
Item No: 07

Between 02/02/2019 and 08/03/2019

Appn Ref No:
16/0891**Applicant:**
Mr & Mrs D Broughton**Parish:**
Wetheral**Date of Receipt:**
11/10/2016**Agent:**
Heine Planning
Consultancy**Ward:**
Wetheral**Location:**Oak Meadow, Broomfallen Road, Scotby, Carlisle,
CA4 8DE**Grid Reference:**

343775 554000

Proposal: Change Of Use Of Land For Mixed Use Of 1No. Gypsy Pitch For The
Stationing Of Up To 3No. Caravans For Residential Occupation, With
Utility Building, Hard Standing, Stable Block, Landscaping And Septic
Tank; Paddock Area (Part Retrospective)**Amendment:**

REPORT**Case Officer:** Richard Maunsell**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Informal Hearing**Report:****Appeal Decision:** Appeal Allowed**Date:** 04/02/2019A copy of the Notice of the decision of the Determining Authority is printed following
the report.

Appeal Decision

Hearing Held on 15 January 2019

Site visit made on 15 January 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2019

Appeal Ref: APP/E0915/W/18/3202754

Oak Meadow, off Broomfallen Road, Scotby CA4 8DE

- 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 and Mrs D Broughton against the decision of Carlisle City Council.
 - The application Ref 16/0891, dated 9 October 2016, was refused by notice dated 9 March 2018.
 - The development proposed is change of use of land for mixed use for keeping of horses and the stationing of up to three caravans for residential occupation, with utility building, hard standing, stable block, landscaping and septic tank (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land for mixed use for keeping of horses and the stationing of up to three caravans for residential occupation, with utility building, hard standing, stable block, landscaping and septic tank (part retrospective) at Oak Meadow, off Broomfallen Road, Scotby CA4 8DE in accordance with the terms of the application, Ref: 16/0891, dated 9 October 2016, subject to the conditions in the attached schedule.

Application for costs

2. At the Hearing an application for costs was made by Mr and Mrs D Broughton against the City Council. This application is the subject of a separate Decision.

Procedural Matter

3. When the planning application was made to the Council the appellant accepted that some of the development applied for was in part retrospective. The appellants moved onto the site in July 2016. A utility building has been built, but this does not accord with the submitted plans in terms of its siting and design. The stable block and the septic tank have yet to be built. A single touring caravan is stationed on the land and leylandii have been planted and not the hawthorn mix detailed on the plans. The other development described above accords with the plans. I have considered the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are: (i) the effect of the proposed access arrangements on the safety of, and the recreational experience of users of the bridleway; and (ii) whether any harm arising from the proposal would be outweighed by other considerations weighing in favour of the development, including the need for

traveller sites, the availability of sites and the personal circumstances of the proposed occupiers.

Reasons

Proposed access arrangements

The bridleway and the surrounding area

5. The appeal site is on the north-west side of a public bridleway (BW138037) that extends from Broomfallen Road about 350 metres to the north-east. This point roughly marks the extent of Scotby village, which is to the north. The bridleway continues past the site, over the M6 motorway (BW129016) to the west before extending to Cumwhinton Drive and the residential development (The Coppice) currently being built out at Garlands.
6. From its junction with Broomfallen Road the bridleway is a single unlit lane all the way to the site. The initial section serving a cattery and four dwellings, which are in the process of being constructed¹, is some 90 metres in length, and gradually descends along a rough track from the road. After this point the track turns sharply downhill in an S-bend before levelling out and crossing Wash Beck. From here until to the site the bridleway has been surfaced in spray tar and chippings. Sections of the bridleway's surface have been compacted by vehicular use. After the S-bend, the bridleway turns about 90 degrees with bridleway (BW138049) tracking to the northwest and back towards Scotby. After the turn, the bridleway is straight and wider with grass verges either side before tall mature hedgerows. The site's entrance is gated.

Adequate access to and from the site?

7. Part of the Council's case relies upon criterion 8 of Policy HO11 of the Carlisle District Local Plan (Local Plan). This states that *the site should have, or be able to provide, adequate access and turning space for large vehicles and caravans*. The Council accepted at the Hearing, following discussion around the wording of criterion 8 that they raise no issue with the bridleway's surface, and that adequate access and turning space for large vehicles and caravans could be provided to and from the site. I agree based on the evidence before me and my own observations made during my site visit.

The bridleway before July 2016

8. Historically, vehicular use of the bridleway beyond the cattery was limited to an existing gypsy pitch, a horse paddock, stables, a small holding and agricultural land. The planning permissions granted on appeal in April 2016 for four sites ('2016 appeal decisions'²) on the opposite side of the bridleway replaced some stables and smallholding uses. Furthermore, planning permission was granted for a single gypsy pitch at Washbeck Paddock³, which is to the north-east of the appeal site off the straight section of the bridleway (BW138037). However, these planning permissions did not replace the stables that once stood on the appeal site. This use involved a daily vehicle movement of two return trips.
9. It was held in the 2016 appeal decisions that the five pitches approved could potentially generate 30 to 40 separate journeys along the lane, with around 3 or 4 an hour. There would also be deliveries, a fortnightly refuse collection, postal services, tutor visits and other visitors. The movements would include

¹ Council Ref: 07/1246

² Appeal Decision Refs: APP/E0915/W/15/3127903, 3127905, 3127907 and 3130384

³ Appeal Decision Ref: APP/E0915/A/12/2182881

various vehicle types.

10. The Inspector in the 2016 appeal decisions expressed that "of greater concern is the potential conflict between traffic and walkers/horse riders on the bridleway.... There are two aspects to this: the physical risk of an accident; and the quality of the recreational experience. Both these aspects may then discourage people from using the right of way. The most dangerous part of the track is the S-bend where forward visibility is limited and there are no verges to allow vehicles and horses/pedestrians to pass easily. Children and horse riders would be particularly at risk."
11. The Highway Authority objected to the schemes subject of the 2016 appeal decisions. The Inspector concluded that the schemes would increase the tracks use significantly and cause an increase in highway dangers to users of the bridleway. As such, walking, horse riding and cycling would be a less pleasant experience. Moreover, based on the number of dwellings now using the track, the Inspector felt that those schemes were "at the very upper limit of what would be acceptable", but "the level of use proposed would not cause significant harm to the safety and the recreational experience of bridleway users."

What has changed since the 2016 appeal decisions?

