

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 13

Between 25/05/2013 and 05/07/2013

Appn Ref No:

13/9009

Applicant:

United Utilities plc

Parish:

Carlisle

Date of Receipt:

25/02/2013

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Castle

Location:

Carlisle Wastewater Treatment Works, Willowholme
Industrial Estate, Willowholme Road, Carlisle, CA2
5SH

Grid Reference:

338910 556681

Proposal: Erection Of An MCC Kiosk Building (To House A Trickling Filter Pumping
Station)

Amendment:

REPORT

Case Officer: Shona Taylor

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 22/03/2013

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 12/06/2013

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

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT, 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

NOTICE OF PLANNING CONSENT

To: United Utilities
Clearwater 4
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington

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 February 2013.

**viz: Erection of an MCC Kiosk-Building (to house a trickling filter pumping station) and Demolition of Existing Fine Filters Control Building
Carlisle Wastewater Treatment Works, Willowholme Industrial Estate,
Carlisle, Cumbria.**

Subject to due compliance with the following conditions:

That planning permission is GRANTED for the reasons stated in Appendix 1 and subject to the following conditions:-

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.

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form – dated 1 February 2013
 - b. Design & Access Statement - dated February 2013
 - c. Planning Statement – dated February 2013
 - d. Flood Risk Assessment - dated February 2013
 - e. Ecological Survey - dated January 2013
 - f. Phase One Habitat and Scoping Survey for European Protected Species [OpenSpaceRef: OP-Carlisle WWTW –PHA05v1] – dated March 2013
 - g. Archaeological Desk Based Assessment – dated December 2012
 - h. Letter dated 14 May 2013 from United Utilities re: Land Contamination and its associated enclosures
 - i. Ground Investigation Report by Allied Exploration and Geotechnics Limited – dated July 2012.

- j. Plans numbered:
 - i) 2528_80021228_00_97_1001RevA - Location Plan
 - ii) 2528_80021228_00_97_1003RevA - Proposed Site Layout
 - iii) 2528_80021228_00_97_1004RevA – Demolition of Existing Control Building adjacent to Existing PST Collection Chamber
 - iv) 2528_80021228_00_97_6001RevA - Kiosk - Plan and Elevations (Proposed Trickling Filter Feed Pumping Station MCC 06 Kiosk)
 - v) 2528_80021228_00_97_9400 RevB – Landscape Proposals
- k. This Decision Notice

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

Dated the 12 June 2013

.....
Signed: Paul Feehily
Assistant Director - Planning & Sustainability, Environment Directorate
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 which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Assistant Director - Planning & Sustainability or any other officer of Cumbria County Council shall be in writing.

CUMBRIA COUNTY COUNCIL

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

- 1 This application has been determined in accordance with the Town and Country Planning Acts, national planning policy and relevant development plan policies.
- 2 The key development plan policies taken into account by the County Council before granting permission were as follows:

Cumbria Minerals and Waste Development Framework (CMWDF)
Generic Development Control Policies (GDCP) 2009-2020

Policy: DC4f: Waste Water Treatment Facilities

Waste management facilities that accord with Core Strategy Policies 2, 8 and 9, and which do not have adverse environmental impacts, will be permitted if they conform to the locational and other criteria: ...

f) Waste water treatment facilities will be permitted in appropriate locations if proposals have minimised any adverse environmental impacts

- 3 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 12 June 2013

.....

Signed: Paul Feehily
Assistant Director - Planning & Sustainability, Environment Directorate
on behalf of Cumbria County Council.

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. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. 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.
4. 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.
5. 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 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £85 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.
6. 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 planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government 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, then you must do so within six months of the date of the notice of decision, using the appropriate form. The types of appeal form available are: Planning Appeal Form; Householder Planning Appeal Form; Listed Building Consent or Conservation Area Consent Appeal Form; or Certificate of Lawful Use or Development Appeal Form. These forms can be obtained from the Planning Inspectorate by contacting them at their Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN (Telephone: 0303 444 5000). If requesting forms from the Planning Inspectorate, please state the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 14

Between 25/05/2013 and 05/07/2013

Appn Ref No:

13/9012

Applicant:

