

PLANNING PANEL AGENDA – 9 OCTOBER 2013

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ITEM NO: 1.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 09/10/2013

Application Number:	4/13/2106/OF1
Application Type:	Full : CBC
Applicant:	United Utilities Water plc
Application Address:	BETWEEN GULLEY FLATTS, BLACK LING, MERRY HILL, EGREMONT AND ENNERDALE & CLEATOR WATER TREATMENT WORKS
Proposal	MAKE PERMANENT FOUR TEMPORARY BOREHOLES TO THE SOUTH EAST OF EGREMONT AND INSTALLATION OF A PIPELINE BETWEEN THE BOREHOLES, ENNERDALE WATER TREATMENT WORKS A NEW PROCESS WASTE MAIN TO CLEATOR WASTEWATER TREATMENT WORKS AND ASSOCIATED INFRASTRUCTURE
Parish:	Lowside Quarter, Haile, Ennerdale and Kinniside, Egremont, Cleator Moor
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This is a major application for a groundwater scheme which involves the laying of a new pipeline and associated works covering an extensive area of predominantly farmland and open countryside within the Lake District National Park and Copeland.

Members have had the benefit of a site visit which took place on 12 June 2013. The application has since been held in abeyance awaiting the completion of an Assessment of Significant Environmental Effects, a requirement under the Habitats Regulations 2010, by external consultants on our behalf.

THE PROPOSAL

Extending from Merry Hill, Kell Head and Black Ling the proposed pipeline will link existing temporary boreholes, situated approximately 2.5km south of Egremont, to a borehole and proposed new pumping station at Gulley Flatts on the south western edge of the town. From here the pipeline runs northwards along the eastern side of Cleator Moor, crossing over into the Lake District National Park near Ennerdale, to the existing Ennerdale Water Treatment Works (WTW). A separate pipeline connection will link up with the wastewater treatment works at Cleator (WwTW). The scheme is mainly situated within Copeland

(7.6km) with the final stretch to Ennerdale WTW being within the Lake District National Park (5.4km). A parallel application has also been submitted to the Lake District Park Authority.

The proposal is a form of development which under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 is likely to have significant environmental effects because of its nature, scale and proximity to sensitive sites. This requires the planning application to be accompanied by an Environmental Impact Assessment (EIA) which takes the form of the following documents:

- Environmental Statement (ES) Volume 1 (main volume)
- Environmental Statement (ES) Volume 2 (appendices)
- Non-Technical Summary
- Statement of Community Involvement

This considers in detail the likely potential significant environmental effects of the proposed scheme on land quality and soils, hydrology and hydrogeology, biodiversity, landscape and visual, historic environment, noise and vibration, air quality, traffic and transport and cumulative impact.

In addition the following supporting information has been submitted:

- Planning Statement
- Design and Access Statement

THE SCHEME

In detail the scheme involves the construction of a 13km length of new pipeline between existing temporary boreholes and Ennerdale Water Treatment Works (WTW) and comprises the following elements:

- Conversion of four temporary groundwater boreholes to permanent boreholes at Merry Hill, Kell Head, Black Ling and Gulley Flatts.
- Above ground development at the three borehole sites, Merry Hill, Kell Head and Black Ling comprising the erection of two kiosks, a borehole headworks kiosk and a control kiosk. The former will measure 3.5m x 4m x 2.3m to eaves and be constructed of glass reinforced plastic (GRP) and dark green in colour. The latter will be smaller measuring 2m x 4m x 2.4m high to eaves and be of the same materials. All contained within a fenced compound 1.8m high coloured green, with associated access arrangements from the adjacent minor roads and landscaping. On the outer side of the fence would also be erected a stock proof fence.
- At Merry Hill a new site access will also be required running from the eastern edge of the field to the western edge where the borehole is situated. This involves the creation of a track of running parallel to the existing field boundary hedge. Landscaping will be reinforced here with additional hedge planting and a bank of small tree planting to the south west corner to help reduce the impact of the hard development here.
- Above ground development at the fourth borehole, Gulley Flatts. Here in addition to the kiosks, it is the intention to erect two larger buildings, a valve house, 7.5m x 7.2m by 4m to the roof apex and a transfer pump house, 9.7 x 11.5 x 6.4m to the apex. In terms of

materials both would be externally wet dash rendered under a slate pitched roof. Also proposed is a new permanent access onto the adjacent Queens Drive, an internal service road with hammerhead all contained within a 1.8m high fenced compound as per the other boreholes. Additional landscaping is proposed here to soften the visual impact.

- The installation of a borehole flush discharge pipe at Gulley Flatts.
- A 13 km raw water pipeline from the new Gulley Flatts Pumping Station to Ennerdale WTW. This will carry raw water from the boreholes to Ennerdale WTW. There will be an associated construction zone / working width alongside the pipeline of up to 34m but will be on average 18m.

This working area will be fenced off and where it crosses fields and hedges appropriate mitigation will be implemented, including water troughs, silt barriers and the use of green hedge netting which is currently in place along the route.

- A separate section of pipeline to carry process waste water (new rising main otherwise known as process waste main), 140 mm in diameter, from Ennerdale WTW to Cleator Wastewater Treatment Works (WwTW) utilising predominantly the same pipe trench as the raw water main then branching off into a new trench at Cleator just west of Black How. Where it will cross the River Ehen with the pipeline attached to the existing Black How Bridge thus removing the requirement for in river construction and further affecting the River Ehen SAC. From here it will enter the built up area of the village via Millers Walk, Kiln Brow, Main Street and then Church Street to the treatment works. This pipeline connection will carry the return process waste water from Ennerdale WTW for treatment at Cleator WwTW.

- Installation of pipeline connections and acid dosing facilities within Ennerdale WTW. All within existing buildings.
- Above ground works at Cleator WwTW involve entry of the pipeline inside the site boundary where the main will rise to ground level onto a new concrete slab upon which will be mounted control valves. It will then continue below ground to the discharge point upstream of the WwTW inlet.
- Erection of a temporary construction compound at Low Waterside which will be used as the main compound.
- Construction of four temporary compounds at the existing borehole sites and working areas, temporary accesses and a new pipe storage compound near Nook Farm. All the temporary compounds will be reinstated to pasture once construction works are complete.
- An open cut crossing of the River Ehen and some 39 associated crossings of ordinary watercourses / tributaries.

The raw water pipeline itself will be 355mm in diameter and made of polyethylene. It will be installed using open cut techniques below ground with the exception of Black How Bridge where it will be routed alongside the bridge. The pipelines will require air valves at certain intervals to prevent air blockages and these will be installed within manhole type chambers.

The Proposed Route / Operation

Each proposed permanent borehole will be linked by a buried pipeline from the borehole to the new Gulley Flatts Valve House. From here borehole water will flow by gravity through a buried aeration system required to pre-treat the raw water from the boreholes and into the Pump House wet well. From the pumping station the flows will be transferred to Ennerdale

WTW via the new 13km pipeline.

Water Crossings

River Ehen Crossings

There are two main River Ehen crossings proposed both of which fall within Copeland, one near Bridgend, Egremont and the other at Black How Bridge, Cleator. The former will be undertaken using an open cut method with a coffer dam.

As previously explained the crossing at Black How Bridge will involve external works in the form of attaching the 140mm diameter waste process pipeline to the outside of the bridge, upstream side (eastern), alongside the existing bridge beam and boxing it in with grey GRP sheeting to enhance its appearance. In addition the surface of the bridge will be relaid and a new handrail erected. A short section of wall either side will be removed to make way for the new pipework then rebuilt.

Large Water course Crossings

These will be required in six locations en route where the river will be dammed, piped and pumped over the working area before returning to its course downstream.

Small Water course Crossings

There are some 39 of these proposed. Instead of damming these the smaller watercourses will be diverted into an oversize temporary pipe, the pipe trench across the watercourse would then be excavated and the pipe laid and the trench backfilled.

Hedgerow Crossings

The scheme involves some 90 hedgerow crossings along the route. Where possible the construction zone will be reduced at these locations to a minimum width of 6m and in some cases further to 2-3m. In advance of the nesting season netting has been deployed (as evident on the site visit) on the hedgerows to prevent birds from nesting. Hedges will be fully reinstated after work is complete.

Construction Activities

It is the intention that the construction process will take place over some nineteen months. The works will commence with the erection of the temporary site compounds at Low Waterside, Nook Farm and the four boreholes and Ennerdale WTW. It should be noted that the compounds proposed at Low Waterside and Ennerdale WTW are located within the National Park.

NEED FOR THE SCHEME

The applicant, United Utilities (UU), has a statutory responsibility to provide water and waste water services. It is subject to licenses which dictate the amount of water it can abstract from the ground and surface water sources. In order to protect sensitive habitats in the River Ehen catchment, particularly pearl freshwater mussels and Atlantic Salmon, which benefits from special designations of SSSI and SAC (Special Area of Conservation). Under the Habitats Directive the Environment Agency will be reducing the amount of water that UU can remove from Ennerdale Water which will limit the amount of water that can be removed from the adjoining watercourses including the River Ehen, thus protecting and sustaining

water levels. Such a restriction on abstraction would result in a shortfall of drinking water resource in the area. This development will provide an alternative water resource to compensate which will ensure that an adequate supply of drinking water is maintained and that the habitats of the River Ehen remain protected.

CONSULTATIONS

Lowside Quarter Parish Council

Has concerns about the noise associated with the pumping equipment which is likely to be required.

Cleator Moor Town Council

No objections.

Natural England

Initial response confirmed that we as competent authority are required to ensure the proposal is fully assessed under the Conservation of Habitats and Species Regulations 2010. Accordingly an Assessment of Likely Significant Effects (ALSE) has been undertaken. They identify the key environmental considerations for the scheme as:

- The direct and indirect effects of the development on the features of special interest within the River Ehen SAC / SSSI and mitigation measures required in order to avoid, minimise or reduce any adverse significant effects.
- Alone or in combination effects with other plans or projects in the vicinity.
- Need to ensure protection of both salmon and freshwater mussels as interest features of the SAC and secure the highest standards of pollution and siltation prevention measures throughout the scheme.
- An up to date verification survey for freshwater mussels in advance of constructing the watercourse crossing downstream of the SAC at Egremont and the resulting required mitigation is implemented ahead of the works.
- Need for protected species surveys.

Following the production of the ALSE Natural England have confirmed that they raise no objections to the scheme and that they are in agreement with the documents conclusion of 'no likely significant effect on the River Ehen SAC' subject to the proposed mitigation being an integral part of the project proposal and secured through suitable planning conditions.

English Heritage

No objection. Accept that the impact on listed buildings and non-designated heritage assets in the vicinity are likely to be limited to temporarily increased noise and dust during construction. Impacts on non-designated archaeological sites are likely to be more direct. Request mitigation, including recording prior to and during the excavation of the pipeline secured by condition.

Coal Authority

No objection. Acknowledge that a small part of the site near Cleator falls within the defined Coal Mining Development High Risk Area where there is a recorded mine entry. Recommends that a pre commencement condition be imposed to require further investigations and any require remedial works be undertaken.

Environment Agency

No objection in principle subject to conditions and informatives being imposed to protect potential pollution of the water environment.

Highway Authority

Raise no objections but recommend certain conditions be imposed requiring a construction method statement and a construction traffic management plan and the protection of numerous rights of way that are affected by the works.

Highway Agency

Directs that conditions be attached to any permission granted to protect the A595T Road where the pipeline crosses it and that in such locations trenchless construction methods are used.

Historic Environment Officer

The proposed development has the potential to disturb archaeological remains of some significance. Agrees with the proposed measures to mitigate the impact and that a programme of archaeological evaluation should be carried out on targeted sections. In addition to the ES requests that an evaluation is undertaken on the remains of medieval fields to the east of Egremont.

Consultant Arboriculturist

No objections subject to conditions. Satisfied that none of the trees proposed for removal as part of the scheme provide a significant contribution to the amenity of the area. Recommends that sections of hedgerow be reinstated once work is complete with hedgerow species found locally to the hedge and suitably protected from grazing animals and wildlife.

Scientific Officer

No objections.

Neighbour Representations

Extensive neighbour consultations have been undertaken particularly where it is considered that communities might be affected if not necessarily by the development itself but by the associated construction activity. This has resulted in six letters, five from neighbours in the vicinity. They raise the following concerns:

- It is not demonstrated as an economic and environmentally sound alternative to providing new water treatment works at / in vicinity of Egremont boreholes. The cost of this solution is surely more than other alternatives.
- Need for the new water supply is questionable – the claimed increase in demand is nowhere near the reduction in demand since the demise of Marchon.
- Is claimed that the work is necessary to protect fresh water mussels in River Ehen yet the route will cross numerous tributary streams feeding into it causing pollution in the process.
- A redundant pipeline near the road could be used but this has been dismissed.
- Will cross a spring line which feeds an objector's private water supply. Have not received any undertaking that a free mains supply will be provided should their

service be affected.

- When authorisation is given the work should be properly controlled.
- Vehicular access to works should avoid all rights of way. Interruption should be minimised.
- Damage to rights of way should be kept to an absolute minimum.
- Request that planning conditions be enforced.
- Concerns regarding construction traffic using existing tracks between Florence Mine and Brisco Mill when the track is not suitable for heavy plant of any kind. It is easily damaged by light traffic so it will quickly become impassable to residents. Request that the track be maintained whilst it is used and made good once the work is finished.
- Concerns regarding the potential use of the farm tracks and bridleways between Sherwens Terrace and Brisco Mill for construction plant / vehicles which are not suitable and already suffer considerable damage in the wet weather. Request that the construction company be required to upgrade the tracks in the area to a level that will ensure they are suitable and maintained for their purpose at all times without causing difficulties and expense to those who live on the route and use it.
- Nearest resident to one of the boreholes objects strongly to the application. Expresses concern that there was no information on the potential for ground subsidence to arise as a consequence of the groundwater abstraction and the possible adverse effects on his property.

In response to the above the following comments are offered:

- In terms of alternatives, UU have considered a range of options to address the situation but no others are suitable. These included compulsory water metering and reducing water leakage. This was considered to be the only viable option to resolve the supply - demand balance.
- As regards need for the scheme this has been satisfactorily demonstrated in the submission.
- The ALSE Process undertaken has assessed the potential ecological impacts of the proposal and has concluded that there are no likely significant effects on the sensitive designations of the nearby River Ehen.
- Any undertaking regarding private water supply is a separate/ civil matter between the applicant and the objector to address.
- PROW would be protected via condition as requested by the Highway Authority.
- Issues regarding construction traffic are noted, and the Highway Authority has requested that a construction Traffic Management Plan be submitted and approved as a pre commencement condition which will extend to cover unclassified roads being used.
- The concerns raised by the resident regarding potential for subsidence to occur and affect his property is a material planning consideration. United Utilities state that there is no evidence that groundwater extraction from the Merry Hill Borehole should cause subsidence at Merry Hill House. Based on data and observations collected they are satisfied that any dewatering of the superficial deposits in the area which could potentially lead to changes in the physical properties / settlement of such deposits and lead to ground movement, is unlikely to be occurring.

Furthermore they state that the sandstone in the area is competent as both of the boreholes (Merry Hill and nearby test one at Rothersyke) remain open in the aquifer unsupported. Given the physical properties it is unlikely that the sandstone in the area is prone to collapse. In addition a pre-construction structural survey of all properties along the pipeline route is to be undertaken to establish a baseline.

- Noise from pumping equipment - the only pumping will occur at the new pumping station at Gulley Flatts. The equipment there will be housed within a new building and given that the nearest residences are some 180m away this is unlikely to be an issue. Water from the existing borehole locations will be gravity fed so there will be no pumping equipment at these locations.

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 in 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.

The NPPF constitutes guidance for local planning authorities and in respect of development control is a material consideration in determining planning applications. It does not change the status of the development plan and the planning system remains plan led - requiring that applications for planning permission be determined in accordance with the development plan unless it is out of date or not consistent with the NPPF.

All of the policies quoted in the NPPF taken as a whole constitute the Governments 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.

Paragraph 17 of the Core planning principles recognises the intrinsic character and beauty of the countryside.

Section 7 recognises that good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 61 in particular requires decisions to address the connections between people and places and the integration of new development into the natural, built and historic environment.

Section 11 focuses on Conserving and enhancing the natural environment and that this should be achieved amongst others by; protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; and minimising impacts on biodiversity. (paragraph 109)

Paragraph 118 is specifically relevant. This states that when determining planning applications we should aim to conserve and enhance biodiversity by applying the following principles:

- Refusing permission where significant harm arising from a development cannot be avoided by appropriate mitigation or compensated for.
- Not normally permit development within or outside a SSSI where there is significant adverse affects. Exceptions should only be made where the benefits of the development outweigh the impacts
- Permit development where the primary objective is to conserve or enhance biodiversity.
- Encourage opportunities to incorporate biodiversity into developments.
- Refuse development resulting in a loss or deterioration of irreplaceable habitats and trees unless the benefits outweigh the loss.
- Gives wildlife sites identified the same protection as European Sites.
- Presumption in favour of sustainable development does not apply where the development requires an appropriate assessment under the Habitat Regulations.
- To prevent unacceptable risks from pollution and land instability new development should be appropriate for its location.

