

SCHEDULE B

**Applications
determined by other
authorities.**

SCHEDULE B

SCHEDULE B: Applications Determined by Other Authorities

19/0971

Item No: 08

Between 05/02/2021 and 11/03/2021

Appn Ref No:

19/0971

Applicant:

Mr M Johnson

Parish:

Multiple Parishes

Date of Receipt:

30/12/2019

Agent:

Acorus Rural Property
Services

Ward:

Wetheral & Corby

Location:

Land adjacent The Coach House, Allenwood,
Heads Nook, Brampton, CA8 9AG

Grid Reference:

349034 555859

Proposal: Residential Development (Outline)

Amendment:

REPORT

Case Officer: Alanzon Chan

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report:

Appeal Decision: Appeal Dismissed

Date: 04/03/2021

A copy of the Notice of the decision of the Planning Inspectorate is printed following this report.

Appeal Decision

Site visit made on 22 February 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Appeal Ref: APP/E0915/W/20/3260935

**Land adjacent the Coach House, Allenwood, Heads Nook,
Brampton CA8 9AG**

- 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 M Johnson against the decision of Carlisle City Council.
 - The application Ref 19/0971, dated 27 December 2019, was refused by notice dated 28 April 2020.
 - The development proposed is an outline application for residential development.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the address set out on the Council's decision notice and the appellant's appeal form as it is usefully more comprehensive than that initially set out on the planning application form.
3. The application has been submitted in outline form with all matters reserved for subsequent consideration. No indicative plans have been submitted and the application form does not state the proposed quantum of development, although the accompanying Planning Statement and Appeal Statements both refer to the proposal being for up to four dwellings. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether or not the appeal site is an appropriate location for housing, having regard to the development plan, national planning policy and other material considerations.

Reasons

5. The appeal site was used as a car park in connection with the former Coach House public house, which has since been converted to residential use and is known as Allenwood House. Elements of the former car park use, particular remaining areas of hard-standing, can still be seen in places within the appeal site. The appeal site lies adjacent to a small group of houses in the open countryside formed by the now converted Allenwood House and two cottages on the crossroads junction a short distance to the west of the appeal. Such sporadic clusters of houses are not an uncommon feature within the open, expansive and gently rolling countryside in which the appeal site lies.

6. The nearest identified settlement, Heads Nook is less than a mile to the southeast of the site, whilst the larger settlement of Warwick Bridge lies approximately 1½ miles to the northwest. Neither are within easy walking distance of the appeal site although both settlements would be reasonably easily accessible by bicycle and, at the time of my visit to the site, I saw several walkers walking along the road between the appeal site and Heads Nook. However, the absence of footways, or even reasonably consistent, wide and smooth grass verges, in either northerly or southerly directions would be unlikely to encourage pedestrians to access the limited services and facilities in Heads Nook, or the wider range of facilities in Warwick Bridge, on a day-to-day basis.
7. Carlisle Local Plan (CLP) policy SP2 sets out the Council's settlement strategy within its approach to strategic growth and distribution of development. Thus, within the open countryside, development will be assessed against its need to be in the location proposed. CLP policies HO2, HO5 and HO6 consider windfall housing development, rural exception sites and housing in the open countryside, respectively.
8. It is acknowledged by the appellant that the site does not lie within a settlement. I agree, there is no doubt in my mind as to the site's open countryside location. The site is not well related to settlements with a range of services or facilities and so the proposal gains no support from CLP policy HO2 in terms of good access to villages or other settlements, whilst the appellant concedes that CLP policy HO5 is not applicable. Nor has a case been made in respect of the provisions of CLP policy HO6 in terms of the proposal providing housing for an essential rural worker. The proposal is clearly not for the construction of a replacement dwelling or dwellings, nor does it involve the conversion of existing buildings. There is therefore no support for the proposal from the provisions of CLP policies HO2, HO5 or HO6, or from SP2.
9. Although the appeal site does not lie in an isolated location, nor is it, for reasons set out above, well related to settlements with services or facilities. There can be little doubt that the appeal site is previously developed land (PDL), particularly in those parts of the site where the remains of the car park are clearly visible. CLP policy SP2(6) encourages the re-use and redevelopment of previously developed land across the District. This is, however, qualified as only 'where possible and appropriate'.
10. The proposal would redevelop PDL, and I concur with the appellant's view that this should carry weight in support of the proposal. However, the site is not well-located relative to services and facilities in Heads Nook or Warwick Bridge and its development would not, in the parlance of CLP policy SP2(6), be appropriate. The proposal gains no support from CLP policy SP2(6) in this respect and the weight I give to the site's PDL status, whilst noting the broad encouragement given by the Framework to the efficient use of land, is limited within its, and the CLP's, broad aims of encouraging sustainable patterns of development.

