

PLANNING PANEL AGENDA – 10 SEPTEMBER 2014

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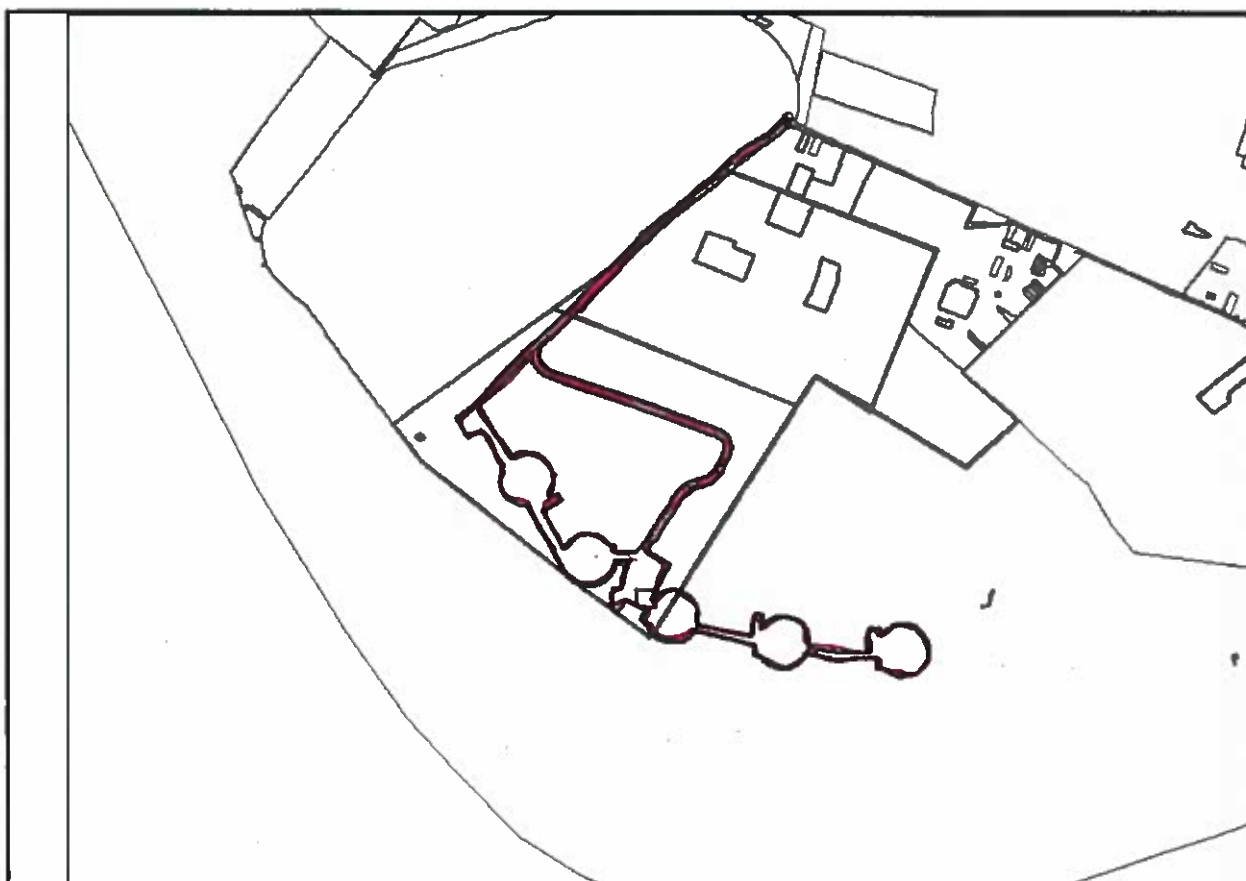
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SCHEDULE OF DELEGATED DECISIONS

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ITEM NO: 1.**To: PLANNING PANEL****Development Control Section****Date of Meeting: 10/09/2014**

Application Number:	4/12/2251/OF1
Application Type:	Full : CBC
Applicant:	PFR (HMP Haverigg) Ltd
Application Address:	LAND TO WEST & SOUTH OF HMP HAVERIGG, OFF NORTH LANE, HAVERIGG, MILLOM
Proposal	FIVE WIND TURBINES WITH A MAXIMUM HEIGHT OF 120.5 METRES, NEW ACCESS TRACK, ALTERATIONS TO EXISTING, TEMPORARY CONSTRUCTION COMPOUND, HARDSTANDINGS, CONTROL BUILDINGS & SUBSTATION, CABLING, MET. MAST, SETTLEMENT PONDS & ASSOCIATED WORKS
Parish:	Whicham, Millom
Recommendation Summary:	Approve subject to Section 106 Agreement



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Introduction

This application was reported to the 16 July 2014 Planning Panel with a recommendation to approve subject to conditions. Contrary to officer recommendation however Members were minded to refuse the application on the grounds of adverse visual impact and potential effect on neighbouring residential amenity.

In accordance with the Council's Planning Code of Conduct the final decision to refuse the application was deferred to a future meeting of the Planning Panel to ensure that there was clarity in the information provided to members. In consultation with the Chair it was considered appropriate to seek advice from Counsel to provide assurance that advice to members was thorough and focused on material planning considerations. This is why there

has been delay in referring the matter back to the Panel.

The application was initially submitted in 2012. This was largely as a consequence of the need to carry out extensive appraisal of the potential impact of development on sensitive habitats and to agree approaches to the protection of those habitats. The extended time frame over which the application has been considered has also complicated the normal approach to the submission, appraisal and consideration of comment on the application. It was apparent at the last meeting of the Panel that some members of the public felt they had not received sufficient opportunity to make their views on the application known to members. Similarly it is clear that since some groups and individuals within communities initially commented on the application, the applicant has been able to respond to some of the issues which have been raised. In the case of the views of Millom Town Council and the Haverigg Resident's Association comments recorded in the written report to members no longer fully reflect the detailed views of those bodies. Members will be provided with updated appraisal of this position at the meeting. Awareness of the nature of discussion at the previous meeting has also prompted consideration of attendance at the next meeting of the Panel by representatives of these groups with a view to provide members with the opportunity to hear from those groups first hand.

Deferral also enables the applicant to provide clarity over issues raised by objectors and members during previous discussion. No new information is tabled – issues raised reiterate and provide clarification of matters already tabled. These comments are reported below.

The report is substantially unaltered from that previously presented to members with the exception of comment on the advice from Counsel and clarification received from the applicants. Verbal updates provided to the previous meeting of the Panel are now incorporated into the written report including the full responses of Natural England and the RSPB. Additionally, publicity about the application has prompted further comment particularly in support of the application, these comments are also referenced within the report.

Comment from Counsel

Counsel was asked to comment on the content of the officer report and whether the recommendation of approval resulted from an appropriate balance of the competing factors

upon which the determination of this application should be have been based. Whilst stressing that advice is provided on matters of law and process rather the planning merits of the case, advice indicates that the conclusions reached in the officer report are justified and based on a sound appraisal of material planning considerations. In particular he references advice from the consultants engaged by the Council to provide comment on landscape and visual impact and their conclusion that those impacts would not be so harmful so as to justify refusal of the application.

Counsel's opinion is clear in that it is matters of landscape and wider visual impact which should be the focus of the Council's consideration.

Clarification by the Applicants on issues raised at the last meeting of the Planning Panel.

The applicants have requested the opportunity to provide clarification on technical issues and the potential socio economic benefits of the development, noting the scope that deferral provides for members to have the widest possible of appraisal of material issues prior to finalising a decision.

It is the applicant's submission that, together with information already provided through a particularly thorough application process, these points make a compelling case, balancing the significant benefits of development against any of its negative impacts.

Shadow Flicker and Noise

Shadow flicker and noise are material considerations but the particular circumstances of this proposal results in impact which is within accepted tolerances. In any event of that tolerances would be exceeded, conditions attached to any planning permission granted would require operation of the turbines to cease until such time that operation could recommence within acceptable levels. The amenity of all those living in proximity of the turbines would be protected.

It is the applicants practice to support Government policies for renewable energy production in providing for proposals which utilise publically owner assets/land holding. As a

consequence there is direct and comparable experience of completing and operating a wind farm development close to a prison. Turbines on the site in Kent (HMP Stanford Hill), are closer to the nearest accommodation blocks than would be the case at Haverigg, (385m distant against 539m at Haverigg). After some 17 months of operation there has not been a single complaint from inmates or staff with regards to shadow flicker or noise. The Stanford Hill turbines are 125m to tip so larger than those proposed for Haverigg. It is also noted that the closest existing turbine at Haverigg to the accommodation blocks is 404m away and no complaints to date have been received from inmates and staff regarding flicker or noise from that existing source.

Socio-Economic Benefits

The applicant is keen to ensure that members are fully aware of the potential benefits which flow from development. These points were not to the fore of discussion previously.

The development will require investment in the local electricity supply network through the joint funding – a £2million contribution from the developer to provide for a new substation and a high voltage link to boost grid capacity in the Haverigg/Millom area. There is an acknowledged issue with resilience of domestic supply to the area and acceptance that any new commercial operation considering locating in the Haverigg or Millom areas would face significant issues if requiring anything more than a basic level of supply. Electricity North West have confirmed that without the prompt of investment through this kind of development there would be no alternative means to fund this infrastructure provision.

Members have previously commented on the scope for the development to produce opportunities for local businesses. The applicant suggests that previous experience indicates an estimated minimum of 50-60% of the civils budget would be spent in the local area representing a spend of around £2.5 million on local goods and services. (Civils are conventionally ancillary and preparatory work needed to accommodate the development). With the exception of the wind turbine components and the primary contractor, local companies could bid for everything else. The developer's procurement protocols encourage this approach. As an example the applicant points to their most recently completed wind farm at Caerphilly, South Wales where local businesses secured 85% of the value of the civils

budget.

Agreement has been reached with Millom Port with a view to the transportation of large components by sea and through the Port. This is viewed by the Port authorities as means of demonstrating the capacity and ability of the port to handle large scale components in connection with other construction projects in West Cumbria. A letter of support has recently been received from the Director of Port Millom Ltd confirming their interest in the project, he considers that this is a terrific opportunity to create a legacy for the future of Millom and that the effect on the local economy could be massive and very much needed.

Background

The proposal is for the development of a commercial wind farm and relates to a 9.9ha site forming part of the coastal plain to the immediate west of the HMP Prison at Haverigg. It forms part of a former airfield which is now grassed over and is adjacent to the existing wind farm, comprising 8 turbines, situated to the north (known as Haverigg II & III). To the south and west the site is bounded by an extensive area of sand dunes, a designated SSSI, as well as farmland.

A Member site visit took place on Wednesday 4 July 2012 and the application has since been held in abeyance to address a number of complex issues it raises and in particular the ornithological implications, including the provision of an Assessment of Likely Significant Effects (ALSE) and the subsequent compilation of an Appropriate Assessment (AA). This is a requirement under the Habitat Regulations 2012 due to the sites proximity to the Duddon Estuary SPA/RAMSAR/SSSI. The application is now at the stage where it can be considered for a decision.

Proposal

In detail the scheme, which would be operational for a 25 year period, would comprise the following physical elements:

- Erection of 5 single tower 3 blade turbines with a maximum ground to tip height of 120.5 metres, each to have a generating capacity of up to 3 MW and to be sited within a 20 metres micro siting allowance area.
- Each turbine would be situated on a circular foundation slab 21 metres in diameter and some 2 metres in depth.

- Construction of crane pads at each turbine location some 35 metres by 18 metres – a permanent area of hardstanding to be used during construction as a crane platform and thereafter for maintenance. (normally twice a year)
- A permanent meteorological mast at a height of 80 metres on a slender lattice tower and situated on a reinforced concrete foundation 9.1 metres by 9.1 metres. This will replace the existing temporary mast on the site and is required to monitor the performance of the turbines.
- A combined control building and substation, some 15 metres by 5 metres and 5.7 metres high to the ridge, enabling the generated electricity to be exported to the local distribution network.
- Temporary contractors compound measuring 50 metres by 50 metres.
- Underground cables linking the turbines to the control building and substation and to the connection point in North Lane. This will involve digging out cable trenches 1 metre in depth and between 400mm to 1200mm in width which will run adjacent to the site roads and the western site boundary.
- Creation of water drainage settlement ponds.
- High security site fencing and gates.
- Access will be off North Lane via existing network of tracks formerly set down for the airfield and creation of new ones within the site, typically these will be 3 metres in width (5 metres during the construction phase). Where it passes through part of the prison a security fence to match the current perimeter fencing will be installed together with three security gates. Existing tracks amount to some 7,405 square metres and new ones 9,335 square metres. It is envisaged that the new tracks will be unpaved and finished with local quarry material.

The application is accompanied by:

- Environmental Statement,
- Design and Access Statement,
- Planning Statement,
- National Planning Policy Framework Statement
- Statement of Community Involvement.
- Detailed Layout and Elevation plans of the turbines, their siting and associated infrastructure.

■ Non-Technical Summary of the Environmental Statement.

Independent environmental consultants were commissioned to appraise the landscape and visual impacts of the proposed development on our behalf.

Consultations

In view of the nature of this application extensive statutory consultations have been undertaken and the following responses have been received:

Millom Town Council – (initial comment 2012) object due to the poor infrastructure for access to the site, height of the proposed turbines and visual impact.

Whicham Parish Council – no objection to the siting of the turbines but would prefer that the height of the turbines be no greater than that of the existing turbines in that area.

Millom Without Parish Council – do not support the application for the following reasons:

- The turbines proposed are over 100m high and therefore visible from a much greater distance.
- There has been a proliferation of such developments in the locality over recent years and are apprehensive that further development would have a negative impact on the natural beauty of the area.

Environment Agency

No objection.

They advise that Natural England be consulted as an ALSE (Assessment of Likely Significant Effects) will be required due to the sites proximity to the Duddon Estuary SSSI and the Morecambe Bay SAC/SPA. Also point out that where culverts are required for access they should be oversized boxed culverts and the length of the crossing should be kept to a minimum.

Natural England (Updated)

No Objection subject to the mitigation measures in the AA being carried out.

Initial interim response originally requested further information regarding ornithology, in particular disturbance displacement and natterjack toad mitigation, enhancement and management. This was provided and it was also drawn to our attention that as the competent authority for the application we were required to undertake an Assessment of

Likely Significant Effects (ALSE) under the Habitat Regulations 2012. An external consultant ecologist was engaged on our behalf to carry this out.