Cumbria County Council

Parish:

Burtholme

Date of Receipt:

11/04/2013

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Irthing

Location:

Lanercost C of E Primary School, Lanercost,
Brampton, CA8 2HL

Grid Reference:

355878 563864

Proposal: Construction Of New Extension To Existing Toilet Block, Including New
Boiler Room And Fuel Store To House New Biomass Boiler

Amendment:

REPORT

Case Officer: Suzanne Edgar

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 29/04/2013

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 07/06/2013

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

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

NOTICE OF PLANNING CONSENT

To: Cumbria County Council
The Parkhouse Building
Baron Way
Kingmoor Business Park
Carlisle

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 April 2013.

viz: Extension to existing toilet block to include construction of new boiler room and fuel store to house new biomass boiler.

Lanercost C of E School, Lanercost, Brampton, Cumbria.

Subject to due compliance with the following conditions:

- 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.

- 2 The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form - dated 05 April 2013;
 - b. Planning Application Supporting Document, dated April 2013;
 - c. Location Plan, Project Number: A079218; Plan Number: 006, Revision A, dated 03 April 2013;
 - d. Block Plan with Tree Schedule, Project Number: A079218; Plan Number: 011, Revision A, dated 03 April 2013;
 - e. Elevations as Existing, Project Number: A079218; Plan Number: 007, Revision B, dated 03 April 2013;
 - f. Proposed Elevations, Project Number: A079218; Plan Number: 008, Revision B, dated 03 April 2013;
 - g. Floor Plan as Existing, Project Number: A079218; Plan Number: 001, Revision B, dated 03 April 2013;
 - h. Proposed Floor Plan, Project Number: A079218; Plan Number: 009, Revision B, dated 03 April 2013;
 - i. The details or schemes approved in relation to conditions attached to this permission.
 - j. This Decision Notice

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

- 3 Prior to the commencement of the development, the details of the colour and finish of both the flue, and the supporting structure of the flue, shall be submitted to the Local Planning Authority for approval. Once agreed this shall be implemented in full.

Reason: In the interest of visual amenity and to protect the setting of Hadrian-s Wall World Heritage Site, in accordance with Policies LE5 and LE7 of Carlisle District Local Plan 2001-2016.

Dated the 7 June

.....
Signed: Paul Feehily
Assistant Director of Planning & Sustainability
on behalf of the Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Assistant Director - Planning & Sustainability or any other officer of Cumbria County Council shall be in writing.

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

Summary of Reasons For Grant of Planning Permission

- 1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
- 2 The key development plan policies taken into account by the County Council before granting permission were as follows:

Carlisle District Local Plan 2001-2016

POLICY LE5 - Hadrian's Wall World Heritage Site

Development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

POLICY LE7 - Buffer Zone on Hadrian's Wall World Heritage Site

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that:

1. the proposal reflects the scale and character of the existing group of buildings; and
2. there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Within the outer visual envelope, beyond the Hadrian's Wall Military Zone World Heritage Site, proposals for major development which would have an adverse effect on the character of the World Heritage Site will not be permitted unless the need for the development outweighs the environmental costs.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 7 June

.....
Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

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. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. 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.
4. 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.
5. 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 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £85 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 15

Between 25/05/2013 and 05/07/2013

Appn Ref No:

13/9013

Applicant:

Cumbria County Council

Parish:

Date of Receipt:

19/04/2013

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Belah

Location:

Kingmoor Junior School, Liddle Close, Lowry Hill,
Carlisle, Cumbria, CA3 0DU

Grid Reference:

339200 558486

Proposal: Section 73 Application To Vary Condition 1 Of Planning Permission
1/08/9009 To Permit Temporary Portakabin For An Additional
Temporary Period Of Seven Years

Amendment:

REPORT

Case Officer: Suzanne Edgar

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 30/04/2013

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 07/06/2013

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

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT, 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

NOTICE OF PLANNING CONSENT

To: Cumbria County Council
Parkhouse Building
Kingmoor Business Park
Carlisle

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 16 April 2013.

viz: Section 73 application to vary condition 1 of planning permission 1/08/9009 to permit temporary portakabin for an additional temporary period of seven years

Kingmoor Junior School, Liddle Close, Lowry Hill, Carlisle.

