

PLANNING PANEL- 10 December 2014

SCHEDULE OF APPLICATIONS – CBC

PAGE

Item 1	4/14/2242/0F1 Erection of 5 affordable dwellings with 2 open market dwellings, site layout & amended access arrangements Land at Tarn Bank, Braystones, Beckermot	1
Item 2	4/14/2190/0O1 Outline application for erection of 79 dwellings & associated infrastructure/landscaping Land to north of Cleator Mill, Cleator	13
Item 3	4/14/2428/0F1 Application for continuation of siting of storage container Land to rear of Highland View, Bransty Road, Whitehaven	40
Item 4	4/14/2251/0F1 Proposed siting of 1 x 30m high (hub) endurance wind turbine with tip height of 45.0m Petersburgh Farm, Beckermot	46
Item 5	4/14/2409/0F1 Change of use from police station to residential hostel accommodation, internal alterations & formation of some new window openings Egremont Police Station, 1 Main Street, Egremont	61

Item 6	4/14/2241/0F1 Installation of one 11kw gaia wind turbine mounted on 15m lattice mast with a maximum tip height of 21.5m High House, Wilton, Egremont	71
Item 7	4/14/2408/0F1 Variation of Condition 2 of planning approval 4/13/2413/0F1 (use of static holiday caravans all year) to also include other non residential use St Bees Caravan Park, St Bees	86
Item 8	4/14/2402/0O1 Outliner application for 4 no. dwellings including means of access Land to rear of Santana Villa, Crossfield Road, Cleator Moor	92
Item 9	4/14/2439/0O1 Outline application for erection of 35 dwellings (resubmission) Land to north east of Rannerdale Drive, Victoria Road, Whitehaven	101
Item 10	4/14/2295/0F1 Proposed new office development The Energy Coast Business Park, Haile, Egremont	108
	SCHEDULE OF DELEGATED DECISIONS	122

ITEM NO: 1.

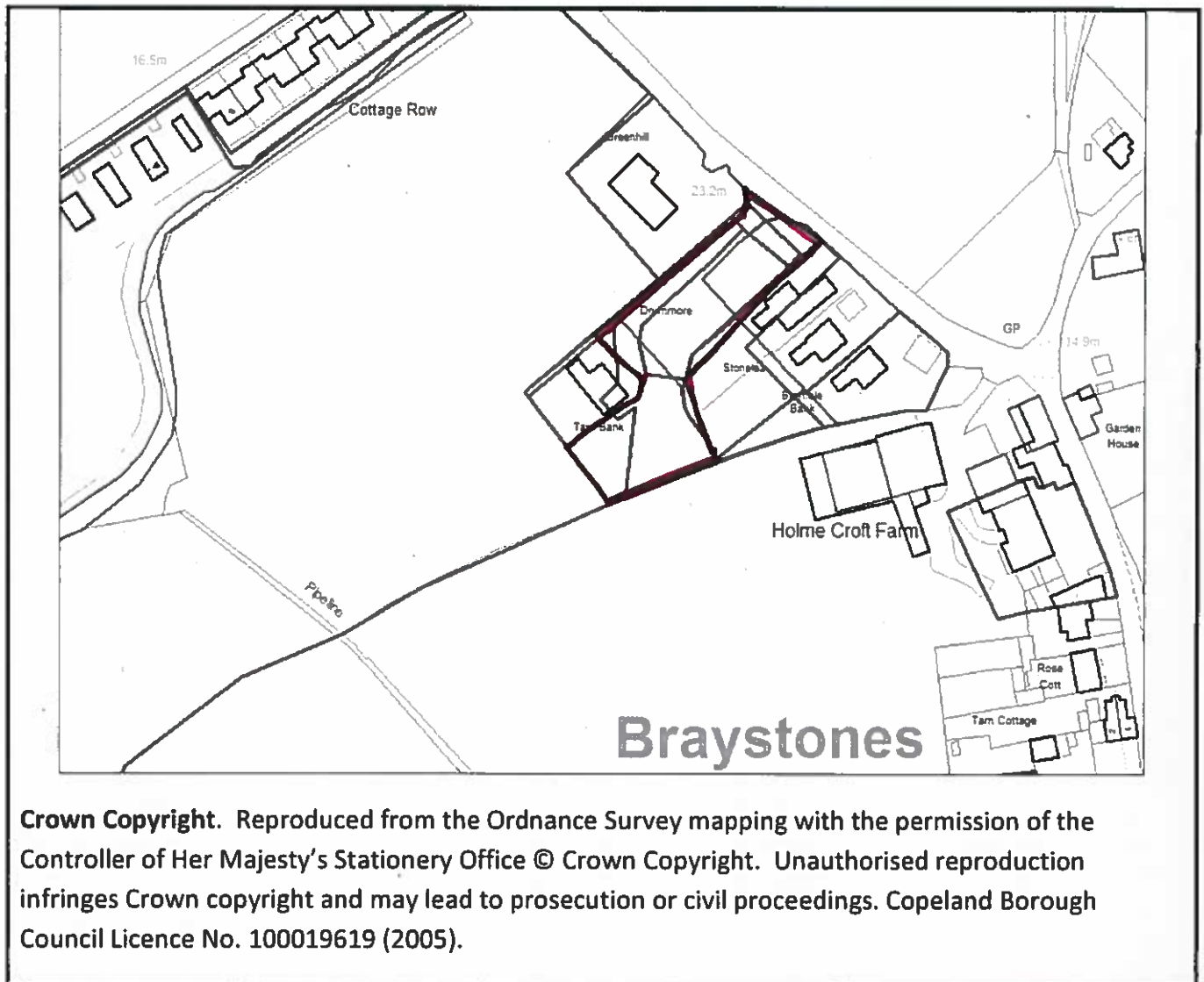


To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2242/OF1
Application Type:	Full : CBC
Applicant:	Mr P Lockhart
Application Address:	LAND AT TARN BANK, BRAYSTONES, BECKERMET
Proposal	ERECTION OF FIVE AFFORDABLE DWELLINGS WITH TWO OPEN MARKET DWELLINGS, SITE LAYOUT AND AMENDED ACCESS ARRANGEMENTS
Parish:	Lowside Quarter
Recommendation Summary:	Approve subject to S106



Introduction

This application relates to a L shaped plot of land forming part of the residential curtilage of 'Tarn Bank,' a large detached house situated on a prominent elevated site at the northern edge of the village of Braystones. The site is bounded to the north west and south east by existing dwellings, and to the west by Tarnside Caravan Park. To the east it has a frontage onto the classified C4020 road from Nethertown to Braystones.

Proposal

Full permission is sought for the erection of five affordable homes and two open market homes on this extensive site with an accompanying layout and amended access arrangements. It basically comprises a resubmission for an application submitted last year which was withdrawn. (4/14/2487/OF1 refers). The only difference being that the existing

dwelling 'Tarn Bank' is now outwith the application site and it is the intention that this will be refurbished and a more detailed supporting need case has been submitted.

The proposal involves erecting two storey houses in the form of three x 3 bed and two x 2 bed 'affordable' units and two 3/4 bed open market units. In terms of layout there would be one block of 3 affordable units (2 x 2 bed and 1 x 3 bed) situated parallel with the adjacent road from which access would be provided to each. The amended layout shows that work here would also involve widening the road to provide a 6m width and realigning the main access to the relevant highway standards. This would then be designed internally within the site to provide a cul-de-sac type arrangement serving the remaining 4 new units and Tarn Bank. In terms of arrangement there would be a pair of semi-detached 3 bed affordable units at the rear neighbouring Tarn Bank, with a detached open market dwelling on the opposite side and one to the rear of the frontage block of dwellings.

The application is accompanied by a design and access statement and a supporting planning statement which puts forward the case for local need/affordable housing in this location.

A viability statement has also been put forward to provide justification for the reduction in number of affordable units and an increase in open market new build to a ratio of 5:2.

Planning History

The previous planning history relating to the site is complex and remains relevant and material to the assessment of this proposal.

In 2006 outline permission was granted on this site for the demolition of Tarn Bank and the erection of 6 new dwellings to meet local housing needs subject to conditions and the applicant entering into a Section 106 agreement with the Council which restricted the occupation of the dwellings to the local community of Lowside Quarter, St John's and St Bridget's Beckermets parishes and being sold or let within the definition of "affordable" (4/05/2219/001 refers). A subsequent request to vary the terms of the S106, however, by deleting the affordable element from the agreement, which would have rendered it a housing site restricted by local occupancy only, was refused in July 2007 on the grounds that it was at variance with Policy HSG 11 the then adopted Copeland Local Plan which required that both local need and affordability requirements must be met.

Reserved matters followed for 4/05/2219/001 and approved the erection of 6 dwellings and the demolition of Tarn Bank. (4/09/2375/OR1 refers). This has now lapsed.

An outline application for 10 local need dwellings and the demolition and replacement of Tarn Bank was refused in 2008 on the grounds that there was insufficient proven local need for the number of dwellings proposed and lack of demonstrable measures to ensure affordability (4/08/2318/0 refers).

In 2009 a resubmission addressing the previous grounds of refusal for 11 dwellings, including the demolition of Tarn Bank, was approved subject to a S106. (4/09/2276/001 refers).

In 2012 reserved matters for phase 1 relating to the outline permission above for 4/09/2276/001 was granted for the erection 3 affordable homes and 2 garages and the demolition of Tarn Bank. This application together with the outline currently is extant. (4/12/2526/OR1 refers)

Finally 2013 saw the submission of a revised application for the site for 3 affordable homes and a plot layout for 2 dwellings, including the retention of Tarn Bank. This was withdrawn to enable a more detailed supporting case to be compiled which is the subject of this resubmission.

Consultations

Lowside Quarter Parish Council – object for the following reasons:

- **Vehicular access / road safety.** The proposal states that access would be onto a 30mph road. This is incorrect as the speed limit is 60mph. Visibility from the access is extremely poor and would be hazardous unless improved.
- **Foul Drainage.** There is inadequate capacity to provide foul sewage disposal to existing properties and there have been resident's complaints. There needs to be additional off site sewers or improvements to the existing system before this should be considered.
- **Surface Water Run Off.** There is no strategy for surface water run-off from the site. There should be a sustainable drainage approach as there is a potential risk of flooding on and off the site.

Highways Authority – No objection in principle. Expressed initial concern regarding the lack of detail with the original layout but following the submission of an amendment now raise no objection.

Historic Environment Officer – Identifies the site as being within an area of archaeological potential and advises that a scheme of archaeological recording be undertaken prior to any development which can be adequately controlled by condition.

Flood and Coastal Defence Engineer – no objection subject to an appropriate condition covering surface water drainage.

Housing Manager – no objections and are happy to support the application.

Neighbours

A letter has been received from the resident of one of the adjoining residential properties.

He objects to the proposal on the grounds that the applicant is not the owner of all the land he claims to be. This is essentially a boundary dispute to be resolved between the parties concerned and not a material planning consideration. In response however the applicant has confirmed and demonstrated via a land registry extract that he does control all the land to which the application relates.

In response to the Parish Council's concerns I would offer the following comments:

- **Access/ Road Safety.** It is the intention to realign the access and widen part of the road on approach as indicated on the amended layout to which the Highway now raise no objections subject to appropriate conditions.
- **Foul Drainage.** Not aware this is an issue .There are no objections from United Utilities subject to only foul sewage being connected to the existing mains sewer.
- **Surface Water.** Again not aware this is a particular problem in the vicinity as endorsed by our Flood and Coastal Defence Engineer, who raises no objection subject to a suitable condition.

Planning Policy

National Planning Policy

The National Planning Policy Framework (NPPF) sets out planning guidelines at a national level. 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, particularly for affordable housing, including through rural exception sites where appropriate.

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

In terms of housing, paragraph 47 encourages Local Planning Authorities to provide market and affordable housing to meet evidenced needs. Paragraph 50 advocates the delivery of a wide choice of high quality homes to meet the needs and demands of the community.

Paragraph 55 does stress that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances which would justify them.

As regards design, paragraph 56 attaches great importance to the design of the built environment and acknowledges that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 clarifies that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area.

Paragraph 60 recognises that it is appropriate to promote or reinforce local distinctiveness and paragraph 61 requires planning decisions to address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 69 sets out that local planning authorities should promote healthy communities. This includes the provision of safe and accessible environments containing clear and legible routes and high quality public spaces.

The NPPF requires proposals to be determined in accordance with the development plan unless material considerations determine otherwise.

Planning Practice Guidance

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when the site was launched.

The section on Housing and Economic Development Needs Assessment is particularly relevant which:

- Emphasises the need for the delivery of sustainable housing development in rural areas.
- Recognises that rural housing is essential to ensure viable use of local facilities in villages.
- Identifies that housing need surveys may be appropriate to assess affordable housing requirements specific to the needs of people in rural areas.

Copeland Local Plan 2013-2028

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

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

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

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

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

Policy ST2 -sets out a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. However it does have an exception clause which permits housing outside defined settlement boundaries that meets proven specific and local needs.

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

Policy SS2 – Sustainable Housing Growth. Prioritises allocating housing sites in accessible locations, sets targets and aims to ensure the development of as much brownfield land as is feasible.

Policy SS3 – Housing Needs, Mix and Affordability. Criterion B of this cites that a rural exception site policy approach is operated outside the key service centres and local centres to provide affordable housing that meets an identified local need and will be secured to meet that need in perpetuity.

Paragraph 5.4.3 identifies that the Strategic Housing Market Assessment (SHMA) highlights a general lack of choice with the current housing stock and a need for housing to accommodate an ageing population and families.

Paragraph 5.4.5 is specific to affordable housing. This emphasises that the approach to meeting needs for such housing will be based on the conclusions of the SHMA.

Paragraph 5.4.6 focuses on rural exceptions and is particularly relevant here. It cites that proposals for local needs/ affordable housing in villages to meet the needs of the local community will be considered favourably where:

- It is on a site within or immediately adjoining the village and is well related in terms of scale and character.
- Supported by evidence to show need in the local community or that an individual applicant has genuine local ties to the village and affordability needs.
- Subject to a planning obligation that requires occupation of the dwelling in perpetuity by households with these same local connections / affordability issues.

Development Management Policies

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

Policy DM10: Achieving Quality of Place. Advocates a high standard of design and fostering of 'quality places' via set criteria which should apply to all new housing development.

Policy DM12: Standards for New Residential Developments. It sets out the detailed requirements for achieving standards of residential amenity.

Assessment

Affordable Housing Definition and Need Case

Affordable housing is defined in the former Planning Policy Statement PPS 3 on Housing, (which although now canceled still provides relevant advice), as including "social rented and intermediate housing provided to specified and eligible households whose needs are not met by the market". Affordable housing should:-

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regards to local incomes and local house prices.
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

Social rented on the other hand, refers to housing owned and managed by local authorities and registered social landlords. Intermediate affordable housing is housing at prices and rents above those of social rent but below market price/rents and which meets the criteria as proposed in this instance. It should be noted that the definition does not exclude homes provided by the private sector or without grant funding providing they meet this definition. This application proposes selling the affordable houses at a 20% discount rate based on 80% of the market value.

The supporting case for affordable housing in this rural location relies on the Boroughs Strategic Housing Market Assessment (Copeland SHMA Final Report 2011) which incorporates a borough wide housing needs survey. This identifies Braystones as being within the locality of Whitehaven Rural Parishes which covers the Parishes of Arlecdon & Frizington, Distington, Haile, Moresby, Parton, St Bees, former St Bridgets Beckermets and St John's Beckermets as well as the application Parish, Lowside Quarter.

The SHMA indicates that there is an annual affordable housing shortfall in this area for 35 (19??) units and 226 overall for the Borough which supports the application. In terms of housing type the SHMA states that there is a specific requirement for 1, 2, 3 and 4 bed general needs accommodation. It also recognizes there is a need for 'intermediate tenure' stock which includes properties available at discounted sale and that a S106 is crucial to deliver this in perpetuity.

The submitted viability statement supports the applicants case that the previous approved scheme on the site for 10 affordable dwellings, which did not include any specific element of open market housing other than a replacement for Tarn Bank, (4/09/2776/OR1 refers) was unviable and that this 5:2 ratio, together with a reduction in the cost of the site access road from an adoptable road to a shared driveway, does allow a small operating profit to be achieved thus making it a viable scheme for the developer and therefore more likely to be delivered.

Conclusion

The key issues this application raises is whether there is sufficient housing need demonstrated for affordable housing in this location to be justified as a 'rural exception', given that Braystones does not benefit from a settlement boundary, and whether the viability case adequately demonstrates that a 5:2 ratio of affordable units to open market ones is acceptable. As regards being a rural exception the proposal is considered to satisfy Policy SS3 of the Copeland Local Plan and meets the criteria set out in paragraph 5.4.6 as follows:

-- The site is considered to be well related in form to the village being in effect an infill plot sandwiched at the north western edge by existing dwellings.

-- The case is supported by evidence of local need as documented in the SHMA 2011. The level of information this provides is considered to be sufficient to demonstrate need and is endorsed by the Councils Housing Manager. It is also within the 5 year time span for which such surveys are normally considered valid.

-- The proposal would also be subject to a S106 Agreement, alike the previous applications on this site, to ensure that affordability is secured in perpetuity.

The viability case now put forward is considered to be acceptable. It demonstrates that the scheme is viable and would provide an adequate but not unreasonable profit margin which would help secure delivery of the development.

Taking the above into account, as well as the fact that there have been previous approvals for affordable housing schemes on the site which is also material, the proposal for 5 affordable units and two open market units is considered to satisfactorily comply with the policies of the Copeland Local Plan 2013-2028, the guidance contained in the NPPF and the

Planning Practice Guidance and as such is recommended for approval subject to a S106 to secure affordability in perpetuity.

Recommendation:-

Approve subject to a S106 to secure affordability in perpetuity and the following conditions:

Conditions

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

Reason

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

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

Design and Access Statement, by Alan Freeman Ltd, ref 2014.622.AD, received 11 June 2014.

Additional Information, by Alan Freeman Ltd, received 11 June 2014.

Proposed Dwellings, Elevations and Plans, Block A (Affordable Dwellings) scale 1:50, dwg no. 2014.622.02, received 11 June 2014

Proposed Dwellings, Elevations and Plans, Block C (Affordable Dwellings) scale 1:50 & 1:100, dwg no. 2014.622.03, received 11 June 2014

Proposed Dwelling, Elevations and Plans, Dwelling B1, scale 1:50 & 1:100, dwg no. 2014.622.04, received 11 June 2014.

Proposed Dwelling, Elevations and Plans, Dwelling B2, scale 1:50 & 1:100, dwg no. 2014.622.05, received 11 June 2014.

Site Location Plan, scale 1:1250, received 11 June 2014.

Amended Site Layout Plan, scale 1:200, dwg no. 2014.622.01A, received 6 August 2014.

Topographical Survey, received 11 June 2014.

Housing Viability Statement and Spreadsheet, by R.S. Hayward RICS MACostE of Hayward Associates, received 24 November 2014.

Reason

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

3. Before development commences full details of the surface water drainage scheme, including any attenuation measures, 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 a satisfactory scheme of surface water disposal from the site.

4. The whole of the vehicular access area bounded by the carriageway edge and the prospective highway boundary shall be constructed and drained to the specification of the Local Highways Authority.

Reason

In the interests of highway safety.

5. No development shall commence until the access and parking/turning requirements have been substantially met so that constructional traffic can park and turn clear of the highway. On completion the vehicular access and parking / turning areas shall be retained capable of use thereafter and shall not be altered without the prior written consent of the Local Planning Authority.

Reason

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

6. No dwelling shall be occupied until its access and parking facilities have been constructed in accordance with the approved plan. These facilities shall be retained capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

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

INFORMATIVE FROM THE HIGHWAY AUTHORITY

The applicant / developer should ensure that measures are taken to prevent surface water discharging onto or off the highway to the satisfaction of the Highway Authority.

No works can be undertaken within the Highway (including verge area) until the developer has obtained a Highways Act 1980, Section 184 Streetworks licence; this refers to the shaded area on Alan B. Freeman Drawing 2014.622-01A which forms the access to the drives to Plots A1-A3 and the bellmouth/turning area to the Private Shared Drive that will serve the remainder of the development.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

ITEM NO: 2.