A further interim response was received from Natural England on the Habitats Regulations Assessment Report and the Ornithological Habitat Enhancement and Management Strategy provided by the applicants as additional information to inform the ALSE. This confirmed that both were useful documents with the former identifying the bird species affected and the latter providing reassurance that further suitable habitat is to be provided to enhance the ecological value of the area.

The ALSE was completed in December 2012 and concluded that the proposed development may have a significant effect alone on the interest features of the Duddon Estuary SPA/ Ramsar Site (i.e. aggregations of non-breeding birds and waterfowl assemblage) However, it was found that it was unlikely to have a significant effect on natterjack toads providing all the mitigation/enhancement measures are implemented and on in-combination with other plans / projects in the area. As a consequence an Appropriate Assessment (AA) was required to be produced to further assess the impact on non-breeding birds etc.

The Appropriate Assessment (AA) has now been completed and a final consultation response on it has now been received and concludes that **the proposal will not result in adverse effects on the integrity of any of the sites in question.** Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

RSPB (Updated)

No objection.

Initially they sent a holding response raising concerns that there is little or no information on the disturbance displacement impact of the proposed wind turbines especially on golden plover, curlew or lapwing. This information was subsequently provided and informed the compilation of the ALSE and the AA.

More recently they expressed concern, despite negotiations and further feedback, that the chosen location for the enhancement site is wrong and requested that a more suitable nearby location be identified. It is this particular element that has taken time to address with the applicants undertaking further investigations to convince RSPB of the suitability of the chosen Enhancement Site.

A formal consultation response on the AA has now been provided this concludes that the proposed development, either alone or in combination with other plans or projects, **will not lead to an adverse effect on the integrity of the Duddon Estuary SPA.**

Defence Infrastructure Organisation (MOD)

No objection but requests that the turbines are fitted with 25 candela omnidirectional red or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration, at the highest practicable point. This requirement could be covered by an appropriate condition. This is in the interests of air safety.

Cable & Wireless Worldwide

No objection.

Civil Aviation Authority

No objection.

Historic Environment Officer, Cumbria County Council

No objection subject to a programme of archaeological investigating and recording.

Comment to the effect that the proposed development lies in an area of some archaeological potential as prehistoric stone scatters have been found in the vicinity. It is considered likely that archaeological remains survive on the site and that these would be disturbed by the proposed development. He agrees with the Environmental Statement that the ground works be subject to a programme of archaeological investigation and recording in advance of construction and secured by a condition.

English Heritage

No objection

Do not consider that the proposed development will have any significant impact on nationally important heritage assets or their settings. It will be sited next to a modern prison complex and two existing wind farms which already intrude to a limited extent into views from a number of the designated heritage assets.

However, they do not consider that the addition of five further turbines will have a significant cumulative impact on the setting of these heritage assets. The most sensitive settings are those of the group of scheduled ancient monuments on Great Knott, which appear to have been sited to enjoy wide views over Morecambe Bay. Whilst the proposed new turbines will be visible from these their grouping with the existing turbines and the prison will limit the additional impact on the setting of the scheduled monuments.

Scientific Officer, CBC

With regards to the noise assessment satisfied that the ETSU-R-97 guidance has been followed properly and the report indicates that operational noise of the turbines would be below the background noise derived limits at the sensitive properties. Did have some concerns initial concerns as follows:

- The predicted noise levels from the turbines are based upon the Enercon E82 2.3 MW as at the time of the report the final turbines had not been determined. Because of this there is the potential for the eventual turbines to have a higher sound power level and breach the noise limits.
- The property at 59 Bank Head is the closest to the proposed turbines (620m) and also the one that appears to be at greatest risk of the ETSU noise limit being exceeded. According to Table 12 of Appendix 8 the predicted noise levels at the property are only 0.2 dBA below the limit for a 6 and 7 m/s wind speed. This gives very little headroom and could easily be exceeded, especially if more powerful turbines were used. Noise level predictions and noise limit exceedances should be recalculated, or at least re-evaluated, using the technical data from whatever turbines are eventually used.

Apart from noise it appears that there could be significant impact from shadow flicker, as such an investigation plan and potential mitigation to deal with shadow flicker problems should be produced for approval. It has the potential to be a fairly significant problem at a number of properties, however the applicants do give a commitment to shut down the turbines during times when shadow flicker could occur at the properties at Bank Head and as such agrees a condition requiring the turbines to shut down during these periods be applied should permission be granted.

As regards noise, the noise limits given in Table 1 & 2 have been derived from the background noise monitoring undertaken by Hoare Lea Acoustics as part of the EIA/ES, as the noise assessment was completed in line with the ETSU-R-97 guidelines has no objection to these noise limits being used in conditions if permission is granted. Also the rest of the conditions also seem reasonable and follow good practice.

Queries the status of the residential accommodation at the prison which is potentially closer to the turbines but as the prison will directly benefit from the development these are viewed as associated properties and discounted from the assessment.

Planning Policy, CBC

It is the opinion of the Planning Policy team that, whilst the Council is generally supportive of renewable energy development, in this particular case, the proposal would bring about significant adverse visual effect. The wind turbines already operating on the former airfield are significantly smaller than those proposed for this site so it would be very difficult for the new turbines to blend into the existing development. On this basis, the application should be refused.

Further comments were provided early this year in response to the further environmental information (FEI) submitted to complement the landscape and visual impact assessment and residential amenity assessment. It is pointed out that since the first response was provided the Copeland Local Plan 2013-2028 has been formally adopted and is now the basis for determining planning applications.

The further information submitted by the applicant assesses the Cumulative Visual effects to verify potential significant cumulative effects from four viewpoint locations.

The assessments findings conclude that the cumulative impacts on View point 2 (Bank head /North lane Junction), Viewpoint 3 (West edge of Haverigg) and viewpoint 12 (Haverigg Dunes) are considered to be significant in EIA terms during operation with only Viewpoint 1 (Stoup Dub) considered not to be significant in EIA terms.

Therefore the original comments provided by planning policy in June 2012 remain relevant that the proposed additional turbines in this location would have a significant visual impact on the identified receptors.

Section 5.0 further examines the residential amenity impacts within bank head from each of the properties on the southern boundary of the Bank Head estate. In summary the potential effects upon residential amenity on H1 (No71 Bank Head), H4 (No69 Bank Head, representing no's 67, 68, 69 and 70), H10 (No63 bank head, representing no's 63, 64, 65 and 66), H12 (no61 Bank Head, representing no's 59,60, 61 and 62) and H15 (No 58 Bank Head, representing no's 57 & 58) conclude that the effect was considered to be significant in EIA terms during operation.

Only one of the assessed properties (H2 No 72 Bank Head) was the effect considered not to be significant in EIA terms during operation. Therefore this assessment reinforces the feelings that the proposed additional turbines would

have an unacceptable visual impact on identified properties within the Bank Head estate.

The opinion expressed in the report “that the dwelling would not become an undesirable place in which to live” is a subjective view and we would reiterate the view that the construction of larger additional turbines in this case should be resisted due to the negative impacts on the receptors close to the proposed wind farm.

In summary, the feeling remains that the proposed additional turbines in this location would cause unacceptable visual impact on the identified receptors. This impact could be mitigated to some extent if the proposed wind turbines were reduced in size to be more consistent with the existing turbines (Haverigg II & III).

Friends of the Lake District (FLD)

Object.

FLD have concerns over the impact of the construction of major wind farm in this location. In particular, they are concerned as to the visual impact upon users of the Cumbria Coastal Way. The applicant’s Zone of Visual Influence diagram illustrates that the turbines will be clearly visible across the great majority of the coastal footpath which skirts the Duddon Estuary. It is key to note in this respect that much of the footpath falls within 6km of the site, wherein the Cumbria Wind Energy SPD states that turbines will be a ‘prominent, key element of the landscape’ (Appendix 2.4, p 117). The views across the estuary towards the backdrop of the Lake District fells are recognised in the above guidance as a key characteristic, which would be sensitive to the introduction of turbines.

The development would also be clearly visible from Black Coombe, which again lies within a 6km radius, to the north. We are therefore concerned as to the impact of the development upon the Lake District National Park.

The cumulative impact of this development and the proposed Langthwaite wind farm (see comments submitted in regard to application 4/12/2182/0F1) are a significant concern, given the sensitivities highlighted above.

It is FLD’s view that the proposed development would contravene the relevant planning policies, and should therefore be refused.

Lake District National Park

No comments received.

Spatial Planning Team, Cumbria County Council

The Officers report to the County Councils Development Control and Regulation Committee of 25 July 2012 recommended **no strategic objection** subject to ensuring that:

- The applicant makes a financial contribution of £35,000 for the maintenance work to the local network of public rights of way which will be necessary as a result of the proposed development (see Appendix 1);
- It seeks to encourage the applicant to move the proposed location of Turbine WTG5 elsewhere in the application site in order to increase the distance of the turbine from Haws Lane Public Right of Way. If it cannot be relocated, Copeland Borough Council should include a condition which does not allow the micro-siting of Turbine WTG5, in order to maintain the current separation distance between the turbine and Haws Lane Public Right of Way (see Appendix 1);
- Other issues such as shadow flicker, noise, radar and telecommunications, in addition to the issues considered in this report, are fully taken into account;
- The issues raised regarding the historic environment are addressed through appropriate planning conditions, as set out in the report (see paragraphs 4.36-4.37 and Appendix 2);
- The applicant has fully considered and mitigated for any adverse biodiversity effects associated with the development (see paragraphs 4.38-4.44); and
- A planning condition is attached to any permission which obligates the applicant to remove the concrete foundations (see paragraph 4.49).

However, following debate the County Council's Committee resolved that an objection be raised to this proposed development. Overall, their Members felt that the proposal would be contrary to Policy R44 of the Cumbria and Lake District Joint Structure Plan. They felt that it would have a harmful visual impact locally and also cumulatively due to the existing onshore and offshore wind energy schemes in the locality. They felt that the local area has reached capacity for wind development and that it would be unfair to subject the local residents to further wind development.

Request if Copeland Borough Council decides to approve this application, a financial contribution and conditions should be attached covering relevant highway works and works relating to the public footpath at Haws Lane.

Highway Authority, Cumbria County Council

No objection.

The proposed development is considered broadly acceptable by the Highway Authority, subject to a number of conditions being attached to any permission which may be granted by the Local Planning Authority.

The applicant has stated within the submission that abnormal loads associated with the construction stage will travel from Millom Docks to the site and such movements will be subject to a travel management plan which will need to be agreed by the Local Planning Authority.

The applicant has also stated that “the turbine components will be landed at Borwick Rails quayside and the route then goes through Millom and onto the A5093, before turning into Haverigg and then onto North Lane to the site entrance. The studies undertaken have shown that no off-site highway works are required to allow the delivery of the abnormal loads required for the construction of the proposed wind turbines”. As the Highways Authority, Cumbria County Council would need to be convinced of the validity of this statement. Should planning permission be granted, the routing and survey should be conditioned.

Rights of Way Officer, Cumbria County Council

Concerned that the proposed location of WTG5 would be within the fall zone of public footpath 415033 (Haws Lane) and should be relocated.

The proposed location of turbine WTG5 is located 50m away from the public footpath 415033 (Haws Lane). When the size of the blade is taken into account (39m), there is a clearance of 11m between the turbine blade and the public footpath. Whilst there is no statutory minimum separation distance between wind turbines and public rights of way, turbine blades should not over sail public rights of way. It is recommended that Copeland Borough Council negotiates with the applicant to assess if the turbine can be moved elsewhere in the proposal site to maximise the separation distance between the turbine and Haws Lane.

The Cumbria Wind Energy Supplementary Planning Document (adopted by Copeland Borough Council in 2007), states that “for public rights of way, care should be taken to

ensure an adequate distance is provided between them and the turbines. Fall over distance is often considered an appropriate distance, but consultation with the Local Planning Authority should be carried out to determine what is most appropriate in any scheme". If any alternative location on the application cannot be found for the turbine, it is recommended that Copeland Borough Council do not allow micro-siting of the turbine in order to maintain the current separation distance.

The applicant makes reference to the public rights of way neighbouring the site and the effect on them during the operational life of the wind farm, stating that: *"during the operational life of the site there is likely to be some adverse effects on users of some public rights including public footpath (415033) that runs adjacent to the south east boundary along Haws Lane"*. The Highways Engineer notes that there would also be disruption of FP416064 (North Lane). This identified disruption would be unacceptable without proper mitigation, and it is recommended that the applicant contribute towards the improvement of the public right of way network in the vicinity of the site. It is recommended that an amount of £35,000 is requested from the applicant for this purpose. The justification for this amount is included in below.

Justification for the £35,000 contribution to the maintenance of the local public right of way network

It is estimated that the cost of repairing parts of FP415013 and FP415033 would be around £35,000. A detailed costing has not been calculated at this stage, but from previous similar schemes it is estimated that it would be £50 per metre to dig out a trench and resurface with stone plus £5,000 for repairs to ditches and culverts along the path. All of the Haws Lane track which forms these two footpaths is within 1km of the turbines, and so would experience the significant adverse effects detailed in the submitted Planning Statement (paragraph 5.37 page 35/36 as copied below):

The assessment concluded that users of footpaths beyond approximately 1km would generally experience effects that range from slight adverse to moderate adverse which are considered to be not significant. Footpaths within this range however experience effects ranging from considerable/moderate adverse to considerable adverse which are considered to be significant. Users of long distance routes within the study area would travel directly past the site and therefore the effects would range from slight adverse to considerable adverse which is considered to be significant. One area of access land at Silecroft would experience a considerable/moderate adverse effect which is considered significant. All of

the other areas of access land would experience a slight adverse to moderate adverse effect which is considered not significant.

As the Planning Statement has highlighted these adverse effects would justify a financial contribution to ameliorate them.

In response to this issue the applicant's agent states that the separation distance between wind turbine 5 and the public right of way on Haws Lane is adequate and compliant with Government guidance. Whilst the turbine cannot be moved further away due to a telecommunications link to the north it is suggested that a planning condition be applied on micro-siting to ensure that the 20m micro-siting distance for wind turbine 5 is restricted so that the current 50m separation distance is maintained.

National Trust

The proposal is for a significant development that will have a range of impacts. However, from the Trust's perspective the main aspects that it has considered are the implications in terms of landscape/visual impacts in the context of its particular responsibility to care for Sandscale Haws, a National Nature Reserve, which is also part of the Duddon Estuary Ramsar site, Special Protection Area and Special Area of Conservation, and also a Site of Special Scientific Interest.

Given the importance of Sandscale Haws as a significant visitor attraction it is our considered opinion that as part of the viewpoint analysis an assessment should be prepared from this location. This should include the provision of both a wireframe diagram and a photomontage showing existing and proposed turbines.