Subject to due compliance with the following conditions:

TIME LIMITS

1. The development hereby permitted shall be for a temporary period until 30 August 2020 by which time the building hereby permitted shall have been removed from the site.

Reason: The temporary classroom is only required to overcome the temporary shortage of accommodation at the school.

APPROVED DOCUMENTS

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form - dated 15 April 2013
 - b. The accompanying letter of application - dated 15 April 2013
 - c. The Design and Access Statement - reference: 4188151
 - d. Arboricultural Report, reference: KIJS/0308/AHTS-TR, dated 18 March 2008;
 - e. Plan - Kingmoor Junior School Temporary Building -Proposals-, drawing no: 0/P001; dated 02/08;
 - f. Plan - Junior School Temporary Classroom Site Location, drawing no: 12063-J-07; dated 04/13;
 - g. Plan - Junior School Temporary Classroom Site Location, drawing no: 12063-J-08; dated 04/13;
 - h. The details or schemes approved in relation to conditions attached to this permission.
 - i. This Decision Notice

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. The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

SCHEME OF MAINTENANCE

4. Within 6 months of the date of this consent, a scheme for the Annual Maintenance of the external condition of the outside of the temporary building shall be submitted to the Local Planning Authority for approval. This Annual Maintenance Scheme should cover the programme of works for the next seven years. Once approved this scheme for Annual Maintenance of the temporary building shall be implemented in its entirety.

Reason: To ensure that the appearance of the temporary building is maintained to a good standard and not be visually detrimental to the surrounding area.

PROTECTION OF TREES

5. Temporary protective fencing is to be erected for the duration of the works to remove the building off the site. The fencing should define the construction exclusion zone around tree Group G2 as indicated in Appendix 2 of the Arboricultural Report, dated 18 March 2008 Ref KIJS/0308/AHTS-TR.

Reason: To safeguard amenity

TRAVEL PLAN

6. Within a month of the date of this consent, the School Travel Plan shall have been revised and submitted to this Planning Authority, together with a nominated Travel Plan Coordinator and agreed targets, to achieve modal shift from Private Car travel by pupil journeys to/from school to Sustainable Travel modes. The Travel Plan shall then be subject to Annual Review, as to the effectiveness of the Travel Plan over the preceding year, including identification of any necessary amendments or additional measures, to be delivered in the following year. All reviews subsequently prepared by the applicant/occupier shall be submitted to the LPA for approval. Once approved it shall be implemented in its entirety.

Reason: To aid the delivery of sustainable transport objectives and to minimise nuisance and danger to users of Highways surrounding the school. In support of Local Transport Plan objectives WS1, LD4 & LD8.

Dated the 7 June 2013

.....
Signed: Paul Feehily
Assistant Director - Planning & Sustainability, Environment Directorate
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 which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Assistant Director - Planning & Sustainability or any other officer of Cumbria County Council shall be in writing.

CUMBRIA COUNTY COUNCIL

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

- 1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
- 2 The key development plan policies taken into account by the County Council before granting permission were as follows:

Carlisle City Council Local Plan (2001 – 2016)

POLICY LC11 - Educational Needs

Proposals for the development of education facilities should be provided within the existing educational sites as indicated on the Proposals Map. On existing sites, proposals for new buildings should be in close proximity to existing buildings to minimise the visual impact of additional development. Where educational facilities are proposed outside existing sites the location should be close to the intended catchment in order to minimise travel in conjunction with centres listed in policy DP1. Other policies of this Plan will apply dependent upon the proposal and land to be utilised.

POLICY CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;

- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Dated the 7 June 2013

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Signed: Paul Feehily

Assistant Director - Planning & Sustainability, Environment Directorate
on behalf of Cumbria County Council.