Other Matters

11. The appeal site lies adjacent to the converted former Coach House public house and was, I understand, granted planning permission in 2014¹. Although the

¹ Appellant Grounds of Appeal Appendix 2 - LPA Ref No: 14/0398

appellant contends that there has been no material change in circumstances locally since then, the appended decision notice for that permission clearly refers to an earlier version of the Carlisle District Local Plan. However, that development was a conversion and change of use of an existing building not the construction of new-build dwellings, for which the current CLP sets out specific provision and support.

12. I do not therefore consider the adjacent scheme of conversion to be directly comparable and it provides little support to the principle of the scheme before me. Nor does a previously approved scheme for the redevelopment of the appeal site for the provision of holiday chalets² which lapsed without implementation.
13. I have noted the absence of objection to the proposal from neighbours and also, albeit within the context of an outline application for planning permission with all matters reserved, from the Council in terms of scale and design, living conditions of occupiers of neighbouring properties and highways and drainage matters. Together with matters relating to ground conditions arising from the previously developed nature of the appeal site, such matters could adequately and appropriately be dealt with by way of standard conditions on an outline planning permission, and by specific conditions. However, such factors weigh neither in support of nor against the proposal and do not justify a decision other than in accordance with the development plan.

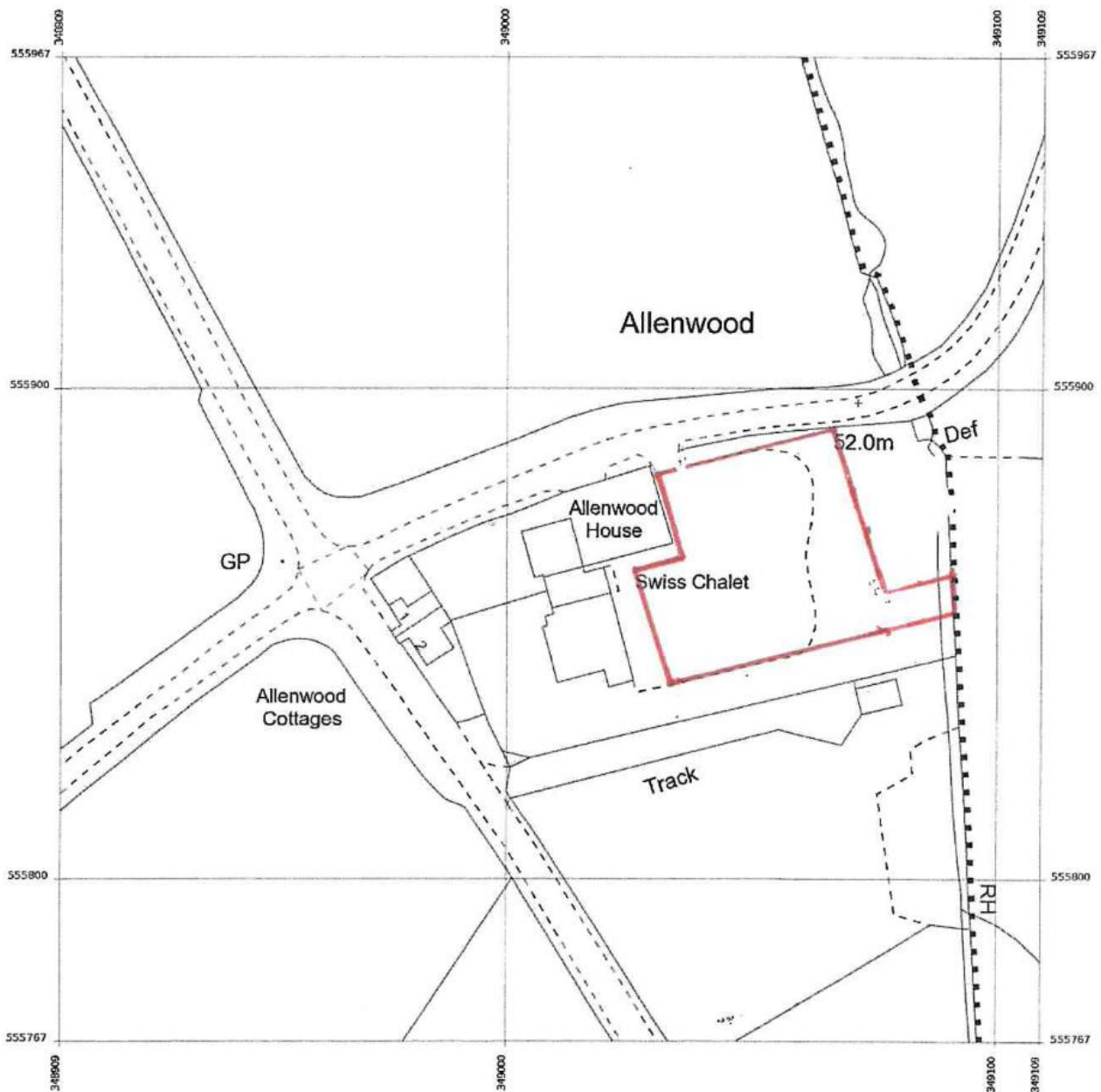
Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

