

SCHEDULE B

SCHEDULE B

SCHEDULE B: Applications Determined by Other Authorities

Item No: 12

Between 07/11/2019 and 18/12/2019

Appn Ref No:
19/9004

Applicant:
Mrs Rebecca Oliver

Parish:
Kingmoor

Date of Receipt:
05/06/2019

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Belah & Kingmoor

Location:
Cargo Hill Farm, Cargo, Carlisle, CA6 4AL

Grid Reference:
336617 560158

Proposal: Importing Waste Soils And Inert Materials Under The Provisions Of A Recovery Permit, Issued By The Environment Agency In Order To Extend An Embankment Supporting A Residential Property (Initial Planning Consent Approved 09/09/2013)

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 25/06/2019

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 13/12/2019

A copy of the Notice of the decision of the Determining Authority is printed following the report.



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

NOTICE OF PLANNING PERMISSION

To: North West Recycling Ltd
Unit A
Rockcliffe Est
Rockcliffe
CA6 4RW

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 4 June 2019.

viz: Importing waste soils and inert material under the provisions of a Recovery Permit, issued by the Environment Agency, in order to extend an embankment supporting a residential property. Initial Planning consent approved 09/09/2013.

Cargo Hill Farm, road leading from Kingmoor Road junction to bridge south of Rockcliffe Estate, Cargo, Carlisle, CA6 4AL

Subject to due compliance with the following conditions:

Conditions

Time Limit for Implementation of Permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out in accordance with the following:
 - a. The submitted Application Form – dated 18 March 2019
 - b. Waste Recovery plan – dated 2/16/2016
 - c. Flood Risk Assessment – dated 29 /1/2019
 - d. Pre-development Arboricultural report – dated 8/11/2018
 - e. RA Construction Management System – dated July 2016
 - f. Plans named and numbered:
 - i) Site Location Plan – 3731/634/06
 - ii) Topographical Survey – NWR-001-001
 - iii) Proposed Bank Stabilisation – NWR-001-002
 - iv) Concept Plan Version 2 November 17 (prepared by Buzy Lizzie)

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

3. No site construction work, delivery or removal of materials shall take place on the site outside the hours of:

07:00 to 18:00 Monday to Fridays
08:00 to 13:00 Saturday

No site construction work, delivery or removal of materials shall take place on Sundays; Bank Holidays and/or other Public Holidays.

Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents in compliance with Policy DC2 of the Cumbria Minerals and Waste Local Plan (2015 — 2030).

4. The access road from the site to the public highway shall be kept clean and free of potholes for the life of this permission. Any mud or debris carried onto the highway shall be cleaned up at the end of the day.

Reason: In the interests of highway safety, in accordance with Policy DC1 of the Cumbria Minerals and Waste Local Plan (2015 — 2030)

5. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use silencers

Reason: To protect the amenities of local residents in accordance with Policies DC2 and DC3 of the Cumbria Minerals and Waste Local Plan (2015 — 2030).

6. Any audible reversing warning system used on mobile plant including that hired or otherwise contracted in, shall be a white noise type only.

Reason: To protect the amenities of local residents in accordance with Policies DC2 and DC3 of the Cumbria Minerals and Waste Local Plan (2015 — 2030).

7. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place. Any minor variation to the species planted shall be submitted for approval in writing by the Mineral Planning Authority and once approved, implemented in full.

Reason: To secure the satisfactory establishment of the tree planting in the interests of visual amenity, in accordance with Policy DC18 of the Cumbria Minerals and Waste Local Plan (2015 — 2030).

8. Upon completion of the final spreading of soils, but prior to sowing seed, a topographic survey of the site shall be undertaken to demonstrate compliance with the approved levels. This survey shall be submitted to the Local Planning

Authority within 2 weeks of completion. Any areas that are above the contours shown on drawing NWR-001-002 shall have soils stripped back and surplus material removed from site within 8 weeks of the completion of survey, the soils replaced and grass seed sown

Reason: To enable the County Planning Authority to monitor the restoration of the site to ensure compliance with the planning permission.

