

RELEVANT INFORMATION

The planning applications referred to in this agenda together with responses from consultations and all other representations received are available for inspection with the exception of certain matters relating to the personal circumstances of the applicant or objector or otherwise considered confidential in accordance with Local Government (Access to Information) Act 1985.

In considering the applications the following policy documents will, where relevant, be taken into account:-

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 – Adopted June 2006

Lake District National Park Local Plan – Adopted May 1998

Cumbria Car Parking Guidelines

Department for Communities and Local Government (DCLG) Circulars:-

In particular:

22/80	Development Control, Policy and Practice
15/88	Environmental Assessment
15/92	Publicity for Planning Applications
11/95	The Use of Conditions in Planning Permissions
01/06	Guidance on Changes to the Development Control System

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

STANDARD CONDITIONS

In order to save space standard conditions applied to all outline, full and reserved matters consents have been omitted, although the numbering of the conditions takes them into account. The standard conditions are as follows:-

Outline Consent

1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.
2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-
 - a. The expiration of THREE years from the date of this permissionOr
 - b. The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reserved Matters Consent

The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

Full Consent

The development hereby permitted shall be commenced within THREE years from the date hereof.

ITEM NO: 1.

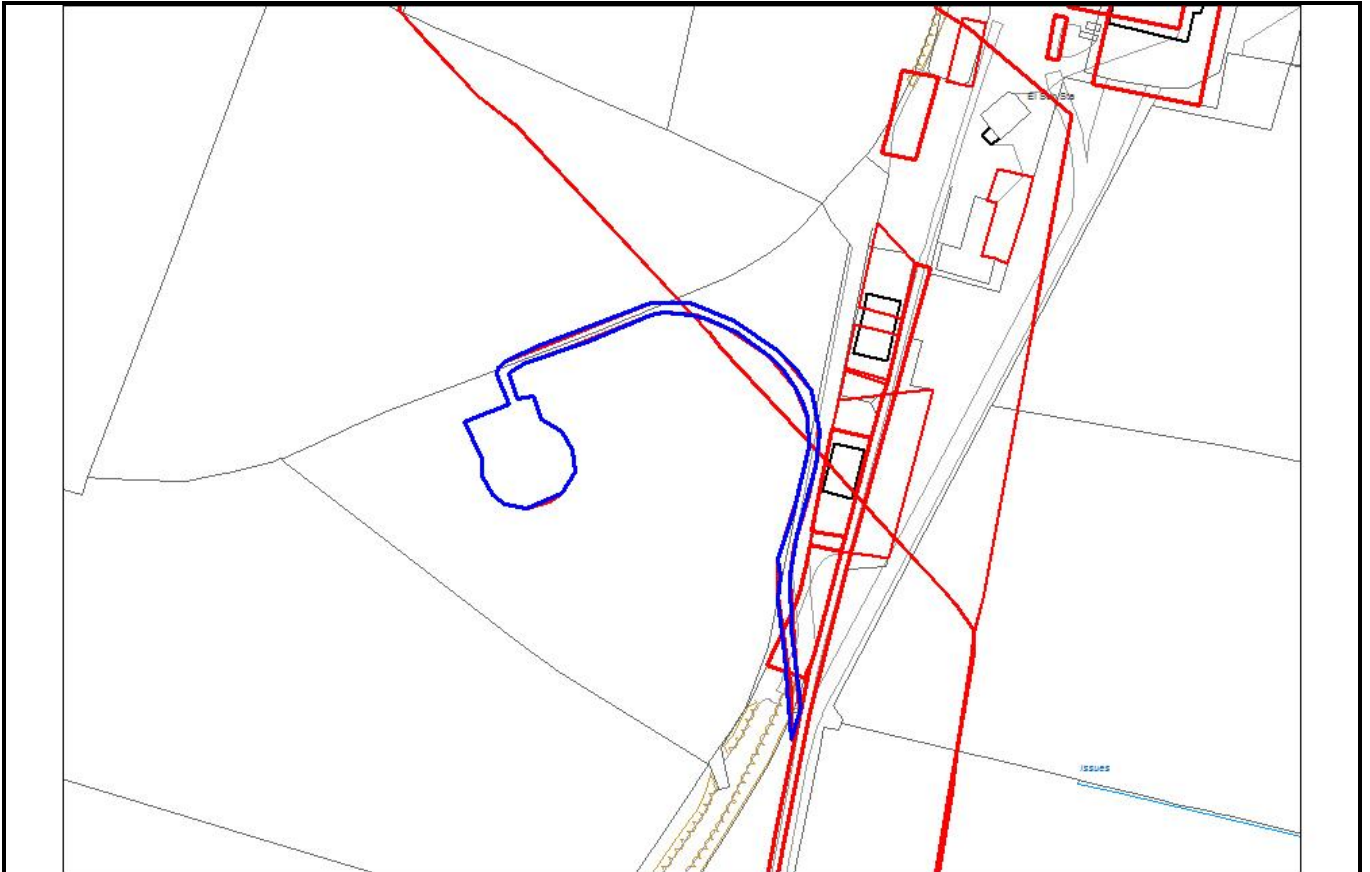


To: PLANNING PANEL

Development Control Section

Date of Meeting: 19/06/2013

Application Number:	4/13/2091/0F1
Application Type:	Full : CBC
Applicant:	Mr J Hewitson
Application Address:	LAND NEAR YEORTON HALL FARM, HAILE, EGREMONT
Proposal	ERECTION OF A SINGLE WIND TURBINE 45.5 METRES TO BLADE TIP, TWO ASSOCIATED METERING UNITS AND ACCESS TRACK
Parish:	Haile
Recommendation Summary:	Approve (commence within 3 years)



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Introduction

This application has been held in abeyance awaiting a consultation reply from the Council's Scientific Officer in response to local concerns raised regarding noise and flicker. In the meantime it was agreed at the Planning Panel of 22 May 2012 that Members would visit the site in order to fully appraise all the material planning considerations the application raises prior to its determination. The site visit took place on Wednesday 12 June 2013.

This proposal relates to a greenfield site in open countryside, currently forming part of an agricultural holding, some 70m (nearest point) to the west of Beckermat Industrial Estate and some 500m north of the applicants farm building group at Yeorton Hall.

The development involves the use of the existing industrial estate road and the applicant's farm road for access to the site with a new 300m section of road constructed to the turbine location within the field.

The Proposal

Permission is sought for the erection of a single 400kw turbine on the site. This would be situated on a tapered tubular tower pale matt grey in colour with a hub height of 28.6m. The turbine would be three bladed with a blade diameter of 34m giving a total ground to tip height of 45.5m. It would be fixed onto an 8m square base some 1.4m in depth.

Adjacent to this will be two small container units located adjacent to the turbine to house the switchgear as well as a crane platform measuring 30m by 15m and a 20m by 30m assembly platform. Connection cables to the local grid will be via underground ducting.

The application is accompanied by a:

Design and Access Statement.

Planning Statement and Environmental Report which incorporates assessments of potential impacts relating to Ecology, Landscape & Visual, Aviation & Communications, Shadow Flicker, Transport & Access, Cultural Heritage & Archaeology, Decommissioning & Reinstatement.

Landscape & Visual Impact Assessment.

Technical Information.

Planning History

The recent planning history relating to this application is relevant. Planning permission for a larger single wind turbine, some 79.6m ground to tip height, in the same location was refused by the Planning Panel in April last year. (4/12/2123/0F1 refers). The grounds of refusal were as follows:

The proposed siting of one large turbine, some 79.6m high, would introduce an isolated prominent feature, incongruous in its surroundings, which would have a materially harmful effect on the character and appearance of the surrounding landscape contrary to Policy EGY

1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.'

This decision was upheld on appeal, the Inspector considered that the proposed turbine would have a wide ranging visual impact which, irrespective of the industrial estate, would cause significant harm. She was of the opinion that larger wind turbine proposals would not be readily absorbed into these scenic rural surroundings. She felt that its large scale and height and its inevitable utilitarian nature would have a significant presence and would appear discordant in this fairly remote location. It would, in this prominent location, loom high and dominate the landscape appearing intrusive and incongruous. As a consequence it would significantly harm the landscape character of the area. There was also insufficient information to assess whether the predicted noise levels at the nearest independent property would be acceptable which added to her concerns.

Also a previous proposal for the development of three smaller turbines sited nearer the farm building group, some 400m distant from the application site to the south east, was allowed on appeal (4/11/2183/OF1 refers). These are now operational.

Consultations

Haile and Wilton Parish Council- Strongly object to the proposal as the height of the turbine will have a visual impact for a proportion of the Parish as well as residents in the surrounding areas. A Parish questionnaire was carried out in March 2013 which showed that 90% of residents who replied were totally against wind turbines of this size.

NATS - No safeguarding objection to the proposal.

Civil Aviation Authority - Raise no comments

Arquiva - No objection.

Highway Authority -No objection.

Scientific Officer, Environmental Health - No objection on noise grounds. Is now satisfied that noise levels from the turbine will remain below 35 dBA at all of the nearby non associated residential properties and that the use of a flat level noise condition would be appropriate as a safeguard. As regards shadow flicker all the residential properties are outside the required separation distance of 340m and this is as a result unlikely to be an issue.

Lake District National Park - No comments received.