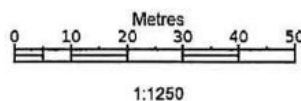
INSPECTOR

² LPA Ref No: 15/0148



Produced 08 May 2019 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



1:1250

Supplied by: Latitude Mapping Ltd
Licence: © Crown Copyright and
database rights 2019 OS 100038864
Reference: OI1319987
Centre coordinates: 349009 555867



Allenwood House, Allenwood, Heads
Nook, Brampton
CA8 9AG

SCHEDULE B: Applications Determined by Other Authorities

20/0213

Item No: 09

Between 05/02/2021 and 11/03/2021

Appn Ref No:
20/0213

Applicant:
Mr R Peart

Parish:
Irthington

Date of Receipt:
17/04/2020

Agent:

Ward:
Longtown & the Border

Location:
Land Adjacent Woodside, Newby East, Wetheral,
Carlisle, CA4 8RA

Grid Reference:
348436 559327

Proposal: Erection Of 1no. Dwelling Together With Creation Of New Access (Part Retrospective)

Amendment:

REPORT

Case Officer: Suzanne Osborne

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report:

Appeal Decision: Appeal Dismissed

Date: 16/02/2021

A copy of the Notice of the decision of the Planning Inspectorate is printed following this report.



Appeal Decision

Site visit made on 4 February 2021

by L Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 16 February 2021

Appeal Ref: APP/E0915/W/20/3263334

Woodside Kennels, Woodside, Newby East, Carlisle, Cumbria, CA4 8RA

- 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 Rodney Peart against the decision of Carlisle City Council.
 - The application Ref 20/0213, dated 15 April 2020, was refused by notice dated 28 May 2020.
 - The development proposed is erection of a dwelling to replace kennels application no 13/1009 decided 7/3/2104 and replacement no 14/0443 decided 23/5/2014 to private kennels.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal site is associated with a former farmstead. Amongst the buildings on site, are a traditional rendered farmhouse, with a pitched roof, chimneys at both gable ends and a two storey smaller side extension, with what appears to be converted agricultural buildings to the rear, as well as a number of other outbuildings, one of which I understand may not have the benefit of planning permission. Nonetheless, this is a matter which is not before me.
3. I am aware of the detailed history of the site, and that it is proposed that the house would be built on the base which had been constructed as part of the previously approved, but not completed kennel and ancillary building¹. However, in the interests of clarity, I have determined the appeal on the basis of the merits of an application for a new market dwelling.
4. After the refusal of the application, the appellant submitted amended plans. However, given that there would be a substantive difference in the roof form of the amended scheme, in the interests of fairness, I have not accepted the further plans.
5. The appeal proposal was refused for four reasons. However, the third and fourth reasons for refusal have now fallen away. It has been agreed by both parties that the demolition of the nearby kennels could be required by condition, and therefore, there would be no impact on the living conditions of future residents as a result of noise and disturbance from dogs barking.

¹ 14/0443

Similarly, the Council no longer considers that it could sustain an objection on highway safety grounds, and I have no reason to demur from this.

Main Issue

6. The main issues in this case are whether the proposed development would be consistent with the settlement strategy of the development plan, and the effect of the proposed development on the character and appearance of the surrounding countryside.

Reasons

Location

7. The wider appeal site falls within open countryside, surrounded by open fields, set within a defined group of buildings associated with Woodside, which is a former farmstead. At the time of my site visit I noted a loose cluster of individual properties further south beyond the bend of the road, and Tyndle, which is on the same stretch of the C1010 as the appeal site but is physically separate.
8. I have been referred to the appeal site's relative proximity to Carlisle Airport, and the Golden Fleece Hotel, is on the approach road to Newby East and note that the site is around 4 miles from Brampton which I understand to be a market town with a number of amenities. I am also aware that there is a local Rambler bus that serves the rural area and that if required a bus could collect school children to attend the local primary and secondary school. However, any occupants of the proposed dwelling would be dependent on the private car for their day to day needs.
9. In my mind, there is no doubt, that the proposed development would lie within an isolated rural location, within the open countryside. As such Policy SP2 of the Carlisle District Local Plan 2015- 2030 (LP), which sets out the Council's settlement strategy, requires that there be a specific need for development in the open countryside.
10. It is no part of the appellant's case that the proposed development of the market dwelling would fall within any of the categories of development set out in Policy HO 6 of the LP. The proposed market dwelling is not for an essential rural worker, neither is it a replacement dwelling, nor the conversion of a building. Consequently, I conclude that the appeal proposal would be contrary to the Policies SP2 and HO6 of the LP which require development to accord with the settlement strategy and for any development for housing within the open countryside to accord with a number of criteria.