Local Plan Policy

The NPPF stresses the need for an up to date development plan as a basis for decision making. The adopted Local Plan is out of date in terms of the NPPF as it is not a Development Plan Document adopted in accordance with the Planning and Compulsory Purchase Act 2004. As the Local Plan is not consistent with the NPPF less weight should be attached to the saved policies within it.

Consideration should be given to Policies DEV 6, ENV 1, ENV 2, ENV 4, ENV 5 and ENV 20, of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) but greater weight should be afforded to the guidance set out in the NPPF which will take precedence over any areas where local plan policy contradicts or makes no specific statement about the key considerations applicable in this case.

Policy DEV 6 Sustainability in Design. Advocates high quality sustainable design in all new developments.

Policy ENV 1 Nature Conservation Sites of International Importance This cites that proposals which may adversely affect such a site (i.e. SAC/SPA/RAMSAR sites) will be subject to rigorous scrutiny and will only be permitted where the development is necessary to the conservation management of the site, or there is no alternative solution, and there are overriding reasons in the public interest. Furthermore it states that where development meets these criteria mitigation and compensatory measures will be conditioned.

Policy ENV 2 relates to Nature Conservation Sites of National Importance. It states that proposals likely to have an adverse effect on an SSSI which will have a direct or indirect adverse effect on the special interest of the site will be subject to special scrutiny. Development will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site/ national policy to safeguard such sites. Where it is permitted conditions / obligations will be used to provide appropriate mitigation and compensatory measures.

Policy ENV 4 Protection of Landscape Features and Habitats. Does not allow development which may adversely affect landscape features and habitat unless there are overriding reasons outweighing the need for the feature and that mitigation can be provided. Such features include river corridors.

Policy ENV 5 Protected Species. Will not permit development which will adversely affect areas supporting protected species as these areas will be protected and enhanced. Where it is permitted conditions / obligations will be used to provide appropriate mitigation.

Policy ENV 20 Water, Sewage Treatment and Sewerage Facilities. This supports proposals for the supply and treatment of water, sewage treatment and sewerage facilities which are necessary for statutory undertakers to meet their obligations.

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 September. It is the intention that this will be adopted in December 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 not be afforded full weight until the document has been formally adopted by the Council:

Policy ST1 Strategic Development Principles. Sets out the fundamental principles to guide development in the Borough.

Policy ST2 Spatial Development Strategy. Outlines the overall spatial and regeneration strategies for the Borough.

Policy ENV 3 Biodiversity and Geodiversity. Supports the implementation of the Cumbria Biodiversity Action Plan by seeking to adopt measures that protect, improve and enhance the biodiversity and geodiversity of the area.

Policy ENV 5 Protecting and Enhancing the Borough's Landscapes. Ensures that the area's landscapes are protected from inappropriate development and where possible enhanced.

Policy DM10 Achieving Quality of Place. Sets out the detailed approach to creating good quality places advocated by Policy ST1.

Policy DM11 Sustainable Development Standards. Sets out the detailed requirements for sustainable development in support of the key principles advocated by Policy ST1.

Policy DM25 Protecting Nature Conservation Sites, Habitats and Protected Species. Supports Policies ST1 and ENV 3 by setting out the detailed approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

ASSESSMENT

There are a number of environmental effects / key issues likely to arise due to the scale and nature of the scheme which need to be carefully considered in the assessment of this application as follows:

Ecology

As the proposed pipeline route crosses and runs close to the designated nature conservation sites of River Ehen SSSI and River Ehen SAC it has the potential to significantly affect them and their special (qualifying) features. These are identified as freshwater pearl mussels, as the River Ehen supports the largest population in England, and Atlantic salmon. It is important to ensure that the proposed scheme does not impact detrimentally on these interests. Potential effects identified include water quality issues / pollution sources, physical disturbance, habitat modification and loss. The ES concluded that none of the predicted effects are likely to lead to the deterioration of habitats or significant disturbance on the integrity of the SAC. The ALSE undertaken to assess this also asked for additional information in respect of all potential impacts arising during construction and the

permanent development and long term operation of the site.

As regards physical disturbance during construction the only works likely to disturb the mussels are the two crossings of the River Ehen. Proposed mitigation here includes - no open cut within the SAC, pre works survey and where there are small numbers of mussels these will be relocated to suitable habitats.

In respect of Atlantic salmon, works at 11 of the watercourse crossings have the potential to impede salmon migration to spawning habitats/ disturb suitable spawning areas. Here proposed mitigation includes constructing the crossings outside the spawning season and reinstate spawning areas.

Turbidity - elevations have potential to adversely affect both species. Mitigation proposed includes no open cut working, adherence to method statements, water course crossings constructed outside salmon spawning season and spawning areas reinstated

During operation water discharge into a tributary of the River may alter surface water quality downstream. No mitigation proposed though as the flush discharge is downstream of the SAC and that these will be intermittent. There was concern that there would be flow reduction caused by groundwater drawdown, which can affect the river flow however extensive testing on site has proved negative and there is therefore no mitigation proposed. On the other hand there could be flow increase caused by compensation flow which is considered to be beneficial and would have a positive effect on these species. The ALSE also looked at potential cumulative effects taking into account other projects in the vicinity which may have an effect including a new fish pass on the River Ehen at the outflow of Ennerdale Water to the river and Ben Gill restoration and reconnection with the upper Ehen. It is considered though that these schemes together with the proposal are likely to have a positive effect as they will expand the spawning areas available and improving delivery of gravel in the upper Ehen.

The ALSE also assessed potential impacts arising from the construction and reinstatement of access tracks, site compounds, excavation works and mitigation.

As a result the ALSE concludes that the potential impacts outlined are not likely to impact significantly on the River Ehen SAC features, freshwater pearl mussel and Atlantic salmon, and therefore that the proposed development will not have an adverse effect on the integrity of the River Ehen SAC, providing the mitigation measures are secured by planning conditions.

Visual Impact

The majority of the work is underground with the pipeline being laid in a trench using mainly cut and fill construction techniques and the formalising of the existing temporary borehole sites. Where there is disturbance to nearby properties i.e. Scurgill, Sherwens Terrace, Black Ling Cottages and Crakesdale, south and west of Egremont this is only likely to be temporary in nature.

The only above ground work will occur at each of the four existing boreholes whereby the temporary nature of these is made permanent. At three of them this will involve the creation of a formal fenced compound, erection of two relatively small kiosks and a permanent access. At Gulley Flatts in addition to the compound and access there will be the erection of two relatively larger single storey buildings to house the pumping equipment and valve house. Traditional finishes are to be utilised here along with more extensive

landscaping to help assimilate the development into the open landscape in this location with the distant backdrop to the north of Gulley Flatts residential estate at some 180m distant.

There is likely to be potentially more of a visual impact from the actual construction activities, including the erection of the site compounds and the provision of an 18m wide working corridor along the pipeline route and associated machinery / floodlights. However these are likely to be short term given their temporary nature and should last no more than 19 months with phasing of construction in four sections. It should be noted that Cobblehall is likely to be affected by the presence nearby of the Nook site compound and the pipeline route but this it is stressed will be for the temporary construction period and that they will not be affected by the development itself in the long term. Similarly for residents at East Dent Cottages. At Cleator where the process pipeline to WwTW will be routed there will be some limited disturbance during construction.

The ES assesses visual impact from both the construction and operation phase of the development. It concludes that there would be no significant effects from the operational phase but there would be significant effects on East Dent Cottages and Cobblehall during construction.

Character and Appearance of the landscape.

Within Copeland the proposed route of the pipeline does not pass through any specific sensitive landscape designations. It is situated within largely open countryside comprising ridges and valleys, low farmland characterised by undulating and rolling topography, and foothills of distinctive open moorland as identified in the Cumbria Landscape Character Guidance and Toolkit, March 2011.

Above ground development is limited and unlikely to have a significant impact. Where there is moderate above ground development at Gulley Flatts this will be mitigated by additional landscaping and use of traditional materials in the buildings construction.

Removal of Trees and Hedgerows

Whilst there are a considerable number of sections of hedging to be removed to make way for the laying of the pipeline, it is the intention to replant them once work on the scheme is complete. There are no significant trees worthy of retention that are to be removed to make way for the development. A view which is endorsed by our consultant arboriculturist.

Heritage Assets

There are a number of heritage assets within Copeland area vicinity of the proposed pipeline route which are identified in the ES. These include:

- The listed Grade II Church of St Leonard at Cleator. The process pipeline here will run along the lane to the north of the church and not affect the church itself. That said archaeological watching briefs will be undertaken for the last 200m of the pipeline in this location.
- Old Hall Cleator listed grade II residences lie just to the south of the pipe route at Cleator and are screened by other buildings / trees. There is unlikely to be any significant effect on this apart from adjacent disturbance during the construction phase.
- The southern end of the route, where the boreholes are located, lies in an area where there are spot finds from pre-historic periods though the likelihood of any

there being any remains is considered to be low. It is proposed that there will be a programme of pre-excavation field walking along the proposed route in this area. There will also be some trial trenching undertaken. Any identified archaeological remains found will be recorded.

- Thornhill, Blackbeck & Calderbridge Roman Road. There may be an area where the pipe route and the line of the roman road intersect. Potential also lies in the fields to the east of the road. Targeted trial trenching is proposed in these areas.
- Florence Mine The pipeline passes along a lane to the north west of the site and the route also passes through a railway branch line from the mine. Potential for remains lies in temporary associated structures and surveys have indicated possible presence of sub surface structures or pits that will be investigated and recorded via targeted trial trenching.
- Western Fell Edge from Ennerdale Bridge to Cleator Moor which is dominated by ancient enclosures – a targeted watching brief will be undertaken in this area.

The ES concludes there will be no significant effects on any known heritage assets from the pipeline development.

Principle of Development in the Open Countryside

With the exception of the process pipe connection to Cleator WwTW the development will be situated in open countryside where there is normally a presumption against new development. Policies DEV 5 and SVC 7 of the Copeland Local Plan and emerging plan Policies ST2 and ER3 do permit such large scale service infrastructure development.

Neighbouring Amenity

Unlikely to be an issue once the development is complete. As identified in the report there are a limited number of properties that would be affected during the construction period.

PROW

There are some 20 rights of way likely to be affected by the development. The Highway Authority has advised that these can be protected by an appropriate condition.

Construction, Traffic and Associated Activity.

The first few months of the construction programme will focus on the pipeline and boreholes south west of Egremont, with the pipeline further east being constructed later. Working hours will be between 7.00 to 19.00 hours Monday to Saturday. The main traffic and associated environmental effects (i.e. noise, dust, vibration) will be associated with the construction phase and will therefore be essentially temporary in nature. These will include plant and staff movements, and deliveries to and from construction sites and compounds and construction operations. It is likely that there will be significant environmental effects resulting from construction noise and activity during some construction phases but these will only be temporary in nature and are likely mainly to occur where there are nearby residences with no long term significant effect resulting. The Highway Authority has requested a detailed construction traffic management plan as a pre-commencement condition. There will also be a Construction Environmental Management Plan which would detail working practices. Once the pipeline is operational the amount of traffic and associated activity would be minimal.

Restoration and Landscaping

When construction works are complete the site compounds will be reinstated to grass/pasture.

Sections of the easements will be reinstated as construction is completed along the pipeline route. Associated land drains will be repaired / replaced.

Flood lights will be in use during the autumn/ winter for specific working purposes only and the ES confirms these will be located so as not to create a nuisance.

In addition to reinstatement works additional landscaping will take place at all of the proposed permanent boreholes. Gulley Flatts Pumping station and borehole will benefit from more extensive landscaping in the form of new hedging boundaries and reinforced hedge planting, there will be new planting adjacent to the boundary hedge and scattered standard trees will be planted within the site which will help soften the external elevations.

Land Quality and Soils

The ES concludes there will be no significant effect on land quality and soils.

Flood Risk, Hydrology and Hydrogeology

The ES also concludes that there will be no significant effect on hydrogeology, hydrology or flood risk from the development. Whilst there was an issue raised by an objector to the scheme on the grounds of potential subsidence to his house as a result of the extent of water extraction being proposed from a nearby borehole. This was investigated by UU and the risk is considered to be negligible.

CONCLUSION

This is a complex major EIA development for the laying of an extensive length of new water pipeline, making permanent existing boreholes and associated works located between South Egremont and Ennerdale WTW which transcends the Lake District National Park boundary.

The primary purpose of the project is to protect the interest features of the River Ehen SAC, namely freshwater pearl mussels and Atlantic salmon, by providing an additional source of water supply to reduce current pressures on the Ennerdale abstraction system.

Notwithstanding this, it is essential to ensure that the construction and operation of the scheme itself does not cause damaging impacts on the environment and in this respect, as required by the Habitat Regulations 2010, an ALSE was undertaken to assess this.

The accompanying ES and subsequent ALSE demonstrate overall that there will be minimal negative impacts from this development. These are likely to mainly arise from construction activities which will be short term and temporary in nature and therefore unlikely to be significant. Where there is a risk of significant environmental effects effective mitigation measures will be introduced to limit environmental harm which can be secured by the use of appropriate conditions.

On balance and taking the above into account, the benefits of the proposed scheme proposed are considered to significantly outweigh any negative impacts and as such it is considered to satisfactorily comply with the guidance contained in the NPPF and the relevant policies of the existing and emerging local plan.

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. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below and the details set out in the submitted application received on 18 March 2013;

Documents

Environmental Statement, by AMEC Ltd, dated March 2013.

Environmental Statement - Appendices 1 of 2, by AMEC Ltd, dated March 2013,

Appendix 3A – Draft Construction Method Statements.

Environmental Statement - Appendices 2 of 2, by AMEC Ltd, dated March 2013,

Appendix 7A – Flood Risk Assessments

Appendix 7B – PWS Assessment

Appendix 7C – Flush Operation

Appendix 8A – Phase 1 Target Notes.

Appendix 8B – Aquatic Survey Report

Appendix 8C – Great Crested Newt Survey

Appendix 8D – Statutory Sites

Appendix 8E – Non- Statutory Sites

Appendix 8F – Arboriculture Assessments

Appendix 8G –Protected & Notable Species Records

Appendix 8H - Protected Species Legislation

Appendix 9A – Evaluation of Visual Effects (Construction)

Appendix 10A – Geophysical Survey

Appendix 11A – 11D – Noise Monitoring Results

Appendix 12A & 12B – Dust Assessment Tables

Planning Statement Volume 1, by AMEC Ltd, dated March 2013.

Planning Statement Volume 2, by AMEC Ltd, dated March 2013.

Statement of Community Involvement, dated March 2013.
Non-Technical Summary,
Design and Access Statement, dated 13 March 2013.
Scheme Location, Figure 1, scale 1:30,000.

Drawings

MISC/80018886/01/21/2001 Project Overview Drawing Sheet 1 of 8
MISC/80018886/01/21/2002 Project Overview Drawing Sheet 2 of 8
MISC/80018886/01/21/2003 Project Overview Drawing Sheet 3 of 8
MISC/80018886/01/21/2004 Project Overview Drawing Sheet 4 of 8
MISC/80018886/01/21/2005 Project Overview Drawing Sheet 5 of 8
MISC/80018886/01/21/2006 Project Overview Drawing Sheet 6 of 8
MISC/80018886/01/21/2007 Project Overview Drawing Sheet 7 of 8
MISC/80018886/01/21/2008 Project Overview Drawing Sheet 8 of 8
MISC/80018886/00/97/1002 Planning Application Temporary Access from the Highway, Access No 1
MISC/80018886/00/97/1003 Planning Application Temporary Access from the Highway, Access No 2a
MISC/80018886/00/97/1004 Planning Application Temporary Access from the Highway, Access No 2b
MISC/80018886/00/97/1005 Planning Application Temporary Access from the Highway, Access No 3
MISC/80018886/00/97/1006 Planning Application Temporary Access from the Highway, Access No 7B
MISC/80018886/00/97/1007 Planning Application Temporary Access from the Highway, Access No 10, 11.
MISC/80018886/00/97/1008 Planning Application Temporary Access from the Highway, Access No 20a
MISC/80018886/00/97/1009 Planning Application Temporary Access from the Highway, Access No 20b
MISC/80018886/00/97/1010 Planning Application Temporary Access from the Highway, Access No 20c
MISC/80018886/00/97/1005 Planning Application Temporary Access from the Highway, Access No 3
MISC/80018886/00/97/1011 Planning Application Temporary Access from the Highway, Access No 22
MISC/80018886/00/97/1012 Planning Application Temporary Access from the Highway, Access No 25
MISC/80018886/00/97/1014 Planning Application Temporary Access from the Highway, Access No 27
MISC/80018886/00/97/1005 Planning Application Temporary Access from the Highway, Access No 3
MISC/80018886/00/97/1015 Planning Application Temporary Access from the Highway, Access No 28, 29b.
MISC/80018886/00/97/1016 Planning Application Temporary Access from the Highway, Access No 29a
MISC/80018886/00/97/1017 Planning Application Temporary Access from the

Highway, Access No 31a
MISC/80018886/00/97/1018 Planning Application Temporary Access from the Highway, Access No 34, 35.
MISC/80018886/00/97/1019 Planning Application Temporary Access from the Highway, Access No 23.
M268/80018886/00/97/4001 Gulley Flatts Pump House Planning Application Lower Ground , Ground Floor and Roof Plan.
M268/80018886/00/97/4002 Gulley Flatts Pump House Planning Application Elevations.
M268/80018886/00/97/4003 Gulley Flatts Pump House Planning Application Lower Sections.
M268/80018886/00/97/4010 Gulley Flatts Pump House Planning Application Flush System Valve House, Ground Floor, Roof Plan and Sections.
M268/80018886/00/97/4011 Gulley Flatts Pump House Planning Application Flush System Valve House Elevations.
2564/80018886/01/01/2001 Ennerdale WTW Process System Connection at Cleator WwTW General Arrangement.
P294/80018886/01/17/2009 Ennerdale WTWProcess Waste System Black How Bridge Modifications General Arrangement.
P294/80018886/01/37/2001 Borehole Flush System Discharge Pipeline Outfall Structure General Arrangement
CS001/80018886/00/97/2001 Kell Head Borehole Planning Application Proposed Site Layout.
CS001/80018886/00/97/2003 Kell Head Borehole Planning Application Proposed Headworks Kiosk Plan & Elevations.
CS001/80018886/00/97/2004 Kell Head Borehole Planning Application Proposed Control Kiosk Plan & Elevations.
CS001/80018886/00/97/9400 Kell Head Borehole Landscape Proposals Planning Application
CS002/80018886/00/97/2001 Black Ling Borehole Planning Application Proposed Site Layout.
CS002/80018886/00/97/2003 Black Ling Borehole Planning Application Proposed Headworks Kiosk Plan & Elevations.
CS002/80018886/00/97/2004 Black Ling Borehole Planning Application Proposed Control Kiosk Plan & Elevations.
CS002/80018886/00/97/9400 Black Ling Borehole Planning Application Landscape Proposals
CS005/80018886/00/97/2001 Merry Hill Borehole Planning Application Proposed Site Layout.
CS005/80018886/00/97/2003 Merry Hill Borehole Planning Application Proposed Headworks Kiosk Plan & Elevations.
CS005/80018886/00/97/2004 Merry Hill Borehole Planning Application Proposed Control Kiosk Plan & Elevations.
CS005/80018886/00/97/9400 Merry Hill Borehole Landscape Proposals Planning Application
M268/80018886/00/97/2001 Gulley Flatts Borehole & Pumping Station Planning Application Proposed Site Layout.

