

PLANNING PANEL – 11 SEPTEMBER 2013

AGENDA

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ITEM NO: 1.

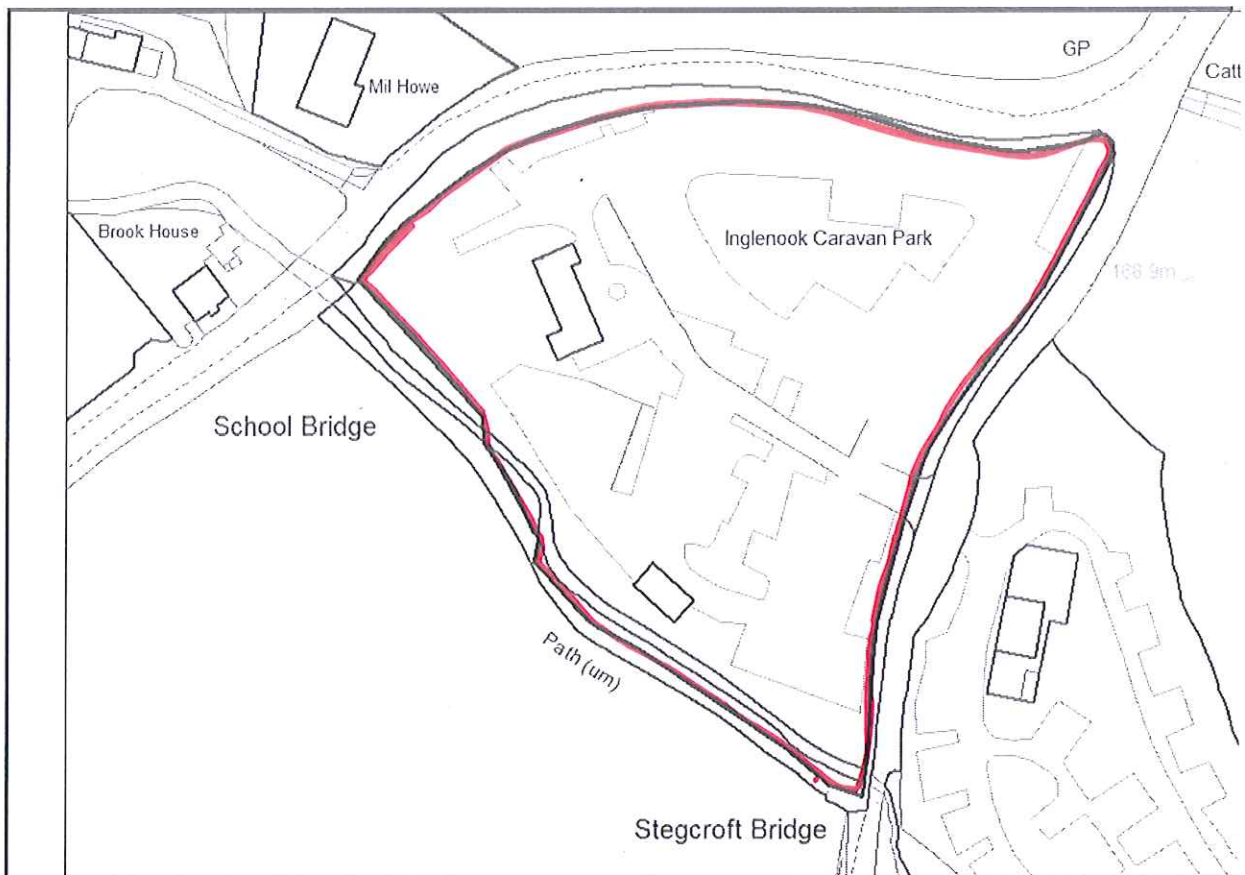


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/09/2013

| | |
|-------------------------|--|
| Application Number: | 4/13/2192/OF1 |
| Application Type: | Full : CBC |
| Applicant: | Mr J Hoey |
| Application Address: | INGLENOOK CARAVAN PARK, LAMPLUGH |
| Proposal | DEMOLITION OF EXISTING GARAGE, CONSTRUCTION OF TWO STOREY BUILDING WHICH WILL INCORPORATE HOLIDAY ACCOMMODATION AND OFFICE ON FIRST FLOOR, WITH GARAGE AND STORE ON GROUND FLOOR |
| Parish: | Lamplugh |
| Recommendation Summary: | Approve (commence within 3 years) |



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INTRODUCTION

This application relates to an area of land which lies within the existing Inglenook caravan park at Lamplugh. The caravan site currently houses 41 static vans and 7 touring pitches and has various ancillary facilities including warden's accommodation and a shop.

Members deferred this application at the last meeting to enable them to visit the site. The site visit took place on 28 August 2013.

PROPOSAL

Planning permission is sought for the erection of a new building on the site to provide a garage and storage facility at the lower level and an office and two bedroomed flat at the upper level. The building is designed to take advantage of the change in levels across the site. Access to the garage will be achieved from the lower area near to the existing toilet block. The flat and office would be accessed from the same level as the existing shop.

The building will have a pitched slate roof and its external walls will be clad with a mixture of render, stone and timber cladding. Originally it was proposed to construct a building with a total length of 15.5 metres long and 9 metres wide. The applicant's agent has since reduced the length of the building by 0.5 metres. This alteration has not changed the height of the building which will be a maximum of 8 metres to ridge height when measured from the lower part of the site.

The proposed building will be connected up to the existing septic tank which serves the whole site.

The applicant's agent claims that the flat is required to meet the demand from existing users of the park who would like a facility which allows their family and friends to stay with them on the site. However it would also be the intention to advertise the accommodation as part of the facilities available on the site for general holiday visitors to the area. The storage facilities would provide a more extensive and secure area to accommodate the equipment necessary to run the site.

CONSULTATION RESPONSES

Lamplugh Parish Council

The Parish Council has raised the following points:-

1. There is a history of problems with the existing drainage system and there are concerns about its suitability to accept the additional flows that would result from this development

2. There is concern that this building would result in the creation of a full time residential unit and question whether adequate restrictions can be imposed to control this
3. The two storey building and its design is out of keeping with the existing single storey buildings and static caravans on the site and is considerably larger than the small garage that it will replace.
4. There is concern that the current screening around the site is being removed and the current application makes no provision for landscaping the development after completion

Environment Agency

No objection in principle to the development. The Environment Agency indicative mapping shows the site to be within Flood Zone 1 although it lies in close proximity to Flood Zone 3. A Flood Risk Assessment has been produced and submitted with the application. The applicant should be fully aware of the flood risk and frequency at this location and any impact this may have on their proposals. The applicant should ensure that flood risk is not increased elsewhere as a result of their proposals.

Others

2 letters of objection have been received which raise the following concerns:-

- The caravan park is fully residential and this constant use has led to increases in noise and traffic
- The existing mature screening has recently been cut down and this has opened up views of the site and exacerbated its impacts within the landscape
- The scale and design of the building will make it much more obvious than the existing garage which currently occupies the site
- There are current problems with the existing drainage on the site and this proposal is likely to exacerbate them

PLANNING POLICY

National Planning Policy Framework

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

Paragraph 28 seeks to promote a strong rural economy by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings.

It also supports sustainable rural tourism and leisure developments that benefit visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres

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

Copeland Local Plan 2001-2016 (Saved Policies 2009)

Policy TSM 3 permits proposals for new serviced accommodation within existing settlement boundaries.

Policy RUR1 permits proposals for the replacement of existing buildings in rural areas for small scale, ancillary development for employment purposes provided that the replacement building is of a size and character which is appropriate to the existing building group and its setting and is no bigger than the building it replaces, the use would be compatible with the character and appearance of the surrounding landscape or built environment and the site is reasonably well related to local transport networks.

Emerging Local Plan

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

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

The following Policies of the new document are considered relevant. Whilst it is acknowledged they are a material consideration in determining planning applications they should not be afforded full weight at present until the Inspector has issued his report into the public examination:

Policy ST1 sets out the Strategic Development Principles that inform and underpin the planning policies. It seeks amongst other things to support the development of rural diversification and tourism in appropriate areas

Policy ST2 sets out the spatial development strategy for the Borough. It seeks to restrict development in the countryside unless it has a proven requirement for such a location including tourism.

ER10 seeks to maximise the potential of tourism in the Borough. It supports appropriate developments which improve and enhance the quality of the tourism product.

Policy DM 8 permits small scale tourism development in rural areas where it is demonstrated to be necessary for enhancing the natural, cultural or heritage value of the place bound assets or it involves the reuse, conversion or replacement of existing buildings on the site.

The development of new or extended buildings will only be considered favourably where there is a robust case that demonstrates that there is a genuine need that cannot be met through the conversion of existing rural buildings.