Neighbour Representations

In view of the previous planning history relating to this site extensive neighbour consultations have been undertaken. To date this has resulted in the generation of 6 letters of objection including one from one of the nearest residential properties situated some 300 - 450m distant from the application site.

In particular they raise the following concerns:

- Will be sited directly outside their kitchen/ dining room window causing flicker.
- Will severely harm their amenity regarding noise, visual impact, shadow flicker and glare
- Detrimental effect on the health and well being of their children.
- Affect their house value.

Collective grounds of objection cited from the other letters received include:

- Noise and in particular cumulative noise with Sellafield road traffic.
- Shadow flicker.
- Precedent
- Proliferation of turbines in the area - its at saturation point.
- Visual Impact - will destroy our beautiful countryside.
- There are 3 similar turbines close to this location.
- Cumulative effect with the nearby NESL Rig Building.

- Damage to landscape character.
- Effect on migrant birds / bats /owls.
- The 3 turbines on the farm should be sufficient for its needs.
- Contrary to Policies EGY 1 & EGY 2 of the Copeland Local Plan.
- Against national planning policy - does not add or enhance the landscape.
- Will dominate the landscape with moving components.
- Localism Act local opinion should be taken into account.
- Decommissioning - should be paid for upfront.

Planning Policy

The following documents and guidance are considered relevant and material to the assessment of this application:

National Planning Policy Framework

The National Planning Policy Framework (NPPF), which came into effect (March 2012), sets out the Governments planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this and revokes the majority of the current Planning Policy Statements / Guidance Documents, including PPS 22 `Renewable Energy`, though it should be noted that the Companion Guide to PPS 22 is still in force and is relevant in so far that it advises how to evaluate renewable energy applications in order to arrive at an objective view and that landscape and visual effects should be assessed on a case by case basis

It constitutes guidance for local planning authorities and in respect of development control is a material consideration in determining planning applications and reaffirms that the planning system remains plan led - requiring that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

It initially allowed full weight to be given to relevant local plan policies adopted since 2004 for a limited period of 12 months even if there was a limited degree of conflict with it. The Copeland Local Plan 2001-2016, adopted in 2006, fell into this category. For determining applications post March 2013 the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In respect of assessing this application key Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan

2001-2016 (Saved Policies June 2009) are considered compatible and compliant with the NPPF. The other Copeland Local Plan policies referenced, DEV 5 and DEV 6, are also considered generally consistent. Accordingly these policies are given substantial weight in the assessment of the application.

All of the policies quoted in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice for the planning system.

The NPPF usefully elaborates on the Government's interpretation of what is meant by sustainable development. It identifies three dimensions to sustainable development, namely economic, social and environmental. The environmental role is defined in paragraph 7 as contributing to protecting and enhancing our natural built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 8 confirms that these three roles should not be taken in isolation because they are mutually dependent.

Renewable Energy

As regards renewable energy developments the NPPF states that we should:

- Support the transition to a low carbon future in a changing climate - including encouraging the use of renewable resources by the development for example of renewable energy.
- Contribute to preserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing previously developed 'brown field' land.
- Promote mixed use developments and encourage multiple benefits from its use.
- Conserve heritage assets in a manner appropriate to their significance.
- Actively manage patterns of growth.
- Take account of and support local strategies to improve health, social and cultural wellbeing to meet local needs.

Core Principle 10 of this approach 'Meeting the Challenge of Climate Change, flooding & Coastal Change' recognises that planning can play a key role in

- reducing emissions in greenhouse gases.
- supporting the delivery of renewables. (Paragraph 93 refers)

And specifically in determining such planning applications (Paragraph 98 refers) we should in particular:

- Not require overall need for the energy development to be demonstrated recognising that even small scale projects provide a valuable contribution to cutting greenhouse

- gas emissions and
- Approve the application (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.

Conserving and Enhancing the Natural Environment

Core Planning Principle 11 recognises that planning should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (Paragraph 109 refers) It also specifically stresses that we should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes (Paragraph 114 refers).

Paragraph 115 affords great weight to the protection and conservation of designated landscapes.

Paragraph 117 seeks to minimise impacts on biodiversity. One of the key ways of achieving this is the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species.

Paragraph 118 advises Local Planning Authorities when determining planning applications to aim to conserve and enhance biodiversity. It outlines that planning permission should be refused if significant harm resulting from a development cannot be avoided through relocation, mitigation or compensation.

Paragraph 123 clarifies that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development but does recognise that it is appropriate to secure mitigation through the use of planning conditions to overcome these impacts. It also seeks to afford protection of areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Copeland Local Plan 2001-2016

Policy DEV 5: Development in the Countryside. Seeks to protect and enhance the countryside outside settlement boundaries by restricting development to certain categories including energy related development providing it accords with other plan policies.

Policy DEV 6: Sustainability in Design. Advocates high quality sustainable design in all new development in the Borough.

Key Policies EGY 1 and EGY 2 of the Local Plan are specifically relevant. The former supports renewable energy developments and sets out the criteria against which all proposals for renewable energy are to be considered. This is set out below:

Proposals for any form of renewable energy development must satisfy the following criteria:

1. That there would be no significant adverse visual effects.
2. That there would be no significant adverse effects on landscape or townscape character and distinctiveness.
3. That there would be no adverse impact on biodiversity.
4. That proposals would not cause unacceptable harm to features of local, national and international importance for nature or heritage conservation.
5. That measures are taken to mitigate any noise, smell, dust, fumes or other nuisance likely to affect nearby residents or other adjoining land users.
6. That adequate provision can be made for access, parking and any potentially adverse impacts on the highway network.
7. That any waste arising as a result of the development would be minimised and dealt with using a suitable means of disposal.
8. There would be no adverse unacceptable conflict with any existing recreational facilities and their access routes.
9. That they would not give rise to any unacceptable cumulative effects when considered against any previous extant planning approvals for renewable energy development or other existing/ approved utility infrastructure in the vicinity.

Policy EGY 2 refers specifically to wind energy and requires that such proposals meet the criteria set out in EGY 1 above as well as providing for the removal of the turbines when they cease to be operational and site restoration.

Emerging Local Plan

The Local Development Frameworks Core Strategy and Development Management Policies DPD which will replace the policies in the Copeland Local Plan, is now at a more advanced stage of production. The public examination into the document took place in April this year and the Inspectors report is due in July. It is the intention that this will be adopted in September 2013.

In the meantime it is acknowledged that the NPPF is critical to development management decisions and that local plan policy can only be considered relevant where it is considered consistent with it.

The following Policies of the new document are considered relevant, whilst it is acknowledged they are a material consideration in determining planning applications they

should be afforded little weight at present until the Inspector has issued his report into the public examination, when it is anticipated greater weight can be attached:

ST1 Strategic Development Principles -- sets out the fundamental principles to guide development in the Borough.

ST2 Spatial Development Strategy - outlines the overall spatial and regeneration strategy for the Borough including energy developments.

ER2 Planning for the Renewable Energy Sector – supports and encourages new renewable energy generation in appropriate locations which maximise renewable resources and minimise environmental and amenity impacts.

DM2 Renewable Energy Development in the Borough – sets out the criteria for renewable energy development / generation to minimise any potential impacts.

DM11 Sustainable Development Standards - aims to ensure that new development achieves high standards of sustainability.

Cumbria Wind Energy Supplementary Planning Document

Adopted in 2008 and developed jointly by the Cumbrian local planning authorities to support policy implementation and provide consistent guidance for wind energy development. It provides locational guidance for wind farm development, acknowledges that Cumbria has a high quality environment and advocates that future decisions are made against a robust assessment of landscape capacity based on landscape character, sensitivity and value.

Summary of Policy Context

The NPPF stresses that the purpose of planning is to help achieve sustainable development and sets out a favourable approach to renewable energy developments. It emphasises that any adverse impacts of development have to significantly and demonstrably outweigh any benefits to justify a refusal. Although the emerging local plan policies currently carry little weight the existing local plan key policies EGY 1 and EGY 2 are material and relevant as they are considered consistent with the NPPF and therefore carry considerable weight in determining this application.

Assessment

The Planning Statement and Environmental Report submitted in support of the application puts forward the case that the proposed wind turbine development is consistent with local and national policy insofar that its beneficial effects significantly outweigh the negligible effects demonstrated in respect of potential impacts on ecology, landscape and visual effects, noise, aviation and communications, shadow flicker, transport and access, cultural heritage and archaeology and decommissioning and reinstatement. The application however does raise a number of issues on these and other grounds which are considered below:

Ecology

This application is accompanied by an extended Phase 1 Habitat Survey which complements the survey carried out for the original application. The desk study identified that the site does not support statutory or non-statutory sites designated for their ecological value but that there are a number within 5km of the site. It is also not a valuable site for overwintering birds. The Habitat Survey identified a limited range of habitats within the area and there was no evidence of badgers or red squirrels. It was also not suitable for roosting bats though the hedgerows in the vicinity could support foraging / commuting bats. The siting of the turbine at over 61m from nearby hedgerows meets the minimum separation distance recommended by Natural England. As a result it was considered that the proposal would not have a significant impact on the ecology of the area which is accepted. Although raised as a neighbour concern it is unlikely, taking the survey results into account, that the proposal will have any significant effect on migrant birds, bats and owls.