M268/80018886/00/97/2002 Gulley Flatts Borehole & Pumping Station Planning Application Proposed Substation Kiosk Plan & Elevations.
M268/80018886/00/97/2003 Gulley Flatts Borehole & Pumping Station Planning Application Proposed Headworks Kiosk Plan & Elevations.
M268/80018886/00/97/9400 Gulley Flatts Borehole & Pumping Station Landscape Proposals Plan.
P298/80018886/00/97/2001 Nook Farm Planning Application Temporary Compound Area Proposed Site Layout
P298/80018886/00/97/2002 Planning Application Low Waterside Temporary Compound Area Proposed Site Layout
P298/80018886/01/21/2006 Hazelholme Mine Area Shaft Investigation Drawing.
2676/80018886/00/97/2001 Ennerdale WTW Planning Application Proposed Site Layout

Reason

To conform with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004 and to ensure that the development is carried fully in accordance with the approved plans.

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

This written scheme will include the following components:

- i) An archaeological evaluation;
 - ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
 - iii) An archaeological watching brief;
 - iv) Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

- 4 No development shall commence until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the local planning authority and shall include measures to secure:

- Formation of construction compounds, access tracks and site accesses and any areas of hardstanding;
- Dust management;
- Cleaning of site entrances and the adjacent public highway;
- Pollution control relating to water courses and ground water, subsoil, bunding of fuel storage areas and sewage;
- Temporary site illumination;
- Disposal of surplus materials;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Soil storage and handling;
- Post-construction restoration/reinstatement of the working areas

The Construction Method Statement shall be carried out as approved.

Reason

In the interests of highway safety.

5. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- The construction of the site accesses and the creation, positioning and maintenance of associated visibility splays;
- Access gates hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
- The pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
- Details of proposed crossings of the highway verge;
Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Details of temporary traffic orders (if any)

Development shall be carried out in accordance with the approved CTMP

Reason

In the interests of highway safety.

6. No development shall commence unless and until the full design and construction details of the proposed pipeline where it interacts with the A595 Trunk Road have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The pipeline shall be constructed in accordance with the approved details.

Reason

In the interests of highway safety.

7. Trenchless construction methods shall be used where the proposed pipeline crosses the A595 Trunk Road unless otherwise agreed in writing by the Local Planning Authority in conjunction with the Highways Agency.

Reason

In the interests of highway safety.

8. The hours of onsite work during the construction and restoration phases of the development and any lorry or heavy transport movements to or from the site associated with the construction or restoration of the development shall be limited to 0700 to 1900 hours on Mondays to Fridays and 0800 to 1400 hours on Saturdays. No work shall take place outside these days and hours unless agreed in writing by the Local Planning Authority.

Reason:

In order to protect the amenities of the locality and the occupiers of any nearby properties.

9. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the Local Planning Authority for approval. The minimum volume of the secondary containment should be at least the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is the greatest. All fill points, vents, gauges and sight gauges must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment

10. The mitigation measures identified for the construction, reinstatement and operation phases of the development in the Assessment of Likely Significant Effect (ALSE) by Lloydbore dated 27/08/13 shall be implemented in full.

Reason

In the interests of protecting bio-diversity and to conserve protected species and their habitats.

11. No development shall commence until a Construction Environmental Management Plan (CEMP) for works to construct/reinstate site compounds, particularly with regard to preventing pollution/siltation, the spread of invasive species and habitat damage/disturbance in the River Ehen SAC. The CEMP shall include the mitigation measures outlined in 1.22 of the Assessment of Likely Significant Effects (ALSE) by Lloydbore, dated 27 August 2013. This shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be implemented in full.

Reason

In the interests of protecting bio-diversity and to conserve protected species and their habitats.

12. No development shall commence until a Construction Environmental

Management Plan (CEMP) for works to construct/reinstate access tracks outside easements, particularly with regard to preventing pollution/siltation, the spread of invasive species and habitat damage/disturbance in the River Ehen SAC. The CEMP shall include the mitigation measures outlined in 1.22 of the Assessment of Likely Significant Effects (ALSE) by Lloydbore, dated 27 August 2013. This shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be implemented in full.

Reason

In the interests of protecting bio-diversity and to conserve protected species and their habitats.

13. No development shall commence until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority as outlined in 1.22 of the Assessment of Likely Significant Effects (ALSE) by Lloydbore, dated 27 August 2013. In the event that contaminated ground is discovered during works the remediation strategy shall be implemented in full.

Reason

In the interests of protecting bio-diversity and to conserve protected species and their habitats.

14. No development shall commence until further investigations to establish coal mining conditions within the application site and any remedial works required as a result have been undertaken, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To address any coal mining legacy issues and ensure the safety and stability of the development.

15. No trees (other than those clearly shown to be removed or pruned on the submitted plan) shall be topped, lopped or cut down without the prior written approval of the Local Planning Authority and any trees dying or being removed before or within 5 years of completion of the development hereby permitted shall be replaced within 12 months of removal or death in accordance with details which shall have been submitted to and approved in writing beforehand by the Local Planning Authority.

Reason:

In the interests of the landscape amenity of the area.

16. No development shall commence until a Tree Protection Method Statement detailing timing and methodology to be used to erect the root protection area fencing has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved method statement.
The protective tree fencing shall be erected before any development commences.

Reason

In the interests of the landscape amenity of the area.

17. Before development commences, details of the specification and position of fencing for the protection of the retained trees from damage during the course of development shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected and so maintained in accordance with the approved details specified on drawings numbered 1 to 15 (inclusive) dated March 2013 of the submitted tree survey report by Lowther Forestry Group Ltd dated October 2012 (– Revised on 24.01.12 ref LSP/140/01/AW) until completion of the development.

Reason

To adequately protect the existing trees on site which are considered worthy of retention in the interests of landscape amenity.

Informatives

The site crosses numerous public rights of way and no unauthorised obstruction to them shall occur during, or after the completion of, the site works, without the appropriate authorisation from the Local Highway Authority.

Where it is necessary to dewater excavations as a result of groundwater inflow it will need to be ensured that this activity does not have any impact upon any licensed or unlicensed groundwater supplies. The impact on groundwater dependant surface water features will also need to be considered. This is particularly important where deeper excavations may be required at road crossings and at river crossings, where it can be expected that groundwater within the superficial deposits will be in continuity with the watercourse.

It will need to be considered where any abstracted water will be discharged to. The discharge to ground of anything other than clean and uncontaminated water may attract the requirement of an Environmental Permit under the Environmental Permitting Regulations 2010.

The ordinary watercourse crossings will require Flood Defence Consent from Cumbria County Council.

Separate Flood Defence Consent applications will need to be submitted for any main river crossings.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or ground water. No building material or rubbish must find its way into the watercourse.

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk
<<http://www.coal.decc.gov.uk>>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com <<http://www.groundstability.com>>

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845

762 6848. Further information is available on The Coal Authority website
www.coal.decc.gov.uk <<http://www.coal.decc.gov.uk>>

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

ITEM NO: 2.

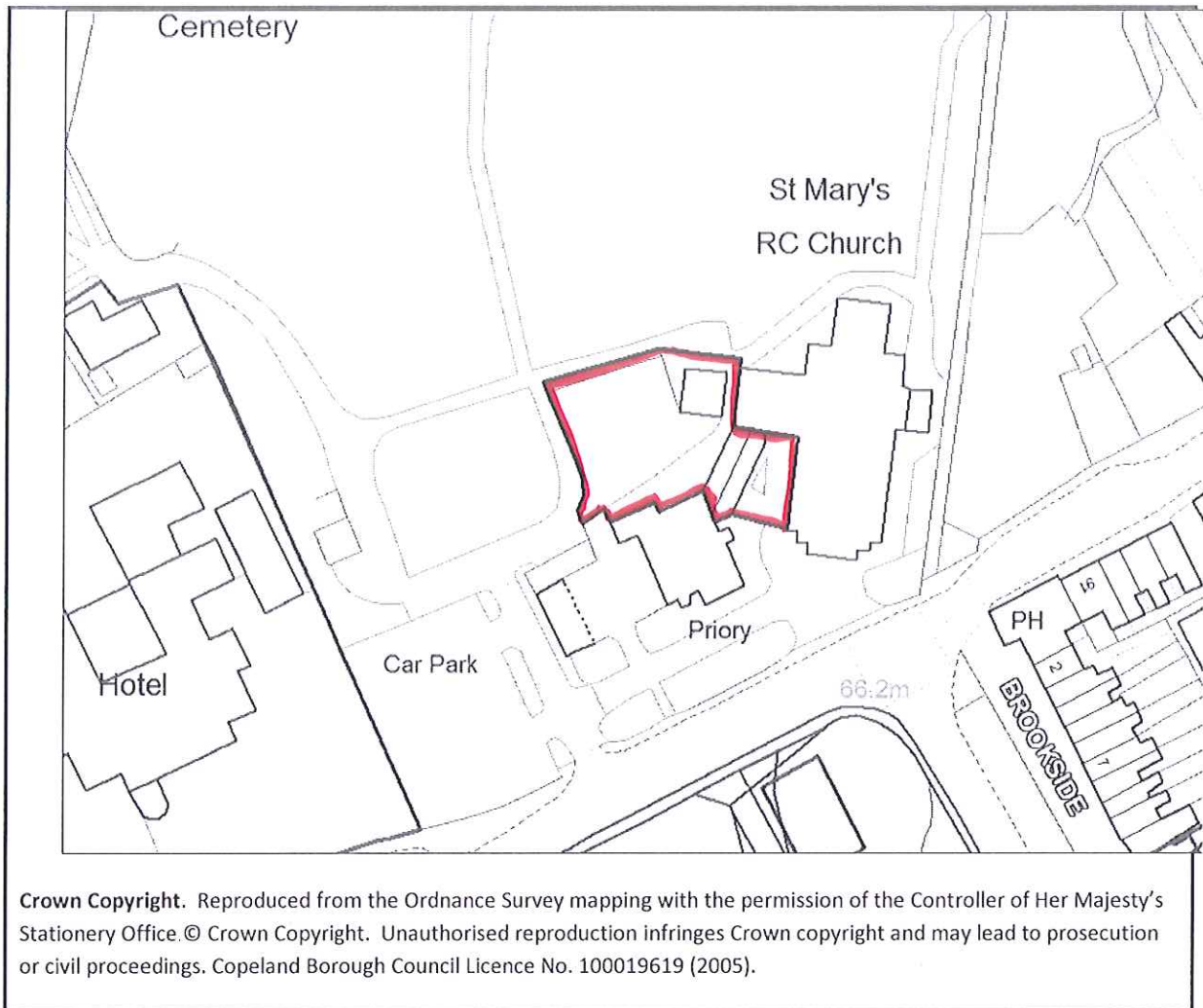


To: PLANNING PANEL

Development Control Section

Date of Meeting: 09/10/2013

Application Number:	4/13/2230/OF1
Application Type:	Full : CBC
Applicant:	Father Paul Johnstone
Application Address:	ST MARYS RC CHURCH, CLEATOR
Proposal	NEW PARISH HALL AND ASSOCIATED AMENDMENTS TO EXISTING ADJACENT BUILDING
Parish:	Cleator Moor
Recommendation Summary:	Approve (commence within 3 years)



INTRODUCTION

This application relates to St Marys Church which occupies a prominent position adjacent to the A5086 at Cleator. The Church and the adjoining Priest House are both Grade II listed and are linked by a single storey corridor.

This application was deferred at the last meeting to enable Members to visit the site at the request of the Town Council. The site visit took place on 25 September 2013.

PROPOSAL

Planning permission is sought for the erection of a single storey hall building which is to be sited within the garden area to the north of the Priest House. The Church currently has a requirement for additional meeting space to accommodate both visitors and the church community. At present the only additional meeting room outside the Church is provided by a portakabin which is located to the rear of the House. This temporary structure will be removed from the site as part of this proposal.

The proposed hall building has been designed with a pitched slate roof and will be faced externally with a combination of render and sandstone quoins. The building will be linked to the existing corridor by a small single storey glazed passage.

The proposed hall is to be divided into three bays which will enable the space to be subdivided if required to allow for greater flexibility in the use of the building. It will also accommodate a small kitchen area, a unisex disabled toilet and store. The eastern elevation of the hall has been designed with significant elements of glazing which will provide external access to the surrounding garden area.

The new hall is to be accessed from the corridor which links the church and the house by modifying an existing opening to create a doorway.

It is also proposed to create a new door opening on the south elevation to provide an external access into both the existing church and the proposed hall. A ramp is to be provided at this entrance to allow disabled access.

An application for Listed Building Consent for this proposal has also been submitted and is included on the agenda under reference 4/13/2231/0L1.

CONSULTATION RESPONSES

Town Council

Request a site visit.

Highways Control Officer

Taking into account the existing use of the site it is considered that the proposal will be unlikely to have a material effect on the existing highways conditions. On this basis the Highway Authority has no objections to this proposal.

Historic Environment Officer

No objections

Conservation Officer

No objections although I would make the following observations:-

- There are too many transoms on the glazing to both the Parish Hall and the link building producing a more horizontally dominant elevation. I would recommend that the glazing pattern be reviewed and more vertical emphasis introduced.
- It may be possible to alter the design of the roof slightly so that it continues over the lean to in the same plane. This would form a cleaner profile than currently shown, where the lean-to roof is at a lower pitch to the main roof.

PLANNING POLICY

National Planning Policy

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. Paragraph 7 defines a social role as one of the three dimensions to sustainable development. This includes creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Paragraph 56 stresses that good design is a key aspect of sustainable development which is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 70 outlines that established community facilities should be able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

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

Local Plan Policy

The adopted Copeland Local Plan 2001-2016 seeks to achieve sustainable forms of development.

Policy DEV 6 encourages sustainable forms of design.

Policy SVC 11 encourages proposals to provide new or extended facilities for community use.

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 the Inspectors report is due in September 2013. It is anticipated that it will be adopted in December 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 SS4 encourages the provision of community facilities.

Policy DM10 of the Development Management Policies encourages a high standard of design.

ASSESSMENT

This application has resulted from a need for the Church to provide additional meeting space to improve the facilities for parishioners and also to accommodate visitors, especially at busy times during the annual pilgrimage. This demand has previously been met by using a portakabin to the rear of the church and also rooms within the Priests House.

The proposed hall will provide a permanent meeting room facility and is to replace the portakabin. It is to be sited to the rear of the church in the garden of the Priests House and is of a relatively modest scale. The building has been designed to reflect the character and appearance of the existing church buildings and will be connected to the main building group by a simple glazed link.

In response to the Conservation Officers comments the applicant's agent has submitted a revised plan which illustrates a simplified glazing pattern that provides a more vertical emphasis to the building. This is considered to be an improvement to the original proposal.