It is noted that no mitigation is proposed in respect of the adverse visual effects that would be experienced from Sandscale Haws.

It is particularly disappointing that a photomontage has not been prepared in order to assess the impacts of the proposals as seen from Sandscale Haws. It is noted that Sandscale is one of the most popular visitor locations on the Cumbria coast and is the closest point across the Duddon Estuary from the proposed turbines. The alternative viewpoint information that has been prepared is of some assistance in assessing impacts, but from points that are noticeably further away.

Generally the submitted documentation fails to understand the full range of significances of Sandscale Haws, in particular its valued and considerable role as a place of public recreation.

As a consequence the assessments put forward are flawed and do not recognise the significant nature of the visual impacts that would result.

These concerns are exacerbated when the cumulative impacts of other existing and potential wind farm developments are taken into account.

It is considered that the proposed development would result in detrimental impacts per se and these would adversely affect the enjoyment of the many visitors to Sandscale Haws each year, along with that of those using the footpaths across the property.

There are no specific proposals put forward by the applicant that would mitigate or ameliorate these impacts.

It is requested that the **significant adverse impacts identified** are taken into account in the overall assessment of the proposed development – including the absence of any mitigation measures.

In the context of relevant national and local planning policy it is not considered that the identified adverse impacts at Sandscale Haws are of themselves such as to indicate that in this instance the benefits of the renewable energy that would be produced would be outweighed by those impacts alone. However, they should be taken into account as part of the overall cumulative assessment of the positive and adverse impacts of the proposed development in reaching a decision. In that respect it is noted that the Trust considers that the applicant has given insufficient weight to the adverse impacts at Sandscale Haws.

In response to the National Trust's concerns regarding the potential impact on Sandscale Haws further assessment has been carried out by the applicants and further environmental information has been submitted which includes a visual assessment from an additional viewpoint location at Sandscale Haws including the provision of a photomontage. This acknowledges that the nearest turbine would be located some 5.97km away and that although their presence would introduce a new element into the landscape within the panoramic views it would not represent a prominent change in the view when seen alongside the existing turbines and would form part of the existing diverse panoramic. This would constitute a low magnitude of change and result in a moderate adverse visual effect which is not considered to be significant.

Neighbour/ Other Representations

To date some 93 letters of have been received mainly from residents in the area. Collective grounds of concern raised include:

- Impact on views, will dominate the shoreline. If the Langthwaite Farm application is approved the small community of Bank Head will be surrounded by turbines.

- Will affect Barrow
- Effect on property values.
- Adverse effect on nearby resident's views/ life styles especially on the Bank Head Estate.
- Cumulative effect as the coastline will be saturated with wind turbines.
- Concern the construction work will affect the stability of the ground in the area.
- Noise and disturbance/ disruption from construction and operation.
- Concern over why they have to be white in colour.
- Impact on Lake District National Park
- Vibration,
- Impact on sea defences.
- Impact on wildlife and the SSSI, as this is a sensitive site.
- Effect of the turbines on migratory birds.
- Concern that the meteorological mast was erected before planning permission was granted.
- Unreliable energy source,
- Poor access and infrastructure leading to the site for construction traffic, for example the road is not wide enough for double the amount of HGV's.
- Major disturbance from burying of the cables from the turbines the full length of Coombe View and North Lane.
- No need for the additional electricity generated round here.
- Concern that the 3 narrow bridges on route will not be able to withstand the loads proposed.
- Only intending to repair North Lane not resurface it.
- Will require extra security around the prison during construction.
- Question the need for a wind farm here.
- Potential impact on adjacent residents of using existing speed humps at Poolside.
- Will not provide long term employment for the area,

- They are not the way forward, other countries are stopping subsidies for them due to the high cost. They are not cost effective.
- Queries the effect on climate change and whether this is substantiated. We are past an inter-glacial period and at some point the earth will slip back to a full ice age whereupon wind turbines and solar power will be useless to supply the amount of power needed.
- Carbon footprints associated with the manufacture, haulage, and installation is immense.
- Potential for localised flooding to occur as the site is prone to flooding particularly in autumn and winter.
- North Lane has not got the capacity to cope with the proposed 2000 lorry journeys. Residents pay an annual fee to the Ministry of Justice for the upkeep of North Lane.
- Concern also about the amount of CO2 the lorries will emit and the potential health risk to residents.
- Concern that the construction traffic coming through the village will conflict with school dropping off and collection times.
- Concerns re the increase in traffic and safety for local children on North Lane.
- The Bank Head community of 75 houses has no community facilities it is the expectation that the community fund benefit will be used for the Millom area and not Bank Head.
- Do not object to the turbines per se just the siting of them here – put them out to sea there are many there already just off the Haverigg coast.
- Damage to the landscape and visual amenity of Haverigg Haws
- Object specifically to the location of the two turbines sited nearest to Haverigg which will have a particular adverse impact on visual amenity looking towards the dunes.
- The development should be contained within the existing footprint of the prison/ airfield as the linear development of turbines encroaching towards Haverigg is unnecessary and damaging.
- Adverse effect on tourism, need to leave the countryside vistas particularly the special ones such as this if we are to continue to have a long term viable tourist industry in Haverigg.

- Concern that access via North Lane and Coombe View will be used and point out that there is no right of way up North Lane and past Coombe View as this is a private road. Only access is via Haws Lane.
- Concerns re traffic load and volume passing near to residents properties during construction and the effect of vibration resulting in structural damage on them – request a building survey report.
- Concern from a neighbouring farmer who requires 24 hour access be maintained to his land to allow feed and livestock wagons through.
- It will be impossible to construct the settlement ponds where they are proposed due to the location of the two turbines with drains and gutter.
- Specific concern from a neighbouring land owner over promises made and the lack of communication by the applicants.
- Potential effect on horses who occupy neighbouring land – one turbine will be uncomfortably close.
- Will set a precedent for further turbines in the area.
- Those residents or land owners directly affected will not benefit in any way.
- Existing wind farm causes a variable degree of amplitude modulation depending on wind direction which is more noticeable at night. Concerns that this will be exacerbated by the proposed extension and increase in scale and proximity to homes over the existing.
- Nearest dwellings are only some 635m away which is too close and unacceptable.
- Potential conflict between the emergency services access requirements and heavy construction traffic.

Haverigg Residents Association (Comment from 2012)

Object on the grounds of loss of visual amenity:

- The size of the turbines at 120m high, are far too large and would dominate our village.
- Will mean that we will have wind turbines surrounding the village, we have enough turbines now and do not want any more.
- Fears that the tourist trade will suffer as these turbines will fill the last remaining gap in the skyline viewed from the holiday village:

And the impact of construction traffic on the roads around Haverigg:

- Consider the routes chosen are unsuitable due to the rural nature of the roads.
- The Construction Traffic Transport Assessment is incomplete having insufficient data regarding heavy goods vehicle routing and abnormal loads, have compiled their own risk assessments to share with the Highway Authority. They initially asked that this is made available to members of the Planning Panel and requested that Members make a site visit to consider the problems set out in their assessment.

In response specifically to the objections / concerns raised the following comments are offered:

The issues of landscape, visual impact and cumulative impact as well as the ornithological implications, ecology and noise / flicker are addressed in the assessment section.

As regards access rights these are not material planning considerations, though it transpires that these are available on behalf of HMP Prison and will be obtained for the applicants via the Secretary of State for Justice. Other non-material planning considerations included effect on property values.

In terms of the effect of heavy construction traffic on neighbouring residents properties the applicants have provided some comfort insofar as they have written to all likely affected residents and assured them that prior to on site works they will survey North Lane including buried services and properties. They will ensure that the structure and surface of North Lane is sufficient to minimise the potential for any damage to occur to properties and buried services by construction traffic. If prior surveys of the road surface and services suggest that pre-construction works are required to protect property and services, then they will ensure this is done. Although a private road they expect that it will be a requirement of any planning permission that inspections and works are undertaken with the full approval of Cumbria County Council and clearly set out in the Traffic Management Plan. Once the construction phase has been completed, in the unlikely event that any damage to

properties, services or the existing highways network (including North Lane) has been caused by construction traffic, it will be rectified.

In addition, once the construction period has finished, they undertake to resurface North Lane. Alternatively if residents using North Lane to access their properties prefer, the estimated £150,000 required to re-surface North Lane could instead be put into a fund to provide for the future maintenance of the road.

Concerns relating to noise and disturbance from construction will be covered by a construction management plan / appropriate conditions.

The objections Haverigg Residents Association raise have been taken into account and they have subsequently been informed that a site visit has already been undertaken. It is considered that the issues raised relate to the highway network and that the Highway Authority, should Members be minded to approve, have requested all-embracing conditions covering the issues raised regarding the heavy goods vehicle route, abnormal loads traffic by requiring a Construction Management Traffic Plan and Method Statement.

In addition it should be noted that 42 postcards in support of the proposal have been received.

Six individual letters of support have also been submitted, one of which is from Port Millom Ltd. (referred to earlier in the report) since the previous meeting of the Planning Panel at which this matter was discussed. Collectively they welcome the proposal on the following summarised grounds:

- The volume of business to the local supply chain would amount to several million pounds together with the part funding of a new electrical power station which would increase local grid capacity and itself be an attraction for larger industry looking to come to the area.
- The project 15MW project is expected to produce around 41GWh of green electricity a year, enough to power around 9700 average homes.
- It also comes with a Community Benefit Fund of at least £75,000 a year, or over
- £1,875,000 over the expected 25 year lifespan of the project.
- A number of local stakeholders have suggested to that part of the community benefit money could be spent on sponsoring local apprenticeship places, which

would bring a major socio-economic benefit to an area where youth employment opportunities are few.

- A contribution of around £2million has been agreed with Electricity North West to provide a new substation and high voltage cable link to Millom.
- At present, the area is at maximum grid capacity, which means that there is no capacity for any smaller-scale renewable energy schemes to be developed, or for any significant electricity users to move into the area, such as companies that might want to invest and create jobs. The substation would accommodate the wind farm, but also facilitate a further 15MW of capacity to be made available for future economic development in the local area.
- It is estimated that at least £3.5million of business would go to local supply chain companies, including Port Millom, which would take delivery of the turbine components and blades for transportation to site. This is 50-60% of the civils budget (excluding turbine components), but that's almost certainly a conservative figure. This, together with the funding for the substation, highways improvements, community benefit etc. means total construction spend in the local area of over £5.5million.
- HMP Haverigg would become an even larger renewable contributor and major catalyst for the local economy.

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) (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 and reaffirms that the planning system remains plan led - requiring that applications for planning permission be determined in accordance with the development plan unless material considerations

indicate otherwise, unless the plan 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.

Renewable Energy

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

- Support the transition to a low carbon future in a changing climate - including encouraging the use of renewable resources by the development for example of renewable energy.
 - Contribute to preserving and enhancing the natural environment and reducing pollution.
 - Encourage the effective use of land by reusing previously developed 'brown field' land.
 - Promote mixed use developments and encourage multiple benefits from its use.
 - Conserve heritage assets in a manner appropriate to their significance.
 - Actively manage patterns of growth.
 - Take account of and support local strategies to improve health, social and cultural 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 reducing emissions in greenhouse gases and supporting the delivery of renewables. (Paragraph 93 refers)

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

- Not require overall need for the energy development to be demonstrated recognising that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions and
- Approve the application (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.

Conserving and Enhancing the Natural Environment

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

Ministerial Statement & Planning Practice Guidance for Renewable and Low Carbon Energy

The Government issued a Ministerial Statement in June 2013 followed by 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.

It should be noted that this guidance and the Ministerial Statement has been given some weight in more recent appeal decisions affecting turbines.

Copeland Local Plan 2013-2028

The Local Development Framework Core Strategy and Development Management Policies DPD (known as the Copeland Local Plan 2013-2028) was adopted by the Council in

December 2013. It now replaces the majority of policies in the former Copeland Local Plan 2001-2016.

The adopted Plan is consistent with the NPPF and paragraph 196 of the NPPF makes it clear that all applications must be determined in accordance with the Development Plan.

The following Policies of the new local plan are considered relevant and now carry significant weight in decision making:

Core Strategy:

Policy ST1 Strategic Development Principles,

- **Criterion A i)** supports the development of energy infrastructure in appropriate locations.
- **Criterion B i)** states that one of the Councils Strategic Development Principles is to 'encourage development that minimises carbon emissions'.
- **Criterion C i)** cites it will protect and enhance areas sites, species and features of biodiversity value, landscapes and the undeveloped coast.

Policy ST2 Spatial Development Strategy

Criterion C ii) supports renewable energy development outside defined settlement boundaries which best maximise renewable resources and which minimise environmental and amenity impacts.

Policy ER2 Planning for the Renewable Energy Sector reinforces this stating 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.'

Policy ENV2 Coastal Management supports energy generating developments that require a coastal location along the undeveloped coast provided that potential impacts on biodiversity, landscape and heritage assets are carefully assessed against benefits and where required mitigated and compensated for.

Policy ENV3 Biodiversity and Geodiversity aims to protect and enhance these interests by ensuring, amongst others, that development incorporates measures to protect and enhance any biodiversity interest.

Policy ENV5 Protecting and Enhancing the Boroughs Landscapes states that all landscapes will be protected from inappropriate change 'by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area.'

Development Management Policies DPD

The criteria which apply specifically to renewable energy development/generation are set out in Development Management Policy DM 2 Renewable Energy Development in the Borough as follows:

Proposals for renewable energy development in the Borough will be supported where they satisfy the following criteria:

- A. Proposals should be developed with the Borough's community and key stakeholders in accordance with the Council's current adopted approach to stakeholder involvement.
- B. There would be no unacceptable adverse visual effects.
- C. There would be no unacceptable adverse effects on landscape or townscape character and distinctiveness.
- D. There would be no unacceptable impacts on biodiversity or geodiversity.
- E. The proposals would not cause an unacceptable harm to features of nature or heritage conservation importance.
- F. There are no unacceptable impacts of noise, odour, dust, fumes, light or other nuisance likely to affect nearby residents and other adjoining land users.
- G. Any waste arising as a result of the development will be minimised and managed appropriately.
- H. Provision is made in proposals for the removal and site restoration at the end of the operating life of the installation.

Adequate mitigation measures would be secured to minimise the potential impacts of any renewable energy development proposals and to deliver significant benefits to the community where the scheme is to be sited wherever possible. If necessary such measures would need to be secured through Planning Obligations.

