

PP 101012  
Item 6

**PLANNING PANEL- 10 OCTOBER 2012**

**AGENDA**

**SCHEDULE OF APPLICATIONS**

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**SCHEDULE OF DELEGATED DECISIONS**

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ITEM NO: 1.

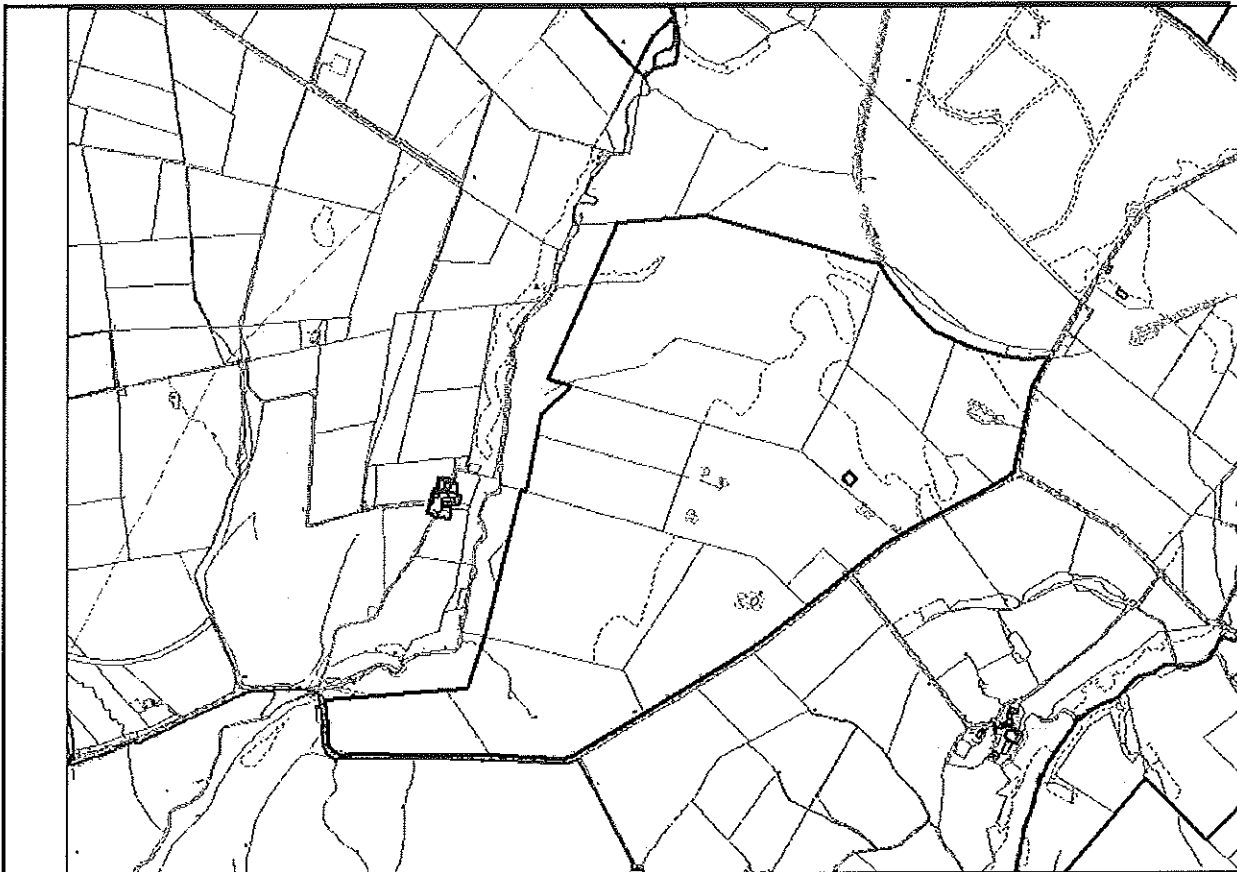


To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/10/2012

Application Number:	4/11/2485/0F1
Application Type:	Full : CBC
Applicant:	Banks Renewables (Weddicar Rigg Wind Farm) Ltd
Application Address:	LAND TO THE WEST OF STEEL BROW ROAD, (KNOWN AS WEDDICAR RIGG), ARLECDON, FRIZINGTON
Proposal	CONSTRUCTION AND OPERATION OF A WIND FARM CONSISTING OF 6 No WIND TURBINES, CONTROL BUILDING, ANEMOMETER MAST & ASSOCIATED ACCESS TRACKS FOR AN OPERATIONAL PERIOD OF 25 YEARS
Parish:	Weddicar, Moresby, Arlecdon and Frizington
Recommendation Summary:	Approve subject to S106



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## INTRODUCTION

This application was deferred at the last Planning Panel meeting for a month's cooling off period as Members were minded to refuse the proposal contrary to the Officer recommendation.

Members have previously had the benefit of a site visit which took place on 11 January 2011.

The report has been updated to include reference to representations received, including those subject of verbal update to the previous meeting. The report has also been able to take account of reference by members to national and local policy enabling further clarification of the potential influence of policy on the determination of this application.

## PROPOSAL

Planning permission is sought for the siting of six wind turbines on an elevated area of land known as WeddicarRigg which lies to the east of Moresby Parks. The turbines will be of a three bladed design with each blade having a total length of 47 metres. The blades will be supported on 68.5 metre high towers, giving each turbine a total height of 115 metres to blade tip. The turbines are to be light grey in colour and it is proposed that they are retained on the site for a maximum time period of 25 years.

Underground cabling from each turbine will run adjacent to the tracks and will connect up to an on site control building from where the energy generated will be exported to the local grid. The control building will be 3.5 metres in height and will cover a ground area of approximately 84 sq metres.

A temporary lay down area and construction compound are to be created to allow the accumulation of plant and turbine parts on the site and also provide on site office and mess facilities. This will cover an area approximately 40 metres x 70 metres and would be enclosed by a security fence. A crane pad will be constructed adjacent to each turbine to accommodate the necessary equipment to erect the tower and blades for each structure.

Access to the site will be achieved off the unclassified road which links Moresby Parks and Arlecdon. Within the site the turbines will be accessed from an internal track which will link all of the turbines. This track will cover a total area of 3 km and will have a maximum width of 5 metres. The tracks will be surfaced with crushed stone. Following construction it is proposed that the tracks will be narrowed to 3 metres in width but will be retained for maintenance purposes.

It is also proposed to erect a 70 metre high anemometer mast on the site. This will be of a slim lattice tower design.

It is proposed that each turbine will have a generating capacity of 2.0 MW. This is anticipated to have an energy output of 44.7 GW per annum which would be sufficient electricity to supply up to 9510 households per year. This has the potential to offset the emission of up to 19221 tonnes of CO<sub>2</sub> per annum, equating to up to 480525 tonnes of gas over the lifespan of the project.

The following information has been submitted with the application:-

- detailed layout and elevation plans to illustrate the turbines and their siting

- Photomontages and zones of theoretical visibility (ZTV) to illustrate the turbines in the landscape, predict the areas of visibility and also illustrate cumulative impacts with other existing wind farm sites
- a planning statement
- a design evolution and site selection statement
- a summary of the community engagement undertaken
- an environmental statement
- a landscape technical report
- a residential amenity statement
- an ecological report
- an ornithological report
- a noise report
- a cultural heritage report
- a traffic and transport report
- an aviation study
- a ground condition report
- a radio communication consultation
- a shadow flicker report
- a draft environmental plan
- a habitat management plan

The design and evolution and site selection statement illustrates how the design of the scheme has evolved to reflect the constraints of the site. The original draft proposals involved a total number of 25 turbines. Following landscape and ecological assessments and the need to provide an adequate separation distance from Moresby Parks the number has been reduced down to the current proposal of 6 turbines.

## CONSULTATION RESPONSES

### Moresby Parish Council

The Parish Council is opposed to the development for the following reasons:-

- There will be adverse visual effects but accept that loss of view is not a material planning issue. The turbines are large scale structures which will highly visible above the skyline from many locations. The movement of the turbine blades will also attract the eye and increase the visual effect beyond that apparent from a computer generated image.
- A development of this nature would have a materially harmful effect on the character and appearance of the surrounding rural landscape.
- Potential impact on the Hen Harrier by restricting its range which may affect its survival.
- The turbines will result in a significant impact when viewed from the Ennerdale Fells
- There may be noise impacts to local residents
- The route chosen to bring material to the site is not, in many ways, suitable
- The siting adjacent to the Fairfield wind farm will have a cumulative impact which will result in a change in the character of the area to an unacceptable degree and will result in an overbearing and dominant feature in a largely rural area.

#### Arlecdon and Frizington Parish Council

The Parish Council are opposed to this development for the following reasons:-

- It will damage the environment of the area and have a detrimental effect on tourism within the Western Lakes that has been identified in the Copeland Plan as an area used for tourism and leisure
- It will have a detrimental impact on wildlife, especially the bird population whose natural habitat of undeveloped land is reducing
- There will be minimum employment during the construction stages and no long term employment opportunities
- The access road is entirely inappropriate and will be unable to take the amount of traffic expected during the construction of the wind farm
- The fringes of the National Park are being unfairly overburdened with an increasing numbers of wind farm developments.

#### Weddicar Parish Council

The Parish Council are opposed to this development for the following reasons:-

- The turbines will be obtrusive and create an eyesore on the landscape
- The wind farm will have an adverse environmental impact
- There will be no jobs created during construction or when commissioned
- Wind farms are notoriously inefficient
- The photomontage views submitted by the applicants are misleading as they were taken on a cloudy day when none of the existing wind farms are visible from the sites chosen. This gives a false impression. It would also have been useful to have a scale on these photographs as it is not clear whether the turbines are drawn top scale.
- The Parish Council requests that the Planning Panel visit the site before determining the application.

#### Natural England

This proposal has the potential to impact on an important area for hen harriers. Hen harriers are listed on Annex 1 of the EC Birds Directive, Schedule 1 of the Wildlife and Countryside Act 1981(as amended) and are a species of principal importance in accordance with S41 of the Natural Environment and Rural Communities Act 2006 (NERC Act). The Council therefore has an obligation to take regard of the impact on hen harriers as a material consideration in its planning decision and a duty to maintain and enhance the population in accordance with its core function. Furthermore, in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) which is known as the Habitat Regulations, Natural England considers that the impact of the development on hen harriers should be assessed with regards to the UK breeding population Special Protection Area (SPA) network for this species from which some birds using the area in winter have been shown to originate.

Natural England accepts that this application can be reasonably concluded to have "No Likely Significant Effect" with regards to the Habitat Regulations.

Hen Harriers have been taken into account in the development of the scheme and a number of mitigatory measures have been incorporated into the planning application following detailed discussion with Natural England. Consequently Natural England does not object to the proposal subject to the Local Authority ensuring that enforceable restrictions are put into place which require the following:-

1. The provision of at least 201 ha of hen harrier foraging habitat, of which at least 60 ha should be of hen harrier roost quality. This area should be under suitable management to meet the ecological requirements of the hen harrier throughout the life of the wind farm
2. All non emergency activities associated with the running of the wind farm should be scheduled to avoid periods of high sensitivity with regards to hen harriers namely, construction activity should avoid 01 October to 15 March and routine maintenance should avoid the period from one hour before sunset to one hour after sunrise between 01 October and 15 March
3. Monitoring of the site and the identified mitigation land. A monitoring group should be formed to oversee the monitoring and management of the site and mitigation land.

Natural England advises that with these conditions the interests of the hen harrier as a S41 species and a material consideration should be safeguarded in accordance with the duties placed of the Council by the NERC act.

With specific reference to the document "Habitat Management Plan" (June 2012) Natural England notes that the developers have voluntarily offered additional measures to enhance the conservation status of hen harriers in the vicinity of the development amounting to a further 97 ha, including areas of roost quality. Natural England is highly supportive of this approach and welcomes these proposals which it considers to be additional to those necessary to simply ensure "no net loss" and will locally result in a net enhancement of conditions for hen harrier, as well as other S41 priority species. Natural England considers that the management details presented in the Habitat Management Plan (June 2012) are appropriate to meet the ecological requirements of hen harriers.

In terms of potential bird strike Natural England supports the applicant's agreement to micro site turbine 3 by 50 metres as it will further reduce the environmental impact of the development.

#### RSPB

Based on the updated material set out in the Habitat Management Plan (June 2012) the RSPB consider that the mitigation measures proposed are adequate to reduce impacts on wintering hen harriers. The RSPB also note that Natural England have accepted that this application can be reasonably concluded to have "No Significant Effect" with regards to the Habitats Regulations.

Conditions should be included on any planning permission which require the resiting of turbine T3, the protection of suitable mitigation habitat for roosting and foraging habitat for hen harriers,

additional enhancement measures which provide 97 hectares of management, the restriction of construction and routine activities to avoid the period from 01 October and 15 March, further controls of shooting management and monitoring of both the site and the identified mitigation land.

#### Cumbria County Council Ecologist

The maintenance of the Hen Harrier wintering area is supported by legislation and national policy. Any disturbance to the Hen Harrier Sensitive Area that may lead to loss of this roost complex as a whole is highly significant.

Provision of habitat compensation in the form of replacement land must ensure that the conditions required by the Hen Harrier over the whole roost complex are maintained.

Natural England should be consulted on the application.

#### Cumbria Wildlife Trust

Concerns that the habitat used by hen harriers will be put beyond their use due to disturbance by the development of turbines on this site, both alone and in combination with other wind developments and land management changes.

#### Environmental Health Officer

Predicted noise levels from the wind turbines indicate that the standards recommended in the guidance ETSU-R-97. The assessment and Rating of Noise from Wind Farms will be complied with at noise sensitive residential locations. However in order to protect residents conditions should be attached to any planning permission which control noise from the proposed development.

#### Planning Policy Team

Concern about the likely significant adverse visual impacts that this proposal would bring about. Part of the site is within an area designated as Landscape of County Importance. Policy ENV 6 of the Local Plan states that the Council will seek to protect these designated areas from inappropriate change.

The submitted documents show that the blade tips will be visible from the St Bees Heritage Coast. Policy ENV 8 states that "careful regard shall be had for views from and to the Heritage Coast when considering development proposals within the vicinity. As the turbines will lie in close proximity to the existing wind farm at Fairfield cumulative impacts also need to be carefully considered.



The Cumbria Landscape Character Assessment identifies the site as a mix of Open Moorland and Ridges character type. The landscape is described as large and open, with expansive views out to the Lakeland Fells which provide a dramatic backdrop. The Landscape Character Assessment Guidance states that the siting of large scale wind energy should be avoided in open and prominent areas where it could degrade the open and expansive character.

The land outside the designated landscape of county importance is classed as a Tourism Opportunity Site where larger tourism proposals would be considered. A wind farm in this location would have a detrimental effect on the locations viability for tourism.

#### Historic Environment Officer

The site has some archaeological potential. Aerial photographs show that prehistoric, Roman, medieval and post medieval archaeological remains relating to agricultural practices and domestic scale industries survive in the immediate vicinity of the site. Therefore an archaeological evaluation and where necessary, a scheme of archaeological recording of the site should be undertaken before development. This can be adequately covered by a condition.

#### Lake District National Park Authority

There is a case to say that the quality of views from and of the National Park would be adversely affected at some scale. However when considered in the context of our Vision for the National Park, statutory purposes, national policy context and targets relating to renewable energy generation, and when balanced against the projected long term landscape and environment benefits of a lower carbon landscape we do not wish to object to the application.

#### CPRE (Friends of the Lake District)

The turbines will be sited upon a prominent ridge, which is designated as a County Landscape. This designation recognises the inherent landscape value of this area. The submitted ZVI diagrams illustrate that the turbines will be clearly visible across the great majority of the local landscape within a 6 km radius. Between 2.4 and 6 kms the Cumbria Wind Energy SPD states that turbines will be a prominent key element of the landscape. This area encompasses a large number of settlements and consequently a large number of local people will be affected. Given the relative value of the ridge in landscape terms the visual impact of the turbines locally will be significant.

The turbines will also have an adverse impact on the Lake District National Park as they will be clearly visible from the Ennerdale Fells. The potential cumulative impact of this site and the adjoining Fairfield wind farm will be detrimental to the views from the National Park.

