

SCHEDULE B

**Applications
determined by other
authorities.**

SCHEDULE B

Item No: 06

Between 29/04/2022 and 09/06/2022

Appn Ref No:

19/0871

Applicant:

Magnus Homes Ltd

Parish:

Wetheral

Date of Receipt:

13/11/2019 16:00:52

Agent:

Harraby Green Associates

Ward:

Wetheral & Corby

Location:Land North of Holme Meadow, Cumwhinton,
Carlisle, CA4 8DR**Grid Reference:**

344780 552906

Proposal: Erection Of 5 No. Market Dwellings; Erection Of 9 No. Self/Custom Build Dwellings; Formation Of Vehicular Access And Road; Provision Of Structural Landscaping/Planting; Formation Of Amenity Area And Provision Of Associated Infrastructure And Services (Outline)

REPORT**Case Officer:**

Christopher Hardman

Decision on Appeals:**Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Dismissed**Date:** 04/05/2022

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



Appeal Decision

Site visit made on 18 January 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04/05/2022

Appeal Ref: APP/E0915/W/21/3283151

Land adjacent to Holme Meadow, Cumwhinton, Carlisle CA4 8DR

- 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 Frank Lowe (Magnus Homes Ltd) against the decision of Carlisle City Council.
 - The application Ref 19/0871, dated 12 November 2019, was refused by notice dated 11 June 2021.
 - The development proposed is erection of 9 no. self / custom build dwellings and 5 no. market dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Magnus Homes Ltd against Carlisle City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would represent an unacceptable intrusion into the open countryside.

Reasons

4. Criterion 3 of Policy HO2 of the adopted Carlisle District Local Plan (CDLP) supports new housing development on the edge of settlements if the site is well contained within existing landscape features, is physically connected, and integrates with the settlement, and does not lead to an unacceptable intrusion into the open countryside. Policy HO2 does not explicitly define what would be an unacceptable intrusion into the open countryside. However, its supporting text states that development is more likely to be acceptable on sites that are physically contained by existing landscape features such as hedges, trees, woodland, or topography, physically and visibly connected to the village, and do not adversely impact on wider views in and out of the village.
5. The appeal site would be adjacent to the village in a sustainable location with facilities and services located in the village of Cumwhinton being within walking distance. It would also be physically connected to the settlement. It would to a large extent also be physically contained within existing landscape features i.e., the hedgerows. However, given the insubstantial nature of the hedgerow on the **site's boundary facing Broomfallen Road**, I do not consider the site to be physically well contained.

6. **As highlighted in the Council's officer report this boundary to the appeal site provides a 'fairly deep separation' between the site and the adjacent dwellings.** As a result, the site would be somewhat visually disconnected from the village by the row of high almost-mature trees on its boundary closest to the settlement.
7. In relation to any potential visual impact of the proposal particularly on views towards the settlement, according **to the LPA officer report, the appeal site's** outermost boundary in relation to the settlement has clusters of mature trees rather than a row of them. The submitted Landscape and Visual Assessment Statement (LVIA) also describes the landscape character of the appeal site as a grazed, grassland field with traditional hedgerows and scattered hedgerow trees. Consequently, I consider that the appeal site boundary furthest from its other boundary with the village not to be a fully effective visual barrier as evidenced by the photos from viewpoints 1 and 2 contained within the LVIA.
8. The LVIA also states that from Viewpoint 1 the change in view would be glimpsed views of the buildings through or in between existing trees and hedgerows and that the initial view would include views of the proposed buildings. Moreover, the report also states that while the magnitude of change and the sensitivity of the receptors at viewpoints 1 would be low it states that the resulting degree of significance would be slight/moderate after construction and negligible after the establishment of the proposed planting. As for Viewpoint 2 The initial view would include views of the proposed buildings and while the magnitude of change is judged to be low the sensitivity of receptors would be high with the degree of significance being moderate until the establishment of the proposed planting.
9. In addition, from both these viewpoints the LVIA states that the proposal would be mostly screened by the proposed landscaping/planting in summer months. Furthermore, according to the LVIA the proposed landscaping would also take approximately 10 years to mature and reach a height capable of screening the proposal when viewed from these locations.
10. As a result, I am not convinced that the site would be visually well contained by existing landscape features as the proposed housing would be at least partially visible from the two vantage points highlighted by the LVIA, particularly Viewpoint 2. I therefore consider that the proposal would thereby have an impact on wider views into the village when viewed from these directions particularly during winter months.
11. Consequently, while I acknowledge that the proposal would be in a sustainable location on the edge of an existing settlement and that it would be physically connected to this settlement, for the above reasons I consider that it would not be fully physically or visually contained thereby intruding on the views of the open rural landscape beyond the appeal site. As a result, in these regards, I find that the proposal would have an adverse visual impact.
12. I also note that the appeal site is not located within a designated landscape. However, this is not the same as the site and the landscape beyond it not having any visual value at all.
13. I therefore conclude that the proposed development would represent an unacceptable intrusion into the open countryside in conflict with criterion 3 of policy HO2 of the CDLP.