Noise

This was a material issue with the previous submission. It was considered that insufficient information had been provided to alleviate any potential concerns regarding operational noise on neighbouring amenity. However with this submission the Scientific Officer is satisfied that the information submitted is sufficient and in view of the reduced scale is of the view that the proposal is unlikely to generate noise levels above 35dBA at the nearest non associated properties.

Shadow Flicker

In view of the fact that the nearest non associated is over 10 rotor diameters away which comprises the guideline separation distance it is considered unlikely that flicker will be an issue in this location. A view echoed by our Scientific Officer.

Aviation and Communication

Consultation responses received from Arquiva, who is responsible for providing the BBC and ITV transmission network and protecting its microwave network, the CAA and NATS indicate that the proposal is unlikely to have any impact on these services in the area.

Transport and Access

Access to the site would be via the existing industrial estate road off the A595(T) and then the applicants farm access, with a new section across the field to the site. It is anticipated that there would only be a relatively minor increase in traffic levels during construction and according to the Highway Authority it is unlikely that this will have a significant effect on the local traffic network.

Need

Whilst this is raised as a local neighbour concern it is reiterated that need cannot be taken into account. The NPPF does not require applicants for renewable / low carbon energy development to demonstrate the overall need for the scheme and requires that we recognise that even small scale projects can make a valuable contribution to cutting greenhouse gas emissions.

Cultural Heritage and Archaeology

Whilst there are no known heritage assets on or immediately adjoining the site likely to be adversely affected by the proposal, there are two conservation areas in the nearest settlements of Egremont and Beckermest, some 2.4km and 1.5km distant respectively. The nearest ancient monument is some 850m away to the north and comprises an `enclosure`. In view of the distance the proposed turbine is from these sensitive locations it is unlikely that it will have any direct impact on them.

Landscape Impact

The potential effect of the proposal on the character and appearance of the surrounding landscape and its associated visual impact are key issues in assessing this application.

Cumbria Landscape Guidance and Toolkit, March 2012, identifies the site as lowland low farmland, a large open scale landscape where views can be wide and long distance. It is sensitive to tall infrastructure development and recognises that the landscape has a moderate capacity to accommodate turbines. It advises that care should be taken to avoid prominent elevated locations for large scale energy development.

It has to be acknowledged that whilst the previous application was for a larger, 79.6m high (ground to tip) turbine in this location, this proposal is for one of a reduced scale - 45.5m high (ground to tip). This reduction in height is considered significant mitigation in this location which would greatly assist the turbines assimilation into the local landscape. In particular when viewed from the village of Haile to the east it would be seen against and assimilated within a setting of strong built form of the dominant industrial estate buildings sited to the immediate east of the application site. Although the turbine would be seen from wide and distant views it would not now be so significant a feature on the landscape.

Cumulative Impact

In terms of cumulative impact the turbine would be seen as located close to the existing group of 3 turbines situated nearer to the applicants farm building group some 400m to the south east of the application site. Particularly when viewed from the north west and south east. However, taking into account that the existing group of 3 turbines are domestic in scale at 18m high and therefore only significant in terms of impact on views in the immediate vicinity it is considered unlikely that there would be any adverse cumulative impact. It is also noted that there is the presence of a large rig building on the nearby industrial estate, situated at some 130m distant which comprises in part a 23m high rig tower. Although this is a dominant vertical feature in the locality it is unlikely that the additional presence of a single 45.5m turbine would be accentuated by its presence.

Visual Impact

The siting of one single medium sized turbine, at 45.5m high, in this rural location, albeit against the backdrop of the neighbouring industrial site, is not considered to have a significant adverse impact on wider and immediate views. At this scale it is considered that the turbine will be more readily assimilated into the landscape and not be overly prominent or incongruous.

Decommissioning & Reinstatement

The supporting documentation details how decommissioning and reinstatement of the site would be undertaken. It is appropriate that the required detail of this would be covered by a suitable condition.

Potential Benefits

Against the backdrop of potential impacts it is also necessary to consider the potential wider benefits of the scheme which in this particular case are identified as:

Renewable Energy Generation

It is proposed that the turbine will have a generating capacity of 400kw which according to the manufacturers guidelines is sufficient to power some 248 homes per annum with electricity. This is a reasonable quantity from a single renewable source which would make a contribution towards meeting the Governments targets for renewable energy generation.

Low Carbon Energy Source

It is recognised that this form of power is generated from a low carbon source and that even this size of scheme can make a valuable contribution to reducing the nations greenhouse gas emissions and providing a relatively low carbon footprint.

Conclusion

In terms of assessing this application it is important to consider:

- The effect of the proposal on the character and appearance of the landscape and its visual impact.
- Whether any identified harmful effects significantly outweigh the renewable energy benefits
- Whether the revised proposal significantly overcomes the grounds for refusal of the previous submission which was dismissed on appeal.

Taking into account the above and the mitigation provided by the reduced scale/ height of the turbine now proposed it is considered that its overall presence in the landscape in this location, would not be overly or unduly prominent.

On balance it is important now to weigh up the benefits of generating renewable energy in this location from the turbine against any potential harm it could have on the key issues of character and appearance of the landscape and its visual impact. I would reiterate that the NPPF reminds us that in arriving at decisions *that small scale projects such as this can make*

a valuable contribution to cutting greenhouse emissions, and that planning applications for renewable energy should be approved if its impacts are or can be made acceptable. In my opinion the proposed wider renewable energy benefits of the revised proposal now outweigh the potential adverse impacts which have been reasonably mitigated as demonstrated by the turbines reduction in height. For these reasons, I now consider that this revised application reasonably overcomes the previous grounds of refusal. Although the proposal would introduce a relatively tall structure into part of the landscape, it is the view that its reduced scale and appearance would not unduly detract from it and it would not represent an overly dominant or intrusive feature on the landscape and as such would now be compliant with Policies EGY 1 and EGY 2 and the guidance contained in the NPPF.

Recommendation:-

Approve

Conditions

1. The development hereby permitted shall be commenced 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 the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

Design and Access Statement, by J. Harley, Planning Consultations, dated February 2013, received 13 March 2013.

Planning Statement and Environmental Report, by J Harley, Planning Consultations, dated February 2013, received 13 March 2013.

Site Location Plan, drwg no T61-PLAN-LOC-1, scale 1:2500, received 13 March 2013.

Site Location Plan, drwg no T61-PLAN-LOC-2, scale 1:5000, received 13 March 2013.

Site Layout, drwg T61-PLAN-LAY Rev A, SCALE 1:500, received 13 March 2013.

Wind Turbine Elevations, received 13 March 2013.

Switch Room and HV Metering Unit Detail, drwg no T-SPEC-DETAIL1, scale 1:50, received 13 March 2013.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. This permission is for a period not exceeding 20 years from the date that electricity from the development is first connected into the National Grid. Within 12 months of the cessation of electricity generation at the site (or the expiry of this permission, whichever is the sooner), all development shall be removed from the site and the land restored in accordance with a scheme which shall have the prior written approval of the Local Planning Authority.

Reason

To ensure that possible dereliction and unsightliness is avoided.

4. If any turbine ceases to be operational for a continuous period of 6 months it shall be dismantled and removed from the site and the site restored in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be submitted to the Local Planning Authority within two months after the expiry of the six month period and the turbine shall thereafter be removed and the site restored in accordance with the approved scheme.

Reason

To ensure that possible dereliction and unsightliness is avoided.

5. The noise emissions from the wind turbine shall not exceed a sound pressure level of 35dB $L_{A90,10min}$ at the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including $10ms^{-1}$ at 10m height. Any measurement shall be made at a height of 1.2m and at a minimum distance of 3.5m from any façade or acoustically reflective surface.

For the purpose of this condition, curtilage is defined as “the boundary of a lawfully existing domestic garden area”.

Reason

To ensure the protection of residential amenity from potential noise pollution.

Following notification from the Local Planning Authority (LPA) that a justified noise complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the LPA, whether the noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA.

A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification.

The operation of the turbine shall cease if the specified level is confirmed as being exceeded.

Reason

To ensure the protection of residential amenity from noise pollution.

Reason for Decision

The siting of one 45.5m high wind turbine in this location, on a greenfield site in open countryside some 70m west of Beckermeth Industrial Estate, is on balance considered to represent an acceptable form of wind energy development in accordance with Policies EGY 1 and EGY 2 of the Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.

ITEM NO: 2.