Policy DM11 Sustainable Development Standards – sets out the detailed requirements for sustainable development and construction in support of ST1 for reducing carbon emissions and increasing energy efficiency to complement the wider approach to renewable energy generation.

Policy DM24 Development Proposals and Flood Risk – this seeks to ensure that development does not increase the risk of flooding elsewhere.

Policy DM25 Protecting Nature Conservation Sites, Habitats and Species – sets out the detailed approach to managing development proposals which are likely to have an effect on nature conservation sites, habitats and protected and priority species as in this case. It supports ST1 and ENV3. It states that in such circumstances the development will only be permitted if the benefits clearly outweigh the impacts and prevention, mitigation and compensation measures are provided. It requires relevant assessments be undertaken under

the Habitats Regulations.

Policy DM26 Landscaping – sets out the approach for ensuring that new development protects and enhances existing landscape features.

Cumbria Wind Energy Supplementary Planning Document

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

Cumbria Landscape Character Assessment

This county wide landscape assessment was compiled by Cumbria County Council in 2011. Importantly it provides baseline information that can be used when making decisions on future land use and management. It identifies and assesses landscape types and provides a strategic framework which includes visions and objectives for future landscapes and guidelines to protect, manage and plan changes to maintain and enhance landscape distinctiveness.

Assessment

The Environmental Statement and the Planning Statement together with the rest of the submission put forward the applicant's case that the proposed wind farm development is overall compliant with local and national planning policy. They contend that where there are impacts these can be adequately mitigated or compensated for with the result that the significant benefits of the scheme, in terms of providing a renewable energy source and the long term wider environmental benefits this brings, would outweigh the limited adverse environmental effects. These impacts along with other issues the application raises are considered below:

Noise

The assessment considers noise and vibration effects from the turbines at nearest identified noise receptors (i.e. non associated habitable dwellings in the vicinity of the development) during construction and operation against accepted standards.

Construction noise – the period of construction is estimated at being 6 months and it is accepted that there may be noise that at times will be audible at the closest residential properties resulting from routine construction activities i.e. piling, deliveries etc. In order to protect residential amenity in this respect working hours and HGV deliveries can be limited and controlled via an environmental management plan covered by an appropriate planning condition. Noise during decommissioning is considered to be less than during this phase.

Operational Noise – Whilst the assessment indicates the predicted turbine noise levels vary for some of the closest receptors, it demonstrates that the required ETSU-R-97 noise limits can be met at all times and in all wind conditions.

Whilst our Scientific Officer is satisfied that the required limits can be met, he did initially express some concern re the potential for noise at the nearest residential property to the development 59, Bank Head but following further dialogue with the applicants is now satisfied any potential for exceeding the required noise limits at this property can be addressed by an appropriate condition. As a consequence it is considered that noise is unlikely to be a significant issue and that where there is potential for noise pollution there is acceptable mitigation.

Shadow Flicker

This has the potential to cause nuisance and disturbance to occupants of affected properties. The assessment undertaken was carried out on all residential properties within a distance of 820m of the proposed turbines. This indicates that there is potential for flicker from turbines 3, 4, and 5 to affect 25 residential properties. Any shadow flicker on residential properties is considered significant. The principal accepted mitigation measure for shadow flicker is to shut down the wind turbines causing it. A control system is available which measures the intensity of sunlight occurring at a particular moment and if sufficient to cause flicker it will automatically shut down the turbine instantly until such time the effect ceases. This mitigation measure could be effectively controlled via condition and/ or an Environmental Management Plan.

Our Scientific Officer is of the view that shadow flicker could be a fairly significant problem for a number of residences but considers that the proposed mitigation is acceptable.

Traffic and Transport

The greatest vehicle generation is likely to occur during construction phase and is therefore only likely to be temporary. This will involve the delivery of some 52 abnormal loads from Millom Docks to the site via an identified route. No highway improvements have been identified within the assessment undertaken. To minimise potential disruption abnormal loads will be delivered during off peak day light hours and be escorted.

In addition to abnormal loads there will be general HGV construction traffic and this is estimated at being in the region of 2,268 movements over the construction period.

The Highway Authority in their consultation response raise no objections on the grounds of highway safety subject to the imposition of a number of conditions including the provision and implementation of a Construction Method Statement and a Construction Traffic Management Plan which are considered to provide adequate controls/ mitigation.

The neighbour notification exercise resulted in considerable local concern being raised regarding the possibility of abnormal and heavy load vehicles causing structural damage to properties adjacent on route. Accepting this may be a possibility the applicants have undertaken to provide structural surveys before and after of properties that may be affected and to remedy any damage.

There was also concern about the effect such vehicles could have on the road surface given that North Lane and Coombe View are unadopted roads. In response the applicants undertake to resurface the road on completion the provision of which can be incorporated into the traffic management plan.

Landscape and Visual

This is a key issue which warrants careful consideration.

Landscape Impact

The site forms part of an expansive low lying coastal plain, including areas of sand dunes and grassland. It is located to the west of the village of Haverigg, with settlements of Kirksanton some 2.02km distant to the northwest, and the town of Millom to the south. To the north and north east the land form is dominated by rising land comprising the hills and mountain ranges of the Lake District National Park. Whilst it does not benefit from any national or local designations it is part of a wider landscape benefitting from wide uninterrupted views into and out of the National Park and therefore has a high degree of sensitivity. In terms of vertical structures in the existing landscape however it has to be judged against the fact it is flanked to the immediate north by the existing Haverigg II and III wind farms totalling some 8 wind turbines. Arguably the proposal could be viewed as an extension to these.

The applicants LVIA (Landscape and Visual Impact Assessment) concludes that there would be a low magnitude of change on the landscape character due to the influence that the proposed development would have on the wider character area, including the Lake District National Park, which is considered not significant

The Wind Energy SPD and the Cumbria Landscape Guidance Toolkit (March 2011) identify the type of landscape as coastal margins / sub type coastal urban fringe

accepts there may be capacity for this type of development and identifies it as an area where energy infrastructure could be introduced affecting the character of the less developed parts. Advocates minimising the impact of large scale wind energy developments by careful siting in less sensitive areas and following high standards of design and landscape treatment.

Taking this into account whilst the site/ landscape may not be sensitive to turbine development the key issue here is whether it could absorb/ accommodate the relative increase in height proposed, given that Haverigg II at 66m ground to tip height, and III at 76m to tip are considerably smaller in height and scale than the proposed turbines which are 120.5m (ground to tip) in height. Such a difference in height would be noticeably significant as features in the landscape with the existing smaller turbines serving to accentuate the height of the taller ones proposed. They as a consequence would have a prominent and significant presence in this landscape. This is a view supported by our Planning Policy Team. As to whether the impact on the landscape is so significant in this location to override the wider benefits and warrant refusal is a matter that needs careful evaluation. Arguably it would result in a degree of change that would have a moderate adverse effect on the landscape but one which is not overly significant.

The LVIA undertaken on our behalf concludes that the proposed development would not have a significant effect upon the landscape fabric and that these would be localised. Whilst the proposed development would increase the influence of the turbines in the immediate vicinity of the site and the number of turbines visible resulting in a localised significant change in character, this would be in the context of a local landscape modified by human activity. As such the extent of significant effects would be very limited.

Visual Impact

The proposed development would result in localised significant and adverse effects upon views occurring over a wide area of some 2.5km radius. In particular they would be visible from more distant viewpoints within the Lake District National Park and most notably Black Coombe where views are sensitive. Our LVIA however identifies that the change in views would be limited and as a result would not prejudice the special qualities of the Lake District National Park.

Effect on Local Views

The assessment revealed that there will be direct views of all 5 turbines from Butterflowers Caravan Park, Millom RUFC, Stoup Dub, and the public right of way over the Dunes. Turbines will be significantly higher when seen from this location. As a result there will be considerable adverse effect here. Both the applicants LVIA and Copeland's LVIA considered that as they would be sited only some 680m from the viewpoint here they would be very prominent features appearing much larger than the existing turbines further west.

There will also be considerable adverse effects on viewpoints from neighbouring public rights of way network, i.e. Haws Lane. (50m from nearest turbine) Both LVIA's consider that the visual effects on the public row network has been underestimated with the turbines being evident from many routes with significant effects occurring. Also there has been no account of the effect on the Cumbria Cycleway.

There will be moderate adverse visual impact on residents in neighbouring village of Kirksanton (2.02km from nearest turbine) Both LVIA's concluded that the proposed turbines would be conspicuous new features here and the visual effects would be significant.

The applicant's LVIA also considers there will be moderate adverse visual effects on the settlements of Silecroft and Whicham. (3.75km distant to the nearest turbine)

The key issue here to consider is that although some of the effects on local and wider views are significant it is whether they are so significant to justify refusal of the application. In this respect it should be noted that our LVIA views that the development would result in localised significant and adverse effects upon views, but that these would not extend beyond 2.5km and are unlikely to adversely affect views in and out of the National Park. It goes on to conclude that the landscape and visual effects do not weigh heavily against the scheme and that it would not be fundamentally unacceptable in landscape and visual terms.

Cumulative Impact.

Both visually and in landscape terms there would be some degree of cumulative effect arising from the proposed development when viewed in the immediate vicinity against the existing wind farms II and III at Haverigg, the existing off shore wind farms to the west and southwest and more distant wind farms across the Duddon Estuary. This would affect local views significantly from the local public row network. Again the significance of this is subjective and has to be weighed in in the overall planning balance.

Residential Amenity

One of the key issues identified is potential impact on neighbouring amenity, particularly in relation to the nearest residential estate of Bank Head and the Prison accommodation blocks. However as the latter is to gain from the proposal via energy generation they can be considered as an 'associated property' and would be excluded from any potential noise /flicker/amenity impact assessment.

Apart from the residential blocks of the Prison itself, nearest residential estate to the proposed site is the former prison estate of 'Bank Head'. This is situated some 0.55km away as measured from nearest property boundary on Bank Lane.

It is accepted that the majority of residents of Bank Head will have views south west of all the proposed turbines, with those living at the southern end having the most open and direct views. Applicant's LVIA concludes that there will be **moderate to adverse visual effects** on this area on the living conditions experienced from those properties.

The LVIA commissioned by us, however concludes that the applicants LVIA has underestimated visual effects from several viewpoints. In terms of residential amenity significant visual effects are identified upon properties at Bank Head, Haverigg and Millom.

In particular paragraph 5.1.8 of CBC's LVIA recognises that a number of properties at Bank Head are within close proximity to the turbines (i.e. less than 800m away) and that 8 have clear views of the turbines at close range with a potential significant adverse effect on their residential amenity. There will also be similar effects on the isolated property at Stoup Dub to the south. Separation distance here though is not the sole determining factor. The LVIA advises further assessment to understand the effect of this issue.

In response to this request for further assessment of the impact on residential amenity the applicants submitted 'Further Environmental Information' (FEI) in October 2012.

One of the additional viewpoint locations provided in the FEI was Bank Head in response to the amenity concerns raised in CBC's LVIA. It takes the form of a supplementary assessment and looks at the sensitivity of the location and its potential to accept changes as a result of the development, the potential magnitude of change and the significance of effect of the scheme with agreed mitigation in place. It concludes that during operation the potential visual effects from within the southern area assessed as part of the original information submitted is consistent and remains as moderate to adverse visual effects. However, this is not necessarily a view with which we would concur and consider the potential visual effects here would be **overly significant** for which there is no appropriate mitigation. This is a significant factor which needs to be weighed in in the overall planning balance and a judgement has to be made as to whether the effect here on these properties is going to be so significant it adversely effects their day to day living standards normally expected in the said properties and, whether this alone is enough to override the environmental benefits of the scheme. This is explored further with a judgement reached in the conclusion.

Ecology and Ornithology

Another key issue application raises given the site's proximity to the Duddon Estuary SPA and RAMSAR site and the SSSI and which in terms of providing adequate mitigation has taken considerable time to address. Following consultation with English Nature an ALSE was produced. This concluded that there was potential for the proposal to have a significant effect alone on the interest features of the Duddon Estuary SPA/ Ramsar Site in terms of aggregations of non-breeding birds and waterfowl assemblage. However, it was found that it was unlikely to have a significant effect on natterjack toads providing all the

mitigation/enhancement measures are implemented. As a consequence an Appropriate Assessment (AA) was required to be produced to further assess the impact on non-breeding birds etc. The final version of which is expected shortly.

Hydrology

This assesses of the potential effect of the proposal on the surface water quality, flood risk, drainage and water use. The site is in flood zone 1 and therefore of minimal risk from flooding though it is recognised there may be localised surface water drainage issues as raised from local knowledge by some of the objectors. A number of mitigation measures will be implemented during construction, operation and decommissioning which will avoid and reduce potential effects and these would be incorporated into the environmental management plan. As a result no significant adverse effects of this nature are expected to occur as a result of the development. A view which is not disputed.

Ground Conditions

The EIA assesses the potential impacts of the development on ground conditions, land use and hydrogeological resources. The geology underlying the site is Sherwood Sandstone with overlying superficial deposits. Made ground associated with the former airfield may contain contamination hotspots. It is proposed that a baseline geoenvironmental assessment report, ground investigation report and unexploded Ordnance desk study will be undertaken and could be required by an appropriate condition.

Socio economic

In terms of potential employment opportunities it is recognised that the development offers the possibility of providing a source of local labour, goods and services which could benefit the local economy. The construction, operation and decommissioning element of the project is likely to generate some local economy benefits through employment expenditure and supply chain effects. Whilst specialists will be brought in from further afield many of the construction jobs for example will be suitable for local labour.

Cultural Heritage and Archaeology

The assessment concluded that there would be a slight adverse effect on scheduled ancient monuments at Great Knott and Hodbarrow Beacon and that there would be a non-significant effect on the listed buildings of Holy Trinity Church and St Georges Church in Millom. The potential for archaeological deposits on the site has been confirmed by the County's Archaeologist and a programme of archaeological recording is recommended which could be covered by condition. As a result and

with the mitigation proposed it is considered that the proposal would not adversely impact on the historic environment.

Electromagnetic Production and Interference

Whilst there may be minor issues arising from consultation with relevant bodies it is considered that adequate mitigation will be available to satisfactorily address them. Consultation responses however to the relevant bodies have indicated that such impacts are unlikely.

Aviation

This is unlikely to be an issue as no objections have been raised from the statutory consultees in this respect.

Proximity to Footpaths and Bridleways

There is some concern as detailed in the Public Rights of Way (ROW) Officer's response that wind turbine 5 would be situated quite close, at only some 50m away, to the existing public footpath at Haws Lane. As noted and discussed in detail in the ROW Officer's response there is no statutory separation distance requirement for the siting of turbines in such locations. Consider however that providing the micro siting allowance was removed for this particular turbine by condition that this would be acceptable mitigation.