Policy DM 9 permits proposals for new visitor accommodation subject to their compliance with the principles outlined in ST 1 and ER10 as long as their scale and character are appropriate to the location and setting.

It also states that any permitted development will be subject to occupancy conditions or legal agreements which restrict any new visitor accommodation for holiday use only.

ASSESSMENT

The caravan park is a long established tourism facility within Lamplugh.

The proposed accommodation is to meet a demand from existing park users who would like the facility for their family and friends to stay with them and would extend the range of visitor accommodation on the site. It would also meet a functional need for enhanced and secure storage for the equipment necessary to operate the caravan site.

Although the planning policy context for tourism related development is positive Policy TSM 3 of the adopted Local plan only permits serviced accommodation within existing settlement boundaries. Policy RUR 1 only permits ancillary buildings which are of an appropriate scale and are no bigger than the building it is to replace.

The existing site is located within the village and the proposed building is to be sited adjacent to the existing shop and warden's accommodation in the central part of the site. Whilst it will be much larger than the existing garage the proposed building is of an attractive appearance and has been designed to accommodate the change in levels across the site. This will ensure that its total height does not exceed the height of the adjoining dwelling and shop building.

The recent removal of some of the existing landscaping along the western boundary has opened up some views of the site within the localised area. The applicant's agent has confirmed that his client is willing to provide additional native planting along this boundary to reduce the visual impact of the proposed building. This planting can be secured by the use of a suitability worded condition attached to any planning permission.

Members are advised that suitably worded conditions can be attached to any planning permission to restrict the use of the building to holiday accommodation in association with the caravan park to overcome the concerns raised by the Parish Council.

Overall the proposed building is considered to be of an appropriate scale and design and will support the sustainable growth of this rurally based tourism enterprise.

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:-
 - Location plan, scale 1:1250, drawing number GA1832-SP-001 Rev A, received on 20 May 2013
 - Plans and elevations, scales 1:100/200, drawing number GA1832-004 Rev A, received on 02 September 2013
 - Proposed site plan, scale 1:200, drawing number GA1832-002 Rev B, received on 03 September 2013
 - Design and Access Statement prepared by Graham Anthony Associates, dated April 2013

Reason

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

3. The roof of the building hereby approved shall be finished in natural slate, a

representative sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences. The slate roof shall be retained thereafter.

Reason

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

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

Reason

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

5. The building unit hereby approved shall be occupied solely for holiday letting purposes in association with Inglenook caravan park and shall not be sold or let as a permanent dwelling.

Reason

For the avoidance of doubt and to ensure that the site is retained as a holiday site only.

6. A bound register of all occupants of the holiday accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation.

Reason

For the avoidance of doubt and to ensure that the site is used for holiday accommodation only

7. 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.

8. 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.

Informative

1. 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>>

2. It is proposed to dispose of surface water to the existing watercourse. If any new outfall to the watercourse is required then Flood Defence Consent would be required from the Lead Local Flood Authority Cumbria County Council. They can be contacted on telephone number 01228 221330.

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.

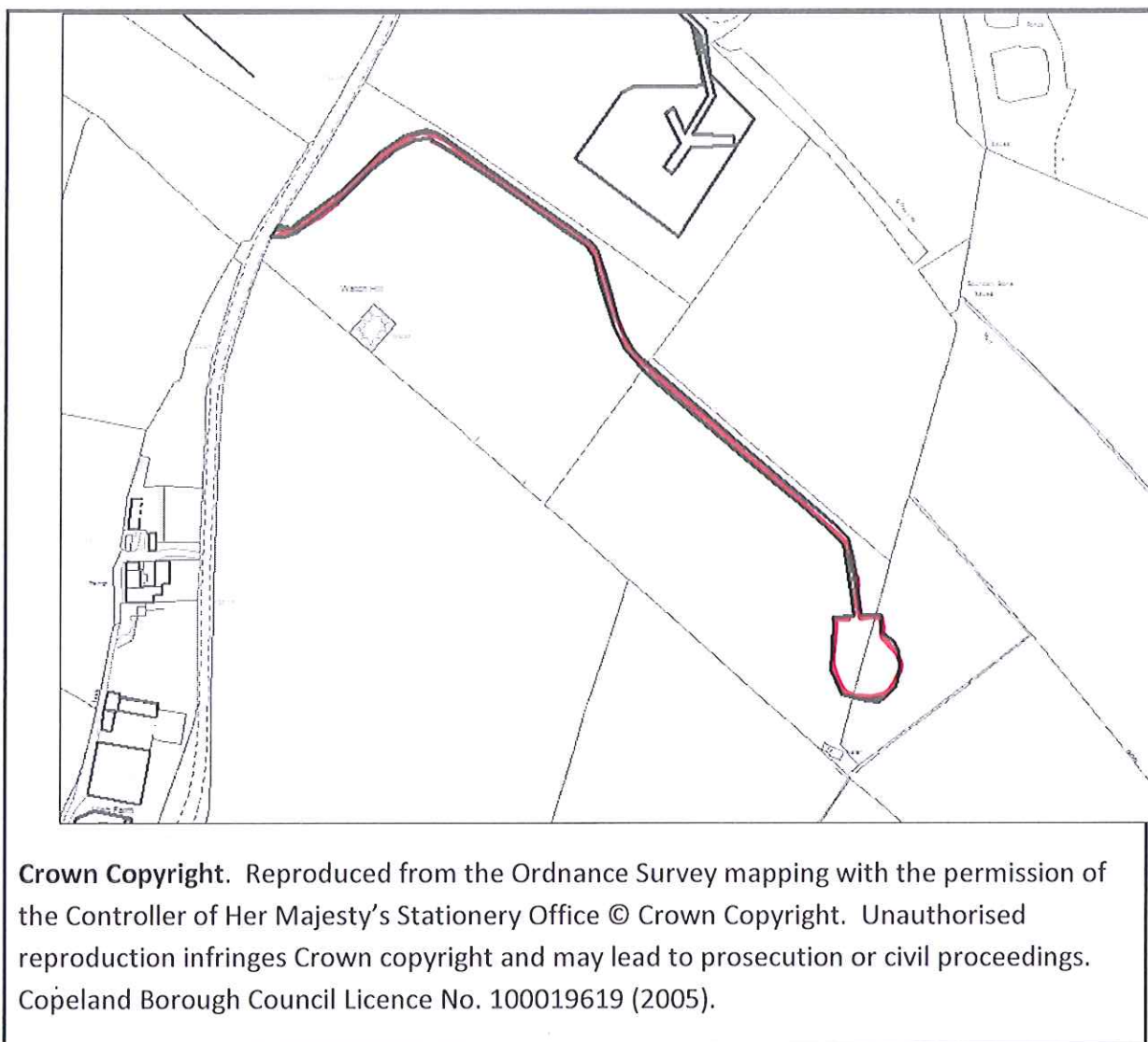


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/09/2013

| | |
|-------------------------|--|
| Application Number: | 4/13/2213/OF1 |
| Application Type: | Full : CBC |
| Applicant: | Mr H Harper |
| Application Address: | FIELDS 4400 & 6382, LAND ADJACENT TO WATCH HILL, LOW MORESBY, WHITEHAVEN |
| Proposal | VARIATION OF CONDITION 3 OF PLANNING PERMISSION 4/12/2170/OF1 TO EXTEND THE PERIOD OF PERMISSION FROM 20 YEARS TO 25 YEARS |
| Parish: | Moresby |
| Recommendation Summary: | Approve |



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INTRODUCTION

This application relates to an elevated area of land at Commongate Farm, adjacent to the former Watch Hill reservoir at Low Moresby.

Planning permission was granted for the erection of a single 74 metre high turbine on the site in 2012. This permission was granted for a 20 year period.

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

PROPOSAL

This application seeks to vary condition 3 of the planning permission to allow the turbine to be present on the site for a 25 year period rather than a 20 year period.

The applicant's agent has reaffirmed that his client is anxious to develop a sustainable renewable energy project on his farm to both reduce the financial overheads on the farm and also contribute to the reduction of his carbon footprint.

CONSULTATION RESPONSES

Highways Control Officer

No objection to the proposed development as it is considered that the proposal does not affect the highway.

Natural England

Our comments to the previous planning application equally apply to this proposal.

The proposed variations to the original application relate largely to timescale and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Other

A letter of objection has been received from a local resident who has stated that the original 20 year permission would coincide with the lifespan of the wind farm at Fairfield Farm. Once the Fairfield wind farm is decommissioned the Watch Hill turbine would be left on its own and would look out of place in the landscape if it is allowed to be present for an additional 5 years.

He is also of the opinion that it is inappropriate to extend planning permission before the turbine has been built and its effectiveness and efficiency assessed. He feels strongly that

planning should be sought after the full impact of the wind turbine on the landscape can be fully appreciated by local residents.

He also considers that planning for 25 years ought to have been applied for at the outset and he is struggling to understand why an extension is necessary at this point.