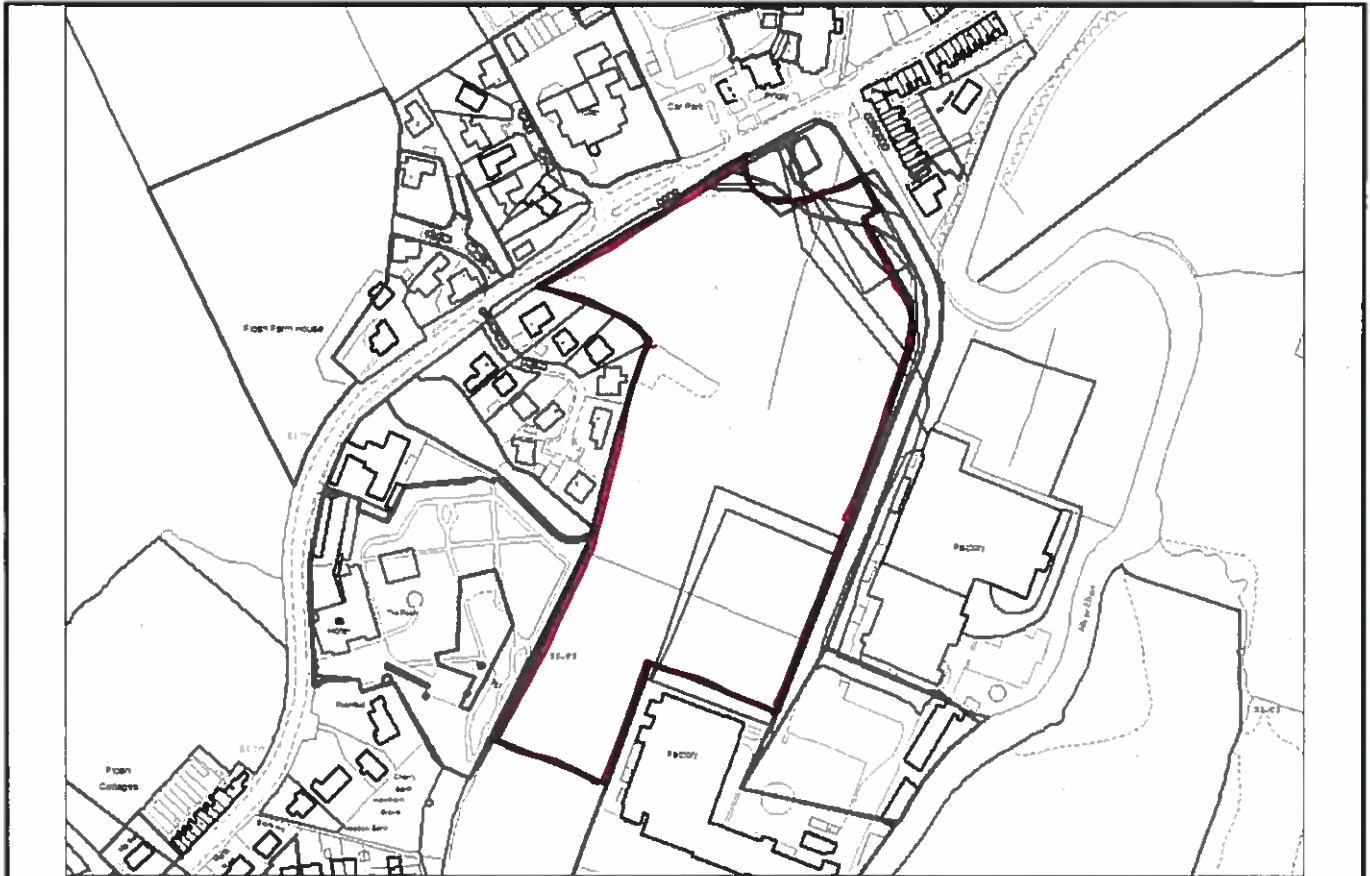


To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2190/001
Application Type:	Outline : CBC
Applicant:	North Associates
Application Address:	LAND TO NORTH OF CLEATOR MILL, CLEATOR
Proposal	OUTLINE APPLICATION FOR ERECTION OF 79 DWELLINGS AND ASSOCIATED INFRASTRUCTURE/LANDSCAPING
Parish:	Cleator Moor
Recommendation Summary:	Approve subject to S106



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

Background

Members indicated that they were minded to refuse this application at the last Planning Panel meeting (12 November 2014) due to concerns regarding flooding and potential flood risk, and the use of the land for housing when it is designated for employment use.

In addition to information received since the last Planning Panel meeting, members will note that the Council has now received a planning application for the redevelopment of the former Kangol factory for office use (B1). This part of the site was not previously covered by any of the three applications considered at the last meeting.

Addendum: Additional information on areas of concern

Flooding from the River Ehen

As detailed in the previous report, a detailed Flood Risk Analysis (FRA) and a repair and maintenance strategy for the new and enhanced flood defences have been submitted as part of the application. This strategy states as follows:-

- Prior to any development commencing on site, the Developer shall undertake a condition survey and subsequent repair and maintenance works of the following existing flood defences, which are identified by Environment Agency references:
 - 0114EHEN0401R25;
 - 0114EHEN0401R24;
 - 0114EHEN0401R04.
- Any flood defence falling below the Environment Agency's Condition Grade 2 shall be reinstated to a minimum Condition Grade 2 in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority in consultation with the Environment Agency.
- As requested by the Environment Agency the repair strategy will not:
 - result in an increase in the overall height of the crest level of the flood defence; or
 - result in an increase in the footprint of the flood defence.
- All repair works to the flood defences shall be undertaken by the Developer.
- The flood defence shall be maintained by the Developer at Condition Grade 2 for a period not exceeding 20 years from the date of commencement.
- For the duration of the 20 year period, the Developer (or subsequent Management Company) will undertake a condition survey every 5 years and, if appropriate, undertake the necessary works to maintain the flood defences at Condition Grade 2.
- Liaison with the Local Planning Authority and Environment Agency will be maintained throughout.

This strategy for flood management has been designed in consultation with the Environment Agency and is submitted as part of the proposed development. The suggested condition three requires works to the flood defences to be carried out prior to development commencing on the application site, to ensure that the site is adequately protected from flood risk at the outset.

Surface water flooding

Whilst there is legitimate concern over the potential for river flooding, the main issue for this site relates to problems which arise from surface water flooding. The site is known to become waterlogged in some areas during times of heavy rainfall. Appraisal of this issue suggests that this problem is a consequence of the slow dissipation of surface water. This is largely a result of poor maintenance and equine grazing which has left the grass and topsoil

compacted. Surface water cannot therefore penetrate to the free-draining subsoil, which is made up of silts and loose gravel, and allows water to percolate away from the site easily. Percolation testing on site has demonstrated that percolation levels are high, and the Environment Agency and Natural England are satisfied that the drainage design will actually improve the surface water drainage of the site.

The Environment Agency and Natural England have expressed concern over the existing provision for surface water drainage across the site. Whilst not necessarily effective and a contributory factor in poor drainage of the site, this drainage system currently has an out fall into the Ehen. This is considered to be unsatisfactory as it potentially increases flood risk and threatens water quality in the River Ehen SAC and SSSI, noted for its population of fresh water mussels. The proposed development would change the management of surface water, reducing the scope for waterlogging of the site, reducing flood risk from the river and benefitting the riverine environment.

Employment land issue

The Planning Panel raised concern as to consistency with development plan policy which sought to protect land for employment development. The land currently has this status as a consequence of the saved policy EMP 2 of the Copeland Local Plan 2001 – 2016. Development however would be consistent with Policies ST2, DM3, DM10 – 12 and SS3 in the adopted Copeland Local Plan 2013 – 2028, the NPPF and also provides additional wider benefits. Where there is a tension between policies it would be expected that more recently adopted policy will take precedence.

Previous objections/consultation responses

The Cleator Moor Chamber of Trade has now withdrawn its objection to the proposal since the previous meeting.

In addition, Cleator Moor Town Council has clarified its comments following the last meeting. Specifically relating to this application they comment as follows:-

- They have concerns regarding flooding;
- They would want the business uses on site developed prior to the residential;
- They feel there should be more planning gain from the scheme.

In response to the above points, firstly the flood issue is covered in detail above and also in the main report. As mentioned at the previous Planning panel meeting, the conversion of the Mill Building is the only full planning application, and therefore the only works possible to start on site without the submission and approval of a further application. The wider benefits to the scheme are stated again below in the conclusion.

Members noted in their consideration of the report previously presented that objection had been received from the Council's own Flood Defence and Coastal Engineer. This raised legitimate concern that issues over flood risk had not been resolved. In fact more detail was submitted enabling further consultation with the Environment Agency and the conclusion that the development did present any issue which would justify refusal on grounds of flood risk. As Environment Agency would be the ultimate arbiter on this issue, the internal consultee was not pressed for further response.

Conclusion

In summary, the positive aspects of this application are reiterated. This particular application will provide housing in the Cleator/Cleator Moor area without expanding onto land outside of the settlement boundary and also expand the housing offer locally in accordance with the housing need set out in the SHMA. However it is in the wider context of the full redevelopment of the application site and adjoining land, that benefits are most apparent. The upgrading works to the flood defences and surface water management improvements will not only benefit the site but the wider area, whilst ensuring the protection of the River Ehen SAC and SSSI. The conversion and adaptation of the Mill building will ensure the retention and re-use of this locally significant heritage asset with a viable end user ready to occupy the property. The overall development includes a car park facility which will benefit the local residents and visitors to the Church and Public House. Finally the employment use on the site will provide a positive benefit to the economy of the locality on a site that was previously used for a large employer. The infrastructure required for this overall development is significant and would not be supported by just one element.

Therefore application should be view in this context as part of an overall scheme where all parts are interlinked and dependant on each other. For this reason the application is recommended for approval.

INTRODUCTION

Three separate planning applications have been submitted for the redevelopment of the former Cleator Mills site. A detailed application for the extension, alteration and conversion of the former mill buildings is included on the agenda under reference 4/14/2192/0F1. An outline application for the redevelopment of part of the former Kangol site for the erection of new offices is included on the agenda under reference 4/14/2191/0O1.

Members visited the site to assess all three applications on 09 July 2014.

PROPOSAL

This application relates to a green area of land which lies adjacent to the former Kangol site at Cleator Mills, Cleator. The site covers 4.29 hectares and is currently in use for agricultural purposes.

Outline planning permission is sought for the erection of 79 dwellings on the land. The application seeks to establish the principle of developing the site for residential purposes and all matters relating to layout, scale, appearance, access and landscaping would be reserved for subsequent approval.

Although only in outline form an indicative layout plan has been submitted which illustrates that 79 units can be accommodated on the site. It is proposed to create a mixture of housing types ranging from 2 to 5 bedrooms. Each dwelling will be served by a private garden area and two off street parking spaces. The layout plan also illustrates the provision of several public open spaces, the retention of the existing mature trees on the site and also the addition of new landscaping.

Access into the site is to be achieved off a new entrance that is to be created off the A5086 which runs along the northern boundary of the site.

The applicants have confirmed during the planning process that they are proposing 6 affordable units, consisting of a mixture of 3 and 4 bedroom properties, available at a discounted sale.

The application is accompanied by the following information:-

- Site Location Plan
- Site context and site analysis plan
- Illustrative Landscape Concept Plan
- Proposed site plan
- Proposed junction layout plan
- Design and Access Statement
- Planning Statement
- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Extended Phase 1 habitat survey
- Preliminary Environmental Risk Assessment
- Site investigation and updated environmental risk assessment
- Geophysical Survey
- Development Sustainability Assessment
- Desk based assessment
- Tree survey
- Unitary search summary,
- Soakaway test report

- Drainage statement
- Statement of community involvement

Further to the comments received from Natural England and the Council's Drainage and Flood Defence Engineer respectively, an Assessment of Likely significant Effect (ALSE) and a flood defence repair and maintenance strategy have been submitted by the applicants. The former relates to any potential impact the proposal could have on the adjacent River Ehen, which is a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI). The latter is a short statement for the developers stating that they will, in consultation with the Environment Agency, upgrade the three flood defences adjoining the site up to a Grade 2 standard at their expense.

CONSULTATION RESPONSES

Town Council

- Members expressed concerns regarding the potential for flooding in the area, and seek confirmation that the potential risk of flooding could be reduced by strengthening and improving the existing flood defences.
- The developer's commitment to improving flood defences was noted.
- Members request to be kept informed as to what the improved flood prevention measures would be.
- Members agreed that developing the site would be beneficial for the community as a whole rather than retaining the site for employment use only.
- Members expressed concerns about the village of Cleator and Cleator Moor becoming "joined up" with the resulting loss of green space between both habitations.

Another issue which is a problem is the raised manhole in the housing development site and the associated pipe work leading into the River Ehen. The angle of this pipe cases flow back into the proposed development site, when the river is in flood. With rainfall likely to increase in coming years this will be problem for the site and would need to be addressed. I was advised of this problem by a member of the public who has witnessed this happening on a number of occasions. I have also contacted United Utilities regarding the matter but have not received a response yet.

At the rear of the former mill site, there is a sandstone wall which is situated at the bend in the river. The wall ends abruptly, but I would be grateful if consideration could be given to extend the wall, as it is felt, this is an area which is vulnerable to flooding but could be prevented if the wall was extended.

Members request planners impose a stipulation on any planning approval to ensure the development detailed in application 04/14/2192/0F1 – Conversion of former mill to provide office accommodation and café and 04/14/2191/001 – outline application for erection of offices on land adjacent to Cleator Mill, Cleator be completed prior to the start of the construction of 79 dwellings.

Cumbria County Council

No objection to the proposal, however, in order to better meet the needs of residents as they age, the applicant should consider the mix of dwellings on site to ensure the provision of increased homes with straight staircases, and room for level entry shower facilities adjacent to ground floor toilet facilities. The developer should also consider opportunities to deliver a proportion of bungalows on the site. At the reserved matters stage the County Council may require the provision of a financial contribution as appropriate mitigation based on the number of homes that do not contain these features given the increased challenges in delivering adaptations to them and the potential for increased support services in the home occurring; In relation to flood and water management, suitable evidence being provided in relation to the 'soakaway tests' as discussed in paragraph 3.21 for all three of the proposed developments.

In addition, a financial contribution is required from the developer to cover the impact the residential development will have on school transport within the area. This is a total of £73452.75, which is based on the estimation that the development would yield 11 secondary school aged children.

Environment Agency

No development approved by this planning permission shall take place until such time as a scheme to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from this site has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall:

1. Demonstrate that there will be no increase in flood risk either upstream or downstream.
2. Include a proposed minimum finished floor level of 62.18m AOD which should be used based upon the 1:100 plus climate change year return period plus 600mm freeboard (as per 6.0 of the Flood Risk Assessment Proposed Residential Development, Cleator Mill, Cleator, Cumbria - produced by RWO Associates and dated April 2014, Version 3).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future users.
3. We would recommend that as part of the overall development remedial works on the flood defences identified in the Flood Risk Assessment (as per the Flood Risk Assessment Proposed Residential Development, Cleator Mill, Cleator, Cumbria - produced by RWO Associates and dated April 2014, Version 3) are carried out by the developer.

No development should be undertaken until the flood defences are improved and details have been provided to the Environment Agency of the work undertaken. Details of future maintenance of any defences should also be included.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to existing properties surrounding the proposed development.

We ask to be consulted on the details of submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

Flood and Coastal Defence Engineer (comments from 09 June 2014)

Based on submitted documentation I have to object to the proposal. There is no evidence that Sequential Test and Exemption Test have been undertaken.

According to the Environment Agency, existing defences do not provide a 1 in 100 year standard of protection, yet the submission states that the site should be regarded as Flood Zone 1, rather than Flood Zone 3a. There isn't sufficient justification to support this assertion.

Using the Environment Agency Flood Maps (December 2013), the development falls into Flood Zone 3a.

This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1.0%), or a 1 in 200 or greater annual probability of sea flooding (>0.5%).

The water-compatible and less vulnerable uses of land are appropriate in this zone. The highly vulnerable uses of land should not be permitted in this zone.

The more vulnerable uses and essential infrastructure uses should only be permitted in this zone if the Exemption Test is passed. Essential infrastructure permitted in this zone should be designed and constructed to remain operational and safe for users in times of flood.

All development proposals in this zone must be accompanied by a Flood Risk Assessment.

In this zone developers and Local Authorities should seek opportunities to:

- Reduce the overall level of flood risk in the area and beyond through the layout and form of the development and the appropriate application of sustainable drainage systems.
- Relocate existing development to land in zones with a lower probability of flooding.
- Create space for flooding to occur by restoring functional floodplain and flood flow pathways by identifying, allocating and safeguarding open space for flood storage.

There is no evidence that the Exemption Test has been undertaken for the proposed development.

Using the Environment Agency Flood Maps (December 2013), with respect to surface water flooding, the development falls into an area that is not considered at risk of surface water flooding in a 1 in 30 year event. However, for a 1 in 100 year event parts of the site are shown at risk and for a 1 in 1000 year event approximately half the site is at risk.

Using the Environment Agency Flood Maps (December 2013), the development area is not shown as benefitting from defences. Defences are present on the River Ehen in the vicinity of the proposed site, but do not extend sufficiently downstream to provide full protection.

The Environment Agency consider that if the defences provide a 1 in 100 year standard of protection, then protected area can be considered as benefitting from defences.

The FRA states that the Environment Agency data shows that the hard defences have a 1 in 100 year standard and that that earth embankment immediately downstream of these have a 1 in 25 year standard. It also states that by comparing the existing flood defences and modelled flood levels the site is protected to a 1 in 1000 year flood and considers that the site should be reclassified as being in Flood Zone 1. As this is not currently supported by Environment Agency mapping, an independent expert assessment would be required.

The FRA has looked at the topographic survey and the modelled flood levels and considered that the site is at low risk of flooding. However, parts of the site are lower than the modelled flood levels.

An assessment of the existing defences for the developer differs from that of the Environment Agency in terms of the condition of the defences. The FRA suggests a figure of circa £150k to bring the flood defence up to an adequate condition. Again this is a matter for independent expert assessment.

The existing defence does not provide protection to the full former mill site, so consequently the proposed residential development site.

United Utilities

Raise no objections to the proposal, subject to conditions. An informative is suggested should permission be granted which details that sewers cross the site and building will not be permitted over these. This issue has been raised by local residents and the Cleator Moor Town Council.

Natural England

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Ehen Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as River Ehen (Ennerdale Water to Keekle Confluence Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

Following the submission of the ALSE and supporting documentation by the applicants, they have confirmed that they raise no objections to the proposal subject to the implementation of the mitigation measures proposed which include the following:-

- Diversion of all construction and post development run-off into public sewers and ultimately to a large soak away to the north.
- Disconnecting of existing drainage systems to outfalls into the River Ehen.

- Installation of silt fencing along the edge of the riparian zone during demolition and construction.
- Strengthening of the existing green framework through native soft landscaping.
- Daily inspection of silt traps and silt fencing, where used.
- Dust suppression during all operations
- Appropriate timing of knotweed or tree removal to avoid seasons or periods of predicted high rainfall. Immediately followed by an appropriate seed mix to ensure soil stabilisation.
- Herbicide applications and timings to determined and consented by the Environment Agency.

Planning Policy

The Council has a five year (plus 20%) supply of housing sites and the policies in the Local Plan therefore apply.

Saved Policy EMP1 from the Copeland Local Plan 2001-2016 allocates the site for Employment (B1, B2 and B8 uses), which would make the proposal for housing on this piece of land contrary to policy. The site was submitted to the Council for housing through the SHLAA process and was discounted for this reason, especially as conversion of the mill to residential use, and residential on the whole area was not considered to be appropriate.

Policies ENV1 and DM24 of the Local Plan seek to direct development to areas at lower risk of flooding. This approach is endorsed in Paragraphs 100 – 103 of the NPPF. The NPPF explains that as housing is considered to be a more vulnerable use, it is required to meet the Sequential and Exception Tests if it is proposed in Flood Zone 3a. This means that development should be directed to alternative sites at lower risk of flooding (i.e. sequentially preferable), and if there are no such sites, then development should only be approved if it provides wider sustainability benefits to the community to outweigh the flood risk.

There are only a limited number of sites within the settlement boundary for Cleator, and most of these are unsuitable for housing development as they are in another use or protected open space. There is currently one allocated site, identified in saved Policy HSG2 from the Copeland Local Plan 2001-16 which could provide up to 20 homes but this has not come forward for development. In addition to this there have been recent proposals for development on land adjacent to the settlement boundary. These proposals could provide 34 homes in Cleator, but this would not necessarily meet the identified need for the village. As such, there may not be sufficient sites that are sequentially preferable and it is appropriate to consider the Exception Test.

The proposal will enable the refurbishment and redevelopment of an important building in the village and help provide a number of additional jobs in the area. On balance, these two key factors could be considered to provide sufficient wider benefits to the community to outweigh the flood risk, especially when the proposed enhancements to local flood defences are also included. When considered as a whole, with the employment proposals, the housing application could be said to meet the Exception Test outlined in the NPPF.

These wider sustainability benefits could also help the proposal meet the requirements of Policy DM3C, which can make provision for the release of employment land for other uses, especially within a mixed use development.

The proposal is for 79 dwellings, which on its own is more than the amount Cleator would require if the housing provision identified in Figure 3.3 of the Core Strategy was divided equally across all Local Centres. However, as Cleator adjoins Cleator Moor, which is a Key Service Centre and provides a greater level of services and employment opportunities to support sustainable development, it is proposed that Cleator could support slightly higher levels of development than some other Local Centres.

Policy SS3 requires a mix of housing, including affordable homes, and the Strategic Housing Market Assessment (SHMA) identifies an affordable housing need of 8 dwellings per annum in Cleator, while Paragraph 5.4.5 of the Core Strategy sets the level of affordable housing required at between 15% and 25%. Meeting these requirements would equate to between 12 and 20 affordable homes, which is more than the applicant is currently offering. I would recommend that you clarify the reason for their affordable housing figure.