Benefits

National policy requires that the wider environmental and economic benefits of renewable energy projects are given significant weight. These are identified as follows:

Renewable Energy Generation / Reduction in Carbon Footprint

The proposed development, assuming an installed capacity of 15MW, will enable the generation of an estimated 32.85 GWh of renewable electricity per year. This is estimated as being the equivalent to the amount of electricity used annually by some 7,360 average households. It equates to approximately 14,126 tonnes of carbon dioxide emissions per year which will displace/ offset the electricity provided by fossil fuels and will bring subsequent environmental benefits by reducing the carbon footprint.

It will contribute towards achieving renewable energy targets. The proposal will also support national energy policy which has an aspiration to generate 30% of the UK's electricity from renewable sources by 2020.

The development will contribute towards cutting emissions that are contributing to climate change.

Local Benefits

The scheme will help HMP Haverigg by providing a significant proportion of its electricity requirements and thus help with the cost of running the prison, with the excess being fed into the national grid.

Local Electricity Infrastructure Improvements

The scope and requirement to improve the local electricity infrastructure to accommodate the scheme will result in a local grid upgrade with Millom and area benefitting.

Conclusion

This is a complex application which requires a balanced judgement to be made between the potential identified impacts of the scheme and the likely benefits. It is therefore important to consider the following competing considerations/ outstanding issues that would not necessarily be satisfactorily addressed by proposed mitigation:

The development has potential negative impact in 4 main areas

- Residential amenity – noise, flicker, outlook, impact of transport during construction. These issues are to some extent managed through conditions which prevent unacceptable levels of noise or flicker; conditions which manage the construction process to minimise loss amenity. Visual impact is largely subjective and needs to be considered in the context of a location heavily influenced by existing development including the prison and existing wind farm.
- Impact on the landscape – appraisal by independent experts engaged by the Council concludes that whilst there is impact the landscape has the capacity to accommodate the proposed development.
- Impact on visual amenity – appraisal by the Council's consultants accepts that there will be visual impact but not any degree where harm would justify refusal to grant planning permission

- Impact on ecology – the development would impact on local ecology – but any harmful impact is now balanced through proposed works of mitigation and habitat enhancement.

There is a strongly felt local view that the proposal would have an unacceptable impact.

Whilst there is clearly scope for debate, particularly over issues of visual impact and landscape, a clear, robust case for refusal is not apparent. Even if this is not considered to be the case it remains necessary to balance any harm against possible benefits of the proposal.

A number of factors can be balanced against harm which might arise, or be perceived to arise from the development.

- There remains is strong national policy support in the NPPF for such schemes.
- National guidance is reflected in policies amended by the Inspector responsible for the examination of the Copeland Local Plan. The application needs to be appraised in the context of national policy which promotes targets for renewable energy production and which expects local development plan policy to do the same. The policies of the now adopted Copeland Local Plan 2013-2028 support this position.
- Ministerial statements on renewable energy/wind farm proposals are positive towards granting permission for such development, but did establish an approach where harm could be dismissed just because a source of renewable energy was being created. Tests of landscape character and visual impact of development were required to show that development was not acceptable at any cost, but acceptable when demonstrable appropriate to location and setting. The submission of consultants appointed by the applicants and the Council – using established local assessment tools conclude that development is acceptable in this context and the positive stance of national policy guidance is applicable.
- In terms of landscape and visual impact, one of the key issues, that whilst the proposal would result in the presence of 13 turbines in this landscape, these would be experienced as a single development, i.e. as an extension to Haverigg II and III,

with the difference in height between the two groups being apparent from some locations. As a result it is not considered that the capacity of the landscape to accommodate wind turbines would be exceeded, with the existing wind farms serving to minimise its impact.

- Policy DM2 of the Copeland Local Plan provides the tests for assessment of impact on amenity. It is considered that whilst there will inevitably be impact in terms of visual amenity, concerns over noise and flicker do not amount to issues which would be capable of being substantiated as robust reasons for refusal. Potential concerns are managed by condition. Impact on visual amenity directly relating to the nearest residential properties, as consequence of separation distances, orientation of dwellings and wider context of development in the locality do not result in such a level of harm so as to weigh against the grant of planning permission.

Taking all material considerations into account – balancing competing factors which are inherent in the proposal, it is considered that a recommendation that planning permission is granted is justified.

Recommendation:

Approve subject to a S106 covering:

- Provision of an area set aside for ornithological enhancement.
- Financial contribution CCC seeking for ROW disturbance, amount to be agreed.
- Undertaking of 'before and after' building surveys of vulnerable properties affected along the proposed transport route including along North Lane and Coombe View with compensation awarded as deemed appropriate should structural damage be found to have occurred.

And conditions governing the following:

- Approval of all the relevant plans/ documentation submitted with the application.
 - Standard condition allowing a 5 year commencement period.
 - Restricting consent to a 25 year period.
-

- Standard decommissioning conditions and the obligation to remove the concrete foundations.
 - Requirement for a Construction Method Statement and a Construction Traffic Management Plan in the interest of highway safety (and conditions regarding routing and surveying of the proposed route, control of working hours and timing of HGV deliveries)
 - Ecological mitigation measures as required by the AA.
 - Provision of an Environmental Management Plan.
 - Noise conditions including the setting of maximum decibel levels where appropriate.
 - Shadow flicker – requirement for the turbines to shut down at times when this is likely to occur.
 - Removal of micro-siting allowance for wind turbine 5 given its proximity to the public bridleway.
 - Boxing in of any culverts.
 - Archaeological recording in advance of construction.
 - Provision of Geo-environmental Assessments and Ground Investigation Reports.
-

ITEM NO: 2.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/09/2014

Application Number:	4/14/2234/OF1
Application Type:	Full : CBC
Applicant:	Sellafield Limited
Application Address:	SELLAFIELD LTD, SEASCALE
Proposal	CONSTRUCTION OF FOUR STOREY HIGH OFFICE ACCOMMODATION
Parish:	Beckermest with Thornhill
Recommendation Summary:	Approve (commence within 3 years)



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Site Location

The proposal relates to a vacant area of land part of which is used as a car park and an access road, some 4098 square metres in area, within the northwest quadrant of the licensed Sellafield Nuclear site. Situated adjacent to existing changing room facilities related to the test rig facilities (former WAGAR turbine/ diesel generator hall) that supports retrieval projects, it is bounded to the north, south and west by distributor roads.

Located within close proximity of the boundary security fence it constitutes a prominent site visible from the eastern approach road leading to Main Gate and Sellafield Station. From this viewpoint it will be seen within the context of other similar scaled buildings.

Proposal

It is proposed to erect a new 4 storey high building on the site with accompanying car park. Modular in construction the building will measure some 30m in length by 24m in width and 14.6m in height. It will comprise of three main functional areas; open plan offices and related facilities; a new 51 space car park (including 5 accessible bays) to the north west of the site; and a new access road between site and the turbine hall.

Externally the building walls will be clad in dark grey painted steel cladding to the ground floor with a lighter colour on the upper three floors. The low pitch roof will comprise light grey painted steel cladding whilst the windows will be upvc colour to match the adjacent cladding. Doors will be aluminium framed. A glazed entrance lobby feature will adorn the northern side elevation.

Access to the facility will be from within the Sellafield site via the existing adjacent distributor road.

Consultations

Beckermat with Thornhill - no comments received.

Highway Authority - no objection as it is considered the proposal does not affect the highway.

Environment Agency - no objection in principle subject to appropriate conditions covering the potential for contamination.

Natural England - no adverse comment.

Scientific Officer - initially requested additional information regarding potential for contamination. This has now been provided and a further response is awaited.

Planning Policy

National Planning Policy Framework (NPPF)

The National Planning Policy Framework, 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. In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy.

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

Copeland Local Plan 2013-2028

The Local Development Frameworks Core Strategy and Development Management Policies DPD was adopted in December 2013.

The Policies contained in the Local Plan are a material consideration in determining planning applications and should be afforded significant weight. In relation to this application the following Policies of the new document are considered relevant:

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

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

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

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

Justification

The purpose of the building is primarily as office accommodation for personnel supporting the decommissioning and retrieval programme. It is a replacement for two existing office buildings, with a combined floor area of 3064 square metres, which are now in a dilapidated state and are destined to be demolished shortly. These accommodated some 432 employees the majority of whom will require relocating into the new building, the remainder will be decanted elsewhere on the site. The proposed new office accommodation will be smaller in overall size by some 248 square metres (equating to the loss of 82 desk spaces) at 2816 square metres (internal) and accommodate a maximum of 350 staff. The existing 35 bay car park which served the old buildings will be removed and be replaced by the new one in front of the new building accommodating 51 spaces, resulting in a net increase of 16 spaces.

Whilst the majority of the 350 staff will be relocated from within the Sellafield Site there may be a number from off site. Sellafield assure that this element will amount to no more than 30 employees. These will be specialist personnel including chartered structural engineers, control engineers who will be required at the design phase and the implementation phase of the project.

Assessment

Although this is a proposed large new office building within the Sellafield Site, from the information supplied it is considered it has been satisfactorily demonstrated that it constitutes replacement accommodation for offices due to be demolished elsewhere on site. And that the staff who will be using it are necessary to support essential and specialist on site operations.

Taking this and the above case into account the proposal is considered to represent an acceptable form of nuclear related development suitable for supporting for a temporary 10 year period which accords with the relevant Copeland Local Plan 2013-2028 key policies ER1 and DM1 as well as the guidance contained in the NPPF.

Recommendation:-

Approve,

Conditions

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

Reason

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

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

Design and Access Statement, by Sellafield Ltd, ref PLC/BCC/1667, received 2 June 2014.

Letter from T Price, Managing Director, Sellafield Ltd, ref PLC/BCC/1667, dated 22

May 2014, received 2 June 2014.

Building Perspectives, Drg no 2 BE SK1 Mod A, received 2 June 2014.

Proposed Ground & First Floor Plans, Drg no. 1 BE 2865036 Mod A, scale 1:100, received 2 June 2014.

Existing and Proposed Site Layout, Drg no. 1 BE 2861539 Mod A, scale 1:500, received 2 June 2014.

Proposed Drainage, Drg no. 1 BE 2861540 Mod A, scale 1:200, received 2 June 2014.

Proposed Second & Third Floor Plans, Drg no. 1 BE 2865037, received 2 June 2014.

Proposed Elevations, Drg no. 1 BE 2865038 Mod A, scale 1:100, received 2 June 2014.

Location Plan, Drg no 1 BE 2856127 Rev A, scale 1:5000, received 2 June 2014.

Proposed Permanent 4 Storey Office Accommodation- Supplementary Information, by Sellafield Ltd, received 16 June 2014.

Contaminated Land Report, by Liz Greenaway of Morgan Sindall Arup, received 2 June 2014.

Ecology & Phase 1 Report, by Liz Greenaway of Morgan Sindall Arup, dated 7 May 2014, received 2 June 2014.

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 shall expire on 30 September 2024. At or before the expiration of this period the building shall be removed and the site restored to its former condition unless the prior written consent of the Local Planning Authority has been obtained for its retention.

Reason

The Local Planning Authority wish to be able to review the matter at the end of the limited period stated.

4. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

All previous uses

Potential contaminants associated with those uses

A conceptual model of the site indicating sources, pathways and receptors

Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To ensure the protection of controlled waters.

5. No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To ensure the protection of controlled waters.

INFORMATIVE

Advice to applicant

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-

site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution

- ☐ treated materials can be transferred between sites as part of a hub and cluster project
- ☐ some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- ☐ Position statement on the Definition of Waste: Development Industry Code of Practice and www.gov.uk/environmental-management/waste for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- ☐ Duty of Care Regulations 1991
- ☐ Hazardous Waste (England and Wales) Regulations 2005
- ☐ Environmental Permitting (England and Wales) Regulations 2010
- ☐ The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to <https://www.gov.uk/environmental-management/waste> for more information.

It will need to be ensured that no surface water contaminated silts or sediments are to be discharged to ground or during construction.

During construction where it is necessary to dewater any excavations as a result of groundwater ingress, this activity is currently exempt from abstraction licensing although this situation is expected to be reviewed in the near future. The applicant will need to consider the impact that any dewatering will have upon groundwater dependant features in the area. If a potential impact is recognised then mitigation measures will need to be put in place.

It will also need to be considered where the abstracted water will be discharged to. The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit

a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via <https://www.gov.uk/environmental-permit-how-to-apply>.

Any facilities for the storage of oils or fuels shall be provided with secondary containment that is impermeable to both the oil or fuel 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 equivalent to 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 greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipe work should be protected from accidental damage. Below ground pipe work 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.

This is a requirement of the Control of Pollution (Oil Storage) (England) Regulations 2001. More information on the minimum legal requirements is available in 'Above ground oil storage: PPG 2'.

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: 10/09/2014

Application Number:	4/14/2295/OF1
Application Type:	Full : CBC
Applicant:	Beckermest Estates Ltd
Application Address:	THE ENERGY COAST BUSINESS PARK, HAILE, EGREMONT
Proposal	PROPOSED NEW OFFICE DEVELOPMENT
Parish:	Haile
Recommendation Summary:	Site Visit



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Introduction

This proposal relates to a greenfield site, 0.24ha in area and rectangular in shape, adjacent to the entrance to the existing industrial estate at Beckermat, now known as 'The Energy Coast Business Park'. Situated on the eastern side of the estate access it is opposite existing industrial units to the west and north, and is flanked to the south and east by agricultural land.

The Proposal

This is a major application to erect a two storey office building towards the north east corner of the site. This would measure 55.929m in length by 17.150m in width with a resulting footprint of some 960 square metres. A mono-pitched building it would measure 8m to the eaves at the lowest point and some 10m at the highest.

Externally finishes would comprise Juniper Green profiled metal sheeting to the walls as used elsewhere on the estate, anthracite profiled metal sheeting to the roof interspersed with solar panels. Windows will be white upvc with entrance doors powder coated steel to match the sheeting.

Adjacent to the building would be a 60 space car park, with 6 additional visitor bays and 3 accessible ones in front of the main elevation. Vehicular access would be via the existing estate road with two access points onto the site. One of these would be at the north end for deliveries where arrangements are focussed at the northern end of the building, and the other more centrally positioned to access the car park.

It is also proposed that a 2.4m high security fence, green in colour, would be installed around the boundary of the site.