PLANNING POLICY

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

National Planning Policy Framework

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

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

The NPPF also seeks to minimise impacts on biodiversity and geodiversity. It states that planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.

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

The need for an up to date development plan is stressed as a basis for decision making however, it does allow full weight to be given to relevant local plan policies adopted since 2004 for a limited period of 12 months from the date of the framework came into effect even if there is a limited degree of conflict with it. Our Copeland Local Plan 2001-2016, which was adopted in 2006, falls into this category. Post this time period due weight is only to be given to policies according to their degree of consistency with the Framework and the stage of preparation of any emerging plans. In this respect of assessing this application it means that full weight can therefore still be given to Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009).

Renewable Energy

As regards renewable energy developments it states that we should:

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

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

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

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

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

Planning Practice Guidance for Renewable and Low Carbon Energy

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

The guidance is useful in that it clarifies that the need for renewable energy does not

automatically override environmental protections and the planning concerns of local communities. It advises that Local Planning Authorities should take into account the requirements of the technology, the potential impacts on the local environment including cumulative impacts. The views of local communities likely to be affected should also be listened to.

Local Plan Policy

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

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

Policy EGY 2 refers specifically to wind energy and requires that such proposals meet the criteria set out in EGY 1 above as well as providing for the removal of the turbines when they cease to be operational and site restoration. Policy EGY 1 sets out the following criteria that all renewable energy development must satisfy. It states:-

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

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

9. That they would not give rise to any unacceptable cumulative effects when considered against any previous extant planning approvals for renewable energy development or other existing/ approved utility infrastructure in the vicinity.

Cumbria Wind Energy Supplementary Planning Document (SPD)

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

Emerging Local Plan

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

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

The following Policies of the new document are considered relevant, whilst it is acknowledged they are a material consideration in determining planning applications they should be afforded full weight until the document has been formally adopted by the Council:

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

ASSESSMENT

The principle of erecting a wind turbine at a maximum height of 74 metres to blade tip has already been established by the original planning permission which was granted in 2012 (4/12/2170/OF1 refers). In coming to this decision Members concluded that the adverse landscape and visual impacts that would result from a turbine of this scale in this location would not be of such significance to outweigh the presumption in favour of sustainable development as set out in the NPPF and the benefits that would result from the proposal. Members were also satisfied that the mitigation and habitat enhancement that was proposed would not result in any adverse impacts on the wintering hen harrier population. This view was confirmed by both the RSPB and Natural England.

This application seeks to extend the length of the planning permission by an additional 5 years to a maximum period of 25 years. The Wind Energy SPD recognises that the average working life of a turbine is in excess of 25 years. It is common place for a 25 year consent to be requested for a wind turbine development.

If the applicant had applied in the first instance for a 25 year consent then there would not have been any reason not to grant permission for this time period. Although new guidance has been issued since the original application was approved this guidance reinforces the decision.

The NPPF stresses that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case the retention of the turbine on the site for an additional temporary 5 year period is unlikely to result in any significant additional adverse impacts that would warrant the withholding of a planning permission in this case. Any extension in the timescale would also extend the benefits of the proposal for a further 5 year period.

Recommendation:-

Approve

Conditions

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

Reason

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

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

- site location (1 of 2), scale 1:2500, drawing number T155-Plan Loc 1, received on 04 June 2013

- site location (2 of 2), scale 1:500, drawing number T155-Loc 2, received on 04 June 2013

- E48 turbine detail, scale 1:200, drawing number T Spec-Detail 2, received on 04 June 2013

- Switch room and HV metering unit detail, scale 1:50, drawing number T Spec detail 1, received on 04 June 2013

- Access road details, scale 1:50, drawing number T Spec Detail 3, received on 04 June 2013

Design and Access Statement prepared by Jim Harley Planning Consultants, received on 04 June 2103.

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 permission hereby granted extends the existing planning permission by 5 years which permits a turbine on the site for a period not exceeding 25 years from the date when electricity from the development is first generated. Within 12 months of the cessation of electricity production from the development, or the expiry of the permission, whichever is the sooner, the development hereby permitted shall be removed in its entirety from the site and the site shall be restored either to its condition before the development took place or otherwise in accordance with a

scheme that shall have first been submitted to and approved in writing by the local planning authority.

Reason

For the avoidance of doubt and to safeguard the visual amenities of the locality.

4. If the turbine ceases to be operational for a continuous period of 6 months, the development hereby permitted shall, within a period of 3 months (or such longer period as may be agreed in writing by the local planning authority), be removed in its entirety from the site and the site shall either be restored to its condition before the development took place, or otherwise in accordance with a scheme that shall have first been submitted to and approved in writing by the local planning authority.

Reason

To avoid possible dereliction in the interests of general amenity.

5. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of highway safety

6. Prior to work commencing on the site the applicant shall submit a Traffic Management Plan which shall be submitted to and approved in writing by the Local Planning Authority. Any works identified in the Plan shall be fully implemented in accordance with the approved details.

Reason

In the interests of highway safety

7. No development shall commence until full details of the finish and colour of the turbine hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved details.

Reason

For the avoidance of doubt and to safeguard the visual amenities of the locality.

8. No development shall commence on the site until an area of land has been safeguarded for the foraging and roosting of hen harriers as set out in the hen harrier mitigation plan prepared by Enviro Centre dated July 2012 in accordance with a high level stewardship scheme which has been submitted to and approved in writing by the Local Planning Authority. The specified land shall be safeguarded in accordance with the approved scheme at all times during construction, operation and decommissioning of the wind farm hereby permitted.

Reason

For the avoidance of doubt and to ensure adequate mitigation measures are secured to overcome any potential impact on the wintering habitat of the hen harriers.

9. No construction or decommissioning work as part of the development hereby permitted shall take place between the months of October to March.

Reason

For the avoidance of doubt and to ensure adequate protection for the nearby hen harrier sensitivity area.

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

Reason

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

11. The rating noise emissions expressed as LA90, 10 min from the effect of the turbine hereby permitted, as measured or calculated, and corrected for the presence of any tonal components, in accordance with ETSU-R-97, at any dwelling lawfully existing at the date of this permission, shall not exceed:

(a) Between 0700 and 2300 hours the greater of 35 dB (A) or 5 dB (A) above the day-time background noise levels for each of the wind speeds set out below.

(b) Between 2300 and 0700 hours the greater of 43 dB (A) or 5 dB (A) above the night-time background noise levels for each of the wind speeds set out below.

| Wind speed (m/s) | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|--|----|----|----|----|----|----|----|----|----|----|
| Day-time Background noise level (dB(A)) | 24 | 28 | 32 | 36 | 39 | 42 | 45 | 47 | 48 | 50 |
| Night-time Background noise level (dB(A)) | 26 | 29 | 31 | 34 | 37 | 40 | 42 | 45 | 48 | 51 |

Reason

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

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

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

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

Reason

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

Informative

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

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

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

Statement

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

ITEM NO: 3.