12. Save for the appeal site, there have been no changes to the position or use of the cattery or the quantum of dwellings that use or could use the bridleway as an access since the 2016 appeal decisions were issued. There is no quantitative evidence before me setting out how, when and who uses the bridleway. It is therefore unclear whether the estimated number or frequency of vehicle movements set out in the 2016 appeal decisions have become a reality.
13. Nevertheless, the appellants and their family have used the bridleway since July 2016. Their current movements are two-fold. Vehicle journeys are made by Mr Broughton who, as part of his journey for work, drops off and picks up the school aged children. He also does any shopping and other errands. Mrs Broughton does drive and has access to a vehicle, but walks to the facilities and services in Scotby, including the nursery which a child currently attends. There may be occasions when additional trips are made, but in general, the appellants currently make a single return vehicular trip most days.
14. In the 2016 appeal decisions the straight section of the bridleway was referred to as being 'well maintained with a gravel surface and grass verges'. Despite this, the Council explained that shortly after the 2016 appeal decisions were issued the bridleway was re-surfaced and evened out. This was a private initiative, but it has resulted in a more uniform surface and width. The re-surfacing roughly extends from the site to the new houses being built. Three speed bumps have been installed near to Washbeck Paddock.
15. The appellants have observed the bridleway being used by dog walkers, cyclists and horse riders. Some users are regular, but from what I heard the bridleway is used intermittently by non-motorised users. Broomfallen Stables explain that they use the bridleway to exercise several horses/ponies on a daily basis as part of a six-mile route over the last five years, and continue to do so without any problems. It is their view that the bridleway is now wider with better passing places, much cleaner and less pot holed.
16. I understand that the bus service on Broomfallen Road has now been

withdrawn. A bus service on Cumwhinton Drive is short walk away, but this journey would not be attractive during the hours of darkness or inclement weather. However, the same could be said of the journey to Broomfallen Road. Lastly, around 200 new dwellings are being built out at The Coppice.

The effect of the appeal scheme

17. The Council are concerned about an intensified use of the bridleway, and the potential conflicts that this may bring with its users which include walkers, horse riders and cyclists. This view is supported by the Highway Authority. Local Plan Policy SP 6 criterion 5 requires *all components of the proposal, such as buildings, car parking, and new connections, open space and landscaping are accessible and inclusive to everyone, safe and well related to one another to ensure a scheme which is attractive and well integrated with its surroundings*. The appellants question the application of Policy SP 6, but it applies to all 'development proposals'.
18. Paragraph 109 of National Planning Policy Framework (the Framework) sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
19. Numerically the appellants' current movements would be less than the site's prior use. This does not concern the Council, albeit potential conflicts could still arise between traffic and walkers/horse riders on the bridleway. I agree. Current circumstances could well, and are likely to change in the future. It is also feasible that the appellants and their family may not always live on the site. Given this, the main parties agree that the proposal could potentially generate three to four return trips a day.
20. This number of return trips would result in an extra one to two return vehicle movements per day beyond the site's former use. This would be on top of the *very upper limit* referred to in the 2016 appeal decisions. While the proposal would increase the use of the bridleway, there would be no change to the number of sites using the bridleway which was said to have significantly exceeded the adoptable standards in the 2016 appeal decisions. Private drives are intended to be short lengths from an adoptable highway. At some 380 metres long this 'private access' track is not a short length. The illustrative widths in Manual for Streets are objective standards and not determinative.
21. The most dangerous part of the bridleway remains the S-bend where forward visibility is limited and there are limited opportunities to allow vehicles and horses/pedestrians to pass easily. Children and horse riders are mainly at risk. The appeal scheme would increase the potential risk further, especially if the bridleway was used by future occupants of The Coppice. But the risk of potential incidents here would still remain regardless of this appeal.
22. Balanced against this is the lack of any incidents. This includes the period since the appellants' occupation of the site. I did not see horses or cyclists on the bridleway during my site visit, but I saw imprints of both on the ground. The comments of Broomfallen Stables suggest that the changes made to the bridleway's surface have improved safety for them and their horses/ponies. These conditions equally apply to walkers and cyclists.
23. There are no formal passing places, but I observed vehicles and pedestrians passing one another. There are opportunities for this at the top and bottom of

the S-bend, at the junction with bridleway BW138049; along the straight section between the site and bridleway BW138049; and in front of the site and the sites on the opposite side of the track. I heard that emergency service vehicles, touring caravans and other large vehicles have used the track. Due to the width, alignment and surface of the bridleway, in tandem with three speed bumps, vehicle speeds along the bridleway are likely to be low. This would potentially change if the bridleway is widened or re-aligned to address visibility at the S-bend as suggested by the Council.

24. Overall, the merits of the appeal scheme are finely balanced. Based on the evidence presented, the width, surface, topography, alignment and use of the bridleway, leads me to consider that the modest increase in its use would mean that the proposal is just about acceptable. As a result, the proposal would not lead to an unacceptable impact on highway safety, or severe residual cumulative impacts. Also, the recreational experience of bridleway users does not appear to have been harmed by the proposal. Nor would a small uplift in vehicular movements of the scale set out cause harm.

Conclusion on this issue

25. On this issue I conclude that the level of use proposed would not cause unacceptable harm to the safety and the recreational experience of bridleway users. The proposal therefore accords with Local Plan Policies SP 6 (5) and HO11 (8) and Framework paragraph 109, which collectively, seek proposals to be accessible and inclusive to everyone, not to have unacceptable impacts on highway safety, or severe residual cumulative impacts on the road network.

Other considerations

26. Prior to the Hearing I asked the appellants to provide up-to-date information about the occupants of the site. The Council has considered the information and accepts that the appellants satisfy the planning gypsy definition set out in the PPTS. Based on the information provided to me I agree. The children living on the appeal site are dependent on the appellants. Hence, they benefit from the appellants gypsy status.

Need for and availability of gypsy sites

27. The Planning Policy for Traveller Sites (PPTS) requires that the level of local provision and need should be considered when dealing with proposals for gypsy sites. The Council is required to demonstrate a 5 year supply of permanent traveller pitches. The Cumbria Gypsy and Traveller Accommodation Assessment (GTAA), November 2013, sets out a need for 5 additional pitches in the first five years and 5 pitches for each of the next two five-year periods. Local Plan Policy HO11 adopts this requirement but adjusts it to 17 for the plan period.
28. Concerns were expressed by the appellant about the level of pitch turnover assumed within the GTAA, and the lack of monitoring undertaken by the Council since the Local Plan's adoption. These are not new concerns, and contrary to the Council's Appeal Statement, the Council accepted at the Hearing that no monitoring has taken place or is scheduled imminently. There is some merit in the appellants' criticisms, but the main parties agreed that since the GTAA planning permission for 13 permanent pitches have been granted. Thus, the Council has a five-year supply of deliverable sites to meet locally set targets. Even so, Local Plan Policy HO11 supports the provision of additional permanent residential pitches, subject to meeting a number of criteria. As the PPTS sets out the Government's aim to promote more private traveller sites, this adds moderate weight in favour of the proposal.

Personal circumstances

29. The appellants have four children of their own, and a further child, a family member now dependent on them, living with them. This child has a part-time job. Two of the appellants' children attend primary school, while another is at pre-nursery. The two children at primary school get extended educational support. The appellants are keen that their children gain an education. The security of a settled base, and a fixed address, would help encourage and maintain school attendance while maintaining their established social network. These important matters add substantial positive weight in favour of the proposal.
30. Mrs Broughton has an ongoing health condition that requires a settled base and access to healthcare facilities in the area, but also further afield. This matter lends substantial weight in support of the proposal. None of the other family members have health conditions, but the availability of a permanent base would help maintain access to healthcare facilities.
31. The appellants are worried where they would move to if I were to dismiss the appeal given that the Council would start enforcement proceedings. Several alternate sites were discussed at the Hearing. This included the site at Low Harker Dene allocated for 9 additional permanent pitches and up to 15 transit pitches. No planning application has been submitted to date for this site, and there is no indication of when one might be made. I heard anecdotal evidence about difficulties in contacting the management company who run this site, and that the site has been considered to be an example of good design, but there is no substantive evidence to contradict the appellants' view that the pitches here only cater for touring caravans and are not suitable for families.
32. The private sector rented site is at Hadrians Park has a mix of permanent and transit pitches. The appellants and their family previously lived on a transit pitch here as they were unable to obtain a permanent pitch. The appellants explained that the facilities on the transit site are poor, unsafe and the environment is not conducive to a settled social environment. No evidence was put to me to contradict the appellants view. No details of other privately owned sites were provided, except one which is only available for people over 50 years old. The Council could not, as with the Low Hawker Dene and Hadrians Park sites, confirm whether there were any pitches available.
33. Fairly the Council queried why the appellants did not seek to purchase the site with planning permission known as 'adjacent to Scotby Acres'⁴ that has recently been sold. However, there is no substantive evidence to show that the appellants knew of this transaction. Overall, there is a lack of alternative accommodation and no private family sites available for owner occupation. Thus, the only alternative open to the appellants would be to live at the roadside. This factor adds significant weight in favour of the proposal.

