicles shall be stored on the site.

Reason: To protect the living conditions of the occupiers of the neighbouring dwellings in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and to protect the adjacent watercourse in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

6. The proposed storage area shall not be used except between 07.30 hours and 17.30 hours on Mondays-Saturdays and shall not be used on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby residential occupiers, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No development approved by this permission shall be commenced until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with these details.

Reason: To limit light pollution and to the occupiers of neighbouring properties, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Prior to the site being brought into use, an acoustic barrier designed to the specification proposed in the Environmental Noise Assessment (produced by Noise Control Services and received 5 October 2012) shall be installed in the position shown on the Setting Out & Cut/ Fill Plan (Drawing No. AA2858, received on 5 October 2012), unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the living conditions of the occupiers of the neighbouring properties in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. 1. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) given reference MD0494/REP/001 Rev A and compiled by M Design and the following mitigation measures detailed within the FRA: The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may be agreed, in writing, by the local planning authority.
2. There shall be no creation of impermeable areas draining to the existing watercourse.
3. The drainage scheme shall ensure that it is sufficiently resilient against a 1 in 100 year critical storm event. The surface water run off from the site must not exceed the amount of run off generated prior to the development taking place and must not increase the risk of flooding elsewhere.

Reason: To prevent and mitigate the risks of flooding on and off the site by ensuring the satisfactory storage of/disposal of surface water.

10. No mowing, strimming, excavation or earth moving works shall be carried out on site until a detailed method statement for removing or the long-term management / control of Japanese knotweed on the site is submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed during any works on site. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement subject to any reasonable modification required in writing by the local planning authority.

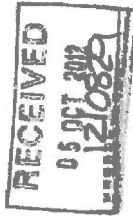
Reason: To prevent the spread of Japanese knotweed which is an invasive species included in Schedule 9 of the Wildlife & Countryside Act 1981, as amended. Any spread of this plant to the vicinity of the on site watercourse would provide a direct pathway to the River Eden SAC.

11. Prior to the use commencing, a scheme for mitigation of existing habitats and the provision and management of compensatory habitats shall be submitted to the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason Otters are a protected species; they and other species are present in the nearby part of the River Eden and minor tributaries. They benefit from the protection and habitats created by the existing bankside/vegetation/shrubs/trees and a scheme is necessary to prevent/mitigate impacts on protected and native species. Where this is not possible, habitats should be compensated for.

12. A plan of bio-security measures to prevent the spread of crayfish plague shall be submitted to the local planning authority prior to development commencing. The plan shall give consideration to construction material, plant and machinery, vehicle and personnel movements on site in order to prevent Crayfish plague being spread. The development shall be carried out in accordance with a plan of bio-security measures agreed in writing by the Local Planning Authority.

Reason To prevent the transmission or spread of Crayfish plague to the River Eden SAC situated a short distance downstream.



PLANNING APP



Story Construction

Yard Extension

Location Plan

PROPOSED	25m	DATE	10/09/11
EXISTING	25m	SCALE	1:500
STANDING	25m	PI	000
PROPH	25m	SC/VE/003	
REPRO	25m	Burgh Road	
REPRO	25m	1	

Story Construction Ltd.
Burgh Road Industrial Estate, Dundee, Dundee DD2 7NA
Tel: 01382 544885 Fax: 01382 544881