#### Friends of Rural Cumbria's Environment

After careful consideration of this proposal we are opposed to the scheme. The wind farm, if constructed, would result in unacceptable adverse visual and landscape impacts to a number of settlements, also to parts of the Lake District National Park and to residents, visitors and recreational users throughout the affected area.

We find the benefits of this scheme cannot be considered to outweigh the extensive negative impacts to such highly sensitive landscapes and receptors.

#### Environment Agency

The developer will need to ensure that adequate pollution control measures are put in place during the construction phase of development. It should also be ensured that any earthworks do not interrupt any shallow groundwater supplies. Therefore the proposed development will only be acceptable if the pollution prevention measures as detailed in the Environmental Statement can be secured by a condition.

The site investigation proposals associated with former coal mine working may reveal unforeseen contamination not identified in the desk study. A condition should be attached to any permission to cover this possibility.

#### Defence Infrastructure Organisation

No objections. In the interests of air safety the MOD request that the turbines are fitted with aviation lighting. All turbines should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500 ms duration at the highest practicable point.

#### Highways Officer

The detail shown on the submitted documents is acceptable.

The access route for construction vehicles and the transportation of turbine components will run from the A595 at Distington to the site and has been agreed with the Highways Authority following the consideration of 3 different routes. The majority of this route was used as the main haul route for the construction of the nearby Fairfield wind farm.

The access into the site has been designed in consultation with the Highway Authority and will provide visibility splays of 4.5 metres x 90 metres.

It is considered that any outstanding issues could be conditioned including a construction traffic management plan.

Ward Councillor

Having attended a number of local meetings at which this proposal has been discussed the overwhelming view of local people is one of opposition to the development. I wish Members of the Planning Panel to be aware of the strength of local feeling.

The most significant issue raised is one of visual impact. The site is open and widely visible from many surrounding areas including the National Park such that it would considerably alter the character of the landscape. This adverse impact would far outweigh any benefits in terms of economics or the environment.

The community is also concerned about the adverse impact on tourism, the impact on local wildlife, the inadequacy of the traffic route for construction vehicles, potential drainage issues and the precedent it would cause for other wind farm developments in the local area. .

OTHER

#### Letters of Objection

56 individual letters of objection have been received. The concerns raised are as follows:-

- Adverse landscape and visual impact which would be accentuated by the location of the turbines on a very prominent ridge
- The proximity to other wind farms will result in an adverse cumulative impact in an area which is overrun with wind energy developments already
- The turbines will have an adverse impact on the outlook and amenity of the area
- Adverse impact on residential amenity in terms of noise and shadow flicker
- Devaluation of property
- The visual representations submitted by the applicant are very misleading
- Adverse impact on the Lake District National Park
- Adverse impact on wildlife, in particular the protected bird population, bats and red squirrels. The mitigation measures in terms of habitat enhancement for birds is insufficient
- Adverse impact on walkers and recreation in an area which is open access land
- Negative impacts on tourism and the local economy
- The employment generation is minimal
- The turbines are not an efficient or effective way of generating energy, especially as they don't work when it is not windy and the energy involved in constructing the wind farm is not taken into account when considering the overall benefit
- The benefits do not outweigh the harm, especially when the Lavender test is applied in that the landscape is more important than the renewable targets
- The construction phase may result in pollution to watercourse
- The connection to the grid is uncertain

606 pro-forma letters have been received which object to the proposal. They raise concerns regarding the adverse visual impacts on the valley, impacts on the wider environment and the damaging impact on the tourist community within the western Lakes.

County Councillor Tim Knowles has also submitted a letter in opposition to the development. He has referred to the large amount of public opposition to the wind farm and he is concerned about the inaccurate claims of community support, visual impact, noise and threats to wildlife and habitat which he believes are substantial enough to require rejection. He has also raised a concern about the potential for electricity pylons to be sited in close proximity to the wind farm in the future which will add to clutter within the landscape.

#### Letters of Support

21 individual letters of support have been received. Seven of these letters are from local residents and raise the following comments:-

- The development will result in the reduced consumption of fossil fuels and the production of greenhouse gases
- The financial contributions will be beneficial to local education and employment which will benefit the local economy
- It provides an alternative to nuclear energy
- It is important for the green, clean sustainable image of West Cumbria
- The development will involve land associated by 6 family farms which will all benefit and allow the farms to remain viable and also potentially expand
- It will result in local work opportunities including apprenticeships
- It will support local wildlife via an environmental stewardship scheme.

15 individual letters have been received from local companies and organisations.

They stress the economic benefits of the proposal, in particular the boost it would give to the local construction industry. It would also provide benefits in terms of a local apprenticeship scheme which would help to provide opportunities for the training in the green energy industry. It would also enhance the clean, green sustainable image of West Cumbria and be consistent with the "Energy Coast" banner.

102 pro-forma letters have been received which support the proposal. They support the benefits of the project in terms of job and apprentice opportunities, local investment. Local community project funding, renewable energy production and work with Lakes College.

A further 26 letters of support have been submitted by both local residents and local companies following project specific meetings at Lakes College. They support the benefits that will result from the scheme in terms of job opportunities and apprenticeships, additional income for local companies and the local economy in general, generation of clean renewable energy which will reduce our reliance on fossil fuels and help to cut green house gases emissions, support for local community projects, and contribution to Britain's Energy Coast.

Regen North East Copeland have submitted a letter clarifying their position. This states that at no stage has Regen NE Copeland supported the planning application. However the partnership has had discussions with Banks Renewables regarding the potential value of support

## **PLANNING POLICY**

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

### **National Policy Statement for Energy and Infrastructure**

The National Policy Statement (NPS) sets out national policy for energy infrastructure and is likely to be a material consideration in determining planning applications. The overarching NPS (EN-1) advocates a strong commitment to harnessing renewable energy and sets out the Governments target of producing 15% of all electricity used in the UK from renewable sources by 2020.

NPS (EN -3) is specific to renewable energy and recognises that wind farms play an important role in meeting the renewable energy targets. It also stresses that modern commercial wind farms involve large structures which always have a significant landscape and visual effects from their construction and operation for a number of kilometres around a site.

## National Planning Policy Framework

The National Planning Policy Framework (NPPF), which came into effect (March 2012), sets out the Government's new 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. Considerable weight should be afforded to policies contained within the NPPF. If there is any degree of conflict between adopted local policies and the NPPF, the policies contained within the later would take precedence. Paragraph 215 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them)'.

The NPPF is ground breaking in that it revokes the majority of the current Planning Policy Statements / National Documents including PPS 22 'Renewable Energy'. Though it should be noted that the Companion Guide to PPS 22 is still in force and is relevant in so far that it advises how to evaluate renewable energy applications in order to arrive at an objective view and that landscape and visual effects should be assessed on a case by case basis.

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

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

Paragraph 14 outlines that a presumption in favour of sustainable development is at the heart of the NPPF and this should be taken as a golden thread running through both plan making and decision taking.

For decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless:-

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, or
- Specific policies in the framework indicate development should be restricted.

Paragraph 17 defines a list of 12 core land use planning principles that should underpin decision taking. Core Principle 10 of this approach 'Meeting the Challenge of Climate Change, flooding & Coastal Change' requires planning to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourages the reuse of existing resources, including the conversion of existing buildings, and encourage the use of renewable resources for example by the development of renewable energy.

Paragraph 97 encourages the increased use and supply of renewable and low carbon energy and requires all communities to recognise their responsibilities to contribute to energy generation from renewable and low carbon sources. Local Planning Authorities are required to design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

Paragraph 98 clarifies that applicants are not required to demonstrate the overall need for renewable energy and that even small scale projects can provide a valuable contribution to the cutting of green house gas emissions. It also advises Local Planning Authorities to approve planning applications if its impacts are or can be made acceptable.

Paragraph 109 relates to the conservation of the natural environment. It requires the planning system to enhance the natural and local environment by protecting and enhancing valued landscape and minimise the impacts on biodiversity. Net gains in biodiversity should be provided where possible.

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

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

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

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

#### **Cumbria and Lake District Joint Structure Plan 2001-2016**

Policy R44 relates to renewable energy proposals outside the Lake District National Park and Areas of Outstanding Natural Beauty. It states that renewable energy development should be considered favourably if:-

- there is no significant adverse effect on the landscape character, biodiversity and natural built heritage of the area
- there is no significant adverse effect on local amenity. The local economy, highways or telecommunications
- the proposal takes all practicable measures to reduce any adverse impact on landscape, environmental, nature conservation, historical and local community interests.

It goes on to state that in considering applications of planning permission in relation to the above criteria, and other policies within the Structure Plan, the environmental, economic and energy benefits of renewable energy proposals should be given significant weight.

Although Policy R44 of the Structure Plan has been saved it predates the NPPF and is at variance with the NPPF. On this basis the weight that can be attached to it is limited.

#### **Cumbria Wind Energy Supplementary Planning Document (SPD)**

The SPD which was adopted in 2008 was 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.

**Copeland Local Plan 2001-2016 (Saved Policies June 2009)**

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

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

Policy EGY 1 formerly supports renewable energy developments and sets out the criteria against which all proposals for renewable energy are to be considered. The full Policy is set out below:

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

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

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

Policy ENV 4 of the Local Plan seeks to protect landscape features and habitats. It states that development which may adversely affect habitat will only be permitted if it can be shown that the reasons for the development outweigh the need to retain the feature and that mitigation measures can be provided for which could reinstate and where possible enhance the nature conservation value of the features.

Policy ENV 5 relates specifically to protected species. It states that development which would have an adverse effect upon the conservation interest of any site supporting species protected by law and their habitats will not be permitted. It does indicate that mitigation and compensatory measures will be considered when assessing their impact.

Policy ENV 6 states that “the Council will seek to protect the areas designated as Landscapes of County Importance from inappropriate change.”

Policy ENV 8 requires careful regard is taken for views from and to the Heritage Coast when considering development proposals in the vicinity.

Policy TSM 2 recognises this area as being an opportunity site for large scale tourism development, in particular leisure and recreational use of the Ehen and Keekle valleys.

### **Emerging Local Planning Policies**

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and the Council intends to submit to the Secretary of State on 31<sup>st</sup> October for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they can only be given limited weight at the moment, the limited scale of objection to the Strategy and its consistency with up to date national policy guidance provides for increasing weight to be afforded to this set of local policy. The document is currently due to be adopted in August 2013.

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

### **Summary of Policy Context**

The NPS emphasises the importance of tackling climate change and providing renewable energy. Wind farms are acknowledged to have a significant landscape and visual effect but they are deemed to have a major role to play in meeting the renewable energy targets.

The NPPF places greater emphasis on sustainable development and sets out a favourable approach to renewable energy developments. Any adverse impacts of development have to significantly and demonstrably outweigh any benefits to justify a refusal.

The current Local Plan is out of date and in many places is not consistent with the NPPF. Therefore it carries less weight in terms of the determination of this application.

### **ASSESSMENT**

This application raises a number of issues each of which is considered in detail below:-

#### **Landscape, Visual and Cumulative Impacts**

The Council has commissioned a Landscape Consultant to review the submitted documentation and to undertake an assessment of the likely landscape and visual effects of the proposed wind farm in this location.

The consultant was critical of the methodology and some of the conclusions set out in the submitted Landscape and Visual Assessment. In this case however the Council also required an independent assessment of the landscape and visual impact of the scheme. The Council does not have to rely upon the applicant’s submissions, or any appraisal of the validity of those submissions, but can take account of its own independently sourced advice.

The report commissioned by the Council, concludes that the proposed wind farm would result in locally significant and adverse effects both upon landscape character and upon views. The effects

upon character would be concentrated in the area immediately east and south east of the site. Visual effects would be more evenly distributed around the vicinity of the site up to approximately a radius 2.5-3 km but the presence of the turbines would be more marked to the east and south east where large structures are absent.

Significant visual effects would also be experienced from more distant viewpoints in the Lake District, most notably Flat Fell, where views are more sensitive. However the change in views from these viewpoints would not be large in magnitude and would not prejudice either the statutory purposes or the special qualities of the National Park. This view is shared by the LDNPA. In coming to this conclusion the National Park Authority have assessed the proposal in terms of their statutory function, their vision for the National Park, the national planning policy context and the targets relating to renewable energy generation. They have balanced these against the benefits of the scheme in terms of landscape and environmental benefits of a lower carbon landscape.

The Cumbria Wind Energy SPD identifies the landscape capacity of the area including the proposed development site as generally being suitable for a small group of 3-5 turbines, but does not rule out larger scale development. The proposed turbines added to the existing turbines at Fairfield farm would result in 11 turbines being present. The Fairfield turbines are located on the western side of the ridge and as such are well screened from the east.

They conclude based on their site analysis and the visualisations included in the submitted documents that the presence of turbines at WeddicarRigg would not exceed the capacity of the landscape to accommodate wind turbines. The location of the turbines at the southern edge of the ridge and therefore close to the existing developed coastal belt strengthens their relationship with this area where wind turbines are commonplace. Any future additional development on the ridge would, however, be likely to exceed capacity due to the increased visibility of the turbines and their increased intrusion upon the undeveloped rural area to the east.

The effects of the proposed development must be considered in relation to the importance and quality of the receiving landscape and its surrounding context. The site does not have any statutory designation but does have a local landscape designation (Landscape of County Importance). This local level designation is not sufficient to warrant a reason for refusal and the site is identified in the Cumbria wind energy SPD as lying within an area with some capacity for wind energy development.

Localised landscape and visual effects that are significantly adverse are typical in any proposal for wind energy development. Whilst they acknowledge that there is a fine balance between acceptable and unacceptable effects their conclusion is that the proposed development at WeddicarRigg would not tip this balance towards unacceptability. However any potential future development along the

ridge to north and east of Weddica Rigg site is likely to exceed the capacity of the landscape in this area to accommodate wind turbines and therefore result in materially significant adverse effects.

### **Impacts on Residential Amenity**

The landscape consultant also considered the impact of the turbines on residential amenity as part of their assessment stating that only two properties lie within 1 km of the site. The occupiers of the nearest property have a financial involvement in the development and therefore should be afforded less protection. The impact on the other property would be reduced due to the orientation of the dwelling and the restriction of views due to the intervening topography and vegetation.

All other properties are over 1 km from the turbines and as such it is unlikely that adverse visual effects would translate into effects upon the amenity/living conditions of any property.

### **Impacts on Protected Species**

This site lies within the hen harrier bird sensitivity area as defined by the RSPB. The site is located close to an area used by wintering hen harriers and there is potential for disturbance of this species. Hen harrier numbers within Britain are small and this species are listed on Annex 1 of the EC Birds Directive which affords them a high level of protection.

Both the RSPB and Natural England initially raised concerns about this proposal. However following detailed discussions between the applicants, the Council, Natural England and the RSPB a package of mitigation and enhancement measures have been put forward. This has led to the submission of a revised Habitat Management Plan which includes the following:-

- The area of mitigation land has been increased from 116 hectares to 138 hectares
- It is now proposed to provide 96 hectares of enhancement land
- Controls will be introduced for the management of shooting on the land
- A series of land management prescriptions are proposed which will benefit a range of species in addition to hen harriers
- It is proposed to form a management committee which would include representatives from Natural England and the RSPB to oversee and review the aims and objectives of the Habitat Management plan
- The applicants have put forward a commitment to 25 years of management funded privately from the revenue of the wind farm. At present the publicly funded agricultural environmental schemes in the area are only guaranteed funding up to 2018.

These additional measures will enhance the conservation area status of the hen harriers in the vicinity of the development and amount to the provision of an additional 97 hectares of habitat. Natural England is highly supportive of this approach and welcomes these proposals which it

considers to be in excess of those necessary to simply ensure no net loss. It will result locally in a net enhancement of conditions for hen harriers as well as other priority species.

The mitigation and enhancement measures proposed can be secured by appropriately worded conditions (conditions 21, 22 and 29).

### **Noise**

The submitted documentation demonstrates that the turbines should be capable of meeting the relevant guidance set out in the ETSU-R-97 document so that noise levels should not be unacceptably intrusive. The Environmental Health Officer has confirmed that noise issues raised by the turbine can be adequately dealt with by the use of appropriately worded conditions attached to any planning permission (conditions 17 and 34).

### **Shadow Flicker**

The accompanying assessment concludes that no additional shadow flicker impacts will affect the nearest residential properties. A condition can be imposed which requires a detailed assessment to be carried out for all residential properties within the ten rotor diameter distance from a turbine (condition 30) to provide some certainty that adequate mitigation can be secured if necessary.