Other matters

34. The Council accepted in questioning that they did not have any substantive evidence to demonstrate their claim that the intensified use of the bridleway by vehicles will result in severe harm to wildlife.
35. In terms of flooding, there is no evidence of any actual flood events or a detailed assessment to support the risks stated by the Council. Much of the

⁴ Council Ref: 14/0825 and Appeal Decision Ref: APP/E0915/W/15/3130384

site is permeable and the bridleway is lined by grass verges and hedgerows which adjoin fields.

36. While an appeal has been lodged against the refusal of planning permission for a single gypsy pitch opposite Washbeck Paddock (Council Ref: 17/0388) on similar grounds there is little information before me on this scheme.

The Planning Balance

37. As set out above I have concluded that the proposal would not cause harm through the proposed access arrangements on the safety of users of the bridleway and there would be no conflict with policies of the Local Plan. In addition the benefits of the proposal relating to the lack of alternative accommodation and the personal circumstances of the appellants, in the context of providing more gypsy sites, further tips the balance in favour of the appeal. As such the balance is clearly in favour of the grant of permanent permission.
38. Reference has been made to the effect that there would be an interference with the human rights of the appellants under Article 8 of the Human Rights Act 2010 if the appeal were dismissed. As I have decided to allow the appeal, this situation would not arise. Given the appellants, the intended site occupiers, are Gypsies they have a protected characteristic for the purposes of the Public Sector Equality Duty. I have taken this into account in determining the appeal.

Conditions

39. I have had regard to the agreed list of suggested planning conditions, and the appellants comments provided at the Hearing. I have imposed a planning condition about materials to be used for the stables and the day room which are yet to be built in the interests of the character and appearance of the area.
40. As the development has already started a standard commencement condition is not necessary. In the interests of certainty, I have imposed an approved documents condition. While leylandii have been planted and they have grown, these are not native to the site's landscape and are not fully mature. Hawthorn hedgerows are detailed on the plans. To deliver these and assimilate the development into its environment, I have imposed a condition for a site development scheme, and for external lighting, foul and surface water drainage, and the siting of caravans and ancillary building.
41. Given the case advanced by the appellant, and the support provided by the other considerations, planning controls are necessary, in the interests of certainty and the character and appearance of the area, so that the proposal does not lead to unacceptable impacts. Thus, I have imposed conditions to control: the occupation of the pitch; the number and type of caravans on the pitch; to prevent commercial activities and the parking of heavy vehicles.
42. I have not imposed a condition for safe pedestrian step off points as this would not satisfy the test of being relevant to the development to be permitted given the reason for the condition relates to a pre-existing problem. I agree with the main parties that a visibility splay condition is not necessary.

Conclusion

43. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved documents: the planning application from; plan 1; plan 2; plan 3; plan 4; foul drainage assessment form; and supporting statement.
- 2) Construction of the stables and day room shall not commence until samples or full details of the external materials to be used for the stables and the day room have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined by Annex 1 of the Planning Policy for Traveller Sites published in August 2015 or its equivalent in replacement national policy.
- 4) No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than one shall be a static caravan, shall be stationed on the site at any time.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) No more than one commercial vehicle shall be kept on the and for the use by the occupiers of the caravans hereby permitted and this vehicle shall not exceed 3.5 tonnes in weight.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 56 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the siting of caravans and ancillary buildings; the means of foul and surface water drainage of the site; external lighting; landscaping including tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall be carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Mrs Alison Heine
Mr and Mrs D Broughton

Planning Consultant
Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Richard Maunsell
Helen Jackson
Karen Greig
Doctor Amer Halabi
Pieter Barnard

Planning Officer
Principal Planning Officer, Policy
Technical Officer
IRTP Transport Planning
Cumbria County Council

INTERESTED PERSONS:

Michelle Little
Jeff Tweddle
Vicky Forsyth

Carlisle City Council
Carlisle City Council
Washbeck Paddock

DOCUMENTS

- | | |
|------------|--|
| Document 1 | Council's response to Appellants application for an award of costs |
| Document 2 | Letter from Broomfallen Stables |
| Document 3 | Plans and aerial images of nearby planning permissions, public
bridleways |
| Document 4 | Record of attendance |

Item No: 08

Between 02/02/2019 and 08/03/2019

Appn Ref No:
17/1066**Applicant:**
Mr S Fiddler**Parish:**
Hayton**Date of Receipt:**
22/01/2018**Agent:**
Hyde Harrington**Ward:**
Hayton**Location:**
Plot 3 (Fallows End), Land to rear of Elmfield,
Townhead, Hayton, Brampton, CA8 9JF**Grid Reference:**
351566 557745**Proposal:** Erection Of 3no. Detached Dwellings Without Compliance With
Condition 2 Imposed By Planning Permission 16/0261 To
Retrospectively Amend The Design Of The Roof From A Hip To Full
Gable And Other Revisions To The Design Of Plot 3**Amendment:**

REPORT**Case Officer:** Jeff Tweddle**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Allowed with Conditions **Date:** 13/02/2019

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

Appeal Decision

Site visit made on 28 January 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2019

Appeal Ref: APP/E0915/W/18/3209050

Plot 3 "Fallows End", Land to the Rear of Elmfield, Hayton, Brampton, Cumbria CA8 9JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Steve Fiddler against the decision of Carlisle City Council.
 - The application Ref 17/1066, dated 11 December 2017, was refused by notice dated 8 June 2018.
 - The application sought planning permission for erection of 3 no. detached dwellings without complying with a condition attached to planning permission Ref 16/0261, dated 29 April 2016.
 - The condition in dispute is No 2 which states that: The development shall be carried out in accordance with the conditions attached to the "outline and full" applications 13/0455 and 15/0876.
 - The reason given for the condition is: For the avoidance of doubt.
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Decision

1. The appeal is allowed and planning permission is granted for 3 no. detached dwellings including Plot 3 "Fallows End", Land to the Rear of Elmfield, Hayton, Brampton, Cumbria CA8 9JF in accordance with the application Ref 17/1066 made on the 11 December 2017 without complying with condition No 2 set out in planning permission Ref 16/0261 granted on 29 April 2016 by Carlisle City Council, but otherwise subject to the conditions in the schedule attached to this Decision.

