

SCHEDULE OF APPLICATIONS - CBC

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SCHEDULE OF DELEGATED DECISIONS

ITEM NO: 1.

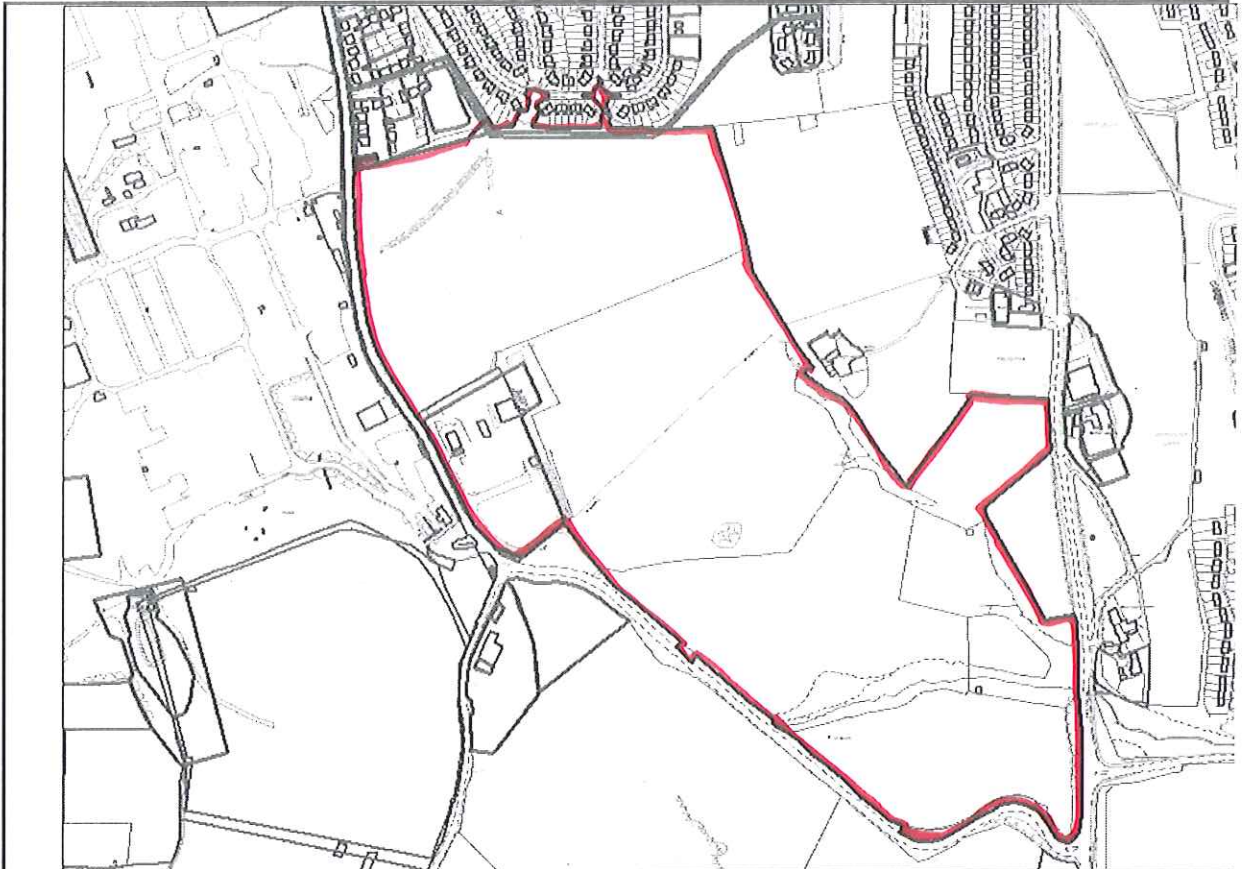


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/12/2013

Application Number:	4/13/2235/001
Application Type:	Outline : CBC
Applicant:	Story Homes
Application Address:	LAND BOUND BY WOODHOUSE TO NORTH & HIGH ROAD/WILSON PIT ROAD TO WEST & SOUTH, WHITEHAVEN
Proposal	OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 431 (APPROX) DWELLINGS, LAND RESERVED FOR PRIMARY SCHOOL & ASSOCIATED ANCILLARY OPEN SPACE & INFRASTRUCTURE AND APPROVAL IN FULL FOR MATTERS IN ASSOCIATION WITH 139 DWELLINGS TO THE SOUTH OF THE SITE WITH ACCESS, PEDESTRIAN BRIDGE, SUDS FEATURES & ASSOCIATED OPEN SPACES AND INFRASTRUCTURE
Parish:	Whitehaven
Recommendation Summary:	Approve subject to S106



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INTRODUCTION

This application relates to an open area of land which lies immediately to the south of Woodhouse, approximately 3.5 km from Whitehaven town centre. The site comprises a total area of land covering 30.9 hectares and is mostly in use for agricultural purposes. It also houses the former TDG truck wash which was associated with the adjoining Marchon chemical works. This area is currently being used for the storage of excess waste material that has resulted from the redevelopment of the former car parks site as housing by the applicants.

The site is bound along its western and south western edges by both High Road and Wilson Pit Road. Immediately to the north the site is adjoined by the existing residential estate at Woodhouse and the new housing development known as Magellan Park.

The application was deferred at the 14 August 2013 meeting to enable Members to visit the site. The site visit took place on 28 August 2013.

PROPOSAL

Planning permission is sought for the development of the site as a large scale housing scheme comprising a total of 570 units.