### **Transport and Access**

Access to the site already exists and the majority of the route was used for the construction of the nearby Fairfield wind farm without any safety issues. The Highway Authority raises no objections to the proposal and is satisfied that adequate controls can be secured by condition.

Whilst construction would increase traffic movements to the site this would only be temporary and can be controlled through a construction method statement and a traffic management plan (condition 10 and 12). The Highways Authority has also requested a dry run for transporting abnormal loads to ensure that any unforeseen impacts can be addressed before any construction commences (condition 13).

### **Aviation**

The scheme is considered to be acceptable in terms of aviation safety. The MOD has requested that appropriate aviation lighting is installed on each turbine and this can be secured by an appropriately worded condition (condition 33).

### **TV Interference**

The applicants have agreed a scheme to safeguard existing television reception quality which would be based on existing reception quality and would also require the applicants to resolve any complaints. This can be secured by the use of an appropriately worded condition (condition 32).

### **Heritage and Archaeology**

The scheme would not impinge on any known heritage assets. There are no conservation areas, ancient monuments or listed buildings likely to be affected in the vicinity. The County Councils Historic Environment Officer has recommended a condition which requires an archaeological investigation and recording programme to be undertaken before development commences (condition 28).

### **Tourism and the Local Economy**

There is no evidence to suggest that this proposal will have any significant adverse impact on the tourism or the economy of the local area.

### **Landscape Designation**

The site does not have any formal landscape designation which would restrict development. Although it has a local designation as a Landscape of County Importance the NPPF makes it clear that local designation should not be used as a reason for refusal of itself.

### **Ground Conditions**

The submitted geo-environmental study identifies that the site has previously been the subject of some minor mining and quarrying. Whilst the turbines have been sited outside these areas it is considered appropriate to undertake some site investigations which can be dealt with as a planning condition.

### **Surface and Groundwater**

The small footprint of the proposed turbines together with careful management of construction and operational works will ensure that the proposed development will have no significant effects on water course or groundwater.

The NPPF in setting out the presumption in favour of sustainable development makes it clear that any adverse impacts must be significant and demonstrably outweigh the benefits of the proposal. On this basis it is relevant to consider the benefits that would result from this proposal.

## **Benefits**

### **Renewable Energy Generation**

It is proposed that each turbine will have a generating capacity of 2.0 MW. This is anticipated to have an energy output of 44.7 GW per annum which would be sufficient electricity to supply up to 9510 households per year. This constitutes a significant quantity of electricity from a renewable source which would make an appreciable contribution towards meeting the Governments targets for renewable energy generation.

### **Section 106 Agreement/Planning obligation**

In addition to the benefits of producing renewable energy and the offset of carbon emissions the applicant has put forward a package of benefits which would be secured through a Section 106 Agreement if planning permission is granted for the proposal. These constitute a community fund, a fuel poverty scheme and an apprenticeship scheme.

Although this package of measures is beneficial they are not all considered to be necessary to make the proposal acceptable in planning terms and therefore should not be given significant weight as a reason for granting planning permission.

### **Community Fund**

This fund would be based on 1.5% of the gross electrical value generated by the wind farm each year being deposited into a designated fund. The applicant has guaranteed a minimum value of £30,000 per annum based on £2,500 for each MW of installed capacity (12 MW at 2 MW per turbine). This fund would be kept and managed by the Cumbria Community Foundation.

### **Fuel Poverty Scheme**

The applicant would donate a sum of £50,000 to create a warm zone charity in the district which would be able to access central Government funding to reduce energy costs for local residential properties.



### Apprenticeship Scheme

The applicant has agreed to donate £50,000 in funds to support the Lakes College and partners in delivering 15 apprenticeship places for residents within the district with priority given to those people who live nearest to the site. The apprenticeships will be focused on renewable developments and the funding for this scheme will be released prior to the commencement of development on the site.

### Economic Factors

The applicant estimates that contracts will be available to local companies in the order of £3.5 million as a result of the development. Direct employment on the site during the construction phase will be between 25 and 30 jobs.

### CONCLUSION

This is a complex application which requires a balanced judgement to be made between the identified impacts and the benefits of the scheme.

In reaching the decision to recommend approval of this application, officers have reviewed previous decisions elsewhere, particularly in neighbouring authorities. Whilst it will always be the case that each development should be considered on its individual merits, there is clear value in a case such as this to understand the limits and parameters which may prevent a decision which would support local views but which would run counter to national and local policy.

It is hopefully useful in this context to consider the concluding paragraphs of an Inspector's decision letter relating to a similarly scaled windfarm in South Lakeland

*"The decision in this case turns on the balanced judgement that has to be made between the benefits of renewable energy production and the adverse effects on the landscape and people in the surrounding locality.*

*The benefits of the proposal are simply stated but must not be underestimated. The most important factors are a considerable quantity of electricity from a renewable energy source. The Government has made abundantly clear the urgency of the need to address the challenge of climate change. The*

wind farm has the potential to be one of the many individual building blocks required to meet that challenge and to help secure the wider environmental, social and economic benefits that flow from the Government's sustainable development strategy.

*Of course, this does not mean that the environmental, social and other safeguards which are central to the planning system should be abandoned. In this case I have found that **the wind farm would give rise to significant adverse landscape and visual effects** within a relatively small area (up to 2km from the site). The visual impact on the occupiers of the two nearest properties would also be significant, but as the turbines would mainly be visible from outside rather than inside the dwellings, the effect would be limited. The effect on the recreational experience of users of the bridleway and local roads would depend on individual perceptions, but any loss of amenity is unlikely to be significant. Thus overall, whilst some significant adverse effects would exist, they would be quite limited in extent.*

*The NPS explicitly recognises that, of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. Wind energy can only be harnessed where wind speeds are high, which generally means exposed and/or elevated locations. In Cumbria the opportunities for such provision are severely constrained by the high proportion of land designated for its nationally important landscapes. The proposed wind farm would not materially affect such landscapes, and I give little weight to the possible threat to potential extensions. Although the low fells around the appeal site have some landscape value, they are identified in the Cumbria study as having potential for a small wind farm. I believe that the site itself has a robustness and scale which would enable it to assimilate the turbines, despite their prominence.*

*Taking all these factors into account, I conclude that the balance weighs in favour of the proposal. Setting this in the context of the development plan, I consider that the proposal accords with the 'balanced' policies most relevant to the issues in this case. I appreciate that the development would be contrary to the policies which seek to protect and enhance the character of the countryside and rights of way, but that has to be set against the significant weight to be attributed to engaging with the policies which promote renewable energy schemes. When assessed against the plans in the round, I believe there is overall compliance".*

There is an increasing body of precedent which helps to inform the Council's position and to anticipate the outcome of any appeal which would follow refusal. A decision to refuse could only be based on a view over the locally significant visual impact. Analysis of decisions by neighbouring Councils in very similar circumstances indicate that refusal on the grounds of such impact is not supported when challenged through the appeal process.

It is also worth noting that a decision to approve development which is seen to be consistent with policy, and particularly with the Cumbria Wind Energy SPD, will add weight to decisions which seek to resist future development proposals elsewhere which lack consistency with that policy document. The Council's ability to refuse planning permission for less acceptable schemes is reinforced.

The Council has sought specialist opinion over this critical aspect of the proposal. Officers concur with the view expressed by landscape consultants that although there is impact on the character of the landscape, the absence of any specific policy protection or designation and the extent of impact on the wider landscape, provides insufficient basis to justify refusal to grant planning permission. Given the conclusion provided by consultants it is unlikely that the Council could provide adequate evidence to defend and justify a decision to refuse planning permission. There is a risk that an attempt to justify refusal in the absence of such evidence will be viewed as an unreasonable approach on the Council's part with consequences in the event of an appeal against a decision to refuse planning permission.

The potential impacts on the protected hen harriers and other wildlife can be overcome by the mitigation and enhancement proposals set out in the Habitat Management Plan.

Members should be aware that any refusal of the scheme has to be based upon recognised planning issues. Given the significant benefits of the scheme as outlined above I am firmly of the view that it would be difficult to argue that the development would cause sufficient harm to warrant a refusal. If members remain minded to refuse the application then they should be explicit in their reasons for doing so at the Planning Panel meeting.

**Recommendation:-**

Approve subject to a S106 Agreement (commence within 5 years)

**Conditions**

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

Reason

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below; the details set out in the submitted application dated 30 September 2011 and in accordance with the following conditions which shall at all times take precedence :

#### **Documents**

Planning Application and Environmental Statement Dated September 2011 Volume 1 of 3

Planning Application and Environmental Statement Dated September 2011 Volume 2 of 3

Planning Application and Environmental Statement Dated September 2011 Volume 3 of 3

Weddicar Rigg Wind Farm – Habitat Management Plan – Dated June 2012

#### **Drawings**

Planning Application Drawing 01	Location Plan
Planning Application Drawing 02	Application Boundary and Existing Features
Planning Application Drawing 03	Site layout
Planning Application Drawing 04	Indicative Site Compound
Planning Application Drawing 05	Details of a Typical Wind Monitoring Mast
Planning Application Drawing 06	Structure of a Typical Wind Turbine
Planning Application Drawing 07	Detail of Indicative Turbine Foundation and Crane Pad
Planning Application Drawing 08	Site Access
Planning Application Drawing 09	Site Tracks Indicative Cross Sections
Planning Application Drawing 10	Indicative details of Sub Station.

#### **Reason**

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

3. The generation of electricity from the development shall cease no later than 25 years after the first generation of electricity from the development to the electricity grid (excluding generation to the grid required for testing during commissioning of the consented wind farm), after which time the site shall be restored in accordance with the approved Decommissioning and Site Restoration Scheme.

Reason

To ensure that, on decommissioning, the site is reinstated in order to protect the environment

4. The wind farm operator shall, within one month of the first generation of electricity from the development to the electricity grid (excluding generation to the grid required for testing during commissioning of the consented wind farm), notify the Local Planning Authority in writing of the date on which the first commercial generation of electricity occurred.

Reason

To ensure that, on decommissioning, the site is reinstated in order to protect the environment

5. No later than 3 years before the expiry of the planning permission hereby granted, a Decommissioning and Site Restoration Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the methods and measures and timetable to secure the removal of the turbines, the turbine bases to one metre below ground level and all other elements of the development and related restoration site measures. The scheme shall be implemented as approved.

Reason

To ensure that, on decommissioning, the site is reinstated in order to protect the environment and to accord with the Development Plan Policy.

6. If any wind turbine fails to produce electricity to the grid for a continuous period of 6 months, the wind turbine, the wind turbine base to one metre below ground level, and its associated ancillary equipment shall be removed from the site within a period of 3 months from the end of that 6 month period unless otherwise agreed in writing by the Local Planning Authority and in accordance with a scheme to be submitted in writing to and approved by the Local Planning Authority. The scheme, which will be implemented as approved, shall be submitted for the approval of a Local Planning Authority immediately following the expiry of the 6 month period provided in this condition and shall include site restoration measures.

Reason

To ensure that, on decommissioning, the site is reinstated in order to protect the environment, to accord with Development Plan Policy.

7. Notwithstanding details hereby approved, the wind turbines and their associated access tracks and transformers shall be sited within 25m (50m in the case of turbine T3) of the positions indicated on Planning Application Drawing 03 entitled 'site layout plan' in accordance with a final scheme of siting to be first submitted to and approved in writing by the Local Planning Authority. The final scheme of siting will be considered by the Local Planning Authority in conjunction with consultees including Natural England and the RSPB.

Reason

To provide scope for micro siting whilst ensuring the development does not differ materially from the submitted proposal.

8. No development shall take place until details of the design and external appearance of the wind monitoring mast and the blade configuration, direction of rotation, colour and surface finishes of the wind turbines, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Notwithstanding the details to be submitted, the overall height (AGL) of the wind monitoring mast shall not exceed 70 metres and the wind turbines shall not exceed 115 metres to the tip of the blades when in the vertical position.

Reason

To ensure the external appearance and the operation of the wind turbines are acceptable, in the interests of the visual amenities of the locality.

9. The maximum height of the turbines hereby permitted shall not exceed 115 metres above ground level when a blade is in the vertical position.

Reason

To ensure the external appearance and the operation of the wind turbines are acceptable, in the interests of the visual amenities of the locality.

10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Statement, unless otherwise agreed in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:
- a. Details of the programme and phasing of construction works, and the construction and surface treatment of all hard surfaces and tracks including passing spaces (such surfaces shall thereafter be retained)
  - b. Details of the proposed temporary site compounds for storage of materials and machinery (including areas designated for car parking)
  - c. Siting and details of wheel washing facilities
  - d. Details of the phasing of works and methods of working for cable trenches and foundation works
  - e. Details of the phasing of works and construction of the substation/control buildings and anemometry mast
  - f. Dust management
  - g. Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of materials on the highway
  - h. Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal

- i. A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development
- j. Disposal of surplus materials
- k. Post construction restoration/reinstatement of the temporary working areas, including seed mixture
- l. The external appearance and materials to be used in the site substation
- m. Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise)
- n. Any temporary site illumination.
- o. The external treatment of the sub-station building and compound, fencing of these facilities, its access from the public highway and its landscaping, including a timetable for implementation.
- p. Post construction / decommissioning restoration of the land within the disturbed former working areas, including seed mixture.

*Reason*

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

11. The temporary site construction compound as depicted on Planning Application Drawing 03 "Site Layout" will be removed and the ground reinstated in accordance with detailed agreed in advance with the Local Planning Authority within 3 months of the completion of construction of the wind turbines hereby permitted.

*Reason*

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

12. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include but not be restricted to detailing the following;



- Site information
- Programming
- Traffic disruption, speed control, road works co-ordination
- Temporary widening, running surfaces, narrow lanes, visibility
- All statutory utility services that may need protecting or diverting
- Temporary safety barriers and safety zones
- Routes for emergency vehicles, diverted vehicles, diverted pedestrians
- Abnormal Load Movements
- Vehicle recovery and incident management
- Temporary Traffic Regulation Order's, signing, lighting, vehicle waiting areas
- Detailed layout of the Traffic Management scheme
- Consultation
- Operational hours

Throughout the construction phase, the Construction Traffic Management Plan shall be implemented in accordance with the approved details, and any changes to the plan shall only be permitted by prior written consent from the Local Planning Authority.

#### Reason

In the interests of highway safety and free flow of traffic on the Highway Network. To support Local Transport Plan Policies LD7,LD8.

13. Notwithstanding details hereby approved, prior to commencement of the development, a 'dry run' for transporting the abnormal loads to the site shall be carried out ensuring that the load accurately represents the maximum width, length and height of the turbine components. The Local Planning Authority shall be informed in writing of timing of the dry run a minimum of 2 weeks prior to its operation. A written statement of the findings of the dry run shall be submitted in writing to the Local Planning Authority prior to any commencement of development on site.

#### Reason

In order to address any unforeseen impacts of transporting the Abnormal Loads to site. To support Local Transport Plan Policies LD7 and LD8.

14. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the local planning authority in consultation with the Highway Authority.

Reason

In the interests of road safety. To support Local Transport Plan Policies LD5, LD7 and LD8.

15. Notwithstanding details hereby approved and prior to commencement of the development on site, details of measures to be employed to prevent the egress of mud, water and other detritus onto the highway and details of the measures to be employed to remove any such substance from the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason

In order to ensure site debris does not affect highway safety. To support Local Transport Plan Policies LD7 and LD8.

16. No development shall take place until details of measures to be taken to protect public rights of way within the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented and maintained.

Reason

In order to protect the public rights of way network and users of it, in the interests of highway safety.

17. The hours of onsite work during the construction and decommissioning phases of the development and any lorry or heavy transport movements to or from the site associated with the construction of the development shall be limited to 0700 to 1900 hours on Mondays to Fridays and 0800 to 1400 hours on Saturdays other than as allowed for elsewhere in this permission. No work shall take place outside these days and hours. (For the avoidance of doubt no onsite work shall take place at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority).

Reason

In order to protect the amenities of the occupiers of nearby property.

18. Notwithstanding the provisions of condition 14 above, delivery of turbine and crane components may take place outside the hours specified subject to not less than 24 hours written prior notice of such traffic movements being given to the Local Planning Authority.