Application for costs

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

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the host building and the wider area.

Reasons

4. The appeal site consists of an area of land which has been granted planning permission for the development of three detached dwellings. I saw that the development of the dwellings had commenced and appeared to be substantially

complete, including the revisions to the dwelling on Plot 3 which are the subject of this appeal. I saw that Plot 3 is prominent within the streetscape as it projects forward of other dwellings within this development and is located at one of the entrances to the hamlet.

5. In comparison to the hipped roof of the extant approval, the proposed gable will increase the bulk and massing of the roof of the dwelling on this prominent elevation. The gable wall will also contrast with the roof slopes of the main roof of the dwelling. Whilst the ridge line of the gable wall is lower than that of the main dwelling, I saw that the projection of the gable beyond the slope of the hipped roof as originally proposed increases the prominence of the building when viewed along the highway and from within the site.
6. The appellant emphasises that gable walls are a common feature within the hamlet, and I saw that there are a variety of designs of dwellings in the area, a number of which include gable walls which face onto the highway. This includes dwellings on the opposite side of the road in the vicinity of the appeal site. Within that context and when viewed from within the hamlet, I consider that the proposed gable will not appear as an obtrusive or incongruous feature in the streetscape.
7. When approaching the hamlet from the west, I saw that the dwellings opposite the site were screened by trees, and that the appeal dwelling was particularly prominent as it shields views of the other dwellings on this development site. I also saw that the gable wall is prominent in views along the streetscape from within the hamlet. However, within the context of the variety of building designs in the area of the appeal site, on balance I do not consider that the increased prominence of the development at the entrance to the hamlet is of such a degree as to warrant the refusal of planning permission.
8. The Council also makes reference to a number of other revisions. I saw that the omission of stone lintels and sills diminishes the quality of the building in comparison to the detailing on the other dwellings on the site. However, I also saw that dwellings on the opposite side of the road do not have these features, and within this context the loss of the stone detailing is not unduly harmful. The omissions of an extent of glazing on one gable and rendered finishes have a neutral effect on the design of the building. The solar panels, with the exception of the smaller panels on the west elevation, are not prominent in views from the public realm and, mindful of the environmental benefits, they do not weigh against the proposal. Amendments to doors and a window are of a minor nature and do not have a material effect on the appearance of the building.
9. Drawing the above together, I conclude that the proposal will not lead to undue harm to the character or appearance of the host building or the wider area. The proposal will therefore not conflict with Policies HO8 or SP6 of the Carlisle District Local Plan 2015-2030 with regards to securing good design and house alterations. The proposal will also not conflict with the National Planning Policy Framework in respect of achieving well-designed places.

Conditions

10. I have imposed a condition requiring the development to be carried out in accordance with the approved plans and documents in the interests of certainty. A condition in relation to a planting scheme is required in the

interests of character and appearance. Exceptionally, due to the prominent location of the site at an entrance to the hamlet, a condition removing permitted development rights is required to prevent inappropriate alterations and/or extensions in the interests of character and appearance.

Conclusion

11. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed.

David Cross

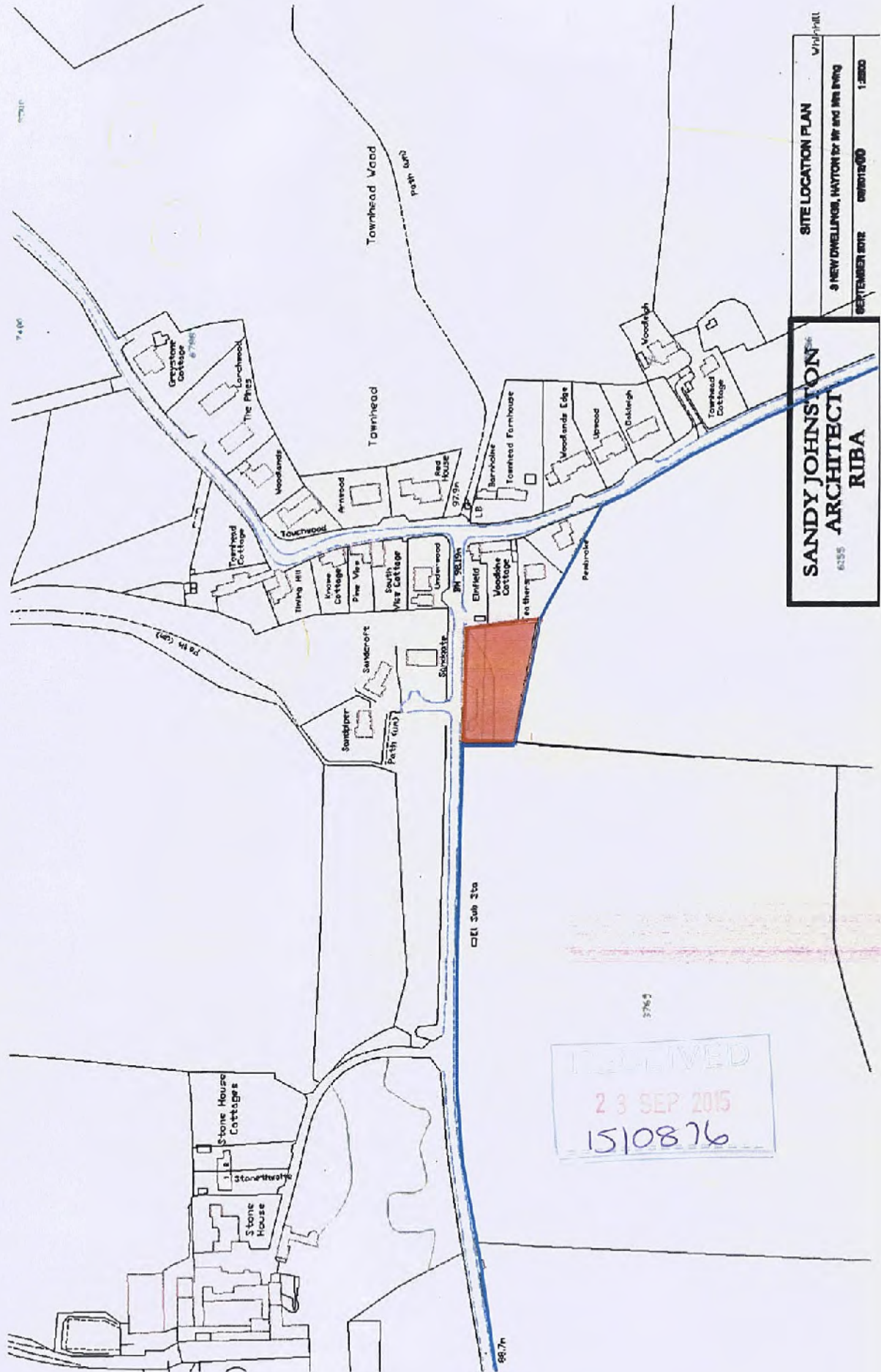
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 1. the submitted planning application form received 11 December 2017;
 2. the Site Location Plan submitted with application 15/0876 received 23 September 2015;
 3. the Proposed Site Block Plan (Drawing No. CJ/DWELL/SBP Rev A) submitted as part of application 16/0261 and received 24 March 2016 and amended, only in relation to Plot 3, by Proposed Plot 3 Ground Floor Plan (Drawing No. SF/DWELL/PLOT 3 /GFP1 Rev B) received 16 March 2018;
 4. the Proposed Plot 1 North and South Elevations (Drawing No. BM/PLOT1/ELEV1 Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 5. the Proposed Plot 1 East and West Elevations (Drawing No. BM/PLOT 1/ELEV2 Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 6. the Proposed Plot 1 Ground Floor Plan (Drawing No. BM/PLOT 1/GFP Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 7. the Proposed Plot 1 First Floor Plan (Drawing No. BM/PLOT 1/FFP Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 8. the Proposed Plot 2 Elevations (Drawing No. CJ/DWELL/PLOT 2/ELE1 Rev A) submitted as part of application 16/0261 and received 24 March 2016;
 9. the Proposed Plot 2 Floor Plans (Drawing No. CJ/DWELL/PLOT 2/FP1 Rev A) submitted as part of application 16/0261 and received 24 March 2016;
 10. the Proposed Plot 3 Elevations (Drawing No. SF/DWELL/PLOT 3/ELEV Rev E) received 4 June 2018;