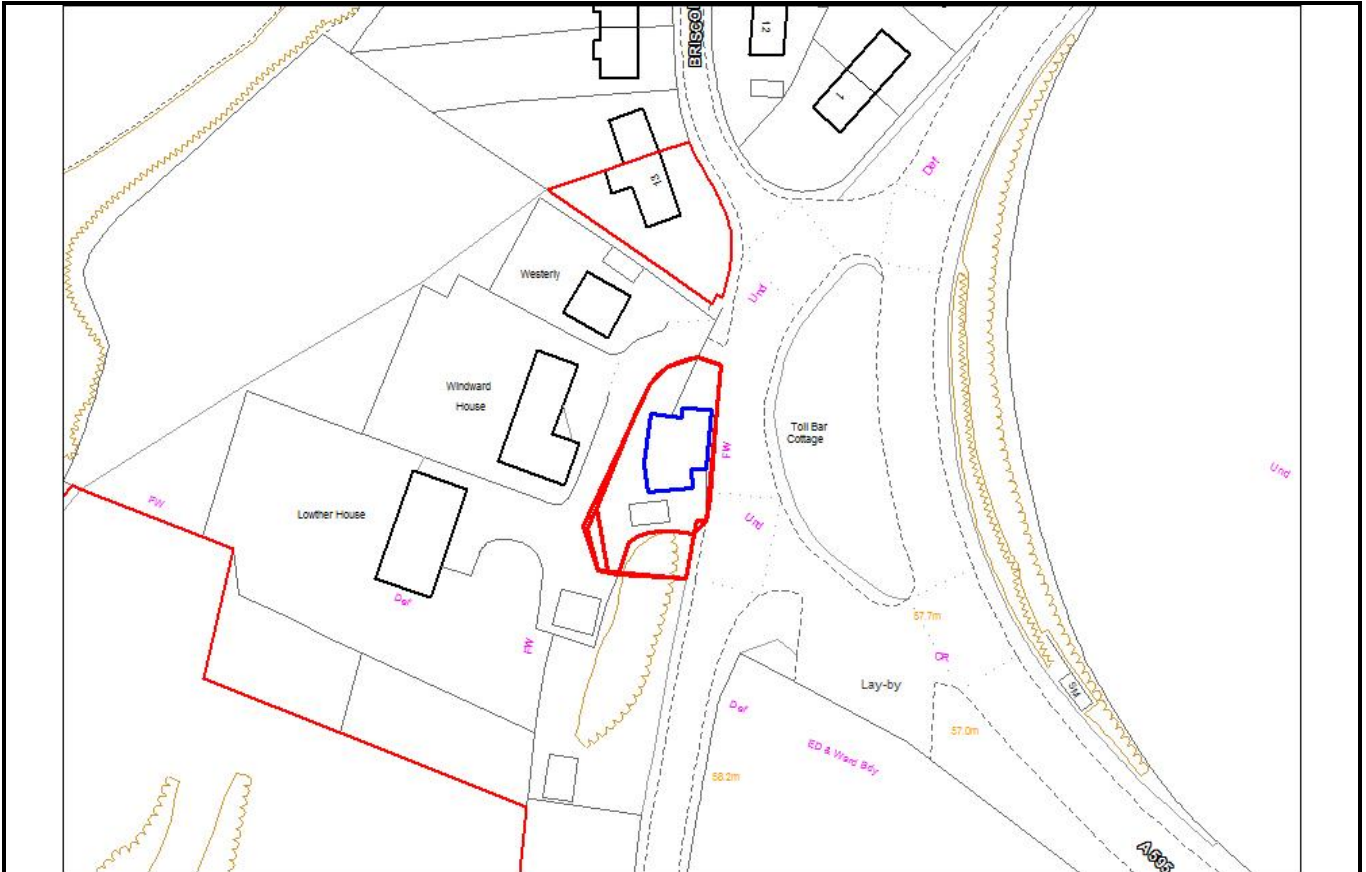


To: PLANNING PANEL

Development Control Section

Date of Meeting: 19/06/2013

Application Number:	4/13/2152/0L1
Application Type:	Listed Building Consent : CBC
Applicant:	Mr A Congdon
Application Address:	TOLL BAR COTTAGE, BRANSTY ROAD, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT TO REPLACE WOODEN SLIDING SASH WINDOWS WITH PVCu SLIDING SASH WINDOWS
Parish:	Parton
Recommendation Summary:	Refuse Listed Building Consent



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INTRODUCTION

This application related to Toll Bar Cottage, Bransty Road, Whitehaven. The property is a Grade II Listed Building and is located to the northern extent of the Whitehaven settlement, adjacent to the A595 and at the bottom of Bransty hill.

PROPOSAL

Listed Building consent is sought for the replacement of 5 timber sliding sash windows with new double glazed Upvc windows. The windows are to be installed to all four windows to the front elevation and a single window in the north gable elevation. They are proposed to be of a sliding sash design with a single glass pane to each section in a white Upvc finish. The first three windows to the left section of the front elevation will be contained within the existing bay window.

The applicant has stated in the submission that the change to Upvc will reduce heating bills, provide increased natural daylight to the interior of the dwelling as the sash boxes will be smaller and replacement of the windows with timber framed type would have a detrimental appearance on the property.

PLANNING POLICY

National Planning Policy

The national planning guidance on Historic Buildings, PPS 5, was replaced by the National Planning Policy Framework in March 2012. The relevant section of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent. In addition, it states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.'

Local Plan Policy

In terms of local planning policy, Policy HSG 20 of the adopted Copeland Local Plan is considered relevant to the determination of this application. This permits alterations to domestic properties so long as 'the scale, design and choice of materials involved respect the character of the parent property'.

Emerging Local Planning Policies

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production. The examination in public took place in April 2013 and it is envisaged that the document will be adopted in September 2013.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications although they cannot be afforded full weight until formal adoption.

Policy ENV 4 of the Development Management Policies states:-

'The Council's policy is to maximise the value of the Borough's heritage assets by:

- A Protecting listed buildings, conservation areas, and other townscape and rural features considered to be of historic, archaeological or cultural value
- B Supporting proposals for heritage led regeneration, ensuring that any listed buildings or other heritage assets are put to an appropriate, viable and sustainable use
- C Strengthening the distinctive character of the Borough's settlements, through the application of high quality urban design and architecture that respects this character and enhances the setting of listed buildings.

CONSULTATION RESPONSES

In terms of statutory consultations, the comments received from the Council's Conservation Officer are as follows:-

'Toll Bar Cottage is a Grade II listed building located to the north of Whitehaven. It was built for the Whitehaven Turnpike Trust and has an 1854 date stone located above the double fronted main entrance door. Despite various alterations to its original built form, the property remains significant for its historic connections and its remaining architectural details such as its decorative gable barge-boards, front bay window and the attractive stone surrounds and details to its front and side window and door openings.

In the context of other listed buildings within Whitehaven town centre, which were largely registered in 1972, this is comparatively late, being listed only in 1984, but it has undergone a number of significant alterations since then. The roof, described in 1984 as a graduated slate roof, has been replaced by a concrete tiled roof with no apparent authorisation. A rear extension approved in 1990 does, however, make reference to the use of concrete roofing tiles 'to match existing'. Up until 2006, applications had included the installation of wooden windows and doors, and a 1993 application to alter existing timber windows to PVC-u was refused. Plastic ogee gutters appeared with consent in 1995, although the use of cast iron rainwater downpipe was insisted upon.

In 2006 approval was granted for a new timber front door and double glazed fanlight, the repair of one of the bay windows and the replacement of the south facing gable casement window in PVC-u. Then in 2009 a sun-room was approved to the rear of the property comprising of a rendered blockwork structure with PVC-u glazing and door under a tiled roof, and plastic dry verges were added to the south facing gable in 2011 in an attempt to combat damp problems.

The current application seeks to renew all the timber sliding sash double glazed windows to the front elevation and to the north facing gable using PVC-u double glazed sliding sash units. These windows had been installed in 1994 following the receipt of listed building consent in 1993. The applicant now considers these to be beyond economical repair and that the installation of PVC-u windows will be more economical, environmentally friendly and energy efficient than their timber equivalents, and that the need for maintenance will be much reduced.

The applicant has quoted various figures to support his claims, however, given the enormous amount of information, independent or otherwise, on the comparable performance of PVC and timber windows it can equally be shown that overall timber performs better technically than PVC-u, is cheaper in the long term and by using the latest environmentally-friendly water-based preservative treatments, paints and stains concerns over VOC emissions can be reduced. It's often a question of choice, economics and who is to be believed, however, in this particular case, the key issue is that the building is listed and that despite its recent history of alterations, it retains its significance as a building with historic connections and attractive architectural details.

A recent site visit to the building showed that all the windows to the rear of the property are double glazed PVC-u casements which, apart from the sun room, appear not to have been authorised. The applicant's argument that installing PVC-u windows to the front elevation will therefore unify the property and improve its appearance is not something that I could support. Further, I cannot agree with the applicant's statement that 'replacement with wooden sliding sash windows will have a detrimental effect on the aesthetic appearance of the house...' as the building was originally constructed with wooden sash windows along with all the other Victorian and Georgian buildings at that time.

Consent has already been granted for the use of double glazing, and given the fenestration pattern of one over one windows with no glazing bars, I would not contest the use of double glazing in the future. Various forms of double glazing are available, from 6mm vacuum formed units, to units of 8-16mm thickness all of which could be produced to satisfy Building Regulation requirements and which would not require such an increase in weights or sashbox dimensions to seriously affect clear glass sizes. In fact timber frame dimensions are likely to be slimmer overall than the equivalent PVC-u window, dependent upon manufacturer, and materials used.

Whilst I appreciate the applicant's concerns over the maintenance of timber windows particularly given the exposed location of the property, the front windows face away from the sea and are more sheltered from the prevailing winds. Many original timber sash windows remain in Whitehaven in various exposed locations, and have survived the march of time, adding character to the buildings in which they have been fitted. Despite the changes to Toll Bar Cottage, the front elevation remains as built in 1854, and installing PVC-u windows into that elevation will, in my opinion, detract from the overall appearance of that elevation by virtue of the thickness of the frame members, lack of traditional detailing and construction methods and the high gloss quality of the finished product.

I cannot, therefore, support this application and would strongly recommend that the application be refused. In addition, the apparent unauthorised installation of PVC-u windows to the rear of the property and the apparent unauthorised alteration from a graduated slate roof to plain concrete tiles should be further investigated with a view to taking enforcement action.

