

SCHEDULE A: Applications with Recommendation

21/0677

Item No: 02

Date of Committee: 25/02/2022

Appn Ref No:
21/0677

Applicant:
Fred Proudfoot Ltd

Parish:
Brampton

Agent:
Unwin Jones Partnership

Ward:
Brampton & Fellside

Location: Units 10 and 10b, Townfoot Industrial Estate, Brampton, CA8 1SW

Proposal: Creation Of Vehicular Access To Unit 10 To Provide Separate Accesses And Parking Areas To Both Units With The Erection Of A 1.2M High Fence Between; Change Of Use Of Grassed Area To Eastern Part Of Site To Form Storage Compound With Installation Of 1no. 5M High Flood Lighting Column & 4no. 3M High Flood Lighting Columns And 2M High Fencing Surrounding; Implementation Of Tree Planting On Ground/Bank Between Site And Townfoot Park.

Date of Receipt:
12/08/2021

Statutory Expiry Date
07/10/2021

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Scale And Design
- 2.3 Impact On Residential Amenity
- 2.4 Impact On Biodiversity
- 2.5 Highway Matters
- 2.6 Drainage Matters

3. Application Details

The Site

- 3.1 The application site is located at the southern end of Townfoot Industrial Estate and lies immediately to the north of Carlisle Road. The site currently contains: unit 10 which is occupied by a church; unit 10b which is occupied by a vehicle repair garage; some associated parking areas that lie to the north of the units 10 and 10b and to the west of unit 10; and an undeveloped grass area that lies to the east of unit 10b and which contains a grass embankment at its eastern side. There is a direct access into the site from the main access road into the industrial estate, which lies to the west and this serves both of the existing units.
- 3.2 Residential properties on Townfoot Park lie to the east of the application site and these sit at a higher level than the site. Employment units adjoin the site to the north. The main access road into the industrial estate lies to the west of the site beyond which lies further employment land. A landscaped area, which contains a belt of trees, lies to the south of the site beyond which lies Carlisle Road.

The Proposal

- 3.3 The proposal is seeking to change part of the grass area that lies at the eastern end of the site into a storage area. The storage area would measure 16m in width by 28m in length and would be finished stone. Seventeen storage containers would be located on the site. Eight of these would be located on the western side with nine being located on the eastern side and these would be separated by a 3m wide road which would have a turning area at its southern end.
- 3.4 A new access road would be created along the northern side of the site to serve the storage area. This would also provide a new access to unit 10b, with unit 10 continuing to use the existing access. The plans show a 1.2m timber post and rail fence being erected on the boundary between units 10 and 10b.
- 3.5 The metal storage containers would measure 6.5m in length by 3m in width and would be 2.6m high. The site would be enclosed by a 2m high paladin fence. Four 3m high lighting columns would be located within the site, with one 5m high lighting column being provided along the new access, to the north of unit 10b.
- 3.6 A grass strip, which would be between 13m and 14m wide, would be retained to the east of the storage area to provide a buffer between the site and the residential properties at Townfoot Park, which sit at a higher level than the application site. The submitted plans show seven new fruit trees being planted in the retained grass area.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to 6 neighbouring properties. In response, 11 letters of objection (from 9 households) have been received which make the

following points:

Proposed Use

- the proposed development is very close to residential properties in Townfoot Park;
- the scale of the proposals will cause much anxiety for the mainly elderly residents of those properties;
- this development is inappropriate in that location and more suited to other parts of the estate;

Lighting/ Fencing

- the fencing and high lighting columns are of an oppressive nature and are a visual intrusion for those properties in Townfoot Park;
- concerned that the proposed lighting will directly affect the neighbouring residential properties - the main bedroom, living area and kitchen are all at the back of the property, and with the proposed lights positioned on 5m and 4m high poles, it is believed that they will shine directly into the property causing disruption to daily life;
- there is no information provided as to operation times of the lights or whether they would be on a motion sensor system (which could lead to distracting switching, especially at night and during the winter months) or on permanently;
- how near to the mature hedge and trees on the boundary with the neighbouring properties will the fence and security lights be? - believe that there is currently a 50m strip - how much will this be reduced?;
- what are the times of operation of the lights?;
- increased traffic movement and use of floodlighting during unsocial hours will cause severe disturbance to the adjoining residential properties;
- the proposed fence at 2.4 metres would possibly be an eyesore to the resident of the houses bordering the development, as the height is greater than the existing hedging;
- the replacement of the grass buffer strip with excessively high and unnecessary security fencing and lighting will create significant levels of anxiety and stress for these occupants;