11. the Proposed Plot 3 Ground Floor Plan (Drawing No. SF/DWELL/PLOT 3/GFP1 Rev B) received 16 March 2018;
 12. the Proposed Plot 3 First Floor Plan (Drawing No. SF/DWELL/PLOT 3/FFP1 Rev B) received 16 March 2018;
 13. the Proposed Foul & Surface Water Drainage Plan (Drawing No. BM/DWELL/DRAINAGE Rev B) submitted as part of application 15/0876 and received 28 September 2015;
 14. the Proposed Landscaping and Hedgerow Protection Plan (Drawing No. BM/DWELL/LAND Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 15. the Proposed Ground and Floor Levels Plan (Drawing No. BM/DWELL/LEVELS Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 16. the Proposed Surface Finishes and Parking Plan (Drawing No. BM/DWELL/PARKING Rev A) submitted as part of application 15/0876 and received 23 September 2015;
 17. the Notice of Decision; and
 18. any such variation as may subsequently be approved in writing by the Local Planning Authority.
- 2) The Planting Scheme shall be carried out in strict accordance with the details submitted under application 16/1033 and as approved on 19 January 2017. The Planting Scheme shall be retained as such thereafter.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order) there shall be no enlargement or external alterations to the dwellings hereby approved in accordance with this permission, within the meaning of Schedule 2, Part 1, Classes A to E (inclusive) of the Order, without the written approval of the Local Planning Authority achieved via the submission and determination of a planning application.

END OF SCHEDULE



SITE LOCATION PLAN		1:2500
3 NEW DWELLINGS, HAYTON ST NW AND NW BUNG		1:2500
SEPTEMBER 2012		1:2500

SANDY JOHNSTON
ARCHITECT
RIBA

RECEIVED
23 SEP 2015
1510876

Item No: 09

Between 02/02/2019 and 08/03/2019

Appn Ref No:
18/0055**Applicant:**
Mr Wilson**Parish:**
Rockcliffe**Date of Receipt:**
25/01/2018**Agent:**
Sam Greig Planning
(Cumbria) Ltd**Ward:**
Longtown & Rockcliffe**Location:**
Land South of Two Hoots, Harker Road Ends,
Carlisle, CA6 4HL**Grid Reference:**
337448 560961**Proposal:** Erection Of 5no. Dwellings (Outline)**Amendment:**

REPORT**Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 14/02/2019

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



Appeal Decision

Site visit made on 15 January 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 February 2019

Appeal Ref: APP/E0915/W/18/3213890

Land south of Two Hoots, Harker Road Ends, Carlisle CA6 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Wilson against the decision of Carlisle City Council.
 - The application Ref 18/0055, dated 16 January 2018, was refused by notice dated 24 April 2018.
 - The development proposed is erection of 5no. dwellings (outline).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal from the Council's decision notice for clarity.
3. Outline planning permission is sought with all matters reserved except access. I have determined the appeal on this basis.

Application for costs

4. An application for costs was made by Mr Paul Wilson against Carlisle City Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the proposed development would be in an accessible location.

Reasons

6. The appeal site comprises of a number of paddock areas, located directly adjacent to a group of approximately 26 residential properties. Due to this number of dwellings being grouped together I consider this would amount to the group of properties being a settlement. Given the close proximity of the appeal site to the existing properties, and in line with some of the findings of the High Court¹ and Court of Appeal² Judgements in relation to the Braintree case, the appeal site is not within an isolated location.

¹ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin).

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

7. The settlement however, in which the appeal site lies, has few services and is detached from other settlements in the area by open countryside. The future occupants of the proposal would therefore be reliant on services from other settlements. The appellant has identified the village of Rockcliffe which has services approximately 0.8 miles from the development. The Crindledyke Estate situated somewhere between 800 to 1100 metres away also has plans for a school to be built. The nearest bus stop is near the Crindledyke Estate. The routes from the site to these services are not a desirable walking or cycling route. There are no footpaths or street lighting with parts of the roads being narrow in places, making it unlikely that occupants of the proposals would walk or cycle to these services.
8. Rockcliffe village does boast a number of community facilities, including a primary school, a public house, church and community centre, along with a planned school at Crindledyke Estate. However, these are lacking in retail and employment opportunities. These opportunities will be available in settlements further away and future occupiers of the proposal are more likely to access these by the use of private motor vehicles.
9. The National Planning Policy Framework (the Framework) does indicate that development may support services in a village nearby. The Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, given the above factors, the proposal would still be likely to result in the majority of journeys being by private motor vehicle, with its associated cumulative negative effects in terms of emissions and air quality. The small benefits from future occupants of the properties contributing to nearby services would not be outweighed by the reliance on motor vehicles and subsequent negative environmental effects.
10. Policy HO2 of the Carlisle District Local Plan 2015-2030 (LP) and paragraph 77 of the Framework state that housing should be located where it will enhance or maintain the vitality of rural communities. The introduction of five houses would only make a small contribution to the vitality of the surrounding settlements. Particularly given the lack of retail and employment opportunities in these surrounding settlements, future occupiers will more likely travel further to larger settlements to meet these needs. This therefore limits the weight I can attach to the economic benefits of the proposal in relation to the effect on the vitality of surrounding communities.
11. The proposed scheme would include an element of affordable homes. The Council have accepted there is a shortfall in affordable housing provision although the Council's Housing Officer does indicate that the site is not well located for the provision of affordable housing.
12. The development of affordable homes is supported through the LP policies and the Framework and would be a benefit of the proposal. However, the location of the development and detachment from settlements with adequate services, would be a particular concern for occupiers of an affordable home who may be more dependent on public transport. Therefore, in all probability, occupants would be reliant upon private car or taxis for everyday trips, which would lead to higher transport costs that would offset the lower living expenses associated with affordable housing. The adverse economic and environmental effects arising from the proposal would significantly outweigh the benefits of affordable

housing delivery. I therefore consider that the proposal would not represent sustainable development.

13. Accordingly, I find that the appeal site is not an appropriate location for housing and the proposal would not amount to sustainable development. The proposal would fail to accord with policies SP2 and HO2 of the LP and the Framework which seek to objectively assess sustainable strategic development growth.
14. I have had regard to the examples of other developments³ which have been approved. However, I do not have full details of the circumstances that led to the proposal being accepted and so cannot be sure if they present a direct parallel to the appeal proposal, including in respect of location. In any case, I have determined the appeal on its own merits.