The application is accompanied by a:

- Design and Access Statement
- Initial Planning Statement
- Planning Statement.
- Intrusive Site Investigation Report
- Ecological Walkover.
- Soakaway Drainage Details.
- Fencing Details.

Supporting Case

The applicants have put forward a case to support the application. In summary their clients who will occupy the office building need to maintain a close working relationship on existing and forthcoming contracts with on-site Sellafield staff. As a result the company need to be located within a 5 mile radius of the nuclear site to be viable. They are currently operating from within the nuclear site and need to relocate within a short time span. A considerable number of other locations in the area, including existing industrial sites further north, have been considered but this is the most preferable and for their business needs.

Consultations

Whilst a number of consultation responses are still awaited the following have been received:

Haile and Wilton Parish Council – strongly object on the following grounds:

it is sited outside of the development boundary for the site

- The visual impact it will have on the village, we feel that the natural landscape needs to be preserved
- The visual impact it will have from the A595 and the national park
- There is no economic benefit to the community
- The junction onto the A595 is dangerous, and adding additional traffic will increase the risk of accidents
- The ground level is inadequate as it is on a slope and would have to be built up making it more visible
- The applicant has failed to meet planning conditions imposed for previous applications, and the parish council are concerned that this may be the case again.

Highways Agency – no objection.

Planning Policy Team – a key response which is awaited

Ward Councillor- objects on the grounds that this is an unacceptable additional blot on the Haile landscape and would constitute an over intensification on ground which is outside of the development land. It will be completely out of scale when being viewed by the residents of Haile, the A 595 as well as from the Lake District National Park

Planning Policy

National Planning Policy Framework (NPPF)

The National Planning Policy Framework, 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. In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy.

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

Copeland Local Plan 2013-2028

The Local Development Frameworks Core Strategy and Development Management Policies DPD was adopted in December 2013.

The Core Strategy and Development Management Policies DPD (the Copeland Local Plan 2013-2028) was recently adopted by the Council in December 2013. It now replaces the majority of policies in the former Copeland Local Plan 2001-2016.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications.

The following Policies of the local plan are considered relevant and carry significant weight in decision making:

Policy ST2 Spatial Development Strategy seeks to direct development to the most sustainable locations

Criterion ST2 C seeks to restrict development outside defined settlement boundaries to that which has a proven requirement for such a location.

Policy ST3 sets out the strategic development priorities for the Borough.

Policy ER6 Location of Employment, Criterion B cites that outside the key service centres and allocated sites smaller scale economic development proposals will be considered on their merits subject to further criteria being satisfied including amongst others justification for a rural location.

Policy DM10, DM11 covers design requirements and DM25 covers landscaping.

Key Issues

Although located immediately adjacent to it, nonetheless, the site is situated outside the established industrial estate's boundary on greenfield land in open countryside where there is normally a presumption against development without specific justification. The applicants however have put forward a supporting case which is summarised above to be taken into consideration. This and any other issues the application may subsequently raise will be considered in detail in the final report.

Recommendation

In view of the fact this is a major application which is likely to raise key policy issues and as well as local concerns raised by the Parish Council and Ward Councillor, Members are recommended to take the opportunity to visit the site to appraise all the material planning considerations before determining the application.

Recommendation:-

Site Visit

ITEM NO: 4.

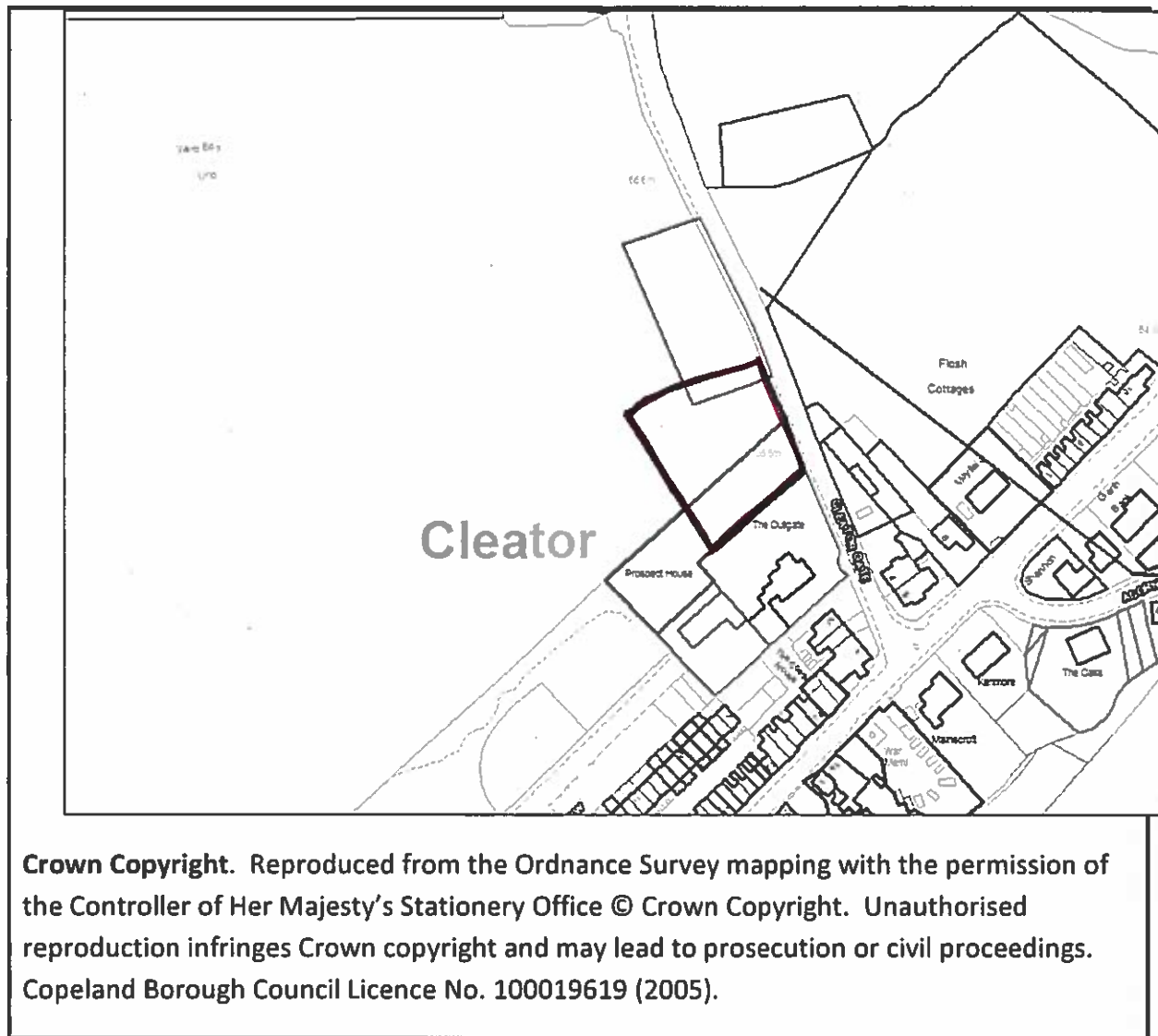


To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/09/2014

Application Number:	4/14/2327/001
Application Type:	Outline : CBC
Applicant:	Mr W Agnew
Application Address:	LAND AT CLEATOR GATE, CLEATOR
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF 6 NO. DETACHED DWELLINGS
Parish:	Cleator Moor
Recommendation Summary:	Approve in Outline (commence within 3 years)



INTRODUCTION

This application relates to a greenfield site which lies adjacent to C4024 (Cleator Gate), near to the road junction with the A5086. It adjoins the side garden boundary of a dwelling known as The Outgate, and is located centrally within the linear settlement of Cleator. The site covers 0.38 hectares and is currently in use for agricultural purposes.

PROPOSAL

Outline planning permission is sought for the erection of 6 dwellings. The application seeks to establish the principle of developing the site for residential purposes only, with all other matters relating to layout, access, scale, appearance and landscaping reserved for subsequent approval.

Although in outline form an indicative site layout plan has been submitted with the application which details a central access road into the site, but with three properties fronting onto Cleator Gate. The dwellings would be in the form of large detached properties with detached garages and substantial gardens.

CONSULTATION RESPONSES

Cleator Moor Town Council

Raise an objection to the application. Members questioned the need for more large properties in that area when there were a number of other current/approved applications for that type of property in Cleator and Cleator Moor. They were concerned about the loss of agricultural land and greenfield site. They noted that the land is not listed for development in the Local Plan and they had further safety concerns regarding the access onto Jacktrees Road.

Cumbria County Council Highways

No objections to the application subject to conditions

United Utilities

No objections to the application subject to conditions

Senior Planning Policy Officer

The Copeland Local Plan 2013-2028: Core Strategy and Development Management Policies was adopted by the Council on 5th December 2013 and is now the Development Plan for the borough and should therefore form the basis for determining planning applications.

The proposal is for housing on a greenfield piece of land outside, but adjacent to, the existing settlement boundary for Cleator. Core Strategy Policy ST2B says that "development will be located in the Borough's settlements at an appropriate scale, within defined settlement boundaries", and as such the proposal is contrary to policy.

Paragraph 3.5.15 of the Core Strategy goes on to explain that settlement boundaries may be subject to review in order to accommodate housing land identified through the Strategic Housing Land Availability Assessment (SHLAA) process that is considered to be suitable for allocation in the Site Allocations and Policies Plan, which is currently being produced. One such boundary that may be redrawn is at Cleator.

The site has been submitted through the SHLAA process as a potential land allocation. Initially it was part of a much larger site (ref. SR15) which was discounted for a number of reasons including the high landscape impact due to the scale of the site and flood risk on part of the site. In response to this the applicant resubmitted two smaller parcels of land which are more in keeping with the built form and future requirements for Cleator, including this site at Cleator Gate.

Having dealt with the main reasons for discounting the larger site it would seem that this land at Cleator Gate could be deliverable within the first five years following adoption of the Plan, due to it being well related to the existing built form and relatively unconstrained. This

does not however automatically mean that the site will be allocated in the Local Plan, and there are a number of alternative sites that are being considered for allocation in the Site Allocations and Policies Plan.

The proposal is for six large 4 bedroom properties, which will help to meet the aspiration identified in Policy SS3Aiii and Paragraph 5.4.4, and is supported by paragraph 6.13 of the Strategic Housing Market Assessment (SHMA).

It should be noted that Policy SS3Aii and Paragraph 5.4.5 of the Core Strategy require a proportion of affordable housing provision within developments of between 15% and 25%, and the SHMA identifies a need for eight affordable homes per annum in Cleator. You should ensure you are satisfied that the applicant has demonstrated why they are not proposing any affordable housing within this scheme.

Policies DM10-DM12 outline the design requirements from development.

The proposal is on a greenfield site that is outside the current settlement boundary and therefore contrary to Policy ST2B. It is, however, a site that appears to have strong potential for future allocation, although this is still to be determined. The balance at this time is to consider whether the potential benefits from the development in supporting Policy SS3Aiii, together with the site being relatively small, are sufficient to justify the approval of the application as an exception to policy and in advance of any allocation.

Other

1 letter of objection has been received from the residents of the adjoining property, whose concerns raised can be summarised as follows:-

- Adverse impacts on residential amenity including loss of privacy
- Development is on greenfield land whereas it should be prioritised on previously developed land
- It will devalue their property
- It will have an adverse visual impact on the locality
- It is near to a busy road junction

PLANNING POLICY

National Planning Policy

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.

It identifies three dimensions to sustainable development: economic, social and environmental. A social role is defined as supporting strong, vibrant and healthy

communities by providing the supply of housing required to meet the needs of the present and future generations.

In terms of housing, paragraph 47 encourages Local Planning Authorities to provide market and affordable housing to meet evidenced needs.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. It also stresses that Local Planning Authorities should be able to demonstrate a five year supply of deliverable housing sites.

Paragraph 50 requires Local Planning Authorities to deliver a wide choice of high quality homes to meet the needs and demands of the community.

As regards design, paragraph 56 attaches great importance to the design of the built environment and acknowledges that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 clarifies that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and respond to local character and reflect the identity of local surroundings and materials.

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 2013-2016

The Local Development Framework Core Strategy and Development Management Policies DPD (known as the Copeland Local Plan 2013-2028) was recently adopted by the Council in December 2013. It now replaces the majority of the policies within the former Copeland Local Plan 2001-2016 with the exception of those policies that allocate land (which are listed in Appendix 1 of the document).

The adopted Plan is consistent with the NPPF and paragraph of the NPPF makes it clear that all applications must be determined in accordance with the Development Plan.

Policy ST1 of the Core strategy sets out the fundamental principles that will achieve sustainable development. Among other things it seeks to ensure that development creates a residential offer which meets the needs and aspirations of the Boroughs housing markets and is focused on previously developed land away from greenfield sites.

Policy ST2 sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. It lists Cleator as one of the Local Centres where appropriately scaled development will be permitted to sustain services and facilities for local communities.

The settlement hierarchy in the context of the Local Plan as set out in figure 3.2 suggests that housing should be within the defined physical limits although it does acknowledge the possibility of small extensions to sites on the edge of settlements.

The Core Strategy also acknowledges that the Council will review settlement boundaries and notes the intention to consider Cleator (north side) for review, stressing that the land which may be involved is identified in the SHLAA.

Policy SS1 seeks to improve the housing offer across the Borough.

Policy SS2 seeks to achieve sustainable housing growth by focussing new housing development within accessible locations to meet the needs of the community.

Policy SS3 requires developers to demonstrate the provision of a balanced mix of housing types. It sets out that development proposals should be assessed according to how they meet identified needs and aspirations of housing need as set out in the SHMA. Cleator and the other settlements within the north of the Borough are listed as being suitable for executive and high quality family housing.

Policy SS5 promotes the provision and access to open space and green infrastructure.

Locality

The Core Strategy identifies six groups of communities as “Localities” which are identified as distinctive functional areas having their own particular issues and needs. Cleator is located within the North East locality and is identified as suitable for high end market housing.

Development Management Policies

The Development Management policies are set out to provide further detail on how the Core Strategy will be implemented. The following policies are relevant to this development:-

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

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

Policy DM12 sets out specific design standards for new residential development, including the need to retain appropriate separations distances.

Policy DM24 seeks to ensure that new development is not at unacceptable risk of flooding and appropriate mitigation measures should be provided where necessary.

Policy DM25 seeks to ensure that new development protects nature conservation, habitats and protected species.

Policy DM 26 seeks to ensure that new development proposals do not have an adverse impact on the landscape of the Borough.