Reason

To enable turbine and crane components to be delivered at times appropriate to minimise impacts on the local and strategic highway networks, in the interests of highway safety and the free flow of traffic.

19. Site clearance and construction must not begin between 31st August and 31st March.

Reason

To conserve protected species and their habitats

20. Construction work carried out between 31st August and 31st March must be restricted to between 1 hour after sunrise and 90 minutes before sunset. There should be no external works undertaken beyond these times. Lighting of the working areas outside working hours should be switched off.

Reason

To conserve protected species and their habitats

21. Site clearance and the preparation of working areas should be timed such that as many young ground nesting birds as possible have fledged and are independent of nest sites. In the event that site clearance need to start between 1<sup>st</sup> April and 1st July, such works will be agreed in advance with the local planning authority in consultation with Natural England.

Reason

To conserve protected species and their habitats

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

Reason

To conserve protected species and their habitats

23. Prior to the site compound being constructed on site, a plan to a scale of 1:500 shall be submitted to the Local Planning Authority showing its location and layout,

indicating the location of the buildings, car parking, and boundary fencing. Thereafter any temporary site compound at the site shall be constructed in accordance with the approved plans. Unless otherwise agreed in writing with the Local Planning Authority, the compound and all associated features shall be removed from the site and the land reinstated to its former profile and condition no later than 9 months after the date when electricity is first exported from the wind turbines to the electricity grid network as notified to the local planning authority in accordance with condition 4.

Reason

In order to adequately control the appearance of the development and its impact on the character and appearance of the surrounding environment

24. The control building and its associated compound shall be constructed in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the siting, dimensions, appearance and external finishes of the building, any fencing and the surface material of the compound area. The development shall be carried out in accordance with the approved details.

Reason

In order to adequately control the appearance of the development.

25. All electrical cabling between the individual turbines and the on-site control building shall be located underground in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Thereafter the excavated ground shall be reinstated to its former condition within 6 months of the commissioning of the wind turbines to the satisfaction of the Local Planning Authority

Reason

In order to limit the impact of the development on the character and appearance of the surrounding landscape

26. Prior to the erection of any turbine hereby approved, details of a scheme for the detection of blade icing and mitigation of its impacts shall be submitted to and approved in writing by the Local Planning Authority. The procedures, measures and use of equipment set out in the approved scheme shall be operated at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason

In order to take into account the position of the turbines in respect to the public rights of way and the operation of surrounding land and the need to maintain public safety in accordance with the guidance contained within PPS22.

27. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment.

28. Save as may be agreed in writing with the Local Planning Authority no development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The written scheme to include the following elements :

- an archaeological evaluation;

- an archaeological recording programme the scope of which will be dependant upon the results of the evaluation and;
- Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, completion of an archive report, and publication of the results in a suitable journal.

Reason

In order to protect and/or record any unforeseen features of archaeological interest uncovered during the carrying out of the works

29. The proposed development will be undertaken in full accordance with the Weddicar Rigg Wind Farm Habitat Management Plan – Dated June 2012 or such other Habitat Management Plan as may have been agreed in writing in advance with the Local Planning Authority. One month prior to the commencement of the development hereby approved the operator shall notify the Local Planning Authority and Natural England of the implementation of the provisions of the approved Habitat Management Plan. Thereafter, the content of the Management Plan will be implemented for the duration of the consented wind farm development.

Reason

To protect and enhance the habitats of protected species.

30. Generation of electricity from the development to the electricity grid shall not commence until a scheme for the avoidance of any shadow flicker effect for dwellings within 10 rotor diameters of any turbine in the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved.

Reason

In order to protect residential amenity.

31. The blades of the wind turbines hereby permitted shall at all times rotate in the same direction.

Reason

In the interests of visual amenity.

32. No development shall take place until a scheme designed to safeguard existing television reception quality arising from the operation of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall, in particular, provide for a base line survey of residential properties that might be affected, and a protocol for dealing with any complaints arising from the operation of any of the wind turbines made within 12 months of the first generation of electricity to the electricity grid and for the identification and implementation of necessary mitigation measures, or remedial action, to be undertaken in accordance with details and a timetable previously submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the living conditions of occupiers of nearby property.

33. Prior to the construction of the turbines on the site a scheme which illustrates the aviation lighting that is to be fitted to each individual turbine shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be fitted to each turbine prior to its first operation and shall be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and in the interests of aviation safety.

34. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in the tables attached to these conditions and:



1. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority
2. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Council to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out the conditions described in Guidance Note 2(b) and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component. The wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).
3. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Local Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The representative background noise environment and proposed noise limits shall be submitted for approval in writing by the Local Planning Authority. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.
4. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in

the Tables attached to these conditions or approved by the Local Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

5. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
6. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.
7. The wind farm operator shall continuously log power production and nacelle orientation at each wind turbine and rainfall, wind speed and wind direction at the permanent meteorological mast all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 12 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

**Note:** For the purposes of this condition, a "dwelling" is a building within Use Class C3 and C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent

**Table 1 - Between 07:00 and 23:00 - Noise level dB  $L_{A90, 10\text{-minute}}$**

Location	Wind speed measured at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Moresby Parks	36	35	35	35	35	35	37	39	41	44	47	50
Sandsclose	45	45	45	45	45	45	45	45	45	45	46	46
Croft End Farm	35	35	35	35	35	35	35	37	39	41	43	45
Acrewalls	45	45	45	45	45	45	45	45	45	46	49	52
Routon Syke	35	35	35	35	35	35	36	39	42	46	51	54
Crofts	35	35	35	35	35	35	35	37	39	41	44	46
Low Tutehill	35	35	35	35	35	35	35	36	38	41	43	47

**Table 2 - Between 23:00 and 07:00 - Noise level dB  $L_{A90, 10\text{-minute}}$**

Location	Wind speed measured at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Moresby Parks	43	43	43	43	43	43	43	43	43	43	43	45
Sandsclose	45	45	45	45	45	45	45	45	45	45	45	45
Croft End Farm	43	43	43	43	43	43	43	43	43	43	43	43
Acrewalls	45	45	45	45	45	45	45	45	45	45	49	52
Routon Syke	43	43	43	43	43	43	43	43	43	46	49	51
Crofts	43	43	43	43	43	43	43	43	43	43	43	44
Low Tutehill	43	43	43	43	43	43	43	43	43	43	43	43

**Table 3: Coordinate locations of the properties listed in Tables 1 and 2.**

Property	Easting	Northing
Moresby Parks	300069	519348
Sandsclose	301190	519127
Croft End Farm	301921	517925
Acrewalls	302522	518524
Routon Syke	303263	519072
Crofts	303638	520004
Low Tutehill	302976	520690

Note to Table 3: The geographical coordinates references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

#### Reason

For the avoidance of doubt and to protect the amenities of the occupiers of nearby residential properties.

## INFORMATIVE 1

### Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

#### Note 1

- Values of the  $L_{A90,10\text{-minute}}$  noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK

adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

- The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- The  $L_{A90,10\text{-minute}}$  measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and with operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log rainfall data and wind speed at 10m height in metres per second in each successive 10-minute periods. The wind farm operator shall continuously log arithmetic mean nacelle orientation and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the site. The 10 metre height wind speed data shall be correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.
- Data provided to the Local Planning Authority in accordance with paragraphs (B), (E), (F), and (G) of the noise condition shall be provided in comma separated values in electronic format.
- A data logging tipping bucket rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10 minute periods in accordance with the protocol detailed in Note 1(d).

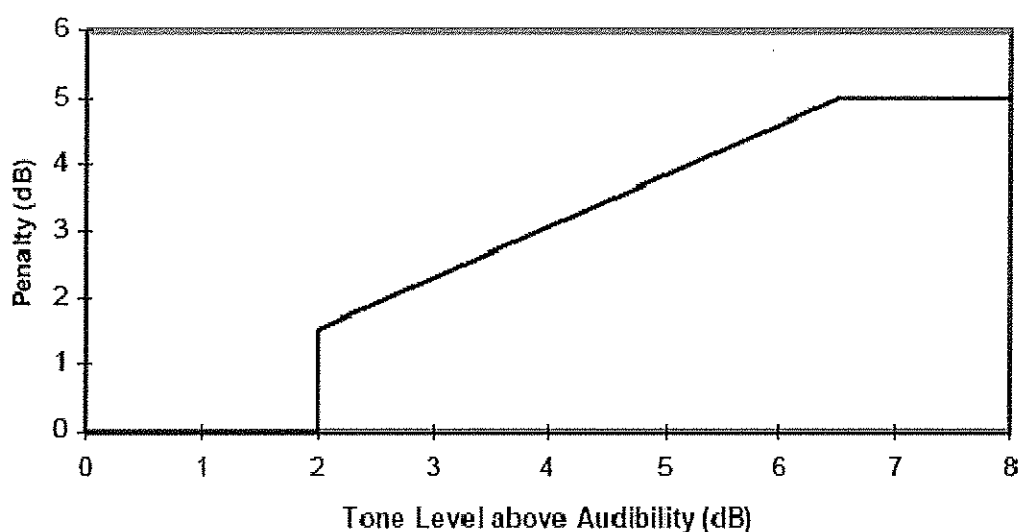
## Note 2

- i. The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- ii. Valid data points are those measured during the conditions specified by the Local Planning Authority in its written request under paragraph (B) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f). These specified conditions shall include the range of wind speeds, wind directions, times of day and meteorological conditions and power generation. In specifying such conditions the local planning authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- iii. Values of the  $L_{A90,10\text{-minute}}$  noise measurements and corresponding values of the 10-minute wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

## Note 3

- (a) Where, in the opinion of the Local Planning Authority as advised to the wind farm operator in its written request under paragraph (B) of the noise conditions, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which  $L_{A90,10\text{-minute}}$  data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within  $\pm 0.5\text{m/s}$  of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



#### Note 4

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written request under paragraph (B) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (C) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

1. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise ( $L_3$ ) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (B) of the noise condition.
2. The wind farm noise ( $L_1$ ) at this speed shall then be calculated as follows where  $L_2$  is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log [10^{L_2/10} - 10^{L_3/10}]$$

3. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise  $L_1$  at that integer wind speed.
4. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then the development fails to comply with the conditions.

## INFORMATIVE 2

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.



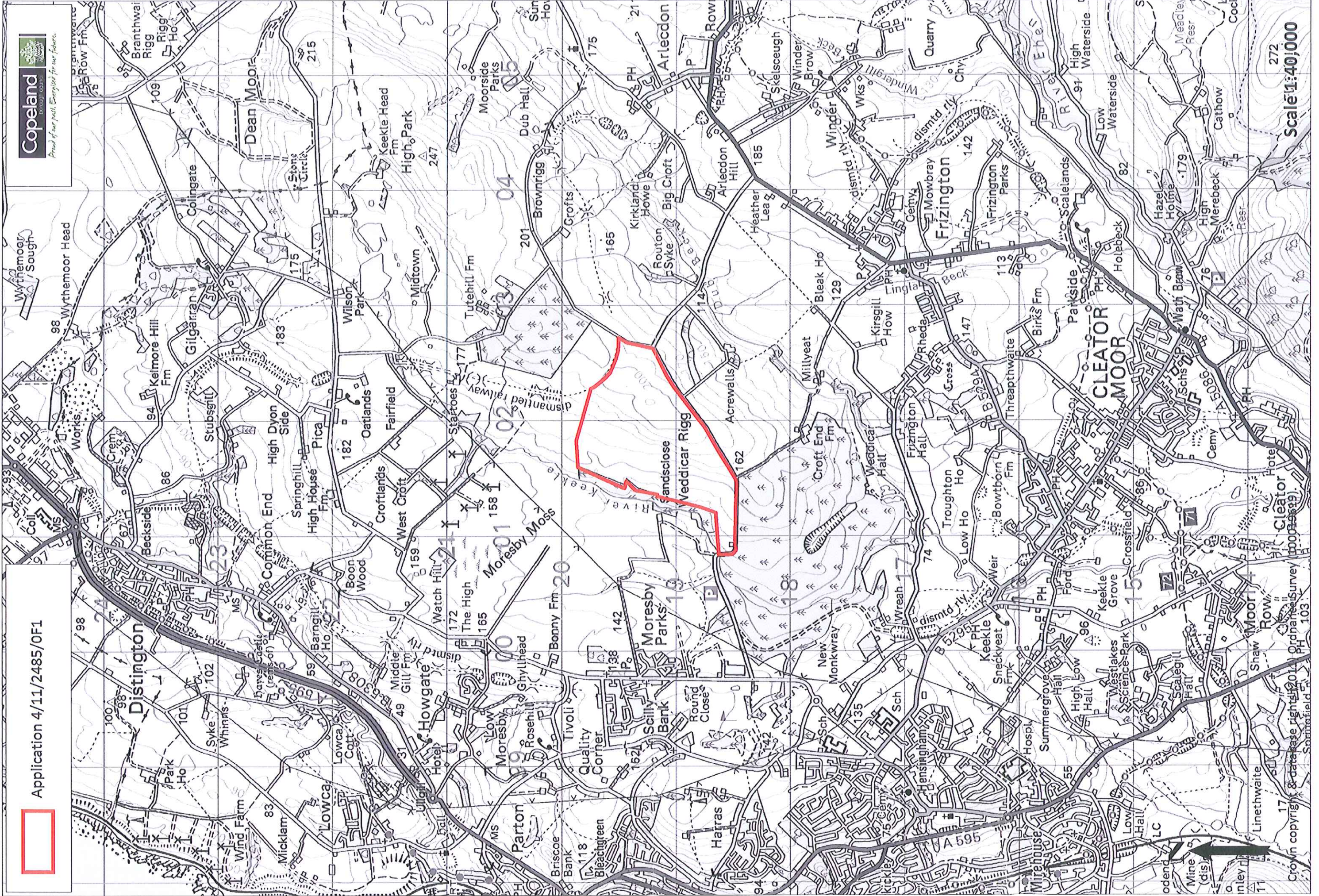
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)  
<<http://www.groundstability.com/>>

### **Reason for Decision**

The benefits of the proposed wind farm are considered to outweigh the adverse impacts on the landscape character and views which will be limited to the immediate vicinity. The proposed mitigation and enhancement measures proposed will ensure that this development will not adversely impact on the protected species within the locality. On this basis the proposal is considered to be in accordance with Policies EGY 1, EGY 2, ENV 4 and ENV 5 of the adopted Copeland Local Plan 2001-2016, Policy ER2 and Policy DM 2 of the Core Strategy and Development Management Policies DPD (May 2012) and the provisions of the National Planning Policy Framework (March 2012).

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## **BACKGROUND PAPERS**

1. Application dated 06 October 2011 accompanied by the following documents –

### **Documents**

Planning Application and Environmental Statement Dated September 2011 Volume 1  
Planning Application and Environmental Statement Dated September 2011 Volume 2  
Planning Application and Environmental Statement Dated September 2011 Volume 3

Weddicar Rigg Wind Farm – Habitat Management Plan – Dated June 2012

### **Drawings**

Planning Application Drawing 01 - Location Plan  
Planning Application Drawing 02 - Application Boundary and Existing Features  
Planning Application Drawing 03 - Site layout  
Planning Application Drawing 04 - Indicative Site Compound  
Planning Application Drawing 05 - Details of a Typical Wind Monitoring Mast  
Planning Application Drawing 06 - Structure of a Typical Wind Turbine  
Planning Application Drawing 07 - Detail of Indicative Turbine Foundation and Crane Pad  
Planning Application Drawing 08 - Site Access  
Planning Application Drawing 09 - Site Tracks Indicative Cross Sections  
Planning Application Drawing 10 - Indicative details of Sub Station.