Other matters

15. The planning statement submitted with the planning application has identified a number of benefits of the development, which include a lack of harm to biodiversity and trees. These benefits however do not outweigh the harm I have identified in the main issue.
16. Several other concerns have been raised, including in relation to the suitability of the access, surface water issues and the use of the appeal site. I have given careful consideration to these matters, some of which would be capable of being addressed at the reserved matters stage in any event, but they do not lead me to a different overall conclusion on the main issue.

Conclusion

17. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

³ Local Planning Authority Application References 16/0140; 16/0097; and 17/0969.



BLOCK PLAN 1.500

THIS LAYOUT IS A INDICATIVE PROPOSAL ONLY
FINAL DESIGN AND LAYOUT WILL BE SUBJECT
APPROVAL LATER



LOCATION PLAN 1.1250

TSADA BUILDING DESIGN SERVICES

Croft House, Newbourn, Irthlington, G4 6LH
Telephone: 01728 791187
Mobile: 07436 801368

Job title
Indicative Layout For Development
Of Land To South Of Two Hoots,
Harker Lane End

All Plans Remain The Copyright Of Trade Building Design Services And Must Not Be Copied Without The Consent
Of The Company.
Any Information Should Be Taken Carefully And Accurately. Any Discrepancies Must Be Reported To The Client
Before Existing Materials, Work Starting Or The Commencement Of Work.

Dwg No.	Client	Amendments	Drawing by
80/2017/1B	Mr & Mrs P Wilson	A 14/12/2016 Lower 4000	W.R.Faulder
Scale	Two Hoots Harker Lane End Carlisle		Date
As Shown @A2			19/12/2017

Item No: 10

Between 02/02/2019 and 08/03/2019

Appn Ref No:
18/0506**Applicant:**
Simpsons Builders**Parish:**
Wetheral**Date of Receipt:**
05/06/2018 11:01:01**Agent:**
PFK Planning**Ward:**
Wetheral**Location:**
Land to the rear of 46 Broomfallen Road, Scotby,
Carlisle, CA4 8DE**Grid Reference:**
344234 554334**Proposal:** Demolition Of Lean To At 46 Broomfallen Road And Erection Of 5no.
Dwellings With Associated Infrastructure**Amendment:**

REPORT**Case Officer:** Barbara Percival**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 14/02/2019

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

Appeal Decision

Site visit made on 28 January 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2019

Appeal Ref: APP/E0915/W/18/3211468

Land to the rear of 46 Broomfallen Road, Scotby CA4 8DE

- 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 Simpson (Simpsons Builders) against the decision of Carlisle City Council.
 - The application Ref 18/0506, dated 5 June 2018, was refused by notice dated 24 August 2018.
 - The development proposed is demolition of lean to at 46 Broomfallen Road, and erection of 5 new dwellings and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of applicant given on the planning application form was simply 'Simpson' of 'Simpsons Builders' and no title was given. The appeal form has confirmed the full name of the appellant as being Mr Ian Simpson, of 'Simpsons Builders'.
3. No postcode was given for the site address on the planning application form. This has been provided on the appeal form and is included above.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether or not the proposed development would provide for acceptable living conditions for future occupiers with particular regard to refuse collection facilities.

Reasons

Character and appearance

5. The appeal site is situated towards the southern fringe of the village of Scotby. This part of the village is characterised by its rural setting with dwellings on the eastern side of Broomfallen Road set out in linear form facing the road with fields behind. Land to the rear of No 46 Broomfallen Road and its neighbours is steeply sloped and situated at a higher level to the dwellings. No 46 is a

detached two-storey dwelling and neighbouring properties are a mix of two-storey detached and semi-detached dwellings adjoining the site and bungalows opposite. The proposed development would be partly on land which previously formed part of the curtilage of No 46. This land has been merged with the field which sits to the rear of No 46 and its neighbours at Nos 44, 48, 50 and 52 Broomfallen Road.

6. The proposal would provide 5 dwellings set around a central access drive and turning head. The dwellings annotated on the drawings as '1 and 5' would be three-bedroomed bungalows with detached garages and would be positioned towards the rear boundary of existing dwellings. The dwellings indicated as '2, 3 and 4' on the drawings would be four-bedroomed split level dwellings with integral garages. The split level dwellings would utilise the slope of the land with the eastern facing elevations being single storey and the western facing elevations two-storey in height. All the proposed dwellings would have a T-shaped footprint and would benefit from their own driveways to the front as well as private garden spaces to the rear.
7. The position of the proposed bungalows on proposed plots '1 and 5' would not follow the existing linear form of development on this side of Broomfallen Road. However, they would be largely screened by the existing dwellings given their close positioning to the rear boundaries of these properties and due to the proposed roof heights which would sit substantially below those of the existing two storey dwellings. In contrast, dwellings '2, 3 and 4' would sit further away from the existing dwellings and on significantly higher land. Efforts have been made through the split level design of these dwellings to minimise their height. However, the two storey elevations with gabled concrete tiled roofs would be clearly appreciable on entering the village from the south and through the field to the north of No 44. The visual impact would be exacerbated by the massing of these dwellings seen in close relation to each other and their bulk and scale particularly to western facing elevations. Consequently, the dwellings would be prominent within the wider landscape and the departure from the linear form of development on this part of Broomfallen Road would be emphasised by their massing and elevated position. The existing and proposed planting would not sufficiently mitigate the impact on the character and appearance of the area.
8. I noted on site that residential development exists to the rear of the bungalows on the western side of Broomfallen Road. Those properties have been developed on land at a lower level to the properties on Broomfallen Road. I do not consider that development on the opposite side of the road should guide the layout and form of development on the appeal site which is situated behind a single line of properties and in a higher position within the landscape.
9. My attention has also been drawn to two extant planning permissions. Both applications relate to a smaller site adjacent to the rear boundary of existing properties. The first relates to outline permission for three dwellings, with the related indicative plan showing bungalows. The second is for full permission for two dwellings. Whilst the principle of residential development has therefore been established for part of the site, the current proposals incorporate further land and dwellings situated at a higher land level. I therefore do not consider the extant planning permissions to be directly comparable to the appeal proposal and I give this consideration little weight.

10. Overall, I find the proposal would have a detrimental impact on the character and appearance of the area by virtue of the split-level dwellings and their scale, massing and prominent position within the landscape. The proposals would therefore be contrary to Policies SP6 and Policy HO3 of the Carlisle District Local Plan 2015-2030 (the Local Plan) which amongst other things seek to ensure development responds to local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns whilst also respecting local landscape character. Where development of residential gardens is concerned, as was previously the case with part of the appeal site, proposals should through their design, scale and siting be integrated to and in character with the surrounding built and natural environment. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) (2018) which aims to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

11. The proposed access to the site is via a shared drive to the side of No 46. The drive would measure approximately 70 metres in length from the boundary with the highway on Broomfallen Road to the top of the turning head which fronts the proposed split level dwellings. A shared bin collection point is proposed close to the access point off Broomfallen Road. The distance for residents to take their bins for collection would be considerable, particularly for the future occupants of the split level dwellings who would have a return walk of approximately 140 metres on a steeply sloped site.
12. Taking these factors into account, I conclude that the proposals would not provide convenient refuse collection facilities for future occupiers. This would be contrary to Policy SP6 of the Local Plan which in terms of residential amenity requires that proposals do not result in unacceptable conditions for future users and occupiers of a development. The proposal would also conflict with paragraph 127 of the Framework which requires developments to function well and provide a high standard of amenity for future users.