Noise & Disturbance

- unit 10b already causes disturbance by operating during unsocial hours and this will make the intrusion so much worse;
- air pollution and noise from extra movement of vehicles and extra exhaust fumes;
- as the activity of Unit 10b will be brought closer to the Townfoot Park properties there is a concern that the noise levels would be increased;
- there is no information provided as to proposed operation times or what activities might be undertaken in the compound area (mechanical cutting, welding, or incineration for example);
- noise and air pollution from construction site;
- suggest, given the elderly residents of the Townfoot Park properties affected, that a noise curfew of 10pm to 8am weekdays and all-day Sunday would be appropriate;
- in the past, there have been instances where unknown materials have been burnt at this site, leading to noxious smoke being released including

the smell of burning plastic - such activity should be banned at this site;

- proposal will lead to increased levels of noise, dust and airborne pollution to the neighbouring properties;
- it appears that complaints regarding light pollution are already expected - the approach appears to be that of "allow the disturbance and then deal with the complaints later;
- concerns are about what could be stored there ie: flammable liquids, welding bottles, tyres and batteries. Such materials would be a fire risk and would threaten the nearby occupants and their properties;

Biodiversity

- impact on existing wildlife - families of hedgehogs and other animals and bats that regularly use this area
- the grassed area also acts as a wildlife corridor to the beck and the fields beyond (used by a thriving population of hedgehogs).
- the area surrounding the proposed development has many trees and bushes which are a haven for birdlife. The light pollution from these proposals will disturb nesting birds and cause this wildlife to be lost;
- the proposals will disturb other wildlife such as bats, and a bat survey should be undertaken;
- lights if on continually could have an adverse effect on the nocturnal wildlife which visits the area;
- no impact assessment has been carried out for this proposal for its effect on local wildlife. A full wildlife impact assessment by independent consultants should be a requirement for this proposal, with all recommendations to be acted upon;

Other Matters

- will access be allowed for maintenance of these trees and hedges?;
- what is the proposal for stabilising the remaining grassed bank (retaining wall)?;
- reducing the grass area too much could lead to the destabilisation of the local hedges and affect the mature trees already in place (not shown on plan);
- there are alternative nearby units on the industrial estate currently available to let - these already have hardstanding available and renting these should be the preferential option to further development;
- why is there a need to make new access when there is already perfect acceptable access and parking to these properties already, without bring noise and disruption to the residents of Townfoot Park.

4.2 Following the receipt of amended plans, 7 further letters of objections have been received, which make the following points:

- the amended proposal is an improvement on the original application, but is still unacceptable adjacent to residential properties;
- the high lighting columns, particularly that which is 5m high, are still of an oppressive nature and are a visual intrusion for those properties in Townfoot Park - they will be a serious threat to the privacy of residents;
- 1 x 5m and 4 x 3m floodlighting columns would be likely to cause extensive light pollution spread over a wide area, including the nearby residential

properties;

- there will be considerable light intrusion and thus invasion of my privacy - the 3m lights, although lower, will still be a serious intrusion at night, being so close to properties;
- it is questionable what reduction of the halo effect will be gained from the 1 metre reduction in height, and using trees would require tall specimens which would shut out light to the adjoining bungalows, and would also propagate any fire;
- consideration should be given to replacing floodlights with spot lights;
- the two lighting units nearest the residential area should be removed, and introducing cameras would give contact to the police and fire brigade if needed;
- request therefore that the proposed application is rejected on the grounds of unacceptable levels of light pollution;
- as I understand that Unit 10b is in operation all night currently, with considerable disturbance to residents, I can only assume the new proposals will intensify this;
- request a curfew on the use of lighting and movement of vehicles to an acceptable time such as not between 10pm and 7am;
- while the addition of some small trees in the proposal is welcome from a visual basis, this will do little to stop the light intrusion especially while they are small and when they are not in foliage, which is presumably when the lighting will be most used;
- the trees will do nothing to stop noise intrusion.
- should permission be granted should any digging of the ground to the rear of properties cause movement of the earth in that area, thereby causing looseness to the roots of my trees, shrubs and hedges, and should any such trees, shrubs and hedges fall onto the land of the occupier of unit 10b any damage caused to any building or property belonging to the occupier of unit 10b, including removal of any such trees, shrubs and hedges, including debris, the cost of this must be borne by the occupier of unit 10b;
- there is no information as to the size of the trees or what happens in winter when they have lost their leaves - ultimately they are no barrier to the potential nuisance from the lights;
- there is still no information on the hours the lights would operate and if a motion sensor system will be used.