Character and appearance.

11. I consider that, in isolation, it would be possible through the use of conditions, to control materials and to provide a landscaping scheme to make the appeal proposal appear acceptable. I note an attempt has been made to articulate the front of the property through the use of varying roof heights, and a recessing of the secondary access to the garaging and cloakroom. However, the proposed dwelling's living accommodation would be of a similar height to Woodside, together with the attached cloakroom and garaging, and would appear substantially wider than the rendered element of Woodside.

12. Consequently, both due to its size and its physical proximity to Woodside, the proposed dwelling would appear to compete visually with the host property. Therefore, it would not read as being subservient to Woodside. As such, in my judgment, it would not be sensitive to, nor respond to the local context of the grouping of farmstead buildings. In coming to this conclusion, I note that the proposed development would be set back off the road and that the former stables are to be demolished.
13. I have carefully considered the impact of the proposed development in this particular isolated, and exposed location, taking the opportunity to view the wider site from the road and to drive past the site in both directions. I noted that the avenue of trees to the south of the site, would screen the site to some extent, as would the hedging at the front. Nonetheless, I conclude, given the open nature of the landscape, the scale and form of the proposed development, together with its relationship to Woodside, that the proposed development would result in adverse harm to the character and appearance of the lowland landscape. Consequently, the proposal would not accord with Policies SP6 and GI1 of the LP, which are consistent with the design policies of the Framework in relation to local distinctiveness, both in relation to the built environment and the wider landscape. Therefore, it would have an adverse impact on the character and appearance of the surrounding countryside.

Other matters

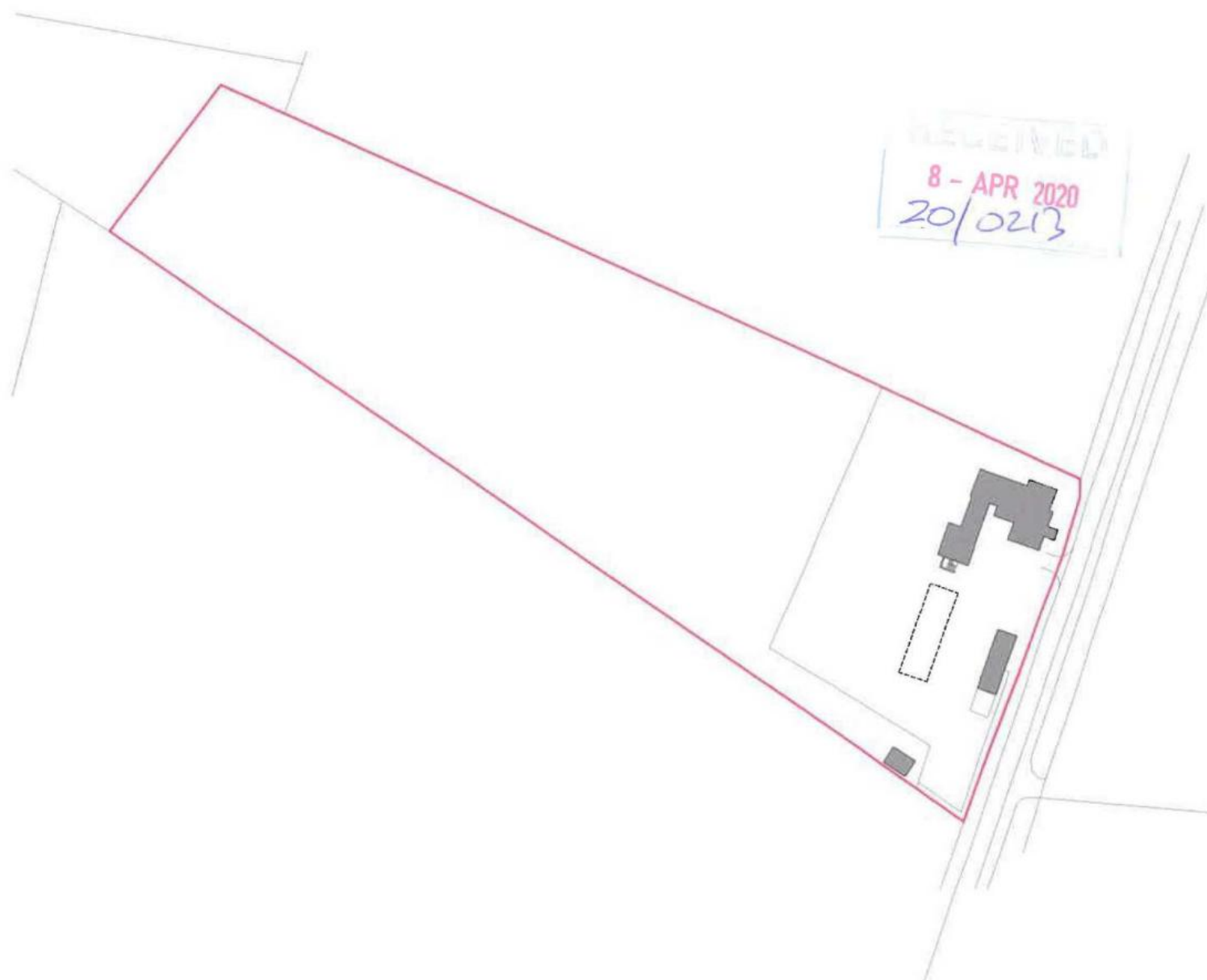
14. I have been referred to a number of developments which have been permitted by the Council. However, I do not have sufficient information to consider if they are comparable to the case before me. Additionally, I noted that there are some substantial properties nearby. However, neither of these matters leads me to a different conclusion other than that set out above.