Other Matters

13. There is no dispute between the main parties that the site lies in an accessible location, and I have taken into account the social and economic benefits of providing five new homes within this village. However, those benefits would be limited and would not outweigh the environmental harm that I have identified above.

Conclusion

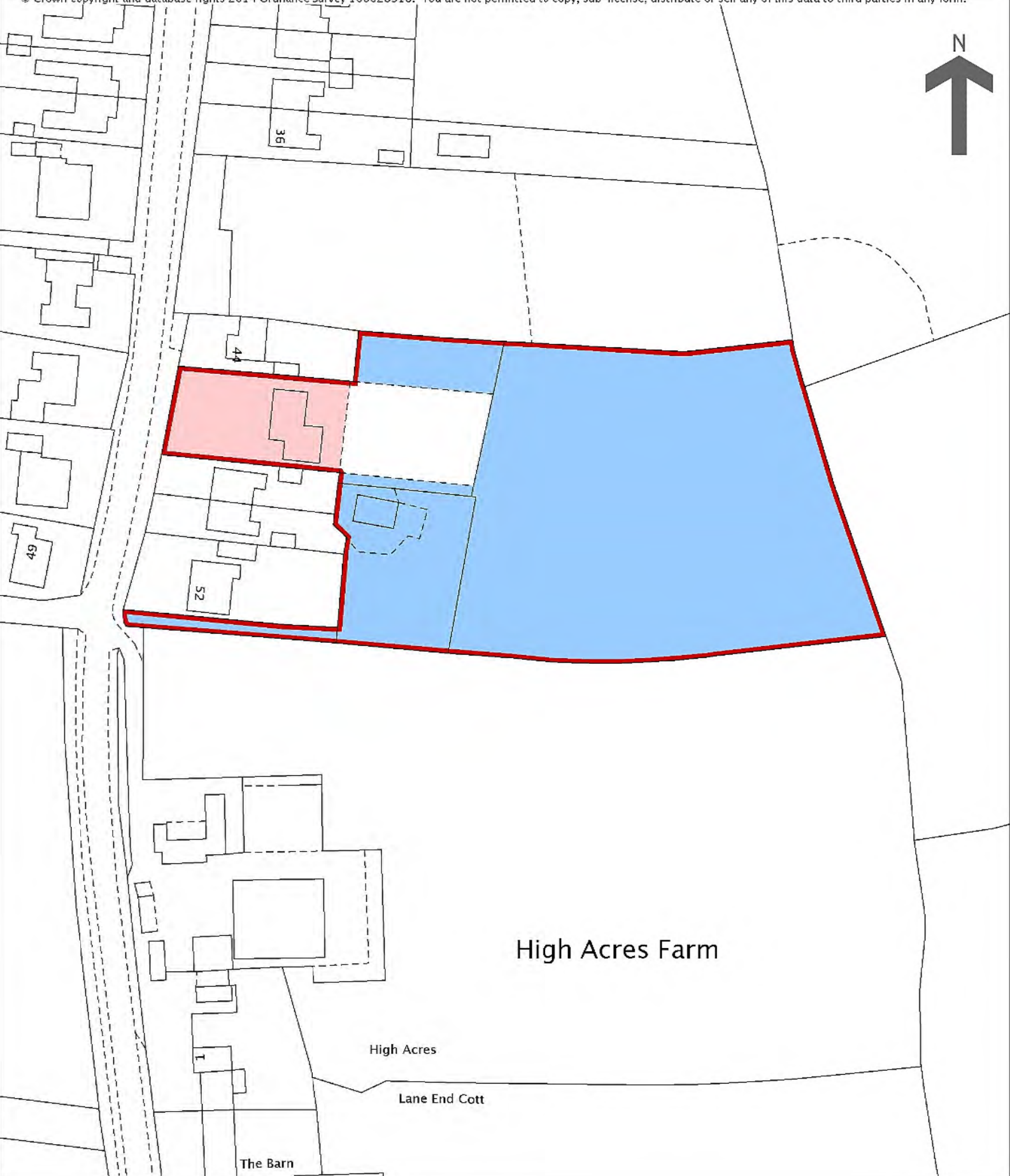
14. For the reasons set out above and having regard to all matters raised, the appeal should be dismissed.

M Russell

Inspector



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Item No: 11

Between 02/02/2019 and 08/03/2019

Appn Ref No:
18/0568**Applicant:**
Mr & Mrs McKerr**Parish:**
Stanwix Rural**Date of Receipt:**
26/06/2018**Agent:**
SRE Associates**Ward:**
Stanwix Rural**Location:**
14 Vestaneum, Crosby on Eden, Carlisle, CA6 4PN**Grid Reference:**
344627 559643**Proposal:** Erection Of Single Storey Side And Rear Extension To Provide
Kitchen/Dayroom To Rear And Utility, W.C. And Hall To Side**Amendment:**

REPORT**Case Officer:** Jeff Tweddle**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Householder Appeals**Report:****Appeal Decision:** Appeal Dismissed**Date:** 01/03/2019

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



Appeal Decision

Site visit made on 15 January 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2019

Appeal Ref: APP/E0915/D/18/3213819

14 Vestaneum, Crosby On Eden CA6 4PN

- 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 & Mrs McKerr against the decision of Carlisle City Council.
 - The application Ref 18/0568, dated 25 June 2018, was refused by notice dated 21 September 2018.
 - The development proposed is described as "Proposed single storey extension to side and rear of property."
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

3. The area is characterised by detached properties on a housing estate with the appeal site located in a cul-de-sac. The majority of the buildings are finished in brick with traditional architectural design and detailing.
4. The proposal is of contemporary design having a flat roof with the walls constructed from standing seam zinc cladding. The proposal would be an incongruous feature that would not be in keeping with the traditional appearance of the host property or surrounding buildings. It is noted that contemporary design for extensions can sometimes be supported by development plan policies and the National Planning Policy Framework. However, in this instance the proposal would not complement the existing building in design, form or materials, would be prominent within the cul-de-sac area of the housing estate and would not significantly enhance the immediate setting.
5. The Council's Achieving Well Designed Housing Supplementary Planning Document (SPD) states in section 5 that a development must have full regard to the form and character of the area. Although not a recent document the SPD is nevertheless consistent with the Framework in respect of design considerations. The form of the proposal differs significantly from the existing properties and would not relate to the local distinctiveness of the area.

6. The appellants comments regarding their choice to redesign the property and change the living space in their home is noted. My attention has been drawn to a revised application Ref: 18/0923 relating to the appeal site which has recently been granted approval by the Council. This approved scheme has a similar footprint and would achieve a comparable living space.
7. The proposal would introduce a discordant feature that would harm the character and appearance of the host property and the surrounding area. The proposal would fail to comply with policies SP6 and HO8 of the Carlisle District Local Plan and the SPD which seek development to relate to and complement existing buildings and characteristics of an area.