Other Matters

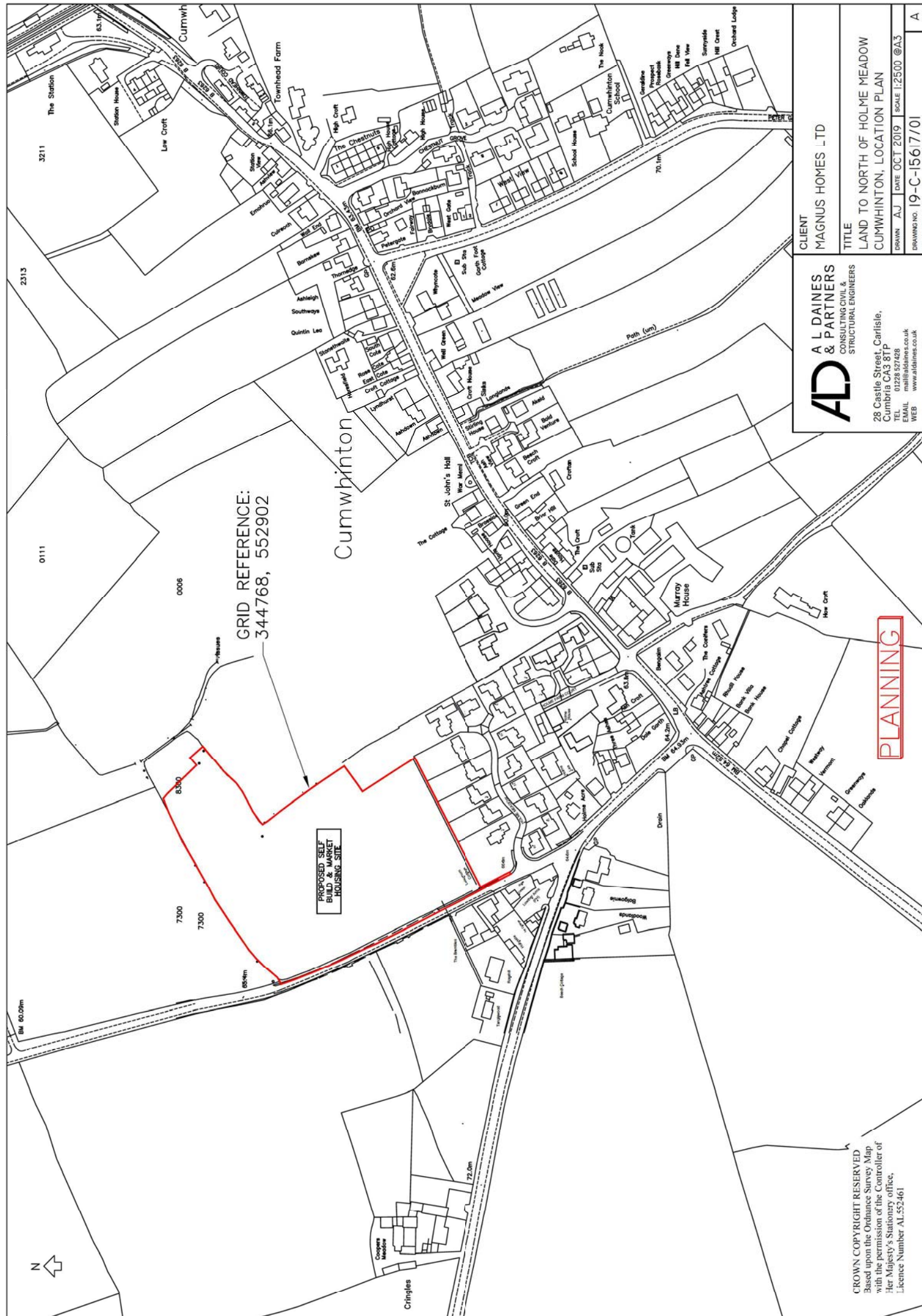
14. The appellant has submitted a draft s106 planning obligation agreement which would potentially ensure that the proposal would provide an element of self/custom-build housing to assist the Council in meeting their statutory duty in this regard. However, this is unsigned and unexecuted. As a result, I afford this matter no weight.
15. I also note that since the submission of this appeal the Council have granted planning permission for a development proposal like the appeal scheme. However, even so I have determined the appeal scheme before me on its own merits and this matter is not of sufficient weight to overcome or outweigh the harm I have identified above.