5. Summary of Consultation Responses

Brampton Parish Council: - concerned about the impact of the proposed lighting on neighbouring properties - need to ensure that the lighting is compatible with the locality in terms of (a) its overall appearance and potential visual impacts (b) its relationship with existing properties nearby and (c) its relationship with biodiversity and habitat adjacent to the site and that it is in accord with the objectives of Policies GI3, SP6, EC11 and CM5 of the Carlisle District Local Plan 2015-2030.

Local Environment - Environmental Protection: - no objections subject to conditions (lighting).

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, EC2, IP2, IP3, CM4, CM5, CC5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposal raises the following planning issues.
1. Whether The Proposal Would Be Acceptable In Principle
- 6.4 The site lies within Townfoot Industrial Estate and is identified as a Primary Employment Area in the adopted Local Plan. The principle of developing the site for storage would, therefore, be acceptable in principle.
2. Scale And Design
- 6.5 The proposed storage area would measure 16m in width by 28m in length and would be finished stone. Seventeen storage containers would be located on the site. Eight of these would be located on the western side with nine being located on the eastern side and these would be separated by a 3m wide road which would have a turning area at its southern end. The storage containers would measure 6.5m in length by 3m in width and would be 2.6m high. The proposed scale of the development is considered to be acceptable.
- 6.6 A new access road would be created along the northern side of the site to serve the storage area. This would also provide a new access to unit 10b, with unit 10 continuing to use the existing access. The plans show a 1.2m timber post and rail fence being erected on the boundary between units 10 and 10b.
- 6.7 The site would be enclosed by a 2m high paladin fence. Four 3m high lighting columns would be located within the site, with one 5m high lighting column being provided along the new access, to the north of unit 10b.
- 6.8 A grass strip, which would be between 13m and 14m wide, would be retained to the east of the storage area to provide a buffer between the site and the residential properties at Townfoot Park, which sit at a higher level than the application site. The submitted plans show seven new fruit trees being planted in the retained grass area.
- 6.9 In light of the above, the proposed scale and design of the development is considered to be acceptable.
3. Impact On Residential Amenity

- 6.10 Bungalows adjoin the site directly to the east and a number of letters of objection have been received which raise concerns about the impact of the proposed development on the occupiers of these dwellings. The main concerns relate to the impact of the lighting and noise and disturbance from the proposed use.
- 6.11 The lightning columns within the site have been reduced from 5m to 3m. Given the change in levels between the site and the neighbouring properties and the presence of boundary treatment to the rear of these properties, 3m lightning columns would not have an adverse impact on the occupiers of these dwellings. The lights can be designed to ensure that light is contained within the site and the hours that the lights are operational can be controlled by timers. A condition has been added to the permission which requires the applicant to submit details of the proposed lightning for approval by the local planning authority prior to its installation. Whilst one 5m lightning column is proposed this would be sited over 50m from the nearest residential property. The details of the this light and its hours of operation would also need to be agreed with the local planning authority.
- 6.12 A condition has also been added at the request of Environmental Health, which requires the operator of the site to investigate any complaints relating to light overspill from the proposed lighting columns and to remedy this issue to the satisfaction of the local planning authority.
- 6.13 Concerns have also been raised about potential noise and disturbance from the proposed development. A number of the objections make reference to the existing vehicle repair business and the noise issues that this causes. The proposal is seeking to use the site for storage and the containers might help to reduce noise from the existing vehicle repair business by acting as a buffer between that business and the dwellings on Townfoot Park. In order to ensure that the storage business does not cause noise issues a condition has been added to the permission to restrict the hours of use of the site from 7.30am to 8pm from Monday to Friday and from 9am to 6pm on Saturdays and Sundays.
- 6.14 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties.

4. Impact On Biodiversity

- 6.15 A number of objectors have raised concerns about the loss of the grass strip and the impact that this could have on local wildlife. A 13m to 14m grass strip would be retained and the proposed plans show some new fruit trees being planted in this area and this would have a positive impact on biodiversity. A landscaping condition has been added to the permission which requires the applicant to submit details of the proposed trees to be planted for approval by the local planning authority.