The landscape design led approach is welcomed in the proposed layout and helps provide a logic and connectivity with the village and other key reference points such as St Mary's Church. This should also enable any homes that are built to meet the requirements of good design as required in Policies DM10-DM12. Reference to this approach and initial proposal should be borne in mind at the Reserved Matters stage. The open space provision within the scheme is welcomed, and conforms with Policy SS5, although you should clarify responsibility for the future maintenance of any such space.

The proposals for business uses on the land generally conform with the Local Plan policies, bringing jobs to the area and enabling the refurbishment of a historic building of local importance.

The proposal for housing is generally contrary to policy as it would result in a loss of employment land and, on its own, would fail the Sequential and Exception Test in terms of flood risk. That said, when it is considered in its enabling role for the other two applications it can be argued that it meets the Exception Test in the NPPF by enabling the restoration and redevelopment of the Cleator Mill building and bringing jobs to the area. These

benefits also support the requirements of Policy ER3C to release of allocated employment land for housing as part of a mixed use scheme.

When considered together the three applications provide an opportunity for the comprehensive redevelopment of the former Cleator Mills area of Cleator, which can provide benefits to the village and can be supported in policy terms. This is with the caveat that the proposals are also acceptable to both the Environment Agency and Natural England in terms of flood risk measures and protection to the River Ehen SSSI/SAC.

I would also suggest that you seek to establish an appropriate undertaking from the applicant that ensures that development for the employment uses occurs before the housing element.

Other

Six letters of objection including a petition containing 98 signatures has been submitted in opposition to the development proposals. The following concerns have been raised to this application in particular:-

- There is not a need for the number of houses being proposed
- The site lies within flood zones 2 and 3 and is prone to flooding. This development will increase the levels of flooding on the site and also worsen the impact of flooding elsewhere within the locality
- The existing drainage and sewage facilities are inadequate to accept the level of flows that would result from this development
- The access is inadequate and would join a very busy road (A5086)
- The road network is already busy and could not accommodate the additional levels of traffic that will result from this proposal
- The level of development is excessive for Cleator and would have a detrimental impact on the locality
- The site is not allocated for development in the Local Plan and is currently a greenfield
- The development will have an adverse impact on wildlife and habitats
- The site is not well served by public transport

PLANNING POLICY

National Planning Policy

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

It identifies three dimensions to sustainable development: economic, social and environmental. A social role is defined as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations.

Paragraph 22 stresses that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It goes onto say that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

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

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

Paragraph 102 of the NPPF regarding flooding states it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

Paragraph 118 is the section of the NPPF regarding biodiversity. This states when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

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

Copeland Local Plan 2013-2016

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

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

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

Policy ST2 sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. It lists Cleator as one of the smaller towns which can accommodate moderate levels of development.

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

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

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

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

Policy ENV 1 sets out an approach to ensure that new build development is not prejudiced by flood risk. Any risk should be managed appropriately.

Policy ENV 3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Locality

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

Development Management Policies

The Development Management policies are set out to provide further detail on how the Core Strategy will be implemented.

The following policies are relevant to this development:-

Policy DM 3 seeks to safeguard employment areas but does allow for non-employment uses subject to it being demonstrated that the site is no longer viable, there are no suitable alternatives or that the benefits significantly outweigh the loss of the employment use. It also notes that alternative uses which comprise a mix of uses will be preferable to a single residential use.

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

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

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

Policy DM22 requires all development proposals to be accessible to all users.

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

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

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

ASSESSMENT

This application relates to a large residential development on a greenfield site which lies within the designated development boundary for Cleator. It forms part of an overall proposal to redevelop the land including the former Kangol site to provide housing and employment premises.

This particular area of the site is allocated for an employment use within the Copeland Local Plan 2001 – 2016, and is within the settlement boundary for Cleator. In policy terms, DM3 seeks to protect employment land allocations from other forms of development but this proposal provides an alternative employment use on the overall site by virtue of applications 4/14/2191/0 and 4/14/2192/0. In addition, the policy notes that a mixed use development is a preferable alternative should employment land be re-used for other schemes. In this case the uses on the overall site have been reversed as it was previously expected that the Mill building would be converted into residential accommodation and the employment use would be on this site.

The Local Plan Policy regarding the location of residential development, ST 2, takes a sustainable approach to development meaning that housing should be sited within a settlement where there are already services, transport links and also a close proximity to potential employment.

The main issue to consider with this application are the potential flood risk, any implications this has with regards to properties in the near vicinity or downstream of the site and also the potential impact of the development on the River Ehen SAC and SSSI.

The Council's Flood and Coastal Defence Engineer has objected on the basis that the sequential and exceptions test have not been met however following the submission of additional information on this matter has not commented further. The Environment Agency however have, while acknowledging the flooding issues in the area, determined that the applications can be approved subject to a condition that no development commences until a suitable scheme relating to surface water has been submitted to and approved which does not increase the flood risk either upstream or downstream. This will include some additional work to upgrade and maintain the existing flood defences adjoining the site at the developer's expense. There is therefore potentially an opportunity to improve the flood risk situation in the area with the approval of the application through money not currently available.

Natural England has concluded that the proposed development will not have a significant effect on the River Ehen SAC and SSSI subject to the implementation of the mitigation measures set out in the ALSE and supporting documents.

The use of the site for residential development is considered appropriate in this case rather than employment, as this will facilitate the development of the remainder of the land which will have the added benefit of clearing and improving the visual appearance of the site which is currently an eyesore for the local residents, the retention and renovation of the former Mill building which is of significant local historical interest, and finally could involve the improvement of the flood defences adjoining the site.

It is therefore recommended for approval, subject to a Section 106 agreement relating to school transport contribution and the provision of an element of affordable housing.

Recommendation:-

Conditions

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

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended

by the Planning and Compulsory Purchase Act 2004.

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

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

Or

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

Reason

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

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

- Planning application form received 13th May 2014;
- Site location plan received 13th May 2014 (Drawing No. 1322 F 201);
- Existing block plan received 13th May 2014 (Drawing No. 1322 F 100);
- Existing ground floor plan and site layout received 13th May 2014 (Drawing No. 1322 F 130);
- Existing first floor plan received 13th May 2014 (Drawing No. 1322 F 131);
- Existing roof plan received 13th May 2014 (Drawing No. 1322 F 132);
- Existing north elevation received 13th May 2014 (Drawing No. 1322 F 150);
- Existing south elevation received 13th May 2014 (Drawing No. 1322 F 151);
- Existing east and west elevation and section drawings received 13th May 2014 (Drawing No. 1322 F 152);
- Proposed site layout plan received 27th October 2014 (Drawing No. 1322 F 200 Revision A);
- Proposed ground floor plan received 13th May 2014 (Drawing No. 1322 F 300);
- Proposed first floor plan received 13th May 2014 (Drawing No. 1322 F 301);
- Proposed roof plan received 13th May 2014 (Drawing No. 1322 F 302);
- Proposed north elevation received 13th May 2014 (Drawing No. 1322 F 500);
- Proposed south elevation received 13th May 2014 (Drawing No. 1322 F 501);
- Proposed east and west elevation and section drawings received 13th May 2014 (Drawing No. 1322 F 502);

- Indicative Landscape Concept Plan received 27th October 2014 (Drawing No. 006);
- Proposed junction arrangement plan received 13th May 2014 (Drawing No. 001);
- Topographical Survey received 13th May 2014 (Drawing No. CLE/NOR/UTIL A);
- Planning Statement received 13th May 2014;
- Design and Access Statement received 13th May 2014;
- Statement of Community Involvement received 13th May 2014;
- Transport Statement received 13th May 2014;
- Travel Plan received 13th May 2014;
- Phase 1 Ecology Report received 13th May 2014;
- Bat Survey received 13th May 2014;
- Tree Survey received 13th May 2014;
- Travel Plan received 13th May 2014;
- Drainage Statement received 13th May 2014;
- Flood Risk Assessment received 13th May 2014;
- Flood Defence Repair and Maintenance Strategy received on 18 August 2014;
- Preliminary Environmental Risk Assessment received 13th May 2014;
- Archaeological Desk Based Assessment received 13th May 2014;
- Assessment of the Likely Significant Effect Screening Document received 24th October 2014;
- Environmental Risk Management Strategy received 24th October 2014;

Reason

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

4. Full details and supporting information for a sustainable surface water drainage system shall be submitted to the Local Planning Authority for approval with the first Reserved Matters Application. All approved works shall be implemented prior to the development being complete and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

5. The Reserved Matters Applications shall include a plan detailing adequate land for the site establishment, material storage, parking of vehicles/plant engaged in the construction operations. Such land, including the vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason

The carrying out of this development without the provision of these facilities during

the construction work is likely to lead to inconvenience and danger to road users.

6. The first reserved matters application shall include full engineering details of the carriageway, footways, footpaths etc.; designed, constructed, drained and lit to a standard suitable for adoption. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. All works so approved shall be constructed before the development is considered complete.

Reason

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

7. Within 12 months of first opening for business, the developer shall have prepared and submit to the Local Planning Authority for their approval, a Travel Plan which identifies measures that will be undertaken to encourage the achievement of a modal shift away from the use of private cars to sustainable transport modes. There will be annual reviews of the Travel Plan for at least 4 subsequent years following completion of the last phase of the development (or the expiry of the Planning Consent, which will revise the Travel Plan and identify any mitigation measures required, to be implemented by the developer within the 12 months following the Review.

Reason

To aid in the delivery of sustainable transport objectives.

8. The first Reserved Matters Application shall include details for resident and visitor parking provision in accord with the Cumbria Parking Standards. No dwelling shall be occupied until any such approved details have been constructed; and they shall be retained capable of use thereafter, unless otherwise agreed by the Local Planning Authority.

Reason

To ensure that provision is made for vehicle turning within the site and in the interests of road safety.

9. Full details of the soft landscaping works including planting plans and written specifications of plants, species, sizes and densities shall be submitted to and approved in writing by the Local Planning Authority. Landscaping shall be carried out in accordance with the approved details.

Reason

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

10. No development approved by this planning permission shall take place until such time as a scheme to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from this site has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall:

1. Demonstrate that there will be no increase in flood risk either upstream or downstream.
2. Demonstrate that existing ground levels on the eastern boundary will not be reduced as these are in excess of 60.20m and as such afford the building protection from the risk of flooding (as per 6.0 of the Flood Risk Assessment Proposed Conversion and Extension of Factory to B1 Office Use, Cleator Mill, Cleator, Cumbria - produced by RWO Associates and dated April 2014, Version 3).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future users.
3. We would recommend that as part of the overall development remedial works on the flood defences identified in the Flood Risk Assessment (as per 6.0 of the Flood Risk Assessment Proposed Conversion and Extension of Factory to B1 Office Use, Cleator Mill, Cleator, Cumbria - produced by RWO Associates and dated April 2014, Version 3) are carried out by the developer.

No development should be undertaken until the flood defences are improved and details have been provided to the Environment Agency of the work undertaken. Details of future maintenance of any defences should also be included.

11. No development approved by this planning permission shall take place until such time as a scheme to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from this site has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall:

1. Demonstrate that there will be no increase in flood risk either upstream or downstream.

2. Demonstrate that existing ground levels on the eastern boundary will not be reduced as these are in excess of 60.20m and as such afford the building protection from the risk of flooding (as per 6.0 of the Flood Risk Assessment Proposed Conversion and Extension of Factory to B1 Office Use, Cleator Mill, Cleator, Cumbria - produced by RWO Associates and dated April 2014, Version 3).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future users.
3. We would recommend that as part of the overall development remedial works on the flood defences identified in the Flood Risk Assessment (as per 6.0 of the Flood Risk Assessment Proposed Conversion and Extension of Factory to B1 Office Use, Cleator Mill, Cleator, Cumbria - produced by RWO Associates and dated April 2014, Version 3) are carried out by the developer.

No development should be undertaken until the flood defences are improved and details have been provided to the Environment Agency of the work undertaken. Details of future maintenance of any defences should also be included.

12. No development approved by this planning permission shall take place until such time as the flood defences are improved and details have been submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency. Details of future maintenance of any defences should also be included.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

This shall include the remedial works on the flood defences identified in the Flood Risk Assessment (as per 6.0 of the Flood Risk Assessment Proposed Conversion and Extension of Factory to B1 Office Use, Cleator Mill, Cleator, Cumbria - produced by RWO Associates and dated April 2014, Version 3) and the Flood Defence and Repair Maintenance Strategy dated 18 August 2014.

Reason

To reduce the risk of flooding to the proposed development and future users.

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

1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

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

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

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

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect controlled waters, in particular the River Ehen, and comply with the National Planning Policy Framework.

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

Reason

To protect controlled waters, in particular the River Ehen, and comply with the National Planning Policy Framework.

15. The mitigation measures identified for the construction, reinstatement and operation phases of the development in the Assessment of Likely Significant Effect (ALSE) by Elliot Environmental Surveyors Ltd dated 23 October 2014 shall be implemented in full.

Reason

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

16. The mitigation measures identified for the construction, reinstatement and operation phases of the development in the Environmental Risk Management Strategy by Elliot Environmental Surveyors Ltd dated 23 October 2014 shall be implemented in full.

Reason

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

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

Reason

To ensure a satisfactory drainage scheme.

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

indirectly). The development shall be completed, maintained and managed in accordance with the approved details.

Reason

To ensure a satisfactory drainage scheme.

19. No occupation of dwellings approved by this permission shall occur until the programmed improvements to Cleator Wastewater Treatment Works have been completed by United Utilities.

Reason

To ensure a satisfactory drainage scheme.

Informatives:

Several public sewers cross this site and United Utilities will not permit building over them. They require an access strip width of 10 metres, 5 metres either side of the centre line of each sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewers.

A combined sewer overflow system is situated on site. United Utilities have a right to access it for maintenance or replacement. Deep rooted shrubs and trees should not be planted in the vicinity of the overflow system.

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

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

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

ITEM NO: 3.

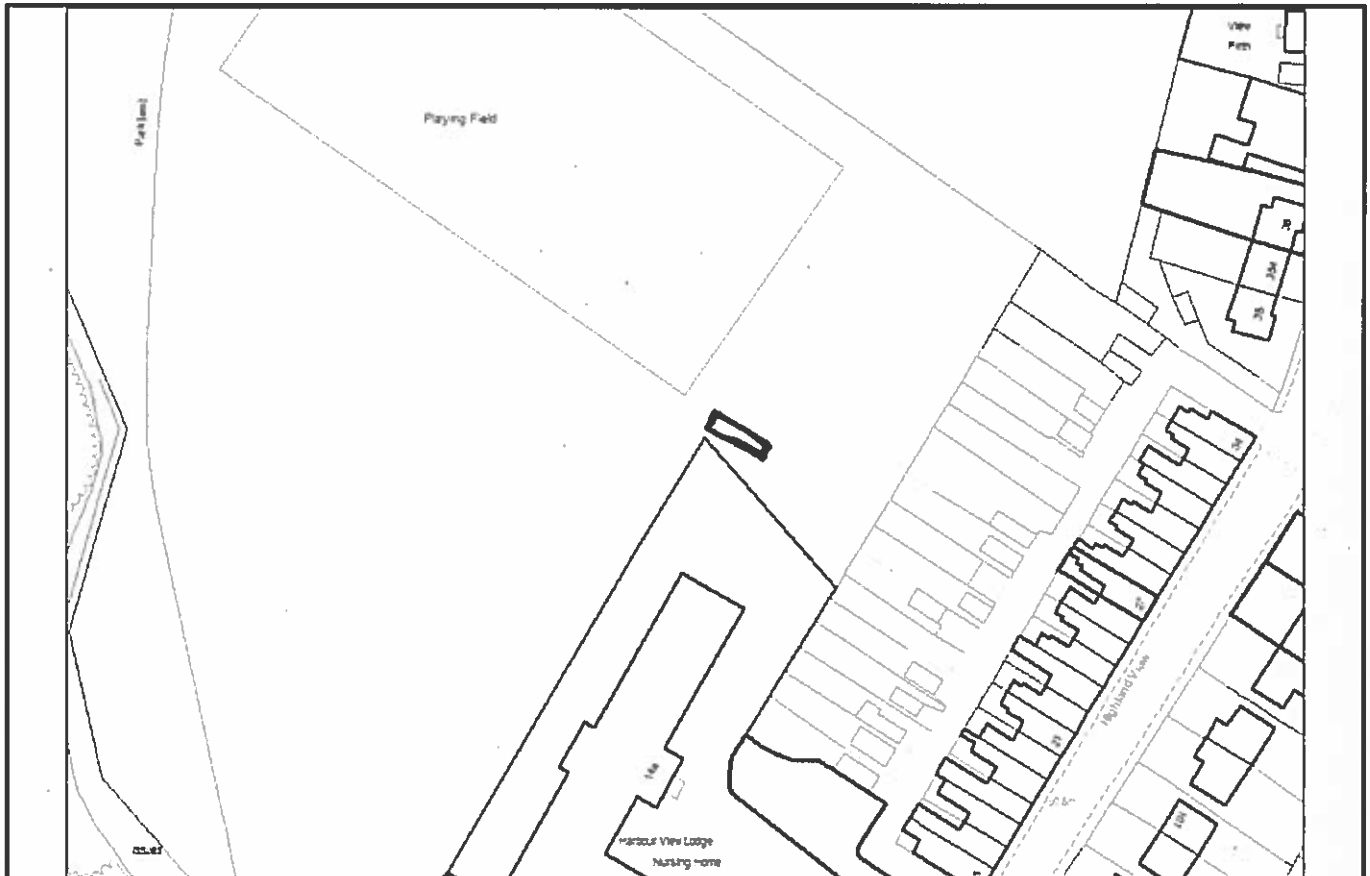


To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2428/OF1
Application Type:	Full : CBC
Applicant:	Mrs K Hambling
Application Address:	LAND TO THE REAR OF HIGHLAND VIEW, BRANSTY ROAD, WHITEHAVEN
Proposal	APPLICATION FOR CONTINUATION OF SITING OF STORAGE CONTAINER
Parish:	Whitehaven
Recommendation Summary:	Approve



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

BACKGROUND

This application relates to an area of recreation space which is located to the rear of Highland View at Bransty, Whitehaven.

Planning permission was granted in 2010 for the siting of a shipping container on the land for use by Bransty Rangers as a store and also changing room. This permission was granted for a 3 year period only.

PROPOSAL

This application seeks permission for the retention of the storage container. The container is approximately 12 metres long and 2.5 metres wide and extends up to 2.44 metres high. It is positioned 5.1 metres from the boundary with the Harbour View Lodge Nursing Home and is 6.5 metres from the corner of the football pitch. The boundary between the two areas of land is currently formed by a 2 metre high timber fence and a line of vegetation. The

container is sited approximately 55 metres away from the rear elevation of the residential properties on Highland View. A row of garages lies between the houses and the playing fields. This is served by a back lane which is accessed off Highfield View.

The container is painted white in colour and is positioned on railway sleepers.

The applicants claim that the container is required for the storage of training equipment and associated match equipment such as goal netting, corner flags and a line marker. The container is used by Bransty Rangers who run under 14 to under 18 football teams.

The club still has long term ambitions to develop a permanent changing and storage facility although the applicant has outlined that this is not a viable option in the short term. In the interim the club requires a storage facility to enable it to continue to play games on the adjoining football pitch.

CONSULTATION RESPONSES

Ward Member

The container is having a negative impact on the amenity of this residential area and is posing a significant safety hazard to local children. Unless measures are taken a serious accident is likely to occur in the future.

I am aware that there is strong local opposition to the retention of this container.

Other

5 letters of objection including a petition containing 14 signatures have been received from local residents on Highland View. Their main concerns are summarised below:-

- The container is an eyesore to residents on Harbour View
- The structure has deteriorated in condition and is now rusting
- The football club lacks a consistent approach to its operation
- No Committee member lives near to the site and so they do not have to endure the constant nuisance and disorder caused by the location of the container
- It is a magnet for anti-social behaviour and graffiti
- The rear of the container is exposed and allows people to climb up onto its roof
- Loss of privacy
- Health and safety concerns
- Not all the equipment that is used is put back into the container after the matches
- The container should have been removed 12 months ago when the first permission expired
- No efforts have been made to improve its appearance since it was first sited

PLANNING POLICY

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and includes a presumption in favour of sustainable development.

Paragraph 7 establishes a social role as one of the three dimensions to sustainable development. A social role supports strong vibrant and healthy communities by providing accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Paragraph 17 outlines the 12 core land use planning principles, one of which always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 69 outlines that the planning system can play an important role promoting healthy communities. It encourages the delivery of social recreation and cultural facilities to meet the communities needs.

Paragraph 73 encourages access to open spaces and emphasizes opportunities for sport and recreation can make an important contribution to health and well-being of communities.

The NPPF requires proposals to be determined in accordance with the development plan unless material considerations determine otherwise.

Copeland Local Plan 2013-2016

The Local Development Framework Core Strategy and Development Management Policies DPD (known as the Copeland Local Plan 2013-2028) was adopted in 2013. It now replaces the majority of the policies within the former Copeland Local Plan 2001-2016 with the exception of the policies that allocate land and define the settlement development boundaries for the main settlements.

Policy ST 2 sets out a Spatial Development Strategy for the Borough. It seeks to focus new development within the larger towns and villages. It advocates that any proposals outside the defined development boundaries should be only be allowed if they are specifically location based.

Policy SS4 seeks to protect existing community facilities and encourages the expansion/enhancement of existing services to assist continuing viability.