POLICY SUMMARY

The Core Strategy and Development Management Policies DPD also considers the site to be outside of the existing settlement boundary, but acknowledges the need to identify additional land in a number of settlements, with some sites adjacent to the existing settlement boundary, through the Site Allocations process.

It is intended that all potential development sites will be considered through the Strategic Housing Land Availability Assessment (SHLAA) and Site Allocations process. Desktop work to produce the Draft SHLAA suggests that the site proposed here could be a deliverable site within the first five years of the new Local Plan. However, some of the other sites being considered at Cleator are within the existing settlement boundary and/or brownfield sites, which could make them sequentially preferable to the site being considered here. All of the sites should be given proper consideration in a comparative process to be fair to all members of the local community and to ensure that the best development location(s) in Cleator are found. It is expected that the preferred options document relating to SHLAA sites will be produced around December 2014/January 2015.

Whilst noting the above, there is also the recognition that proposals on some of the sites will need to be determined before allocations can be made to ensure the delivery of housing in the borough.

ASSESSMENT

This application relates to a small residential development on greenfield land outside the development boundary for Cleator and as such, this proposal raises a number of planning issues.

It should be noted that whilst the Copeland Local Plan 2001 – 2016 has been superseded by not only the National policy but also the Copeland Local Plan 2013 – 2018, the policies regarding boundaries are still relevant. Therefore until such time as the settlement boundaries are updated in the current Local Plan, Policy DEV 4 remains relevant to the determination of this application. This confirms that, whilst adjoining, the site is outside of the settlement boundary for Cleator.

As it stands the proposal remains an unallocated greenfield site outside of the settlement boundary in Policy DEV 4 of the Copeland Local Plan 2001-16 and as such would be considered as development in the open countryside under Policy SS3 of the Copeland Local Plan 2013 – 2028.

However the Core Strategy and Development Management Policies document requires additional pieces of land to be allocated to support the aspirations of the borough to 2028. Ideally deliberation over sites needed to deliver these aspirations should be secured through a Site Allocations process. Determination of this application is premature to the allocation process and while this would be a preferential way of confirming the site's status, the application has been submitted it is not considered that determination should be delayed.

It is recognised that it may be necessary to include sites outside the settlement boundaries in order to ensure that land allocations relate to development that is deliverable. At this stage sites which may be within the settlement boundary, and apparently sequentially preferable to the application site may not be deliverable within the timeframe of the emerging local plan. Government policy in promoting an agenda for growth has generally been interpreted as tipping the balance in favour of development which is deliverable, as long as it is sustainable, and avoids unacceptable harm to other material considerations, even if policy requirements cannot be met.

As the site is adjacent to the settlement boundary it could be considered against policy ST2 of the Core Strategy and Development Management Policies document, if it met the needs of the housing market's aspirations and provided all necessary infrastructure.

This allows a more flexible approach to decision making advocating a presumption in favour of granting planning permission unless there are significant adverse impacts that would outweigh the benefits or were it is not in accordance with the specific policies of the NPPF.

In this case the small scale nature of the proposed development is also taken into consideration when determining this proposal.

CONCLUSION

It is reiterated that the site remains outside the Copeland Local Plan 2001 – 2016 settlement boundary (Policy DEV 4) for Cleator and the proposed settlement boundary in the new local plan have not yet been reviewed, and that the preferred options for residential developments will not be formally identified until around the year end.

However, on balance of the above policies and the submitted details it is concluded that this proposal for a small scale residential development should be supported.

Recommendation:-

Approve in outline

Conditions

1. The layout scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.

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. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission

Or

- b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. 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 Drawing No 21340-OS2 received by the Local Planning Authority on 30 July 2014.
- Proposed Site Plan Scale 1:1000@A1 Drawing No 21340-1110 received by the Local Planning Authority on 30 July 2014.
- Proposed Detailed Site Layout Plan Scale 1:200@A1 Drawing No 21340-1111 received by the Local Planning Authority on 30 July 2014.
- Site Analysis Plan Scale 1:1000@A1 Drawing No 21340-1010 received by the Local Planning Authority on 30 July 2014.
- Design and Access Statement by Nicholson Nairn received by the Local Planning Authority on 30 July 2014.

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.

4. Prior to commencement of development, details for how foul and surface water shall be drained on a separate system shall be submitted to the local planning authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason

To ensure a satisfactory drainage system.

5. Prior to the commencement of development, a scheme for surface water and foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the planning application proposing surface water runoff discharging into the soil infiltration system. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, nor land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.

Reason

To ensure a satisfactory drainage system.

6. No development approved by this permission shall be commenced until the programmed improvements to Cleator Wastewater Treatment Works have been completed by United Utilities. No occupation of dwellings approved by this permission shall occur until December 2014 when the improvement works are complete.

Reason

To ensure a satisfactory drainage system.

7. A public sewer crosses this site and United Utilities will not permit building over it. An access strip is required at a width of 10 metres, 5 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Reason

To ensure a satisfactory drainage system.

8. The development shall not commence until visibility splays providing clear visibility of 70metres measured along the nearside channel lines of the public road from a position 2.4metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05metres, have been created. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be permitted to grow so as to obstruct the visibility splays.

The access, shown on the Plan, shall be substantially met and sufficient hardstanding provided before any building work commences, so that constructional traffic can park and turn clear of the highway.

Reason

The carrying out of building works without the provision of these facilities is likely to lead to inconvenience and danger to road users. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues.

9. The estate roads shall be designed, constructed, lit and drained to a standard suitable for adoption and in this respect full engineering details shall be submitted for approval with the first Reserved Matters Application. No work other than site clearance and site investigations shall be commenced until a full design has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All works so approved shall be constructed before the development is considered complete.

Reason

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

10. House accesses and, parking provision, commensurate with the Cumbria Parking Standards, shall be designed and constructed to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted with the Reserved Matters Applications for the sites. No building work shall be commenced until a full approval is obtained and sufficient of the access/parking facilities shall be constructed, so construction works are accommodated clear of the roads.

Reason

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

11. No dwelling shall be occupied until its access and parking facilities have been completed, these facilities shall be retained capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason

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

12. Full details of the sustainable surface water drainage system shall be submitted to the Local Planning Authority for approval prior to any development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

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

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.

List of Delegated Decisions

Selection Criteria:

From Date: 05/08/2014

To Date: 01/09/2014

Printed Date: Monday, September 01, 2014

Printed Time: 3:53 PM

Application Number	4/14/2033/0F1
Applicant	Egremont Assets
Location	VACANT FORMER DAIRY SITE, LAND OFF EAST ROAD, EGREMONT
Proposal	CONSTRUCTION OF A1 RETAIL DEVELOPMENT WITH ACCESS, CAR PARKING, SERVICING, LANDSCAPING AND ASSOCIATED WORKS
Decision	Refuse
Decision Date	13 August 2014
Dispatch Date	13 August 2014
Parish	Egremont

Application Number	4/14/2079/0F1
Applicant	Mr J Murray
Location	2 MEADOW COTTAGE, THE GREEN, MILLOM
Proposal	DEMOLITION OF EXISTING GARAGE AND ERECTION OF 2 STOREY, THREE BEDROOMED HOUSE
Decision	Refuse
Decision Date	7 August 2014
Dispatch Date	13 August 2014
Parish	Millom Without

Application Number	4/14/2092/0F1
Applicant	A-Tech Scaffolding Specialists Ltd
Location	DOVECOTE BARN, HIGH WALTON, LINETHWAITE ROAD, ST BEES
Proposal	USE OF BARN TO ALLOW THE STORAGE OF SCAFFOLDING
Decision	Refuse
Decision Date	6 August 2014
Dispatch Date	13 August 2014
Parish	St. Bees

Application Number	4/14/2142/001
Applicant	Mr F Lightfoot
Location	LAND ADJACENT TO 6 KIRKBECK DRIVE, BECKERMET
Proposal	OUTLINE APPLICATION FOR ERECTION OF CHALET BUNGALOW
Decision	Approve in Outline (commence within 3 years)
Decision Date	27 August 2014
Dispatch Date	29 August 2014
Parish	Beckermest with Thornhill

Application Number	4/14/2150/0L1
Applicant	Printpoint
Location	76-77 LOWTHER STREET, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR REPLACEMENT WINDOWS
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	15 July 2014
Dispatch Date	21 August 2014
Parish	Whitehaven

Application Number	4/14/2205/0F1
Applicant	Mr and Mrs Canfield
Location	THE COTTAGE, WOODEND, EGREMONT

Proposal	ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING AND CHANGE OF USE OF LAND ADJACENT TO THE HIGHWAY TO EXTEND DOMESTIC CURTILAGE TO FORM NEW ACCESS & TURNING AREA
Decision	Approve (commence within 3 years)
Decision Date	11 August 2014
Dispatch Date	12 August 2014
Parish	Egremont

Application Number	4/14/2207/001
Applicant	Mr B Cloudsdale
Location	LAND ADJACENT TO 3 STATION CRESCENT, BECKERMET
Proposal	OUTLINE APPLICATION FOR PROPOSED DWELLING
Decision	Approve in Outline (commence within 3 years)
Decision Date	7 August 2014
Dispatch Date	13 August 2014
Parish	Beckermest with Thornhill

Application Number	4/14/2208/0F1
Applicant	Mr M Bacon
Location	WHEATSHEAF HOTEL, 24 MARKET PLACE, EGREMONT
Proposal	INSTALLATION OF 2 NEW UPVC DOUBLE GLAZED WINDOWS AND REPLACEMENT OF 3 OLD WOODEN WINDOWS WITH 3 NEW UPVC DOUBLE GLAZED WINDOWS TO THE SIDE ELEVATION PLUS RENDERING & PAINTING OF SIDE ELEVATION
Decision	Approve (commence within 3 years)
Decision Date	7 August 2014
Dispatch Date	13 August 2014
Parish	Egremont

Application Number	4/14/2210/0F1
Applicant	Mr J Blower
Location	GOLDEN FLEECE, THE SQUARE, CALDERBRIDGE, SEASCALE
Proposal	CHANGE OF USE FROM PUBLIC HOUSE WITH LIVING ACCOMMODATION (A4) TO DWELLING (C3)
Decision	Approve (commence within 3 years)
Decision Date	14 August 2014
Dispatch Date	14 August 2014
Parish	Ponsonby

Application Number	4/14/2217/0L1
Applicant	Mr A Linton
Location	MANOR COTTAGE, 13 MAIN STREET, ST BEES
Proposal	LISTED BUILDING CONSENT TO REMOVE EXTERNAL RENDER SO THAT LEAD SOAKERS AND FLASHING CAN BE INSTALLED FOR AN ABUTTING ROOF
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	6 August 2014
Dispatch Date	13 August 2014
Parish	St. Bees

Application Number	4/14/2220/0F1
Applicant	Mr and Mrs L Mason

Location	PLOT 3, GARLIESTON MEWS, WHITEHAVEN
Proposal	ERECTION OF A DWELLING AND GARAGE
Decision	Approve (commence within 3 years)
Decision Date	19 August 2014
Dispatch Date	21 August 2014
Parish	Whitehaven

Application Number	4/14/2224/OA1
Applicant	Fraser Fries Ltd
Location	32 MAIN STREET, EGREMONT
Proposal	ADVERTISEMENT CONSENT FOR DISPLAY OF PROJECTING SIGN (RETROSPECTIVE)
Decision	Refuse Advertisement Consent
Decision Date	30 July 2014
Dispatch Date	6 August 2014
Parish	Egremont

Application Number	4/14/2225/OF1
Applicant	Mr and Mrs D Chan
Location	FELLVIEW COTTAGE, PICA
Proposal	ALTERATIONS AND EXTENSIONS INCORPORATING SMALL FAMILY ANNEX
Decision	Approve (commence within 3 years)
Decision Date	18 August 2014
Dispatch Date	21 August 2014
Parish	Distington

Application Number	4/14/2227/OF1
Applicant	Mr J L Hocking
Location	HIGHFIELD FARM, EGREMONT
Proposal	AMENDMENTS TO APPROVED ACCESS TRACK, CABLE AND ANCILLARY INFRASTRUCTURE ORIGINALLY APPROVED UNDER 4/13/2157/OF1
Decision	Approve (commence within 3 years)
Decision Date	30 July 2014
Dispatch Date	8 August 2014
Parish	St. Bees

Application Number	4/14/2228/TPO
Applicant	Mr M Barker
Location	15 BECK RISE, BECKERMET
Proposal	FELLING OF 2 SYCAMORE TREES PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION REFUSE
Decision Date	26 August 2014
Dispatch Date	26 August 2014
Parish	Beckermest with Thornhill

Application Number	4/14/2233/OF1
Applicant	Mr G Hartley
Location	27 BORROWDALE ROAD, MIREHOUSE, WHITEHAVEN
Proposal	DOUBLE STOREY AND SINGLE STOREY EXTENSIONS TO SIDE OF DWELLING AND FRONT PORCH
Decision	Approve (commence within 3 years)
Decision Date	30 July 2014
Dispatch Date	8 August 2014

Parish	Whitehaven
Application Number	4/14/2243/0F1
Applicant	Mr R Proudfoot
Location	CALABAR, PICA
Proposal	RESUBMISSION OF OUT OF DATE APPROVED PLANNING APPLICATION 4/11/2017/0F1 (REAR DINING ROOM EXTENSION, DECKED TERRACE & REPOSITIONING OF CONSERVATORY)
Decision	Approve (commence within 3 years)
Decision Date	30 July 2014
Dispatch Date	6 August 2014
Parish	Distington
Application Number	4/14/2245/0L1
Applicant	St Bees School
Location	8-9 LONSDALE TERRACE, ST BEES
Proposal	LISTED BUILDING CONSENT FOR THE PROVISION OF AN INTERCONNECTING DOOR BETWEEN NOS 8 AND 9 AS PART OF SCHOOL ACCOMMODATION
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	6 August 2014
Dispatch Date	21 August 2014
Parish	St. Bees
Application Number	4/14/2246/0F1
Applicant	Vodafone UK
Location	24 KING STREET, WHITEHAVEN
Proposal	REPLACEMENT OF SHOP FRONT
Decision	Approve (commence within 3 years)
Decision Date	13 August 2014
Dispatch Date	21 August 2014
Parish	Whitehaven
Application Number	4/14/2247/0A1
Applicant	Vodafone UK
Location	24 KING STREET, WHITEHAVEN
Proposal	NON ILLUMINATED SHOP SIGNAGE - FASCIA AND PROJECTING SIGN
Decision	Approve Advertisement Consent
Decision Date	13 August 2014
Dispatch Date	21 August 2014
Parish	Whitehaven
Application Number	4/14/2255/0F1
Applicant	Enterprise Rent-a-Car
Location	PRESTON STREET GARAGE, PRESTON STREET, WHITEHAVEN
Proposal	CHANGE OF USE TO VEHICLE HIRE WITH MODULAR BUILDING AND CANOPIED WASHBAY
Decision	Approve (commence within 3 years)
Decision Date	27 August 2014
Dispatch Date	29 August 2014
Parish	Whitehaven
Application Number	4/14/2256/0F1