Approval of this application is likely to affect its character further and in addition to the detrimental changes that have taken place with or without consent such changes are likely to warrant the delisting of the building.'

CONCLUSION

In terms of the above national policy, the proposed choice of material for the replacement windows is considered to be inappropriate. The property is a significant building not only in its appearance but in its historical purpose and setting at the effective entrance to the town. Therefore while other potentially inappropriate alterations have taken place on the property, this does not provide sufficient justification to allow further detrimental changes.

The front elevation remains largely intact in historical nature and therefore should not be altered with the introduction of a modern material.

When considering alterations to listed buildings the first course of action to be considered should be to repair the existing window frames. If this is not possible then their replacement in timber is next appropriate option. As mentioned in the Conservation Officers comments above, the applicants statement in their submission that 'replacement with wooden sliding sash windows will have a detrimental effect on the aesthetic appearance of the house' is considered to be completely inaccurate as the property currently has timber windows and will have done since its construction.

As proposed, the windows are considered to be out of character and detrimental to the character and appearance of this Grade II Listed Building contrary to the above local and national planning policies. On this basis, it is recommended that Listed Building consent be refused.

If members are minded to refuse the application, then consideration should be given to whether it is appropriate to investigate enforcement action with regards to the apparent unauthorised works that have previously been undertaken to the property including the removal of the original graduated slate roof as detailed in the English Heritage Listing.

Recommendation:-

Refuse Listed Building consent

Reason for Decision

By virtue of the Upvc material, the thickness of the frame, the lack of traditional detailing, construction methods and the high gloss finish, the proposed replacement windows are considered to be out of character and detrimental to the appearance of this prominent Grade II Listed Building. As a consequence the proposal would be contrary to Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 and the guidance contained within the National Planning Policy Framework.

ITEM NO: 3.

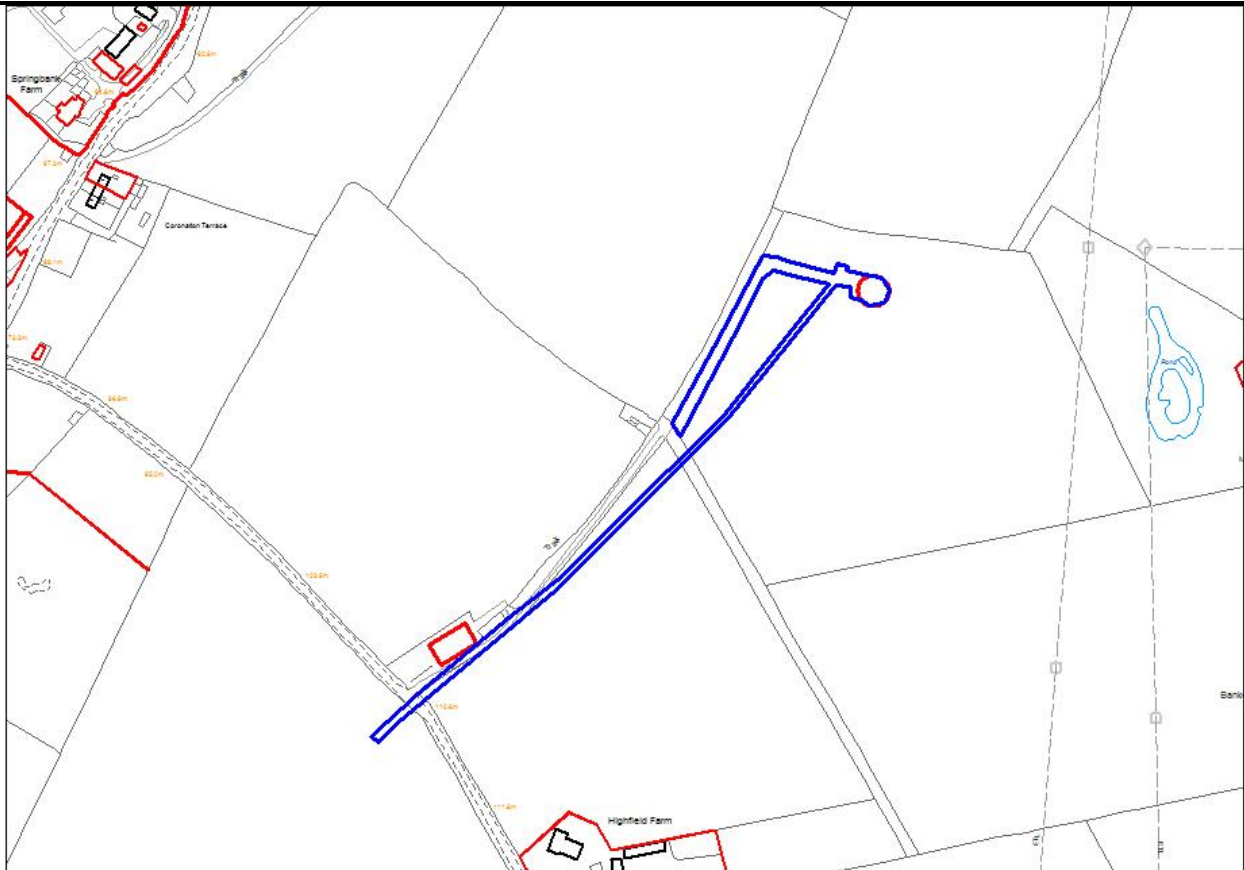


To: PLANNING PANEL

Development Control Section

Date of Meeting: 19/06/2013

Application Number:	4/13/2157/0F1
Application Type:	Full : CBC
Applicant:	Mr J L Hocking
Application Address:	LAND AT HIGHFIELD FARM, EGREMONT
Proposal	INSTALLATION OF A SINGLE 250KW WIND TURBINE (WITH A MAXIMUM HEIGHT OF 45.5 METRES TO BLADE TIP HEIGHT) AND ASSOCIATED INFRASTRUCTURE
Parish:	St. Bees
Recommendation Summary:	Site Visit



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Introduction

This proposal relates to a greenfield site in open countryside situated between the nearest settlements of St Bees and Bigrigg, 1.9km to the south west and 1.2km to the east north east respectively. It currently forms part of an active agricultural holding known as Highfield Farm. The nearest dwelling to the site is the applicants own which forms part of the farm building group and is located to the 396m to the south of the turbine

The Proposal

Permission is sought for the erection of a single 250kW wind turbine on the site. This would be situated on a tapered tubular tower pale grey in colour with a hub height of 32m. The turbine would be three bladed with a rotor diameter of 27m giving a total ground to tip height of 45.5m.

It would be fixed onto a 10m by 10m concrete reinforced foundation some 3.0m in depth.

Situated adjacent to the wind turbine would be a 20m by 15m hardstanding and a HV switchgear and transformer kiosk. Underground cabling would connect the turbine to the local electricity network.

Access to the development would be via the existing road network and off an existing agricultural track which runs alongside the northern field boundary. Access to the site itself is through an existing field access and involves the creation of a new 180m length of track across the field.

The application is accompanied by a:

Design and Access Statement

Environmental Report which assesses potential issues of noise, ecology and ornithology, landscape and visual impact, hydrology, hydrogeology and geology, archaeology and cultural heritage, traffic and transport and others including telecommunications, aviation, shadow flicker and prows.

Planning Supporting Statement

Technical Information

Planning History

The only associated planning history relevant to this application is the recent approval of a 15m high anemometer mast for 6 month period on the site for the purpose of assessing the wind resource in this location. (4/13/2047/0F1 refers).

Consultations

St Bees Parish Council - strongly oppose the application. Consider the turbine is very large and inappropriate in this rural location on the edge of a Landscape of County Importance. It would be sited on elevated ground making it a very prominent feature. The turbine would be clearly visible from a wide area including a number of viewpoints in and around St Bees. It is the Parish's view that there would be a significant adverse effect on the landscape, St Bees Head and the Heritage Coast. St Bees Head and the Heritage Coast are areas of regional and national importance with views across a wide area of countryside and these views should be protected from inappropriate development.

The Parish Council is not opposed in principle to small scale wind turbines in appropriate locations where they provide power for domestic or farm buildings without creating significant visual impact. However the output from a turbine of this size goes well beyond domestic requirements and the Parish Council does not believe that the area is an appropriate location for generation on this scale.

Highway Authority - no objections from a highway point of view subject to two conditions controlling the spillage of mud and debris onto the highway and request for a traffic management plan.

Defence Infrastructure Organisation DIO (MOD) – this is awaited following an agreed extension of time.

Scientific Officer - a key response which is awaited.

Neighbour Representations - extensive consultations have been undertaken with local residents in the area and isolated building groups. To date no comments have been received.

Recommendation

In view of the relatively complex nature of the application and its local significance Members are recommended to take this opportunity to visit the site and appraise all relevant material planning considerations before determining the application.

Recommendation:-

Site Visit

ITEM NO: 4.