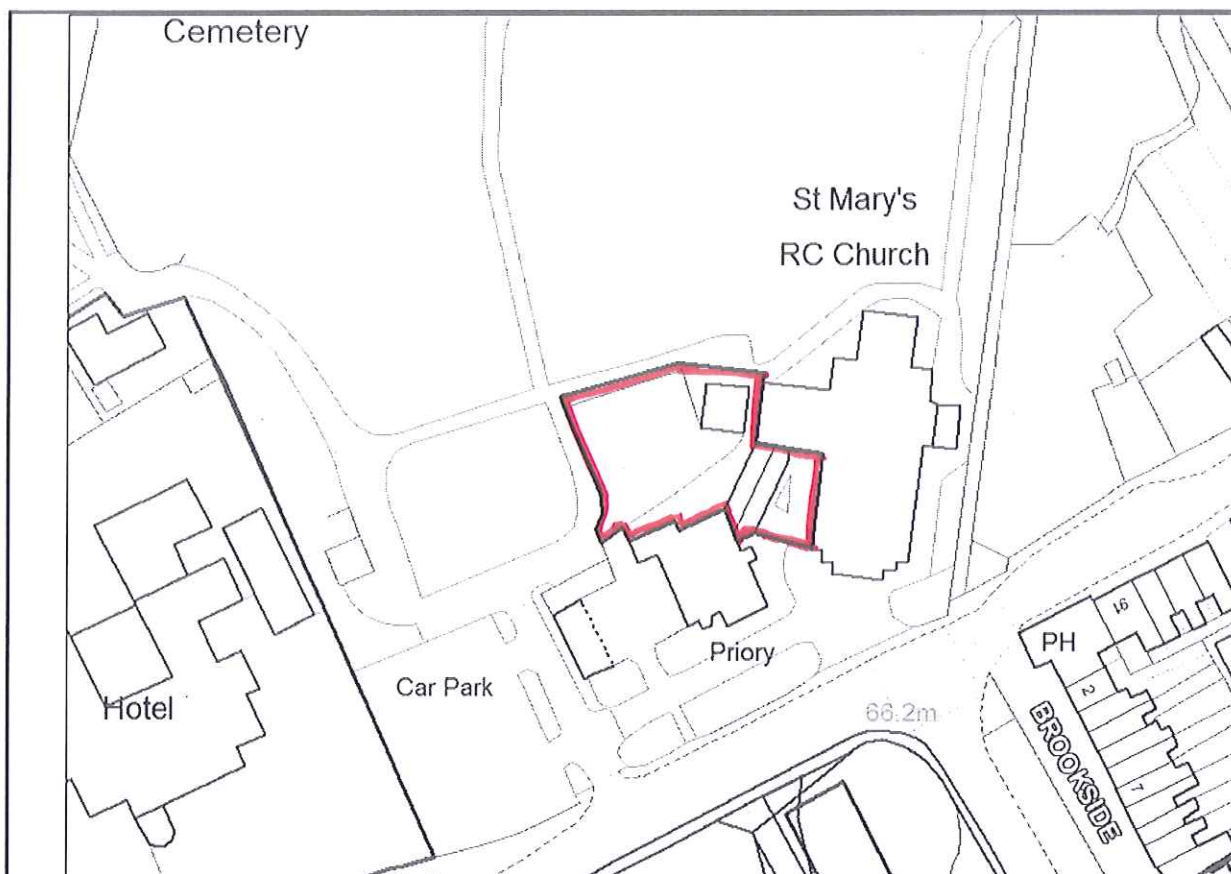


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/09/2013

| | |
|-------------------------|--|
| Application Number: | 4/13/2230/0F1 |
| Application Type: | Full : CBC |
| Applicant: | Father Paul Johnstone |
| Application Address: | ST MARYS RC CHURCH, CLEATOR |
| Proposal | NEW PARISH HALL AND ASSOCIATED AMENDMENTS TO EXISTING ADJACENT BUILDING |
| Parish: | Cleator Moor |
| Recommendation Summary: | Site Visit |



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INTRODUCTION

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

PROPOSAL

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

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

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

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

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

CONSULTATION RESPONSES

Town Council

Request a site visit.

Highways Control Officer

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

Historic Environment Officer

No objections

ASSESSMENT

This application relates to an important Listed Building. Given the historic importance of the site and the request received from the Town Council it is considered appropriate for members to visit the site before they determine this application.

Recommendation:-

Site Visit

ITEM NO: 4.

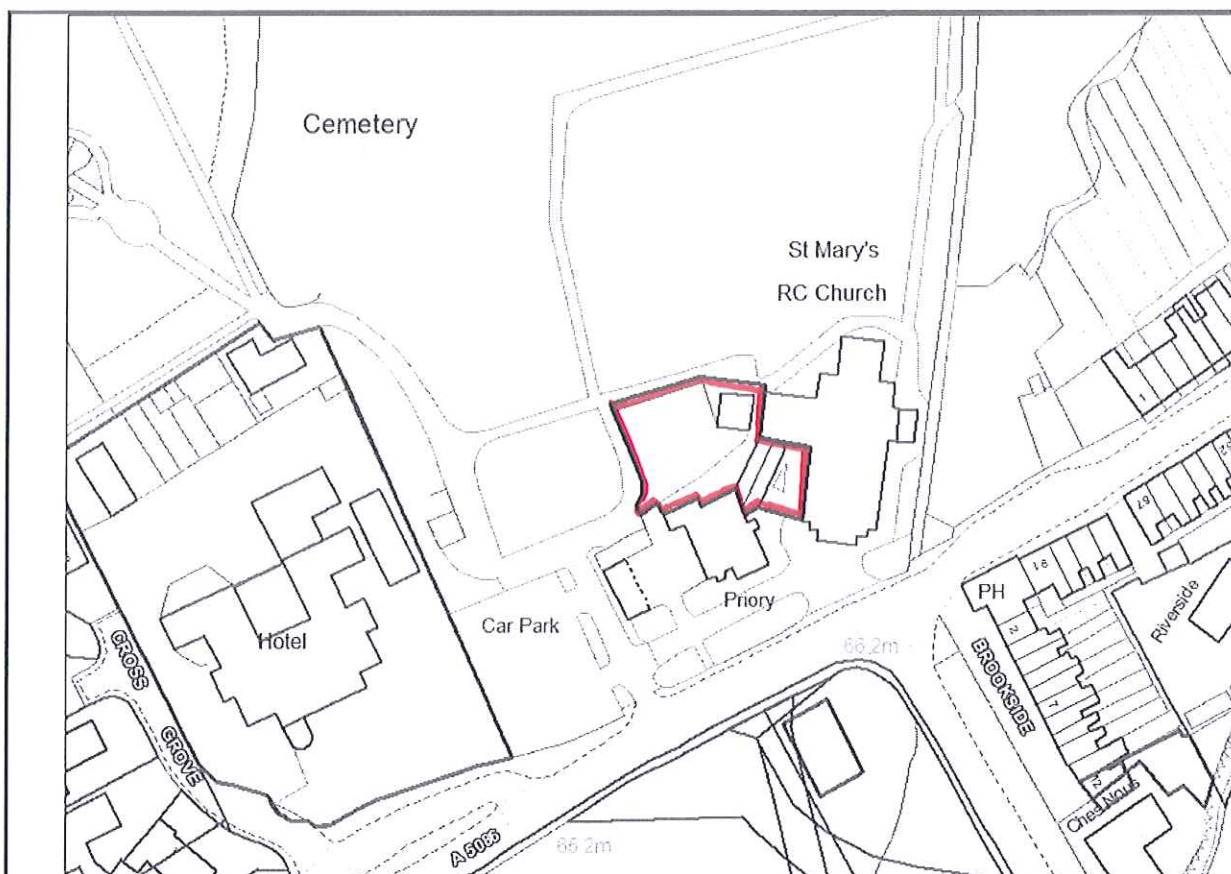


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/09/2013

| | |
|-------------------------|---|
| Application Number: | 4/13/2231/OL1 |
| Application Type: | Listed Building Consent : CBC |
| Applicant: | Father Paul Johnstone |
| Application Address: | ST MARYS RC CHURCH, CLEATOR |
| Proposal | LISTED BUILDING CONSENT FOR NEW PARISH HALL AND ASSOCIATED AMENDMENTS TO EXISTING ADJACENT BUILDING |
| Parish: | Cleator Moor |
| Recommendation Summary: | Site Visit |



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CONSULTATION RESPONSES

Town Council

Request a site visit.

Highways Control Officer

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

Historic Environment Officer

No objections

ASSESSMENT

This application relates to an important Listed Building. Given the historic importance of the site and the request received from the Town Council it is considered appropriate for members to visit the site before they determine this application.

Recommendation:-

Site Visit

ITEM NO: 5.