5. Highway Matters

6.16 The proposal is seeking to create a new access from the main road into the industrial estate, which lies directly to the west of the application site. Visibility splays of 43m are achievable in both directions from the proposed access. The first 10m of the new access would be tarmac and an ACO drain would be installed at the western end of the access road to prevent surface water discharging onto the highway.

6.17 The proposal would not, therefore, have an adverse impact on highway safety.

6. Drainage Matters

6.18 The majority of the access road and storage area would be finished in stone and would therefore be permeable. The first 10m would be tarmac and an ACO drain would be installed within this area and this would take surface water to a soakaway. The surface water from the roofs of the containers would infiltrate into the stone area or the adjacent grass area.

6.19 In light of the above, the proposed surface water drainage would be acceptable.

Conclusion

6.20 The proposal would be acceptable in principle. The scale and design of the proposal would be acceptable and it would not have an unacceptable impact on the living conditions of the occupiers of any neighbouring properties, on biodiversity or on highway safety. In all aspects, the proposal is considered to be compliant with the relevant policies in the adopted Local Plan.

7. Planning History

7.1 In 2019, full planning permission was granted for the change of use from B1/B8 (Business/Storage/Distribution) to D1 (Place Of Worship) (application reference 18/0969) at Unit 10.

8. Recommendation: Grant Permission

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

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

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

1. the submitted planning application form, received 10th February 2022;

2. Site Location Plan (Dwg 001), received 11th August 2021;
3. Proposed Site Plan (Dwg 003b), received 24th December 2021;
4. Proposed Site Plan (Dwg 004), received 11th August 2021;
5. Site Sections/ Elevations (Dwg 008), received 9th February 2022;
6. the Notice of Decision;
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to their installation on site, details of the proposed lighting, including hours of operation, shall be submitted for approval in writing by the local planning authority. The lighting shall then be installed in strict accordance with these details.

Reason: To ensure that the proposed lightning does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The approved storage containers shall only be in use between 07:30 hours and 20:00 hours on Mondays-Fridays and between 09:00 hours and 18:00 hours on Saturdays and Sundays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No development shall take place until full details of the proposed 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 development being brought into use. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. No part of the site shall be used for any form of open storage.

Reason: To safeguard the visual amenities of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and

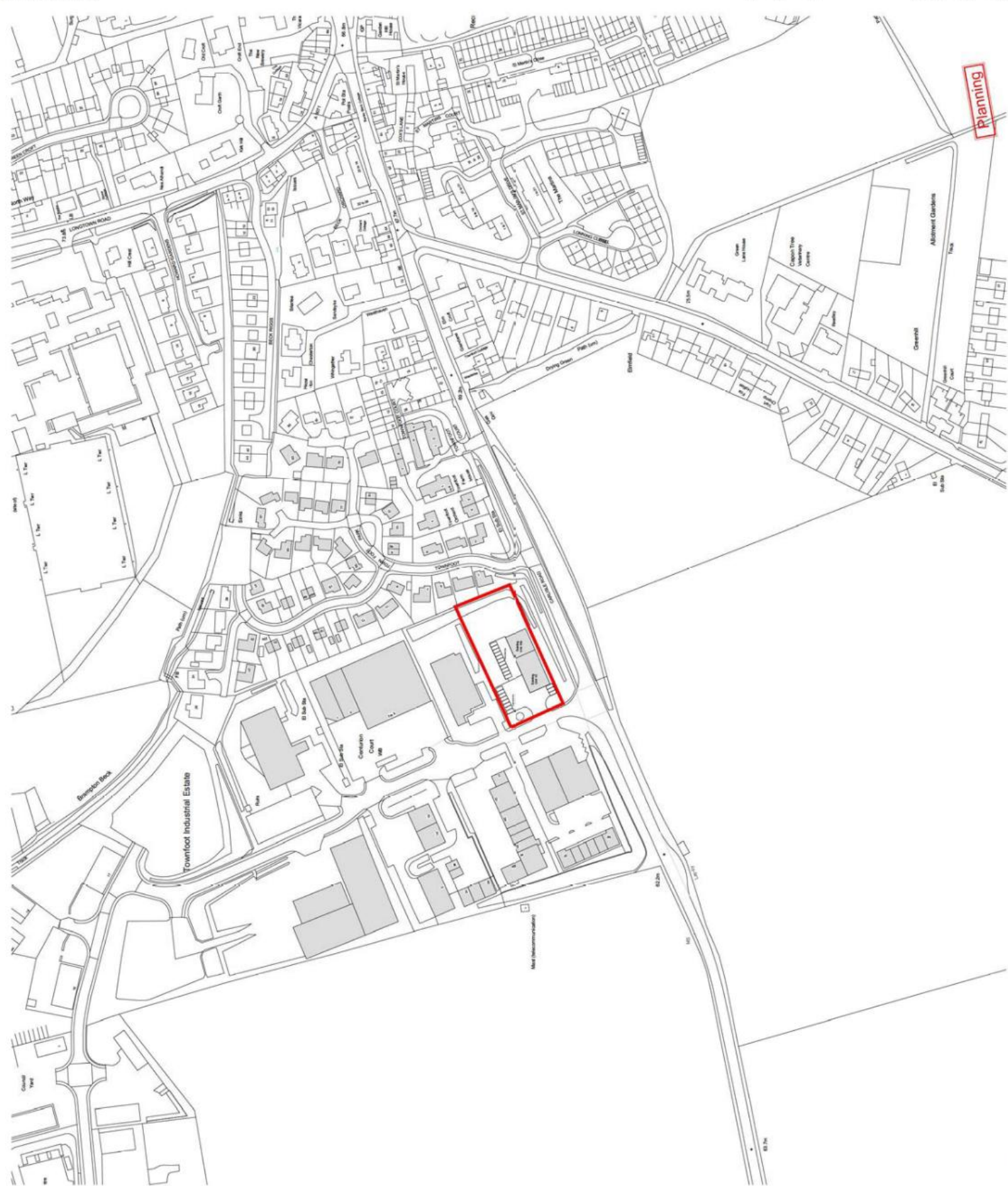
Saturdays nor after 18:00 hours on weekdays and 13:00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