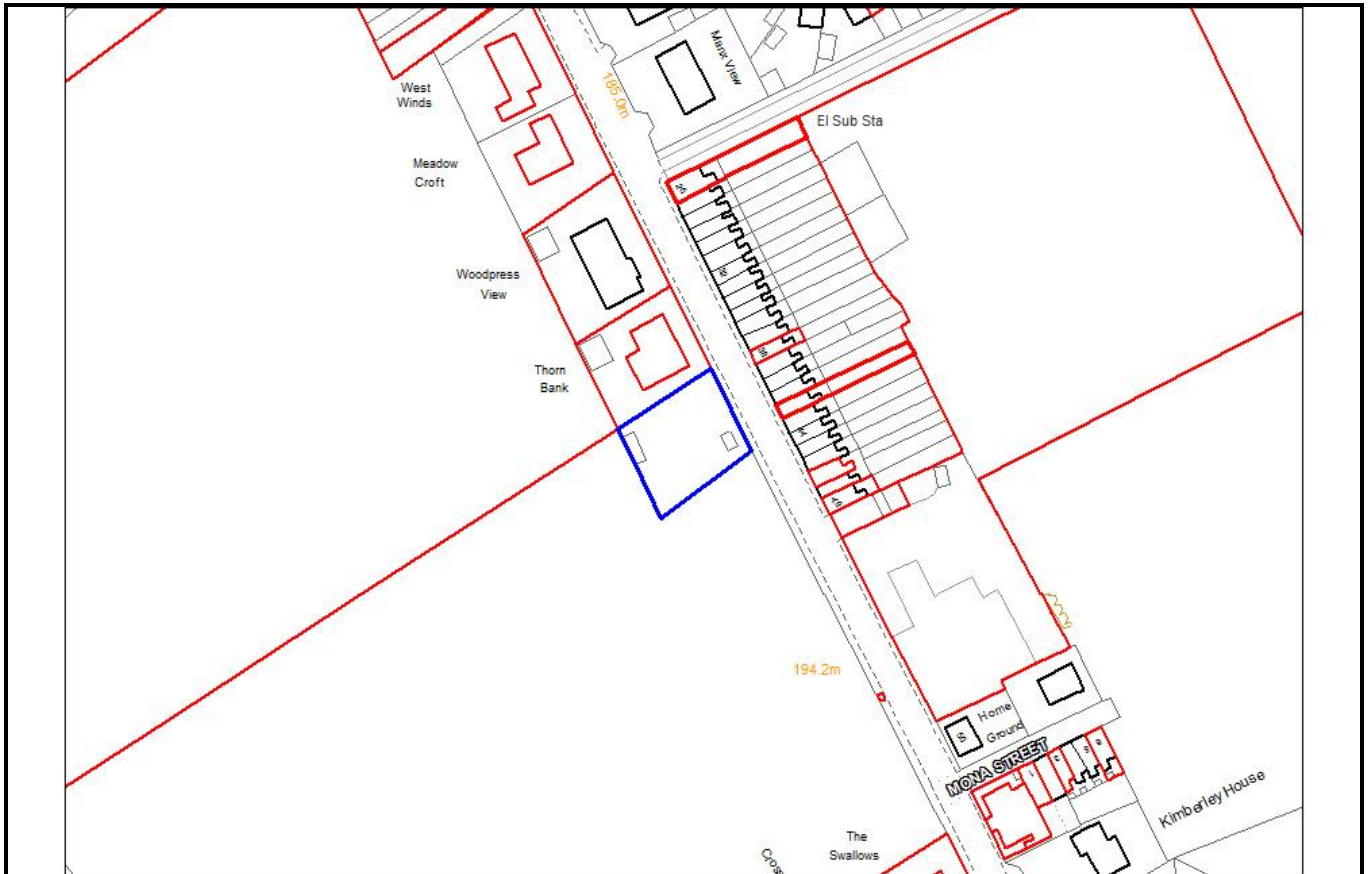


To: PLANNING PANEL

Development Control Section

Date of Meeting: 19/06/2013

Application Number:	4/13/2166/001
Application Type:	Outline : CBC
Applicant:	Mr C Tyson
Application Address:	LAND ADJACENT TO THORN BANK, ARLECDON ROAD, ARLECDON, FRIZINGTON
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF A SINGLE DWELLING
Parish:	Arlecdon and Frizington
Recommendation Summary:	Refuse



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INTRODUCTION

This application relates to a plot of land on the western edge of Arlecdon which is currently in use as a domestic allotment. Although the land adjoins an existing dwelling it is under separate ownership and has no link to this property.

The land is bound by an existing hedgerow and has a vehicular access onto Arlecdon Road.

PROPOSAL

Outline planning permission is sought for the erection of a detached dwelling on the site.

The applicants agent has clarified in the Design and Access Statement which accompanies the application that the dwelling would be designed to blend with the existing residential

properties within the locality in terms of scale, massing and appearance. The existing entrance would be used to serve the plot.

The applicant's agent also claims that the site is located in a sustainable location which is accessible by public transport. An additional dwelling within the village would also help to sustain existing facilities such as the school and the shop.

CONSULTATION RESPONSES

Senior Planning Policy Officer

The site is located outside the settlement boundary and therefore should be classified as open countryside and considered in line with Policy HSG 5 of the adopted Copeland Local Plan 2001-2016.

As such any proposal for housing should be to meet an exceptional local need (predominantly local affordable housing need). The Copeland Strategic Housing Market Assessment (SHMA) 2011 identified a need for 7 affordable homes per annum in Arlecdon parish, with the greatest need for 1-bed properties, 4-bed family homes and some 2-bed older persons housing.

Due to its location in Arlecdon, which is well related to the existing built form and does not extend further into the open countryside, the site could be considered as an appropriate and sustainable location for development that supports local needs. However, I am not aware of the applicant having provided any supporting justification of the local need that would be addressed by providing housing on this site, and as such I do not consider that this proposal is in line with the policies in the Copeland Local Plan.

If the applicant can provide supporting information regarding the local need that will be met then the proposal may be acceptable in policy terms.

Other

One letter has been received from a local resident which raises concerns about parking provision, drainage, overlooking and loss of privacy and the potential for the loss of the hedgerow. They also claim that there are other brownfield sites within the village boundary which would be more suitable for residential development.

PLANNING POLICY

National Planning Policies

The Governments Planning Policies are set out in the National Planning Policy Framework (NPPF) which was introduced in March 2012.

The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies a social role as one of the three dimensions to sustainable development. It defines a social role as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations.

Paragraph 49 clarifies that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 54 sets out that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

Paragraph 55 advocates that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It advises Local Planning Authorities to avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

The NPPF confirms that development should be approved that accords with the development plan.

Adopted Local Planning Policies

The adopted Copeland Local Plan 2001-2016 seeks to achieve sustainable forms of development, as required under the overarching policy of the Plan, Policy DEV 1 'Sustainable Development & Regeneration'. Policies DEV 2 and DEV 3 designate the key and local service centres where development should be focussed.

Arlecdon is listed under Policy DEV 3 as a Local Centre where small scale residential development may be appropriate.

Policy DEV 4 defines a development boundary for the village. The application site adjoins but falls outside this boundary. Policy DEV4 also states that all development will have to satisfy a sequential test that prioritises "brownfield" or previously used land or buildings over greenfield land options.

Policy DEV 5 only permits development outside the defined development boundaries as an exception to meet local needs.

Policy DEV 6 sets out the sustainable design principles which all new development should adopt.

Policy HSG 5 only permits housing outside settlement boundaries where they are required to meet exceptional circumstances arising from local social and economic conditions and will be subject to occupancy restrictions.

Policy HSG 11 permits affordable housing to meet a proven local need in rural areas. It does require any dwelling to be on a site within or immediately adjoining a village and well related to its physical form and specifies that the applicants would have local ties to the village and have genuine difficulty in finding an otherwise acceptable site.

Emerging planning policy

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production. A public Examination took place in April 2013.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Once the Inspector has issued his report following the examination then greater weight can be attached to these policies, particularly given the limited scale of objection to the strategy and its consistency with up to date national policy guidance. It is anticipated that the document will be adopted in September 2013.

Policy ST1 of the Core strategy sets out the fundamental principles that will achieve sustainable development. Among other things it seeks to ensure that development creates a residential offer which meets the needs and aspirations of the Boroughs housing markets.

Policy ST2 sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. With specific regard to development outside of settlement boundaries, this states that in the countryside and small villages which do not have their own defined settlement limits, development will generally be resisted in principle, in accordance with national planning policy and the Council's intention to promote sustainable development in the most accessible settlements. Exceptions would be considered where housing is required to respond to proven specific and local needs that may arise in settlement with non-defined boundaries.

Policy DM10 requires new development to be of a high standard of design to enable the fostering of 'quality places'. In doing so development should respond positively to the character of the site and it's immediate and wider setting, paying careful attention to scale, massing and arrangement. Likewise, development should create and maintain reasonable standards of general amenity.

The text following Policy SS3 covers rural exceptions. This states that the Council will consider favourably proposals for affordable housing in villages to meet the needs of the local community and fulfil the following requirements:

- A site that is within or immediately adjoins the village and is well related to its built form in terms of scale and character.
- Supported by evidence to show need for the development in the local community (usually parish and adjoining parishes) or that an individual applicant has genuine local ties to the village and genuine affordability needs.
- Subject to a planning obligation that requires occupation of the dwelling in perpetuity only by households with these same local connections and affordability issues.

ASSESSMENT

The key aim of the NPPF is to achieve sustainable forms of development. The adopted Copeland Local Plan and the emerging policies of the Core Strategy and Development Management Policies DPD reflect this strategy and seek to focus new development in the major settlements and protect the open countryside. The emphasis is also on developing brownfield rather than greenfield land.