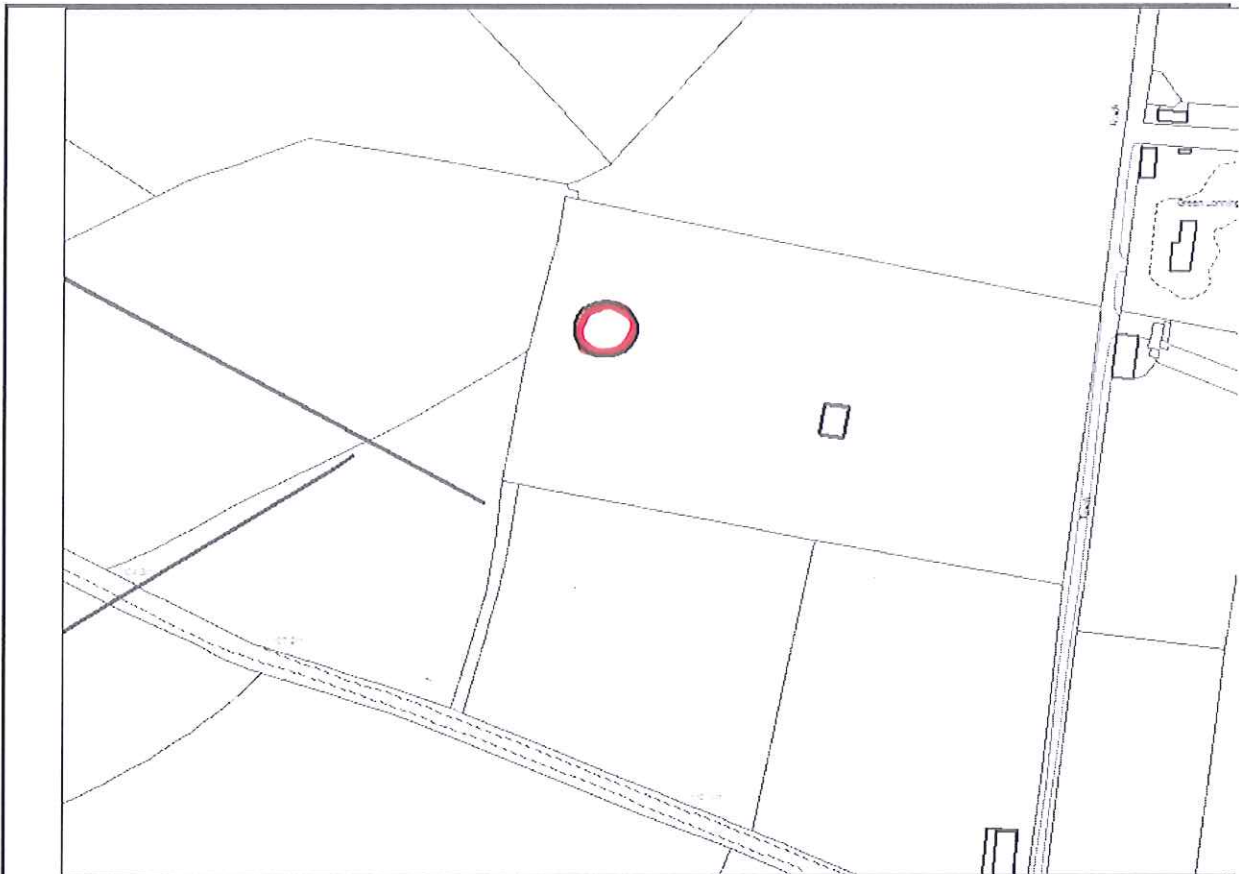


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/09/2013

| | |
|-------------------------|--|
| Application Number: | 4/13/2240/OF1 |
| Application Type: | Full : CBC |
| Applicant: | A & C Park |
| Application Address: | LAND AT GREEN LONNING, ST BEES |
| Proposal | PROPOSED SITING OF 1 x 24.6M HIGH (HUB) WIND TURBINE WITH A TIP HEIGHT OF 34.2M TO REPLACE PLANNING PERMISSION (4/12/2199/OF1) FOR 1 x 18M (HUB) WIND TURBINE WITH A TIP HEIGHT OF 24.8M |
| Parish: | St. Bees |
| Recommendation Summary: | Approve subject to S106 Agreement |



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Introduction

This proposal relates to an elevated greenfield site in open countryside situated some 400m to the east of St Bees village. It currently forms part of an active agricultural holding which principally extends to the west of the site and also includes an agricultural building in the adjoining field to the south east some 170m away.

There are three non-associated dwellings situated within the vicinity of the site comprising 'Fairladies Farm' (bungalow) some 250m to the south south east, 'Seawinds' (bungalow) some 370m to the south east, both associated with the neighbouring 'Fairladies Farm' and the nearest 'Green Lonning', a detached two storey dwelling situated some 240m away to the east north east.

Vehicular access to the site will be via an existing single width agricultural track directly south which leads from the adjacent C4007 Egremont to St Bees road. Access from the

track to the turbine position will be across open field of a distance of some 40m and will be temporarily created using reinforcing cover sheets which would be removed once installation is complete.

The Proposal

Permission is sought for the erection of one single 50kw wind turbine on the site. This would be situated on a tapered tubular tower pale grey in colour with a hub height of 23.6m. The turbine would be three bladed with a rotor diameter of 19.2m giving a total ground to tip height of 34.2m.

It would be fixed onto a 6m by 6m concrete reinforced foundation some 1.4m in depth and connected to the local grid via underground cabling.

The application is accompanied by a:

Design and Access Statement which assesses potential impacts of landscape and visual impact, landscape character, cumulative impact, shadow flicker, noise, visual impact on neighbours, electromagnetic interference, proximity to airports and flight paths, ecology, archaeology, heritage, and installation and access arrangements.

Wind Turbine Noise Performance Test

Acoustic Data

Site Specific Noise Assessment

Technical Information

Photomontages.

Planning History

The planning history relating to an adjacent site is relevant to the consideration of this application. Planning permission was granted for a single 11kw twin bladed / lattice tower wind turbine, 24.8m ground to tip height, in May last year. This is situated within the same agricultural field some 100m to the direct east and has not been implemented (4/12/2199/OF1 refers). This application seeks to replace that permission.

Consultations

St Bees Parish Council – object to the proposed amendment of the specification of the wind turbine at Green Lonning, on the grounds of significant loss of visual amenity due to the more prominent nature of the turbine. The proposed turbine would be 34.2 metres to highest point of blade tips, an increase of 37% over the permission already granted. They consider this change would take the turbine to an unacceptable size for this location.

Detail of Parish objections

1. That the size of the turbine will impose an unacceptable loss of visual amenity in an area of high visual appeal.

The Parish Council consider that the detrimental visual impact would be aggravated by being in a highly visible location at a high elevation which can be seen prominently from many directions.

Notably, this site is the highest point of the sandstone ridge of the Cumbrian coastal strip between the St Bees valley and Black Combe. It is sited in landscape of County Importance known as the Sandstone Coast, which relies heavily upon a natural skyline for visual appeal. Whilst the sandstone Coast does not in itself automatically preclude turbine development, this unique rolling landscape based on smoothly glaciated undulating sandstone is classed as having high sensitivity to turbine development.

Of particular concern are the views from the south where the visual appeal of the Cumbrian coast and St Bees Head would be dominated by such a structure, and from the St Bees valley, where the turbine would be overbearing on any view of the St Bees valley from the north or, of the Western Lake District from the prime viewpoints on St Bees Head. The visual impact would be accentuated by the lack of any woodland or features which would otherwise soften the view of the turbine, as the site is open grazed upland on a prominent ridge.

2. That such a turbine, if built, could set a precedent for a much higher overall impact.

Acceptance of this turbine size could lead to subsequent applications for additional turbines of this size as part of a cluster. The original permission was for single smaller turbine, but there is now commercial pressure to maximise on turbine capacity, so that one small turbine could now become three or more larger ones.

3. That the visual detriment would have a significant negative economic effect on the tourist industry in St Bees.

St Bees Head is the only nationally designated Heritage Coast between Wales and Scotland, it is the start of the famous Wainwright Coast to Coast walk, it's the site of a nationally important seabird colony and they are the most impressive red sandstone sea cliffs in England. This turbine would be the first large turbine clearly visible from the Heritage Coast.

This larger wind turbine, by its prominence, would threaten this aspect of the coast's unique appeal, to the detriment of the tourism and holiday economy of St Bees. Taking an economic view, the permission for such a turbine, and its possible followers, could have a significant negative effect on the livelihoods of people making a living from tourism in the St Bees and coastal strip areas, and is very likely to well outweigh any economic benefit accruing from a rental gained for siting the turbine.

Therefore on the basis of the damaging visual and consequent commercial impact of this one turbine, and the possibility of a location precedent for more large turbines being set, St Bees Parish Council objects to this application.

A response to the Parish Council's comments is provided in the assessment section of this report.

Defence Infrastructure Organisation DIO (MOD) – no objection to the proposal. If permission is granted request to be consulted on the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of the turbine.

Highway Authority – will be verbally reported to the Panel.

Scientific Officer – Initially expressed concern on the potential for noise to effect nearest non associated residential properties and requested that a site specific noise assessment be provided. This has been undertaken and he now raises no objection to the proposal subject to an appropriate noise condition.

Neighbour Representations – it should be noted that no neighbour representations have been received in relation to this application.

Planning Policy

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

National Planning Policy Framework

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

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

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

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

As regards renewable energy developments it states that we should:

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

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

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

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

- not require overall need for the energy development to be demonstrated recognising that

even small scale projects provide a valuable contribution to cutting greenhouse gas emissions and

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

Planning Practice Guidance for Renewable and Low Carbon Energy

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

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

Local Plan Policy

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

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

Policy EGY 2 refers specifically to wind energy and requires that such proposals meet the criteria set out in EGY 1 above as well as providing for the removal of the turbines when they cease to be operational and site restoration. Policy EGY 1 sets out the following criteria that all renewable energy development must satisfy. It states:-

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

1. That there would be no significant adverse visual effects.
2. That there would be no significant adverse effects on landscape or townscape character and distinctiveness.
3. That there would be no adverse impact on biodiversity.

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

Cumbria Wind Energy Supplementary Planning Document (SPD)

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

Emerging Local Plan

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

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

The following Policies of the new document are considered relevant, whilst it is acknowledged they are a material consideration in determining planning applications they should not be afforded full weight until the document has been formally adopted by the Council:

Policy ER 2 of the Core Strategy relates to Planning for the Energy Coast. It states that “the Council will seek to support and facilitate new renewable energy generating at locations

which best maximise renewable resources and minimise environmental and amenity impacts. The criteria on renewable energy development/generation are set out in Development Management Policy DM 2. This broadly duplicates the criteria contained in the current Local Plan but adds an additional requirement whereby mitigation measures and significant benefits for the community should be taken into account in considering the balance on renewable energy developments.

