
Application for Planning Permission Notice of Approval

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure)

(England) Order 2010

Applicant: Agent: (if any)

North Associates
The Slack
Wigton
Cumbria
CA7 0LX

Taylor & Hardy Limited
North House
Kingstown
Carlisle
Cumbria
CA3 8UU

Part 1 - Particulars of Application

Date of Application: 07/10/2014

Application Number: 14/0849

Particulars and Location of Proposal:

Proposal:

Erection Of A Retail Unit And Multi-Storey Car Park Together With The Formation Of A New Vehicular Access From Georgian Way

Location:

Car Park, Eastern side of Lowther Street, Lowther Street, Carlisle, CA3 8DP

Part 2 - Particulars of Decision

In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

1. The development shall be begun not later than the expiration of 5 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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form received 7th October 2014;
 2. the Location Plan (drawing ref 13-40 PL 203B) received 26th February 2015;
 3. the Proposed Block Plan (drawing 13-40 PL 202B) received 26th February 2015;
 4. the Potential Site Access Arrangement (drawing ref A081415-P013) received 26th February 2015;
 5. the Topographical Site Survey (drawing ref 13-40 PL 200A) received 7th October 2014;
 6. the Existing Street Elevations (drawing ref 13-40 PL 201A) received 7th October 2014;
 7. the Proposed Floor Layouts (drawing ref 13-40 PL 300F) received 26th February 2015;
 8. the Proposed Floor Layouts (drawing ref 13-40 PL 301C) received 26th February 2015;
 9. the Proposed Floor Layouts (drawing ref 13-40 PL 302C) received 26th February 2015;
 10. the Proposed Floor Layouts (drawing ref 13-40 PL 303C) received 26th February 2015;
 11. the Proposed Floor Layouts (drawing ref 13-40 PL 304C) received 26th February 2015;
 12. the Proposed Floor Layouts (drawing ref 13-40 PL 305C) received 26th February 2015;
 13. the Proposed Contextual Elevations As Sketch Up Model (drawing ref 13-40 PL 401E) received 26th February 2015;
 14. the Proposed Elevations Sheet 1 As Sketch Up Model (drawing ref 13-40 PL 402E) received 26th February 2015;
 15. the Proposed Elevations Sheet 1 As Sketch Up Model (drawing ref 13-40 PL 403E) received 26th February 2015;
 16. the Design and Access and Heritage Statement received 7th October 2014;
 17. the Phase 1: Desk Top Study Report Preliminary Risk Assessment received 7th October 2014;
 18. the Phase 2: Ground Investigation Report received 7th October 2014;
 19. the Planning Statement received 7th October 2014;
 20. the Preliminary Ecological Appraisal received 7th October 2014;
 21. the Bat Emergence Survey received 7th October 2014;
 22. the Geoarchaeological Assessment received 7th October 2014;
 23. the Ground Penetrating Radar Survey received 7th October 2014;
 24. the Transport Assessment received 7th October 2014;
 25. the Archaeological Desk Based Assessment received 7th October 2014;
 26. the Flood Risk Assessment received 7th October 2014;
 27. the Planning Statement Addendum received 26th February 2015;
 28. the Transport Statement Addendum received 26th February 2015;
 29. the Design and Access Supplement received 26th February 2015;
 30. the Notice of Decision; and
 31. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the objectives of Policy LE19 of the Carlisle District Local Plan 2001-16 are met and to ensure a satisfactory external appearance for the completed development.

4. 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 any work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies LD5, LD7 and LD8

5. Details of the proposed crossings of the highway verge and/or footpath linkages/improvements to Spring Gardens Lane and Chapel Street shall be submitted to the local planning authority for approval. The development shall not be commenced until the details have been approved and the use shall not commence until the crossings/improvements have been constructed to the satisfaction of the local planning authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety. To support Local Transport Policies; LD5, LD7, LD8

6. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the local planning authority. The Gate shown on drawing No A081415-P013, shall be of a type which cannot open outwards into the highway and should only be opened with the approval of the Local Highway Authority, or by agreement between the applicant and the LHA.