Conclusion

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

L Nurser BA (Hons) Dip UP MRTPI

INSPECTOR



Woodside, Newby East, Carlisle.
Location Plan 1 : 1250



DWG. 00

SCHEDULE B: Applications Determined by Other Authorities

20/0630

Item No: 10

Between 05/02/2021 and 11/03/2021

Appn Ref No:

20/0630

Applicant:

Alight Media

Parish:

Carlisle

Date of Receipt:

21/09/2020

Agent:

Mr C Thomas

Ward:

Cathedral & Castle

Location:

Land adjacent K C Superbikes, 23-27 Church
Street, Carlisle, CA2 5TJ

Grid Reference:

339364 555917

Proposal: Display Of 1no. Freestanding Internally Illuminated Double Sided 48
sheet Digital LED Display Sign

Amendment:

REPORT

Case Officer: Alanzon Chan

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report:

Appeal Decision: Appeal Allowed with Conditions **Date:** 15/02/2021

A copy of the Notice of the decision of the Planning Inspectorate is printed following
this report.

Appeal Decision

Site visit made on 4 February 2021

by L Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 15 February 2021

Appeal Ref: APP/E0915/Z/20/3263415

Land at KC Superbikes, Church Street, Carlisle, CA2 5TJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Graeme Hughes against the decision of Carlisle City Council.
 - The application Ref 20/0630, dated 14 September 2020, was refused by notice dated 16 November 2020.
 - The advertisement proposed is the erection and display of two freestanding back-to-back 48-sheet sized digital LED advertising units.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300 candela in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors to reflect ambient light conditions and ensure that the display is not dazzling and at all times it shall remain within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features or equipment which would permit interactive messages/advertisements to be displayed;
 - 3) The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to default to a plain, black screen if there is a malfunction, or the advertisement is not in use;
 - 4) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

Procedural matters

2. In refusing the application, the Council refers to conflicts with Policy SP6 of the Carlisle District Local Plan 2015- 2030, adopted 2016, (LP) which requires that development proposals should respect local character and minimise visual

cluttering. The Regulations and paragraph 132 of the Framework both make clear that advertisements should only be subject to control in the interests of amenity and public safety, taking account of cumulative impacts. On this basis, the Council's policies alone cannot be decisive.

Main Issue

3. The main issues in this case are the effect of the proposed display on the amenity of the area and its effect on public safety.