The Conservation Officer has also suggested that the design of the roof could be amended so that the whole building was covered by a single pitched roof. Although the applicant's agent has considered this suggestion he has indicated that changing the roof configuration would result in an increase in the overall roof height and massing of the building. The additional height would not provide any additional usable space and would also increase the construction cost of the project. These are considered to be valid points.

Overall the siting and design of the building are considered to be acceptable in this location and will enhance the facilities at the Church. The use of a small section of lean to roof to the rear of the proposed hall is considered to be appropriate in this location and will ensure that the scale of the building reflects the other single storey elements of the Church in this part of the site.

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:-

- Site Location Plan, scale 1:1250, drawing number 10045-15, received on 13 June 2013

- Block Plan, scale 1:100, drawing number 10045-10D, received on 13 June 2013
- Layout Plan, scale 1:50, drawing number 10045-11E, received on 26 September 2013
- Elevation/Section plan, scale 1:50, drawing number 10045-13B, received on 26 September 2013
- Proposed Elevations/Sections, scale 1:50, drawing number 10045-14A, received on 13 June 2013
- Design and Access Statement, reference 10045, prepared by Architects Plus dated June 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. Before development commences representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

4. Prior to the first occupation of the dwelling hereby approved details of the boundary walls and fences shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and to ensure a satisfactory form of boundary treatment in the interests of visual amenity.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

ITEM NO: 3.

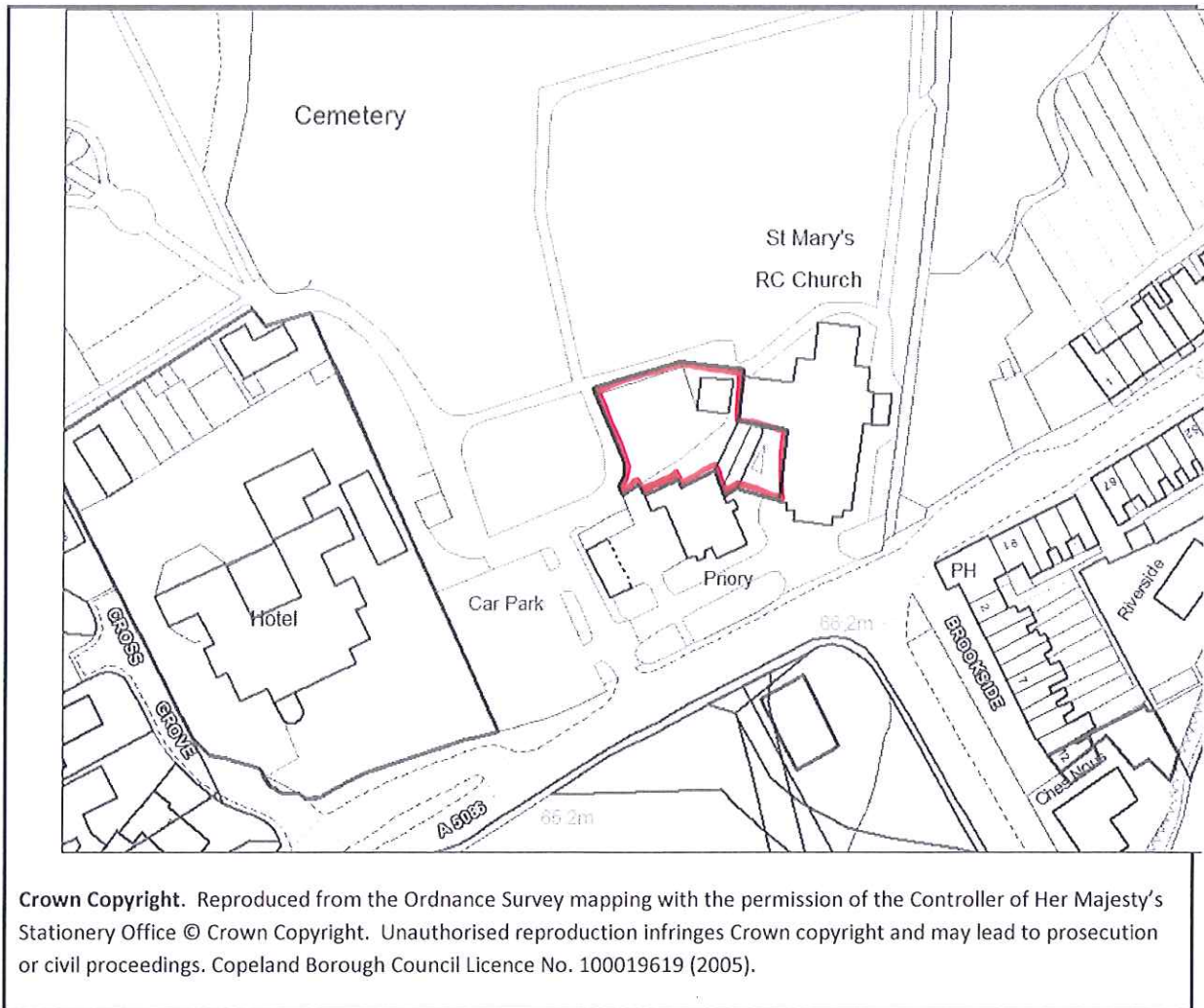


To: PLANNING PANEL

Development Control Section

Date of Meeting: 09/10/2013

Application Number:	4/13/2231/OL1
Application Type:	Listed Building Consent : CBC
Applicant:	Father Paul Johnstone
Application Address:	ST MARYS RC CHURCH, CLEATOR
Proposal	LISTED BUILDING CONSENT FOR NEW PARISH HALL AND ASSOCIATED AMENDMENTS TO EXISTING ADJACENT BUILDING
Parish:	Cleator Moor
Recommendation Summary:	Approve Listed Building Consent (start within 3yr)



INTRODUCTION

This application relates to St Marys Church which occupies a prominent position adjacent to the A5086 at Cleator. The Church and the adjoining Priest House are both Grade II listed and are linked by a single storey corridor.

This application was deferred at the last meeting to enable Members to visit the site at the request of the Town Council. The site visit took place on 25 September 2013.

PROPOSAL

Listed Building Consent is sought for the erection of a single storey hall building which is to be sited within the garden area to the north of the Priest House. The Church currently has a requirement for additional meeting space to accommodate both visitors and the church community. At present the only additional meeting room outside the Church is provided by a portakabin which is located to the rear the rear of the House. This temporary structure will be removed from the site as part of this proposal.

The proposed hall building has been designed with a pitched slate roof and will be faced externally with a combination of render and sandstone quoins. The building will be linked to the existing corridor by a small single storey glazed passage.

The proposed hall is to be divided into three bays which will enable the space to be subdivided if required to allow for greater flexibility in the use of the building. The eastern elevation of the hall has been designed with significant elements of glazing which will provide external access to the surrounding garden area.

The new hall is to be accessed from the corridor which links the church and the house by modifying an existing opening to create a doorway.

It is also proposed to create a new door opening on the south elevation to provide an external access into both the existing church and the proposed hall. A ramp is to be provided at this entrance to allow disabled access.

An application for planning permission for this proposal has also been submitted and is included on the agenda under reference 4/13/2230/0F1

CONSULTATION RESPONSES

Town Council

Request a site visit.

Historic Environment Officer

No objections

Conservation Officer

No objections although I would make the following observations:-

- There are too many transoms on the glazing to both the Parish Hall and the link building producing a more horizontally dominant elevation. I would recommend that the glazing pattern be reviewed and more vertical emphasis introduced.
- It may be possible to alter the design of the roof slightly so that it continued over the lean to in the same plane. This would form a cleaner profile than currently shown, where the lean-to roof is at a lower pitch to the main roof.

RELEVANT PLANNING POLICIES

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 ENV 26 seeks to ensure that development within Conservation Areas preserves or enhances the character of the Area.

The policies relating to Listed Buildings were not saved when the policies in the Local Plan were extended in 2009.

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 public took place in April 2013 and the Inspectors report is due in September 2013. It is anticipated that it will be adopted in December 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

ASSESSMENT

This application relates to an important Listed Building.

The proposed hall is to be sited to the rear of the church in the garden of the Priests House and is of a relatively modest scale. The building has been designed to reflect the character and appearance of the existing church buildings and will be connected to the main building group by a simple glazed link.

In response to the Conservation Officers comments the applicant's agent has submitted a revised plan which illustrates a simplified glazing pattern that provides a more vertical emphasis to the building. This is considered to be an improvement to the original proposal.

The Conservation Officer has also suggested that the design of the roof could be amended so that the whole building was covered by a single pitched roof. Although the applicant's agent has considered this suggestion he has indicated that changing the roof configuration

would result in an increase in the overall roof height and massing of the building. The additional height would not provide any additional usable space and would also increase the construction cost of the project. These are considered to be valid points.

Overall the siting and design of the building are considered to be acceptable. The use of a small section of lean to roof to the rear of the proposed hall is considered to be appropriate in this location and will ensure that the scale of the building reflects the other single storey elements of the Church in this part of the site.

Recommendation:-

Approve

Conditions

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason

To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) 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:-

- Site Location Plan, scale 1:1250, drawing number 10045-15, received on 13 June 2013

2013

- Block Plan, scale 1:100, drawing number 10045-10D, received on 13 June 2013

- Layout Plan, scale 1:50, drawing number 10045-11E, received on 26 September 2013

2013

- Elevation/Section plan, scale 1:50, drawing number 10045-13B, received on 26 September 2013

- Proposed Elevations/Sections, scale 1:50, drawing number 10045-14A, received on 13 June 2013

- Design and Access Statement, reference 10045, prepared by Architects Plus dated June 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. Before development commences representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

5. Prior to the first occupation of the dwelling hereby approved details of the boundary walls and fences shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and to ensure a satisfactory form of boundary treatment in the interests of visual amenity.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant listed building consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

ITEM NO: 4.

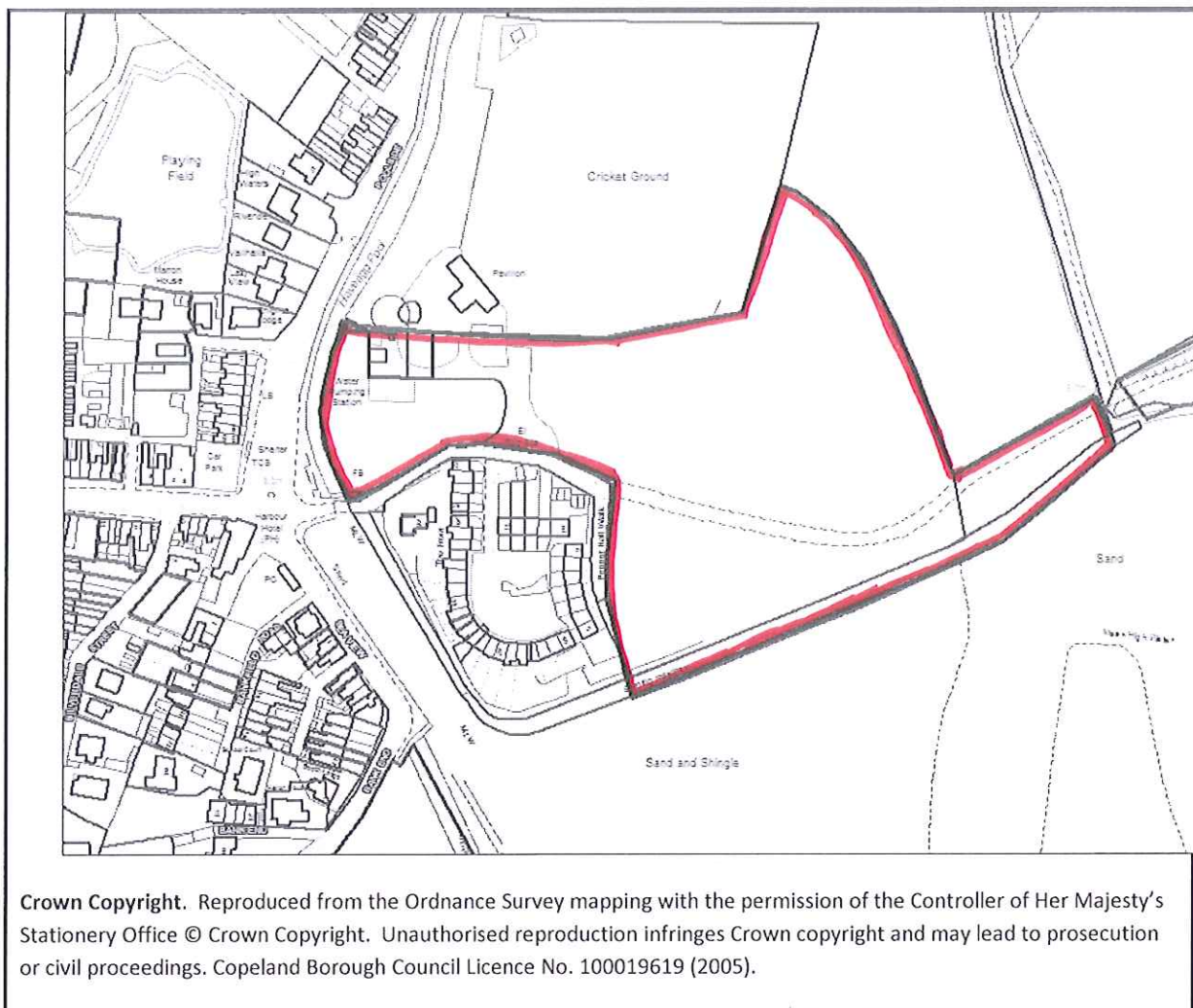


To: PLANNING PANEL

Development Control Section

Date of Meeting: 09/10/2013

Application Number:	4/13/2308/0F1
Application Type:	Full : CBC
Applicant:	Graisley Properties
Application Address:	POOLSIDE, PORT HAVERIGG, MILLOM
Proposal	VARIATION OF VARIOUS CONDITIONS OF PLANNING APPROVAL 4/10/2426/0F1 (ERECTION OF 81 DWELLINGS)
Parish:	Millom
Recommendation Summary:	Approve amendment of condition



INTRODUCTION

This application relates to the 2.7 hectare former 'concrete square' site in Haverigg.

Full planning permission for a residential development consisting of 81 dwellings was approved on this site in 2008 (4/07/2735/OF1 refers). This was subsequently renewed in 2010 with permission being granted subject to 25 conditions (4/10/2426/OF1 refers).

An application to discharge conditions 3, 14, 15, 17, 18 and 19 is currently being processed.

A further application for a development of 81 dwellings on the site submitted in 2009 is still pending and has been held in abeyance due to issues relating to public rights of way (4/09/2310/0F1 refers).

PROPOSAL

This application seeks permission to vary the wording of six conditions attached to the extant grant of planning permission 4/10/2426/0F1 to allow for certain works to be carried out prior to these conditions being formally discharged. All six of these conditions are currently pre-commencement conditions.

Specifically, the wording of conditions 6, 9, 14, 21, 23 and 24 is sought to be varied as follows:

Condition 6:

Existing: "The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details including longitudinal sections shall be submitted to the Local Planning Authority and be approved in writing before any work commences on site. No work shall be commenced until a full specification has been approved in writing. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Proposed: "The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details including longitudinal sections shall be submitted to the Local Planning Authority and be approved in writing *before any of the superstructure is erected. No part of any superstructure shall be erected* until a full specification has been approved in writing. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Condition 9

Existing: "Before development commences details of all measures to be taken to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval in writing. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Proposed: "*Before any superstructure is erected* details of all measures to be taken to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval in writing. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Condition 14

Existing: "No development approved by this planning permission shall commence until a wave modelling study is submitted to and be approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Proposed: "*Before any superstructure is erected* a wave modelling study shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Condition 21

Existing: "No development approved by this planning permission shall be commenced until a landscaping scheme is submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:-

- (a) details of all boundary treatments, including planting and the exact locations, heights and materials of all fences and/or screen and retaining walls

- (b) details of materials to be used in all hard surfacing
- (c) planting details including species, heights, location and spacing
- (d) a timetable for carrying out the scheme

Proposed: *"Prior to the erection of any superstructure a landscaping scheme is submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:-*

- (a) details of all boundary treatments, including planting and the exact locations, heights and materials of all fences and/or screen and retaining walls
- (b) details of materials to be used in all hard surfacing
- (c) planting details including species, heights, location and spacing
- (d) a timetable for carrying out the scheme

Condition 23

Existing: "No development approved by this planning permission shall be commenced until a scheme of landscape maintenance is submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.

Proposed: *"Prior to the erection of any superstructure a scheme of landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.*

Condition 24

Existing: "No development approved by this planning permission shall be commenced until agreement on the layout, future maintenance and timing of construction of the open spaces is submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed in accordance with the agreement.

Proposed: "*No superstructure shall be erected* until agreement on the layout, future maintenance and timing of construction of the open spaces shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed in accordance with the agreement.

As originally submitted it was also proposed to vary the wording of condition 12 which relates to surface water management. However, following negative comments from the Environment Agency, this condition has been withdrawn from the proposal and the applicant's agent is in the process of producing a surface water management scheme with a view to discharging this condition shortly.