Conclusion

16. The proposal would not accord with the development plan when read as a whole. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR



CLIENT
MAGNUS HOMES LTD

TITLE
LAND TO NORTH OF HOLME MEADOW
CUMWHINTON, LOCATION PLAN

DRAWN	AJ	DATE	OCT 2019	SCALE	1:2500 @A3
DRAWING NO. 19-C-156/7/01					

ALD
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PLANNING

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Item No: 07

Between 29/04/2022 and 09/06/2022

Appn Ref No:
20/0681**Applicant:**
Bowe Dairy Farming**Parish:**
Dalston**Date of Receipt:**
04/12/2020**Agent:**
PFK**Ward:**
Dalston & Burgh**Location:**
Chalk Lodge, Cumdivock, Dalston, Carlisle, CA5
7JL**Grid Reference:**
334261 547405

Proposal: Roofing Over Of Existing Open Silage Clamp Area

REPORT**Case Officer:** Stephen Daniel**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Dismissed**Date:** 03/05/2022

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

Appeal Decision

Site visit made on 5 April 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/E0915/W/21/3286925

Chalk Lodge, Cumdivock, Dalston, Carlisle CA5 7JL

- 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 Bowe of Bowe Dairy Farming Ltd against the decision of Carlisle City Council.
 - The application Ref 20/0681, dated 23 September 2020, was refused by notice dated 30 July 2021.
 - The development is roof over existing open silage clamp area.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Works have commenced on the structure and several of the steel portal frames and associated concrete panels and roof covering are in place. Amended plans were submitted during the course of the application. The plans submitted in July 2021 reflect what the Council understood was being constructed and are what its decision was based on. The plans show the ridge height as 13.8m at the western end and around 10.86m at the eastern end due to the sloping internal ground level of the silage clamp.
3. The appellant submitted an amended plan as part of the appeal, and it is requested that I determine it on this basis. The appellant states that this amended plan reflects the height of the structure that has been constructed. It shows a structure with a height of 13.4m at the western end and 11.7m at the eastern end. Although this plan has not been subject to public consultation, the development is not so changed that to consider it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Furthermore, the Council has considered the amended height in its appeal statement. I have therefore based my decision on this amended plan.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. Chalk Lodge is a large cattle farm located to the south of the small settlement of Cumdivock. The appeal site is an existing silage clamp area located on the edge of the farm complex. The development comprises a roof over the silage

clamp constructed from 18 steel portal frames with concrete panels in between the steel frames up to a height of around 4m. The application was accompanied by a Landscape Appraisal.

6. Policy GI 1 of the Carlisle Local Plan 2015 – 2030, adopted 2016 (the Local Plan) states that proposals will be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit (the Guidance and Toolkit). According to the evidence before me, the site is within Landscape Character Type (LCT) 5a: Ridge and Valley. Distinctive characteristics of the LCT as described in the Guidance and Toolkit includes a series of ridges and valleys that rises gently towards the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages are found along ridges; large scale structures are generally scarce.
7. The descriptions of the sensitive characters or features, vision, changes in the landscape and guidelines for the LCT set out in the Guidance and Toolkit highlight that ridge tops are generally sensitive to inappropriate development. Additionally, open and uninterrupted views from ridge tops to the Lakeland Fells are sensitive to large scale infrastructure development.
8. These characteristics are apparent at the site and surrounding area. The land slopes gently down from the small linear settlement of Cumdivock then upwards to the cluster of farm buildings at Chalk Lodge, which are located in a prominent location towards the edge of the ridge. There are extensive views over the landscape including to the Lakeland Fells, containing views of High Peak and Carrock Fell.
9. The structure is designed for a specific purpose, and it is therefore very large, with a floor area of around 2,558 square metres. The purpose of the structure, which relates to a large operational farm, is not inappropriate to the character of the area which is mainly of a working farmed landscape. The structure is related to the existing farmyard and buildings at Chalk Lodge. However, it is substantially higher than the existing buildings.
10. Views of the structure are relatively limited from the west, south and east due to the screening effect of the topography and vegetation. From the north, the structure is visible from Cumdivock between breaks in the roadside vegetation, and from the unclassified roads to the south from the village to the farm. As a result of its overall height and scale and its location on the ridge edge, the structure is a visually intrusive and incongruous feature when viewed from these locations.
11. The structure also obscures long distance views of the surrounding countryside from certain vantage points in the area. This includes sensitive views towards the Lakeland Fells. The structure sits below the ridgeline of the Fells and when complete, would not completely block views of them. Nevertheless, even though it is only a relatively limited number of vantage points where the structure is viewed against the backdrop of the Fells, its height and scale are such that it is unduly prominent and intrusive. Such views are already interrupted to an extent by the existing buildings at Chalk Lodge. However, the structure is substantially taller than these buildings and is therefore much more noticeable in such views. In addition, it blocks a greater expanse of the

Lakeland Fells, and as such, visually distracts from them more than the existing buildings.