Dated 13 December 2019

Signed: Angela Jones
Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
 - The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/19/9004>
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
-

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.
5. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pcs](https://www.planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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 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 (District Council, London Borough Council or Common Council of the City of London) 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.



KEY:

- Application boundary
- Land under the control of the Applicant

Scale Bar (1:2,500)

0 m 100 m 200 m



Oaktree Environmental Ltd
Waste Management and
Environmental Consultants
 Lime House, 2 Road Two,
 Winsford Industrial Estate
 Winsford, Cheshire CW7 3QZ
 Tel: 01606 558833
 E-mail: sales@oaktree-environmental.co.uk

Client: Rick Allan
 Site: Cargo Hill Farm, Cargo, Carlisle
 NGR: NY 36605 60142
 Date: 21 May 2019
 Scale: 1:2,500
 Client No: 634

Printed At: A3
 Drawn By: CG
 Checked:

Notes:

- (1) Boundaries are shown indicatively.

Revision Details:

Rev:	Description:	Date:
-	Initial drawing	31/01/19
A	Minor amendment	31/01/19
B	Scale changed to 1:2,500	29/03/19
C	Blue line amendment	21/05/19

Title: Site Location Map

Drawing No: 3731/634/06

SCHEDULE B: Applications Determined by Other Authorities

Item No: 13

Between 07/11/2019 and 18/12/2019

Appn Ref No:
19/9013

Applicant:
Hanson Quarry Products
Europe Limited

Parish:
Hayton

Date of Receipt:
07/10/2019

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Brampton & Fellside

Location:
Low Gelt Quarry, Low Gelt Bridge, Brampton,
Carlisle CA8 1SY

Grid Reference:
352135 558553

Proposal: Variation Of Conditions 1,2,30 And 32 Of Planning Permission
09/9033/CTY To Extend The Time Period Permitted For Mineral
Extraction And Restoration And To Amend The Restoration Scheme

Amendment:

REPORT

Case Officer: Barbara Percival

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 17/10/2019

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 15/11/2019

A copy of the Notice of the decision of the Determining Authority is printed following the report.



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

NOTICE OF PLANNING PERMISSION

To: Hanson UK
3 Deighton Close
Wetherby
West Yorkshire
LS22 7GZ

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 7 October 2019.

viz: Variation of Conditions 1, 2, 30 and 32 of Planning Permission 1/09/9033 to extend the time period permitted for mineral extraction and restoration and to amend the restoration scheme.

Low Gelt Quarry, Brampton, Cumbria, CA8 1SY

Subject to due compliance with the following conditions:

Time Limit

1. This permission shall be for a limited period only expiring on 31 December 2026, by which date the mineral extraction operations hereby permitted shall have ceased. All buildings, plant and machinery, including foundations and hardstandings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme by 31 December 2027.

Reason: To limit the operational period as mineral working is a temporary use of the land and to secure the proper and timely restoration of the site following the approved operational period in accordance with Policies SP16 and DC22 of the Cumbria Minerals and Waste Local Plan 2015-2030 (CMWLP).

Approved Scheme

2. The development hereby permitted shall be carried out in accordance with the following:
 - a. The Minerals Planning Application form dated 6 July 2009;
 - b. The Environmental Statement including Appendices dated June 2009;
 - c. The Supporting Statement dated June 2009;
 - d. The Planning Statement dated September 2019;
 - e. The Plans/Drawings numbered, named and dated:
 - i) D118070.SS.002 – Site Layout Plan - 9 June 2009;
 - ii) D118070.ES.005 – Extraction Phase 1A - 9 June 2009;
 - iii) D118070.ES.006 – Extraction Phase 1B - 9 June 2009;
 - iv) D118070.ES.007 – Extraction Phase 2A - 9 June 2009;