CONSULTATION RESPONSES

Highways Authority

Confirm that the Highway Authority in this particular case (taking into account the difficulties experienced by the applicant) would not object to the variation of the wording as proposed to the highway conditions 6 and 9. The applicant should however be made aware of the inherent dangers in this. If the applicant were to perform works to the substructure and these works are not agreed / does not lend itself to the ultimate adoption of the road (or surface water from highway) then the works done might be abortive (i.e they might have to remove parts of the substructure to allow for adoption of the road).

United Utilities

No objection to the variation of the conditions.

Environment Agency

Although they requested the inclusion of Condition 12 in the original planning approval, they are unable to agree to its variation as proposed. This is because they consider it imperative that a surface water regulation scheme is produced before development is commenced, so as to ensure the satisfactory disposal of surface water from the site.

They have no comments to make on the variation of conditions 6, 9, 14, 21, 23 and 24.

Flood and Coastal Defence Engineer

No comments on conditions 6, 9, 12, 21, 23 and 24.

Whilst he comments that the Haverigg Joint Probability and Overtopping Assessment which accompanies the application and letter submitted by URS raise some serious concerns about flooding to the development and that upgrades to the existing defences will be needed, he considers that the submissions themselves are sufficient to discharge condition 14.

Natural England

Raise no specific comments in respect of condition wording. They note however, that should the proposal be amended in a way which significantly affects its impact on the natural environment then Natural England should be consulted again.

Millom Town Council

Concerns that this planning has been on-going for 6 years with conditions placed at the time. Cllrs request that these conditions remain in place.

Haverigg Residents Association

Object to the changes in the wording of the conditions. The conditions were imposed in 2008 and again in 2010 for the very good reason of safety and good planning policy. There is no reason to change this. The applicant has had plenty of time to work on these conditions

but has failed to do so. The plans and surveys originally used in 2007 are now completely out of date and a Restricted Byway has been added to the definitive map which interferes with some of the proposed plots and roads.

Other

Four letters of objection have been received from local residents. The grounds for objection can be summarised as follows:-

1. The conditions were imposed as a direct result of various concerns highlighted by residents. There is no justification to change them and to do so would make a mockery of the planning process.
2. The purpose of this application is simply that the consent expires in November so the developer's need to start some sort of work to save the expense of re-applying.
3. Since the 2010 approval a Restricted Byway has been added to the definitive map following a Public Inquiry. This affects 16 plots and crosses 3 of the proposed roads. Surely new plans will have to be submitted before any work is commenced, including those relating to roads, path, drains etc.
4. It is obvious from the surveys that the rock armour needs to be increased in height and breadth. Therefore it was right for condition 14 to be imposed in 2010 and this report should be compiled and approved in full, as per the condition.
5. There is no logical reason to vary conditions 22 and 23 as they were imposed to protect visual amenity.
6. Issues relating to rock armour may render the coastal strip inaccessible to the public. Until this issue is resolved no design for open space can be considered.
7. Concerns that the applicants are intending to start groundwork without a reptile survey (condition 20) and without an ecological survey (condition 19).
8. The existing infrastructure of the village is not good enough to support the increase in traffic. The whole fabric of the village would be altered by this development and many local viewpoints would be destroyed
9. There will be no affordable housing provided.

10. Local resources will become overloaded by this development.
11. This area has been an open space for a long time (over 30 years).
12. No nature study has been compiled even though Bee Orchids have been found on the site which should make it a SSSI.

PLANNING POLICY

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and includes a presumption in favour of sustainable development. The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental. 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 8 advocates that the planning system should play an active role in guiding development to sustainable solutions and from a decision taking perspective, paragraph 14 sets out that there is a requirement to approve development proposals that accord with the development plan without delay.

Paragraph 187 requires local planning authorities to look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 197 requires local planning authorities to apply the presumption in favour of sustainable development when assessing and determining development proposals.

The NPPF requires proposals to be determined in accordance with the development plan unless material considerations determine otherwise. It allows full weight to be given to relevant local plan policies until March 2013.

Copeland Local Plan 2001-2016

The adopted Copeland Local Plan seeks to achieve sustainable forms of development, as required under the overarching policy of the Plan, Policy DEV 1. Policy DEV 3 designates Haverigg as being one of the Borough's Local Centres where appropriately scaled development should be focussed. Policy DEV 4 sets a preference for the development of brown field sites within the development boundary.

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

Policy HSG 1 allocates the site for residential development, H49 'Poolside'.

Policy HSG 4 permits housing redevelopment within settlement boundaries.

Policy HSG 8 sets out the design criteria for all new housing within the Borough.

Policy TSP 6 sets out the general development requirements for new development in terms of access and travel needs.

Policy ENV 5 seeks to safeguard protected species from inappropriate development.

Policy ENV 12 seeks to secure landscaping within new developments.

Policy ENV 16 does not permit development where there is an unacceptable risk of flooding.

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, following a Public Examination in April.

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. The document is currently due to be adopted in August 2013.

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

- Policy ST2 outlines a spatial development strategy for the Borough.
- Policy SS1 seeks to improve the housing offer within the Borough.
- Policy SS2 promotes sustainable housing growth to meet the needs of the community.
- Policy SS3 seeks to secure a range and choice of good quality housing
- Policy DM12 carries forward the standards for new residential developments that are currently set out in Policy HSG 8 of the Local Plan.

ASSESSMENT

This site lies within the prescribed development boundary for Haverigg as identified by the adopted Local Plan. The site is allocated for residential development under Policy HSG 1 and has an extant planning permission.

Whilst this is due to expire on 11 November this year and an application to discharge conditions 3, 14, 15, 17, 18 and 20 is currently being processed with conditions 3 and 15 having been formally discharged to date.

Due to the difficulties experienced by the applicants in trying to meet the deadlines for the submission of further information they are seeking to vary the wording of the six conditions as set out above in the report which would allow development to be lawfully commenced prior to the expiration of the current permission. It is not uncommon in today's practice to use the terminology being proposed rather than requiring all information to be submitted and approved 'prior to development commencing'.

Whilst it is appreciated that there is local concern regarding this development, the principle of developing this site for residential purposes has been established through the granting of both outline and detailed planning permission and this is not up for debate. Likewise, it must be emphasised that permission is not being sought to 'remove' the conditions but to simply 'vary' the wording and as such, the applicant's obligation to provide the relevant information remains.

There has been an on-going dialogue between the applicants, their agent and the local planning authority over recent years and in light of the above Policy advice, particularly that set out within the NPPF, it is considered that the variation of the conditions be agreed to allow this development to move forward.

Recommendation:-

Approve variation of conditions 6, 9, 14, 21, 23 and 24.

Conditions

6. The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details including longitudinal sections shall be submitted to the Local Planning Authority and be approved in writing before any of the superstructure is erected. No part of any superstructure shall be erected until a full specification has been approved in writing. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety.

9. Before any superstructure is erected details of all measures to be taken to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval in writing. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

14. Before any superstructure is erected a wave modelling study shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason

To reduce the increased risk of tidal flooding.

21. Prior to the erection of any superstructure a landscaping scheme is submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:-

- (a) details of all boundary treatments, including planting and the exact locations, heights and materials of all fences and/or screen and retaining walls
- (b) details of materials to be used in all hard surfacing
- (c) planting details including species, heights, location and spacing
- (d) a timetable for carrying out the scheme

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscape scheme.

23. Prior to the erection of any superstructure a scheme of landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.

Reason

To ensure the implementation of a satisfactory landscaping scheme.

24. No superstructure shall be erected until agreement on the layout, future maintenance and timing of construction of the open spaces shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed in accordance with the agreement.

Reason

In order to enhance the appearance of the development.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

ITEM NO: 5.

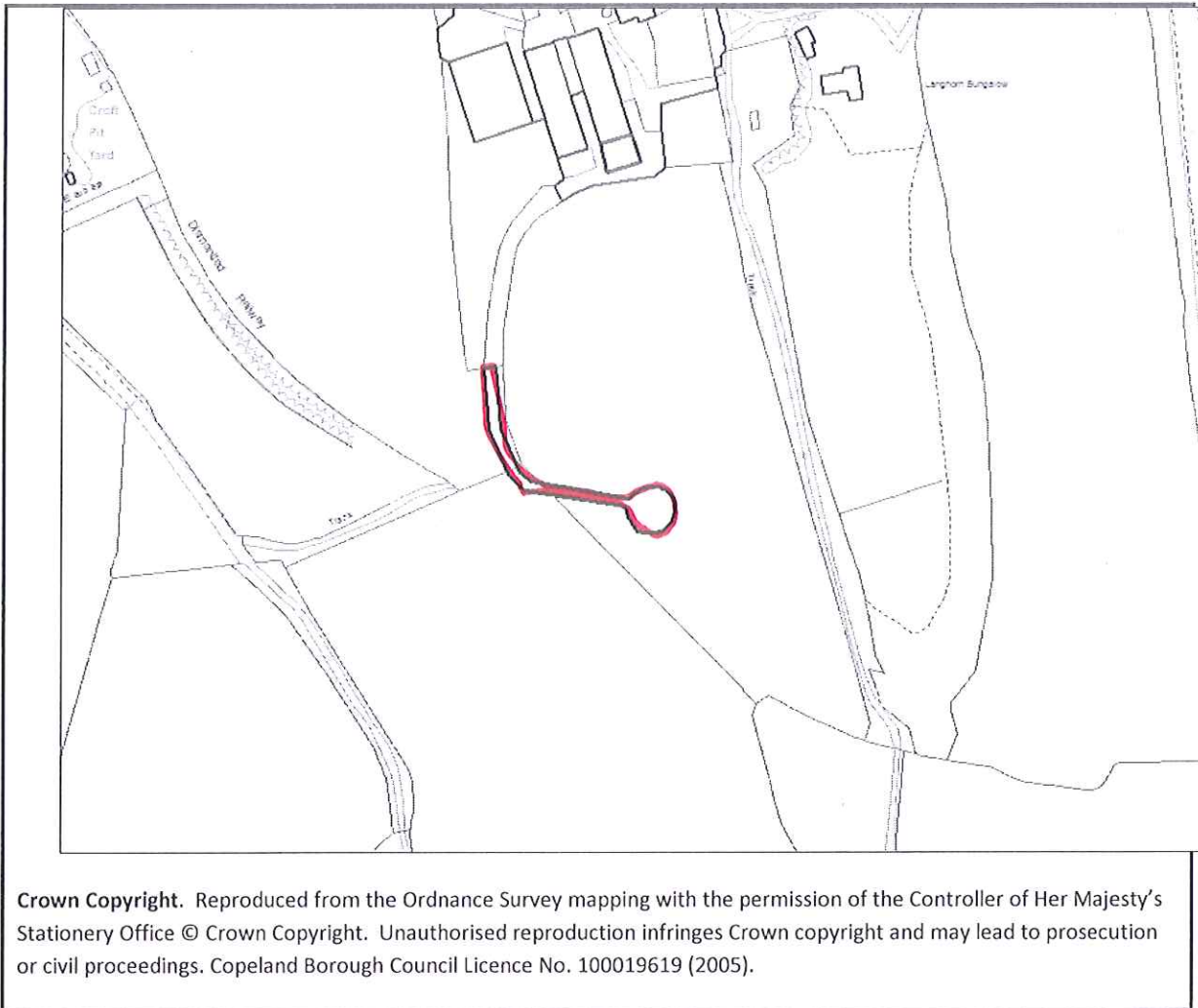


To: PLANNING PANEL

Development Control Section

Date of Meeting: 09/10/2013

Application Number:	4/13/2318/OF1
Application Type:	Full : CBC
Applicant:	Mr T Beaty
Application Address:	LAND SOUTH OF LANGHORN FARM, BIGRIGG, EGREMONT
Proposal	INSTALLATION OF SINGLE WIND TURBINE (WITH A BLADE TIP HEIGHT OF 46.3M) AND ACCESS TRACK
Parish:	Egremont
Recommendation Summary:	Approve (commence within 3 years)



Introduction

This application relates to a prominent elevated greenfield site in open countryside, adjacent to the top of Clints Brow, Egremont, which currently forms part of an agricultural holding. The applicant's farm building group is situated some 130m to the north, with the A595T road situated some 230m to the east.

The nearest dwellings are the applicants own situated within the existing farm building group comprising Langhorn Bungalow at 160m away to the north east, Langhorn Cottage, some 200m away and the farmhouse some 210m away to the north. The nearest non associated dwelling is Syke House some 290m away to the south west and Orebank House some 300m to the north east across the A595T. Other properties in the vicinity comprise Pallaflat Cottages situated some 450m away.

The development involves the use of the existing farm access served directly off the minor road from the village of Bigrigg to the north and then via an existing farm track. A new section of track will be required for a length of some 150m constructed of crushed stone across existing fields.

The Proposal

Permission is sought for the erection of a single 50Kw turbine on the site on an off white monopole tower with a hub height of 36m. The turbine would be three bladed with a rotor diameter of 19.2m giving a total ground to tip height of 46.3m and situated on a reinforced concrete foundation.

Underground cabling would connect the turbine to the local electricity network via the farm steading.

The application is accompanied by a:

Design and Access Statement

Planning Support Statement

Generalised Noise Predictions

Landscape and Visual Impact Assessment

Technical Information

Consultations

Egremont Town Council

No objection

NATS Safeguarding

No objection.

Defence Infrastructure Organisation (DIO)

Has no objection to the proposal.

Scientific Officer

No objections subject to an appropriate noise condition, as the nearest non associated properties (Syke House & Orebank House) are situated far enough away to remain below the predicted noise levels.

Neighbour Representations

Two letters of objection have been received one from the resident of the nearest non associated property some 290m away and the other from a cottage some 450m away. They object on the following grounds:

- Size of the proposed turbine.
- Proximity to neighbouring residences
- Potential for Noise Pollution
- Energy Output is far greater than the needs of the farm.
- Will be in full view of one of the neighbours yet not visible from the applicants.
- Concern about the impact that the increasing number of surrounding wind turbines may have on property values.
- Detrimental effect on wildlife especially the local bat colony and risk to them from the blades.

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 in March 2012, sets out the Government's 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.

The NPPF constitutes guidance for local planning authorities and in respect of development control is a material consideration in determining planning applications. It does not change the status of the development plan and the planning system remains plan led - requiring that applications for planning permission be determined in accordance with the development plan unless it is out of date or not consistent with the NPPF.

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.

As regards renewable energy developments it 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 well being 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

- securing radical reductions in greenhouse emissions.
- supporting the delivery of renewables. (Paragraph 93 refers)

And specifically in determining 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.

Planning Practice Guidance for Renewable and Low Carbon Energy

The Government issued a practical guide for renewable energy development in July 2013. This guidance is a material consideration in determining planning applications and should be read in conjunction with the NPPF. It replaces the companion guide to PPS 22.

The guidance is useful in that it clarifies that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It advises that Local Planning Authorities should take into account the requirements of the technology, the potential impacts on the local environment including cumulative impacts. The views of local communities likely to be affected should also be listened to.

Local Plan Policy

The NPPF stresses the need for an up to date development plan as a basis for decision making. The adopted Local Plan is out of date in terms of the NPPF as it is not a Development Plan Document adopted in accordance with the Planning and Compulsory Purchase Act 2004. As the Local Plan is not consistent with the NPPF less weight should be attached to the saved policies within it.

Consideration should be given to Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) but greater weight should be afforded to the guidance set out in the NPPF which will take precedence over any areas where local plan policy contradicts or makes no specific statement about the key considerations applicable in this case.

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. Policy EGY 1 sets out the following criteria that all renewable energy development must satisfy. It states:-

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.

Cumbria Wind Energy Supplementary Planning Document (SPD)

This SPD was 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.

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 September. It is the intention that this will be adopted in December 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 not be afforded full weight until the document has been formally adopted by the Council:

Policy ER 2 of the Core Strategy relates to Planning for the Energy Coast. It states that “the Council will seek to support and facilitate new renewable energy generating at locations which best maximise renewable resources and minimise environmental and amenity impacts. The criteria on renewable energy development/generation are set out in Development Management Policy DM 2. This broadly duplicates the criteria contained in the current Local Plan but adds an additional requirement whereby mitigation measures and significant benefits for the community should be taken into account in considering the balance on renewable energy developments.

Assessment

The Planning Support Statement together with the rest of the submission puts forward the case that the proposal is consistent with local and national policy with the benefits of the scheme outweighing potential impacts. This is demonstrated in the supporting documentation in respect of biodiversity, radar and communications, shadow flicker, noise, topple distance, heritage assets and visual impact.

However in view of the turbines location and scale it does raise a number of issues that need to be considered further:

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.

The site is identified in the Cumbria Landscape Character Guidance and Toolkit as subtype 5b ‘Low farmland’. This comprises undulating and rolling topography with intensely farmed agricultural pasture dominating. Large scale wind energy schemes in this location require careful control to prevent them changing the character of the area. Advocates that wind energy development in this landscape be carefully sited and designed.

The site and surrounding area does not benefit from any special landscape designation and whilst there is likely to be an impact on immediate and wider views by the very virtue of the presence of the turbine, at this scale it is unlikely it will be so significant to have an adverse impact on the character and appearance of the landscape.