2. Responses from statutory consultees as follows:

Natural England dated 20 July 2012

Environmental Health Officer dated 22 May 2012

Spatial Planning team, Cumbria County Council dated 20 January 2012

Ecologist, Cumbria County Council dated 01 May 2012

Highways Officer, Cumbria County Council dated 08 November 2011

Historic Environment Officer, Cumbria County Council dated 25 October 2011

Planning Policy Team dated 30 January 2012

Lake District National Park Authority dated 25 November 2011

Environment Agency dated 15 November 2011

Defence Infrastructure Organisation dated 7 November 2011

Moresby Parish Council dated 05 January 2012

Arlecdon and Frizington Parish Council dated 25 November 2011

Weddicar Parish Council dated 20 October 2011

3. Responses from non statutory consultees as follows:  
RSPB dated 23 November 2011 and 24 July 2012  
Friends of the Lake District dated 05 December 2011  
FORCE dated 22 November 2011  
Cumbria Wildlife Trust dated 24 November 2011
4. 606 Standard pro-forma objections contained in Planning Office file reference 4/11/2485/OF1
5. 56 other individual objections letters contained in Planning Office file reference 4/11/2485/OF1
6. 102 Standard pro-forma support letters contained in Planning Office file reference 4/11/2485/OF1
7. 21 letter of support by individuals contained in Planning Office file reference 4/11/2485/OF1
8. 15 letters of support from local companies contained in Planning Office file reference 4/11/2485/OF1
9. 26 letters of support by local residents and local companies following project meetings at Lakes College
10. A letter of objection from Ward Councillor Graham Sutherland dated 2 September 2012
11. A letter from County Councillor Tim Knowles dated 9 August 2012
12. Appraisal of Landscape and Visual and Visual Effects by Axis dated January 2012

ITEM NO: 2



To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/10/2012

Application Number:	4/12/2407/OF1
Application Type:	Full : CBC
Applicant:	NDA Properties Ltd
Application Address:	LAND TO NORTH & SOUTH OF ALBION STREET, WHITEHAVEN
Proposal	NEW OFFICE ACCOMMODATION OF 3 & 4 STOREYS WITH ASSOCIATED ACCESS WORKS, DISABLED PARKING PROVISION, LANDSCAPING & SERVICING
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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## INTRODUCTION

This application relates to two areas of land which front onto Swing Pump Lane and are separated by Albion Street. The two sites lie within the Conservation Area and are designated in the adopted Copeland Local Plan as a Development Opportunity Site.

A planning application for the redevelopment of the site to provide office accommodation was granted permission in 2010 under reference 4/10/2130/0F1. Although this permission is still live it can only be implemented by the Council who were the applicants at that time.

A subsequent application for Conservation Area Consent was granted for the demolition of the majority of the buildings on the site in 2012 under reference 4/12/2067/0C1. These works are currently underway. The only buildings which are to be retained following the demolition works are

the existing public house which lies adjacent to the junction of Albion Street and Swing Pump Lane and a tall historic chimney which fronts onto Rosemary Lane.

Members deferred this application at the last meeting to enable them to visit the site. The site visit is scheduled to take place on 10<sup>th</sup> October 2012.

## PROPOSAL

This application seeks planning permission for the erection of two new buildings on the site to provide office accommodation. The buildings are to extend up to a maximum height of four storeys and will cover a floor area of approximately 9900 square metres. They have been designed to accommodate up to 1000 employees who are to be relocated from the Sellafield site.

The original concept and integrity of the scheme which was approved in 2010 have been maintained and the primary design principles have been retained and developed. The buildings have been designed with a gabled frontage onto Swing Pump Lane. The gables are to be wrapped in zinc cladding with glazed infills. They will sit on a brickwork base which is to be perforated with sections of glazing.

The two buildings will face each other across a landscaped plaza which will straddle across Albion Street to form a square. A raised section of road will be constructed in the highway to provide a level surface which will link into the open space to provide a clear link between the two buildings. This will also act as a traffic calming measure to lower vehicle speeds as they move down the hill from Rosemary Lane onto Albion Street. It is anticipated that this shared surface will be block paved to distinguish it from the main highway.

The proposed open spaces in front of each building entrance will be a combination of hard and soft landscaping. The soft landscaping has been designed to provide a link to the wooded hillside which lies to the rear of the site.

The building is designed to be of the highest standards of sustainability and energy efficiency and to establish an example for other developments to follow. Natural lighting is maximised and building materials chosen to have a high thermal performance. It is also proposed to install photovoltaic panels on sections of the southern facing roof slopes, solar thermal panels and air source heat pumps. These measures will aid the offset of carbon and will also provide a reduction in energy

consumption. The overall aim is to achieve an excellent rating under the BRE Environmental and Sustainability standard.

A total of 300 parking spaces are to be allocated in the adjoining multi storey car park to serve the development using a leasing agreement with the owner of the car park. This car park is currently deemed to be underutilised and has sufficient additional capacity to accommodate this development.

The main entrance points into both buildings will be off the new square on Albion Street and the buildings have been designed to be DDA compliant to accommodate all users.

A total of six disabled car parking spaces are to be located in the shared space in front of the north building.

It is envisaged that the existing mini roundabout at the Swing Pump Lane/Irish Street junction will be replaced by a signalled traffic junction. This, together with potential public realm enhancements surrounding the junction are to be funded through the Sellafield Security and Enhancement project and form part of an overall plan to secure potential enhancements to the streetscape and traffic movement in Whitehaven which has been devised by Cumbria County Council.

It is planned to lower the wall and introduce railings along the western and southern boundaries of the northern part of the site to improve visibility on the bend where Albion Street meets Rosemary Lane.

The applicants have also offered to provide Cumbria County Council with funds to introduce a suitable Traffic Regulation Order to extend the car parking restrictions already in place along both sides of Rosemary Lane to include the east end of Harbour View and the northern end of High Road.

The applicants have also outlined their commitment to produce a travel plan to enhance sustainable travel choices for users of the building. A covered store is to be provided in front of the north building to provide which would provide secure storage for 86 cycles. Ultimately this will have the benefit of reducing the use of private vehicles in the long term. This is potentially a consideration in the wider Sellafield Security and Enhancement Project.

The application is accompanied by the following information:-



- Planning Statement
- Design and Access Statement
- Travel Plan
- Transport Assessment
- Ground Investigation Report
- Remediation and Mitigation Strategy
- Flood Risk Assessment
- Drainage Statement
- Sustainability Report
- Wildlife Habitat Survey for Bats and Nesting Birds

## CONSULTATION RESPONSES

Spatial Planning Team, Cumbria County Council

The County Council has no strategic objections as the current application is consistent with the broad terms of the previous application and it is noted that the site is allocated in the Copeland Local Plan for town centre uses.

English Heritage

Our specialist staff have considered the submitted application and do not wish to offer any comments on this occasion. Consequently the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Conservation and Design Officer

It is important that this area of the Old Town be redeveloped as it has been blighted for far too long by buildings which have had little or no architectural character and have suffered further from a general lack of maintenance and repair. Because of the lack of quality buildings along the eastern side of Swingpump Lane and New Town, there are no historical references to guide the development of such a large site as Albion Square. Hence choosing a contemporary design which reflects elements of Whitehaven's historical past is a legitimate device which will enhance this area of the Old Town and make a positive contribution to the regeneration of the Market Place and the Georgian Town beyond.

The plinth to the buildings should 'provide a sound visual base to the development'. Unfortunately the current economic climate precludes the use of stone as a robust and historically sound material for the plinth to the proposed building and as a continuation of the stone boundary walls around the site. The use of brick as an alternative, however, is a better and more honest solution than the possible options of artificial or reconstituted stone or rendered blockwork. It would be preferable if the brick should be coloured to reflect the colour of the stone used for the buildings and boundary walls of the existing site. The use of a darker coloured brick would help to reinforce the illusion of solidity offsetting the lighter glass structure above. There appears to be no confirmation of the glass/spandrel panel colours, nor is there a confirmation of the colour/material of the metal cladding and panels proposed for the elevations. These matters should be resolved prior to any approval being granted to ensure that what is intended will actually be built.

The retention and reconstruction of the existing stone boundary walls, albeit at a reduced height to accommodate fencing above, is very welcome and also very important to help to tie the development back to the history of the site. More information is needed, however, to clarify whether or not stone is to be used exclusively throughout the site for the various other boundary walls shown on the drawings. Hard landscaping elements of the scheme, particularly the newly formed 'Albion Square' should be confirmed in detail prior to approval to ensure that the legacy of this development is a scheme of high quality design and materials.

Historic Environment Officer, Cumbria County Council

The site is archaeologically interesting because it contained the remains of 18<sup>th</sup>, 19<sup>th</sup> and early 20<sup>th</sup> century industries. These upstanding and below ground archaeological remains have been recorded through an extensive programme of archaeological work secured by condition on the earlier planning consent (reference 4/10/2130) on the site.

The archaeological fieldwork has been completed and no further work is required on the site. However the full archaeological post-excavation work, the publication and the deposition of the archive in a suitable store has yet to be completed. I therefore recommend that, in order to secure a permanent and publicly accessible record of the archaeological remains a condition should be attached to any planning consent to secure this.

Highways Control Officer

The Highway Authority has concerns about the following issues:-

- Concerns about the oversubscription of bus provision which will force people to take the private car
- The Transport Assessment shows the demand for car parking spaces in 165 vehicles greater than the available development parking of 300 spaces and this could impact on the available capacity at other town centre car parks
- There is a lack of encouragement for people to use public transport (bus/rail) or to walk and cycle to the site.

However the Highway Authority is mindful of the importance of this application and, notwithstanding the above concerns would not wish to raise an objection to the application subject to conditions which require adequate bus service provision, secure improvements to the local highway junctions, secure a travel plan and require the submission and agreement of a construction method statement and traffic management plan.

#### United Utilities

The submitted details show that all surface water and land drainage from the development site is to be discharged into the public combined network system. This is not acceptable to United Utilities as the receiving Wastewater Treatment works in Whitehaven is currently at capacity and cannot accept any additional surface water flows.

In advance of any determination of this application we suggest that the applicant is asked to consider whether the surface water arising from the proposed development can be managed without connection to the mains sewer using SUDS or watercourses. Once this has been submitted United Utilities will be able to confirm the conditions which should be attached to any planning permission. It is imperative that these investigations are undertaken before planning permission is granted so that the details of any investigations can be inherent within the conditions attached to any planning permission.

In addition a public sewer crosses the site and an adequate access strip should be provided in accordance with the minimum distances set out in guidance.

Environment Agency

We have no objections in principle to the development as proposed providing that a finalised surface water drainage strategy has been submitted to and approved by the Local planning Authority. This can be secured by a planning condition.

In terms of contamination Pow Beck is considered as sensitive receptor and therefore we recommend surface water monitoring in order to assure that Pow Beck is not affected by the contamination present on the site. Any risks to controlled waters should be appropriately addressed and mitigated. These can be secured by conditions.

Flood and Coastal Defence Engineer

The vast majority of the site falls within Flood Zone 1 with the extreme north east corner falling into Flood Zone 2 and the extreme south east corner into Flood Zones 2 and 3a.

The Flood Risk Assessment finds that flood risk to the site is low.

The drainage statement includes a plan that shows both surface water and foul systems as separate over most of the site with both systems ending up in an existing adopted combined sewer. This method is possible as a means of disposal of surface water from the site and it should not increase flood risk from Pow Beck.

Scientific Officer

I've been involved with the contaminated land work that has been taking place over the past few months.

To the best of my understanding all of the site investigation work has now been completed and I have recently seen (and approved) the remediation strategy. This means that the bulk of the contaminated land work has been completed and any conditions should focus on remediating the site in line with the remediation strategy and undertaking validation.

Landscape Officer

It is important that any landscaping chosen is suitable for this site in terms of its climatic suitability, provenance, planting size and likely mature size. The scheme should be sufficiently robust to thrive for many years to come. Further information should be provided regarding tree pit design and below ground facilitation for future tree root growth, species, tree sizes, maintenance and protection. This can be secured by means of suitably worded conditions on any planning permission.

Planning Policy Team

The Planning Policy team supports this proposal as it will help to deliver a major Town Centre Development Opportunity Site as identified in the Copeland Local Plan 2011-2016. The development will bring a large number of people into the town centre on a daily basis and should contribute to the increased viability and vitality of Whitehaven.

The proposed design largely follows the Development Guidelines set out in the Town Centre and Harbourside SPD. The concept of an area of high quality public realm between the two proposed buildings is welcomed. The application is accompanied by an Interim Travel Plan providing detail of what would be included in a full Travel Plan. It is very important that the Full Travel Plan is ready to be implemented prior to occupation to ensure that sustainable travel options are taken up.

Economic and Community Regeneration Manager

The scheme is hugely important in the regeneration of Whitehaven and we welcome the application and are in support of the scheme.

There are no obvious issues from the application documents themselves, but we would like to highlight at this stage that Copeland BC has a stage 2 application under development for Townscape Heritage Initiative, which includes public realm works. We would wish to liaise closely with the applicants and their partners around the public realm aspects of their scheme to ensure that emerging proposals are complementary and seamless across the two schemes.

## Other

One letter of objection has been received which raises concerns about the adequacy of the parking provision at the multi storey car park. Reference is also made concerning the inadequacies of the existing entrance into the multi storey car park and the likely impacts that this will cause in terms of queuing to get into the car park. This would potentially have an adverse impact on traffic flows within the town centre as a whole.

The objector states that it would make more sense to create a car park on the unused ground on Preston Street or at The Ginns which would provide a more suitable solution to the parking issue.

## PLANNING POLICY

### National Policy

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

The NPPF clarifies that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 7 establishes an economic role as one of the three dimensions to sustainable development.

Paragraph 17 identifies 12 principles that planning should undertake. One of these is the delivery of sustainable economic development to provide business and respond positively to opportunities for growth.

Paragraphs 18-22 set out the Government's commitment to building a strong, competitive economy.

Paragraph 196 of the NPPF clarifies that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

## **Local Plan Policy**

Policy DEV 2 identifies Whitehaven as a Key Service Centre which will be a focus for new development.

Policy DEV 4 defines a development boundary for Whitehaven and places an emphasis on the reuse of previously developed land.

Policy DEV 6 encourages sustainable development including high standards of design and the incorporation of energy efficiency and renewable energy technology.

Policy EMP 5 permits appropriately scaled employment development in key service centres.

Policy TCN 1 promotes the vitality and viability of town centres.

Policy TCN 2 seeks to locate development within town centres.

Policy TCN 4 requires high standards of design in the town centre, no loss of open space, heritage assets and habitat, adequate access for all and appropriate car parking provision.

Policy TCN 9 defines Whitehaven as the principal centre for shopping, commercial and tourism based activities.

Policy TCN 10 defines commercial offices as one of several uses which are appropriate within the town centre.

Policy TCN 12 identifies the application site as an Opportunity Development Site within the town centre which is suitable for various uses including commercial development.

Policy ENV 26 requires development in Conservation Areas to preserve or enhance the character and appearance of the Area. In particular it should have due regard to the positioning and grouping of buildings, form, scale and detailing, respect traditional street patterns and improve the quality of townscape.

Policy TSP 6 requires new development to cater for the access and travel needs created by the development.

Policy TSP 7 requires major development which is likely to have significant transport implications to be accompanied by a Transport Assessment and a Travel Plan.

#### **Emerging Local Development Framework**

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and the Council intends to submit to the Secretary of state on 31<sup>st</sup> October for Public Examination

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment there have only been 58 objections and the weight given to them should increase as the examination progresses.

The Core Strategy deals with the principles of development for the years up to 2027 and includes development management policies which are similar to the existing Local Plan policies.

Policy ST 3 details areas of priority for regeneration including sites in Whitehaven town centre.

Policy ER 1 (in relation to the nuclear industry) seeks the relocation of jobs from Sellafield to suitable locations.



Policy ER 7 emphasises the role of Whitehaven town centre as the key centre in the Borough with development driven by a mixed use approach. Policy ER 8 identifies strategic schemes, of which this proposal is one, which should enhance key gateway sites, maintain high standards of design consistent with the setting of a Conservation Area and improves the integration of public transport in the town centre.

### **SPG for Whitehaven Town Centre**

This document has now been adopted. It deals with specific issues within the town centre and forms part of a raft of documents constituting the emerging LDF. In particular it sets out design principles and action for this site in paragraph 9.4.

The guidance identifies priorities for regeneration (paragraph 10) and the first phase for the period 2012/2014 includes the Albion Square development as one of three priorities in that period.