Policy ENV 5 seeks to protect and enhance the landscape of the Borough. It outlines that where the benefits of the development outweigh the potential harm then the impact of the development on the landscape should be minimised through adequate mitigation.

Development management Policies

Policy DM 21 seeks to protect existing facilities, including sports facilities where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere.

ASSESSMENT

This application relates to an open area of recreation ground that is visible from a large number of houses on the eastern edge of Bransty Road. It lies outside the designated development boundary for Whitehaven.

The original planning permission was restricted to a three year period in order to provide the football club with a temporary store and changing facility following the loss of their facilities at the Bransty Legion site. It was only designed as a temporary provision to give the football club an opportunity to secure alternative premises.

The container has been present on the land since 2010 and its condition has deteriorated over the intervening period. Its presence has resulted in the receipt of complaints from nearby residential properties. Their concerns are summarised in the report above.

Whilst anti-social behaviour is not specifically a planning matter their concerns regarding the impact on both residential amenity and visual amenity are matters that need to be considered.

The club in justifying the proposal claim that the shipping container is still required as part of the operation of the club. However no details have been put forward to demonstrate that the club have actively looked at providing a permanent solution to the need to provide storage and changing facilities.

Although the club did use another pitch and facilities elsewhere within the town last season these have proven too costly and so the club have now relocated back to the Bransty site. The container has remained in place during the period when it was not in use last season. The original planning permission expired on 31 December 2013 and therefore its retention on the site use after that period is unauthorised.

A shipping container is not considered to be an acceptable long term solution to meet the needs of the club in this open location. Its appearance has deteriorated over the last few years and its presence on the site is now beginning to have a detrimental impact on the visual amenity of the area.

On balance it is considered reasonable to extend the planning permission for an additional 12 month period only. This will provide the football club with an opportunity to consider alternatives to the provision of the storage and changing facilities. At the end of this 12 month period the shipping container will have been present on the site for a total of 5 years.

Overall this is considered to have provided sufficient time for the club to find a permanent solution to meet their needs.

Recommendation:-

Approve

Conditions

1. This permission shall expire on 31 December 2015. At or before the expiration of this period the container and all materials and equipment brought onto the land in connection with its use shall be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority unless prior written approval of the Local Planning Authority has been obtained for its continued siting.

Reason

The siting of the container hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.

Statement

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

ITEM NO: 4.

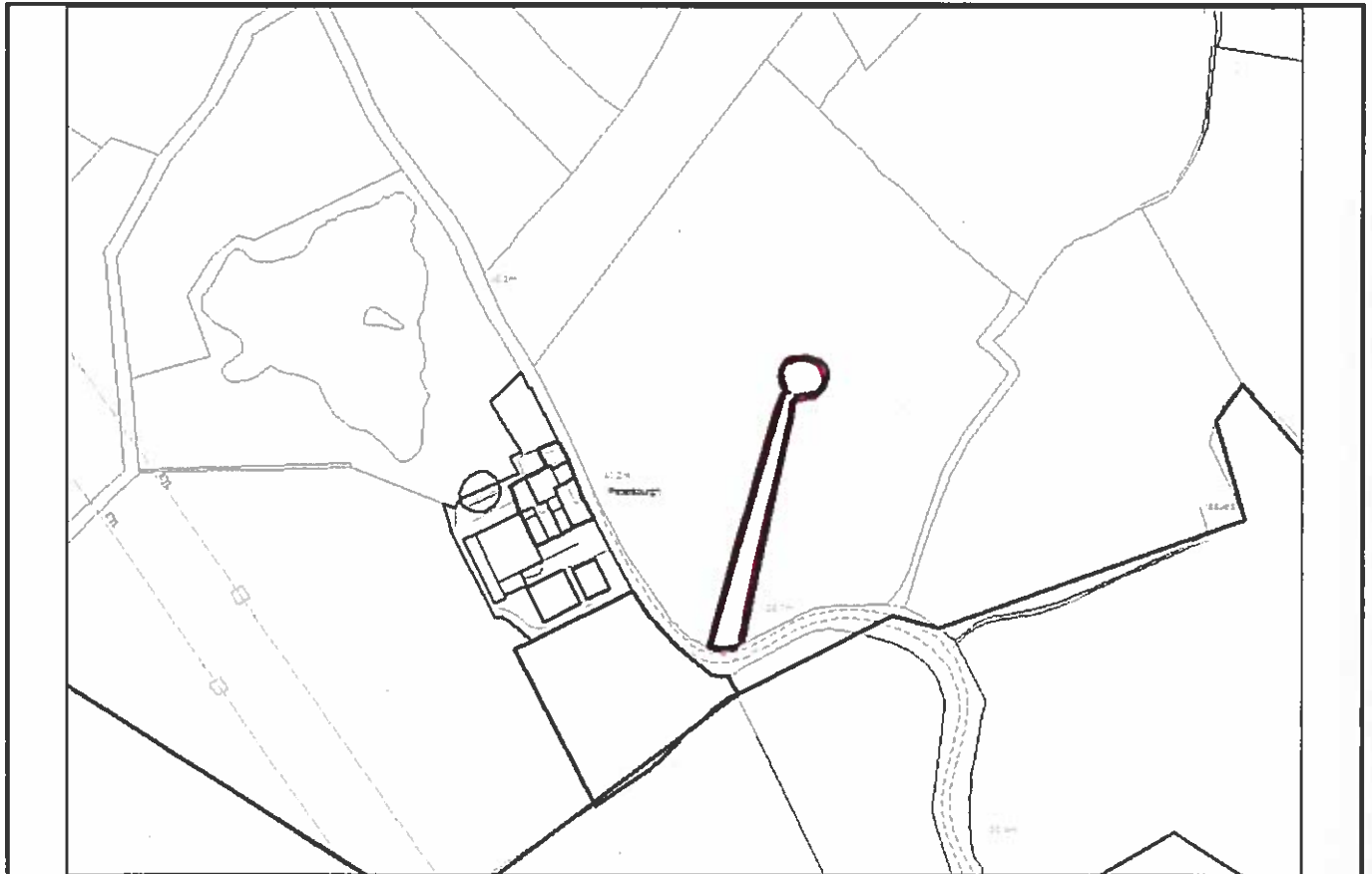


To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2251/0F1
Application Type:	Full : CBC
Applicant:	Mr S Sherwen
Application Address:	PETERSBURGH FARM, BECKERMET
Proposal	PROPOSED SITING OF 1 x 30M HIGH (HUB) ENDURANCE WIND TURBINE WITH A TIP HEIGHT OF 45.0M
Parish:	Beckermet with Thornhill
Recommendation Summary:	Approve (commence within 3 years)



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

Site Location

This application relates to a relatively level green field site comprising agricultural land 130m to the north east of the applicants farm 'Petersburgh', and some 430m to the nearest property Crofthouse Farm, on the southern edge of Beckermat. The site is situated in open countryside and is surrounded by agricultural land. The nearest settlement is Beckermat with nearest residential properties being circa 400m away to the north.

Proposal

It is proposed to erect one 225kW three bladed wind turbine with a diameter of 29.1m, on a single tapered tower 30.52m to hub height, resulting in an overall ground to tip height of 45.07m. It would be finished in a neutral matt colour and situated on a concrete foundation, in addition a cable trench run and access track, some 80m in length, across the field via the

existing field access would be required. This would be temporary using reinforcing cover sheets.

This application is accompanied by a:

Design and Access Statement

Photomontages

Community Consultation Responses

Noise Study

Technical Details

Consultations

Beckermet with Thornhill Do not believe that planning permission should be granted at this stage because of the poor quality of the application.

In particular:

Question whether the grid reference is correct.

The application ignores the Parish Council's response to the pre application consultation.

They raised 6 points that needed to be addressed of which only 3 have been covered.

Specifically asked what the development would look like for people living in Beckermet, whilst 7 photmontages have been provided none show views from within the village.

Requested a statement be provided about blade safety.

Issues due to proximity of the site to the new site for a nuclear power station at Moorside and Sellafield.

There are typographical errors -A595 is referred to as A695.

Noise report quotes a lot of statistics which is obviously standard material, no effort is made to explain what this would mean for residents.

Egremont Town Council

Pre application consultation was limited, notices were placed in discrete locations and this was why the response was poor. There should have been a public meeting.

The wind turbine will be extremely and visually intrusive and no community benefit has been considered to help mitigate the impact if approved.

Support the objections made by Beckermet with Thornhill and believe Copeland is in danger

of being overrun by turbines that are visually intrusive and detrimental to the special environment we live in.

Haile and Wilton Parish Council - Although it will be highly visible consider they are not able to fully comment as it isn't in their parish.

Lowside Quarter - all members object to the proposal. The reasons for objection are listed below:

LANDSCAPE

The proposal will have severe visual impact on the adjacent area of Outstanding Natural Beauty and its wider setting, including long range views from within.

AMENITY & ENJOYMENT OF HOMES

The turbine will be a dominating and degrading view from numerous properties.

POTENTIAL NOISE and SHADOW FLICKER

Noise and shadow flicker will again affect a number of local home owners within the surrounding area.

BIRDS, BATS & WILDLIFE

There is evidence that the impact on the local wildlife can be significant. It has been suggested that the deer population will desert the area due to subsonic noise. The turbines are known to kill bats and birds, especially large soaring birds. As the buzzard population is increasing along with many other species, which are on the decline elsewhere, it is important to protect instead of lose them to wind turbines.

In addition to the reasons for objecting to this proposal in its own right, the Council members believe approval of such will set a most dangerous precedent.

Scientific Officer - Raised initial concerns regarding the potential for noise and shadow flicker given the proximity of the turbine to the parent farm, Petersburg Farm, which is only circa 130m away. Following the provision of further information he is now satisfied that flicker and noise can be adequately controlled by a detailed noise condition.

Highway Authority – No objections to the proposal subject to adequate works to enable access off the highway onto the field by a HGV and requests this is covered by an appropriate condition.

MOD - No objections.

RSPB – No comments.

NATS – No objections

Neighbour/ Other Representations

21 letters of objection have been received, the majority from local residents of Beckermat.

Collectively they express concern on the following grounds:

- Will obscure and severely impact on many Beckermat and Braystones residents panoramic and uninterrupted views of the Wasdale fells and Black Coombe.
- Will be a huge negative visual impact for local residents.
- One objector's home is only 300m NE of the proposed site and it will devastate their views.
- Will devalue residential property.
- Turbine would be visible from wider afield and many unexpected places.
- Would have an effect on the landscape.
- It is in an elevated position.
- Any gains for the developer could not outweigh the negative visual impact for all who enjoy fabulous views for miles around this area.
- We support nuclear new build and accept Sellafield but do not want every development here. Nuclear new build supports the whole community whereas the turbine does not.
- Have enough of these turbines in the area.
- Need to halt the spread of these turbines for profit. Renewable energy advantages are not proportional to the detrimental effect on our unique and beautiful landscape.
- Beckermat is one of the few remaining places in West Cumbria not overlooked by turbines. If approved will set a precedent and village could take on a similar appearance to Flimby.
- It is a profit making scheme and not an essential low cost renewable energy source for the working farm.
- Effect on local wildlife especially local barn owls, bats and starlings which use local Nursery Wood and Petersburgh Pond. Site is within 500m of a SSSI at St Bridget's Church in Beckermat.
- Use of solar panels on the farm buildings roof would be less obtrusive.
- Potential for shadow flicker.
- Noise Study is over 15 years old and out of date. It tells the layman nothing. Turbines cause health issues such as sleep disturbance and this turbine is only some 300 yards from houses. UK Noise Association recommends they should not be sited within 1 mile of houses. 45db is not an acceptable level of noise at night.
- Will undermine the enjoyment of walkers in the area.
- Effect on local public footpath which runs close to the turbine.
- No wider community benefits have been indicated.
- They are uneconomic and inefficient producers of electricity.
- Not enough detailed information in the submission - lack of a scaled sectional drawing.
- Submission has basic errors.

Planning Policy

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

National Planning Policy Framework

The National Planning Policy Framework (NPPF) (March 2012), sets out the Governments planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this.

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

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

The NPPF usefully elaborates on the Government's interpretation of what is meant by sustainable development. It identifies three dimensions to sustainable development, namely economic, social and environmental. The environmental role is defined in paragraph 7 as contributing to protecting and enhancing our natural built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy. Paragraph 8 confirms that these three roles should not be taken in isolation because they are mutually dependent.

Renewable Energy

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

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

- Core Principle 10 of this approach 'Meeting the Challenge of Climate Change, flooding & Coastal Change' recognises that planning can play a key role in reducing emissions in greenhouse gases and supporting the delivery of renewables. (Paragraph 93 refers)

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

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

Conserving and Enhancing the Natural Environment

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

Planning Practice Guidance

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when the site was launched.

The accompanying Ministerial Statement confirms that this incorporates the guidance on renewable energy (including heritage and amenity) published during last summer and making it clearer in relation to solar farms, that visual impact is a particular factor for consideration. As a result the Planning Practice Guidance for Renewable and Low Carbon Energy of July 2013 is cancelled.

This is a concise document which is useful for assessing proposals for renewable energies, in particular it emphasises that the following need to be taken into consideration:

- The need for renewable or low carbon energy does not automatically override environmental protections;
- Cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;

- Local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- Proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Copeland Local Plan 2013-2028

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

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

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

Core Strategy:

Policy ST1 Strategic Development Principles,

Policy ST2 Spatial Development Strategy

Policy ER2 Planning for the Renewable Energy Sector reinforces this stating that 'the Council will seek to support and facilitate new renewable energy generation at locations which best maximise renewable resources and minimise environmental and amenity impacts.'

Development Management Policies DPD

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

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

- A Proposals should be developed with the Borough's community and key stakeholders

in accordance with the Council's current adopted approach to stakeholder involvement.

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

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

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

Cumbria Wind Energy Supplementary Planning Document

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

Cumbria Landscape Character Assessment

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

Assessment

The Design and Access Statement together with the rest of the submission sets out the particular need for the development in this case and that the proposed wind turbine development is compliant with local and national policy, with the benefits of the scheme in terms of providing a renewable energy source and the long term environmental benefits it brings outweighing any potential impacts, particularly in respect of shadow flicker, noise, electromagnetic interference, proximity to airports and flight paths, ecology, archaeology, heritage assets and installation and access as summarised below and which is not disputed:

Shadow flicker - whilst this initially was a concern the only property that has the potential to be affected is the applicants own and he has the power to control and shut down the turbine if this ever became an issue. There are no other properties in the vicinity likely to be affected.

Noise - It accepted that noise limits are within acceptable limits for non-associated properties, the nearest being circa 430m away. The parent property however is arguably within tolerable limits but our Scientific Officer is now satisfied, following the submission of additional information, that it is potentially borderline and that an appropriate noise condition would provide sufficient controls.

Electromagnetic Interference - The turbine switch gear complies with the relevant UK standards and as a result this is unlikely to be an issue. Digital TV network remains unaffected.

Proximity to Flight Paths/ Airports - Nearest commercial airport is at Carlisle and private one at Millom some distance away at 65km and 40km respectively. It is considered the proposal will have no impact on flight paths or airports.

Ecology - The nearest protected site is the SSSI at Low Church Wood some 750m away to the south west. Others are 2.4km and 3km away respectively. All of which are likely to be unaffected. Any ecological impact is thus likely to be associated with loss of habitat or important foraging ground and it is not considered that there would be no direct loss of either. Collision risk and disturbance displacement are likely to be the two main predominant effects. However in view of the fact this is only a single turbine and its scale these risks are likely to be minimal.

Archaeology - This is not an area known for its archaeological significance.

Heritage Assets - There are no known heritage assets by way of listed buildings or scheduled ancient monuments in the vicinity, with the nearest being Beckermet Conservation Area situated at over 450m away.

Installation and Access - Given that the application is for one turbine only the works to install it are likely to be limited and it is envisaged that this would take up to a maximum of

2 months. A construction and traffic management plan would be a condition if the application is supported.

Landscape Impact - The Wind Energy SPD and Cumbria Landscape Character Guidance and Toolkit, identify the site as falling within the area zoned as 'low farmland' comprising a well maintained working landscape. It advocates that any large scale wind energy schemes in such locations should be carefully controlled. The characteristic topography is undulating where views are sometimes wide and long distance whilst attractive are unspectacular.

The area in which the turbine is to be situated itself is relatively level rising and becomes undulating to the north and north west towards Beckermet. It does not benefit from any sensitive designations. Also of note it's the rather dominant industrial backdrop to the south east of Sellafield. In view of this the impact on the character of the landscape from the turbine is unlikely to be significant.

Visual Impact

The key issue this application raises is arguably that of visual impact. The majority of the objections collectively cite this as their main ground. Whilst the turbine at 45m in overall height (ground to tip) will be visible the assessment has to be made as to whether this is likely to have an overly significant impact on any neighbouring residential amenity. It has been established that the nearest non associated residences are over 430m away with no direct outlook from their property to the turbine it is unlikely this will be so significant to justify refusing the application. As previously mentioned only the parent farm is likely to be more affected. As regards views from the village the intervening topography helps to mitigate any medium distance impact. The Landscape and Visual Impact Assessment (LVIA) submitted with the application demonstrates that whilst the turbine will be visible it will not serve to dominate views especially to the south and south west where it will be absorbed by the industrial backdrop of Sellafield.

Cumulative Impact

There are no other turbines in the vicinity that would have any real visual interaction with the proposal and this is therefore likely to be negligible.

Benefits

Against the backdrop of potential impacts it is also important in the overall planning balance to consider the potential wider benefits of the scheme.

Farm Diversification, Renewable Energy Generation & Reduction in Carbon Emissions

It is envisaged that the turbine will satisfy the energy demands of the farm by providing a source of renewable energy that would allow the farm business to operate in a more environmentally and financially sustainable manner. It is stressed that the thrust of the

application is based on climate change mitigation. It will also help achieve national renewable energy targets and result in significant carbon savings for the farm.

Conclusion

To arrive at a decision in respect of this application it is important to consider:

-- Potential Impacts including visual impact and the fact that the landscape does not benefit from any special designation or quality.

-- Potential benefits of the scheme.

-- Negative feedback received from some Members of the local community.

Taking the above into account it is considered in a landscape devoid of any sensitive designations, either on site or in the vicinity, that the visual and other impacts as detailed above would not in this instance outweigh the wider benefits of generating renewable energy. It is also considered that any impacts can be addressed via appropriate mitigation and as such the proposed turbine is considered to be compliant with Copeland Local Plan Policies ER2 and DM2 and the guidance contained in both the NPPF and Planning Practice Guidance 2014.

Recommendation:-

Approve, subject to conditions:

Conditions

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

Reason

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

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

Design and Access Statement by Earthmill, March 2014, received 12 June 2014.

Community Consultation Responses, received 12 June 2014.

Noise Study of Norwin 29-33/225kW Wind Turbine, by Norwin, received 12 June 2014.

Endurance Wind Power, Technical Data, received 12 June 2014.

Photomontage for Planning Application, by Earthmill, received 12 June 2014.

Site Location Plan, scale 1:2500, received 12 June 2014.

Reason

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

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

Reason

To ensure that possible dereliction and unsightliness is avoided.

4. If any turbine ceases to be operational for a continuous period of 6 months it shall be dismantled and removed from the site and that part of the site restored in accordance with a scheme which shall have the prior written approval of the Local Planning Authority.

Reason

To ensure that possible dereliction and unsightliness is avoided.

5. The noise emissions from the wind turbine shall not exceed a sound pressure level of 35dB $L_{A90,10min}$ at the curtilage of any dwelling not financially involved with the development and lawfully existing at the time of this consent, or 45dB $L_{A90,10min}$ at the curtilage of financially involved properties, at wind speeds up to and including $10ms^{-1}$ at 10m height. Any measurement shall be made at a height of 1.2m and at a minimum distance of 3.5m from any façade or acoustically reflective surface.

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

And:

Following notification from the local planning authority (LPA) that a justified noise complaint has been received, the wind turbine operator shall at their own expense, employ a competent and qualified person to measure and assess by a method approved by the LPA, whether noise emissions from the turbine meet the specified level. The assessment shall commence within 21 days of the notification and the LPA shall be notified in writing of the results, in accordance with the approved method, within 60 days of the notification.

If the assessment requested by the LPA demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to reduce the noise emissions from the turbine to, or below, the specified level and ensure that the turbine is not in breach of the preceding condition. The operator shall provide written confirmation of the reduced noise levels to the LPA within a time period to be agreed with the LPA. In the event that it is not possible to achieve the specified noise level with mitigation within a reasonable time period, then the operation of the turbine shall cease.

Reason

To protect neighbouring properties from noise pollution and to safeguard the amenities of the locality.

6. The whole of the temporary vehicular access area within the highway boundary shall be constructed to the specification of the Local Highways Authority. No cables shall be installed within the highway until a route and installation specification has been agreed, details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: In the interests of road safety and adequacy of construction.