Cumulative Impact

The nearest turbines of any significance are the two which are operational at Whangs Farm at a scale of 34.5m ground to tip which are situated at approximately 1.3km and 1.4km away and could be viewed together with the proposal in the foreground from the east. Another turbine at a similar scale to the one proposed has recently been approved at Highfield Farm, St Bees –some 1.3km distant to the north west, this has yet to be erected. Although these would be visible together with the proposed turbine from certain views these are all medium sized turbines, as opposed to large scale windfarms. As a result it is considered that there would not be any significant cumulative impact arising from them by the introduction of this additional turbine on the landscape.

Visual Impact

The siting of one single medium size turbine at 46.3m high, in this elevated and open countryside location will be visible from views from the adjacent A595T road west and to the east from the minor road network. It will also be visible from wider and immediate views from some residences in the vicinity at Pallaflats and individual properties at Orebank House and Syke House. That said as it is only a single medium sized turbine which is being proposed it is unlikely that its visual impact will be overly significant.

Impact on Neighbouring Residential Amenity

There are two non-associated dwellings in the immediate vicinity within reasonable proximity of the site (distances of 290m and 300m), although the turbine will be visible from these situated at that distance and at that scale it is not considered to have such an adverse effect on residential amenity. There are other properties situated at greater distances, i.e. Pallaflat / Bankend, likely to be impacted but these will be affected to a lesser degree.

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:

Farm Diversification / Reduction of Carbon Emissions

The turbine is sought to enable the applicant to reduce his carbon footprint and energy bills. Any excess electricity will be fed back into the national grid.

Renewable Energy Generation

The proposed 50kw turbine would generate a reasonable level of electricity.

Although the benefits that would be achieved from a single turbine are relatively modest the NPPF stresses that Local Planning Authorities cannot ask applicants to demonstrate the overall need for renewable energy. Paragraph 98 also requires Local Planning Authorities to recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions.

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

Taking into account the above and the fact that this is a medium size turbine in a landscape which does not benefit from any sensitive designations, it is considered that its overall presence 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 visual impact. I would reiterate that the NPPF states that in arriving at decisions *'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 proposal outweigh any potential adverse impacts. Although the presence of this medium size turbine would be visible on this open and elevated landscape it would not represent an overly dominant or intrusive feature and as such would be compliant with the guidance contained in the NPPF and Policies EGY 1 and EGY 2 of the Copeland Local Plan.

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 H & H Land & Property, dated July 2013, received 8 August 2013.
Planning Support Statement, by H & H Land & Property, dated July 2013, received 8 August 2013.
Generalised Noise Predictions, by Hayes Mackenzie Partnership Ltd, dated 26 July 2013 received 8 August 2013.
Landscape and Visual Impact Assessment, by H & H Land & Property, dated July 2013, received 8 August 2013.
Wind Turbine Technical Information, received 8 August 2013.
Photomontages, by H & H Land & Property, received 8 August 2013.
Location Plan, 1:1250 Scale, received 8 August 2013.
Location Plan, 1:2500 Scale, received 8 August 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 that part of the site 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.

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 not financially involved with the development and 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”.

And

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.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

ITEM NO: 6.

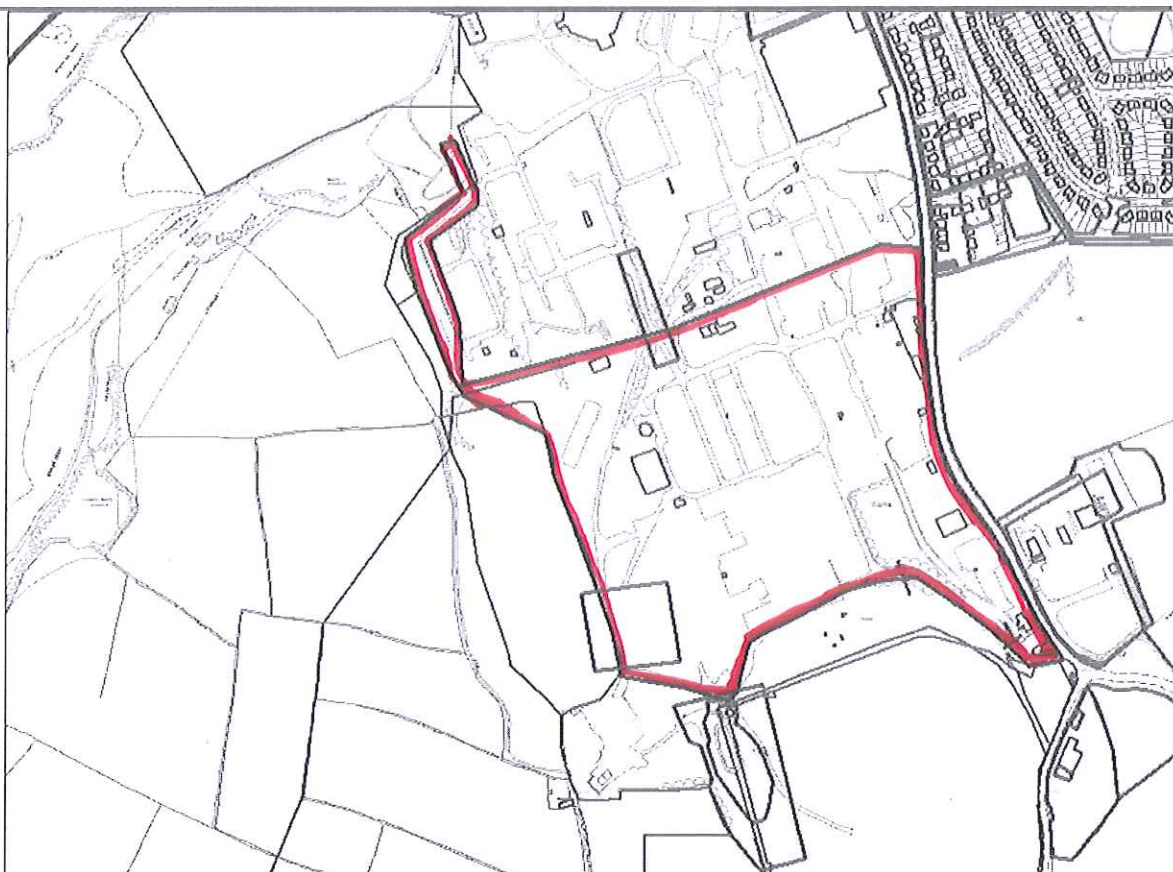


To: PLANNING PANEL

Development Control Section

Date of Meeting: 09/10/2013

Application Number:	4/13/2319/OF1
Application Type:	Full : CBC
Applicant:	Whitehaven Developments Limited
Application Address:	FORMER CHEMICAL WORKS, HIGH ROAD, WOODHOUSE/SANDWITH, WHITEHAVEN
Proposal	BIOMASS PLANTATION WITH PUBLIC AMENITY SPACE
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to part of the former chemical works known as the Marchon site which is located to the south west of the Whitehaven settlement and immediately to the west of High Road. To the north east are the residential areas of Woodhouse and Greenbank.

The phosphates plant closed in 2002 and the works closed completely in June 2005 followed by the demolition of the buildings on the site. Security fencing remains in place on the High Road perimeter along with redundant pedestrian turnstiles.

This application was deferred at the Planning Panel on 11 August 2013 as Members resolved to carry out a site visit before determining the application. The site visit took place on Wednesday 25 September 2013.

PROPOSAL

This application seeks planning permission for the creation of a biomass plantation with public amenity areas, which will involve the restoration and landscaping of part of the former chemical works known as Marchon. The application covers a 16.9 ha area of the overall former site. The proposed use of the site will be covered in two phases, the construction phase of the site, and the harvesting operational phase.

Construction Phase

Within the site, there are two disused landfills one of which is to the south and one to the west. In addition, the small leachate treatment facility will remain fenced off from the public access areas within the proposal.

Both the Hutbank Landfill and UFEX Landfill have been capped and restored and are currently regulated under a closed site environmental permit. There have been no significant results during leachate/groundwater monitoring and landfill gas monitoring at either site.

The existing hard standings will remain in place to provide a continued protective barrier to underlying contamination. The central part of the site will be covered by inert materials, up to 2 metres in depth, which will be deposited to provide a growing medium for the willow plantation which forms the biomass crop. The deposit of these materials is subject to a permit issued by the Environment Agency as the material will generally be classified as waste. In this instance however the primary function of the importation of the material is to allow the site to be re-engineered and used to grow the biomass product. Whilst the overall area occupied by the former chemical works is circa 53 hectares, the area subject to the deposit of waste to land for purposes of recovery is limited to approximately 16.9 hectares.

The majority of the site's restoration will be undertaken using suitable inert waste materials from the surrounding area. The selection of this material will be controlled by the Environment Agency through the permit. By multiplying the area of the proposed recovery operation by the depth of the materials to be placed on the site (i.e. up to 2m) this gives a materials volume requirement of circa 322,732m³.

All HGV loads delivering the material to the site will use the A595, then a defined route along Mirehouse Road, St Bees Road and Wilson Pit Road. Following the deposit of materials, the proposal would restore the site to provide public open space and a planting area in 4 defined field structures for Short Rotation Coppicing (SRC).

The biomass crop fields will be planted primarily with willow and will be located centrally within the site. Open amenity space, landscaping and access tracks are to be provided around the outer edge of the site with a picnic area close to High Road. The access tracks will provide a pedestrian link to the Cumbrian Coastal Way footpath to the west of the site. The existing parking area located adjacent to the site access near the existing gatehouse will be retained.

The importation of material is expected to be completed by 2017 and thereafter the site would be used for biomass fuel production.

Operation Phase

Once constructed the biomass crop would be harvested every 2 to 3 years. The SRC is harvested using a combine and trailer that would be decanted on site and loaded into HGVs for onward transport.

This would most likely be to either of the nearest biomass plants to the site at either Siddick or Barrow, although other local site may emerge in the future. 750T of crop would be removed in a full harvest which equates to approximately 30 HGV movements. It is likely this would be the same vehicle running back and forward to the power station over the course of a week.

The following documents have been submitted with the application:-

- Design and Access Statement
- Statement of Community Involvement
- Site Condition Report
- Transport Assessment
- Sustainability Statement
- Ecological Appraisal
- Landscape Management Plan
- Restoration and Landscape Proposals
- Restoration Works Phasing Plan

While not forming part of this planning application, the applicants have outlined their aspiration to redevelop the northern part of the Marchon site for a mixed use development which is expected to include residential and commercial uses.

PLANNING POLICY

National Planning Policy

The National Planning Policy Framework (NPPF) 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. Firstly in accordance with paragraph 9, planning should contribute towards improving the condition in which people live, work, travel and take leisure.

Paragraph 17 of the NPPF covers 12 key principles of the planning framework, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also encourages planning to support the transition to a low carbon future in a changing climate, encouraging

the re-use of existing resources and renewable resources while enhancing the natural environment. The effective use of land that has previously been used is also to be encouraged as stated in paragraph 17.

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 also recognises that planning has a social role in supporting strong, vibrant and healthy communities. This is emphasised in Section 8 and paragraph 69. Paragraph 93 identifies that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

Paragraph 73 clarifies that planning decisions should give access to high quality open spaces and opportunities for sport and recreation, as they can make an important contribution to the health and well-being of communities. Following this, paragraph 75 suggests that planning should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

Finally paragraph 97 states that “to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.”

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.

The National Planning Policy Framework allows full weight to be given to relevant local plan policies until March 2013. The Copeland Local Plan 2001-2016, adopted in 2006, falls into this category. In respect of this application key policies of the adopted Copeland Local Plan identified below remain relevant to the assessment of this application.

Adopted Copeland Local Plan 2001 - 2016

Whitehaven is defined as a Key Service centre under Policy DEV 2 of the adopted Copeland Local Plan 2001-2016. The site lies within the designated development boundary for Whitehaven as set out in Policy DEV 4. This policy gives priority to the development of previously developed land rather than Greenfield land.

Policy DEV 6 of the Local Plan encourages a high standard of design and the provision of a safe and convenient access, egress and internal circulation for all users.

The former Marchon site is identified on the proposals map as an Employment Opportunity Site, which is covered by Policy EMP 3. This states: "Areas of land at Whitehaven, Cleator Moor and Egremont have been delineated on the Proposals Map as Employment Opportunity Sites. These areas are being investigated as to their future development potential and contribution they can make to the regeneration strategies in the Borough. Detailed implications and locational issues associated with these sites will be the subject of future planning policy documents as soon as practicably possible."

Policy ENV 17 covers derelict land, and states as follows: -

"The Council will seek to reclaim land identified as derelict. The Council will also protect and where possible enhance any nature conservation and archaeological interests associated with these sites."

Policy ENV 13 is relevant to this application regarding access to the countryside as it states that existing rights of way will be protected and additional pathways and routes will be supported.

With regards to cycle ways, footpaths and bridleways, Policy TSP 5, states:

"Wherever possible the Council will seek to extend and provide continuity in the network of footpaths, cycle ways and bridleways. It will safeguard any route corridor from

inappropriate development to assist the process. Development alongside cycleway routes designed to facilitate their use will be permitted subject to other policies in the Local Plan.”

Policy EGY 6 of the Copeland Local Plan covers bio-fuels, and while this specific policy is more aimed at any prospective biomass plant rather than a planting site, the policy is positively worded in favour of this form of renewable energy.

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 and the Inspectors report is due in September 2013. It is the intention that this will be adopted December 2013.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. However they should not be afforded full weight until the document has been formally adopted by the Council.

Policy ST1 of the Core strategy sets out the fundamental principles that will achieve sustainable development.

Policy DM11 seeks to ensure that development proposals reach high standards of sustainability.

Policy ENV5 seeks to protect and enhance the Borough’s Landscapes by:

“Supporting proposals which enhance the value of the Borough’s landscapes”.

Specifically in relation to the Marchon site, the plan states:-

“Continuation of the coastal fringe work and reclamation of the Marchon site to create a larger area of open space leading out from the harbour over the St Bees Head Heritage Coast. This includes an undertaking to protect views from the Heritage Coast itself by guarding against inappropriate development in the adjoining coastal fringe area alongside a management plan for the Head.”

Policy ENV6, Access to the Countryside, states:-

“The Council’s policy is to ensure access to the countryside for residents and visitors by:

A Identifying opportunities to provide or improve access on routes and gateways from settlements and to secure the implementation of improvement measures with key partners and developers

B Investigating opportunities for reclaiming contaminated and derelict land for recreation purposes

C Identifying potential for the development of a community forest, long distance walks or outdoor adventure activity centre.”

Policy ER2, Planning for the Renewable Energy Sector states that “The Council will seek to support and facilitate new renewable energy generation, at locations which best maximise renewable resources and minimise environmental and amenity impacts. Criteria on renewable energy development / generation are set out in Policy DM2.”

West Whitehaven Supplementary Planning Document (Issues and Options Consultation Report) November 2012

The SPD is currently a draft document which sets out the Councils policy for the protection, enhancement and development of the coastal landscape between Whitehaven and St Bees Head.

The objectives of the SPD include:-

- To provide an overarching planning framework for the protection, enhancement and development of West Whitehaven.
- To complement and support the planning frameworks provided by the South Whitehaven and Whitehaven Town Centre and Harbourside SPDs.
- To ensure that all new development meets high standards in terms of design quality and sustainability, relates well to existing landscapes, enhances the public realm and reinforces the distinctive qualities of the landscape character areas.
- To provide an environment which supports and encourages use by pedestrians, cyclists, the disabled and wheelchair users.
- To improve links through the area and support connectivity between West Whitehaven and the Heritage Coast, town centre and harbour and local residential communities.
- To identify priority zones for investment and development that will help strengthen and support the areas wider role for tourism, recreation and leisure uses.
- To support and progress the aims and objectives of the Colourful Coast initiative.
- To capitalise on opportunities linked to Britain's Energy Coast.

South Whitehaven Plan: Supplementary Planning Document

This SPD was adopted in March 2013 and relates to land east of High Road/ Wilson Pit Road, which lies adjacent to the application site.

Among the SPD's objectives are:- "Providing accessible linkages including crossings and access to the proposed landscaped areas on the former Marchon chemical works site and the coastal fringe of West Whitehaven, the town centre, local facilities and the wider countryside."

CONSULTATION RESPONSES

Cumbria Highways

No objections subject to conditions.

Copeland Disability Forum

Raise no objections, but have commented that the paths within the site should be of a suitable gradient, that the site should be accessible for all people and that some disabled parking should be included within the parking area.

Cumbria County Council Historic Environment Officer

No objections.

Natural England

They are satisfied that the proposal will not adversely affect the St Bees Head Site of Scientific Interest (SSSI) and that it will not adversely affect the protected species in the area, namely Bats and Great Crested Newts.

Environmental Health

Raise no objections to the proposal, but comment that the construction phase of the development may cause issues relating to noise and dust from the site. They have also commented that planning permission should not be granted until a licence has been issued by the Environment Agency to allow the importation of materials to the site.

Environment Agency

No objections to the proposal providing that there is no excavation of materials i.e. concrete and soils on site that would jeopardise the protective encapsulation of contaminated soils on site. They have also now received an application for a Waste Recovery permit for the importation and use of soils to create the root zone for planting.