### **Whitehaven Conservation Area Appraisal**

The adopted Whitehaven Town Centre Conservation Area Character Appraisal identifies the site as part of the Old Town which incorporates the extent of the town prior to the involvement of the Lowther family (1630 onwards)

As part of the Conservation Area Appraisal a development guide has been produced for both sites. The purpose of these guides was to encourage appropriate high quality development on site and the enhancement of the special historic character of this part of the town. It sets the following criteria as a guide to development:-

- Good quality contemporary design that acknowledges the character of the town
- High density development which provides uses that will enhance the area
- The buildings should be no less than 3 storeys high
- The existing public house and historic chimney should be retained
- The new development should mask the blank elevation of the multi storey
- Material and detailing should reflect the context and enhance the Conservation Area
- Any new development shall be presented as a collection of forms rather than as a single mass

## OTHER MATERIAL CONSIDERATIONS

### **Britain's Energy Coast Master Plan and West Cumbria Economic Blueprint**

West Cumbria has been established as Britain's Energy Coast. A Master Plan has been produced which lists a package of projects that will be used as a springboard for the regeneration of West Cumbria. These include new employment sites.

The West Cumbria Economic Blueprint was published in April 2012. This takes forward and reviews the BEC Master Plan and provides key objectives for achieving economic growth in the area. In particular it identifies Whitehaven town centre as a suitable location for the development of new commercial office space.

## ASSESSMENT

This application relates to a prominent site on the main approach into the town from the south west which is designated as a town centre opportunity development site within the adopted Copeland Local Plan 2001-2016. The site was previously occupied by a number of buildings which were in a poor condition and had a negative impact on this part of the towns Conservation Area.

### **Design Issues**

The principle of erecting a contemporary office development on the site has already been established by the previous planning permission in 2010. The submitted scheme seeks to redevelop the area to produce a high quality modern development which will result in a significant improvement to this part of the Conservation Area, in line with the development plan and other policy statements.

Planning policies require the design of the proposed development to preserve and enhance the conservation area. In this case, it must be shown the proposed development will respect and make legible the historic character of this part of the town. The drawings and detailed information submitted with the application shows that the design of the proposed development has been clearly informed by the site's historic industrial past. The shape, massing and layout of the buildings have an industrial disposition which is attractively detailed by the use of modern materials. The retention of the foundry chimney will provide an attractive landmark and a link to the site's industrial past. The site falls within the former industrial area which predates the Georgian Town. The proposed

development has been designed in a way that will retain the contrast between the grid-iron post-medieval new town and the historic industrial corridor in a sensitive and distinctive manner.

Historically this was an industrial/residential frontage separated away from the commercial town centre. The plinth of the proposed building will be perforated with vertical glazed openings which will allow clear views of the activity within the building and help to animate the frontage.

### **Highways Issues**

The potential traffic impacts of the proposal have been modelled and the findings show that the local road network is capable of accommodating the additional traffic generated by the development without the need for mitigation measures for highway capacity reasons. However improvements to the Irish Street/Swing Pump Lane junction have been identified and detailed in the submitted application if deemed to be necessary by the Highway Authority. This would also have the added benefit of improving the public realm in this part of the town.

Adequate provision for car parking is available at the adjacent at the adjoining multi storey car park and agreement has been reached with the owners to enter into a lease scheme.

The location of the site in the town centre makes it readily accessible by foot and bicycle and the availability of public transport should contribute to fewer vehicle movements. This can be covered by an appropriate Travel Plan which can be secured by a planning condition.

### **Ecology Issues**

All issues relating to ecology were considered and resolved as part of the consent to demolish the existing buildings on the site. The mitigation measures identified at that involve the installation of a bat box on the stone chimney and also the siting of two bat tubes on the southern elevation of the proposed south building to allow for the continued ecological functionality of the site. These mitigation measures can be secured by the use of appropriately worded conditions attached to any planning permission.

## CONCLUSION

Overall this scheme represents a high quality contemporary design which will make a crucial contribution to sealing the western edge of the Conservation Area and will provide a strong and attractive entrance to the town centre from the south. It is consistent with the regeneration strategy and action plan for the town centre set out in the adopted Local Plan, the emerging LDF and the adopted SPG for Whitehaven Town Centre.

The development is consistent with key policies of the adopted and emerging development plan which seek to maximise the benefit of development related to the energy sector. In this case the proposed occupation of office functions relocated from Sellafield, brings the benefit of reducing journeys to Sellafield, placing employment development in a highly sustainable location and reducing the need for additional site infrastructure, for example car parking in sensitive, green field locations around the Sellafield complex.

One of the key benefits of the scheme will be to bring new workers into the town which should increase footfall into the town centre and improve the economic viability of existing shops and encourage the re use of vacant properties.

The economic benefits derived from a new high quality office space will be significant and will have the potential to provide a catalyst for the regeneration of Whitehaven town centre.

The sustainable design will create an exemplar building which will set an important bench mark for future development within the region and is considered to be acceptable.

### Recommendation:-

Approve (commence within 3 years)

### 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 and development shall be carried out in accordance with them:-

- Location plan, scale 1:1250, drawing number P(01)00
- Site Layout and block plan, scale 1:500, drawing number P(01)02
- Proposed ground floor plan and indicative landscaping design, scale 1:200, drawing number P(02)00
- Proposed first floor plan, scale 1:200, drawing number P(02)01
- Proposed second floor plan, scale 1:200, drawing number P(02)02
- Proposed third floor plan, scale 1:200, drawing number P(02)03
- Proposed roof plan, scale 1:200, drawing number P(02)04
- North building proposed ground floor plan (level 00), scale 1:100, drawing number P(02)10
- North building proposed first floor plan (level 01), scale 1:100, drawing number P(02)11
- North building proposed second floor plan (level 02), scale 1:100, drawing number P(02)12
- North building proposed third floor plan (level 03), scale 1:100, drawing number P(02)13
- North building proposed roof plan (level 04), scale 1:100, drawing number P(02)14
- South building proposed ground floor plan (level 00), scale 1:100, drawing number P(02)20
- South building proposed first floor plan (level 01), scale 1:100, drawing number P(02)21
- South building proposed second floor plan (level 02), scale 1:100, drawing number P(02)22
- South building proposed third floor plan (level 03), scale 1:100, drawing number P(02)23
- South building proposed roof plan (level 04), scale 1:100, drawing number P(02)24
- Context Elevations proposed east and west, scale 1:200, drawing number P(03)00
- Context Elevations proposed north and south, scale 1:200, drawing number P(03)01
- North building proposed east and west elevations, scale 1:100, drawing number P(03)10
- North building proposed north and south elevations, scale 1:100, drawing number P(03)11
- South building proposed east and west elevations, scale 1:100, drawing number P(03)20

- South building proposed north and south elevations, scale 1:100, drawing number P(03)21
- Proposed section north building sections 1 and 2, scale 1:100, drawing number P(04)10
- Proposed section south building sections 1 and 2, scale 1:100, drawing number P(04)11
- Interim Travel Plan, reference A075056/GW2 compiled by White Young Green, dated August 2012
- Transport Assessment, reference A07505/GW1 compiled by White Young Green, dated August 2012
- Supplementary Ground Investigation Report, reference A075852 compiled by White Young Green, dated July 2012
- Drainage Statement, reference A075056/DSR compiled by White Young Green, dated August 2012
- Remediation and Mitigation Strategy, reference A075852 compiled by White Young Green, dated July 2012
- Renewable Energy Feasibility Report, reference A075056 compiled by White Young Green, dated July 2012
- Wildlife Survey, reference A50612Cc compiled by Thurston Watson Ecology Consulting Ltd dated June 2012
- Flood Risk Assessment, reference A075056 compiled by White Young Green, dated August 2012
- Planning Statement compiled by MJN Associates, dated August 2012
- Design and Access Statement compiled by Hurd Rolland, dated 23 August 2012

#### 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. A sample panel of the proposed external facing materials shall be erected on the site for the further written approval of the Local Planning Authority and this approval shall be obtained before any of the superstructure is erected.  
This panel shall be of sufficient size to indicate the method of jointing and coursing to be used.

#### Reason

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

4. Before development commences representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

**Reason**

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

5. No development shall take place until a finalised surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

**Reason**

To ensure flood risk is not increased elsewhere as a result of the development.

6. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted 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 the 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**

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121)

7. No occupation 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**

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121)

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

#### **Reason**

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at



unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121)

9. A programme of archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority shall be carried out within 6 months of the date of commencement of the hereby permitted development or otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development

10. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the boundary treatment to all sides of the of the site including the reduced wall and proposed railing on the western and southern boundaries of the north building. The approved boundary treatment shall be maintained and retained at all times thereafter.

Reason

To ensure a satisfactory boundary treatment in the interests of visual amenity of the Conservation Area.

11. The development shall implement all of the mitigation and compensation measures set out in the Wildlife Survey, prepared by Thurston Watson Ecology Consultancy Ltd, June 2012 including the installation of two bat tube on the southern elevation of the south building at a minimum of 4 metres above ground level and the installation of a bat box on the western elevation stone chimney at a minimum of 5 metres above ground level. The approved compensation measures shall be maintained at all times thereafter.

Reason

To protect the ecological interests evident on the site.

12. Before development commences full details of the foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works shall include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping shall be carried out in accordance with the approved details.

Reason

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

14. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To ensure the implementation of a satisfactory landscaping scheme.

15. A landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason

To ensure a satisfactory landscaping scheme.

16. No development shall be carried out on site which is the subject of this permission until details of all the external illumination that is to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

Reason

In the interests of visual amenity and highway safety.

17. The applicant to enter into a suitable legal agreement to allow the Junction improvements to Swingpump Lane/Irish Street and Swingpump Lane/Strand Street/Market Place as well as Bransty Row/Bransty Road, not only to counter act the additional vehicles, but to also encourage modal split & creating a quality public realm. These improvements must be agreed prior to construction starting and should be in place prior to occupation of any building hereby permitted.

Reason

In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

18. No occupation of the development shall take place until such time as the following have been completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority:-
- A Travel Plan bond
  - A Travel Plan Monitoring scheme
  - Traffic Regulation Order contribution
  - A Contribution to the cycling / pedestrian improvements in the scoping area which could include additional facilities at the rail stations
  - Improvements to the current bus infrastructure in this area and main pick up points for the staff as identified through the Travel Plan process
  - Agreement for the funding by the developer of satisfactory bus services to serve the development.

Reason

In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

19. No development shall commence until detailed drawings showing the development, means of access thereto and construction details and layout of highway works have been submitted to the Local Planning Authority for approval. Any such approved works shall be completed in accordance with the approved details before the development is occupied. Any access and parking provision shall be retained and be capable of use when the development is completed 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.

20. The windows and doors at ground floor level abutting the highway shall be of a type which cannot open outwards into the highway and shall be maintained as such at all times thereafter.

Reason

To minimise possible danger to other highway users.

21. Development shall not be begun until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the local planning authority and shall include measures to secure:

- Formation of the construction compound;
- Dust management;
- Cleaning of site entrances and the adjacent public highway;
- Temporary site illumination;
- Disposal of surplus materials;
- The construction of the crane pads ( if any);

- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Spoil storage and handling;

The Construction Method Statement shall be carried out as approved.

#### Reason

To retain control over the construction phase of the development in the interests of visual amenity, the environment and the amenities of the occupants of nearby properties.

22. Development shall not be begun until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- The construction of the site access and the creation, positioning and maintenance of associated visibility splays;
- access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
- The pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
- details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway;
- The scheduling and timing of movements, details of escorts for abnormal loads including temporary warning signs and banksman/escort details, if any proposed.

Development shall be carried out in accordance with the approved CTMP.

Reason

In the interests of highway safety and the free flow of traffic on the highway network.

23. Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason

To aid in the delivery of sustainable transport objectives.

24. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason

To aid in the delivery of sustainable transport objectives.

25. Details showing the provision within the site and off the site, for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed and agreed for any off site parking provision. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason

To ensure that vehicles can be properly and safely accommodated clear of the highway.

26. The approved improvements to the Irish Street/Swing Pump Lane road junction as set out in the Transport Assessment shall be completed and fully operational to the satisfaction of the Local Planning Authority in consultation with the Highway Authority prior to the first occupation of the building on the southern section of the application site.

#### Reason

To ensure that the requirement improvements to the road network are secured as part of this development in the interests of highway safety.

#### INFORMATIVES

1. Pow Beck is designated 'main river'. Therefore, under the terms of the Water Resources Act 1991 and Flood Defence Byelaws, the prior written consent of the Environment Agency is required for any works in, over, under or within 8m of the top of bank or outer culvert wall of a 'main river'. If any works are required in this regard please contact Paul Bond on 01768 215820 to discuss further.
2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com) <<http://www.groundstability.com/>>

3. The works required to improve the Irish Street/Swing Pump Lane junction as set out in condition 26 above will result in a financial cost that is expected will be funded by the applicant.
4. The requirements to monitor and review the Travel Plan as set out in conditions 23 and 24 above will result in a financial cost that it is expected will be funded by the applicant.

5. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works with the Highway Authority. This will include the submission of detailed engineering drawings for approval and safety audit.

#### **Reason for Decision**

The redevelopment of this site to provide office accommodation will enhance the character and appearance of this part of the conservation area and also provide significant economic benefits to Whitehaven town centre in accordance with Policies DEV 1, DEV 2, DEV 6, TCN 9, TCN 10, TCN 12 and ENV 26 of the adopted Copeland Local Plan 2001-2016 and the provisions of the National Planning Policy Framework (March 2012).

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ITEM NO: 3



To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/10/2012

Application Number:	4/12/2412/OF1
Application Type:	Full : CBC
Applicant:	Impact Housing Association
Application Address:	UNIT 1, SNECKYEAT ROAD INDUSTRIAL ESTATE, HENSINGHAM, WHITEHAVEN
Proposal	CHANGE OF USE FROM LIGHT INDUSTRIAL SPACE/OFFICES TO RETAIL USE/OFFICES
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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## PROPOSAL

This application relates a vacant commercial unit which is located immediately adjacent to the entrance of Sneckyeat Industrial Estate. The unit was last occupied by Print Express.

Planning permission is sought for the conversion of the unit to provide a retail warehouse and associated office space. The unit is to be operated by Impact Housing Association and would be used to sell second hand furniture that would be recycled as part of their social enterprise. The unit would be open to the public between the hours of 9.00 a.m. and 5.00 p.m. Monday to Friday.

The only alterations proposed involve the removal of several internal partitions to enhance the proposed sales area giving a total retail area of 380 sq metres. The existing office, reception and staff welfare facilities which are located at the front of the building will be retained. These facilities occupy approximately a quarter of the total floor space within the building.

The unit is currently served by an existing access off Sneckyeat Road and has an area of car parking to both the front and side of the building.

The applicants have submitted a detailed justification for the proposal. They claim that there are no alternative premises available within the town centre that are suitable for this type of use due to the bulky nature of the furniture involved and also the need to have adequate loading/unloading and parking facilities. They also state that location is important to the success of the venture in terms of accessibility to customers and the availability of public transport.

#### CONSULTATION RESPONSES

##### Highways Control Officer

Taking into account the existing use of the property and the information submitted it is considered that the proposal will be unlikely to have a material affect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

#### POLICY ISSUES

##### National Planning Policy

The National Planning Policy framework (NPPF) was introduced in March 2012. The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 7 establishes an economic role as one of the three dimensions to sustainable development.

Paragraph 17 identifies 12 principles that planning should undertake. One of these is the delivery of sustainable economic development to provide business and respond positively to opportunities for growth.

Paragraphs 18-22 set out the Government's commitment to building a strong, competitive economy.

The NPPF also seeks to protect the vitality of town centres and advises Local Planning Authorities to adopt a sequential approach to retail developments. Out of centre sites should only be considered where town centre sites are not available for retail use. In such cases out of centre sites should be chosen that are in accessible locations which are well connected to the town centre.

Paragraph 196 of the NPPF clarifies that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

#### Local Plan

Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 defines a development boundary for Whitehaven, which is listed as a Key Service Centre under Policy DEV 2. Policy DEV 4 sets the preference for the development of existing buildings and brown field land rather than green field sites.

Policy EMP 7 of the adopted Copeland Local Plan 2001-2016 permits the reuse of employment sites for non employment uses on the basis that there is no current or future demand for the premises, the use gives rise to environmental problems it is not part of a wider regeneration proposal or meets need established by the Local Plan in support of the Community Strategy. It also supports proposals where the wider community benefits outweigh the loss of employment land.

Policy TCN 1 seeks to protect the vitality and viability of town centres.

## ASSESSMENT

Although it is normal policy for existing employment premises to be retained for their intended use the applicant requires a larger scale premises in which to operate which has adequate loading/unloading and parking facilities. There are currently no premises of this nature available within the town centre.