Reasons

Amenity

4. Church Street (the A595) forms one of the main routes into Carlisle. It is a significant thoroughfare, commercial in nature, with a mix of modern developments such as the large nearby Sainsbury's Superstore, KC Superbikes, and older industrial and smaller scale buildings, such as those on John Street. In sum, it is a typical urbanised roadway, within a commercial area, in which the planning practice guidance concludes that the principle of large advertisements can be acceptable.
5. Nonetheless, I have carefully considered whether the proposed development, which would be a large, free standing structure, constructed of modern materials, with a light emitting diode display (LED), the strength of which would be set to react to the ambient light level, and which would change every 10 seconds, would be in scale and in keeping with the local characteristic of the area. In doing so, I have had particular regard to the requirements set out within the Regulations.
6. It is not a point of dispute that there are no other large format illuminated advertisements of a similar design, or which operate in the same way, in the wider area. However, this, of itself, would not be a reason to dismiss the appeal.
7. Visually, the proposed development, whilst clearly a contemporary iteration of an advertisement, would not jar with the surrounding built environment. Indeed, it would be seen in the context of the modern design of the KC Superbike showroom. It would be set back off the road, would not extend beyond the boundary of the appeal site, and would sit some distance from the flank wall of no 31 John Street. The proposal would clearly be a large display, designed to be highly visible, nevertheless, in my judgement, the location is capable of absorbing the advertisement without detriment. Given the particular locational characteristics of the site, it would not appear out of scale, nor dominate the wider townscape either side of the road.
8. Therefore, I conclude that the proposal would not be overly obtrusive, incongruous or a discordant feature, and would be consistent with both the Regulations and paragraph 132 of the Framework, and therefore, as I have found that it would cause no adverse impact on amenity, it would be consistent with Policy SP6 of the LP.

Highway Safety

9. When approaching the appeal site from the west, the proposed advertisement would be on the other side of the dual carriageway and therefore could not interfere with or be a distraction to drivers.
10. I took the opportunity to cross the dual carriageway on foot taking advantage of the central reservation, as well as to drive towards the appeal site from the eastern direction. In doing so it appeared that the appeal proposal would be partially visible on approaching, and when stationary at the Bridge Street traffic light. However, due to the position of the proposed LED display, the traffic lights would not be viewed directly in front of it. For drivers turning right into Sainsbury's there is a right turn lane and single traffic light. However, this traffic head is in the middle of the carriageway and would not be seen in the context of the proposed advertisement.
11. Similarly, I considered the impact of the appeal proposal on drivers leaving the Sainsbury's car park from Byron Street. However, it would have a negligible impact as only the edge, or a sliver of the display panel would be visible, and when at the traffic lights it would not be in the driver's view.
12. Drivers approaching from John Street would only see the proposed advertisement after having passed the traffic signals and having adjusted to cope with the prevailing conditions.
13. I am aware that this form of advertisement is unusual within Carlisle. However, it would correspond to industry standards in terms of the control of the intensity of the lighting and the frequency of the change of the advertisement. There is no evidence before me to suggest that the proposal is such an unusual form of display, nor its proposed location unacceptable, so as to pose a danger to road users either during the day or at night, and therefore, to cause a traffic hazard.
14. In conclusion, it is important to ensure that advertisements, and especially internally illuminated ones which have a changing display do not obstruct or confuse a road-user's view or reduce the clarity or effectiveness of a traffic sign or signal. However, for the reasons set out above, the particular proposal before me, would not result in such dangers and therefore would not be overly distracting so as to impact on the concentration of drivers. Consequently, the location and design of the proposed digital advertisement would not result in an unacceptable risk to highway safety.

Other matters

15. I have been referred to a number of other examples of advertisements in support of the Council's case. However, none appear to be directly comparable, and in the instance of the appeal proposal at Bradford, I have been given very little information. Moreover, I have determined the appeal, on the basis of the evidence before me and the specific merits of the case.

Conclusion and conditions

16. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity and public safety, and the appeal is allowed and consent granted.

17. I have considered the condition suggested by the Council in terms of the luminance, but in the absence of any technical evidence, there is no justification to depart from established industry standards. Therefore, whilst in the interests of conciseness, I have made some changes to the conditions put forward by the appellant, I consider that these, together with the five standard conditions for an advertisement consent, to be adequate in the case of this development in this particular location. These conditions will protect the visual amenity of the area and maintain highway safety.

L Nurser BA(Hons) Dip UP MRTPI

INSPECTOR



Crown Copyright 2020 Ordnance Survey



0 10 20 30 40 50



36 Soho Square
London
W1D 3QY
www.alightmedia.com

SITE LOCATION

KC Superbikes
Church Street
Carlisle
CA2 5TJ

DRAWING NAME

CSC2 Location Plan

DRAWING SCALE

1:1250 @ A4

DATE

10th September 2020

ALIGHT MEDIA REFERENCE

8782

SCHEDULE B: Applications Determined by Other Authorities

Item No: 11

Between 05/02/2021 and 11/03/2021

Appn Ref No:
20/9012

Applicant:
Thompsons of Prudhoe

Parish:
Multiple Parishes

Date of Receipt:
08/10/2020

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Brampton & Fellside

Location:
Silvertop Quarry, Hallbankgate, Brampton, CA8 2PE

Grid Reference:
358980 561042

Proposal: Erection Of Extension To North Of Quarry

Amendment:

REPORT

Case Officer: Alanzon Chan

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 03/12/2020

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 24/02/2021

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



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

NOTICE OF PLANNING PERMISSION

To: Thompsons of Prudhoe
Princess Way
Low Prudhoe
NE42 6PL

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 7 October 2020.