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. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. 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.
4. 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.
5. 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 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £85 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.
6. 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 planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government 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, then you must do so within six months of the date of the notice of decision, using the appropriate form. The types of appeal form available are: Planning Appeal Form; Householder Planning Appeal Form; Listed Building Consent or Conservation Area Consent Appeal Form; or Certificate of Lawful Use or Development Appeal Form. These forms can be obtained from the Planning Inspectorate by contacting them at their Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN (Telephone: 0303 444 5000). If requesting forms from the Planning Inspectorate, please state the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 16

Between 25/05/2013 and 05/07/2013

Appn Ref No:

13/9014

Applicant:

Cumbria County Council

Parish:

Date of Receipt:

16/05/2013

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Denton Holme

Location:

Robert Ferguson Primary School, East Dale Street,
Carlisle, CA2 5LA

Grid Reference:

339859 554799

Proposal: Extension to Primary School To Provide New Nursery Classroom &
Associated Toilets

Amendment:

REPORT

Case Officer: Suzanne Edgar

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 11/06/2013

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 26/06/2013

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

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT, 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

NOTICE OF PLANNING CONSENT

To: Robert Ferguson Primary School
East Dale Street
Carlisle

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 May 2013.

viz: Extension to primary school to provide new nursery classroom and associated toilets.

Robert Ferguson Primary School, East Dale Street, Denton Holme, Carlisle.

Subject to due compliance with the following conditions:

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.

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form - dated 23 May 2013
 - b. Design and Access Statement - dated May 2013
 - c. Flood Risk Assessment - dated 26 April 2013
 - d. Transport Statement - dated March 2013
 - e. School Travel Plan - Rev 2 - dated 2013 - received 24 June 2013
 - f. Ecological Appraisal - February 2012
 - g. Plans/Drawings numbered:
 - 13008-01- As Existing - Plans and Elevations Classrooms
 - 13008-04 - Site Location
 - 13008-05B - As Proposed Plan
 - 13008-06B - As Proposed Elevations
 - 13008-07 - Block Plan
 - h. This Decision Notice

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

3. Prior to the new building being brought into use the measures identified in the Travel Plan shall be implemented by the applicant. An annual review of the effectiveness of the Travel Plan, including any necessary amendments or additional measures, shall be subsequently prepared by the applicant and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives in accordance with Local Transport Plan Policies.

Dated the 26 June 2013

Signed: Paul Feehily
Assistant Director - Planning & Sustainability, Environment Directorate
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 which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Assistant Director - Planning & Sustainability or any other officer of Cumbria County Council shall be in writing.

CUMBRIA COUNTY COUNCIL

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

- 1 This application has been determined in accordance with the Town and Country Planning Acts, national planning policy and the relevant development plan policies.
- 2 The key development plan policies taken into account by the County Council before granting permission were as follows:

Carlisle City Council Local Plan (2001 – 2016)
Adopted September 2008

POLICY LC11 - Educational Needs

Proposals for the development of education facilities should be provided within the existing educational sites as indicated on the Proposals Map. On existing sites, proposals for new buildings should be in close proximity to existing buildings to minimise the visual impact of additional development. Where educational facilities are proposed outside existing sites the location should be close to the intended catchment in order to minimise travel in conjunction with centres listed in policy DP1. Other policies of this Plan will apply dependent upon the proposal and land to be utilised.

POLICY CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well-integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;

- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

POLICY CP6 – Residential Amenity

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

POLICY CP15 - Access, Mobility and Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets and appropriate signage

POLICY CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- Security measures should be an integral part of the design
- Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- Public and private spaces should have clearly defined boundaries.
- Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

POLICY LE27 – Developed Land in Floodplains

Development on previously developed land which is at risk of flooding will only be permitted provided that a Flood Risk Assessment has been submitted with the planning application that confirms:

1. no other lower risk alternative site exists in the case of proposed development in Zone 3 (High Probability of river and/or sea flooding); and
2. flood defence measures to the appropriate standard are already in place or can be provided; and
3. adequate flood plain storage capacity can be provided; and
4. the development will not interfere with flood flows nor increase flood risk elsewhere; and
5. access and egress could be reasonably maintained at times of flood risk; and
6. adequate flood warning and evacuation procedures will be provided; and
7. mitigation measures will be provided where necessary; and
8. the building materials are appropriate for a flood risk area.