- v) D118070.ES.008 – Extraction Phase 2B - 9 June 2009;
- vi) 009-12-d5-Rev.E - Alternative Restoration Masterplan - 21 Sept 2018;
- vii) 009-12-d9-Rev.A – Site Sections – 24 January 2019;
- viii) 009-12-d8-Rev.A – Final Restoration Scheme Reinstated footpath typical sections – 24 January 2019;
- ix) 009-12-02-Rev.G – Restoration Planting Proposals to Discharge Condition 30 of PP 1/09/9033 – 24 January 2019;
- x) S3 Fencing Specification – Stock Proof Fencing – Mild steel;
- f. Phase 1 Ecology Survey – dated May 2018;
- g. Reptile Survey - dated July 2019;
- h. Invertebrate Habitat Assessment - dated August 2019;
- i. Aftercare Strategy – dated September 2019;
- j. The details or schemes approved in accordance with the conditions attached to this permission.

Reason: To ensure the site is worked and restored in accordance with the approved scheme and to avoid confusion as to what comprises the approved scheme.

Approved Scheme Availability

3. A copy of the approved scheme, and any other documents subsequently approved in accordance with this permission, shall always be available on site for inspection during normal working hours until the satisfactory completion of restoration operations. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure that those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

Removal/Restriction of Permitted Development Rights

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting that Order), planning permission shall be sought and obtained from the Local Planning Authority, before any buildings, structures or erections, plant or machinery (other than those shown on the approved drawings) are erected on the site or on any ancillary mining land.

Reason: To maintain control over additional built development on the site in the interest of minimising the sites landscape and visual impact in accordance with policies DC2 & DC18 of the CMWLP.

Permanent Cessation of Mineral Working

5. In the event that mineral working permanently ceases prior to the full implementation of the approved scheme, a revised scheme to include details of the restoration, aftercare and a timescale for the completion of the restoration works shall be submitted for approval to the Mineral Planning Authority, within 6 months of the permanent cessation of working. Once approved, such a revised scheme shall be fully implemented unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To secure the proper restoration of the site in the event that operations cease prior to the full implementation of the scheme, in accordance with policies SP16 and DC22 of the CMWLP.

Temporary Suspension of Mineral Working

6. In the event that mineral extraction is temporarily suspended for a period of exceeding one year, then within 14 months of the suspension of mineral extraction an interim restoration scheme and timetable for its completion shall be submitted to the Mineral Planning Authority for written approval. The approved interim restoration scheme shall then be implemented in its entirety.

Reason: To secure the satisfactory interim restoration of the site in the event of the temporary cessation of mineral working in the interests of local and visual amenity in accordance with policies SP16, DC2, DC18 & DC22 of the CMWLP.

Notification of Temporary Suspension

7. If the operations hereby permitted are suspended for a period of three months or more, then the operator shall give written notification to the Mineral Planning Authority of the date on which the operations were suspended. Written notification shall also be given to the Mineral Planning Authority prior to the resumption of operations following a temporary suspension.

Reason: To enable the Mineral Planning Authority to determine the extent of any periods when the development hereby permitted is suspended and to seek the interim restoration of the site where appropriate.

Extraction Depth Limit

8. No winning or working of minerals shall take place below 82m AOD.

Reason: To protect groundwaters from adverse impact as a result of potentially artificially modified groundwater flow caused by the quarry, in accordance with Policy DC20 of the CMWLP.

Groundwater Level Monitoring

9. Groundwater levels shall be monitored monthly at the existing piezometers and the results of such monitoring made available within 14 days of a written request for from the Mineral Planning Authority. Should a piezometer be lost or damaged it shall be replaced at a location and on a timescale agreed in writing by the Mineral Planning Authority.

Reason: To protect groundwaters from adverse impact as a result of potentially artificially modified groundwater flow caused by the quarry, in accordance with Policy DC20 of the CMWLP.

Operation Hours

10. No operations, including the loading or transportation of minerals or operation of quarry plant, shall take place on site outside the hours:

07.00 to 19.00 hours Mondays to Fridays

07.00 to 13.00 hours on Saturdays.

No operation of quarry plant or loading or transportation of minerals, shall take place on Sundays or on Bank or Public Holidays.