INFORMATIVE: HIGHWAY WORKS

Note: No works can be undertaken within the Highway (including verge area) until the developer has obtained a Highways Act 1980, Section 184 Streetworks licence.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning

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



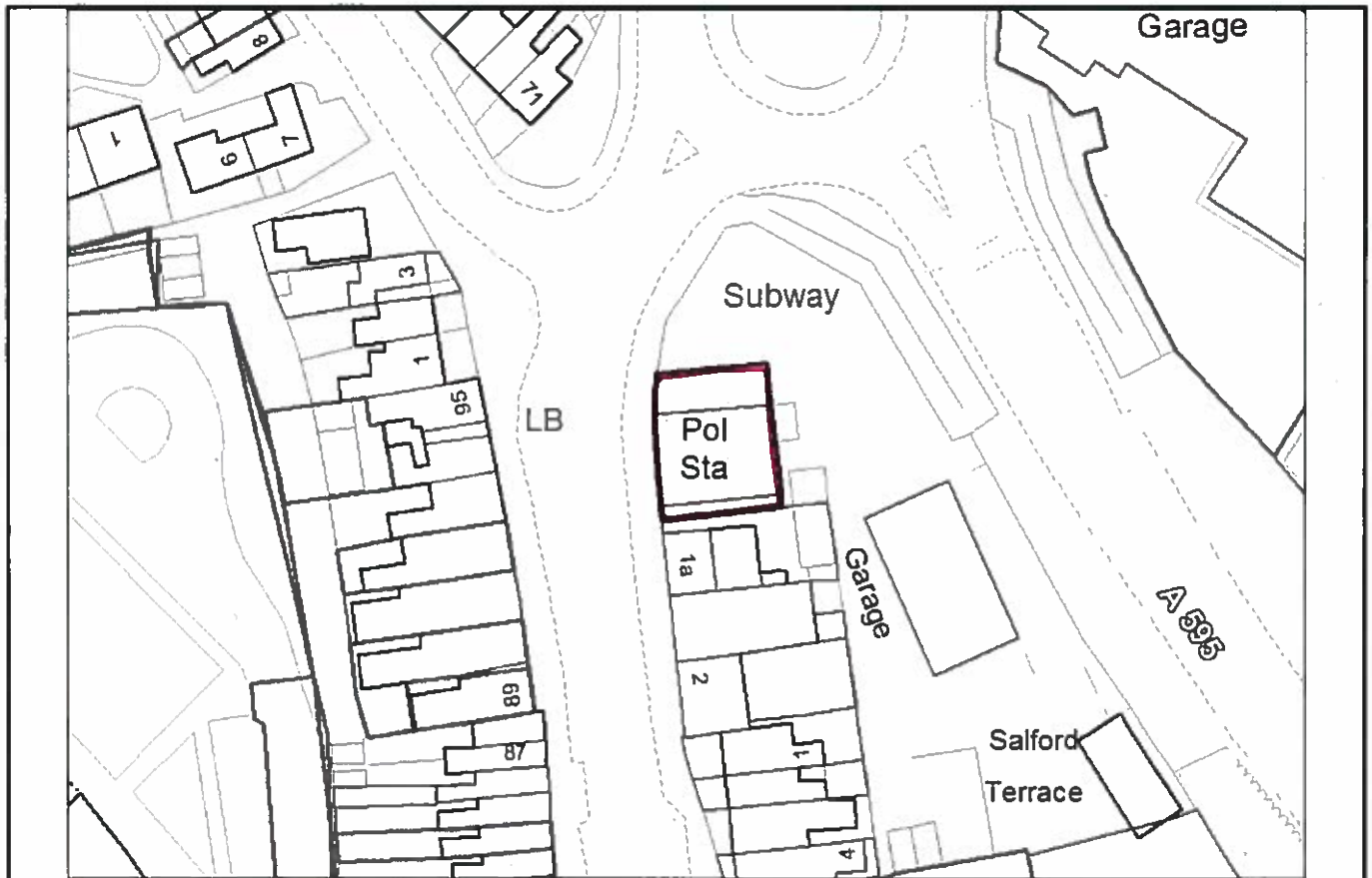
ITEM NO: 5.

To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2409/OF1
Application Type:	Full : CBC
Applicant:	Time to Change (West Cumbria)
Application Address:	EGREMONT POLICE STATION, 1 MAIN STREET, EGREMONT
Proposal	CHANGE OF USE FROM POLICE STATION TO RESIDENTIAL HOSTEL ACCOMMODATION, INTERNAL ALTERATIONS AND FORMATION OF SOME NEW WINDOW OPENINGS
Parish:	Egremont
Recommendation Summary:	Approve (commence within 3 years)



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

Introduction

This application relates to the former police station fronting on Egremont Main Street at the western edge of the town centre. Situated within the Conservation Area this is a prominent large detached Victorian sandstone building with adjoining curtilage to the west. It is flanked to the east by an existing commercial premises/ shop with living accommodation above, to the west and north it shares an access with an existing garage repair business and car parking area located to the rear.

Proposal

Permission is sought to convert this redundant building to a residential hostel. Internal works are proposed which will create 11 single sized bedrooms all with en-suite facilities one of which will be accessible. In addition there will be a lounge / dining room, kitchen, office/interview room as well as a laundry and plant room. 8 bedrooms will be located on

the first floor with 3 on the ground floor with the remainder of the accommodation. In order to facilitate the internal alterations some minor external works are proposed including the insertion of 6 new window openings on the eastern side elevation and 1 on the rear elevation. A former doorway on the front elevation will also be altered to form a window and a new set of patio doors will be inserted on the western elevation to serve the kitchen / dining area. Due to potential for overlooking on the eastern elevation it is the intention that all these windows will be obscure glazed.

Pedestrian access will be via the existing ramped access to the eastern side leading from the main street. Vehicular access will be via the existing access to the east which also serves the garage business to the rear. Parking will be provided adjacent in the form of 5 spaces, one of which will be accessible.

Use

A supporting case has been submitted with the application to explain the proposed use of the building. It is the intention that the building will be run as a hostel providing accommodation for homeless people and primarily supporting local ex service personnel who may be having difficulty adjusting to civilian life. In terms of operation the applicant is keen to point out that it will be manned by staff 24/7, residents will be vetted and there will be a no alcohol or drugs policy.

Consultations

Egremont Town Council – no objection.

Highway Authority – no objection subject to an appropriate condition governing windows opening out onto the highway.

Scientific Officer – no objection but recommends an asbestos survey be undertaken prior to any alteration works.

Housing Manager – supports the proposal.

Copeland Disability Forum – support the application and welcome the provision of an accessible bedroom and WC facility. Advise that an accessible bay be provided in the car park.

Neighbours

To date 6 letters of objection have been received from immediate neighbours who express concern on the following collective grounds:

- Question whether there is any evidence / statistics regarding the exact number of ex service personnel who are homeless and waiting to be re-homed.

- Consider this will just soften the blow of reality and it will be used for drug users, alcoholics, ex-convicts and people with a violent past. I.e. it will become an alcohol and drug recovery hostel.
- Will not necessarily be used for ex service personnel.
- Main Street location is not appropriate – Egremont needs positive revitalization not the negative effect a hostel will bring.
- It will become a blight and a detriment to the town affecting trade and property values.
- It is too close to the school and puts children and older people in the vicinity at risk
- Questions the meaning of `clean` people and how this will be managed.
- Potential for anti-social behaviour
- Concern that the ex-service personnel will be suffering from post-traumatic stress syndrome which could increase risk in the community.
- Will adversely affect neighbouring businesses in particular the shop next door and the garage at the rear.
- Increased risk of mugging / rape
- Increased insurance premium due to break-ins and damage.
- No current security / CCTV
- Adjacent garage business has large amounts of cash handling putting them at risk
- Local staff at garage will be in fear of their lives/ well-being. Also safety concerns for young female employees at the nearby hairdressers who access the yard.
- Potential for intimidation of garage customers and resultant loss of them.
- Increase in local crime rate, including theft from parked cars at the garage, local businesses and houses. Arson attacks.
- Garage customers will be afraid to drop their cars off at night / early morning.
- Potential for new windows to overlook neighbouring residential yard.
- Concern for visiting grandchildrens safety.
- Will increase neighbouring residents perception of fear

- The access and parking agreement with the police was cancelled and is not available to this property.
- Closing off the front door will put pressure on the use of the yard.
- Concern that it will be accessible to a wide range of people not just locals as only need to demonstrate a local connection.
- Concern that the Company who will run the hostel is amateurish in its approach which is not reassuring for local residents.

In response to the concerns raised the following comments are provided by the applicants which serves to explain and clarify the proposal:

- The applicant, Time to Change West Cumbria, is a group that is trying to provide a facility that will accommodate ex service personnel as well as non-priority homeless.
- There is a definite need to support ex service personnel and they will have priority.
- It will provide a fully supported environment staffed 24 hours a day with no alcohol or drugs allowed.
- Will be a training / accommodation facility and it is hoped it will become a valued community resource.
- Provide support and accommodation for some of the 284 people who have approached the Council Homeless Department in 2014. Of these 20% were ex-service personnel. Envisage that this target group will make up the largest percentage of residents.
- A referral service will be operated from recognised agencies which will ensure all residents are vetted.
- There will be stringent house rules to ensure the project is run at a high standard.
- Acknowledge the community concerns re criminal and anti-social behaviour but assure us that they have put in place procedures to prevent this. They do not envisage this to be an issue.

Planning Policy

National Planning Policy

The National Planning Policy Framework (NPPF) sets out planning guidelines at a national level. 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 this as supporting strong, vibrant and

healthy communities by providing the supply of housing required to meet the needs of the present and future generations and creating a high quality environment with accessible local services that reflect community needs and support its health, social and cultural well-being.

Core Planning Principle Paragraph 17 encourages the re-use of existing resources including the conversion of existing buildings. Advocates supporting local strategies to improve health social and cultural well-being and delivering sufficient community and cultural facilities and services to meet local needs.

Paragraph 23 in relation to ensuring the vitality of town centres acknowledges that where town centres are in decline we should plan positively for their future and encourage economic activity.

Paragraph 50 Delivering a wide choice of quality homes. It advocates the creation of sustainable inclusive and mixed communities. In particular recognises that in order to achieve this we should plan for a mix of accommodation based on amongst others the needs of different groups in the community and implies this includes provision for homeless and vulnerable people.

Paragraph 69: Promoting Healthy Communities states that we should be aiming to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion.

The NPPF requires proposals to be determined in accordance with the development plan unless material considerations determine otherwise.

Planning Practice Guidance

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when the site was launched.

The guidance in this document endorses the advice contained in the National Planning Policy Framework.

Copeland Local Plan 2013-2028

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

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

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

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

Policy ST1 of the Core strategy sets out the fundamental principles that will achieve sustainable development. Among other things it supports development that provides or contributes to the Boroughs social and community infrastructure to ensure that everyone has good access to services. In terms of environmental sustainability it advocates the reuse of existing buildings.

Policy ST2 -sets out a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities.

Policy ER7 Roles and Functions of Key Service Centres etc. Sets out the strategic approach towards development in town centres.

Policy ER9 Key Service Centres , Local centres and other smaller centres. Promotes the vitality and viability of these centres.

Policy SS3– Housing Needs, Mix and Affordability. A v) Supports the provision of housing for specific groups where there is a housing need.

Policy SS4 -Community, Cultural Facilities and Services. Protects the range of services and facilities serving the Boroughs communities.

Policy ENV 4 Heritage Assets This seeks to protect conservation areas.

Development Management Policies

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

Policy DM14 Residential Establishments. This supports changes of use to residential institutions including hostels subject to the following criteria being met:

- They are of a scale, design and materials appropriate to the area.
- Any alterations or external features are of a scale, design and material which retain the character of the building and are compatible with its surroundings.
- Provision of off street parking in accordance with parking standards.
- Extensions, alterations or associated works do not create amenity problems for occupiers of adjacent properties.

Policy DM27 Built Heritage and Archaeology. Sets out the approach towards development which affects heritage assets including conservation areas. Supports proposal which will protect, conserve and enhance the character and appearance of them.

Assessment

From a planning point of view the main issue to consider is whether the proposal constitutes an acceptable use in this location and whether any resultant impact on neighbouring amenity can be adequately addressed via appropriate mitigation.

It is acknowledged that there is community concern regarding the localised potential impact of the proposed use of the building as a hostel especially in respect of an increase in anti-social behaviour and the perception/fear of this, particularly in relation to immediate neighbouring businesses and residential properties directly opposite across the street and an immediate neighbouring flat. The applicant in response seeks to reassure that this will be minimal and that the facility will be well managed.

The potential impact of overlooking and loss of privacy, particularly in relation to the neighbouring property to the east which is a commercial premises with a residential flat above and an accompanying yard, can largely be overcome by the use of obscure glazing in the proposed new windows. It should be noted that whilst there is an existing pedestrian access on this side there is no actual access to the building.

However, what cannot be mitigated against is the local perception and fear of crime / antisocial behaviour this application has raised. The only satisfactory way this can be addressed is by effectively managing the facility and demonstrating this to the community over a period of time which is out with planning control.

Conclusion

The assessment of this application is finely balanced. It is the view however taking into account the above, that the conversion of this building in the conservation area represents an acceptable town centre use and one which will secure the economic future of this vacant building which accords with the adopted Copeland Local Plan 2013-2028 and the advice contained in the NPPF and Planning Practice Guidance.

Whilst it is noted that there may be community impacts it is considered that these can be satisfactorily addressed by the mitigation measures outlined and effective management of the facility.

Recommendation:-

Approve, subject to conditions:

Conditions

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

Reason

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

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

Amended Block Plan, scale 1:500, received 20 November 2014.

Amended Location Plan, scale 1:1250, received 20 November 2014.

Amended Proposed Plans, dwg no 3965/02/Rev F, received 20 November 2014.

Amended Plan, Proposed Elevations, dwg no 3965/03/Rev B, received 20 November 2014.

Design and Access Statement and supporting documentation by Day Cummings Ltd, received 24 September 2014.

Reason

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

3. New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway and shall be so retained thereafter.

Reason

To minimise possible danger to highway users in the interests of highway safety.

4. All the windows on the eastern elevation of the building shall be glazed with obscure glass and thereafter be permanently retained as such.

Reason

To safeguard the amenities of occupiers of neighbouring properties.

INFORMATIVE from Highway Authority

As the doorway on the front elevation is to be removed then the footway surfacing will need to be re-instated with paving slabs of the same size and standard as those for the existing footway.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

ITEM NO: 6.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2241/OF1
Application Type:	Full : CBC
Applicant:	Mr T Dixon
Application Address:	HIGH HOUSE, WILTON, EGREMONT
Proposal	INSTALLATION OF ONE 11KW GAIA WIND TURBINE MOUNTED ON 15M LATTICE MASTS WITH A MAXIMUM TIP HEIGHT OF 21.5M
Parish:	Haile
Recommendation Summary:	Approve (commence within 3 years)



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

Site Location

This application relates to a sloping elevated green field site some 90 m to the east of High House Farm, the applicant's working dairy farm which is situated on the eastern outskirts of Wilton. The site is agricultural in nature and surrounded by grazing land. Behind High House Farm to the east the land rises from west to easterly direction and the site comprises the lower slopes of this land, to the west of the minor road leading from Wilton to Cold Fell.

Proposal

The original application sought consent for the erection of two 11kW wind turbines on the site. However, following potential concern regarding noise and prominence in the landscape the application has now been amended with the removal of the south eastern turbine.

The amended application seeks permission for the erection of one 11 kW wind turbine on the site only. This would be mounted on a 15m high (hub height) lattice tower supporting a twin bladed turbine with a blade diameter of 13m resulting in an overall ground to tip height of 21.5m. In terms of construction the tower would be galvanised steel structure, metal grey in colour with the blades and nacelle a grey / white and reflection free.

The turbine would be situated on a 5.5 square metre reinforced concrete base some 0.4m in depth. It would be connected to the farm building power supply via an armoured cable buried at depth of 0.75m

The single turbine would be capable of producing an output of some 16,365 kWh of electricity per annum with a combined output of 32,730 kWh. This equates to powering the equivalent of approximately 8 homes.

Access to the site would be via the applicant's farm.

This application is accompanied by:

Design and Access Statement

Noise Impact Assessment

Landscape and Visual Impact Assessment / Photomontages

Planning History

Recent planning history relating to this application is relevant. Planning permission for a larger 34.4m high (ground to blade tip) 50 kW single turbine on a more elevated greenfield site within the farm's ownership was initially refused in July 2012 (4/12/2223/0F1 refers) for the following reason: 'The proposed siting of a single turbine, some 34.4 metres in overall height, would introduce an isolated, prominent feature incongruous in its surroundings which would have a materially harmful effect on the character and appearance of this sensitive rural landscape which is designated 'Landscape of County Importance' and would lead to an unacceptable adverse visual impact on the immediate and wider rural landscape contrary to the National Planning Policy Framework and Policies EGY 1, EGY 2 and ENV 6 of the adopted Copeland Local Plan 2001-2016.'

A resubmission swiftly followed for the same when it was found that due to a technical error the original application did not have an accompanying Design and Access Statement which prevented the submission of a valid appeal.

This application was also refused on the same grounds, a decision which was later upheld on appeal. (4/12/2547/0F1 refers). The Inspector was of the view in this instance that as the turbine would be set in an isolated position high on a prominent hillside. It would be intermittently visible from various positions on Limekiln Lane, the unclassified road that

skirts the field in which the turbine would be placed. And because of its height and proximity the proposed turbine would be a dominant feature in such views.....It would be a prominent and intrusive feature that would clutter views of the hillside when seen from the south west. The proposed turbine would, therefore, have a significantly harmful effect on the character and appearance of the landscape in the area.

Consultations

It should be noted that all the consultation responses including those from neighbours, with the exception of the Scientific Officer, relate to the original application for two turbines. Re-consultation has taken place and any responses received will be verbally reported to the Panel.

Haile and Wilton Parish Council - strongly object to the original application on the following grounds:

- a) The land is a special site of county importance
- b) The location is on the foothills of the Lake District and close to the C2C route
- c) Visual impact from Cold Fell which is in the national park
- d) Visual impact on the approach to and in the village
- e) The white blades will stand out against the green fields
- f) Potential noise
- g) Light flicker
- h) The negative impact it would pose on the beautiful landscape

A paragraph in the application reads "Public attitude surveys in the vicinity of existing operational wind farms in England, Scotland and Wales have consistently found that more people view wind turbines positively than negatively and it appears to be the case that this proportion tends to increase post construction compared to pre-construction" Statements like these are very subjective and very misleading. In our county it certainly isn't the case and in our parish it clearly isn't as a parish survey was carried out on wind turbines and the results showed that 80% of the parish were against them.

Several points in the supporting information pack for this application are very subjective and biased and we believe not substantiated.

The applicant has had a previous application turned down by the Council and at appeal, and although this application is for reduced height turbines, they would still be a dominant feature in an isolated elevated position.

Highway Authority - there are no highway objections to the proposal from a highway point of view subject to conditions being included in any notice of planning consent that may be issued governing the requirement for a traffic management plan and prevention of mud entering the highway which it is considered can be reasonably incorporated into this plan.

Lake District National Park Authority – Having taken account of the proposal and particularly considering the topography of the area in respect of views out of and into the National Park and the height of the proposed turbines we do not have any detailed comments to make as it is considered that the proposal does not affect the National Park.

Scientific Officer – Objected to the original submission for two turbines on the grounds that the proximity of the south eastern one would be likely to impact on a nearby non associated residence by virtue of noise. Raises no objection to the amended submission for one subject to an appropriate noise condition.

Neighbour / Other Representations

17 letters of objection have been received, 9 from residents of Wilton and 8 in the form of a standard proforma from people outside the area including Whitehaven, St Bees, Maryport, Egremont, Cleator and Cleator Moor. Collective grounds of concern include:

- Visual Impact – would be prominent features with adverse visual impact on the skyline visible from Egremont and beyond.
- Area is being eroded by successive turbines, countryside and views area as precious and as important as many parts of the National Park.
- Will introduce double isolated prominent feature incongruous with surroundings.
- Photomontages contain inaccuracies and have been taken from most sympathetic viewpoints, neglecting key views where they would be dominant i.e. Cold Fell to High Winder Junction, approach to Wilton from Egremont, High Winder Lane views towards the village.
- Photomontages from Oxenriggs Turbine application are being used to give sustenance to the proposal.
- Absence of vertical structures in the area.
- Will lead to further fragmented development of farm complex.
- They will be in a landscape of County Importance, a sensitive rural landscape, and close to the National Park boundary which should be protected from these changes.
- Need to encourage tourism not discourage it with such blots on the landscape.
- Impact on Coast to Coast Walk.
- Following recent survey by Parish Council 80% of respondents were against turbines in the Parish.
- They will destroy unique spirit and soul of the area.
- Potential for Shadow Flicker.
- Potential for noise pollution – will be able to hear constant hum when windows are open.
- Potential for health issues to arise as a result of noise.

- There will be no benefit to the local community only ones that will benefit are the applicants.
- Do we really need more turbines in the area – new build nuclear power station will be sufficient.
- This is an inefficient location and without subsidy would be uneconomical.
- They should be sufficient for purpose and used solely for the farm.
- No further extension to these turbines should be allowed.
- Applicant already has two barn roofs covered with solar panels – no need for the income from the turbines.
- Oversize blades will reflect light at night and cause light pollution.
- Affect on local wildlife – breeding game birds and birds of prey that regularly fly over area.
- Wilton should be a turbine free area.
- Affect on horses grazing nearby and riders using the local lanes.
- As an alternative it is suggested that a small scale hydro power plant be installed which would be less visually intrusive.