The NPPF advocates a flexible approach to encourage economic activity. The current unit is located within an existing commercial site and falls within the defined development boundary for Whitehaven. It also occupies an accessible site which is served by public transport. On this basis the applicant's justification for this proposal is considered to have some merit.

If Members accept the recommendation then it is considered appropriate that any planning permission is made personal to the applicant to reflect the specific needs put forward to justify this proposal. This would ensure that adequate controls are in place to ensure that the unit will revert back into an employment use should the applicant vacate the premises in the future.

### Recommendation:-

Approve

### Conditions

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

#### Reason

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

2. The retail use of the premises hereby permitted shall be carried out by Impact Housing Association only. When the use and premises cease to be occupied by Impact Housing Association the use hereby permitted shall cease and the premises shall revert back to a light industrial use.

#### Reason

Permission has been granted as an exception to adopted Local Plan policy in

recognition of the circumstances of the applicant.

#### **Reason for Decision**

The use of these premises as a retail warehouse is considered to be acceptable based on the applicants circumstances only in accordance with Policies DEV 4 and EMP 7 of the adopted Copeland Local Plan 2001-2016 and the provisions of the National Planning Policy Framework (March 2012).

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ITEM NO: 4

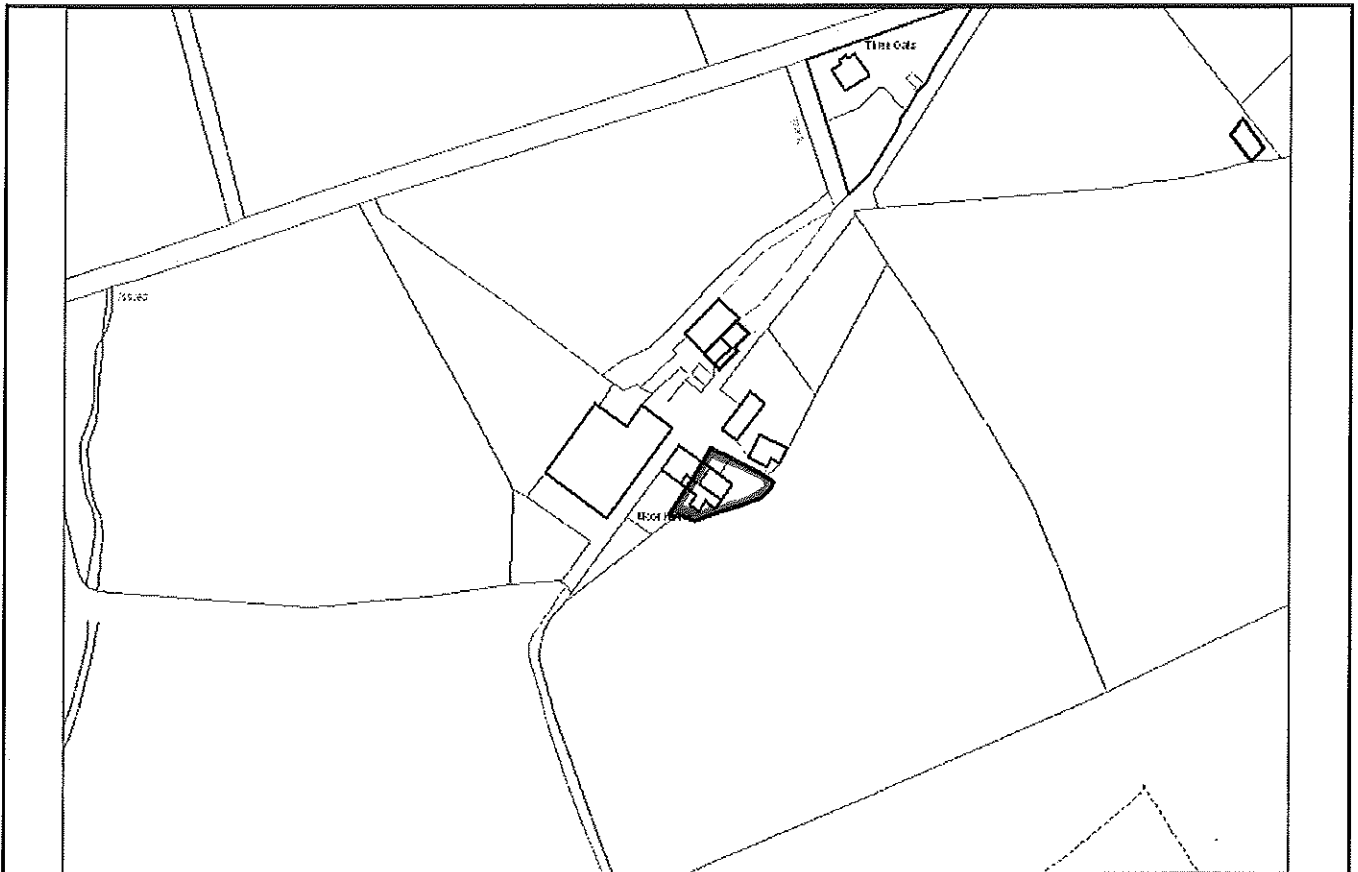


To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/10/2012

Application Number:	4/12/2421/OF1
Application Type:	Full : CBC
Applicant:	Miss C Fenwick
Application Address:	BLUEBELL COTTAGE, MOORHOUSE FARM, CALDERBRIDGE, SEASCALE
Proposal	REMOVAL OF CONDITION 2 OF PLANNING APPROVAL 4/04/2429/0 (ERECTION OF DWELLING HOUSE) RE AGRICULTURAL/FORESTRY OCCUPATION RESTRICTION
Parish:	Haile
Recommendation Summary:	Approve removal of condition



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## INTRODUCTION

This application relates to a semi-detached dormer bungalow which was granted planning permission in 2004 under reference 4/04/2429/OF1. This permission was subject to an occupancy condition which restricted the occupancy to an agricultural worker.

At the time the applicant's elderly relatives lived in the adjoining farmhouse and her disabled brother lived in a nearby agricultural worker's bungalow. She was looking to move from Scotland to help take over the farming responsibilities.

The applicant has remained in the property since it was built.

## PROPOSAL

Planning permission is now sought for the removal of this occupancy condition.

The property is located on an isolated farmstead to the north of Calderbridge. The property is accessed by an unmade lane. There is now no land associated with the property.



The application is accompanied by a supporting statement, a copy of which is attached to this report. In summary, both of the applicant's parents have now passed away. Since her Mother's death in November 2012 the applicant has undergone a lengthy legal battle with one of the other beneficiaries in an attempt to separate the estate to allow all to retain part, but this has proven impossible. Earlier this year the estate had to be placed on the open market and as the applicant is an Executor, she could not legally place a bid which prevented her from purchasing any of the land to allow her to continue farming.

Advertising commenced in March 2012. The overall estate was advertised in four lots and as a whole. There were no offers on Bluebell Cottage. The farm was sold as a whole, therefore leaving Bluebell Cottage with no land and an agricultural occupancy restriction. The property has remained on the market.

A letter from the selling agents has been submitted which confirms that the property has been marketed since March 2012 and there have been no viewings. Likewise, up until 13 September 2012 there had been no offers made. Since that date, offers have been made by two people, one of whom is understood to be the applicant's brother and the other one of his employees. These offers were below the asking price and have been rejected.

The removal of the occupancy condition would allow the applicant to sell the property and would allow the unit to appeal to a wider range of people.

#### CONSULTATIONS

A single letter of objection has been received from an unidentified address. Within this letter it states that there is an inadequate supply of houses that are affordable for people locally who work in agriculture. The letter advises the planning officer that two offers have been made on the property by local people working in agriculture and that the land agents will provide such details. The letter also points out that there are some disputed rights of supply of water and sewerage disposal and the cottage does not have an individual mains supply but shares that of the main farm.

Haile Parish Council – no comments received to date.

#### PLANNING POLICY

##### National Planning Policy

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

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

Paragraph 54 encourages Local Planning Authorities to be responsive to local circumstances and plan housing development to reflect local needs.

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. The adopted Copeland Local Plan 2001-2016 (saved policies June 2009) falls into this category and the following policies are considered of particular relevance.

#### Copeland Local Plan 2001-2016

The property is located outside any settlement development boundary defined by Policy DEV 4 'Development Boundaries' of the adopted Copeland Local Plan 2001-2016.

Policy HSG 7 relates specifically to the removal of occupancy conditions. This states that where permission is sought for removal of an agricultural occupancy condition, it will be replaced wherever possible by other local occupancy conditions. The removal of occupancy conditions will only be granted where it is shown that the longer term need for dwellings for such workers, both on the unit and in the locality, no longer warrants reserving the subject dwelling for that purpose or for other housing needs which are evident in the area.

#### The Core Strategy and Development Management Policies DPD

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and the Council intends to submit to the Secretary of state on 31<sup>st</sup> October for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment there have only been 58 objections and the weight given to them should increase as the examination progresses. The document is currently due to be adopted in August 2013.

Policy DM17 'Removal of occupancy Conditions' states that planning permission for the removal of occupancy conditions will only be granted where it can be demonstrated that there is no longer a need for housing for a particular group that the occupancy relates to within the local housing market area. Where removal of a condition is justified, the Council may require that it be replaced with a condition, supported by a planning obligation, relating to general local occupancy, widening the area defined as 'local', or meeting another local need.

#### **ASSESSMENT**

The key consideration in determining this application is whether it has been adequately demonstrated that there is no longer a long term need for restricting occupancy of the dwelling to agricultural workers as required by Policy HSG 7 of the Copeland Local Plan.

In this particular case the property there is now no land associated with the property and property does therefore not serve a sustainable farm holding in its own right.

Notwithstanding the comments received in response to statutory publicity procedures, in view of the personal case put forward by the applicant and the supporting statement from the selling agents it has been demonstrated that the criteria of Policy HSG 7 has been satisfactorily met and that there is no longer a need to restrict the occupancy of this dwelling. Retaining this condition in light of the circumstances now prevailing would be considered unduly onerous from a planning point of view.

On this basis it is recommended that permission be granted.

**Recommendation:-**

Approve

**Reason for Decision**

In light of the case put forward, the removal of the condition attached to planning permission 4/04/2429/0F1 dated 28 July 2004 restricting occupancy of this dwelling to those engaged in agriculture is considered justified in accordance with Policy HSG 7 of the adopted Copeland Local Plan 2001-2016 and the National Planning Policy Framework.

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06 SEP 2012

## 6. Condition(s) – Removal

My Father owned Moorhouse Farm for fifty years prior to him passing away in 2002. His express wish was that the family members/beneficiaries continued to farm the estate and following his death I considered it would be more feasible to run the farm if I was resident on the estate; therefore I applied to the council and was granted planning permission in 2004. I then purchased the building plot from the beneficiaries of the late M J Fenwick in 2006 and commenced building Bluebell Cottage. This then allowed me the benefit of running and maintaining the estate more effectively. It was a great privilege to build a property on my father's estate and grateful to the council for this opportunity, as it is of sentimental value and my father would have been proud that I had continued to run his farm. At no point did I ever think that a beneficiary (son whom inherited a considerable percentage of the estate would force the sale of the estate and deprive the remaining beneficiaries of the opportunity to continue running and living happily on the farm).

I am a beneficiary of the estate and was due to inherit a percentage of the estate after the death of my mother in November 2010. Since then I have undergone a lengthy legal battle with one of the beneficiaries, in an attempt to partition the estate to allow all beneficiaries to retain a part of the estate, but this has proven impossible. I lost the battle earlier this year and was forced via the legal system to place the estate on the open market. Unfortunately, as I am an Executor I was not legally allowed to place a bid and therefore prevented from purchasing land to join with Bluebell Cottage to allow me to continue farming.

Advertising commenced in April 2012 via the websites, Cumberland News and Farmers Guardian and a closing date was then set for 20<sup>th</sup> July 2012. The estate was advertised in four lots and as a whole, and would be sold to whichever achieved the greatest value. Due to the agricultural restriction on Bluebell Cottage I was left with little choice but to advertise Bluebell Cottage alongside the estate to allow any potential buyers the opportunity to purchase land along with the cottage, however there were no offers placed on the cottage at the closing date, nor any interest expressed prior to or after the closing date.

The farm was sold as a whole, therefore leaving Bluebell Cottage in the middle of the farmyard with no land and an agricultural/forestry occupancy restriction. Bluebell Cottage has remained on the market with H & H Land & Property, Right Move and Prime Location since April 2012, and to date there has been no interest whatsoever.

Due to the circumstances I therefore ask planning to consider the removal of the agricultural/Forestry occupancy restriction. The market has demonstrated that there is no demand for an agricultural/forestry worker dwelling. From an emotional aspect and the change in circumstances it will prove extremely difficult for me to remain on the estate indefinitely and with the current restriction it would be virtually impossible to find a prospective buyer/tenant. Due to the farm being sold there is no land available to join with the cottage and therefore it is highly unlikely that the dwelling will ever prove to be viable to someone working in this profession, as it is imperative that a farmer lives where the land and animals are kept. I hope that you can appreciate the predicament I have been unfortunately presented with and consider the removal of the occupancy restriction.

As evidence I attach a copy of:

Request above to remove agricultural/forestry occupancy restriction	Appendix A
Moorhouse Farm advert confirming sale subject to contract	Appendix B
Bluebell Cottage advert	Appendix C
Land Registry Title Number CU229050 proving ownership	Appendix D
Grant of Planning Permission	Appendix E

Written by Caroline Fenwick on 05.09.12

ITEM NO: 5



To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/10/2012

Application Number:	4/12/2404/0F1
Application Type:	Full : CBC
Applicant:	Sellafield Limited
Application Address:	FELLSIDE COMBINED HEAT & POWER PLANT, SELLAFIELD, SEASCALE
Proposal	EXTENSION TO VEHICLE PARKING (44 SPACES)
Parish:	Ponsonby
Recommendation Summary:	Approve



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## The Proposal

Consent is sought in retrospect to extend the existing Fellside car park, near Caldergate, on the south side of the Sellafield Licensed Site. It currently serves the adjacent Combined Heat and Power Plant (CHP) as a laydown / contractors area adjoining the existing car park. Constructed in 1990 the CHP Plant is now undergoing major refurbishment and it transpires that as an increased number of contractor personnel will be working on the scheme there is a need for additional parking in the short term nearby. The total number of car parking bays, including the existing car park which is unmarked, will amount to 44.

In terms of external finishes it is proposed that the existing concrete surface will be resurfaced with tarmac and formally laid out in bays.

## **Planning Policy**

### **National Planning Policy Framework (NPPF) / Copeland Local Plan**

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

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

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

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

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

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

### **Emerging Local Plan**

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and the intention is that this will be submitted to the Secretary of State on 31<sup>st</sup> October for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment this should increase as the examination progresses. The document is currently due to be adopted in August 2013.

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

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.

### **Assessment**

The only issue this application raises, it's retrospective nature excepted (and this is not to be condoned), is its potential conflict with the agreed accommodation strategy for the site which is to reduce vehicular parking and access to the site. However, I am satisfied in this particular instance, given the case put forward and the imminent timescales involved, that this additional parking is required specifically to serve the current CHP refurbishment programme.

Taking the above into account, extending and reconfiguring this existing car park specifically to serve the CHP Plant on the edge of the licensed Sellafield site is considered an acceptable form of development for a temporary period in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the National Planning Policy Framework.

### **Recommendation:-**

Approve

### **Conditions**

1. 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 for Planning Application Purposes, Ref PLC/BCC/1585, by Sellafield Ltd, received on 24 August 2012.

Proposed Temporary Car Park, drg no 2 BE 2749452 Mod A, scales 1:500 & 1:250, received 24 August 2012.

Location Plan, drg no 1 BE 2759252 Rev A, received 24 August 2012.

#### **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.



2. This permission shall expire on 31 October 2015. At or before the expiration of this period the car park shall be removed from the site and the land reinstated in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority unless prior written consent has been obtained from the Local Planning Authority for its retention.

**Reason**

The development hereby approved is not considered appropriate as a permanent form of development and the Local Planning Authority would wish to review the matter at the end of the temporary period stated.

**Reason for Decision**

An extension of this existing car park, situated on the south side of the licensed Sellafield Site, to serve the combined heat and power plant refurbishment programme is considered an acceptable form of development for a temporary period of three years in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the National Planning Policy Framework.