However this condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with Policy DC 2 of the CMWLP.

Traffic Impact – Production Export Limit

11. No more than 150,000 tonnes of mineral shall be transported from the site in any calendar year.

Reason: To ensure traffic movements do not exceed current levels in the interest of highway safety in accordance with Policy DC1 of the CMWLP.

Approved Access

12. Access to the site shall be via the existing access and no other access shall be used except as may be required in an emergency.

Reason: In the interests of local amenity and highway safety in accordance with Policies DC1 and DC2 of the CMWLP.

Direction of Travel of Egressing Traffic

13. All traffic leaving the site shall turn right onto the County Road U1107 and the notice erected upon the site access road instructing all drivers of heavy goods vehicles to turn right when leaving the site shall be maintained for the duration of quarrying operations.

Reason: To ensure that HGV drivers are aware of the agreed vehicle route from the site in the interest of highway safety and amenity, in accordance with Policy DC 1 of the CMWLP.

Diverted Public Footpath

14. The fence constructed along either side of the diverted route of the footpath (no 117003) shall be maintained and the route kept clear of all obstructions to allow unimpeded access along it for the duration of the quarrying and restoration operations.

Reason: To protect the integrity of the diverted public right of way in accordance with Policy DC2 of the CMWLP.

Noise Limit

15. Except in the circumstances allowed under Condition 16 of this permission, noise levels attributable to the approved quarrying and any ancillary operations carried out under the terms of these conditions, shall not exceed 55dB(A) (LAeq, 1 hour free field) as measured at any noise sensitive property.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site in accordance with Policies DC2 and DC3 of the CMWLP.

Noise Limit for Temporary Operations

16. Notwithstanding the requirements of Condition 15 of this permission and only when given prior written approval by the Mineral Planning Authority, the noise levels arising from any temporary activities required for the implementation of

this permission; for example, soil/overburden stripping and the construction of screening mounds, shall not be permitted to exceed 70 dB(A) (LAeq, 1 hour free field) as measured at any noise sensitive property, and any such temporary operations that may give rise to this level of noise shall not be carried out so as to exceed a cumulative period of 8 week in any 52 week period. No such temporary activities shall be carried out outside of permitted working hours.

Reason: To limit the periods within which these noisier operations may take place to protect the amenity of local residents in accordance with Policies DC2 and DC3 of the CMWLP.

Safeguarding of the Water Environment from chemicals and fuels

17. Any chemical, oil or diesel storage tanks on the site shall be sited on impervious bases and surrounded by impervious bund walls; the bunded areas shall be capable of containing 110% of the largest tank's volume and should enclose all fill and drawpipes. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall discharge downwards into the bund.

Reason: To avoid the pollution of any watercourse or groundwater resource in accordance with Policy DC20 of the CMWLP.

Control of Dust

18. The operator shall maintain on site at all times a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access road, haul roads, working areas, plant area and stockpiling areas with water to satisfactorily suppress dust to ensure that it does not constitute a nuisance outside the site.

Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the CMWLP.

Sheeting of Vehicles

19. All vehicles used to transport mineral from the site onto the public highway shall be sheeted so as to not deposit any material upon the highway.

Reason: To ensure that material is not released into the air or deposited upon the highway in the interest of local amenity and highway safety, in accordance with Policies DC1 and DC2 of the CMWLP.

Avoiding Tracking-Out of Material

20. Efficient means shall be utilised to ensure that no slurry, mud or other material from the site is deposited upon the public highway by vehicles leaving the site.

Reason: To prevent vehicles carrying material on to the public highway in the interests of highway safety in accordance with Policy DC1 of the CMWLP.

Care of Boundaries, Hedges and Walls

21. The developer shall maintain and make stockproof, until the restoration is

completed, all the existing perimeter hedges, walls and fences within his control and protect the same from damage. Where the site boundary does not coincide with the existing hedge or fence, then the developer shall provide and maintain, until the restoration is completed, stockproof fencing with gates or cattle grids at every opening. Undisturbed hedgerows within or bounding the site shall be carefully maintained and trimmed at the proper season throughout the period of working and restoration of the site.