POLICY T1 Parking Guidelines for Development

The level of car parking provision for development will be determined on the basis of the following factors:

1. the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
 2. the availability of public car parking in the vicinity;
 3. the impact of parking provision on the environment of the surrounding area;
 4. the likely impact on the surrounding road network; and
 5. accessibility by and availability of, other forms of transport.
- 3 The National Planning Policy Framework (March 2012) is also a material consideration, and has been taken into account in this report with reference to:

Paragraph 14

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

Paragraph 72

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools;
- work with schools promoters to identify and resolve key planning issues before applications are submitted

- 4 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development

Dated the 26 June 2013

.....

Signed: Paul Feehily

Assistant Director - Planning & Sustainability, Environment Directorate
on behalf of Cumbria County Council.

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. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. 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.
4. 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.
5. 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 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £85 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 17

Between 25/05/2013 and 05/07/2013

Appn Ref No:

13/9015

Applicant:

Cumbria County Council

Parish:

Beaumont

Date of Receipt:

13/05/2013

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Burgh

Location:

Opposite Knockupworth Hall, Burgh Road, Carlisle

Grid Reference:

337080 556478

Proposal: Provision of 2.5 Metre Wide Shared Footway/Cycleway

Amendment:

REPORT

Case Officer: Suzanne Edgar

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 29/05/2013

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 14/06/2013

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

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

NOTICE OF PLANNING CONSENT

To: Mr McLauchlan
Cumbria County Council
The Parkhouse Building
Baron Way
Kingmoor Business Park
Carlisle

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 9 May 2013.

viz: Shared Footway/Cycleway

Burgh Road, Carlisle, Cumbria, CA2 7RF

Subject to due compliance with the following conditions:

- 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.

- 2 The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form - dated 09 May 2013
 - b. Supporting Statement - CNDR Shared Footway/Cycleway Links on Burgh Road and Moorhouse Road Carlisle.
 - c. Hedgerow Survey Report - Ref.CCC13HEDGE001-FINAL by Hesketh Ecology - dated 2013
 - d. Drawing No. CNDR_FL_BR_01_REV2 - Proposed Burgh Rd Footway-Cycleway Link
 - e. Drawing No. CNDR_FL-SD01 - Field Access at Knockupworth
 - f. Drawing No. CNDR_FL-SD02 - Standard Field Access
 - g. This Decision Notice

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

- 3 No hedgerow removal or related site clearance shall take place during the bird nesting season (i.e. between the 1st March and 31st August inclusive in any year).

Reason: To ensure appropriate protection for breeding birds under Section 1 of the Wildlife and Countryside Act 1981.

- 4 No development, or any preliminary groundworks or hedgerow removal, shall take place until measures to protect the Mature Tree identified on Drawing No. CNDR_FL_BR_01_REV2 have been put in place. As a minimum, these measures will consist of:
- a) Erection of `HERAS- type fencing around the tree-s root protection zone in accordance with British Standard 5837 -Trees in Relation to Construction-, and;
 - b. Attachment of notices to the above fencing stating -Protected Area (no operations within fenced area)-.
- Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period.

Reason: To ensure that this existing tree is not lost or damaged as a result of development.

- 5 Should any part of the replacement hedgerow die, become damaged, diseased or be removed within the duration of 5 years from the completion of the development then it shall be replaced during the next available planting season (October to March inclusive)

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with policy.

- 6 Measures shall be in place for the duration of the construction and demolition to ensure that no mud or other debris from the site is tracked on to the public highway.

Reason: To ensure public safety

Dated the 14 June 2013

.....
Signed: Paul Feehily
Assistant Director of Planning & Sustainability
on behalf of the Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Assistant Director - Planning & Sustainability or any other officer of Cumbria County Council shall be in writing.

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

Summary of Reasons For Grant of Planning Permission

1. This application has been determined in accordance with the Town and Country Planning Acts, national planning policy and advice, and relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

Carlisle City Council Local Plan (2001 – 2016)
Adopted September 2008

POLICY CP3 – Trees and Hedges on Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- the location of existing trees and hedges;
- the species, age, height and crown spread of each tree;
- an assessment of the condition of each tree;
- the location and crown spread of trees on adjacent land which may be affected by the development;
- existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

POLICY CP4 – Agricultural Land

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

1. there is an overriding need for the development; and
2. there is insufficient land of a lower grade available; or
3. available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

POLICY CP16 - Public Transport, Pedestrians and Cyclists

New developments should offer a realistic choice of access by public transport, walking and cycling. Priority should be given to the provision for safe and convenient pedestrian and cycle access...