12. The submitted information highlights that permission¹ has now been granted by the Council for an 11m high structure at the site. It may be the case that, in certain circumstances, the landscape and visual effects of a 13.4m high building would not be significantly different to an 11m high one, especially when viewed at a distance. However, in this case, a lower structure would reveal more of the Lakeland Fells and so would not cause the same harm to these sensitive views. In addition, a lower structure would have a more harmonious relationship with the existing buildings at the farm and so would not appear as such an incongruous feature.
13. I appreciate that the aim of the structure is to reduce water pollution by preventing rainfall from entering the silage storage area, and the benefits it provides to the farm operations and for employees. A smaller structure would involve some complexities for the operation of the farm, including potentially an increase in the number of trips by feed wagons with associated environmental and financial impacts. However, there is no substantive evidence before me to indicate that a smaller structure would prevent the farm from operating or would lead to it becoming unviable. Therefore, whilst parts of the Local Plan and the National Planning Policy Framework (the Framework) recognise that agriculture is an important part of the economy, based on the evidence before me, I am not persuaded that there is sufficient justification for siting a structure of this size within what is a sensitive landscape setting, or that the benefits outweigh the harm identified.
14. The landscape and visual impacts of the structure are mainly limited to views from the north. Nevertheless, its prominent location on the ridge edge, together with its very large scale and height, and its effect on the views to the Lakeland Fells are such that it does not respect the landscape character of the area.
15. Consequently, the development significantly harms the character and appearance of the area. As such, it conflicts with the landscape requirements of Policy GI 1 of the Local Plan, the design objectives of Policy EC 12 relating to agricultural buildings and the design principles set out in Policy SP 6, as well as the advice in the Guidance and Toolkit. The development also conflicts with the design objectives of paragraphs 84 and 130 of the Framework and its objectives for conserving and enhancing the natural environment set out in paragraph 174.

Conclusion

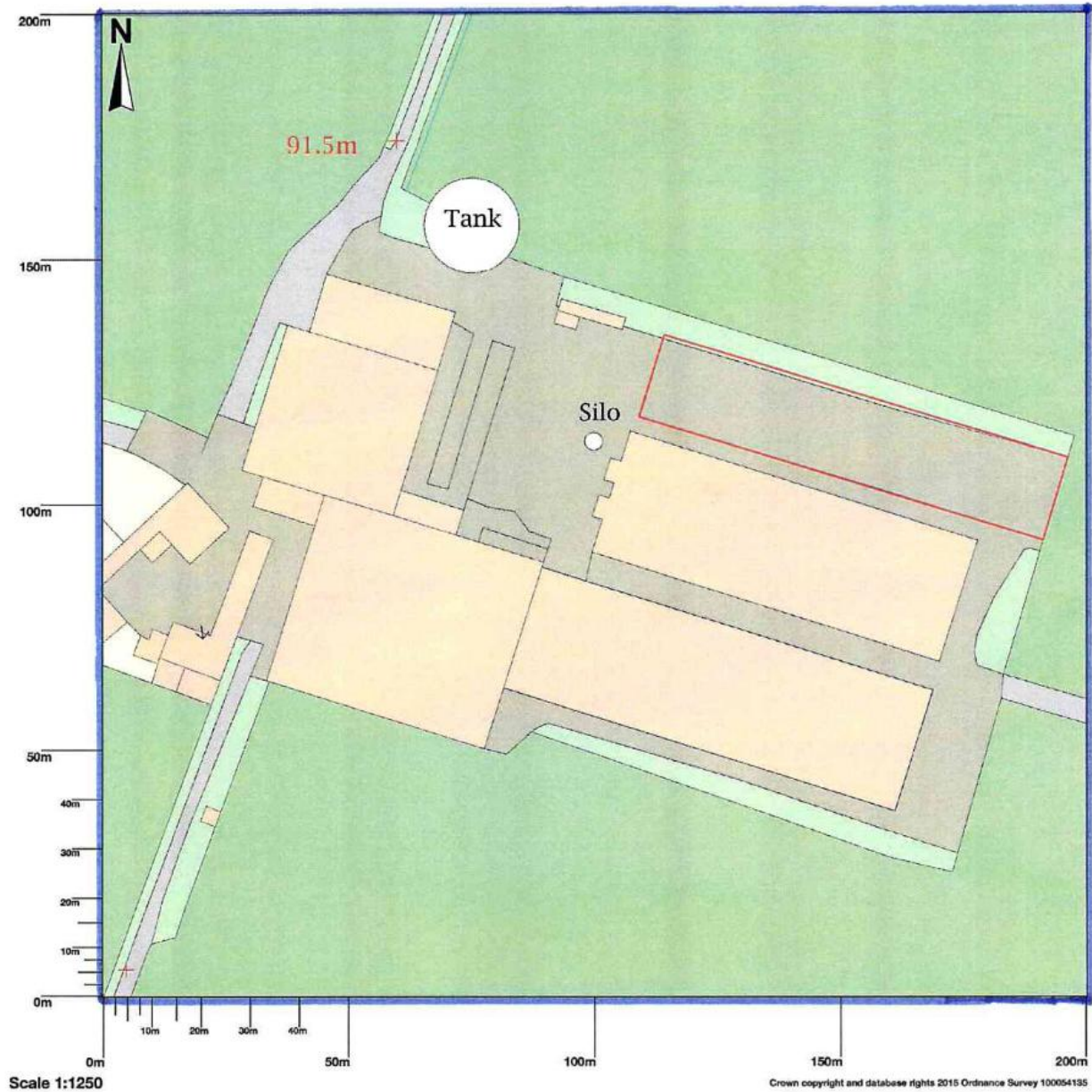
16. The development conflicts with the development plan taken as a whole, as well as the Framework. There are no material considerations worthy of sufficient weight that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR

¹ Application reference 21/0833

Chalk Lodge, Dalston, Carlisle, CA5 7JL



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Item No: 08

Between 29/04/2022 and 09/06/2022

Appn Ref No:
20/0692

Applicant:
Mr & Mrs Keith Ormiston

Parish:
Stanwix Rural

Date of Receipt:
14/10/2020

Agent:
Sam Greig Planning

Ward:
Stanwix & Houghton

Location:
Land adjacent to Shortdale Cottage, Tarraby Lane,
Tarraby, Carlisle, CA3 0JT

Grid Reference:
340376 558447

Proposal: Residential Development (Outline) (Revised Application)

REPORT

Case Officer: Christopher Hardman

Decision on Appeals:

Appeal Against: Against imposition of conditions

Type of Appeal: Written Representations

Appeal Decision: Appeal Allowed

Date: 24/05/2022

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



Appeal Decision

Site visit made on 15 February 2022

by Sarah Manchester BSc MSc PhD MI EnvSc

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/E0915/W/21/3277192

Land Adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle
CA3 0JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Keith Ormiston against the decision of Carlisle City Council.
 - The application Ref 20/0692, dated 7 October 2020, was approved on 23 February 2021 and planning permission was granted subject to condition.
 - The development permitted is residential development (outline) (Revised Application).
 - The conditions in dispute are:
 - No 4 which states: *Not more than two dwellings shall be erected on the site pursuant to this permission; and*
 - No 12 which states: *Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:*
 - *Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;*
 - *Details of proposed crossings of the highway verge; · Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;*
 - *Cleaning of site entrances and the adjacent public highway;*
 - *Details of proposed wheel washing facilities;*
 - *The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;*
 - *Construction vehicle routing;*
 - *The management of junctions to and crossings of the public highway and other public rights of way/footway.*
 - The reasons given for the conditions are: *The local planning authority wish to control the scale of the development to avoid a cramped form of development and its impact on the local highway network in accordance with Policies SP6, IP1 and IP2 of the Carlisle District Local Plan 2015-2030; and In the interests of highway safety.*
-

Decision

1. The appeal is allowed and planning permission Ref 20/0692 for Residential Development (Outline) (Revised Application) at Land Adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT granted on 23 February 2021 by Carlisle City Council, is varied, by deleting condition no 4 and substituting for it the following condition:
 - 1) Not more than four dwellings shall be erected on the site pursuant to this permission.

Applications for costs

2. An application for an award of costs was made by Mr Keith Ormiston against Carlisle City Council. That application is the subject of a separate Decision.

Background and Preliminary Matters

3. Outline planning permission (ref 18/0796) was granted in October 2019 for residential development. That permission does not specify the number of dwellings, but the documents submitted with the planning application refer to 2 dwellings. A subsequent reserved matters application (ref 19/0973), which related to 4 dwellings, has not been determined.
4. The planning application subject of the appeal was granted permission subject to conditions including No 4 which restricts the number of dwellings to 2, and No 12 which requires a construction phase traffic management plan. The appeal seeks to vary these conditions.