Assessment

It is accepted in this instance from the supporting documentation accompanying the application that it is likely there would be no negative effects of erecting such a 34.2m high single turbine in this location in relation to the issues of noise, shadow flicker, transport and access and heritage / archaeology as detailed below:

- 1 Noise: The supporting site specific noise assessment contends that any noise arising from the turbine in operation would be below the recommended level and would have no impact on nearby properties. The separation between the turbine and the nearest residential properties being 240m and 250m away. Given this separation distance and the relative medium size of the turbine it is considered that any noise issues can be adequately dealt with by the use of an appropriately worded condition attached to any planning permission which would set a maximum noise level at the nearest property.
- 2 Shadow Flicker: The accompanying assessment concludes that shadow flicker would not be an issue, a view which is endorsed by our Scientific Officer.
- 3 Transport and Access. Access to the site already exists. Whilst construction would increase traffic movements to the site this would only be temporary. Operational traffic will also be insignificant. These issues can be adequately covered by a condition/ informative which requires a Traffic Management Plan to be agreed.
- 4 Heritage and Archaeology. There are no conservation areas, ancient monuments or listed buildings in the vicinity of the site that are likely to be affected by this proposal.
- 5 Aviation. The proposal, given the size of turbine and the fact it is a significant distance away from any main or small airfield, will have no impact on aviation.
- 6 Telecommunications and television reception. The turbine is unlikely to cause any interference to telecommunication or television reception in the vicinity due to the modest scale of the turbine and its proposed siting. Digital television is less susceptible to interference from turbines.
- 7 Ecology. There are a number of ecological sites within 10km of the application site, the nearest being St Bees Head SSSI located approximately 1km to the west of the site. Due to the nature of this area cliff faces and grassland it is unlikely that the turbine would have any detrimental impact on it. It is considered that any ecological impact is likely to be associated with habitats within or adjacent to the site and in this respect given its scale and siting it is unlikely that there would be any direct habitat loss. The risk of bird collision would also be minimal.

However, despite the above there are concerns relating to landscape, visual and cumulative effects of the proposal which are material.

Landscape, Visual and Cumulative Impacts

The turbine is to be located on elevated site on open agricultural land.

The Wind Energy SPD and the Cumbria Landscape Character Guidance and Toolkit, March 2011 identifies the area as 'coastal sandstone' comprising distinctive sandstone cliff scenery around St Bees, undulating plateau and rolling coastal hills that move inland and south towards Sellafield. It recognises that large scale wind energy development could take place here due to the exposed coastal location but advises that prominent coastal locations are avoided.

The site, as is the whole of the St Bees area, is designated as part of a Landscape of County Importance. These are areas of distinctive landscape which should be protected from inappropriate change. It is acknowledged that the site benefits from this sensitive designation and that the proposed turbine will have a significant visual impact but that this impact would be limited to a relatively small area within the immediate vicinity due to the relatively modest scale of the turbine and also the rolling and undulating nature of the surrounding landscape.

In terms of cumulative impact the site lies within an area which already has turbines within it. There have been a number of individual and paired turbines erected in the immediate and wider vicinity. The closest are to the immediate south, some 410m and 570m distant and comprise two twin bladed domestic scale lattice tower turbines, some 24.8m in height (ground to tip), which were allowed on appeal. (4/11/2033/OF1 refers). A smaller domestic turbine (14.5m high ground to tip) is also in place at Moorclose, a detached holding to the south east of the site some 750mm away. (4/11/2478/OF1 refers) To the east at Whangs Farm, some 1.55km away (nearest turbine), two medium size (34.2m high ground to tip) three bladed turbines have been erected. (4/11/2534/OF1 refers) To the north east of the site a single 45.5m turbine was recently approved 1.5km away to the north east at Highfield Farm but has yet to be erected. (4/13/2157/OF1 refers). As these are all medium or domestic scaled single or paired turbines, as opposed to large scale windfarms it is considered that there would not be any significant cumulative impact arising from them as a result of the introduction of this turbine on the landscape.

In response to the Parish Council's concerns regarding impact on visual amenity, precedence and the potential negative effect on the local tourist industry, whilst undoubtedly there would be some loss of visual amenity due to the increase in height of this taller turbine it is not considered that, at an additional 9.4m, this would be so significant to

render it overly prominent on the landscape. It is accepted that a taller turbine in this location would be more visible to wider views, including those from the south, but it would not at this scale be considered overly dominant. The issue of precedence is not relevant and cannot be taken into account as each planning application is considered on its own merits. As regards potential negative effect on the local tourist economy this is supposition, there is no evidence that the presence of a turbine of this size would have a significant negative effect on the local tourist industry.

Potential Effect on Neighbouring Residential Amenity

Although there are three non-associated residential dwellings within reasonable proximity of the site, (distances of 240m, 250m and 370m) it is considered that the visual impact from the increased size of the turbine is unlikely to be overly significant. Whilst the property at Green Lonning is likely to be the most directly affected, as Fairladies Farm benefits from the mitigation provided by the rising intervening topography similarly Seawinds, it is not within its direct line of sight but to the diagonal south of it and is sited some 100m further away from it to the west than the original approved site. Taking this into account, it is unlikely that it will have an overly significant effect on residential amenity.

Benefits

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

Farm Diversification / Reduction of Carbon Emissions

The turbine is sought to enable the applicant to reduce his carbon footprint and energy bills and to increase self sufficiency in terms of electricity production. Any excess electricity will be fed back into the national grid.

Renewable Energy Generation

The proposed 50kw turbine would generate a greater level of electricity than the 11kw turbine originally approved.

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

Conclusion

It has to be taken into account that the principle of erecting a turbine in this general location has already been accepted by virtue of the extant permission granted in May 2012, albeit for a smaller turbine. This application seeks to replace that turbine with one 9.2m taller. The applicants as a result are willing to enter into a Section 106 agreement to revoke the previous permission.

The NPPF sets out a strong presumption in favour of sustainable development. It advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal. Although it is acknowledged that the proposed turbine at this increased scale would have some potentially adverse visual and landscape impact in the immediate local vicinity these impacts are not considered to be so overly significant that they demonstrably outweigh the benefits of this scheme in this case. As a result it is considered that the erection of one 34.2m high turbine in this location, replacing one at 24.8m high that was previously approved, is acceptable and in compliance with the guidance contained in the NPPF, the new Planning Practice Guidance on Renewable and Low Carbon Energy and relevant local plan policies.

Recommendation:-

Approve, subject to a Section 106 Agreement to revoke, without compensation, planning permission reference 4/12/2199/0F1 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 Earthmill Ltd, dated March 2013, received on 18 June 2013.

Photomontages by Earthmill Ltd, received 18 June 2013.

Endurance E-3120 Wind Turbine Noise Performance Test, by HayesMcKenzie Partnership, 2300/R1, dated 23 March 2011, received 18 June 2013.

Technical Information, dwg no EWP5_F_001 Rev D, received 18 June 2013.

Turbine Specifications, dwg no E-3120-50KW Monopole, Rev A, received 18 June 2013.

Location Plan, 1:2500 scale, received 18 June 2013.

Wind Turbine, Site Specific Noise Assessment, by Earthmill Ltd, dated 07/08/2013, received 12 August 2013.

Reason

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

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

Reason

To ensure that possible dereliction and unsightliness is avoided.

4. If the 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. The restoration scheme shall be submitted to the Local Planning Authority within two months after the expiry of the six month period and the turbine shall thereafter be removed and the site restored in accordance with the approved scheme.

Reason

To ensure that possible dereliction and unsightliness is avoided.

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

1.2m and at a minimum distance of 3.5m from any façade or acoustically reflective surface.

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

And

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

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

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

Reason

To ensure the protection of residential amenity from noise pollution.