Planning Policy

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

National Planning Policy Framework

The National Planning Policy Framework (NPPF) (March 2012), sets out the Governments planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this.

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

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

The NPPF usefully elaborates on the Government's interpretation of what is meant by sustainable development. It identifies three dimensions to sustainable development, namely economic, social and environmental. The environmental role is defined in paragraph 7 as contributing to protecting and enhancing our natural built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy. Paragraph 8 confirms that these three roles should not be taken in

isolation because they are mutually dependent.

Renewable Energy

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

- Support the transition to a low carbon future in a changing climate - including encouraging the use of renewable resources by the development for example of renewable energy.
 - Contribute to preserving and enhancing the natural environment and reducing pollution.
 - Encourage the effective use of land by reusing previously developed 'brown field' land.
 - Promote mixed use developments and encourage multiple benefits from its use.
 - Conserve heritage assets in a manner appropriate to their significance.
 - Actively manage patterns of growth.
 - Take account of and support local strategies to improve health, social and cultural well-being to meet local needs.
-
- Core Principle 10 of this approach 'Meeting the Challenge of Climate Change, flooding & Coastal Change' recognises that planning can play a key role in reducing emissions in greenhouse gases and supporting the delivery of renewables. (Paragraph 93 refers)

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

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

Conserving and Enhancing the Natural Environment

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

Planning Practice Guidance

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when the site was launched.

The accompanying Ministerial Statement confirms that this incorporates the guidance on renewable energy (including heritage and amenity) published during last summer and making it clearer in relation to solar farms, that visual impact is a particular factor for

consideration. As a result the Planning Practice Guidance for Renewable and Low Carbon Energy of July 2013 is cancelled.

This is a concise document which is useful for assessing proposals for renewable energies, in particular it emphasizes that the following need to be taken into consideration:

- The need for renewable or low carbon energy does not automatically override environmental protections;
- Cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;
- Local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- Proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Copeland Local Plan 2013-2028

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

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

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

Core Strategy:

Policy ST1 Strategic Development Principles

- **Criterion A i)** supports the development of energy infrastructure in appropriate locations.
- **Criterion B i)** states that one of the Councils Strategic Development Principles is to 'encourage development that minimises carbon emissions'.

- **Criterion C** cites that one of the Council's development principles is to protect the Borough's assets including its landscapes.

Policy ST2 Spatial Development Strategy

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

Policy ER2 Planning for the Renewable Energy Sector reinforces this stating that 'the Council will seek to support and facilitate new renewable energy generation at locations which best maximise renewable resources and minimise environmental and amenity impacts.'

Policy ENV5 Protecting and Enhancing the Borough's Landscapes, from inappropriate change and will seek to ensure that potential impacts on landscape character are minimised via adequate mitigation measures.

Development Management Policies DPD

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

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

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

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

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

Cumbria Wind Energy Supplementary Planning Document

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

Cumbria Landscape Character Assessment

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

Assessment

The Amended Design and Access Statement / Planning Statement, Landscape and Visual Impact Assessment, Noise Impact Assessment together with the rest of the submission put forward the case that the proposed wind turbine is compliant with local and national policy, with the benefits of the scheme in terms of providing a renewable energy source and the long term environmental benefits it brings outweighing any potential impacts, particularly in respect of noise, shadow flicker, ecology, electromagnetic interference, aviation, hydrology, heritage and installation and access. These are summarised below and are not disputed along with the key issue relating to visual impact and potential effect on the character and appearance of the landscape.

Noise - In addition to the topography and the fact the amended application is now for one turbine only it is considered that the model will meet the relevant ETSU guidelines on noise limits. As a precaution the use of a noise condition is considered appropriate.

Shadow Flicker – given the distance to the nearest non associated residential property which is in excess of 130m which is the maximum distance flicker is likely to occur in this instance shadow flicker is not envisaged to be a problem.

Ecology – the proposed site is not located within or adjacent to any protected sites. There are also none within the vicinity. Black Moss and Haile Great Wood SSSI lie within the wider landscape and as a result are likely to be unaffected. The turbine has been located in excess of 50m from the nearest hedgerow and is unlikely to affect any foraging species of bat or bird.

Electro-magnetic Interference – the equipment will be fully tested to ensure compliance with industry standards and given the relatively small scale of the turbine it is not envisaged that there will be any issues in this respect.

Aviation – due to the scale of the installation it is not anticipated that there would be any objections with regards to aviation.

Hydrology – Local hydrology will not be materially affected by the installation of the concrete foundation due to its relatively small scale.

Heritage – A desk based study has revealed that there are no heritage assets within the vicinity. Due to its relative minimal ground disturbance it is unlikely to affect any archaeological remains.

Installation and Access – These works are likely to be limited given the relative small scale construction proposed. It is envisaged that the foundations would be constructed first and would take half a day. It would then be left to set for 3 weeks. Erection of the turbine will then take a further day. As regards access the components would be delivered direct to neighbouring High House Farm.

Visual Impact

This is a key issue as raised by the neighbouring objections. However, it has to be taken into account that the application is now only for one turbine, T1, which is the one sited adjacent to the parent farm building group and will be seen within this context, which substantially reduces its visual impact both from immediate, medium and wider views. The most impact will be from immediate views as experienced by isolated properties in the vicinity, the nearest being the parent farm, High House, and Yewcroft, the nearest non associated property, at a distance of circa 150m. It is accepted though that these views will be substantially mitigated by the orientation of the dwellings, the intervening vegetation and topography and as a result would not be unacceptable. This is supported by the Landscape and Visual Assessment submitted. Due to the open lattice design of the tower it is considered that the turbine will be more readily assimilated into the landscape and as a result will not be so prominent from medium and wider views.

Landscape Impact

This is also a key issue. The site is considered to comprise part of a scenic quality landscape on the lower reaches of Dent Fell and benefits from a sensitive designation as a Landscape of County Importance. It is also within close proximity to the National Park boundary. The Wind Energy SPD and Cumbria Landscape Character Guidance and Toolkit identify the site as 'foothills' characterised by rolling low fells, hilly plateau farmland and moorland which in this location has fine long distance views. The aim is to conserve and enhance this landscape and there is concern that large scale wind energy schemes could erode the open and undeveloped character. Uncluttered skylines and key views should be protected from such development.

Although it is acknowledged this is a sensitive site, the turbine would be sited on the lower reaches of the upland fringes where its reduced domestic scale and permeable design would render it less prominent as a dominant feature in the landscape. On this basis it is considered it would readily assimilate into the landscape with only moderate impact from medium and long range views and is therefore unlikely to have a significant impact on the character of the landscape.

Cumulative Impact

There are other prominent vertical features in the wider landscape including medium scale turbines, the nearest of which is Oxenriggs, (circa 34m total height) at some 1.7km to the west. Given this distance it is considered that it is unlikely that there would be any adverse cumulative impact.

Benefits

Against the backdrop of potential impacts it is also important in the overall planning balance to consider the wider benefits of the scheme.

The turbines will supply electricity for the farm which has a high energy usage and above average electricity costs, being a dairy farm with a herd of 200 cows, with any excess being used at the farmhouse.

The anticipated energy generation of the turbines represents a combined annual CO2 saving of approximately 18,591 kgs of carbon per year which will contribute towards regional and national targets for renewable energy generation for 2020 as acknowledged by paragraph 98 of the NPPF.

Conclusion

In assessing this application it is important to consider:

- Potential impacts including visual and landscape impact.
- Potential benefits of the scheme.
- Negative feedback received from the local community and the Parish Council.

Taking the above into account, although this is a sensitive site which benefits from a designation as a landscape of County Importance, given the reduced scale of the proposal for one domestic scale turbine at 21.5m high (ground to tip) and its lattice design, it is considered that the landscape, visual and other impacts would not in this instance outweigh the wider benefits of generating renewable energy. As such the proposed turbine is considered to be compliant with Copeland Local Plan Policies ER2 and DM2 and the guidance contained in both the NPPF and Planning Practice Guidance 2014 and recommended for approval.

Recommendation:-

Approve, subject to conditions:

Conditions

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

Reason

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

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

Amended Location Plan, scale 1:2500, received 12 November 2014.

Gaia Wind Turbine 15-1L, Technical Details, received 12 November 2014.

Amended Design and Access / Planning Statement, by Sustainable Energy Systems Ltd, received 12 November 2014.

Amended Landscape and Visual Impact Assessment, by Sustainable Energy Systems Ltd, received 12 November 2014.

Amended LVIA Visualisation Appendix (photomontages), by Sustainable Energy Systems Ltd, received 12 November 2014.

Reason

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

3. The noise emissions from the wind turbine shall not exceed a sound pressure level of 35dB $L_{A90,10min}$ at the curtilage of any dwelling not financially involved with the development and lawfully existing at the time of this consent, or 45dB $L_{A90,10min}$ at the curtilage of financially involved properties, at wind speeds up to and including $10ms^{-1}$ at 10m height. Any measurement shall be made at a height of 1.2m and at a minimum distance of 3.5m from any façade or acoustically reflective surface.

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

And:

Following notification from the local planning authority (LPA) that a justified noise complaint has been received, the wind turbine operator shall at their own expense, employ a competent and qualified person to measure and assess by a method approved by the LPA, whether noise emissions from the turbine meet the specified level. The assessment shall commence within 21 days of the notification and the LPA shall be notified in writing of the results, in accordance with the approved method, within 60 days of the notification.

If the assessment requested by the LPA demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to reduce the noise emissions from the turbine to, or below, the specified level and ensure that the turbine is not in breach of the preceding condition. The operator shall provide written confirmation of the reduced noise levels to the LPA within a time period to be agreed with the LPA. In the event that it is not possible to achieve the specified noise level with mitigation within a reasonable time period, then the operation of the turbine shall cease.

Reason

To protect neighbouring properties from noise pollution and to safeguard the amenities of the locality.

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

Reason

To ensure that possible dereliction and unsightliness is avoided.

5. If any turbine ceases to be operational for a continuous period of 6 months it shall be dismantled and removed from the site and that part of the site restored in accordance with a scheme which shall have the prior written approval of the Local Planning Authority.

Reason

To ensure that possible dereliction and unsightliness is avoided.

6. No development shall commence until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority and all identified highway works are satisfactorily completed.

Reason

In the interests of highway safety

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

ITEM NO: 7.

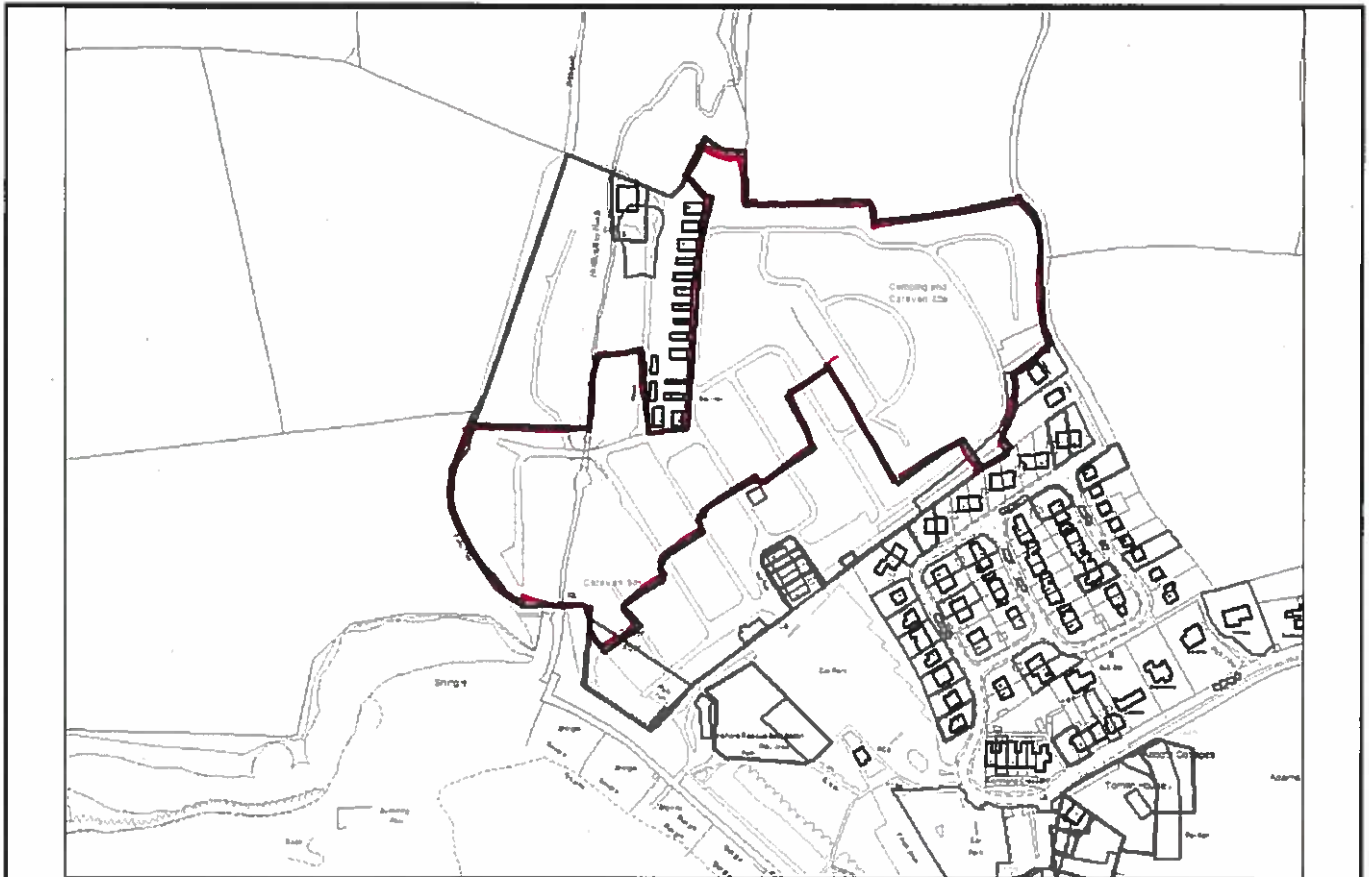


To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2408/OF1
Application Type:	Full : CBC
Applicant:	Mr T Milburn
Application Address:	ST BEES CARAVAN PARK, ST BEES
Proposal	VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/13/2413/OF1 (USE OF STATIC HOLIDAY CARAVANS ALL YEAR) TO ALSO INCLUDE OTHER NON RESIDENTIAL USE
Parish:	St. Bees
Recommendation Summary:	Approve amendment of condition



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

The Site

The application site is part of an established holiday caravan park located adjacent to the Beach Car Park in St Bees. The whole site has planning permission for a maximum of 305 static caravans, 16 as permanent residential pitches and the remaining 289 for holiday purposes. In addition there are areas for tents and tourers and associated on site facilities. This application relates to the 289 units which are restricted to holiday use only.

The Proposal

A variation of condition of the approval granted under 4/13/2412/0F1 is requested. The consent allowed the caravans to be used for holiday use only. This application seeks to vary that to allow the caravans to be used for 'holiday and other non-residential purposes'.

Relevant Planning History

The planning history to the site is lengthy. The most relevant planning applications are considered to be:

- 4/80/0142/063: Layout of Site for Caravans and Chalets - this permitted some 378 caravans and chalets on the site;
- 4/01/0665/0: Development of Land as a Camping and Caravan Park - this modified the former approval and redeveloped the site. It allowed for the provision of greater spacing standards resulting in a net reduction of 78 caravans on site;
- 4/13/2359/0F1: Variation of Condition 2 of Planning Approval 4/01/0665/0 to allow two months of closure of the caravan park which was withdrawn;
- 4/13/2413/0F1: Variation of Condition 2 of Planning Approval 4/01/0665/0 To Allow Use of Static Caravans All Year, approved.

Consultations

St Bees Parish Council: No objection

Environmental Health: No response

Neighbour Representations

Two letters have been received from residents of the caravans with residential status who object on the following grounds:

- Have suffered power cuts as a result of high demand by contractors staying on site;
- The owner should be able to tell the difference between contractors and holiday makers when bookings are made;
- Contractors could be accommodated in the Seacote Hotel;
- 73 caravans have been counted as being used by contractors;
- There are no objections to the caravans being used for holiday purposes;
- Contractors are causing disruption on the park.

In response to the concerns raised by the two objectors, the following comments are offered:

Planning permission has been separately granted for a new electricity substation, the issues with power are not affected by this application which does not increase the number of caravans on the site.

The provision of alternative options for contractor accommodation is not a reason for refusing planning permission, the application must be judged on its own merits.

Planning Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the national planning policy and introduces a presumption in favour of sustainable development, emphasising that the purpose of the planning system is to contribute to the achievement of this.

In terms of delivering sustainable development, the NPPF emphasises the commitment towards building a strong, competitive economy, facilitating investment and introducing policies which accommodate needs which may not have been foreseen with a proactive approach to meeting the needs of business.

The NPPF also recognises that planning should support economic growth in rural areas to create jobs and prosperity taking a positive approach to sustainable new development. It supports rural tourism and developments which benefit businesses in rural areas, communities and visitors whilst respecting the character of the countryside, including supporting the provision and expansion of tourism and visitor facilities in appropriate locations.

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

Copeland Local Plan

The Core Strategy and Development Management Policies document is the relevant document for the development plan.

In relation to this application, the following policies are considered to be relevant:

ST1: Strategic Development Principles - the fundamental principles of guiding development in the Borough

ST2: Spatial Development Strategy and ST3 Strategic Development Priorities - outline the spatial strategy and regeneration strategies for the Borough. It sets a spatial strategy guiding development to the principle settlement of Whitehaven and other centres to sustain rural services and facilities;

DM9: Visitor Accommodation - this supports new or improved visitor accommodation including caravans in appropriate locations.

Assessment

The key issues is considered to be whether the use of the caravans for general non residential uses is appropriate. This would allow for the use of the holiday park by contractors.

Holiday conditions are generally applied to restrict the use of caravans as permanent accommodation is considered inappropriate. The caravan site at Seacote has offered contractors accommodation over a number of years. This is similar to uses throughout the holiday industry for example hotels renting out rooms for conferences or longer term lettings for staff who may be on long term training courses or support services.

The use by contractors offers the Borough a flexible response where staff are needed to be housed for a short term period to provide the necessary skills to drive forward economic development within the Borough or filling posts at the West Cumberland Hospital where the posts cannot be filled locally for shorter term contracts. This is an important function within the wider West Cumbrian and Copeland economic landscape.

The variation of this condition would not undermine the reasons for adding the condition which were noted as:

To ensure that the static holiday caravan are not used as permanent residential accommodation.

The use of the caravans for both holiday and other non-permanent residential uses would ensure a site which can respond flexibly to the needs of the District, particularly as the construction industry continues to expand for a number of strategic building projects.

In terms of residential amenity, whilst contractors may have earlier starts, it is not considered that the disruption would be so great as to warrant refusal of the application. The provision of flexible accommodation types within the Borough is in line with the thrust of Government policy to provide for the needs of local businesses and economic development. The use of the caravans for any use brings with it the potential for disruption for example holiday makers can be noisy particularly with small children running around having fun in the beach environment and therefore either use brings with it an element of disruption. Flexibly providing accommodation for either holidays or short term contractor lettings provides for the economic growth of the Borough and both result in caravans which are not being used for permanent residential use.

Conclusion

The proposal is to allow for a range of non-permanent residential uses on the site which will allow for the provision of flexible accommodation allowing for both use by the holiday industry and supporting the construction industry and therefore both contributing positively towards the economic growth of the Borough.

The NPPF gives significant weight to supporting economic and business stability and growth and it is considered that the wider ranging condition would more accurately reflect what is happening in practice and would be in compliance with the aims and objectives of the NPPF and the Copeland Local Plan.

Considering the above, the proposal to vary the condition is considered to represent sustainable development in accordance with relevant policies.

Recommendation:-

Approve Amendment of Condition

Conditions

1. The caravans shall be occupied for holiday and other non-permanent residential uses only and shall not be occupied as a person's sole or main place of residence.

Reason

To ensure that the caravans are not used as permanent residential accommodation.

Statement

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

ITEM NO: 8.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2402/001
Application Type:	Outline : CBC
Applicant:	Mr and Mrs R Jacques
Application Address:	LAND TO REAR OF SANTANA VILLA, CROSSFIELD ROAD, CLEATOR MOOR
Proposal	OUTLINE APPLICATION FOR 4 No. DWELLINGS INCLUDING MEANS OF ACCESS
Parish:	Cleator Moor
Recommendation Summary:	Refuse



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

INTRODUCTION

This application relates to a greenfield site which lies to the rear of properties on Crossfield Road, Cleator Moor. The land is located centrally within the settlement of Cleator Moor. The site covers 0.53 hectares and is currently in use partly for agricultural purposes and partly as an unauthorised drainage contractor's compound.

The application was reported to the Planning Panel meeting on 12 November 2014 with a recommendation that Member undertake a site visit prior to determining the application. This site visit took place on 26 November 2014.