Main Issues

5. Therefore, the main issue is whether the disputed conditions are necessary in the interests of the character and appearance of the area and highway safety, relevant to the development to be permitted and reasonable in all other respects.

Reasons

Condition No 4 – not more than 2 dwellings

6. The appeal site is an undeveloped parcel of grass land at the end of Tarraby Lane in the countryside. It is part of an allocated housing site that is currently being developed.
7. The application subject of the appeal was made in outline with details of appearance, landscaping, layout and scale reserved for consideration at a later stage. Neither the description of the development nor the planning application specifies the number of dwellings. However, the plans illustrate 4 plots and this was the basis upon which the application was considered by the Council. The appeal seeks to vary condition 4 to allow for the erection of 4 dwellings.
8. The existing development at the end of Tarraby Lane is low density and rural in character. The neighbouring new development, which can be seen from Tarraby Lane, is higher density with a more urban arrangement including roughly 8 dwellings along the rear of the appeal site. Taking into account the surrounding context, the Council officer report considers that 4 plots would be a reasonable interface. Neither the minutes of the planning committee nor the **Council's statement of case** refer to impacts on character and appearance. There is little evidence that 2 dwellings is the maximum number that could be accommodated without harm to the character and appearance of the area. Consequently, I find that a restriction on the number of dwellings to 2 is not necessary in the interests of the character and appearance of the area.
9. The reason for condition 4 also relates to impacts on the local highway network and it references Carlisle District Local Plan 2015-2030 (Adopted November 2016) (the LP) Policies SP6, IP 1 and IP 2. Among other things, Policy SP6 requires good design, including that proposals are safe and well integrated. Policy IP1 requires adequate highway capacity and achievable access to

support new development. Policy IP2, in respect of the transport network, resists development that will cause severe issues that cannot be mitigated against or that are likely to generate significant levels of transport within isolated and poorly accessible areas. Policy IP2 aims to avoid proposals that will compromise the safe or effective operation of the transport network.

10. Tarraby Lane is a narrow rural road that serves the small settlement of Tarraby and, beyond that, Shortdale Cottage and Shortdale Farm and a horse training manege. The road is constrained by buildings and boundary treatments as it passes through Tarraby, beyond which it is contained between hedgerows with soft verges and shallow ditches. There are sharp bends in the road, no footway or street lighting and passing places are limited to field gateways. There is no vehicular access beyond Shortdale Cottage, but a public right of way (FP) continues from the end of the road and other FPs link to the road between the appeal site and Tarraby. The section of road that fronts the appeal site is also a FP. At the time of my visit, during a weekday, the road between Tarraby and the appeal site was only lightly trafficked but it was well used by pedestrians.
11. The Transport Statement (WYG, 28 August 2018) in support of the earlier outline application summarises the key aspects of the road as its narrowness, sharp right angle bend between Tarraby and the site, and the highway alignment and general environment through Tarraby itself. It calculates that the field gateway passing opportunities are at roughly 135m and 175m spacing. On the basis that a typical dwelling results in 6 vehicle movements per day, the proposal at that time was predicted would result in 12 one-way trips per day and that cumulatively, taking into account the 2 existing dwellings, farm and delivery vehicles, traffic volumes would not exceed say 20 vehicles each way per day.
12. The updated evidence with the appeal (Tetrattech Technical Note 1, June 2021) indicates that the existing situation at Tarraby Lane is one of perhaps just 20-30 vehicles per day. Each proposed additional dwelling is predicted to add a further 5-6 vehicle movements per day. Clearly, the traffic generated by a total of 6 dwellings in this location would be a marked increase compared to that generated by the 2 existing dwellings. However, it would not be a significantly high volume in the context of the lightly trafficked no through road.
13. The impact on the local highway network was considered by the Council and the consultees as part of the earlier outline and reserved matters planning applications. In this regard, the position of the Highway Authority has consistently been that new residential development in this location has the potential for conflict with regard to traffic along Tarraby Lane. However, it considers that 2 passing places, as was considered adequate for 2 dwellings, would still be adequate to mitigate the increase in traffic and the adverse highway impacts arising from 4 dwellings.
14. The details of the passing places have not yet been agreed. However, the evidence indicates that these would likely be in addition to the informal field gateway passing places. Consequently, there would be increased opportunities at relatively frequent intervals for road users including vehicles, pedestrians, cyclists and horses to safely pass one another.
15. Local residents, including those with children and horses, have previously enjoyed using the lane between the appeal site and Tarraby on the basis that it has been very lightly trafficked and safe for the most vulnerable road users.