Statement

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

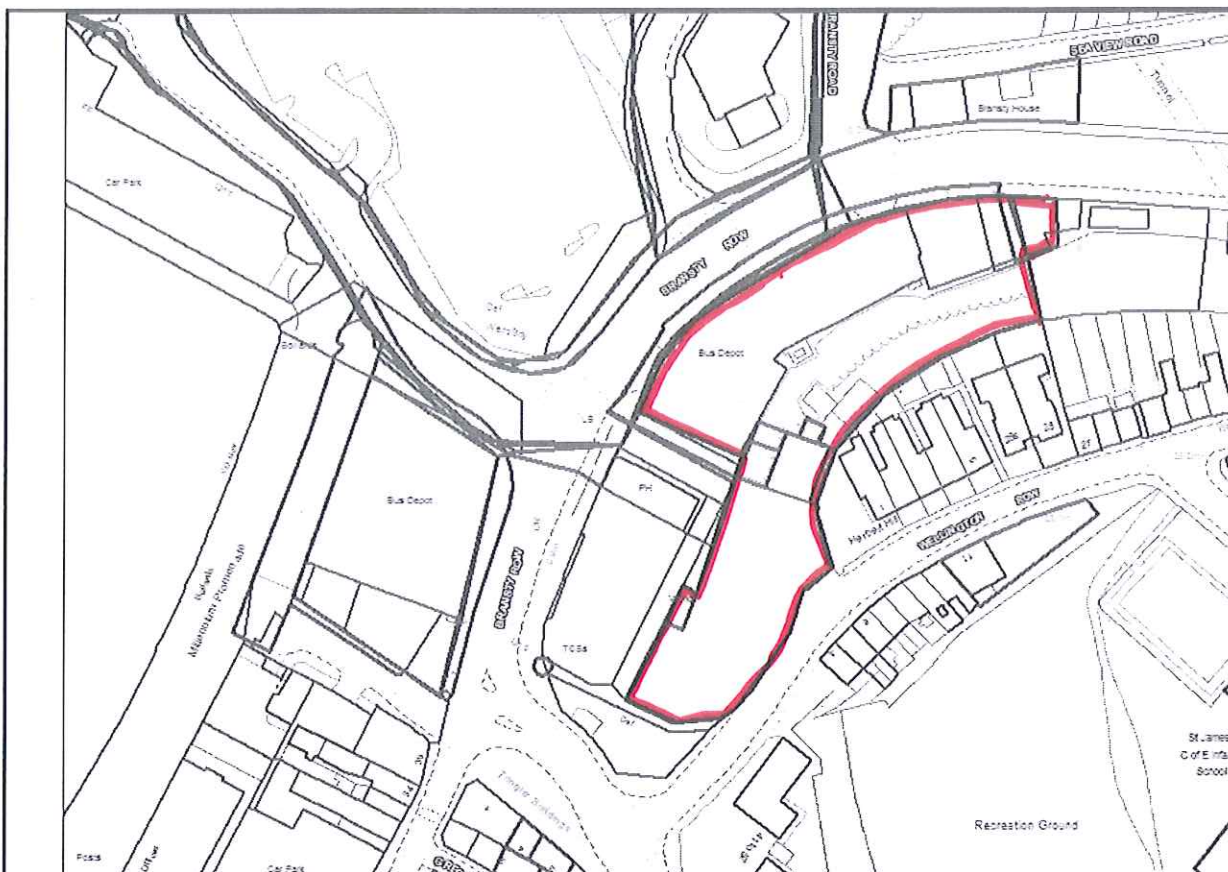


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/09/2013

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|-------------------------|--|
| Application Number: | 4/13/2292/OC1 |
| Application Type: | Conservation Area Consent : CBC |
| Applicant: | Whitehaven Marina |
| Application Address: | FORMER BUS STATION & GARAGES, BRANSTY ROW & WELLINGTON ROW, WHITEHAVEN |
| Proposal | CONSERVATION AREA CONSENT FOR DEMOLITION |
| Parish: | Whitehaven |
| Recommendation Summary: | Approve Conservation Area Consent (within 3yrs) |



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INTRODUCTION

This application relates to the former bus station building which is located between Bransty Row and Wellington Row at the northern entrance into the town centre. The site falls within the Whitehaven Conservation Area

Planning permission was previously granted for the redevelopment of the site in 2009 under reference 4/09/2102/001. This proposal involved the demolition of the building and the redevelopment of the site to provide 56 residential apartments with 60 associated car parking spaces. Although only in outline form detailed plans of the proposal were submitted to illustrate the scale and massing of the proposed replacement building. This design included the possibility of retaining or replicating, at least in part, the existing curved wall which fronts onto Bransty Row.

PROPOSAL

Conservation Area Consent is sought for the demolition of the existing building. The applicants claim that the building is in a very poor structural condition and elements of the structure are collapsing, especially sections of the wall fronting onto Wellington Row.

This application has been submitted following concerns raised by the Councils Building Control Manager who is concerned that elements of the building are structurally unsound and represent a danger to public safety in this part of the town. Parts of the building are in such a poor condition that consideration would be given to the use of formal notice under the Building Act if the applicants were not actively seeking to manage the building.

The applicants have indicated that they are prepared to retain elements of the existing walls of to provide a solid boundary treatment along the road frontages of the site. They are currently investigating the extent of the curved wall that can be retained along New Road. The removal of the existing roof trusses is likely to weaken this structure and it is unclear whether there are any cross beams within the building which tie into the wall. They have commissioned a structural engineer to inspect the wall to advise how much of it can realistically be retained in a safe condition. Logic would suggest that the fronting New Road could not be retained in anything like its existing form.

It is proposed to lower the existing wall which fronts onto Wellington Row and remove the existing render. The wall will then be re rendered to provide a solid boundary along this frontage of the site.

PLANNING POLICY

National Planning Policy Framework

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

It sets out that there are three dimensions to sustainable development; economic, social and environmental.

An economic role contributes to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

A social role includes creating high quality built environments.

Paragraph 9 clarifies that pursuing sustainable development involves seeking positive improvements in the quality of the built and historic environment.

Paragraph 17 sets out 12 principles which should underpin planning decisions. These include proactively supporting sustainable economic development to deliver thriving places, securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings, promoting the vitality of the main urban areas, contributing to the conservation and enhancement of the environment and conserving heritage assets.

Paragraph 56 emphasises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

Section 12 relates to the conservation and enhancement of the historic environment. It requires Local Planning Authorities to seek to conserve the historic environment and also requires new development to make a positive contribution to local character.

Paragraph 133 relates to cases which would involve the loss of a heritage asset. It advises Local Planning Authorities to only permit the loss of a heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.

Paragraph 135 outlines that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 136 advises Local Planning Authorities to take all reasonable steps to ensure that the new development will proceed after the loss has occurred.

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

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

The Copeland Local Plan 2001-2016 was adopted in June 2006. A number of policies are relevant to this proposal.

Policy DEV 6 seeks high standards of design which contribute to creating a strong sense of place.

Policy TCN 9 confirms the role of Whitehaven as the principle town centre within the Borough and encourages amongst other things the enhancement of gateways into the town, environmental improvements and a high standard of design, materials and appearance.

Policies ENV 25 and ENV 26 relate specifically to the demolition of buildings and also new development within Conservation Areas.

ENV 25 states:-

“Demolition of buildings which make a positive contribution to a Conservation Area will not be permitted unless the Council is satisfied that no viable use can be found following adequate efforts. In all cases where demolition is permitted this will be subject to the carrying out of a development scheme which enhances the Conservation Area consecutive to demolition.”

ENV 26 only allows development within a Conservation Area where it preserves or enhances the character or appearance of the Area.

Whitehaven Town Centre and Harbourside Supplementary Planning Document (SPD)

Whitehaven Town Centre and Harbourside Supplementary Planning Document was adopted in September 2012. It offers detailed design guidance and is a material planning consideration in determining planning applications within this area

Specific design guidance is set out in the SPD for all of the strategic regeneration sites identified in the adopted Copeland Local Plan, including the bus station. It encourages the retention of the curved façade as part of any redevelopment of the site. It seeks to ensure that any redevelopment of the site is of an appropriate scale and also incorporates active uses at ground floor level on Bransty Row.

Emerging Local Planning Policies

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production. A Public Examination took place in April 2013 and the Inspectors report is due in September 2013. It is anticipated that it will be adopted in December 2013.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they cannot be given full weight at the moment, the limited scale of objection to the Strategy and its consistency with up to date national policy guidance provides for increasing weight to be afforded to this set of local policy.

The following policies are considered relevant to this application:-

ST 1 sets out the strategic Development Principles that underpin the planning policies. There is an emphasis on supporting economic development, especially on brown field sites within the major settlements. It also seeks to protect and enhance heritage assets and secure high quality design which retain and enhance locally distinctive places.

ST 3 identifies the bus station site as a strategically important regeneration site.

Policy ER7 seeks to reinforce the role of Whitehaven as the principal town within the Borough where the majority of major development should be focussed.

Policy ER8 relates specifically to development in Whitehaven town centre. It promotes the enhancement of gateways into the town, the creation of improved public spaces, the successful integration of new development into the existing urban grain and the maintenance of high design standards consistent with the setting of the Conservation Area.

Policy ENV 4 seeks to protect heritage assets and enhance the built environment and requires high quality urban design and architecture that respects character

Development Management Policies

DM 6 seeks to protect and promote the vitality and viability of the town centre

DM 10 seeks to achieve a quality of place by securing high standards of design

DM 27 seeks to conserve and protect the historic environment by ensuring that development in the Conservations Area preserves and enhances its character.