In 2008 an outline application for four dwelling with details of plot layout, new access and a new garage for Santana Villa was refused (4/08/2134/0), with the following reason for refusal:-

'The proposal represents non-essential development on Greenfield land. Furthermore, by virtue of its location and layout to the rear of an established road frontage development with shared access facilities, the development would be out of character with the locality and adversely impact on the amenities of existing residential properties in terms of overlooking and loss of privacy and, as such, is at variance with Policies DEV 4, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016, together with Planning Policy Statement (PPS) 3 "Housing".

A subsequent appeal against this decision was dismissed by the Planning Inspector.

PROPOSAL

Outline planning permission is sought for the erection of 4 dwellings. The application seeks to establish the principle of developing the site for residential purposes and approval for the access, with all other matters relating to layout, scale, appearance and landscaping reserved for subsequent approval.

In terms of layout four detached dwellings are indicated around a central turning head. Plot 1 will be situated directly behind two existing bungalows on Crossfield Road. At its closest point the dwelling on plot 1 would be approximately 15m away from an existing conservatory.

In terms of vehicular access it is proposed to utilise the existing access which runs along the side of and serves the applicant's existing property. This is 4.8m in width and would serve the 5 properties in total. It would lead around to the rear of the adjacent dwellings, Springvale and Tregarron, ending in a turning head. No indication of an amended parking and turning area for the existing property has been included in the plan, which would likely have to be relocated into the rear garden area. It is not to be an adopted road. In addition, there is no indication of where the unauthorised business will be relocated to should the application be approved.

Although in outline form the Design and Access Statement which accompanies the application sets out the following:-

- The housing stock in Cleator Moor is predominantly terraced and public sector homes and there is a shortage of quality executive styles homes, which this proposal will provide.
- The Council has set an ambitious total for housing growth and this should be focussed in the key service centres such as this.
- The former business on the site partly classifies the site as brownfield.

The application is accompanied by the following information:-

- Site Location Plan

- Proposed Site Plan
- Design & Access and Planning Statement
- A bat assessment for the building to be demolished.

CONSULTATION RESPONSES

Cleator Moor Town Council

Members noted that a similar application for this area had been refused in the past and that there had been no significant changes in the area to warrant approval on this occasion. Concerns were expressed regarding the road being unsuitable for an increase in traffic, with the outlet onto the main road (Leconfield St) being restricted and difficult. The application is outside the settlement area as defined in the Copeland Local Plan/ SHLAA document of deliverable/developable sites and as such, members wish to preserve the green field areas in the town. Furthermore new directives from MP Eric Pickles seeks to encourage use of existing brown field site while preserving the green space and country side. When this item is discussed at the planning panel, may I request the opportunity for a representative of this council to voice our objection in person. A site visit for this application may also be beneficial.

Other

3 letters of objection have been received from, or on behalf of, local residents. The main concerns raised can be summarised as follows:-

- It will adverse impacts on residential amenity including loss of privacy
- The development is on greenfield land
- The business on the site is unauthorised
- There is a discrepancy between plans; the site plan and site section plan detail difference separation distances to the boundary
- It will have an adverse visual impact on the locality
- It will have adverse impacts on highway safety
- The title is an inaccurate description of the proposal.

Planning Policy

The application site forms part of a larger area that was submitted as a potential housing allocation through the Strategic Housing Land Availability Assessment (SHLAA) process ref no S313. It was considered to be a suitable site for housing, providing a suitable access could be found, and could provide up to approximately 20 homes. Discussions with interested parties had suggested it might be possible to provide an access and was therefore proposed for allocation with the potential for a comprehensive proposal for the whole site.

It is disappointing that this reduced scheme has been submitted, as that will effectively limit the scale of development from this site to 4 homes at a very low density that will be provided as a kind of back land development.

I would also question 4 additional properties using that access, with five in total when the existing Santana property is considered and am surprised that Cumbria CC appear to support this.

It would be much better to have a comprehensive view of the site and ensure that development can be properly considered and designed rather than this back land proposal that just seems to reduce amenity of local residents.

Cumbria Highways

They have requested a condition that the applicant provides a footway to the junction area to provide safe refuge for pedestrians linking to the existing footways on the public highway, ideally we would wish to see a footway link along the same side of the road connecting up to the end of the existing footway on this side of the road.

PLANNING POLICY

National Planning Policy

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

It identifies three dimensions to sustainable development: economic, social and environmental. A social role is defined as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations.

One of the 12 core planning principles stating as follows:-

'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

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

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

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

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

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

Copeland Local Plan 2013-2016

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

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

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

Policy ST2 sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. It lists Cleator Moor as one of the Key Service Centres.

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

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

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

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

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

Policy ENV 1 sets out an approach to ensure that new build development is not prejudiced by flood risk. Any risk should be managed appropriately.

Policy ENV 3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Development Management Policies

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

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

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

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

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

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

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

ASSESSMENT

It should be noted at this stage that the enforcement issue relating to the site is being progressed as a separate matter and this should not affect the outcome of the decision to be made on this planning application. This use however does not reclassify the land as

brownfield, as all of the properties would be constructed on land that is currently a grassed area that has not previously been developed.

This application therefore relates to a residential development on greenfield land, within the development boundary for Cleator Moor, but with a previously refusal on the site and therefore raises a number of issues to consider. The previous planning appeal was dismissed on the basis of a greenfield argument which represented the central government policy at this time. Planning Policy has change at both National and Local level since this point.

The national policy, the NPPF, seeks to protect residential amenity, with one of the 12 core planning principles stating as follows:-

‘Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.’

Policy DM 10 of the Copeland Local Plan 2013 – 2028 regarding new development seeks to create and maintain reasonable standards of amenity, which it is considered this proposal does not meet. Policy ST1 of the Core strategy seeks to ensure that development creates a residential offer which meets the needs and aspirations of the Boroughs housing markets and is focused on previously developed land away from greenfield sites.

The highways comments are of consideration when reaching a decision in this application. While not raising an objection, they comment that a footway should be included within the development which is likely to be difficult to include due to the site constrains of the application site. In addition, this is likely to further reduce the amenity of the existing dwelling, while being necessary to maintain the necessary level of pedestrian safety.

In terms of the previous appeal decision, the Inspector does not consider the impact of the access on the amenity of the existing properties. However, the orientation of the existing house, proximity to the proposed access and increased volumes of traffic to serve the four new dwellings are considered to be significant factors. In this case this will result in noise and disturbance which will affect the amenity of occupiers of the existing property to an unacceptable degree.

The proximity of the proposed dwellings to the existing dwellings on Crossfield Road is also a concern, especially the relationship to Springvale, which has a conservatory on its rear elevation facing the application site. This is not shown on the submitted plan.

In summary, it is considered that the proposed development would result in an undesirable back land development without road frontage or a satisfactory access which would result in an unreasonable loss of residential amenity for the occupants of the adjoining existing dwellings.

Recommendation:-

Reason for refusal:

The proposed development would result in an undesirable black land development without road frontage or satisfactory access which would result in an unreasonable loss of residential amenity for the occupants of the adjoining existing dwellings, contrary to Policies ST1 and DM10 of the Copeland Local Plan 2013-2028 and the guidance contained within the National Planning Policy Framework.

Statement

The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.

ITEM NO: 9.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2439/001
Application Type:	Outline : CBC
Applicant:	North Associates
Application Address:	LAND TO THE NORTH EAST OF RANNERDALE DRIVE, VICTORIA ROAD, WHITEHAVEN
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF 35 DWELLINGS (RESUBMISSION)
Parish:	Whitehaven
Recommendation Summary:	Site Visit



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

INTRODUCTION

This application relates to a greenfield site which lies adjacent to Rannerdale Drive on the northern edge of Whitehaven. The site covers 2.88 hectares and is currently in use for agricultural purposes.

PROPOSAL

Outline planning permission is sought for the erection of 35 dwellings. The application seeks to establish the principle of developing the site for residential purposes and all matters relating to layout, scale, appearance, access and landscaping would be reserved for subsequent approval.

Although in outline form an illustrative layout plan has been submitted which illustrates how 35 dwellings can be accommodated on the site. It also shows the provision of an open landscaped space along the eastern side of the site.

In addition to this the Design and Access Statement which accompanies the application sets out the following intended design principles:-

- Low density development to reflect the location of the site on the edge of the settlement
- Landscaping will be used to soften the edge of the development site and help to integrate it into the landscape
- Open space will be provided within the site
- It is intended to provide a mix of housing types
- The highest parts of the site will be protected from development to reduce its visual impact within the landscape
- The privacy of the occupiers of the houses on Rannerdale Drive will be protected by strict adherence to the Councils separation standards and also by limiting the height of the units nearest to this shared boundary

The application is accompanied by the following information:-

- Site Location Plan
- Illustrative Landscape Concept Plan
- Design and Access Statement
- Planning Statement
- Flood Risk and Drainage Statement
- Preliminary Ecological Appraisal
- Archaeological Desk Bases Assessment and Geophysical Survey
- Preliminary Environmental Risk Assessment
- Transport Statement

CONSULTATION RESPONSES

The application is currently out for consultation with a number of technical bodies and also the local residents who live in close proximity to the site. The responses received to date are listed below:-

Environment Agency

No objections to the proposed development provided that the measures set out in the Flood Risk Assessment are implemented and secured by way of a condition. In particular the surface water run-off generated by the 1 in 100 year critical storm is limited to ensure that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off site.

The watercourse into which the development wishes to discharge is a non-main river and so any agreement on discharge rates would need to be agreed with Cumbria County Council.

United Utilities

No objections providing specific conditions are attached to any planning permission which requires details of foul and surface water drainage to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Flood Risk and Drainage Statement.

There is a public sewer near to the southern boundary of the development site. United Utilities will not permit any building over this sewer. A 6 metre wide access strip, 3 metres either side of the sewer will be required.

Flood and Coastal Defence Officer

I have concerns about the management of water on the site. Whilst designs for dealing with the surface water that falls on the site and the foul drainage from the site can be adequately addressed, it is the matter of dealing with natural flows of surface and groundwater that are of more concern.

Clay is typically found at shallow depths throughout the area, leading to rapid saturation of the topsoil. This leads to problems of perched groundwater and surface water and springs are a common feature of the area. It is these matters that are most likely to cause problem to the proposed development and the existing properties downhill.

As such, there needs to be some proposal of how to deal with these matters if and when they arise.

Scientific Officer

All of the records indicate that the site has only ever been used as a pasture and the risk of contamination is likely to be very low. However if any evidence of contamination is uncovered during development work should stop and the Council be informed.

As the site lies immediately adjacent to existing residential areas it is appropriate to add conditions to ensure that potential nuisance during construction is minimised by controlling reasonable working hours, dust control, construction noise, vehicle movements, cleaning roads etc.

Other

To date 21 letters of objection have been received from local residents including a petition containing 9 signatures. The main concerns raised can be summarised as follows:-

- Loss of green space
- Development should be on brownfield land rather than greenfield land

- There are other more favourable sites for residential development within Whitehaven
- Question the need for the development, especially as the Council has a 5 year land supply as documented in the SHLAA
- The site lies outside the development boundary in open countryside
- The site has already been discounted under the SHLAA process
- The site is very prominent and any development of it will have an adverse visual impact on the locality
- Potential increase in surface water drainage problems
- Adequacy of access arrangements to serve the development
- Increased vehicular movements and adverse impacts on highway safety
- Adverse impacts on residential amenity
- Devaluation of property
- Loss of views
- Impact on wildlife
- Proximity to overhead power line

PLANNING POLICY

National Planning Policy

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

It identifies three dimensions to sustainable development: economic, social and environmental. A social role is defined as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations.

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

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

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.

Local Plan Policies

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

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

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

Policy ST2 sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. It sets out that the largest scale of development shall be focussed on Whitehaven which is designated as the principal settlement within the Borough.

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

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

Policy SS3 requires developers to demonstrate the provision of a balanced mix of housing types.

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

Policy ENV 1 sets out an approach to ensure that new build development is not prejudiced by flood risk. Any risk should be managed appropriately.

Policy ENV 3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Development Management Policies

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

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

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

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

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

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

ASSESSMENT

This application relates to a large residential development on greenfield land outside the development boundary for Whitehaven. As this proposal raises a number of planning issues it is considered appropriate for Members to undertake a site visit to fully appraise all of the material planning considerations prior to the determination of this application.

Recommendation:-

Site Visit

Conditions

ITEM NO: 10.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 10/12/2014

Application Number:	4/14/2295/OF1
Application Type:	Full : CBC
Applicant:	Beckermest Estates Ltd
Application Address:	THE ENERGY COAST BUSINESS PARK, HAILE, EGREMONT
Proposal	PROPOSED NEW OFFICE DEVELOPMENT
Parish:	Haile
Recommendation Summary:	Approve (commence within 3 years)



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

Background

This application was reported to the 12 November 2014 Planning Panel with a recommendation to approve subject to conditions. Contrary to officer recommendation however Members were minded to refuse the application on the grounds that it is contrary to planning policy.

In accordance with the Council's Planning Code of Conduct the final decision on the application is deferred to this meeting.

In the meantime the applicants have requested the opportunity to provide clarification on issues raised by objectors and Members regarding the potential impact of the development, noting the scope that deferral provides for members to have the widest possible of appraisal of material issues prior to finalising a decision. They have provided a Supplementary Statement which has been circulated to Members for consideration prior to this meeting.

It is the applicant's submission, together with information already provided through the application process, that they have a robust 'exception to policy' case for the development which would not give rise to any demonstrable harm.

Please note that the report below remains largely unaltered.

Introduction

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

Members benefitted from a site visit on Thursday 25 September 2014.

The Proposal

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

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

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

In terms of use the building would be designed to accommodate some 160 staff over two floors via large open plan offices with associated conference / meeting facilities.

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

The application is accompanied by a:

- Design and Access Statement
- Initial Planning Statement
- Planning Statement.

- Intrusive Site Investigation Report
- Ecological Walkover.
- Soakaway Drainage Details.
- Fencing Details.

Supporting Case

The applicants clients who will occupy the building recognise the status of the site in planning policy terms and seek to justify the proposal as an exception to policies which might otherwise be applied which would go against the grant of planning permission. The site owners who are the applicants have demonstrated longstanding aspirations to secure wider development of the estate.

In this instance the application relates to development to provide accommodation for a specific end user with specific locational requirements. Supporting submissions elaborate on the need to relocate from accommodation within the Sellafield site, the operational reasons for the removal of the existing accommodation and the operational and locational requirements of the business. The supporting case seeks to demonstrate the consideration of alternative locations with availability in the short timeframe required and assesses the scope for relocation of parts of the business to existing accommodation outside the Borough if a timely solution could not be found.

Consultations

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

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

Highways Agency – no objection.

Scientific Officer – No adverse comments. The proposed office development is on a greenfield, agricultural site so the risk from chemical contamination is low. The wider

Business Park is situated on the former Beckermert Iron Ore Mine so there is a risk that of mine workings under the proposed building. As such the developer will need to ensure that the risks from the mine workings are fully known and, if necessary, mitigated.

Planning Policy Team –

The Status of the Site in Planning Terms

The application site is located in a field next to existing development at the Energy Coast Business Park. The site was originally proposed for allocation in the 1st Deposit of the Copeland Local Plan 2001-16, as part of a larger (7.25ha) piece of land, but this was subsequently removed in the 2nd Deposit Version and not pursued further during the production of the Copeland Local Plan 2001-16.

When the site was considered at the Public Inquiry for the Local Plan the Inspector's Report stated that the site *"... appears to be some distance from a main road, and in a rural setting. I can see no justification at all for allocation other than the existence of mining activity. Given the existence of several alternative allocation sites much better located in relation to built-up areas and public transport, I do not consider that this site should be allocated for employment land."* The proposed site was not allocated and as such the field has no status in planning terms and is therefore classified as being open countryside.

Considering the Proposal

The proposal is for a two storey office building that would be used to house contractor staff that are being moved outside the Sellafield site boundary to comply with Sellafield's Security Enhancement requirements. It will be designed to accommodate up to 150 workers for a single company that the applicant states currently employs 130 staff, but is growing each year.

As development in the open countryside the proposal is contrary to **Strategic Objective 6** in the Core Strategy, which seeks to direct development to Whitehaven, Cleator Moor, Egremont and Millom in line with strategic infrastructure provision. It is also contrary to a number of elements in **Policy ST1**.

The proposal is also contrary to **Policy ST2B**, supported by **Figure 3.2**, which directs development to Whitehaven, Cleator Moor, Egremont and Millom. It does not have sufficient justification to be considered favourably as an exception under the headings of **Policy ST2C** or **Paragraphs 3.3.16 to 3.5.19** of the Core Strategy.

Policy ER1F considers the relocation of workers that do not need to be based on the Sellafield site and promotes their relocation towards *"sustainable locations in the Borough's towns"*, and **Policy ER6A** directs employment development to Whitehaven and Key Service Centres.

As such, workers that are being moved from within the Sellafield site should be relocated to sustainable locations in the borough's towns, either within town centres or located on allocated employment sites.

It should be noted that this piece of land, together with another at the Energy Coast Business Park, has been submitted as a potential employment site for the replacement *Copeland Local Plan 2013-2028: Site Allocations* document and will be considered in due course. At this early stage no weight can be given to the landowners aspiration to change the planning status of the land. It is not possible to say whether it would be considered favourably, but there would need to be a strong justification based on the Planning Inspector's comments at the Copeland Local Plan 2001-16 Public Inquiry (quoted earlier).

The applicant has provided supporting submissions which seek to demonstrate the consideration of alternative sites in sustainable locations and allocations, which they discount for a number of different reasons. There are weaknesses in this submission, for example when the applicant discounts the Cleator Mills site and yet there is currently a 'live' application for similar sized new build office accommodation on part of the Cleator Mills site.

The applicant makes a supporting statement in which they claim that the office development is necessary in this location due to its proximity to Sellafield site and co-location on the Energy Coast Business Park with a key partner to ensure competitive pricing for future works on Sellafield site.

It is arguable whether any current imperative to be close to the Sellafield site will diminish as Sellafield Limited also moves its staff to sustainable locations, such as the Albion Square development in Whitehaven, and that these settlements will be more attractive as the knowledge, skills and workforce cluster in these locations.

In conclusion, the proposal represents development in the open countryside and is contrary to **Core Strategy Policies ST2B, ER1F and ER6** and the provisions made in **Figure 3.2**. The applicant also states that they need to be on the Energy Coast Business Park for commercial reasons. I have not been involved in these discussions and do not know the details of their business case and therefore am not convinced of an exceptional need for office development on the Energy Coast Business Park.

Ward Councillor- objects on the grounds that this is an unacceptable additional blot on the Haile landscape and would constitute an over intensification on ground which is outside of the development land. It will be completely out of scale when being viewed by the residents of Haile, the A595 as well as from the Lake District National Park.

Neighbours and Others

9 letters of objection have been received from residents of Haile and Carleton as well as Haile, the nearest village an estate of which has views out towards the site.

The collective grounds of objection are summarised as follows:

- Relates to green field land outwith the development boundary.
- Current expanse of industrial development on the site detracts from the characteristic rural nature of the area.
- Offers no bonus investment unlike Albion Square.
- Will increase traffic volume and add to road congestion.
- There are existing planning breaches on the site.
- Will be visually intrusive in a predominantly rural area. It will be completely out of scale when viewed by residents of Haile, the A595 and from the Lake District National Park.
- Alternative sites have been dismissed too readily.
- Cost alone should not be the deciding factor.
- No further development is wanted on this site.
- Local Plan inspectors report states there is no justification for a building other than the existence of mining activity.
- Contrary to strategic objective 6 and Policy ST2B of the Copeland Local Plan.
- It is a long way from public transport routes.
- Will overlook properties at Haile.
- Will set a precedent.
- Potential for light pollution.

Planning Policy

National Planning Policy Framework (NPPF)

The National Planning Policy Framework, which came into effect in March 2012, sets out the Government's planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this. In terms of delivering sustainable development it identifies three dimensions, one of which is an economic role

whereby planning should ensure that sufficient land of the right type is available in the right places and at the right time to support growth and innovation which will contribute to building a strong, responsive and competitive economy.

Paragraph 10 cites that plans and decisions need to take account of local circumstances so that they respond to different opportunities for achieving sustainable development.

Paragraph 14 is also relevant as this qualifies the statement 'presumption in favour of sustainable development' for decision making as meaning in essence that where the development plan is silent or relevant policies are out of date **granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits** when assessed against the policies in this framework. In the absence of any up to date employment land allocations for the borough the NPPF allows applications for such development to be considered more pro-actively. Paragraph 17 underpins this by advocating the pro-active driving and supporting of sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs as one of the 12 overarching land use planning principles.

Paragraphs 18, 19 and 20 emphasise the commitment towards building a strong, competitive economy. Paragraph 21 cites that investment in business should not be overburdened by the combined requirements of policy expectations.

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 (paragraph 11).

Copeland Local Plan 2013-2028

The Core Strategy and Development Management Policies DPD (the Copeland Local Plan 2013-2028) was recently adopted by the Council in December 2013. It now replaces the majority of policies in the former Copeland Local Plan 2001-2016 with the exception of site allocations. Saved Policies EMP1, EMP2, EMP3 and TCN12 from the former local plan identify the saved employment allocations.