Understandably, they would prefer that there was no increase in the number of vehicles along Tarraby Lane. Nevertheless, it is an adopted highway and there is little substantive evidence that the additional vehicles generated by 4 rather than 2 new dwellings would compromise highway safety.

16. The concerns of local residents also extend to the cumulative impact of traffic through Tarraby itself and on the approach from Houghton Road. The representations highlight the public house, access to the nearby water park, and recent residential developments. They note that there has already been an increase in traffic, resulting in increased mortality of wildlife and domestic cats. In relation to Tarraby, the Council officer report notes that the nature of the road through the village, which is narrow and winding with on-street car parking in places, functions to reduce traffic speeds. Moreover, there is little evidence that the village or the approach suffers from significant congestion or highway safety issues. Hedgehogs are a conservation priority species in England but, while they are susceptible to traffic collision, there is little evidence that the proposal would contribute to a significant adverse impact on the population. While the loss of family pets due to vehicle collision is understandably upsetting, there is little evidence that this is a highway safety issue or a planning matter that weighs against the proposal.
17. Therefore, I conclude that the proposed variation of condition no 4, which would restrict the development to no more than 4 dwellings, would not result in harm to the character and appearance of the area nor would the increase in residential traffic associated with 4 rather than 2 dwellings harm highway safety. It would not conflict with the aims of LP Policies SP6, IP1 and IP2 in relation to visual amenity, highway capacity or highway safety.

Condition No 12 – construction traffic management plan (CTMP)

18. The need for a CTMP was identified by the Highway Authority in relation to the proposal for 4 residential plots. **The Council's officer report recommended** approval of the planning application subject to conditions including restricting the development to no more than 4 dwellings and requiring a CTMP. Notwithstanding the number of dwellings was restricted to 2, condition 12 requiring a CTMP was duly imposed on the permission.
19. The appellant considers that as a CTMP was not necessary in relation to the earlier approved 2 dwelling scheme, it will be similarly unnecessary in relation to the planning permission subject of the appeal which is also for 2 dwellings. Furthermore, he considers that even if permission was granted for 4 dwellings, the CTMP would still not be required. This is not because he objects to the rationale behind condition 12 and the CTMP but rather that he considers such conditions are not typically imposed on small scale developments.
20. As can be seen above, I have concluded that condition 4, which restricts the development to 2 dwellings, is not necessary. Therefore, there is no need for me to consider whether or not condition 12 is strictly necessary in connection with the outline planning approval for 2 dwellings. However, even if I had found that condition 12 was not reasonably imposed on the planning permission, it does not automatically follow that it must be similarly unnecessary in connection with the larger 4 dwelling proposal.
21. There is little evidence that construction activity associated with 4 dwellings, details of which have not been approved, would be indistinguishable from the

construction of 2 dwellings. Moreover, while CTMP may be more commonly required, and their value acknowledged, for large scale developments, I am not aware that there is a numerical or size threshold of development that determines whether or not a CTMP is necessary.

22. Tarraby Lane is a narrow road with soft verges and limited passing places. Even if the 2 new passing places were constructed prior to the commencement of development, rather than prior to the construction of the dwellings as required by condition 5, construction traffic including large HGVs transporting materials could still damage the road. Moreover, taking into account the public rights of way immediately adjacent to the appeal site, and the increased use of the road in the direction of Tarraby, measures to prevent the deposition of material on the highway appear both necessary and reasonable. Furthermore, while the site is only accessible via Tarraby Lane, details of construction vehicle routing including minimising vehicle movements and controlling timings would mitigate construction phase impacts and provide certainty for local residents and vulnerable highway users.
23. I accept that some of the provisions of the CTMP appear similar to other planning conditions but, in the absence of the CTMP, the remaining conditions would not be adequate to avoid adverse construction impacts. Condition 7 relates to the prevention of surface water discharge onto the highway, with details of measures to be approved prior to the development being completed. It does not relate to the construction phase nor to the deposition of material. Condition 11 relates to land for the parking of vehicles engaged in construction operations, but it does not specifically relate to manoeuvring, loading and unloading. Condition 26 requires site provision to enable delivery vehicles to the residential properties to enter and exit in a forward manner. Therefore, it relates to the occupation phase.
24. I note the suggestion that condition 12, particularly the requirement for survey and post-construction road repairs, could have a significant impact on scheme viability. However, little evidence has been provided in relation to viability. Moreover, this suggestion in any case appears to acknowledge, rather than refute, the potential for significant damage to the road during construction.
25. Tarraby Lane is an adopted highway and the Highway Authority has a duty to maintain it, and construction vehicles would be taxed and licensed for use on the public highway. However, as this will be the case for the majority of schemes approved subject to conditions requiring CTMP, it is not clear how this would negate the need for a CTMP here. Section 59 of the Highways Act would presumably similarly apply to schemes elsewhere with and without CTMP and it is in any case a separate regime with separate legislation to planning. Irrespective of traffic volume, there is little evidence that Tarraby Lane is directly comparable to other rural roads or that similar schemes on comparable rural roads have been granted without CTMP.
26. Therefore, based on the evidence before me, I conclude that the construction traffic associated with the proposal for 4 dwellings in this location would have the potential to adversely impact highway safety. Therefore, in connection with the 4 dwelling appeal proposal, condition 12 would be necessary, relevant to the development and reasonable in all other respects.