Although this site is well related to the existing built form of the village, has a clearly defined boundary and does not extend any further into the open countryside, it does fall outside the designated development boundary for Arlecdon. Local Plan policies seek to protect the open countryside and consequently new dwellings are only permitted outside village boundaries as an exception where there is a clear justification. The Copeland Strategic Housing Market Assessment (SHMA) 2011 identifies a local need for affordable housing in the Parish. Consequently it is appropriate to ensure that any new development outside the designated development boundary is restricted to meet this need.

The applicant has not advanced any exceptional circumstances to justify a dwelling on this site in terms of local or affordable need. Without any justification this proposal cannot be supported on policy grounds.

Recommendation:-

Refuse

Reason for Decision

In the absence of a demonstrable local or affordable need, the erection of a dwelling on this site which lies in open countryside outside the designated development boundary for Arlecdon would represent an unsustainable, non-essential form of development which would be contrary to Policies DEV 5, HSG 5 and HSG 11 of the adopted Copeland Local Plan 2001-2016 and the National Planning Policy Framework.



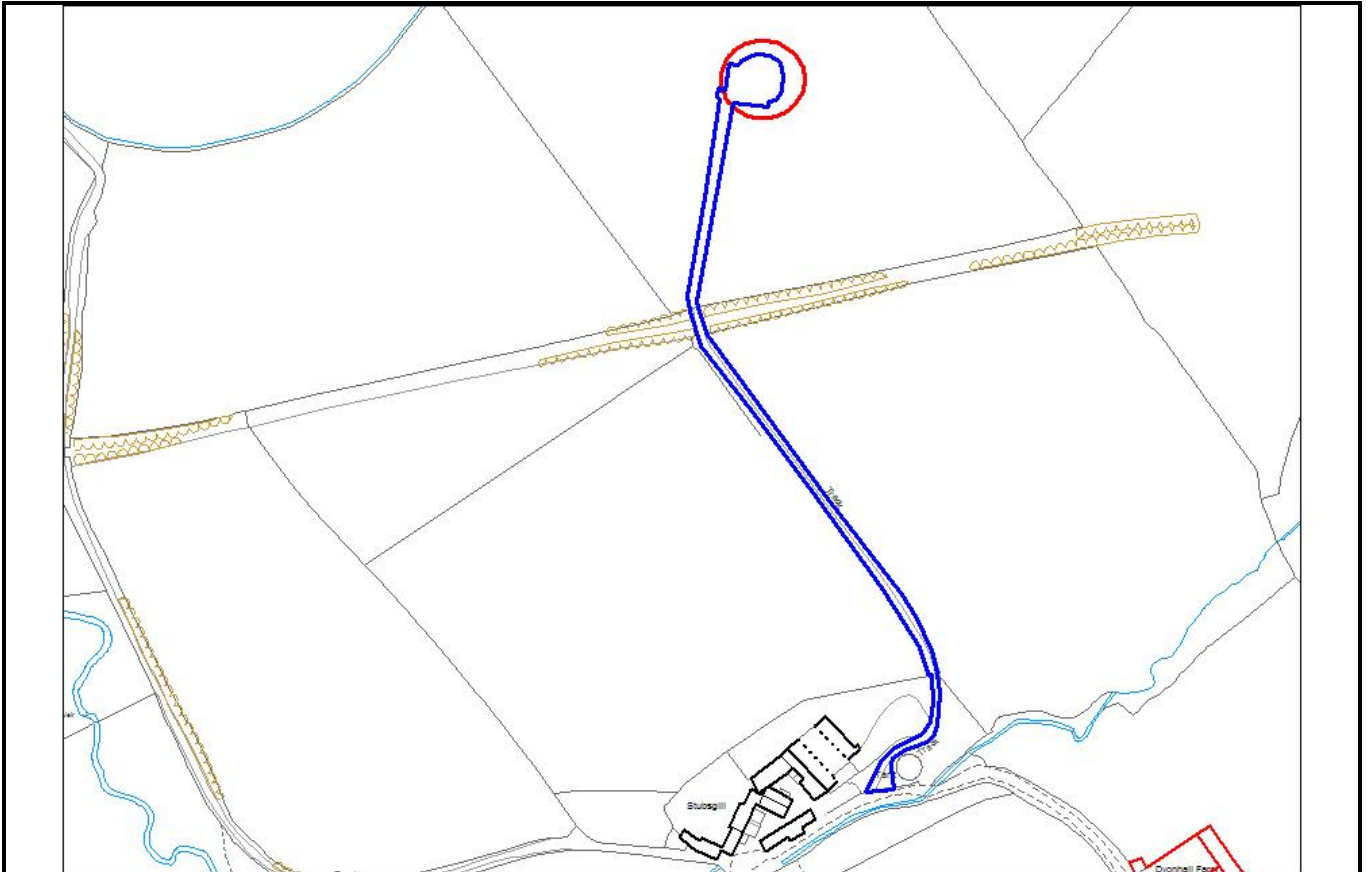
ITEM NO: 5.

To: PLANNING PANEL

Development Control Section

Date of Meeting: 19/06/2013

Application Number:	4/13/2173/OF1
Application Type:	Full : CBC
Applicant:	Mr W Lawson
Application Address:	LAND AT STUBSGILL FARM, DISTINGTON
Proposal	INSTALLATION OF A SINGLE 250KW WIND TURBINE (WITH A MAXIMUM HEIGHT OF 45.5M TO BLADE TIP) AND ASSOCIATED INFRASTRUCTURE
Parish:	Distington
Recommendation Summary:	Site Visit



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INTRODUCTION

This application relates to an open area of agricultural land which lies to the north of Stubsgill Farm. The farm lies approximately 1.1 km to the west of Distington and 1.4 km from Pica. The land forms part of an agricultural holding which comprises 64.5 hectares.

PROPOSAL

Planning permission is sought for the erection of a single 250 kw wind turbine which is to be sited approximately 350 metres to the north of the farm complex. The turbine will have a hub height of 30.5 metres and a total blade tip of 45.5 metres. It is proposed that the turbine will be retained on the site for a maximum period of 20 years.

A switchgear and transformer kiosk is to be sited at the base of the turbine to house the related electrical equipment. This will cover a floor area of approximately 20 sq metres and will extend up to a maximum height of 2.7 metres.

A crane pad is to be constructed at the base of the turbine to facilitate the erection of the turbine. A substation is to be constructed adjacent to this area of hardstanding which will cover a floor area of approximately 16 sq metres and extend up to a maximum height of 3.2 metres.

Access to the turbine is to be achieved using an existing field access which is to be upgraded to provide enhanced visibility splays. An existing track is to be upgraded and extended from this access to the proposed turbine. This will cover a total distance of 424 metres and will be surfaced with crushed stone.

The turbine will be connected to the local grid using underground cables.

The applicant's agent has set out that the turbine will provide an additional source of income for the farm for a 20 year period and will also help the applicant to demonstrate that he has complied with the sustainable farming code of practice. It will also contribute towards the UK renewable energy targets.

The application is accompanied by the following:-

- A site location plan
- An elevation plan of the turbine and associated kiosk
- A design and access statement
- A planning supporting statement
- A landscape and visual impact assessment including photomontages
- A noise impact assessment
- An ecology and ornithology assessment
- An archaeology and cultural heritage statement
- An a hydrology, hydrogeology and geology appraisal
- traffic and transport appraisal
- An appraisal of impacts on telecommunication, television aviation
- An appraisal of potential shadow flicker

As this application relates to a prominent site within open countryside in close proximity to both the existing Fairfield wind farm at Pica and also other potential wind turbine sites within the locality it is recommended that Members take the opportunity to visit the site to fully appraise all of the material planning considerations before determining the application.

Recommendation:-

Site Visit

ITEM NO: 6.