Arboricultural Consultant

Raise no objections, subject to conditions.

Cumbria County Council Countryside Access Officer

No objections, following the submission of an amended plan which details the public right of way leading to the site in the correct location.

Other

No comments have been from the members of the public in relation to the statutory notification procedure.

ASSESSMENT

This application relates to a prominent site which has remained derelict since the former chemical plant ceased operation in 2005. The condition of the site is unsightly and has a detrimental impact on the amenity of the surrounding area. The previous use of the site has led to the contamination of the land and this has severely restricted any potential use of the land.

This proposal would provide an innovative and viable solution to the redevelopment of the site, without compromising the concrete capping which contains the contamination. The development brings an active use with the added benefits of considerably enhancing the amenity of existing local residents and those who may occupy proposed residential development nearby.

Although the construction phase of the development which involves transporting waste material onto the site to create a crop bed would result in a significant number of vehicular movements, these would not rise to the previous levels associated with the former industrial use of the site. Adequate controls could also be imposed to restrict working hours and limit potential noise nuisance.

Members will be aware that there is currently a planning application being considered for the redevelopment of the site to the east of this site for a major residential scheme. This development is to be phased which should ensure that any noise and disturbance issues can be adequately managed during the construction phase of the biomass plantation. This development and the residential proposals, are consistent with the ambitions outlined in

the emerging West Whitehaven SPD, particularly having regard to improvements to amenity and quality of environment.

The current proposal includes the creation of a landscaped amenity area along the road frontage which should improve the amenity of the area and provide a buffer zone to any residential units. This together with the provision of public access to the site to provide a link to the Coastal Path will provide significant community benefits.

CONCLUSION

Overall the proposed redevelopment of the site for a sustainable energy crop is considered to provide a suitable re-use for this derelict land which is located within the settlement boundary of Whitehaven and will greatly improve its visual appearance. It will provide significant benefits and is considered to comply with the policies of the adopted Copeland Local Plan 2001 – 2016, the objectives of the draft SPD, the Core Strategy and the Development Management Policies and the provision of the National Planning Policy Framework.

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:-
 - Site Location Plan scale 1:25,000 @A4 drawing no NPL1000/3/03 received by the Local Planning Authority on 08 August 2013.

- Planning Application Boundary scale 1:4000 @A3 drawing no NPL1001/3/01 received by the Local Planning Authority on 08 August 2013.
- Restoration and Landscape Proposals Plan scale 1:1250 @A1 drawing no 3953-01 Rev C received by the Local Planning Authority on 17 September 2013.
- Restoration Works Phasing Plan scale 1:4,000 @A3 drawing no NPL1001/3/02 received by the Local Planning Authority on 08 August 2013.
- Proposed Recovery Site Long Sections scale 1:1250 @A1 drawing no NPL1000/3/04 Rev 1 received by the Local Planning Authority on 08 August 2013.
- Design and Access Statement prepared by Garner Planning Associates received by the Local Planning Authority on 08 August 2013.
- Statement of Community Involvement prepared by Garner Planning Associates received by the Local Planning Authority on 08 August 2013.
- Site Condition Report prepared by Stratus Environmental received by the Local Planning Authority on 08 August 2013.
- Transport Assessment prepared by CBO Transport received by the Local Planning Authority on 08 August 2013.
- Sustainability Statement prepared by Garner Planning Associates received by the Local Planning Authority on 08 August 2013.
- Ecological Appraisal prepared by ERAP received by the Local Planning Authority on 08 August 2013.
- Landscape Management Plan prepared by Richard Eaves received by the Local Planning Authority on 08 August 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. The landscape scheme hereby approved shall be carried out within 12 months of the commencement of development, or any other period as agreed in writing with the Local Planning Authority and thereafter shall be maintained to the satisfaction of the Local Planning Authority. Any trees or shrubs dying within ten years of planting shall be replaced to the satisfaction of the Local Planning Authority.

Reason

To ensure a satisfactory landscape scheme is undertaken.

4. The landscaping scheme hereby approved is to be implemented in full accordance with the layout detailed in the submitted Landscape Management Plan ref RE3953 Issue 1 July 2013 incorporating drawing no 3953-01 Revision B. Any alterations to the landscaping scheme must be approved in writing prior to commencement, with the Local Planning Authority.

Reason

To ensure a satisfactory landscape scheme is undertaken.

5. The proposed footpaths, as detailed on the approved plan shall be constructed following the creation of the biomass plantation and prior to the first commercial use of the site. The footpaths shall remain open to use and maintained in a suitable condition at all times thereafter.

Reason

In the interests of highway safety.

6. No work in relation to either the construction or the operational phase of the development, shall take place on site outside of the hours of 8am to 6pm on Monday to Friday and 8am to 1pm on Saturday. In particular no work shall be carried out on Sundays or officially recognised public holidays without the prior written agreement of the Local Planning Authority.

Reason

To protect the amenity of nearby residents.

7. The construction traffic route shall be in accordance with the Transport Assessment prepared by CBO Transport, as received by the Local Planning Authority on 08 August 2013. No deviation to the route hereby approved shall be taken without the prior written consent of the Local Planning Authority.

Reason

In the interests of highway safety.

8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Statement, unless otherwise agreed in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:
 - a. Details of the programme and phasing of construction works, and the construction and surface treatment of all hard surfaces and tracks (such surfaces shall thereafter be retained)
 - b. Details of the proposed temporary site compounds for storage of materials and machinery (including areas designated for car parking)

- c. Siting and details of wheel washing facilities
- d. Dust management
- e. Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to the site to prevent spillage or deposit of materials on the highway
- f. Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal
- g. Disposal of surplus materials
- h. Post construction restoration/reinstatement of the temporary working areas
- i. Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise)
- j. Any temporary site illumination.

Reason

To retain control over the construction and decommissioning phases of the development, in the interests of visual amenity, the environment and the amenities of occupants of nearby property.

- 9. No development approved by this planning permission shall be commenced until a reptile survey has been undertaken on the site by a competent ecological surveyor and if reptiles are found on the site mitigation measures shall be implemented both within the site and off-site as necessary.

Reason

To ensure the protection of protected reptile species.

- 10. The development shall implement all of the mitigation and compensation measures set out in the Ecological Appraisal Report, prepared by ERAP dated July 2013 and submitted as part of the planning application.

Reason

To protect the ecological interests evident on the site.

- 11. Prior to site clearance, surveys to establish the locations of nests or general areas where nests are located should be carried out by a suitably qualified ornithologist. Where nests cannot be avoided, exclusion zones around them should be set up or site clearance should be undertaken elsewhere until the birds have fledged and the nests have been abandoned.

Reason

To conserve protected species and their habitats

12. Prior to development commencing, an amphibian exclusion fence should be installed along the southern edge of the site to prevent any Common Toad moving on to the site and shall remain in place until the development becomes operational.

Reason

To protect and conserve existing wildlife adjacent to the site.

13. Prior to the first planting of the biomass crop, full details of the boundary treatment to the biomass crop field shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be so maintained thereafter.

Reason

To ensure suitable boundary treatments are implemented.

Informative:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com <<http://www.groundstability.com>>

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the

applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

ITEM NO: 7.

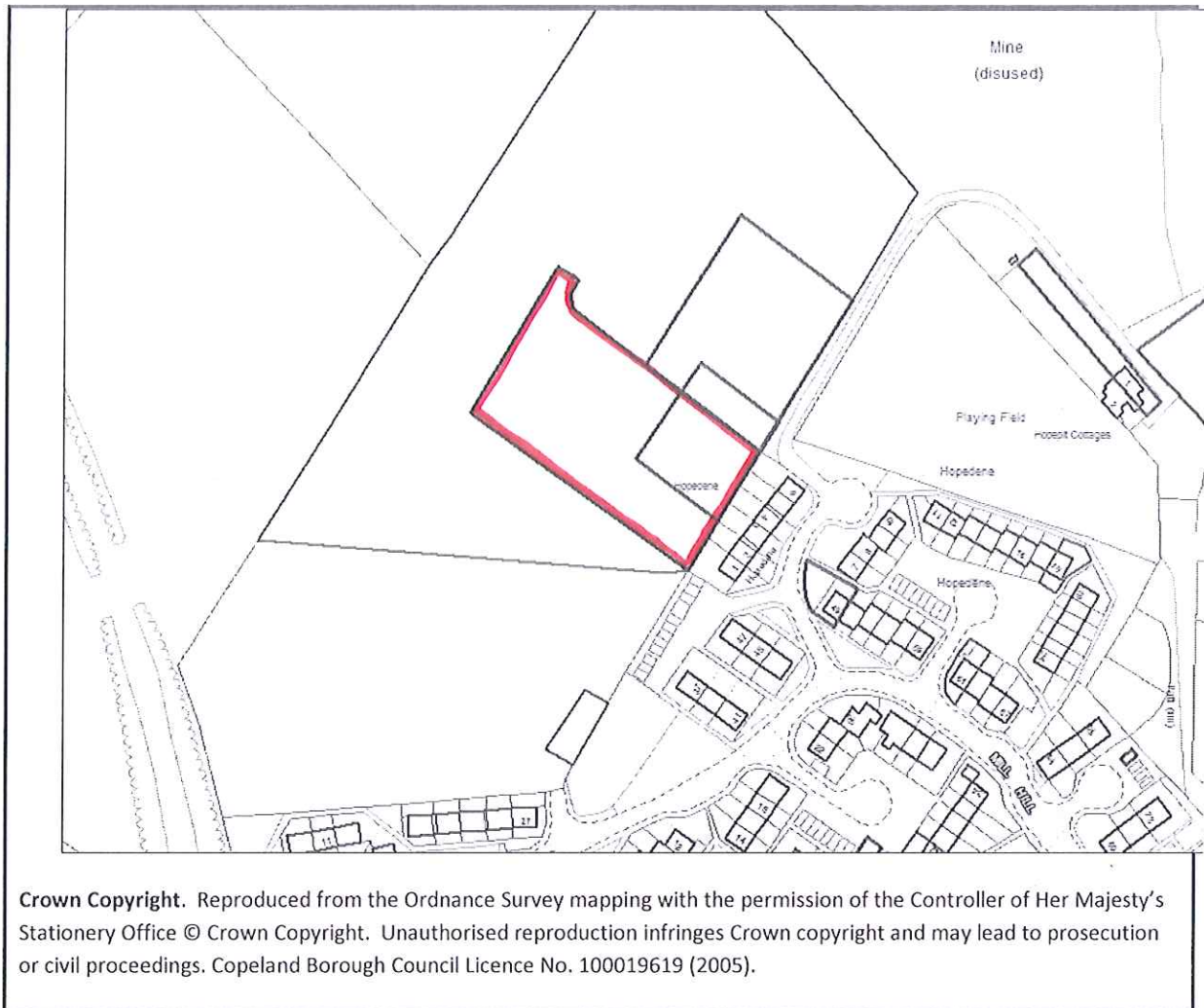


To: PLANNING PANEL

Development Control Section

Date of Meeting: 09/10/2013

Application Number:	4/13/2338/OR1
Application Type:	Reserved Matter : CBC
Applicant:	High Grange Developments Ltd
Application Address:	LAND OFF HOPEDENE, MILL HILL, CLEATOR MOOR
Proposal	RESERVED MATTERS APPLICATION FOR PHASE 2 (10 DWELLINGS) INCLUDING ASSOCIATED INFRASTRUCTURE
Parish:	Cleator Moor
Recommendation Summary:	Approve Reserved Matters



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INTRODUCTION

This application relates to an area of land which lies adjacent to the existing housing estate at Mill Hill. The land is currently allocated for residential development in the adopted Copeland Local Plan 2001-2016.

Outline planning permission was granted for the redevelopment of the site to provide 66 dwellings in August under reference 4/12/2259/001. Reserved Matters for Phase 1 was approved in 2012 under reference 4/12/2473/OR1.

PROPOSAL

This application seeks the approval of Reserved Matters for phase 2 of the development which comprises 10 units. The second phase is to be located immediately to the south west of the approved site entrance off Hopedene. Seven of the dwellings nearest to the site entrance are to be arranged around a small courtyard. The remaining three dwellings will front onto the main estate road.

The following mix of dwelling types is proposed:-

- Plot 8 – 3 bed detached bungalow
- Plot 9 – 2 bed detached bungalow
- Plot 10 – 2 bed semi-detached dwelling
- Plot 11 – 2 bed semi-detached dwelling
- Plot 12 – 4 bed detached dwelling
- Plot 13 – 3 bed semi-detached dwelling
- Plot 14 – 3 bed semi-detached dwelling
- Plot 15 – 5 bed detached dwelling
- Plot 16 – 5 bed detached dwelling
- Plot 17 – 4 bed detached dwelling

The dwellings are to be faced with red brick and have been designed with tiled pitched roofs. A private garden area is to be allocated to each property which will incorporate a paved driveway to serve each unit. The rear gardens are to be defined with a 1.8 metre high close boarded fence.

Access to the whole site is to be achieved from a single road leading off the existing road network which serves the Mill Hill estate. Improvement works to the approach road have recently been completed in conjunction with the Highway Authority to accommodate the scale of development proposed. The details of these improvements were covered by conditions which were attached to the previous outline planning permission.

CONSULTATION RESPONSES

Town Council

No objections

Highways Control Officer

I can confirm that the proposed layout seems acceptable and that the Highway Authority would wish to raise no objection to this application. The conditions contained in the outline application should still remain for this application.

The applicant should confirm that there is enough space left to allow for the replacement parking for numbers 1-6 Hopedene as conditioned.

Other

1 letter of objection has been received which raises the following concerns:-

- The infrastructure of the estate is not designed for the extra volume of traffic that will result from this development. This has been proven already by the accidents that have taken place in the estate
- The proximity of the new buildings to the existing dwellings will increase noise which will impact on the amenity of existing residents
- The impact of dust particles resulting from building works in close proximity to existing houses
- The loss of privacy due to the proximity of the proposed new buildings to the existing dwellings
- The height of the boundary wall will have a detrimental impact on light entering the adjoining properties

PLANNING POLICY

National Planning Policy

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. Paragraph 7 defines a social role as one of the three dimensions to sustainable development. Sustainable development involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations.

Paragraph 47 encourages Local Planning Authorities to provide market and affordable housing to meet evidenced needs. Paragraph 50 requires Local Planning Authorities to deliver a wide choice of high quality homes to meet the needs and demands of the community.

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

Local Planning Policy

The adopted Copeland Local Plan 2001-2016 seeks to achieve sustainable forms of development. Policy DEV 2 designates Cleator Moor as being one of the four key service centres where development should be focussed. Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 sets a preference for the development of brown field sites within the development boundary.

Policy DEV 6 encourages sustainable forms of design.

The site is allocated under Policy HSG 2 of the Local Plan for residential development.

Policy HSG 4 permits housing redevelopment within settlement boundaries. Policy HSG 8 sets out the design standards that all new housing developments should meet.

Emerging Local Plan

The Local Development Framework's Core Strategy and Development Management Policies DPD which will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. The public examination into the document took place in April this year and the Inspectors report is due in September 2013. It is the intention that this will be adopted in December 2013. In the meantime it is acknowledged that the NPPF is critical to development management decisions and that the 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 not be afforded full weight until the document has been formally adopted by the Council:

- Policy ST2 outlines a spatial development strategy for the Borough. Cleator Moor is defined as one of four key service centres where new residential development should be focussed.
- Policy SS1 seeks to improve the housing offer within the Borough.
- Policy SS2 promotes sustainable housing growth to meet the needs of the community.
- Policy SS3 seeks to secure a range and choice of good quality housing
- Policy DM12 carries forward the standards for new residential developments that are currently set out in Policy HSG 8 of the Local Plan.

ASSESSMENT

This site has been allocated for residential development for a number of years. It falls within the defined development boundary for Cleator Moor, which is designated as a Key Service Centre where new development should be focussed. The total number of 66 dwellings and the layout of the site have been agreed as part of the recent outline permission.

This application only seeks the approval of Reserved Matters for 10 houses which are to be located immediately adjacent to the site entrance off Hopedene. The proposed dwellings are of a simple design and meet the standards for new development including separation distances that are set out in Policy HSG 8 of the adopted Copeland Local Plan 2001-2016.

Although the concerns of the local resident are noted the highways issues relating to this development were fully considered by Members as part of the assessment of the outline application. The improvement works on the estate road have already been implemented.