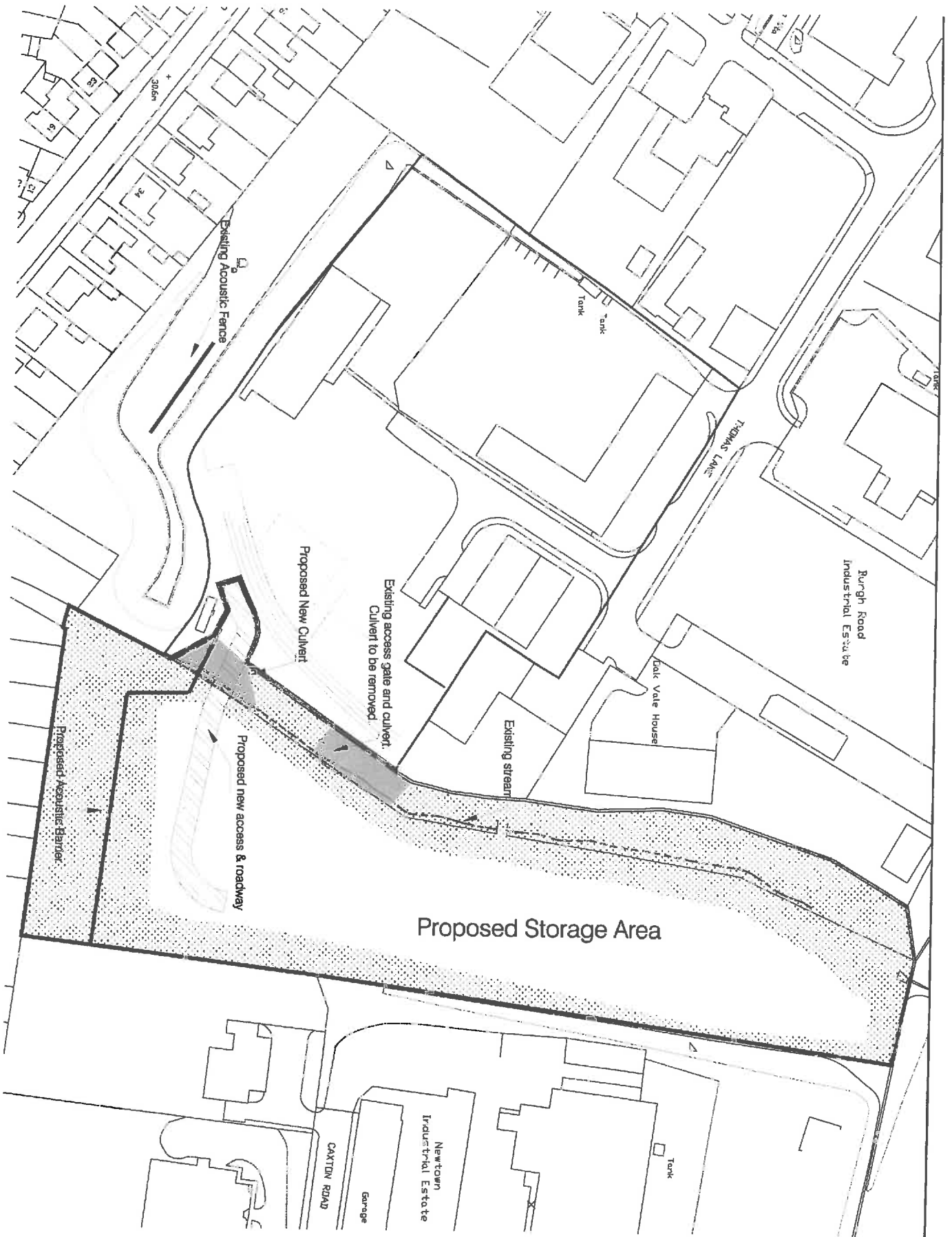


NOTES.

1. TOPOGRAPHICAL SURVEY CARRIED OUT BY SURVEY STATION IN SEPTEMBER 2009.



Rev.	Amendment	By	Checked	Approved	Date
APPROVAL					
Client	Status	Appd.	Date		
STORY LAND					
YARD EXTENSION					
EXISTING LAYOUT					
Drawn	Date	Checked	Date	Approved	Date
WAM	02.06.10	WAM	02.06.10	WAM	02.06.10
ASHER ASSOCIATES					
CORPORATE ARCHITECTS					
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Yard Extension

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DESCRIPTION	Yard Extension
BY	
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