Reason: To secure the proper management of undisturbed enclosures on the site and to ensure that stock do not enter the working areas, in accordance with Policy DC2 of the CMWLP.

Soil Retention and Survey

22. All topsoil and subsoil shall be retained on the site. After the formation of any soil storage mound the quantity of soil shall be surveyed by the operator and details of the volume and location shall be provided to the Mineral Planning Authority within 14 days of written request for such.

Reason: To ensure that all the available soils are kept for use in the restoration of the site in accordance with Policies DC21 and DC22 of the CMWLP.

Soil Handling

23. All soil stripping, excavation from store, storage, movement and placement activity shall be undertaken in accordance with provisions sets out in paragraphs 3.1.1 and 3.1.2 of the Aftercare Strategy dated September 2019 and shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils.

Reason: To prevent any avoidable damage to the structure of the site soils so as to ensure that the soil resource at the site is maintained in a viable condition so to aid the successful restoration of the site in accordance with Policy DC21 of the CMWLP.

Separate Stacking

24. All topsoil, subsoil, soil-making material and other overburden which has been stripped or removed shall be stacked separately in accordance with the approved scheme.

Reason: To secure the satisfactory storage and retention of overburden and soils for restoration in accordance with Policies DC21 and DC22 of the CMWLP.

Management of Soil and Overburden Stacks

25. All non-operational areas of the site and all topsoil, subsoil and overburden stacks visible from the road or the diverted footpath shall be sown to grass in the first available planting season and shall be kept free from noxious agricultural weeds – with steps taken to destroy such weeds at early stages of growth to prevent seeding.

Reason: In the interests of visual amenity and to prevent the spread of noxious weeds on to the restored areas of the site and surrounding farm land in accordance with Policy DC2 of the CMWLP.

Ongoing Ecological Avoidance and Mitigation Measures

26. The recommended ecological avoidance and mitigation measures contained within the specified sections of the following documents set out below shall be applied during the working and restoration of the site:
- a. Section 5.3 of the Phase 1 Ecology Survey dated May 2018 in respect of Breeding Birds, Bats and Badgers;
 - b. Section 5 of the Reptile Survey dated July 2019;
 - c. Section 5 of the Invertebrate Habitat Assessment dated August 2019;
 - d. Paragraph 4.25 of the Planning Statement dated September 2019 in respect of Sand Martins.

Reason: To protect habitats and species and maintain biodiversity in accordance with Policy DC16 of the CMWLP and ensure compliance with The Conservation of habitats and Species Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended).

Maintenance of Tree, Hedgerow and Shrub Planting

27. All trees, hedgerows and shrubs planted in accordance with the requirements of this permission shall be protected, managed and maintained until the expiry of this permission. Any trees, hedgerows and shrubs which die or become seriously damaged or diseased shall be replaced with plants of the same species or such species as may otherwise be agreed with the Mineral Planning Authority.

Reason: To secure the satisfactory management and maintenance of tree, hedgerow and shrub planting in the interests of visual and landscape amenity.

Aftercare

28. The restored site shall be subject to aftercare under the provisions of Section 72(5) of the Town and Country Planning Act 1990. Aftercare shall be undertaken in line with the Aftercare Strategy dated September 2019. For the avoidance of doubt, the aftercare requirements shall be carried out for a period of five years from the certified completion of restoration operations.

Reason: To secure the proper aftercare of the restored land in accordance with Policy DC22 of the CMWLP.

Aftercare Period Reviews

29. Before 30 September of each year during the aftercare period there shall be a formal review, under the provisions of Section 72(5) of the Town and Country Planning Act 1990, to consider the operations which have taken place on the restored site and to agree a programme of management for the coming year which shall be adhered to by the operator. The parties to be invited to attend this review shall include the mineral operator, the Mineral Planning Authority, owners and occupiers of the land and Natural England. At least 2 weeks before the date of each review the operator shall provide all people attending the meeting with a record of the management and operations carried out on each phase during the period covered by the review and a proposed programme of management for the coming year.