**viz: Proposed extension to the north of Silvertop Quarry, near Hallbankgate
Silvertop Quarry, Hallbankgate, Brampton, CA8 2PE**

Subject to due compliance with the following 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 27 September 2020
 - b. Planning Statement – dated September 2020
 - c. Ecological Impact Assessment – dated September 2020
 - d. Bird Breeding Survey – dated November 2019
 - e. Great Crested Newt Survey – dated September 2020
 - f. Carbon Emissions (Climate Change) Report – dated November 2017
 - g. Geotechnics, Surface Water and Flood Risk Assessment – dated September 2020
 - h. Noise and Dust Management Plan – dated July 2020
 - i. Assessment of Potential Impacts on Hadrian's Wall World Heritage Site – dated April 2019 (updated September 2020)
 - j. Survey of Archaeological Earthworks – dated September 2020
 - k. Archaeological Desk Based Assessment – dated July 2020
 - l. Landscape and Visual Impact Assessment – dated September 2020
 - m. Plans numbered and named:
 - i) NT12629-003 - Location Plan
 - ii) NT12629-035 - Site Plan

- iii) NT12629-033 - Proposed Restoration Plan-A1
- iv) NT12629-036 - Proposed Development-A3
- v) NT12629-0NT12629-039 - North Extension Restoration Plan-A3L38
Site investigation Locations-A1
- vi) NT12629-037 - Location of Limestone Reserves-A3
- n. The details or schemes approved in accordance with the conditions attached to this permission.

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

Timeframe for Working and Restoration

- 3 The extension area shall be worked for a maximum of three years and shall be completely restored within 3 years of cessation of working the site. Written notification shall be submitted within 14 days of commencement of soil stripping works and 14 days of restoration works starting.

Reason: To ensure the site is not worked permanently and the amenities of the nearby residents are protected.

Hours of Operation

- 4 No operations, including the loading or transportation of minerals or operations of quarry plant, shall take place on site outside the following hours:-

07.00 to 19.00 hours Mondays to Fridays

07.00 to 13.00 hours on Saturdays

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

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

Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents.

Access and Traffic

- 5 There shall be no vehicular access to or egress from the site other than via the approved access on A689, as approved under planning permission 1/97/9021.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory route.

- 6 The total number of laden heavy goods vehicles leaving Silvertop Quarry shall not exceed 150 on any weekday and 75 on Saturdays. A record of all laden heavy goods vehicles leaving Silvertop Quarry each day shall be maintained by the operator and access to this record shall be afforded to the local planning authority on request.

Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users.

Control of Blasting

- 7 Except in the case of emergency, such instances to be notified to the local planning authority, blasting shall not take place on site outside the following hours:-

10.00 to 16.00 Mondays to Fridays

10.00 to 12.00 on Saturdays

There shall be no blasting on Saturday afternoon, Sundays, or Bank or National Holidays.

Reason: To restrict blasting to those hours of the day when it will cause least inconvenience and disturbance to people living and working in the locality.

- 8 The number of blasting operations shall not exceed 3 in any one week.

Reason: To safeguard the amenity of local residents by restricting the number of blasting events which can take place.

- 9 Before soil stripping commences in the extension area a scheme for the monitoring of ground vibration shall be submitted for approval by the mineral planning authority and shall be subsequently implemented in full. The scheme shall include the requirement to produce and maintain a regression line model to inform blast design so that ground vibration from blasting does not exceed a peak particle velocity of 6mm per second in 95% of all blasts as measured at the following dwellings:

- Carnetely
- New Garth
- Silver Top

The scheme shall also include locations and types of equipment used to monitor blasts.

Reason: To safeguard the amenity of local residents and to protect the structural integrity of buildings and structures outside the site boundary, by ensuring that blasting vibration does not cause a nuisance outside the site boundary.

Control of Noise

- 10 All plant, machinery and vehicles used on site shall be effectively silenced at all times and maintained in accordance with the manufacturers recommendations.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site.

- 11 The rating levels for cumulative noise from all plant and machinery during the operational life of the site shall not exceed 5dB above the existing LA90 background levels and 10 dB above the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142:2014+A1:2019.