Applicant	Miss A Hargreaves
Location	81 MAIN STREET, ST BEES
Proposal	AMENDMENTS TO 4/14/2071/OF1 - INTERNAL WORKS; BOILER FLUE IN ATTIC/GABLE WALL; GROUND FLOOR EXTENSION; RE-RENDER; VELUX ROOF WINDOWS; REPLACEMENT WINDOWS
Decision	Approve (commence within 3 years)
Decision Date	6 August 2014
Dispatch Date	13 August 2014
Parish	St. Bees

Application Number	4/14/2257/OL1
Applicant	Miss A Hargreaves
Location	81 MAIN STREET, ST BEES
Proposal	LISTED BUILDING CONSENT FOR AMENDMENTS TO 4/14/2072/OL1 - INTERNAL WORKS; BOILER FLUE IN ATTIC/GABLE WALL; GROUND FLOOR EXTENSION; RE-RENDER; VELUX ROOF WINDOWS; REPLACEMENT WINDOWS
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	6 August 2014
Dispatch Date	13 August 2014
Parish	St. Bees

Application Number	4/14/2258/OF1
Applicant	Mr and Mrs Winter
Location	17 LOOP ROAD SOUTH, WHITEHAVEN
Proposal	ERECTION OF A SINGLE STOREY EXTENSION TO THE REAR PLUS INTERNAL ALTERATIONS; PROPOSED RAMP TO THE SIDE & PROVISION OF A WET ROOM, BOTH DESIGNED TO IMPROVE WHEELCHAIR ACCESS INTO AND AROUND THE PROPERTY
Decision	Approve (commence within 3 years)
Decision Date	6 August 2014
Dispatch Date	13 August 2014
Parish	Whitehaven

Application Number	4/14/2259/OF1
Applicant	Ms A L Smith
Location	3 SOLWAY RISE, ST BEES
Proposal	ERECTION OF GABLE END EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	30 July 2014
Dispatch Date	8 August 2014
Parish	St. Bees

Application Number	4/14/2260/OF1
Applicant	Hawthorn Estates Cumbria Ltd
Location	OLD TOWN HALL, 60-61 DUKE STREET, WHITEHAVEN
Proposal	CHANGE OF USE TO OFFICE ACCOMMODATION AND INTERNAL WORKS TO REMOVE NON LOAD BEARING STUD PARTITIONS, NEW BOUNDARY WALL & FENCE, 3 REPLACEMENT WINDOWS, INSTALLATION OF LIFT AND EXTERNAL LIGHTING
Decision	Approve (commence within 3 years)
Decision Date	19 August 2014

Dispatch Date	21 August 2014
Parish	Whitehaven

Application Number	4/14/2261/OL1
Applicant	Hawthorn Estates Cumbria Ltd
Location	OLD TOWN HALL, 60-61 DUKE STREET, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH CHANGE OF USE TO OFFICE ACCOMMODATION AND REMOVAL OF NON LOAD BEARING PARTITION WALLS, NEW BOUNDARY WALL AND FENCE, 3 REPLACEMENT WINDOWS, INSTALLATION OF LIFT AND EXTERNAL LIGHTING
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	19 August 2014
Dispatch Date	21 August 2014
Parish	Whitehaven

Application Number	4/14/2262/OF1
Applicant	Thomas Milburn (Property) Ltd
Location	LAND AT SEACOTE PARK, ADJACENT TO 1 SOLWAY RISE, ST BEES
Proposal	ERECTION OF HV ELECTRICITY SUBSTATION
Decision	Approve (commence within 3 years)
Decision Date	13 August 2014
Dispatch Date	13 August 2014
Parish	St. Bees

Application Number	4/14/2266/OF1
Applicant	Mrs J Poultney
Location	WEST WINSCALES BARN, CARLETON, EGREMONT
Proposal	AGRICULTURAL/IMPLEMENT STORAGE SHED BUILDING TO HOUSE SMALL TRACTOR AND TOOLS
Decision	Approve (commence within 3 years)
Decision Date	13 August 2014
Dispatch Date	21 August 2014
Parish	Haile

Application Number	4/14/2267/OF1
Applicant	Mrs E Graham
Location	14 AIKBANK ROAD, WHITEHAVEN
Proposal	ERECTION OF SINGLE GARAGE TO SIDE OF PROPERTY
Decision	Approve (commence within 3 years)
Decision Date	6 August 2014
Dispatch Date	13 August 2014
Parish	Whitehaven

Application Number	4/14/2269/OF1
Applicant	Miss M Sharing
Location	UNIT 15B LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
Proposal	CHANGE OF USE FROM LIGHT INDUSTRIAL/OFFICE TO OTHER (DOG TRAINING CENTRE)
Decision	Approve (commence within 3 years)
Decision Date	6 August 2014
Dispatch Date	13 August 2014
Parish	Cleator Moor

Application Number	4/14/2270/OF1
Applicant	Home Group Ltd
Location	DEPOT NEAR MEADOW ROAD SHOPS, MIREHOUSE, WHITEHAVEN
Proposal	APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED DEMOLITION
Decision	Approve (commence within 3 years)
Decision Date	13 August 2014
Dispatch Date	13 August 2014
Parish	Whitehaven

Application Number	4/14/2271/OF1
Applicant	Darling Manor
Location	CYMS CLUB, 139 QUEEN STREET, WHITEHAVEN
Proposal	CHANGE OF USE TO USE CLASS D2 (PRIVATE PARTIES, RETAIL AND REFRESHMENTS PRIMARILY AIMED AT CHILDREN)
Decision	Approve (commence within 3 years)
Decision Date	7 August 2014
Dispatch Date	13 August 2014
Parish	Whitehaven

Application Number	4/14/2272/OF1
Applicant	Miss J Ling
Location	11 DENT ROAD, MORESBY PARKS, WHITEHAVEN
Proposal	TWO STOREY EXTENSION (FIRST FLOOR - BEDROOMS; GROUND FLOOR - LOUNGE, STORE & SHOWER ROOM) AND CHANGE OF USE OF PART FIELD TO EXTEND DOMESTIC CURTIAGE
Decision	Approve (commence within 3 years)
Decision Date	30 July 2014
Dispatch Date	8 August 2014
Parish	Moresby

Application Number	4/14/2277/TPO
Applicant	Owner/Occupier
Location	4 OXFORD CLOSE, HENSINGHAM, WHITEHAVEN
Proposal	REDUCTION OF LIME TREE IN REAR OF GARDEN PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION REFUSE
Decision Date	26 August 2014
Dispatch Date	26 August 2014
Parish	Whitehaven

Application Number	4/14/2278/OF1
Applicant	Home Group Ltd
Location	WASDALE ROAD DEPOT, MILLOM
Proposal	APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED DEMOLITION
Decision	Approve (commence within 3 years)
Decision Date	7 August 2014
Dispatch Date	13 August 2014
Parish	Millom

Application Number	4/14/2279/OF1
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Applicant	University of Manchester
Location	DALTON CUMBRIAN FACILITY, 9B WESTLAKES SCIENCE AND TECHNOLOGY PARK, MOOR ROW
Proposal	INSTALLATION OF A DOOR TO ENABLE EQUIPMENT INSTALLATION
Decision	Approve (commence within 3 years)
Decision Date	6 August 2014
Dispatch Date	13 August 2014
Parish	Egremont

Application Number	4/14/2280/TPO
Applicant	Ms M Canigiani
Location	FLEATHAM HOUSE, HIGH HOUSE ROAD, ST BEES
Proposal	WORKS TO TREES PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	26 August 2014
Dispatch Date	26 August 2014
Parish	St. Bees

Application Number	4/14/2281/OF1
Applicant	Mrs L Gaythwaite
Location	48 HIGHFIELDS, HILLCREST, WHITEHAVEN
Proposal	TWO STOREY EXTENSION TO PROVIDE GAMES ROOM WITH BEDROOM OVER, SINGLE STOREY KITCHEN DAY ROOM AND DETACHED GARAGE
Decision	Approve (commence within 3 years)
Decision Date	6 August 2014
Dispatch Date	13 August 2014
Parish	Whitehaven

Application Number	4/14/2283/OF1
Applicant	Mr P Cartmell
Location	15 EGREMONT ROAD, HENSINGHAM, WHITEHAVEN
Proposal	TWO STOREY EXTENSION TO SIDE & REAR
Decision	Approve (commence within 3 years)
Decision Date	20 August 2014
Dispatch Date	26 August 2014
Parish	Whitehaven

Application Number	4/14/2284/HPAE
Applicant	Ann Simpson
Location	15 RIBTON MOOR SIDE, HENSINGHAM, WHITEHAVEN
Proposal	PRIOR NOTIFICATION FOR REAR KITCHEN EXTENSION
Decision	Permitted Development
Decision Date	11 August 2014
Dispatch Date	12 August 2014
Parish	Whitehaven

Application Number	4/14/2286/HPAE
Applicant	Mr Jolly
Location	9 CROFTLANDS, BIGRIGG, EGREMONT
Proposal	PRIOR NOTIFICATION FOR REAR ORANGERY
Decision	Permitted Development
Decision Date	12 August 2014
Dispatch Date	12 August 2014

Parish	Egremont
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Application Number	4/14/2287/OF1
Applicant	Mr R Taylor
Location	75 BOWTHORN ROAD, CLEATOR MOOR
Proposal	EXTENSION AT FIRST FLOOR AND LOFT CONVERSION AND ASSOCIATED WORKS
Decision	Approve (commence within 3 years)
Decision Date	27 August 2014
Dispatch Date	29 August 2014
Parish	Cleator Moor

Application Number	4/14/2289/TPO
Applicant	Ennerdale Country House Hotel
Location	ENNERDALE COUNTRY HOUSE HOTEL, CLEATOR
Proposal	REDUCTION OF TWO TREES PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	13 August 2014
Dispatch Date	14 August 2014
Parish	Cleator Moor

Application Number	4/14/2290/TPO
Applicant	Mr C Wilson
Location	LINNET MOSS, RHEDA PARK, FRIZINGTON
Proposal	FELLING OF A FIR TREE PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	13 August 2014
Dispatch Date	13 August 2014
Parish	Arlecdon and Frizington

Application Number	4/14/2291/OF1
Applicant	PCL Developments (Cumbria) Ltd
Location	LAND AT TOWERSON STREET, WATH BROW, CLEATOR
Proposal	REVISIONS TO APPROVED SCHEME 4/08/2575/0 - EXTENSION OF GARDENS TO BLOCK 1 PLOTS 1, 2 & 3 AND REARRANGEMENT OF PARKING AREAS
Decision	Approve (commence within 3 years)
Decision Date	8 August 2014
Dispatch Date	13 August 2014
Parish	Cleator Moor

Application Number	4/14/2294/OF1
Applicant	Mrs A Wilson
Location	HOLLY COTTAGE, ASBY
Proposal	EXTENSION TO EXISTING DETACHED GARAGE AND INSTALLATION OF NEW ROOF
Decision	Approve (commence within 3 years)
Decision Date	21 August 2014
Dispatch Date	26 August 2014
Parish	Arlecdon and Frizington

Application Number	4/14/2297/HPAE
Applicant	Mr J and Mrs J Smith
Location	90 ESK AVENUE, CORKICKLE, WHITEHAVEN

Proposal	PRIOR NOTIFICATION FOR SINGLE STOREY REAR EXTENSION
Decision	Permitted Development
Decision Date	20 August 2014
Dispatch Date	21 August 2014
Parish	Whitehaven

Application Number	4/14/2298/HPAE
Applicant	Mr K Moorby
Location	92 MORESBY PARKS ROAD, MORESBY PARKS, WHITEHAVEN
Proposal	PRIOR NOTIFICATION FOR REAR CONSERVATORY
Decision	Permitted Development
Decision Date	20 August 2014
Dispatch Date	21 August 2014
Parish	Moresby

Application Number	4/14/2299/HPAE
Applicant	Miss V Leece
Location	25 FESTIVAL ROAD, MILLOM
Proposal	PRIOR NOTIFICATION FOR PITCHED LEAN-TO ROOF OVER EXISTING REAR OUTHOUSE
Decision	Permitted Development
Decision Date	20 August 2014
Dispatch Date	21 August 2014
Parish	Millom

Application Number	4/14/2301/OF1
Applicant	Story Homes
Location	4 HARTFIELD CLOSE, (PLOT 65 MAGELLAN PARK), WHITEHAVEN
Proposal	REPLACEMENT OF 1.8M HIGH TIMBER FENCE WITH 1.8M HIGH BRICK WALL
Decision	Approve (commence within 3 years)
Decision Date	27 August 2014
Dispatch Date	29 August 2014
Parish	Whitehaven

Application Number	4/14/2306/OF1
Applicant	Mr and Mrs J Brown
Location	107 BALMORAL ROAD, WHITEHAVEN
Proposal	TWO STOREY SIDE EXTENSION TO PROVIDE ADDITIONAL LIVING SPACE
Decision	Approve (commence within 3 years)
Decision Date	27 August 2014
Dispatch Date	29 August 2014
Parish	Whitehaven

Application Number	4/14/2308/OF1
Applicant	Mr and Mrs B Amor
Location	44 BALMORAL ROAD, WHITEHAVEN
Proposal	ERECTION OF TWO STOREY EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	27 August 2014
Dispatch Date	29 August 2014
Parish	Whitehaven

Application Number	4/14/2311/HPAE
Applicant	Mrs J Bland
Location	18 CONISTON AVENUE, SEASCALE
Proposal	PRIOR NOTIFICATION FOR SINGLE STOREY REAR GARDEN ROOM EXTENSION
Decision	Permitted Development
Decision Date	20 August 2014
Dispatch Date	21 August 2014
Parish	Seascale

Application Number	4/14/9009/0F2
Applicant	Cumbria County Council
Location	MAYFIELD SCHOOL, MORESBY ROAD, WHITEHAVEN
Proposal	SITING OF A MODULAR BUILDING AS CLASSROOM/OFFICE ACCOMMODATION
Decision	No Objection
Decision Date	29 August 2014
Dispatch Date	29 August 2014
Parish	Whitehaven