8. In the event that a complaint is received, relating to light overspill from the proposed lighting columns: Within 28 days from the receipt of a written request from the local planning authority, the operator of the facility shall, at the operators expense, employ an independent consultant approved by the local planning authority, to assess the level of light overspill from the facility, at the complainant's property. This should be carried out in accordance with the most appropriate current standard 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 mitigation to the local planning authority, to utilise any appropriate on-site measures as is necessary, to ensure that any light overspill from the site is reduced to an acceptable level. This scheme shall specify the timescales for implementation.

Reason: To ensure that the proposed lightning does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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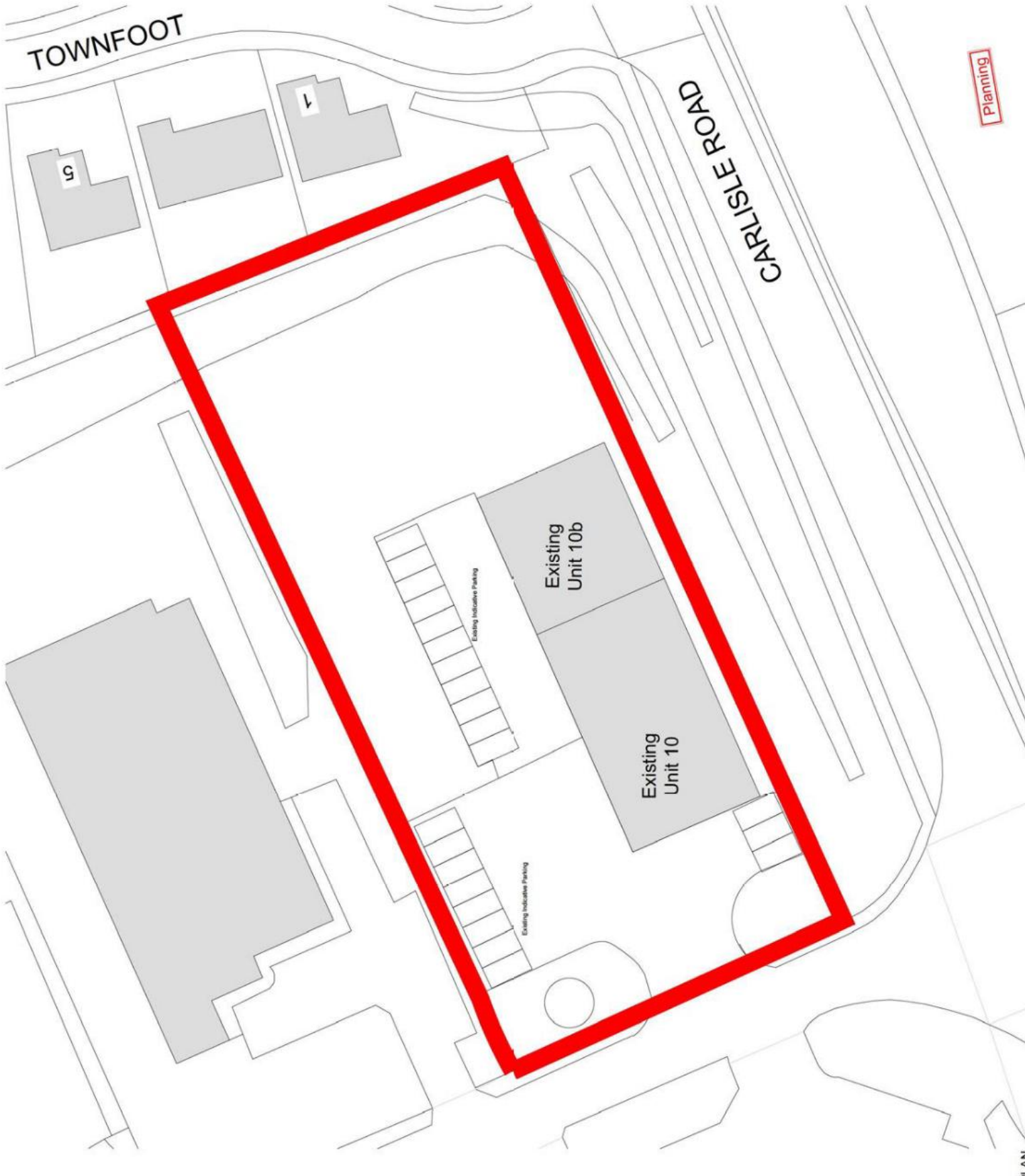
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Building sizes taken from Google satellite images.

REVISIONS
A. Sizes of individual units has been corrected.
Proposed entrance has therefore been revised.
Name: EC
Date: 20/07/21

Fred Proudfoot Ltd.
Unit 10 and 10b Townfoot Industrial Estate
Brampton
Additional Parking and Access
Site Location Plan

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1:0 5 10 15 20 25m
Scale 1:200



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REVISIONS
A. Sizes of individual units has been corrected.