Reason: To secure the proper aftercare of the restored land and to allow its return to as high a quality as possible in accordance with Policy DC22 of the

CMWLP.

Dated 15 November 2019

Signed: Angela Jones
Acting Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
- The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/19/9013>
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

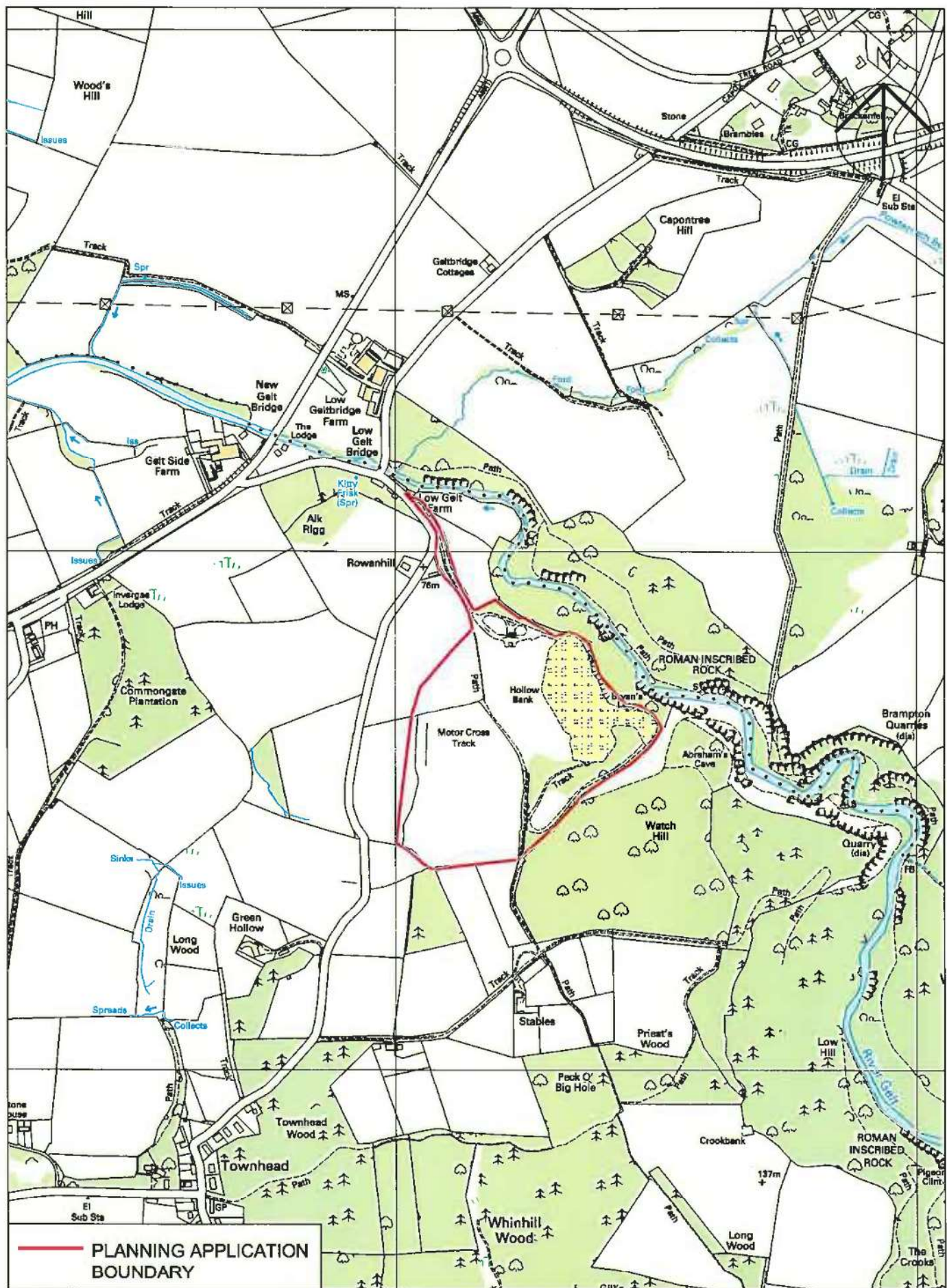
1. This grant of planning permission does not exempt you from regulation under Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pcs](https://planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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 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 (District Council, London Borough Council or Common Council of the City of London) 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.