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

7. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the local planning authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management. To support Local transport Plan policies: LD7, LD8

8. Before the development is occupied the existing accesses shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved by the local planning

authority.

Reason: To minimise highway danger and the avoidance of doubt. To support Local Transport Plan Policies: LD5,LD7, LD8

9. Development shall not be begun until a Car Park Management Plan including details of its signage and access control, as well as servicing arrangements and timing has been agreed by the LPA. The Car Park Management Plan shall be carried out as approved.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety.

11. The use shall not be commenced until the access, parking and servicing requirements have been constructed in accordance with the approved plan. Any such access, parking or servicing provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan policies: LD5, LD7.

12. Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives. To support Local Transport Plan Policies: WS1, LD4

13. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

This written scheme of investigation will include the following components:

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

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains

14. Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development

15. The development shall be landscaped in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority which shall indicate the proposed types, species planting heights and planting densities of all trees and shrubs to be planted. The scheme shall be implemented during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or wilfully destroyed within the following five years shall be replaced by appropriate nursery stock.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-16.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

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

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy LE29 of the adopted Carlisle District Local Plan 2001-16.

17. The proposed retail unit shall not be open for trading except between 08:00 hours and 22:00 hours on Mondays-Saturdays or between 10:00 hours and 17:00 hours on Sunday.

Reason: To prevent disturbance to nearby residential occupiers and in accord with Policy CP6 of the Carlisle District Local Plan 2001-16.

18. No deliveries to or from the retail unit hereby permitted shall take place before 07:00 hours or after 22:00 hours on Mondays to Saturdays and 08:00 hours to 18:00 hours on Sundays.

Reason: To safeguard the living conditions of neighbouring residents in accordance with policy H6 of the Carlisle District Local Plan (2001-16)

19. The maximum gross floorspace of the retail unit hereby permitted shall not exceed 3,438 square metres; and there shall be at no time any additional floorspace created, whether by extension, internal alterations including installation of mezzanine floors, or roofing over of outdoor areas, unless approved in writing by the local planning authority.

Reason: In order to control the precise nature and scale of the retail development.

20. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants.

21. Prior to commencement of development, details for how foul and surface water shall be drained shall be submitted to the local planning authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory means of foul and surface water disposal

and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

22. The development shall be carried out in compliance with the recommendations contained in the Bat Emergence Survey received 7th October 2014. If any bats are found during work, all work must stop and Natural England contacted immediately on how to proceed.

Reason: In order to avoid harm to protected species of wildlife in accordance with Policy CP2 of the Carlisle District Local Plan 2001-16.

23. Details of the design of the emergency access gates shall be submitted to and approved in writing by the local planning authority. The gates shall then be installed in accordance with the approved design.

Reason: To ensure the development accords with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-16

24. The development shall not be brought into use until details of a delivery/service yard management plan have been submitted to and approved, in writing by the Local Planning Authority. The approved Management Plan shall thereafter be implemented and operated in all respects, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the living conditions of neighbouring residents by providing satisfactory measures to reduce the noise disturbance resulting from the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Date: 10/11/2015

Signed:

Jane E Meek
Director of Economic Development

Advisory Statement(s)

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
- ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.

- . The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as

originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- It should be noted that the footpath shown on the submitted plan, linking the site to Spring Gardens Lane, should be dedicated to highway to ensure its status in future years. The improvements to Spring Gardens Lane should ensure that pedestrians and people with impaired mobility can negotiate roads and road junctions in relative safety and ease.

- The planning permission is linked to a Section 106 Agreement which is intended to cover the following matters:

cycling infrastructure, information point and to consider the appropriateness of a travel plan administration fee.

Important Note

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

Notice to Applicant of Rights of Appeal

- Where an application for planning permission has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- Appeals must, however be made within six months of the date of this notice. Appeal forms can be submitted electronically via the Planning Portal at

www.planningportal.gov.uk/planning/appeals/online/makeanappeal

Alternatively they can be obtained from the following address: -

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Telephone: 0303 444 50 00

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special

circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Further Information

- The Planning Portal web site (www.planningportal.gov.uk) contains a range of planning-related guidance and services, which are useful at both the application and appeal stage.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.