Proposed entrance from TOWNFOOT has been moved.
Name: EC
Date: 20/07/20

Fred Proudfoot Ltd.
Unit 10 and 10b Townfoot Industrial Estate
Brampton
Additional Parking and Access
Existing Site Plan

Drawn: JGJ 1:200
Date: June 21
Rev: 002
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Scale 1:100
1 2 3 4 5 6 7 8 9 10 11 12m



Planning

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Building sizes taken from Google satellite images.

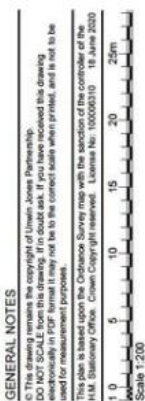
REVISIONS
A. Sizes of Individual Units have been corrected.
Proposed entrance from Shopping Area moved.
Name: EC
Date: 20/07/21

Fred Proudfoot Ltd.
Unit 10 and 10b Townfoot Industrial Estate
Brampton
Additional Parking and Access
Proposed Site Plan

Drawn: JG
Date: 1/10/20
Checked: JG
Date: 04/11/20
Rev: 1
Date: 21/06/21
Rev: 004
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Fred Proudfoot Ltd.
Unit 10 and 10b Townfoot Industrial Estate
Brampton
Additional Parking and Access
Proposed Site Plan

NAME	NAME	DATE
A. Strick of Individual Units has been corrected.	EC	20/10/21
Proposed entrance has therefore been moved.		
Subsidence realised and identified	PA	15/12/21



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1 0 1 2 3 4 5 6 7 8 9 10 11 12m

Scale 1:100



IMAGE OF PALADIN FENCE



Image to No2 (RHS) and No 1 (LHS) Townfoot



Gate to No 1 Townfoot with higher hedge/line to No 2



2100 hedge line to No 1

Fred Proudfoot Ltd.
Unit 10 and 10b Townfoot Industrial Estate
Brampton
Site Sections (Approx)

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