Drawing Title

HANSON AGGREGATES LOW GELT QUARRY SITE LAYOUT PLAN

D118070.SS.002

Scale at A4 : 1:10,000

Drw RM

App CN

Rev

Chk CN

Date JUNE 09

Date



www.scottwilson.com

Item No: 14

Between 07/11/2019 and 18/12/2019

Appn Ref No:
18/0388**Applicant:**
Mr Ian Murray**Parish:**
Carlisle**Date of Receipt:**
30/04/2018**Agent:**
Tyler Design Services**Ward:**
Botcherby & Harraby North**Location:**
Land adjacent Geltsdale Avenue, Durranhill,
Carlisle, CA1 2RL**Grid Reference:**
342746 555199**Proposal:** Proposed New Vehicle and Pedestrian Entrance**Amendment:**

REPORT**Case Officer:** Richard Maunsell**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Allowed with Conditions **Date:** 12/12/2019

A copy of the Notice of the decision of the Determining Authority is printed following the report.



Appeal Decision

Site visit made on 3 October 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/E0915/W/19/3232559

Parkland between Geltsdale Avenue and Durranhill Road, Durranhill Road, Carlisle CA1 2RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Murray against the decision of Carlisle City Council.
 - The application Ref 18/0388, dated 12 April 2018, was refused by notice dated 11 January 2019.
 - The development proposed is described as “new vehicle and pedestrian entrance”.
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Decision

1. The appeal is allowed and planning permission is granted for a new vehicle and pedestrian entrance at Parkland between Geltsdale Avenue and Durranhill Road, Durranhill Road, Carlisle CA1 2RL in accordance with the terms of the application, Ref 18/0388, dated 12 April 2018, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Ian Murray against Carlisle City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on highway safety and the trees on the site.

Reasons

Highway Safety

4. The appeal site consists of an area of established woodland in a predominantly residential area. Durranhill Road, to the south east of the appeal site, includes some traffic calming features and also a junction with Alexandra Drive, a modern residential estate, in close proximity with the proposed location of the new access.
5. I noted at my site visit, carried out in the afternoon on a typical week day, that Durranhill was subject of a moderate level of traffic in contrast with the quiet residential character of the wider area.
6. The submitted plans show that the proposed access can provide the necessary visibility splays, width and setback for the gate from the road. This is not disputed by the Council.

7. The Appellant states that the proposed access is to allow for the maintenance of the site, I note references to consent to fell a number of trees on the site and the need to clear rubbish. As such, the access would be likely to be used only infrequently.
8. The submitted plans show that the proposed access can provide the necessary visibility splays, width and setback for the gate from the road. This is not disputed by the Council.
9. I note the proximity of the proposed access to traffic calming measures on Durranhill Road and the junction with Alexandra Drive. However, I noted at the site visit that, in proximity to the proposed location of the new access Durranhill is relatively straight with good visibility.
10. Therefore, to conclude on this main issue I find that the proposed new access would not adversely affect highway safety and as such is not contrary to Policy SP1 (Sustainable Development) of The Carlisle District Local Plan 2015-2030 (the LP) in so far as it seeks to protect highway safety and the relevant provisions of the National Planning Policy Framework.