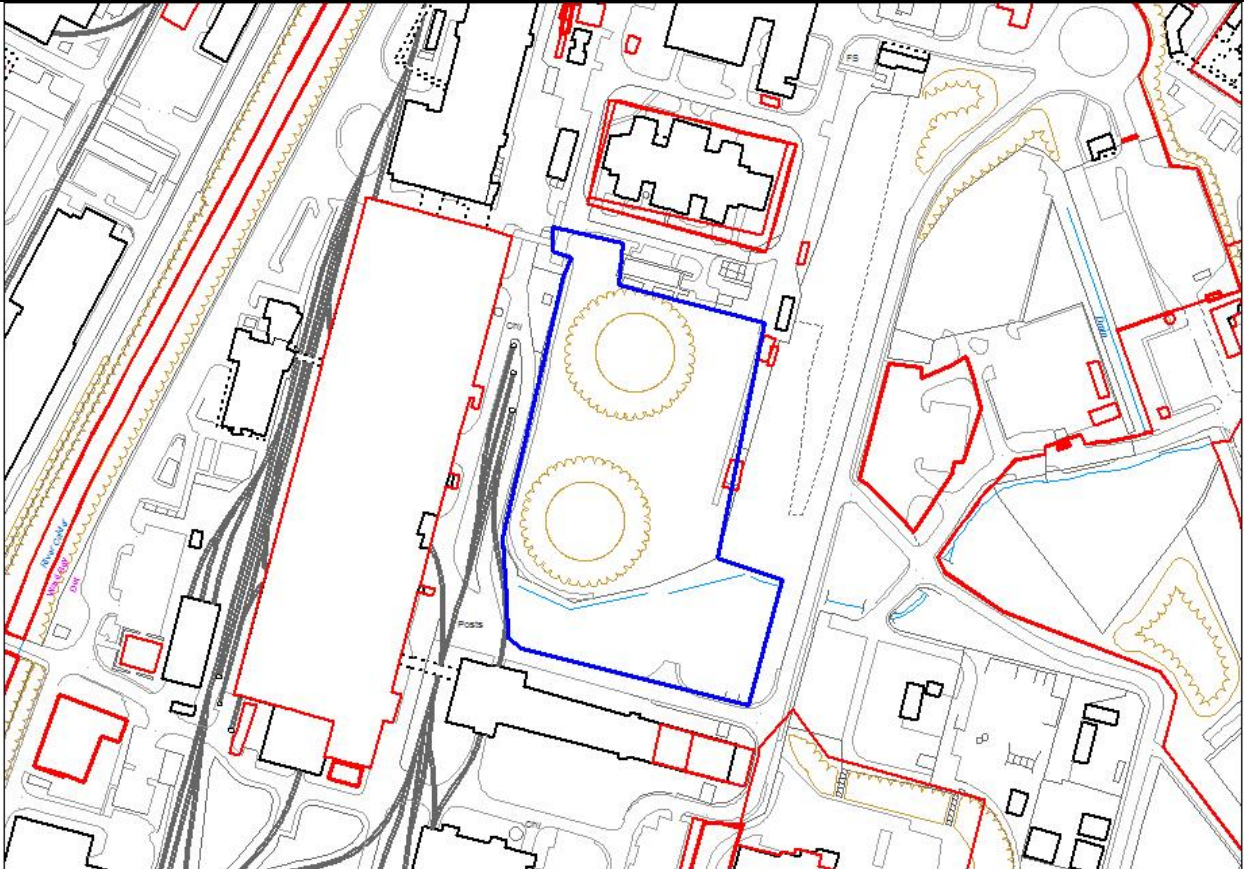


To: PLANNING PANEL

Development Control Section

Date of Meeting: 19/06/2013

Application Number:	4/13/9002/0F2
Application Type:	Full : County
Applicant:	Sellafield Ltd
Application Address:	SELLAFIELD, SEASCALE
Proposal	STEEL FRAMED BUILDING CLAD IN SHEET METAL FOR MAINTAINING EQUIPMENT USED TO RETRIEVE HISTORIC WASTES
Parish:	Ponsonby
Recommendation Summary:	County Council Approve



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Introduction /The Site

This is a major application relating to the site previously used to accommodate the cooling towers at Calder Hall Power Station. This is situated within the south west quadrant of the Sellafield site which is allocated for decommissioning and waste retrieval development within the site's long term plan.

The site is flanked to the west and south by existing distributor roads, the fuel handling plant to the west and the former Calder Hall to the north. There are also buildings of a similar scale adjacent.

As the proposal involves waste handling and processing Cumbria County Council are the local planning authority and accordingly we have been consulted on the application.

A flood and drainage statement accompanies the application.

The Proposal

As part of Sellafield Limited`s strategy for the safe management of intermediate level radioactive waste (ILW) it is proposed to erect a large new industrial process building, the Silo Maintenance Facility (SMF) and an associated substation, The main purpose the facility is to maintain equipment used to support the retrieval of ILW from the legacy silo plants. In brief it is designed to carry out the following operations:

- Receipt of new/ used plant/equipment/ tools/ transportation packages and associated equipment.
- Decontamination of plant and equipment.
- Examination, maintenance and testing of plant and equipment.
- Storage of plant and equipment used for retrievals.
- Dispatch of plant and equipment to retrieval plants.

Basically the facility will despatch and receive equipment from the retrievals plant. It will be capable of decontaminating the outer surfaces of contaminated equipment prior to either the re use of that equipment in silos retrieval work or its disposal at the low level waste repository or long term storage on site.

The Building

In terms of detail the building will measure some 130m in length by 55m in width by 30m in height with a gross floor area of 7795 square metres and will be of steel portal frame construction. It will be clad in sheet metal cladding predominantly grey in colour with blue relief banding mainly to the uppermost section.

It will be split into three key functional areas:

- Maintenance Area – for decontamination, maintenance and testing operations and equipment storage. This section comprises a single span mono pitch structure 23m in height with a raised crane area at the north end extending the height to 27m and

covering a floor area of 5010 square metres. At each end of the area will be located a lower 13m high storage area. A road bay will be provided at the southern end.

- Ventilation Area – A two storey structure some 1120 square metres in area which will house the ventilation system serving the maintenance area and the administration and welfare area of the building.
- Administration Area – Provides staff support facilities (offices/changing/welfare) in a three storey section in the northern half which interconnects with the aforementioned areas. 1550 square metres in floor area.

An electrical substation will also be sited within the south east of the development curtilage.

As regards access all vehicles will enter the site via one of two entrances from the west distributor road.

Consultations

Highway Authority -have raised a holding objection on the grounds that insufficient information has been submitted to satisfy them that the proposal is acceptable. They request that a travel plan or transport assessment be provided. This is currently being considered.

Planning Policy

National Planning Policy Framework (NPPF) / Copeland Local Plan

The National Planning Policy Framework, which came into effect in March 2012, sets out the Government's current planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this. In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy.

The NPPF is a material consideration in determining planning applications and requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

It initially allowed full weight to be given to relevant local plan policies adopted since 2004 for a limited period of 12 months even if there was a limited degree of conflict with it. The Copeland Local Plan 2001-2016, adopted in 2006, fell into this category. For determining applications post March 2013 the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In respect

of assessing this application Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) are considered generally consistent and compliant with the NPPF. Accordingly these policies can be given substantial weight in decision making.

DEV 1 Sustainable Development and Regeneration - requires all development proposals to accord with the local plan aims and objectives and is expected to contribute to achieving sustainable regeneration.

DEV 5 Development in the Countryside – aims to protect the countryside from inappropriate development but accepts that there are exceptions including existing employment sites.

DEV 6 Sustainability in Design – advocates high quality sustainable design in all new development.

Emerging Local Plan

The Local Development Frameworks Core Strategy and Development Management Policies DPD which will replace the policies in the Copeland Local Plan, is now at a more advanced stage of production. The public examination into the document took place in April this year and the Inspectors report is due in July. It is the intention that this will be adopted in September 2013.

In the meantime it is acknowledged that the NPPF is critical to development management decisions and that local plan policy can only be considered relevant where it is considered consistent with it.

The following Policies of the new document are considered relevant, whilst it is acknowledged they are a material consideration in determining planning applications they should be afforded little weight at present until the Inspector has issued his report into the public examination, when it is anticipated greater weight can be attached:

In relation to this application the following Policies of the new document are considered relevant:

ST 1 Strategic Development Principles - sets out the fundamental principles to guide development in the Borough.

ST 2 Spatial Development Strategy and ST 3 Strategic Development Priorities - outline the overall spatial and regeneration strategies for the Borough.

ER 1 Planning for the Nuclear Sector - supports developments contributing to the continuing future of the nuclear industry providing they are not unacceptably detrimental to the environment.

DM 1 Nuclear related Development – identifies principles that development in the nuclear sector should conform to.

Cumbria County Council are the determining local planning authority for waste and minerals. The Cumbria Minerals and Waste Development Framework (adopted April 2009) is their relevant policy document and it is considered that the following policies from it apply:

Minerals and Waste Development Framework: Core Strategy

Policy 1 Sustainable Location and Design. Requires all waste facilities to have a sustainable location and design.

Policy 10 High and Intermediate Level Radioactive Waste Storage. Permits development involving interim storage of these wastes, and associated developments, subject to the strict criteria being met regarding benefits outweighing detrimental effects, compliance with relevant standards, locational alternatives being explored and no overall adverse impact on the local economy.

Assessment

The issues this application raises which need to be considered comprise the following potential environmental effects:

Visual Impact - In terms of scale and massing the proposed building is large given its 130m length and 30m height. It will be sited close, within 250m, to the western boundary of the Sellafield site. It is considered that the design modifications employed comprising of three distinct horizontal colour bands of external cladding will help to reduce the overall visual mass of the elevations. As it will be viewed against the backdrop of the existing industrial complex which contains a large number of buildings of varying heights and scale it is not considered that the building will have an overall adverse visual impact.

Highway Impact – there is potential for this and without a supporting traffic assessment it cannot be quantified. From discussions however this is not considered to be a major issue. It is anticipated that there will be 6 internal deliveries a day.

Waste Discharges – aerial and liquid discharges are designed to be minimal and not give rise to any hazardous emissions and will be regulated under the sites Environmental Permit. As regards solid waste all arising will be treated as low level and be less than 10 cubic metres. As a result the impact from waste is considered to be minimal.

In terms of benefits the facility will create 32 new jobs and will improve waste retrieval support facilities on the site.

Taking into account the above, it is unlikely that the proposed SMF building, although large in scale, will result in any significant environmental effects. It is situated within the existing licensed industrial site where there are a variety of industrial buildings of similar collective scale and as such is considered compliant with local plan policy and the NPPF and is recommended that permission be granted.

Recommendation:-

Permission be granted