3. The National Planning Policy Framework (March 2012) is also a material consideration, and has been taken into consideration in this report with reference to:

Paragraph 14

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

Paragraph 17 – Core Planning Principles

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and

Paragraph 35 – Promoting Sustainable Transport

Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

...

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians...

4. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 14 June 2013

.....
Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

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. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. 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.
4. 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.
5. 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 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £85 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 18

Between 25/05/2013 and 05/07/2013

Appn Ref No:

13/9016

Applicant:

Cumbria County Council

Parish:

Carlisle

Date of Receipt:

13/05/2013

Agent:

Ward:

Belle Vue

Location:

Moorhouse Road adjacent Kirkstead Road, Carlisle

Grid Reference:

336792 556180

Proposal: Provision of 2.5 Metre Wide Shared Footway/Cycleway

Amendment:

REPORT

Case Officer: Suzanne Edgar

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 29/05/2013

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 14/06/2013

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

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

NOTICE OF PLANNING CONSENT

To: Mr McLauchlan
Cumbria County Council
The Parkhouse Building
Baron Way
Kingmoor Business Park
Carlisle

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 9 May 2013.

viz: 2.5m wide Shared Footway/Cycleway
Moorhouse Road, Carlisle, Cumbria

Subject to due compliance with the following conditions:

- 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.

- 2 The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form - dated 09 May 2013
 - b. Supporting Statement - CNDR Shared Footway/Cycleway Links on Burgh Road and Moorhouse Road Carlisle.
 - c. Hedgerow Survey Report - Ref.CCC13HEDGE001-FINAL by Hesketh Ecology - dated 2013
 - d. Drawing No. CNDR_FL_MR_01_REV2 - Proposed Shared Footway-Cycle Link at Moorhouse Rd
 - e. Drawing No. CNDR_FL-SD02 - Standard Field Access
 - f. This Decision Notice

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

- 3 No hedgerow removal or related site clearance shall take place during the bird nesting season (i.e. between the 1st March and 31st August inclusive in any year).

Reason: To ensure appropriate protection for breeding birds under Section 1 of the Wildlife and Countryside Act 1981.

- 4 Should any part of the replacement hedgerow die, become damaged, diseased or be removed within the duration of 5 years from the completion of the development then it shall be replaced during the next available planting season (October to March inclusive)

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with policy.

- 5 Measures shall be in place for the duration of the construction and demolition to ensure that no mud or other debris from the site is tracked on to the public highway

Reason: To ensure public safety

Dated the 14 June 2013

.....
Signed: Paul Feehily
Assistant Director of Planning & Sustainability
on behalf of the Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Assistant Director - Planning & Sustainability or any other officer of Cumbria County Council shall be in writing.

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

Summary of Reasons For Grant of Planning Permission

- 1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
- 2 The key development plan policies taken into account by the County Council before granting permission were as follows:

Carlisle City Council Local Plan (2001 – 2016)
Adopted September 2008

POLICY CP3 – Trees and Hedges on Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- the location of existing trees and hedges;
- the species, age, height and crown spread of each tree;
- an assessment of the condition of each tree;
- the location and crown spread of trees on adjacent land which may be affected by the development;
- existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

POLICY CP4 – Agricultural Land

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

1. there is an overriding need for the development; and
2. there is insufficient land of a lower grade available; or
3. available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

POLICY CP16 - Public Transport, Pedestrians and Cyclists

New developments should offer a realistic choice of access by public transport, walking and cycling. Priority should be given to the provision for safe and convenient pedestrian and cycle access...

- 3 The National Planning Policy Framework (March 2012) is also a material consideration, and has been taken into consideration in this report with reference to:

Paragraph 14

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

Paragraph 17 – Core Planning Principles

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and

Paragraph 35 – Promoting Sustainable Transport

Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

...

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians...

- 4 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 14 June 2013

..... Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

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. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. 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.
4. 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.
5. 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 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £85 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.