Trees

11. Trees on the site are protected by a Tree Preservation Order and the detailed TPO plan before me suggests that a number of protected trees are in close proximity to the proposed new access.
12. The Council Officer's report confirms that the access can be created without the loss of any trees and suggests conditions relating to tree protection measures and construction methods. The appellant states that recent tree work, for which I understand appropriate consent was granted by the Council, has created sufficient space to accommodate the turning of a vehicle on site thus enabling it to enter and exit the site in a forward gear.
13. However, concern has been raised that this could lead to the compaction of soil and the damaging of trees on site. I have been provided with no substantive details with regards the arrangements for the turning of vehicles on the site and how this relates to existing trees. Reference has been made to 'tree report for proposed house development' (September 2015). However, I have not been provided with a copy of this report which appears to relate to a different development and is now somewhat dated.
14. This is a finely balanced decision but based on the evidence before me and my observations on site I find that the proposed development would not harm the trees on the site subject to appropriate conditions relating to tree protection measures and construction methodology. Therefore, the proposed development is not contrary to Policy SP1 of the LP in so far as it relates to the protection of trees.

Other Matters

15. A number of objectors have referred to the planning history of the site and in particular proposals for the construction of a dwelling. However, this application relates to the creation of an access on to the site for maintenance only and any future applications for development on the site, utilising this or other access arrangements will be judged on its own merits.

16. The appeal site is close to Durranhill House and Durranhill Lodge, both Grade II listed buildings. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the buildings or their setting. That the proposed vehicular access would not adversely affect the significance of the buildings or their setting is not at dispute between the parties and based on the evidence before me I agree. I therefore find that the proposed development would not adversely affect the significance the DHA or their setting.

Conditions

17. I have considered the conditions proposed by the Council in the light of guidance in Planning Practice Guidance (PPG). In addition to the standard conditions which limits the lifespan of the planning permission and requires the submission of reserved matters I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
18. To protect the existing trees on the site I have included conditions relating to tree protection barriers and construction methods.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR

Conditions Schedule

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan IM/DURRANHILL/SLP2 Rev A - dated 1 July 2019
Site Block Plan IM/NEW/ENT/SBP Rev A – dated 16 March 2018
New Vehicle Entrance IM2/DH/ENTRANCE1 Rev B – dated 5 March 2018
Visibility Splays IM/NEWENT VS1 Rev A – dated 16 March 2018
Vehicle Paths IM2/DURRANHILL/VP1 Rev A – dated 12 April 2018
- 3) No development shall commence until details of the specification and location of tree and root protection barriers have been submitted in writing to and approved by the local planning authority. The root protection barriers as agreed shall be erected prior to commencement of any works on site and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area. In the event of trenches or excavations exposing tree roots of 50mm/ 2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/ 2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval in

writing of the Local Planning Authority and where such approval is given, the roots shall be cut back to a smooth surface.

- 4) No development shall commence until a detailed Method Statement of the 'no dig' construction method for the access, driveway and hardstanding within the root protection area is submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.
- 5) Prior to the commencement of 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. Such details shall include measures to prevent surface water discharging onto the highway together with the route of any infrastructure connections the drainage strip to the surface water drainage scheme.

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 development shall be completed, maintained and managed in accordance with the approved details.

- 6) Access hereby approved shall not be brought into use until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road in both directions have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
- 7) The vehicular crossing over the verge, including the lowering of kerbs, shall be carried out to the specification of the Local Highway Authority.
- 8) The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 6 metres inside the site, as measured from the carriageway edge. There shall be no vehicular access or egress from the site other than via the approved access.
- 9) Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

- 10) Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to and approved in writing by the local Planning Authority. 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.
- 11) Solid edge carriageway markings through the build-out on both sides which is extended past the proposed access shall be installed prior to the access being brought into use. Details of the proposed markings shall be agreed in writing with Local Planning Authority prior to installation.
- 12) All new external stonework relating to the reconstructed boundary wall shall be carried out in natural stone which shall, in type, and in the manner in which it is laid, match that of the existing wall.

Streetwise



SITE LOCATION PLAN
AREA 2 HA

SCALE: 1:1250 on A4

CENTRE COORDINATES: 342748 , 555206



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LAND ADJACENT TO
GELTS DALE AVENUE
IN/DURRANT HILL/SLP