Conclusion

27. I have found that the proposed variation to condition 4, which would restrict the development to no more than 4 dwellings, would not harm the character and appearance of the area and the domestic vehicles associated with the occupation of 4 dwellings would not compromise highway safety. However, I have found that condition 12, which requires a CTMP, would be reasonably necessary in connection with the construction of 4 dwellings in this location.
28. Therefore, I allow the appeal, deleting the disputed condition 4 and substituting it with an amended condition. However, condition 12 is necessary to make the development acceptable. Therefore, I have not deleted condition 12.

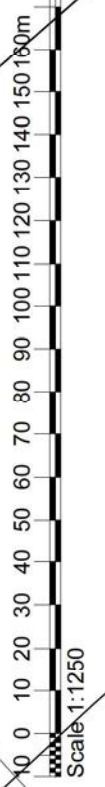
Sarah Manchester

INSPECTOR

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RESIDENTIAL DEVELOPMENT
SHORTDALE COTTAGE
TARRABY CARLISLE
SITE LOCATION PLAN
AS EXISTING
SHOWING APPROVED PERMISION DEVELOPMENT



Item No: 09

Between 29/04/2022 and 09/06/2022

Appn Ref No:

21/9108

Applicant:

Cumbria County Council

Parish:

Multiple Parishes

Date of Receipt:

25/11/2021

Agent:Cumbria County Council -
Economy & Planning**Ward:**

Multiple Wards

Location:Land between Junction 42 of M6 & Newby West
Roundabout (Junction of A595 & A689 CNDR) to
South of Brisco, Durdar & Cummersdale Villages,
Carlisle**Grid Reference:**

337346 553615

Proposal: Discharge Of Conditions 15 (Construction Traffic Management Plan); 18
(Soil & Earth Material Management Plan); 21 (Protection Of Utility
Infrastructure) & 22 (Archaeology) Of Previously Approved Permission
19/9012/CTY**REPORT****Case Officer:**

Christopher Hardman

Decision of: Cumbria County Council**Decision Type:** Grant Permission for Condition 15 only**Date:** 05/05/2022

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

Development Control
County Offices - Busher Walk - Kendal - LA9 4RQ
E: developmentcontrol@cumbria.gov.uk

Mr Warren Rocca
Capita
Englishgate Plaza
Carlisle
CA1 1RP

Date: 6 May 2022
Reference: 1/19/9012-C15

Dear Mr Rocca

DECISION NOTIFICATION

Planning Permission Reference No. 1/19/9012

Condition No. 15 – Construction Traffic Management Plan

Development: Creation of Carlisle Southern Link Road (CSLR).

Location: Corridor of land between Junction 42 of the M6 and the Newby West Roundabout to the south of Brisco, Durdar and Cummersdale villages, Carlisle.

I write to advise you that the details submitted in connection with condition 15 of planning permission reference No. 1/19/9012 are acceptable and are hereby approved as of 6 May 2022. I can therefore confirm that the pre-commencement of development element of condition 15 is thus hereby discharged.

For the avoidance of doubt, the information submitted and now approved are:

- C15.01: Cover Sheet - Construction Traffic Management Plan (*Document Ref. A689-CAP-LPN-ZZZ-RP-YX-0015*) – dated 24 November 2021
- C15.02: Traffic Management Plan – Stage 2 – Rev.P02 – dated/received 10 March 2022

The above listed approved documents now form part of the planning permission and should be kept alongside the original decision notice and other approved planning documents/drawings.

You are reminded that it remains the developer's responsibility to undertake the development in accordance with the above approved details for the above conditions to be discharged in full.

Yours sincerely

Richard Cryer

Richard Cryer,
Lead Officer Development Control