Reason: To protect the amenities of local residents from noise pollution and to

conform with Policy DC3 of the CMWLP.

- 12 Before soil stripping commences in the extension area a scheme for the monitoring of noise shall be submitted to and approved in writing by the Mineral Planning Authority. When approved the scheme shall be implemented in full. The scheme shall include:-

- i) noise monitoring locations;
- ii) frequency of measurements;
- iii) presentation of results;
- iv) modelling procedures;
- v) procedures to be adopted if noise limits go above a certain level.
- vi) procedure for investigating complaints notified to the operator by the Local Planning Authority.

Reason: To enable the effects of the development to be adequately monitored during the course of the operations.

Control of Dust

- 13 Drilling equipment shall be fitted with effective dust suppression measures and maintained in accordance with the manufacturers instructions.

Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundary of the site.

- 14 Before soil stripping commences in the extension area a scheme detailing dust suppression measures shall be submitted to and approved in writing by the local planning authority. When approved the scheme shall be implemented in full.

- i) Such measures shall include the spraying of haul and access roads,
- ii) working areas,
- iii) plant and stockpiling areas with water to satisfactorily suppress dust in periods of dry weather in order that it does not constitute a nuisance outside the site.

Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundary of the site.

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

Reason: To ensure that material is not released into the air or deposited upon the highway in the interest of local amenity and highway safety.

Control of Artificial Lighting

- 16 All artificial lighting units installed on the site shall be so sited and shielded as to be incapable of direct sight from any residential property outside the site.

Reason: To safeguard the amenity of local residents.

Safeguarding of Watercourses and Drainage

- 17 Any chemical, oil or diesel storage tanks on the site shall be sited on impervious bases and surrounded by impervious bund walls. Bunded areas shall be capable of containing 110% of the largest tank's volume and should enclose all fill and drawpipes.

Reason: To avoid the pollution of any watercourse or groundwater resource.

- 18 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To avoid the pollution of any watercourse or groundwater resource.

Archaeology

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

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the LPA: a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the LPA, completion of an archive report, and submission of the results for publication in a suitable journal..

Reason: To afford the opportunity for an examination to be made to determine the existence of any remains of archaeological or historic interest within the site and to decide on any action to be required for the preservation, protection, examination or recording of such remains.

Stripping, Storage and Use of Soils and Overburden

- 20 Prior to any mineral extraction taking place within the extension area the topsoil and subsoil shall be stripped and mounds shall be constructed in accordance with drawing no: 'EP1 rev A - Phasing plan'. Soils shall only be stripped when dry and friable.

Reason: To ensure the residential and visual amenities of the nearby residents are protected.

- 21 At least 48 hours prior notice shall be given to the Mineral Planning Authority of the commencement and estimated duration of each phase of soil stripping operations. If the boundary of the area to be stripped is not marked by identifiable features it shall be clearly marked with suitable pegs.

Reason: To allow the Mineral Planning Authority to monitor the soil handling

operations.

- 22 All available topsoil and subsoil shall be separately stripped from any part of the site before it is excavated or is traversed by heavy vehicles or machinery (except for the purposes of stripping that part of stacking topsoil on that part).

Reason: To ensure that all the topsoil and subsoil is separately removed from the site prior to the commencement of excavations and to prevent any avoidable damage to the structure of the soils.

- 23 All topsoil, subsoil, soil-making material and other overburden which has been stripped or removed shall be stacked separately in accordance with the approved plans and prevented from mixing.

Reason: To secure the satisfactory storage and retention of overburden and soils for restoration.

- 24 The stripping, movement and respreading of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.

Reason: To prevent any avoidable damage to the structure of the soils.

- 25 The maximum height of any topsoil, subsoil or overburden mound above the average original ground level of the land on which they stand shall be:-

- Topsoil 4 metres;
- Subsoil 6 metres.

Reason: To reduce the damage to the soil structure and fertility.

- 26 All topsoil and subsoil shall be retained on the site and none shall be sold off or removed from the site.

Reason: To ensure that all the available soils are kept for use in the restoration of the site.

- 27 Soil storage and screening mounds shall be sown down to grass in the first available sowing season following their construction.

Reason: To reduce the washing away of soils in the interests of pollution control and in the interests of visual amenity.

Control of Weeds

- 28 All non-cropped areas of the site and all topsoil, subsoil and overburden stacks shall be kept free from noxious agricultural weeds and all necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

Reason: To properly manage the site and to prevent the spread of weeds onto adjacent land.

Dated 24 February 2021



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

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
 - The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/20/9012>
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
-

APPENDIX TO NOTIFICATION OF PLANNING DECISION

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

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

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

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

Purchase Notices

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