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

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

Objectives for Economic Opportunity and Regeneration

Strategic Objective 2 – promotes the diversification of the Borough's rural and urban economic base to enable a prosperous mixed economy including specialist engineering building on Copelands nuclear skills base.

Strategic Objective 3 – provide a wide range of modern high quality employment sites and premises and promote the creation of a high end knowledge based employment cluster at Westlakes.

Objectives for Sustainable Settlements

Strategic Objective 6 – aims to focus major development in Whitehaven and encourage complementary and additional development in Cleator Moor, Millom and Egremont and in local centres where opportunities exist.

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

Policy ST2 Spatial Development Strategy seeks to direct development to the most sustainable locations. Criterion C seeks to restrict development outside defined settlement boundaries to that which has a proven requirement for such a location. In particular C iv) includes existing major employment locations especially Westlakes Science and Technology Park and the completion of defined allocated or safeguarded employment sites.

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

Policy ER1 Planning for the Nuclear Sector – supports the relocation of non-essential on site Sellafield staff to sustainable locations in the Boroughs towns.

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

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

Assessment

Supporting Case

The applicants (the land owners and developer for the site), and their clients, the potential tenant, as a joint venture have put forward a detailed case to support the application. The clients are a leading business in the supply of specialist engineering recruitment, technical personnel and outsourced design services who will occupy the office building. They currently employ 138 people and are actively recruiting a further 20. They are part of a larger organisation, established in 1969, which has offices across Europe, Australasia, Middle East, America and Africa with headquarters in Salford. This arm of the organisation is currently based within the Sellafield Licensed boundary and as a result of the Site Security Enhancement Project (SSEP), which will see the building they currently occupy being demolished in December 2014, there is no scope for them to relocate within the site. They have been identified as non-essential staff and have no alternative but to move off site.

The company have since been actively searching for a suitable site to relocate to. Given the relatively short time available to relocate a considerable number of other locations in the area, including existing industrial sites further north, have been considered and evidenced in the supporting documentation. Initially pre application discussions with the company were initiated in relation to another site, an allocated employment site on the southern edge of Egremont, but it transpires that this was not deliverable. Alternatives were investigated and discounted in the form of a sequential approach mainly on the basis of distance and cost from Sellafield, as well as deliverability within the short timeframe available hence their preference over some sites which may be preferable in policy terms but deliverable over a much longer timeframe. As a result of this exercise it transpires that the application site is the most suitable for their business needs.

In terms of site specific need to be located on this particular site at Beckermest Industrial Estate (Energy Coast Business Park) the company cite the following criteria as indicative of their essential on site need for the offices here:

Proximity to Sellafield for on-site visits

As some 70% of the Company's staff need to visit the Sellafield plant daily, which translates into approx. 100 staff amounting to some 200 vehicle visits daily with the current workforce which is set to increase in numbers, there is an economic justification for the business to be located within reasonable close proximity in terms of both costs and logistics. This site fulfils that requirement and there is no other available site within the vicinity that could meet that locational need.

Need for Dedicated Sellafield IT Link.

The company provide specific maintenance and operational based documentation for Sellafield Limited, a high proportion of which is protectively marked and can only be produced on Sellafields IT system. As a result they need a dedicated IT spur link. Provision of an off-site IT link for this purpose is sensitive and subject to location and as a result the company need to be located within a 5-10 mile radius of the nuclear site to be viable.

In addition, but not site specific, the supporting documentation also highlights the Company's aspirational accommodation requirements with their preference being a modern high specification office building that this site can deliver.

Policy Context

In terms of the current Copeland Local Plan 2013-2028 policies the spatial development strategy seeks to direct development to the most sustainable locations i.e. the main settlements. This particular site however, is situated outside the main settlement boundaries on the outside edge of an existing industrial estate boundary in open countryside (saved policies EMP1, EMP2 EMP3 and TCN12 of the Copeland Local Plan 2006-

2013 apply and identify the saved employment allocations) and for such applications to be considered favourably a case would have to be made to justify it being considered as an exception as permitted by Policy ST2C. In essence this seeks to restrict development outside the defined settlement boundaries to that which has a proven requirement for such a location and includes existing major employment locations/ completion of defined or safeguarded employment sites.

The key issue to consider in the assessment of this application is whether the site specific case for locating the offices on this particular site at Beckermet Industrial Estate is strong enough to justify it being considered as an exception to policy.

Conclusion

This is a challenging and complex application with the main issue being the policy context as set out above. A judgement has to be reached as to whether the supporting case is sufficient to override policy and constitute an exception which is worthy of support.

The site is situated outside the industrial estates established boundary on green field land in open countryside where there is a policy presumption against development. The applicant needs to demonstrate why an exception to policy should be made, and how harm to the purposes and objectives of policy is mitigated through the circumstances of this particular case, if the application is to succeed. The key thrust of the applicants argument is that there are distinct and exceptional locational requirements which cannot currently be met by other sites preferable in planning policy terms. This relates principally to the need to be within close proximity to Sellafield to accommodate the demands of their particular field of work which requires the majority of their employees to undertake daily return visits to the plant and most importantly a dedicated Sellafield IT link to allow contract work to be undertaken in the manner required by Sellafield Ltd as a client, which is in itself location sensitive and dictates the need for a site within 5-10 miles of the plant. Whilst such locational criteria in themselves may not specifically dictate the need for the offices to be located on this particular site it has to be weighed up that by a process of deduction, as evidenced via the sequential test undertaken whereby alternative sites were appraised, this is the only available site which meets the very specific requirements of the Company. Taking this into account together with the fact that the employment allocations are not up to date and that in such circumstances the NPPF can take precedence, a more proactive and flexible approach to such applications is justified.

On balance therefore it is considered that there is a sufficient case to support the development of offices in this location as an exception to policy and that the benefits of doing so in terms of supporting the local economy etc. are considered to outweigh any harm that may be caused.

Recommendation:-

Approve

Conditions

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

Reason

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

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

Design and Access Statement, by Ken Thompson, Coniston Consultants Ltd, ref BE/KT/14/04, dated 30/05/2014, received 10 July 2014.

Initial Planning Statement, by Ken Thompson, Coniston Consultants Ltd, ref BE/KT/14/05, received 10 July 2014.

Planning Statement, by Ken Thompson, Coniston Consultants Ltd, ref BE/KT/14/05, received 10 July 2014.

Planning Statement by Hamilton Rural, Issue 1:27 October 2014, received 28/10/2014.

Beckermeth Business Justification, by Morson Projects, dated 21 October 2014, received 21 October 2014.

Site Section, drwg no BE/KT/14/0??, scale 1:??, received ?? October 2014.

Surface Water Drainage Details, by Ken Thompson, Coniston Consultants Ltd, dated 30/06/2014, received 10 July 2014.

Ecological Walkover, by Hesketh Ecology, ref KT14SCO023, received 10 July 2014.

Intrusive Site Investigation Report, by Geo Investigate, ref G14133, received 10 July 2014.

Boundary Fencing Details, by Jacksons, received 10 July 2014.

Proposed Office Accommodation, Floor Plans, drwg no BE/KT/14/02, scale 1:200, received 10 July 2014.

Proposed Office Accommodation, Elevations, drwg no BE/KT/14/01, scale 1:200, received 10 July 2014.

Proposed Office Accommodation, Block and Location Plans, drwg no BE/KT/14/03, scales 1:250 & 1:5000, received 10 July 2014.

Reason

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

3. No development shall commence until full details of the soft landscaping works for the site and the proposed buffer mound, including planting plans and written specifications of plants, species, sizes and densities shall be submitted to and approved in writing by the Local Planning Authority. Landscaping shall be carried out in accordance with the approved details.

Reason

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

4. 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.

5. Details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason

To safeguard the amenities of the wider locality and prevent unnecessary light pollution.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

List of Delegated Decisions

Selection Criteria:

From Date: 03/11/2014

To Date: 02/12/2014

Printed Date: Tuesday, December 02, 2014

Printed Time: 9:34 AM

Application Number	4/14/2293/OF1
Applicant	Mrs M Kershaw
Location	59 FESTIVAL ROAD, MILLOM
Proposal	TWO STOREY EXTENSION TO ACCOMMODATE GROUND FLOOR KITCHEN AND DINING WITH FIRST FLOOR BEDROOM WITH ENSUITE
Decision	Approve (commence within 3 years)
Decision Date	12 November 2014
Dispatch Date	17 November 2014
Parish	Millom

Application Number	4/14/2342/OF1
Applicant	Mr M Dunsford
Location	LAND TO THE REAR OF 47 HOLBORN HILL, MILLOM
Proposal	ERECTION OF 8 SEMI-DETACHED DWELLINGS
Decision	Withdrawn
Decision Date	12 November 2014
Dispatch Date	12 November 2014
Parish	Millom

Application Number	4/14/2355/OF1
Applicant	Mr and Mrs S Brace
Location	BARDSEY MEADOW, FIELD 55440, JACKTREES ROAD, CLEATOR MOOR
Proposal	RENEWAL OF PERMISSION FOR CONTINUED SITING OF STATIC CARAVAN FOR THE PURPOSE OF ANIMAL HUSBANDRY AND SECURITY
Decision	Approve
Decision Date	15 October 2014
Dispatch Date	10 November 2014
Parish	Cleator Moor

Application Number	4/14/2378/OF1
Applicant	Ms P Hick
Location	HIGH GHYLL HEAD, MORESBY PARKS, WHITEHAVEN
Proposal	ERECTION OF EQUESTRIAN ALL WEATHER ARENA AND STABLE
Decision	Approve (commence within 3 years)
Decision Date	24 October 2014
Dispatch Date	10 November 2014
Parish	Moresby

Application Number	4/14/2391/OF1
Applicant	Mr B Warr
Location	18 EAGLES WAY, MORESBY PARKS, WHITEHAVEN
Proposal	ERECTION OF FRONT CONSERVATORY
Decision	Withdrawn
Decision Date	12 November 2014
Dispatch Date	12 November 2014
Parish	Moresby

Application Number	4/14/2393/OF1
Applicant	Mrs C McCarthy
Location	FIELD 9002, HAILE, EGREMONT
Proposal	GATEWAY ENTRANCE AND ERECTION OF A TIMBER 4 STABLE BLOCK WITH HARD STANDING

Decision	Approve (commence within 3 years)
Decision Date	20 November 2014
Dispatch Date	21 November 2014
Parish	Haile

Application Number	4/14/2397/OF1
Applicant	Mr A Barwise
Location	FIELD 356, REAR OF 2 SUMMERGROVE VILLAS, HENSINGHAM, WHITEHAVEN
Proposal	EXTENSION TO EXISTING LAMBING & IMPLEMENT SHED
Decision	Approve (commence within 3 years)
Decision Date	5 November 2014
Dispatch Date	7 November 2014
Parish	Weddicar

Application Number	4/14/2398/OF1
Applicant	Mrs H Sharpe
Location	COMMUNITY YOUTH CENTRE, OUTRIGG, ST BEES
Proposal	REPLACEMENT COMMUNITY YOUTH CENTRE
Decision	Approve (commence within 3 years)
Decision Date	29 October 2014
Dispatch Date	26 November 2014
Parish	St. Bees

Application Number	4/14/2399/OF1
Applicant	Mr and Mrs P Hurst
Location	PLOT 10, ELEANORS WAY, CLEATOR MOOR
Proposal	ERECTION OF DORMER BUNGALOW
Decision	Approve (commence within 3 years)
Decision Date	29 October 2014
Dispatch Date	10 November 2014
Parish	Cleator Moor

Application Number	4/14/2400/OF1
Applicant	Mr I Richardson
Location	18 VICTORIA ROAD, WHITEHAVEN
Proposal	LOFT EXTENSION TO REPLACE EXISTING DORMER
Decision	Approve (commence within 3 years)
Decision Date	10 November 2014
Dispatch Date	21 November 2014
Parish	Whitehaven

Application Number	4/14/2401/OL1
Applicant	Mr R Harrison
Location	FLAT 23, WHITEHAVEN CASTLE, FLATT WALKS, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR INSTALLATION & RESITING OF NEW BOILER
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	31 October 2014
Dispatch Date	10 November 2014
Parish	Whitehaven

Application Number	4/14/2405/OF1
Applicant	NHS Trust

Location	WEST CUMBERLAND HOSPITAL, HOMEWOOD ROAD, WHITEHAVEN
Proposal	ERECTION OF NEW BOILER HOUSE AND TRANSMISSION BUILDING & NEW CANOPY TO SERVE FUTURE MORTUARY DEPARTMENT
Decision	Approve (commence within 3 years)
Decision Date	13 November 2014
Dispatch Date	21 November 2014
Parish	Whitehaven

Application Number	4/14/2406/TPO
Applicant	Mr M Little
Location	10 RHEDA CLOSE, FRIZINGTON
Proposal	PRUNING OF TWO SYCAMORE TREES PROTECTED BY A TREE PRESERVATION ORDER
Decision	Approve
Decision Date	29 October 2014
Dispatch Date	10 November 2014
Parish	Arlecdon and Frizington

Application Number	4/14/2407/OF1
Applicant	NHS Trust
Location	BLOCK G, WEST CUMBERLAND HOSPITAL, HOMEWOOD ROAD, WHITEHAVEN
Proposal	PRIOR NOTIFICATION OF PROPOSED DEMOLITION
Decision	Approve (commence within 3 years)
Decision Date	10 November 2014
Dispatch Date	17 November 2014
Parish	Whitehaven

Application Number	4/14/2410/OA1
Applicant	McDonalds Restaurants Ltd
Location	MCDONALDS RESTAURANT, FLATT WALKS, WHITEHAVEN
Proposal	ADVERTISEMENT CONSENT FOR THE INSTALLATION OF A GOAL POST HEIGHT RESTRICTOR AND 2 NO. CUSTOMER ORDER DISPLAYS (COD), RECONFIGURED SIGNAGE SUITE WITH ADDITIONAL SIGNS
Decision	Approve Advertisement Consent
Decision Date	18 November 2014
Dispatch Date	21 November 2014
Parish	Whitehaven

Application Number	4/14/2411/OF1
Applicant	Mr T West
Location	WHIN BANK, ROTTINGTON, WHITEHAVEN
Proposal	EXTENSION TO EXISTING AGRICULTURAL STORAGE BUILDING
Decision	Approve (commence within 3 years)
Decision Date	12 November 2014
Dispatch Date	19 November 2014
Parish	St. Bees

Application Number	4/14/2412/OF1
Applicant	Mr G Wroe
Location	GARDEN VIEW, HARRAS ROAD, WHITEHAVEN

Proposal	ERECTION OF SINGLE STOREY GARAGE EXTENSION TO EXISTING PROPERTY AND CONVERSION OF EXISTING GARAGE INTO HABITABLE SPACE
Decision	Approve (commence within 3 years)
Decision Date	11 November 2014
Dispatch Date	24 November 2014
Parish	Whitehaven

Application Number	4/14/2416/OF1
Applicant	Mrs D Mullinder
Location	17 BOOKWELL, EGREMONT
Proposal	GARAGE AND SUNROOM EXTENSION, DEMOLITION OF EXISTING GARAGE
Decision	Approve (commence within 3 years)
Decision Date	26 November 2014
Dispatch Date	28 November 2014
Parish	Egremont

Application Number	4/14/2417/OF1
Applicant	Mr J Grant
Location	PLOTS 14 AND 15, OVEREND ROAD GARAGE SITE, HENSINGHAM, WHITEHAVEN
Proposal	ERECTION OF SINGLE GARAGE
Decision	Approve (commence within 3 years)
Decision Date	20 November 2014
Dispatch Date	21 November 2014
Parish	Whitehaven

Application Number	4/14/2418/OF1
Applicant	McDonalds Restaurants Ltd
Location	MCDONALDS RESTAURANT, FLATT WALKS, WHITEHAVEN
Proposal	RECONFIGURATION OF CAR PARK AND DRIVE THRU LANE TO PROVIDE A SIDE-BY-SIDE ORDER POINT & RELOCATION OF A BOOTH WINDOW
Decision	Approve (commence within 3 years)
Decision Date	26 November 2014
Dispatch Date	27 November 2014
Parish	Whitehaven

Application Number	4/14/2419/OF1
Applicant	Mr A Banks
Location	OLD LAUNDRY, RHEDA PARK, FRIZINGTON
Proposal	CONVERSION OF STORAGE SPACE INTO BEDROOM INCLUDING INSERTION OF GABLE GLAZING AND BALCONY RAIL
Decision	Approve (commence within 3 years)
Decision Date	20 November 2014
Dispatch Date	24 November 2014
Parish	Arlecdon and Frizington

Application Number	4/14/2420/OF1
Applicant	Mr A Mehrmanesh
Location	12-13 ADDISON STREET, WHITEHAVEN
Proposal	CHANGE OF USE FROM HAIRDRESSERS TO RESIDENTIAL
Decision	Approve (commence within 3 years)

Decision Date	18 November 2014
Dispatch Date	21 November 2014
Parish	Whitehaven

Application Number	4/14/2421/0N1
Applicant	Mr P Mulrain
Location	CROFT HALL FARM, CROSSFIELD ROAD, CLEATOR MOOR
Proposal	ERECTION OF A STEEL PORTAL BARN FOR THE STORAGE OF TRACTOR AND IMPLEMENTS
Decision	Approve Notice of Intention
Decision Date	5 November 2014
Dispatch Date	10 November 2014
Parish	Cleator Moor

Application Number	4/14/2422/0F1
Applicant	Mr A Gainford
Location	CALDER HOUSE HOTEL, THE BANKS, SEASCALE
Proposal	REPLACEMENT REAR PORCH, EXTENSION TO OWNERS ACCOMMODATION AND DECKING AREA
Decision	Approve (commence within 3 years)
Decision Date	20 November 2014
Dispatch Date	21 November 2014
Parish	Seascale

Application Number	4/14/2425/0F1
Applicant	Mr S Hasson
Location	29 CHURCH STREET, WHITEHAVEN
Proposal	REMOVAL OF OFFICE WINDOWS, REDUCTION OF OPENINGS. INSTALLATION OF NEW WINDOWS
Decision	Approve (commence within 3 years)
Decision Date	18 November 2014
Dispatch Date	26 November 2014
Parish	Whitehaven

Application Number	4/14/2426/0F1
Applicant	Mr and Mrs P Eilbeck
Location	40 THE CREST, HILLCREST, WHITEHAVEN
Proposal	ERECTION OF A GAZEBO
Decision	Approve (commence within 3 years)
Decision Date	20 November 2014
Dispatch Date	21 November 2014
Parish	Whitehaven

Application Number	4/14/2427/0F1
Applicant	Mr and Mrs A Drinkwater
Location	16 RED BECK PARK, CLEATOR MOOR
Proposal	ERECTION OF ENTRANCE PORCH
Decision	Approve (commence within 3 years)
Decision Date	20 November 2014
Dispatch Date	21 November 2014
Parish	Cleator Moor

Application Number	4/14/2430/0F1
Applicant	Mr A O'Connor
Location	15 GILGARRAN PARK, GILGARRAN

Proposal	VARIOUS EXTENSIONS AND ALTERATIONS TO CREATE A DORMER BUNGALOW (RESUBMISSION)
Decision	Approve (commence within 3 years)
Decision Date	20 November 2014
Dispatch Date	21 November 2014
Parish	Distington

Application Number	4/14/2436/OF1
Applicant	Mr J Mullinder
Location	11 DUKE STREET, WHITEHAVEN
Proposal	CHANGE OF USE FROM BAKERY TO HOT FOOD TAKEAWAY
Decision	Withdrawn
Decision Date	1 December 2014
Dispatch Date	1 December 2014
Parish	Whitehaven

Application Number	4/14/2438/OF1
Applicant	Mr K Christian
Location	37 CROSS LANE, WHITEHAVEN
Proposal	TWO STOREY EXTENSION TO PROVIDE NEW LIVING ROOM/KITCHEN/BEDROOMS AND ENSUITE FACILITY
Decision	Approve (commence within 3 years)
Decision Date	20 November 2014
Dispatch Date	21 November 2014
Parish	Whitehaven

Application Number	4/14/2442/ON1
Applicant	J Walker and Son
Location	MARLBOROUGH HALL FARM, EGREMONT
Proposal	EXTENSION TO EXISTING LIVESTOCK BUILDING FOR AGRICULTURAL STORAGE
Decision	Approve Notice of Intention
Decision Date	11 November 2014
Dispatch Date	17 November 2014
Parish	Egremont

Application Number	4/14/2447/OF1
Applicant	Mr and Mrs B A Telford
Location	33 TRUMPET TERRACE, CLEATOR
Proposal	ADDITION OF PITCHED ROOF DORMER TO FRONT OF PROPERTY
Decision	Approve (commence within 3 years)
Decision Date	26 November 2014
Dispatch Date	28 November 2014
Parish	Cleator Moor

Application Number	4/14/9007/OF2
Applicant	Cumbria County Council
Location	LAND TO NORTH SIDE OF THE B5344 BETWEEN SEASCALE AND GOSFORTH
Proposal	CONSTRUCTION OF MULTI USER ROUTE, ENVIRONMENTAL ENHANCEMENTS, PROVISION OF SEAT FURNITURE, GATEWAY FEATURES, ARTWORK & SCULPTURES
Decision	County Council Approved

Decision Date	7 November 2014
Dispatch Date	7 November 2014
Parish	Seascale