Recommendation:-

Approve

Conditions

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

Reason

To comply with Section 92 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:-

- Location Plan, scale 1:2500, received on 15 August 2013
- Site Plan (Phase 2), scale 1:500, drawing number 06/11/542-09b, received on 15 August 2013
- Plot 8 Plans and Elevations, scale 1:100, drawing number 06/11/542-16, received on 15 August 2013
- Plot 9 Plan and Elevations, scale 1:100, drawing number 06/11/542-30, received 15 August 2013
- Plots 10 and 11 Plans and Elevations, scale 1:100, drawing number 06/11/542-31, received 15 August 2013
- Plot 12 Plan and Elevation, scale 1:100, drawing number 06/11/542-32, received on 15 August 2013
- Plots 13 and 14 Plans and Elevations, scale 1:100, drawing number 06/11/542-33, received 15 August 2013
- Plots 15 and 16 Plans and Elevations, scale 1:100, drawing number 06/11/542, received on 15 August 2013
- Plot 17 Plans and Elevations, scale 1:100, drawing number 06/11/542-35, received on 15 August 2013
- Design and Access Statement prepared by Alpha Design, reference 06/11/542-DAS/2, received on 15 August 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. None of the dwellings hereby approved shall be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and brought into use. The vehicular access/turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com <<http://www.groundstability.com>>

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

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List of Delegated Decisions

Selection Criteria:

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To Date: 30/09/2013

Printed Date: Tuesday, October 01, 2013

Printed Time: 8:56 AM

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Application Number	4/13/2148/0F1
Applicant	Weddicar Hall Developments
Location	WEDDICAR HALL, CLEATOR MOOR
Proposal	APPLICATION FOR NEW PLANNING PERMISSION TO REPLACE AN EXTANT PERMISSION (4/10/2066/0F1 - HOLIDAY DEVELOPMENT) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION
Decision	Approve (commence within 3 years)
Decision Date	22 August 2013
Dispatch Date	4 September 2013
Parish	Arlecdon and Frizington

Application Number	4/13/2148/0F1
Applicant	Weddicar Hall Developments
Location	WEDDICAR HALL, CLEATOR MOOR
Proposal	APPLICATION FOR NEW PLANNING PERMISSION TO REPLACE AN EXTANT PERMISSION (4/10/2066/0F1 - HOLIDAY DEVELOPMENT) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION
Decision	Approve (commence within 3 years)
Decision Date	22 August 2013
Dispatch Date	4 September 2013
Parish	Weddicar

Application Number	4/13/2171/0F1
Applicant	Miss H Talbot
Location	MIDTOWN FARM, MAIN STREET, HAVERIGG, MILLOM
Proposal	CONVERSION OF BARN A WITH TWO STOREY EXTENSION TO REAR & NEW DOUBLE GARAGE; CONVERSION OF BARN C WITH TWO STOREY EXTENSION & SINGLE STOREY DOUBLE GARAGE; ERECTION OF STABLE BLOCK
Decision	Approve (commence within 3 years)
Decision Date	11 September 2013
Dispatch Date	24 September 2013
Parish	Millom

Application Number	4/13/2217/0F1
Applicant	Mr J Marsh
Location	LAND AT HAWES FARM, KIRKLAND
Proposal	INSTALLATION OF A 5KW SMALL WIND TURBINE
Decision	Approve (commence within 3 years)
Decision Date	12 September 2013
Dispatch Date	24 September 2013
Parish	Lamplugh

Application Number	4/13/2273/0F1
Applicant	Mr A Melville
Location	GLENRIDDING HOUSE, MAIN STREET, FRIZINGTON
Proposal	ERECTION OF A FENCE TO REPLACE HEDGE PREVIOUSLY
Decision	Approve (commence within 3 years)
Decision Date	3 September 2013
Dispatch Date	4 September 2013
Parish	Arlecdon and Frizington

Application Number	4/13/2275/0F1
Applicant	Mr R Little
Location	ROSE COTTAGE, DRIGG, HOLMROOK
Proposal	TWO STOREY AND SINGLE STOREY EXTENSIONS
Decision	Approve (commence within 3 years)
Decision Date	2 September 2013
Dispatch Date	3 September 2013
Parish	Drigg and Carleton

Application Number	4/13/2276/0L1
Applicant	Mr R Little
Location	ROSE COTTAGE, DRIGG, HOLMROOK
Proposal	LISTED BUILDING CONSENT FOR TWO STOREY AND SINGLE STOREY EXTENSIONS
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	2 September 2013
Dispatch Date	3 September 2013
Parish	Drigg and Carleton

Application Number	4/13/2277/001
Applicant	Mr S Wilson
Location	FORMER MINERS WELFARE HALL, PICA, DISTINGTON
Proposal	APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE AN EXTANT PLANNING PERMISSION (4/10/2405/001 - OUTLINE FOR ERECTION OF A DWELLING) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION
Decision	Approve (commence within 3 years)
Decision Date	30 August 2013
Dispatch Date	3 September 2013
Parish	Distington

Application Number	4/13/2278/TPO
Applicant	Mrs C Wilson
Location	3 FOXHOUSES ROAD, WHITEHAVEN
Proposal	THIN 3 ASH & 3 SYCAMORE TREES AND FELL 1 SYCAMORE TREE SITUATED WITHIN A CONSERVATION AREA
Decision	TREE PRESERVATION APPROVE
Decision Date	3 September 2013
Dispatch Date	4 September 2013
Parish	Whitehaven

Application Number	4/13/2281/0F1
Applicant	Mr M Thomson
Location	ALDER LEA, HARRAS ROAD, HARRAS MOOR, WHITEHAVEN
Proposal	TWO STOREY AND SINGLE STOREY EXTENSIONS FORMING GARAGE, KITCHEN AND TWO BEDROOMS
Decision	Approve (commence within 3 years)
Decision Date	6 September 2013
Dispatch Date	6 September 2013
Parish	Whitehaven

Application Number	4/13/2282/0F1
Applicant	Dr G Ironside

Location	22 IRISH STREET, WHITEHAVEN
Proposal	CHANGE OF USE FROM COMMERCIAL (SURGERY & OFFICES) TO SINGLE DWELLING
Decision	Approve (commence within 3 years)
Decision Date	29 August 2013
Dispatch Date	6 September 2013
Parish	Whitehaven

Application Number	4/13/2290/0F1
Applicant	Mr G McDonald
Location	PLOT 1, PARK VIEW GARAGE SITE, SUNNYHILL, WHITEHAVEN
Proposal	ERECTION OF A PRE-FABRICATED GARAGE
Decision	Approve (commence within 3 years)
Decision Date	19 September 2013
Dispatch Date	24 September 2013
Parish	Whitehaven

Application Number	4/13/2295/0F1
Applicant	Mr and Mrs T Runeckles
Location	LAND AT LANGTHWAITE FARM, MILLOM
Proposal	VARIATION OF CONDITION 1 OF PLANNING APPROVAL 4/10/2262/0F1 (TEMPORARY INSTALLATION OF 16M HIGH WIND MONITORING MAST) TO ALLOW THE MAST TO REMAIN ON SITE FOR A FURTHER TWO YEARS
Decision	Approve
Decision Date	17 September 2013
Dispatch Date	17 September 2013
Parish	Whicham

Application Number	4/13/2298/0F1
Applicant	Mr S Dalton
Location	6 SOLWAY ROAD, LOWCA, WHITEHAVEN
Proposal	ERECTION OF A DETACHED GARAGE
Decision	Approve (commence within 3 years)
Decision Date	13 September 2013
Dispatch Date	17 September 2013
Parish	Lowca

Application Number	4/13/2299/0F1
Applicant	Mr D Fielder
Location	71 SPRINGFIELD AVENUE, WHITEHAVEN
Proposal	TWO STOREY EXTENSION TO SIDE
Decision	Approve (commence within 3 years)
Decision Date	29 August 2013
Dispatch Date	11 September 2013
Parish	Whitehaven

Application Number	4/13/2300/0F1
Applicant	REACT Engineering
Location	REACT ENGINEERING LTD, PHOENIX COURT, EARL STREET, CLEATOR MOOR
Proposal	EXTERNAL HEAT EXCHANGE UNITS PROPOSED TO BE INSTALLED AT FIRST FLOOR LEVEL ON THE WALL ABOVE THE ADJOINING GARAGE
Decision	Approve (commence within 3 years)

Decision Date	30 August 2013
Dispatch Date	9 September 2013
Parish	Cleator Moor

Application Number	4/13/2301/0F1
Applicant	Mr P Moore
Location	PLOT 1, FORMER ANCHOR INN, MAIN STREET, FRIZINGTON
Proposal	CONSTRUCTION OF A FOUR BEDROOMED DETACHED HOUSE
Decision	Approve (commence within 3 years)
Decision Date	18 September 2013
Dispatch Date	20 September 2013
Parish	Arlecdon and Frizington

Application Number	4/13/2307/0F1
Applicant	Louise Borrowdale
Location	112 WHINLATTER ROAD, MIREHOUSE, WHITEHAVEN
Proposal	TWO STOREY EXTENSION (BEDROOM, LIVING ROOM AND PORCH)
Decision	Approve (commence within 3 years)
Decision Date	23 September 2013
Dispatch Date	23 September 2013
Parish	Whitehaven

Application Number	4/13/2309/0L1
Applicant	Miss E Smith
Location	10 LONSDALE PLACE, NEW ROAD, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR INSTALLATION OF SKY DISH ON REAR OF PROPERTY
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	16 September 2013
Dispatch Date	23 September 2013
Parish	Whitehaven

Application Number	4/13/2310/0F1
Applicant	Mr J McCracken
Location	10 WHINLATTER ROAD, MIREHOUSE, WHITEHAVEN
Proposal	DEMOLITION OF SHED AND GARAGE, ERECTION OF TWO STOREY EXTENSION, PORCH AND CONSERVATORY
Decision	Approve (commence within 3 years)
Decision Date	23 September 2013
Dispatch Date	23 September 2013
Parish	Whitehaven

Application Number	4/13/2311/0F1
Applicant	Mrs C Gorman
Location	120 ENNERDALE ROAD, CLEATOR MOOR
Proposal	CHANGE OF USE FROM HAIRDRESSERS BACK TO FORM PART OF EXISTING HOUSE (RETROSPECTIVE)
Decision	Approve (commence within 3 years)
Decision Date	13 September 2013
Dispatch Date	23 September 2013
Parish	Cleator Moor

Application Number	4/13/2313/0F1
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Applicant	Mr B Amor
Location	44 BALMORAL ROAD, WHITEHAVEN
Proposal	ERECTION OF SIX FOOT (1.83m) HIGH FENCE ALONG SIDE AND REAR OF PROPERTY
Decision	Approve (commence within 3 years)
Decision Date	26 September 2013
Dispatch Date	27 September 2013
Parish	Whitehaven

Application Number	4/13/2320/OL1
Applicant	Ms J Lawson
Location	84 MAIN STREET, HENSINGHAM, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR REPLACEMENT OF FRONT WINDOWS AND DOOR
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	16 September 2013
Dispatch Date	26 September 2013
Parish	Whitehaven

Application Number	4/13/2324/OF1
Applicant	Mr I Fraser
Location	CALAFELL, SEA MILL LANE, ST BEES
Proposal	EXTENSIONS AND ALTERATIONS
Decision	Approve (commence within 3 years)
Decision Date	17 September 2013
Dispatch Date	24 September 2013
Parish	St. Bees

Application Number	4/13/2325/OF1
Applicant	Mr K Thompson
Location	LAND TO REAR OF 6 WYNDHAM TERRACE, EGREMONT
Proposal	SINGLE STOREY DOMESTIC GARAGE
Decision	Approve (commence within 3 years)
Decision Date	19 September 2013
Dispatch Date	24 September 2013
Parish	Egremont

Application Number	4/13/2326/ON1
Applicant	Mr J Irving
Location	LOW FARM, MOOR ROW
Proposal	GENERAL PURPOSE AGRICULTURAL BUILDING (NOTICE OF INTENTION)
Decision	Approve Notice of Intention
Decision Date	4 September 2013
Dispatch Date	4 September 2013
Parish	Egremont

Application Number	4/13/2327/OF1
Applicant	Ministry of Justice
Location	SQUASH COURTS & SOCIAL CLUB, BANK HEAD ESTATE, HAVERIGG, MILLOM
Proposal	APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED DEMOLITION
Decision	Approve (commence within 3 years)
Decision Date	9 September 2013
Dispatch Date	11 September 2013

Parish	Millom
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Application Number	4/13/2330/HPAE
Applicant	Mr M Cannings
Location	49 THORNTON ROAD, WHITEHAVEN
Proposal	SINGLE STOREY REAR EXTENSION
Decision	Permitted Development
Decision Date	13 September 2013
Dispatch Date	13 September 2013
Parish	Whitehaven

Application Number	4/13/2331/OF1
Applicant	Whitehaven Community Trust
Location	13-15 MARKET PLACE, WHITEHAVEN
Proposal	INSTALLATION OF THE LANTERN FROM THE FORMER DUSTY MILLER PUBLIC HOUSE ABOVE THE ARCHWAY TO THE POTTERY BUILDING
Decision	Approve
Decision Date	19 September 2013
Dispatch Date	26 September 2013
Parish	Whitehaven

Application Number	4/13/2332/OF1
Applicant	T W West Ltd
Location	WHIN BANK, ROTTINGTON, WHITEHAVEN
Proposal	CANOPY ON END OF EXISTING GRAIN STORE
Decision	Approve (commence within 3 years)
Decision Date	19 September 2013
Dispatch Date	26 September 2013
Parish	St. Bees

Application Number	4/13/2334/OF1
Applicant	Mrs J Nash
Location	WEST HOLME, WILTON, EGREMONT
Proposal	ALTERATION AND EXTENSION TO PROVIDE GRANNY FLAT
Decision	Approve (commence within 3 years)
Decision Date	19 September 2013
Dispatch Date	26 September 2013
Parish	Haile

Application Number	4/13/2335/TPO
Applicant	Mr D Kelly
Location	2 LAUREL BANK, FOXHOUSES ROAD, WHITEHAVEN
Proposal	TRIMMING OF A SYCAMORE TREE SITUATED WITHIN A CONSERVATION AREA
Decision	TREE PRESERVATION APPROVE
Decision Date	18 September 2013
Dispatch Date	23 September 2013
Parish	Whitehaven

Application Number	4/13/2336/OF1
Applicant	Mr R Cartner
Location	4 THE GRANGE, HILLCREST, WHITEHAVEN
Proposal	INTERNAL AND EXTERNAL ALTERATIONS
Decision	Approve (commence within 3 years)

Decision Date	18 September 2013
Dispatch Date	26 September 2013
Parish	Whitehaven

Application Number	4/13/2337/0F1
Applicant	Mr and Mrs J Bailey
Location	3 SPRUCE GROVE, THE HIGHLANDS, WHITEHAVEN
Proposal	ERECTION OF SINGLE STOREY EXTENSION AND EXISTING DECK EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	18 September 2013
Dispatch Date	26 September 2013
Parish	Whitehaven

Application Number	4/13/2339/0F1
Applicant	Mr A and Mrs H Hill
Location	53 FAIRLADIES, ST BEES
Proposal	NEW SUNROOM EXTENSION & TERRACE AND TELESCOPIC MAST AND ANTENNA
Decision	Approve (commence within 3 years)
Decision Date	23 September 2013
Dispatch Date	26 September 2013
Parish	St. Bees

Application Number	4/13/2343/0F1
Applicant	Mr and Mrs C McNicholas
Location	2 WHITE PARK, WHITEHAVEN
Proposal	ALTERATIONS AND EXTENSIONS TO PROVIDE NEW LOFT EXTENSION AND GROUND FLOOR GARAGE STUDY AND UTILITY ROOMS
Decision	Approve (commence within 3 years)
Decision Date	23 September 2013
Dispatch Date	26 September 2013
Parish	Whitehaven

Application Number	4/13/2349/0N1
Applicant	Mr A Bowe
Location	LAND TO SOUTH OF PARKSIDE FARM, FRIZINGTON (EASTING 303598 NORTHING 515880)
Proposal	ERECTION OF GENERAL PURPOSE/STORAGE BUILDING (NOTICE OF INTENTION)
Decision	Approve Notice of Intention
Decision Date	9 September 2013
Dispatch Date	11 September 2013
Parish	Arlecdon and Frizington

Application Number	4/13/2359/0F1
Applicant	Thomas Milburn (Property) Ltd
Location	ST BEES CARAVAN PARK, ST BEES
Proposal	VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/01/0665/0 TO ALLOW ONLY TWO MONTHS CLOSURE OF STATIC HOLIDAY CARAVANS
Decision	Withdrawn
Decision Date	13 September 2013
Dispatch Date	13 September 2013
Parish	St. Bees

Application Number	4/13/2384/0F1
Applicant	Mr and Mrs L Graham
Location	46 ELIZABETH CRESCENT, WHITEHAVEN
Proposal	REMOVAL OF RAISED PATIO AND ERECTION OF CONSERVATORY
Decision	Withdrawn
Decision Date	30 September 2013
Dispatch Date	30 September 2013
Parish	Whitehaven

Application Number	4/13/9006/0F2
Applicant	Mr P Atkinson
Location	MOOR ROW COMMUNITY PRIMARY SCHOOL, MOOR ROW
Proposal	ERECTION OF FENCING ON TOP OF ORIGINAL STONE PLAYGROUND WALL TO AN OVERALL HEIGHT OF 3M
Decision	County Council Approved
Decision Date	4 September 2013
Dispatch Date	4 September 2013
Parish	Egremont

Application Number	4/13/2018/001
Applicant	Mr & Mrs N Douglas
Location	PLOT OF LAND AT CROSSGATES, LAMPLUGH
Proposal	OUTLINE APPLICATION FOR ERECTION OF 4 BEDROOMED HOUSE(LOCAL NEED)
Decision	Withdrawn
Decision Date	04-Sep-13
Dispatch Date	4 September 2013
Parish	Lamplugh