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ITEM NO: 6



To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/10/2012

Application Number:	4/12/2417/OF1
Application Type:	Full : CBC
Applicant:	Sellafield Limited
Application Address:	AREA F, SELLAFIELD, SEASCALE
Proposal	PROPOSED NEW FENCE, STERILE ZONE, PATROL TRACK & CULVERT
Parish:	Ponsonby
Recommendation Summary:	Approve



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## The Proposal

As part of the overall Site Security Enhancement Programme (SSEP) it is proposed to replace and enhance the security fence around the licensed Sellafield Site. This will involve extending the boundary in some locations and the provision of what is in effect a double fence line around the site. In some cases modifications to the existing fence are all that will be required whilst in others there will be complete new sections requiring the benefit of planning permission. The overall purpose is to provide a new enhanced and secure boundary to the site.

Five applications for various sections of the works have been submitted to date and this application is for a new part of fence, known as Area F. Four of these have already been approved and there is one application for area E, adjoining the site, which is currently pending. It should be noted that in view of the tight timescales involved for delivering the programme work on site has already commenced. Further applications are expected shortly.

The works in Area F comprise:

- Installation of a new double fence line some 180 metres in length to the south east of the existing licensed site on the Calder Gate side near Ponsonby track which replaces and extends the existing fence line.
- Creation of a minimum 10 metre wide sterile zone inbetween the two fence lines – this will be finished in a quarry stone type surface – colour to be agreed. Vegetation growth within this area will be kept to a minimum.
- Construction of a black tarmac patrol track approximately 2.7 metres wide on the Sellafeld side of the inner fence.

In terms of detail the new fence will be constructed of steel galvanised post and mesh, topped with razor wire coils and green in colour. It will measure a total of 3.7 metres in height. As the fence line has to cross a stream in this location the works include a new culvert to take account of surface water drainage flows.

### **Consultations**

Gosforth and Ponsonby Parish Council's - raise no objection.

Environment Agency – comments are awaited and will be reported verbally to the Panel.

Highway Authority – raise no objection as it is considered the proposal does not affect the highway in this location.

### **Planning Policy**

National Planning Policy Framework (NPPF) / Copeland Local Plan

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

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

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

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

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

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

### **Emerging Local Plan**

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and the intention is that this will be submitted to the Secretary of State on 31<sup>st</sup> October for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment this should increase as the examination progresses. The document is currently due to be adopted in August 2013.

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

### **Assessment**

Whilst it is acknowledged that the extent and scale of the fence development will result in the loss of significant areas of established boundary vegetation / landscaping which currently serves to assimilate the industrialised nature of the site into the surrounding topography, it is recognised that such measures are required and take precedence in the interests of national security. Relevant Issues relating to finishes and lighting luminance can be adequately controlled by the use of appropriate conditions.

Taking into account the above, the construction of a new perimeter security fence in this location, which is part of an overall Site Security Enhancement Programme for Sellafield, is considered to

represent an acceptable form of development in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 and the National Planning Policy Framework.

**Recommendation:-**

Approve

**Conditions**

1. 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, drg no 1 BE2759256 Rev A, received 3 September 2012.

Location Plan for Second Batch, drg no 1 BE 2759258 Rev A, received 3 September 2012.

Signage For Fence around Area F, drg no 1 BE 2795365 Mod A, received 3 September 2012.

Area F General Arrangement, drg no 0 BE 2795362 Mod A. received 3 September 2012.

Area F Section & Elevations, drg no 1 BE 2795364 Mod A. received 3 September 2012.

Area F Culvert and Fence line Intersection, drg no 1 BE 2795363 Mod A, received 3 September 2012.

Design and Access Statement, by Sellafield Ltd, received 3 September 2012.

**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.

2. Details of the type and colour of the proposed surface material for the sterile zone shall be submitted to and approved in writing by the Local Planning Authority within three months of the fence being erected. The development shall be carried out in accordance with the approved details and be so maintained thereafter.

**Reason**

To enhance the appearance of the development in the interests of amenity.

3. Details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority before they are brought into use. Development shall be carried out in accordance with the approved details and so maintained thereafter.

**Reason**

To minimise the risk of light pollution.

**Reason for Decision**

The construction of a new perimeter fence in this location, around a section of the licensed Sellafield Site, forms part of an overall Site Security Enhancement Programme and as such represents an acceptable form of development in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.

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# **List of Delegated Decisions made**

**From 3/9/12 to 28/9/12**



<b>Application Num</b>	4/12/2355/OF1
<b>Applicant</b>	Mr S Todd, 74 Hill Top Road, Kells, WHITEHAVEN, Cumbria CA28 9EB,
<b>Location</b>	74 HILL TOP ROAD, KELS, WHITEHAVEN
<b>Proposal</b>	SINGLE STOREY REAR EXTENSION
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	25 September 2012
<b>Parish</b>	Whitehaven

<b>Application Num</b>	4/12/2372/OF1
<b>Applicant</b>	Sellafield Limited, Sellafield, SEASCALE, Cumbria CA20 1PG, FAO Dr T Wright,
<b>Location</b>	SELLAFIELD, SEASCALE
<b>Proposal</b>	TWO STOREY LOCKER, CHANGE ROOM, MEETING ROOM & WELFARE FACILITY
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	27 September 2012
<b>Parish</b>	Beckermeth with Thornhill

<b>Application Num</b>	4/12/2380/OF1
<b>Applicant</b>	Shepherds Views Holidays, Shepherds Views, Drigg, HOLMROOK, Cumbria CA19 1XU, FAO Mr and Mrs S Shepherd,
<b>Location</b>	SHEPHERDS VIEWS, DRIGG, HOLMROOK
<b>Proposal</b>	ERECTION OF 6 CAMPING PODS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	25 September 2012
<b>Parish</b>	Drigg & Carleton

<b>Application Num</b>	4/12/2409/TPO
<b>Applicant</b>	Mr S Davidson, Brockwood Hall, Whicham, MILLOM, Cumbria,
<b>Location</b>	BROCKWOOD HALL, WHICHAM, MILLOM
<b>Proposal</b>	FELL ONE NORWAY SPRUCE & TWO WESTERN RED CEDAR TREES PROTECTED BY A TREE PRESERVATION ORDER
<b>Decision</b>	TREE PRESERVATION APPROVE
<b>Decision Date</b>	24 September 2012
<b>Parish</b>	Millom Without

<b>Application Num</b>	4/12/2415/ON1
<b>Applicant</b>	Mr G Barwise, Woodside, Bell House Farm, Sandwith, WHITEHAVEN, Cumbria CA28 9UE,
<b>Location</b>	LAND NEAR BELL HOUSE FARM, SANDWITH, WHITEHAVEN
<b>Proposal</b>	NOTICE OF INTENTION TO LAY CRUSHED STONE TO CREATE ACCESS FROM ONE FIELD TO ANOTHER
<b>Decision</b>	Approve
<b>Decision Date</b>	25 September 2012
<b>Parish</b>	Whitehaven

<b>Application Num</b>	4/12/2373/OF1
<b>Applicant</b>	Mayson Bros Ltd, Chapel Street Depot, Chapel Street, EGREMONT, Cumbria, FAO Mr G Mayson,
<b>Location</b>	SITE A, RED LONNING INDUSTRIAL ESTATE, WHITEHAVEN
<b>Proposal</b>	DEVELOPMENT OF SITE FOR CONTRACTORS DEPOT, WORKSHOP & OFFICES
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	20 September 2012
<b>Parish</b>	Whitehaven

<b>Application Num</b>	4/12/2365/0F1
<b>Applicant</b>	D Shaw & Co, 84 Main Street, EGREMONT, Cumbria CA22 2PA,
<b>Location</b>	84 MAIN STREET, EGREMONT
<b>Proposal</b>	DOUBLE STOREY EXTENSION
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	14 September 2012
<b>Parish</b>	Egremont

<b>Application Num</b>	4/12/2370/0F1
<b>Applicant</b>	Mrs E Graham, 148 Main Street, FRIZINGTON, Cumbria CA26 3SB,
<b>Location</b>	FIRST FLOOR, 148 MAIN STREET, FRIZINGTON
<b>Proposal</b>	CHANGE OF USE FROM FLAT TO BEAUTY SALON
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	11 September 2012
<b>Parish</b>	Arlecdon and Frizington

<b>Application Num</b>	4/12/2361/0F1
<b>Applicant</b>	Mrs J Matterson, Howzat, Black How, SEASCALE, Cumbria CA20 1LO,
<b>Location</b>	4 HOW END, BLACK HOW, SEASCALE
<b>Proposal</b>	CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE AS A DWELLINGHOUSE
<b>Decision</b>	Approve
<b>Decision Date</b>	13 September 2012
<b>Parish</b>	Seascale

<b>Application Num</b>	4/12/2376/0F1
<b>Applicant</b>	Mr N Wood, Abbots Croft, Abbey Road, ST BEES, Cumbria CA27 0EG,
<b>Location</b>	ABBOTS CROFT, ABBEY ROAD, ST BEES
<b>Proposal</b>	ERECTION OF MAST AND AMATEUR RADIO AERIAL
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	14 September 2012

<b>Parish</b>	St. Bees
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<b>Application Num</b>	4/12/2381/0F1
<b>Applicant</b>	Mr K Mather, 12 Ennerdale Road, CLEATOR MOOR, Cumbria CA25 5LD,
<b>Location</b>	12 ENNERDALE ROAD, CLEATOR MOOR
<b>Proposal</b>	CONVERSION AND CHANGE OF USE OF EXISTING GROUND FLOOR ACCOMMODATION TO A SELF CONTAINED FLAT
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	11 September 2012
<b>Parish</b>	Cleator Moor

<b>Application Num</b>	4/12/2389/0F1
<b>Applicant</b>	Mr A Craghill, 18 Duke Street, MILLOM, Cumbria LA18 5BB,
<b>Location</b>	2 RED BROW, MAIN STREET, HAVERIGG, MILLOM
<b>Proposal</b>	EXTENSION TO SIDE & ERECTION OF DETACHED GARAGE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	14 September 2012
<b>Parish</b>	Millom

<b>Application Num</b>	4/12/2222/0F1
<b>Applicant</b>	Mr J Walker, Marlborough Hall Farm, EGREMONT, Cumbria CA22 2UA,
<b>Location</b>	LAND AT MARLBOROUGH HALL FARM, EGREMONT
<b>Proposal</b>	INSTALLATION OF A SINGLE SMALL WIND TURBINE WITH OVERALL TIP HEIGHT OF 34.2M
<b>Decision</b>	Withdrawn
<b>Decision Date</b>	3 September 2012
<b>Parish</b>	Egremont

<b>Application Num</b>	4/12/2354/0F1
<b>Applicant</b>	Mr C Pearson, Lindow House, 11 Lindow Street, FRIZINGTON, Cumbria CA26 3PU,
<b>Location</b>	CRAGG ROAD STORES, CRAGG ROAD, CLEATOR MOOR
<b>Proposal</b>	CHANGE OF USE FROM FORMER PENSIONERS HUT TO RETAIL PREMISES (RETROSPECTIVE)
<b>Decision</b>	Approve
<b>Decision Date</b>	5 September 2012
<b>Parish</b>	Cleator Moor

<b>Application Num</b>	4/12/2348/0F1
<b>Applicant</b>	Mr and Mrs R Spedding, 17 High Road, Kells, WHITEHAVEN, Cumbria CA28 9AF,
<b>Location</b>	17 HIGH ROAD, KELS, WHITEHAVEN
<b>Proposal</b>	REMOVAL OF EXISTING GARAGE, ERECTION OF TWO STOREY EXTENSION
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	3 September 2012
<b>Parish</b>	Whitehaven

<b>Application Num</b>	4/12/2346/TPO
<b>Applicant</b>	LLWR Ltd, Old Shore Road, Drigg, HOLMROOK, Cumbria CA19 1XH, FAO Mrs S Trohear,
<b>Location</b>	PELHAM HOUSE, PELHAM DRIVE, CALDERBRIDGE, SEASCALE
<b>Proposal</b>	APPLICATION FOR TREWORKS TO FELL & MAINTAIN TREES AFFECTING THE SETTING OF A LISTED BUILDING
<b>Decision</b>	TREE PRESERVATION APPROVE
<b>Decision Date</b>	6 September 2012
<b>Parish</b>	Ponsonby

<b>Application Num</b>	4/12/2349/0F1
<b>Applicant</b>	Mr S Bramley, 94 Bransty Road, Bransty, WHITEHAVEN, Cumbria CA28 6HE,
<b>Location</b>	94 BRANSTY ROAD, BRANSTY, WHITEHAVEN
<b>Proposal</b>	ERECTION OF A DOUBLE GARAGE
<b>Decision</b>	Refuse
<b>Decision Date</b>	5 September 2012
<b>Parish</b>	Whitehaven

<b>Application Num</b>	4/12/2371/0F1
<b>Applicant</b>	Mr S Woodend, 7 Round Close Park, WHITEHAVEN, Cumbria CA28 8UH,
<b>Location</b>	7 ROUND CLOSE PARK, WHITEHAVEN
<b>Proposal</b>	FIRST FLOOR EXTENSION ABOVE EXISTING GARAGE AND REAR SINGLE STOREY EXTENSION
<b>Decision</b>	Approve (commence within 3 years)

<b>Decision Date</b>	3 September 2012
<b>Parish</b>	Moresby

<b>Application Num</b>	4/12/2351/OF1
<b>Applicant</b>	T Jopson & Son, Hestham Hall, MILLOM, Cumbria LA18 5LJ, FAO Mr E Jopson,
<b>Location</b>	HESTHAM HALL FARM, MILLOM
<b>Proposal</b>	ERECT TWO STOREY & SINGLE STOREY EXTENSION & INSTALL NEW SEPTIC TANK
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	6 September 2012
<b>Parish</b>	Whicham

<b>Application Num</b>	4/12/2352/TPO
<b>Applicant</b>	Mr B Patterson, Fleatham Farm, High House Road, ST BEES, Cumbria CA27 0BY,
<b>Location</b>	FLEATHAM HOUSE, HIGH HOUSE ROAD, ST BEES
<b>Proposal</b>	REMOVE CROWN OF OAK TREE & REMOVE TWO ELM TREES PROTECTED BY A TREE PRESERVATION ORDER
<b>Decision</b>	Tree Preservation Part Approved Part Refused
<b>Decision Date</b>	6 September 2012
<b>Parish</b>	St. Bees

<b>Application Num</b>	4/12/2375/OF1
<b>Applicant</b>	J W & V I Naylor, Hill Green Farm, Drigg, HOLMROOK, Cumbria CA19 1XD, FAO Mr J Naylor,
<b>Location</b>	HILL GREEN FARM, DRIGG, HOLMROOK
<b>Proposal</b>	ERECTION OF AGRICULTURAL BUILDING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	4 September 2012
<b>Parish</b>	Drigg & Carleton

<b>Application Num</b>	4/12/2383/OF1
<b>Applicant</b>	Miss S Leder, 58 Queen Street, MILLOM, Cumbria LA18 4DN,
<b>Location</b>	60 QUEEN STREET, MILLOM
<b>Proposal</b>	REPLACEMENT SHOP FRONT WINDOWS AND DOOR
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	3 September 2012
<b>Parish</b>	Millom

<b>Application Num</b>	4/12/2377/OF1
<b>Applicant</b>	Mr R Wilkinson, 21 Sandringham Avenue, WHITEHAVEN, Cumbria CA28 6XL,
<b>Location</b>	21 SANDRINGHAM AVENUE, WHITEHAVEN
<b>Proposal</b>	TWO STOREY EXTENSION TO SIDE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	4 September 2012
<b>Parish</b>	Whitehaven

<b>Application Num</b>	4/12/2374/OF1
<b>Applicant</b>	St. Josephs RC School, Yeathouse Road, FRIZINGTON, Cumbria CA26 3PX, FAO Mrs H Abbott,
<b>Location</b>	ST JOSEPHS RC SCHOOL, YEATHOUSE ROAD, FRIZINGTON
<b>Proposal</b>	SINGLE STOREY LIBRARY EXTENSION TO THE REAR
<b>Decision</b>	Approve (commence within 3 years)

<b>Decision Date</b>	5 September 2012
<b>Parish</b>	Arlecdon and Frizington