CONSULTATION RESPONSES

Highways Control Officer

This Authority does not normally comment on Conservation Area Consent applications. However in this case, due to the size and location of the site this application has the potential for disruption and road safety issues.

I would therefore recommend that the applicant contact this Authority at their earliest convenience to discuss:

1. Routing to the site
2. Timing of the works
3. Access points
4. Dust/mud management
5. Appropriate hoardings (including ensuring safe routes for pedestrians)

County Historic Environment Officer

The former bus station was built in the late 1920s-early 1930s and is designed in a neo-classical/art deco style using brown brick with Portland stone dressings. Its style is far from common in West Cumbria and its form is also unusual in that the Bransty Row façade

follows the gently curving profile of the street. Although the bus station is at odds the surrounding building styles and the character of Whitehaven as a whole, it is considered in a style that is very much of its period. It is therefore considered that the bus station is a heritage asset of local architectural significance.

I therefore recommend that, in line with comments I made on an earlier application on the site (4/09/2102), the bus station is recorded prior to demolition. This recording should be in accordance with a Level 2 survey as set out in English Heritage guidance. This can be secured by an appropriately worded condition.

Conservation Officer

Whitehaven's former bus station was built in 1931 in an Art Deco style and is one of first two covered bus stations in England, the other being the currently operating bus station in Workington, built in 1926. The property is located on the northern fringe of the Whitehaven Town Centre Conservation Area, and its tall, curved and stepped brick façade follows the sweeping curve and gradient of New Road, the northern entrance road into Whitehaven. Accordingly the building frames and directs views on entering Whitehaven. The curved façade now also acts as a marker for vistas across the harbour side, which has become visible since the demolition of the former bus depot on the opposite side of the road. Formerly visitors to Whitehaven would rarely have noticed that the town had a harbour because of the town's traffic management and the screening of the harbour by perimeter buildings.

The former bus station is, therefore, an important element of the town's more recent historic development as a planned town and coupled with its architectural features, probably rare in West Cumbria, is a significant asset to the Town and its Conservation Area. The site also features the last WW2 Home Guard gun position along this part of the West Cumbrian coast, which is located at high level behind and above the bus station and adjacent to the workshops on Wellington Row. Despite its Art Deco features and its skilfully laid curved brickwork, the bus station has not been considered as worthy of designation as a Listed Building.

The applicant seeks to demolish the building citing its poor structural condition, but does not justify this by providing a structural engineer's report. The Council's Building Control Department have, nevertheless, confirmed their concern over the generally dangerous condition of the workshops attached to the bus station along Wellington Row. Here the only redeeming feature is the classical portico gateway which should be retained as part of any future scheme. Otherwise the building on New Road constitutes a nuisance to residents as it continues to harbour migrating vermin and the lack of maintenance to the building fabric will continue to lead to the deterioration of the building fabric.

The section of the National Planning Policy Framework which covers 'Conserving and enhancing the historic environment' advises that the

'...loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm

under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area...'

Accordingly, any harm or loss should require clear and convincing justification, which has not been provided and, except in certain circumstances

'...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...'

Or, alternatively

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

In the case of the bus station and the previous outline application to develop the site, my conservation predecessors suggested that the scheme was acceptable and kept open the desired possibility of retaining all or a large part of the original façade, subject to the local authority including controls to ensure that the scheme makes a positive contribution to the character of the town. Unfortunately the approval has since lapsed, and no new development proposals have been submitted with this application.

The concern in allowing demolition of the site can be seen across the road with the now demolished bus depot. Demolition of the bus station too would create a large gap in an important gateway to Whitehaven, and with no immediate proposals for redeveloping either site, and given the current economic situation, this is likely to remain derelict and vacant site for a considerable period of time to the detriment of the town and Conservation Area.

The current proposal to demolish the existing façade and replace it with a security fence is, therefore, unacceptable in conservation terms, and is contrary to previous guidance. If the whole building cannot be secured until such time as an acceptable new use can be confirmed for the site, every effort should be made to at least retain the existing New Road façade, suitably supported internally and with openings built up.

I have no objection to the demolition of the Wellington Row workshops, except that the porticoed entrance gateway should be saved, even carefully dismantled if necessary for reuse as part of a future scheme on the site, and that the boundary be secured by solid brick or rendered block walls to an approved design and to a minimum height of 2m, stepped as necessary along the frontage.

Building Control Manager

I have the following comments to make on the condition of the existing building structure:

1. Bus station wall – although I would have concerns if proposals were put forward to retain the whole front elevation of the bus station (as strength will be lost when the roof structure is removed), the wall is in a suitable condition to allow it to be lowered and used as a boundary treatment, pending the filling of window/vehicle openings.
2. The front walls to the workshops facing onto Wellington Row are in poor condition, particularly the sections towards the bottom of the hill – if demolition was not being proposed, the condition of these sections would soon constitute dangerous structure status, which was a factor that led to the owners' decision to remove the buildings. It is less likely that these walls could be lowered and utilised as a boundary treatment

Other

Two letters of objection have been received which raise the following points:-

- This proposal will result in the loss of an important art deco style building in the Conservation Area
- No adequate justification has been provided which warrants the demolition of the building

- The Council has a duty to preserve and enhance historic buildings and the bus station is worthy of protection
- Preservation accords with the principles of sustainable development whereas demolition does not
- There is a danger that the site will become another derelict piece of land within the town centre
- The site could be put to a number of good uses including as a bus station

ASSESSMENT

This building occupies a key gateway location into the town centre. It has been vacant for a number of years and its condition has deteriorated over this period.

Planning permission has been granted in the past for the redevelopment of the site. At this time the site was inspected by both English Heritage and the Councils Conservation Advisers (North of England Civic Trust). Although the building was deemed to be of local interest at that time it was not considered to be worthy of listing. However the curved façade was deemed to be of local interest and the scheme which was approved kept open the possibility of retaining all or a large part of the original façade.

The building has recently been inspected by Officers and is in a poor structural condition. This has led to the Council expressing concern with regards to the potential danger that the building poses to public safety. The Councils Building Control Manager has indicated that if this situation is not dealt with in the near future then it will become necessary to serve notices on the owners to secure the demolition of elements of the building that are causing a risk to public safety.

A Counter Notice has been served by the Councils Building Control Manager which acknowledges the owners intent to demolish the building and contains conditions which require the demolition to be carried out safely without causing a nuisance to the public. The Councils Environmental Health Manager has also previously expressed concern the public nuisance caused by the accumulation of bird guano within the building.

The applicants have agreed to provide a structural report which will provide clarification on the structural condition of the curved front wall and the potential for its retention. However they have outlined that the removal of the roof trusses from the main section of the building is likely to weaken the strength of the wall and therefore it may not be possible to retain the wall at its current height. The Building Control Manager has confirmed that he agrees with this assessment although he considers that the wall is in a suitable condition to allow it to be lowered and used as a boundary treatment provided that the existing openings are closed up.

The wall fronting onto Wellington Road is less significant in architectural terms and it is considered to be appropriate for this wall to be lowered to a minimum height of 2 metres. The applicants have agreed to cap the wall and apply a new rendered finish. It would also be appropriate to step the wall to reflect slope across the site as it falls towards the south.

Although the applicants have noted the request of the Conservation Officer to retain the portico entrance they have indicated that this may not be possible as the moulding is constructed of render rather than stone. If investigations confirm that the portico is constructed of stone then they have agreed to remove the structure and retain the individual pieces so that it may be reused at a later date.

This application raises a number of issues with regards to the preservation and conservation of the Conservation Area which, in this case, need to be balanced with the Council's obligations to protect public health and safety.

The existing building is in a poor condition and currently detracts from the character and appearance of this part of the Conservation Area. The only elements of the building which are visible from public view are the external walls which front onto Bransty Row and Wellington Row. It is considered appropriate to retain as much of the existing boundary walls as is feasible to ensure that the site is enclosed and secure. The extent of wall that can be retained along the Bransty Row frontage will be dependent on the outcome of the structural report that is to be provided by the applicants. However Members are advised that appropriate boundary treatments can be secured by the use of an appropriately worded condition to any Conservation Area Consent.

Recommendation:-

Approve

Conditions

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

Reason

To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Prior to any demolition works commencing on the site an appropriate form of boundary treatment to the site including details of elements of the existing walls which are to be retained shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details at all times thereafter.

Reason

For the avoidance of doubt and to ensure an appropriate boundary treatment in the interest of both visual amenity and public safety.

3. Prior to the carrying out of any demolition works the bus station shall be recorded in accordance with a Level 2 survey as described by English Heritage's document "Understanding Historic Buildings - A Guide to Good Recording Practice", 2006 and, following its completion, 3 copies of that survey report shall be submitted to the Local Planning Authority and approved in writing in consultation with Cumbria County Council.

Reason

To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration / demolition.

Informative

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

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

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

Statement

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