Conclusion

8. For the reasons set out above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR

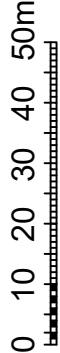
This drawing is copyright ©. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Rev	Description	Drawn	Date
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Block Plan

1:500



Location Plan
1:1250



ASHWOOD
DESIGN ASSOCIATES LTD

12A Clifford Court, Parkhouse Business Park, Carlisle CA3 0JG
t 01228 510616 e admin@ashwooddesign.co.uk
f 01228 520861 w www.ashwooddesign.co.uk

Planning

Mr & Mrs McKerr

Proposed Extension & Alterations

Crosby on Eden, CA6 4PN

As Existing

Block and Location Plans

Scale: Noted Sheet Size: A3 Drawn: PM Date: 04/2018
 Project No: 1740 Drawing No: 001 Revision: -

SCHEDULE B: Applications Determined by Other Authorities

Item No: 12

Between 02/02/2019 and 08/03/2019

Appn Ref No:

19/9001

Applicant:

Brook Street Primary
School

Parish:

Carlisle

Date of Receipt:

22/01/2019

Agent:

Cumbria County Council -
Economy & Planning

Ward:

St Aidans

Location:

Land adjacent to Brook Street Primary School
(formerly 3 & 4 Roseville Terrace), Edward Street,
Carlisle, CA1 2JD

Grid Reference:

340902 555311

Proposal: Change Of Use To, And Construction Of, A Multi-Use Games Area And
Associated, Enabling Demolition And Structural Stabilisation Works

Amendment:

REPORT

Case Officer: Suzanne Osborne

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection

Date: 04/02/2019

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 22/02/2019

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



The Town and Country Planning Act 1990

Notice of Change of Use

To: Brook Street Primary School
Edward Street
Carlisle
Cumbria
CA1 2JB

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 21 January 2019.

viz: Change of use to and construction of a Multi-Use Games Area and associated enabling demolition and structural stabilisation works.

Land adjacent to Brook Street Primary School (formerly 3 & 4 Roseville Terrace), Edward Street, Carlisle, CA1 2JD

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, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form – dated 16 January 2019;
 - b. Location Plan;
 - c. Planning Statement – dated January 2019;
 - d. Structural engineer report (ref. B9506/CJW/MAB) dated 8 August 2017 and associated drawing no. B9506/01 - Existing & Proposed Plans & Elevations;
 - e. Ground Investigation Report (Report Ref. 23-24-19-1-6006/GIR1 – dated August 2008;
 - f. Drawing No. 03-12-18-1-1226-BS-031-Rev.P2 – Proposed Layout Plan;
 - g. Drawing No. 03-12-18-1-1226-BS-032-Rev.P2 – Edward Street Existing & Proposed Elevations;
 - h. Euroguard Rebound Sports Mesh Technical data sheet;
 - i. Sustainable Drainage Statement – dated 5 December 2018;

- j. Drawing No. HBS-DR-C-060 - Proposed Drainage Layout;
- k. The Construction Method Statement & Environmental Management Plan approved in accordance with condition 3.
- l. Cumbria Constabulary's Crime Prevention Design Adviser's email dated 12 February 2019 recommending arrangements for securing the MUGA gates and the type of locking devices to be utilised.

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

Pre-Commencement Conditions

Construction Method Statement & Environmental Management Plan

- 3. No development shall take place until a Construction Method Statement Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Plan(s) shall include details of:
 - a. the proposed phasing of the development in terms of the carrying out of the demolition of the outbuilding, construction of the MUGA and remediation works to No.2 Roseville Terrace;
 - b. the location, layout and site access arrangements for the temporary construction compound;
 - c. measures for maintenance of safe access to the school for staff, pupils, parents and visitors and to avoid congestion at the school's peak muster times during school term;
 - d. construction boundary fencing/security hoarding type, location and extent;
 - e. retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - f. measures to control/minimise noise, vibration and dust during construction;
 - g. the appropriate health and safety regime to be followed during site clearance and earthworks in light of the increases increased risk of exposure to soils with presence of asbestos containing material and PAHs during the development of the site;
 - h. whether any artificial lighting will be needed during construction, clearly justifying the need for this and providing details of its specification type, location and measures to ensure it will not adversely impact on residential dwellings;
 - i. the cleaning of the site entrance(s) and the adjacent public highway;
 - j. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - k. construction vehicle routing;
 - l. the management of junctions to and crossings of the public highway and other public rights of way/footway;
 - m. surface water management details during the construction phase

The approved Statement and Plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, local amenity and to minimise the impact of the development on residential amenity in accordance with Policy CM 5 of the Carlisle District Local Plan 2015-2030 (CDLP).

Construction Phase

Hours of Construction Operations

4. No construction or earthworks; including start-up of generators or other plant and/or machinery and deliveries of equipment and materials; shall take place outside the hours of:

08.00 am and 18.00 pm Monday to Friday

09.00 am and 13.00 pm on Saturday.

No work shall be carried out on Sundays or public and/or bank holidays.

Reason: In order to protect local residential amenity during the construction phase in accordance with CDLP Policy CM 5.

Encounters with Unsuspected Contamination

5. 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 and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

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 site workers are not exposed to the unacceptable risks from contamination during construction in accordance with CDLP Policy CM 5.

Highway Cleanliness

6. During the construction phase no vehicle shall leave the site in a condition that would give rise to the deposit of mud, dust or debris on the public highway.

Reason: In the interests of highway safety.

Development Requirements

Remediation Works to No.2 Roseville Terrace

7. No use of the Multi Use Games Area hereby permitted shall take place until the remediation works to No.2 Roseville Terrace have been completed in line with the structural engineer report (ref. B9506/CJW/MAB) dated 8 August 2017 and drawing no. B9506/01 - Existing & Proposed Plans & Elevations.

Reason: To ensure the safe use of the land in accordance with CDLP Policy CM 5.

Surface Water Drainage

8. The pass forward flow rate of surface water draining from the MUGA to the public sewer system shall not exceed 2l/s for any storm event.

Reason: To secure proper drainage and to manage the risk of flooding in accordance with policy CC 5 of the CDLP.

Multi-Use Games Area - Standard of Construction

9. The Multi Use Games Area hereby permitted shall not be constructed other than in accordance with Sport England's Technical Design Guidance Note: 'Artificial Sports Surfaces for outdoor sports'.
(www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/)

Reason: To ensure the development is fit for purpose and sustainable and to accord with the National Planning Policy Framework.

Operational Restrictions

Usage Restriction

10. No use of the Multi-Use Games Area (MUGA) hereby permitted shall take place outside of school term-time. Within school term time the MUGA shall only be used between the hours of 07:30-17:00 Monday to Friday.

Reason: In order to protect local residential amenity in accordance with CDLP Policy CM 5.

Prohibition on Floodlighting

11. No floodlighting shall be installed on site or operated in association with the Multi-Use Games Area (MUGA).

Reason: In order to protect local residential amenity in accordance with CDLP Policy CM 5.

Dated 22 February 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 application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/19/9001>
- 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.
- 1.



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Location Plan

Drawn by: MS

Scale: 1/1250@A4

Date: 13.1.12