The application has been submitted in a hybrid form and provides full details for 139 houses which are to be located on the southern portion of the site and the inclusion of a further 431 houses which will cover the remainder of the site which have been submitted in outline form. The overall development will provide a mix of dwellings and dwelling types with buildings between one and three storeys in height. In addition this area of the site also includes land which is proposed for a new primary school. A large portion of the site will be dedicated to open space including the addition of structured landscaping and the creation of a number of sustainable drainage ponds.

The full details submitted relate to the south eastern portion of the site which is to be split into two distinct areas. The lower southern eastern portion of the site is to be developed at a low density to form executive style housing. The higher land immediately to the north of this area proposes a mix of dwelling types at a higher density. These two areas will be accessed by two separate vehicular entrances off Wilson Pit Road and will be linked within the site by a pedestrian footbridge which will cross an existing stream.

An illustrative layout plan has been submitted for the remainder of the development which will be accessed via a number of access points off High Road. The layout has been designed to connect with the wider area and internal routes will be provided into both the Magellan Park site and the Woodhouse estate. Internal routes for pedestrians and cyclists will also be provided to ensure that it is a permeable development.

The application is accompanied by the following:-

- A site location plan
- Layout and elevation plans to show the proposed dwellings on the detailed part of the application
- An illustrative layout plan for the outline section of the site
- A design and access statement and masterplan
- A planning supporting statement
- An Environmental Statement – this includes consideration of the impacts of the development on the environment by way of ecology, trees, landscape and visual impacts, transport, archaeology, drainage, noise and ground conditions
- A flood risk assessment
- A geotechnical and contamination report
- A transport assessment
- A travel plan
- A viability statement
- A sustainability statement
- An community engagement statement

CONSULTEE RESPONSES

HIGHWAYS AGENCY

Based on the information that has been supplied by the applicant the Highways Agency has no objections subject to the imposition of conditions on any planning permission to cover the following points:-

- The implementation and monitoring of the Travel Plan measures in accordance with the submitted Travel Plan Framework
- A copy of both the full residential and school travel plans should be provided to the Agency following completion.
- Confirmation of the length of time the Travel Plan Co-ordinator will be provided at the site, as well as commitment to submit the travel survey to Cumbria County Council for approval prior to distribution.
- The school travel plan should be developed within 6 months of occupation. This travel plan should be developed based upon a site audit, operational characteristics of the school and staff and students behaviour. A copy of this travel plan should be provided to and accepted by the Agency and Cumbria County Council following its development to enable any changes and recommendations to be made.

HIGHWAYS CONTROL OFFICER

The submitted Travel Plan information is acceptable and the following measures should be secured as part of this development:-

- The funding of a bus service into the site which the developer has agreed to finance for 5 years from the occupation of the 50th dwelling on the site
- Improvements to the surrounding highway network including enhancement works at the St Bees Road/Mirehouse Road, Ginns/Meadow Road and Meadow View/Ginns to Kells Road junctions
- Traffic calming measures on High Road and the movement of the existing speed limit
- An upgrade to the existing PROW which crosses the site
- The provision of facilities for cyclists and pedestrians within the site
- The provision of full monitoring of the Travel plan

CUMBRIA COUNTY COUNCIL

On the basis that the issues relating to the highways objection are resolved, there is no objection raised to the strategic planning principle of the development, provided that the Local Planning Authority:

- i. attaches a condition relating to the Historic Environment if it grants planning permission for the proposed development;
- ii. secures a s106 agreement to deliver the necessary education provision. The s106 should state that when the 200th dwelling is occupied, the developer will either need to commit to providing a new 1 Form Entry school (either through building it themselves or providing the County Council with a suitable site and the full construction costs of £3.5 million). The specification would need to be agreed with the County Council;
- iii. is satisfied that the development reflects and protects the character of the site and its surroundings; that the density and siting of any houses is appropriate to the location; and measures to mitigate any adverse impacts are put in place;
- iv. ensures that full consideration of ecological issues are carried out prior to determination;
- v. ensures that measures are taken by the applicant to enable this housing development to be 'broadband ready';
- vi. secures, through negotiation between the applicant and Cumbria County Council, an appropriate dwelling mix and housing design/layout prior to the reserved matters being submitted for the outline application to recognise the needs of vulnerable people;

- vii. ensures that a sufficient number of affordable housing is provided as part of the overall quantum of development on the site to meet the identified housing needs, as set out in Copeland Borough Council's Strategic Housing Market Assessment for Whitehaven; and
- viii. ensures the applicant resolves the concerns raised by the County Council relating to surface water and waste water.

Members of the Committee did want to make clear that it is expected that the school should be provided by the developer prior to the occupation of the 200th dwelling. In addition, the reference in the report to the development being 'broadband ready' refers to the fact that Copeland Borough Council should encourage the developer to provide the appropriate fibre cabling to each dwelling. By installing this cabling during the construction of the development, it provides the developer with the opportunity to install the broadband infrastructure alongside other utilities and will minimise potential future disruption once the dwellings are occupied.

ENVIRONMENT AGENCY

No objection in principle to the proposed development and we can advise as follows:

Land affected by past contaminative uses

We are of the opinion and in general agreement with the applicants consultants regarding the status of low level risk to groundwater to the secondary aquifer from soils on site and accept that remediation is not required.

The exception to this is if:

- a) Hotspots of contamination previously unidentified on site are found, or
- b) there is a change of plan for the end use of the footprint of land overlying the reservoir.

Environment Agency position

We consider that planning permission could be granted to the proposed development as submitted if conditions are attached to any planning permission to cover the following:-

1. a remediation strategy to deal with any unexpected contaminants that are discovered as part of the development
2. a restriction to where piling or any other foundation designs using penetrative methods on take place
3. the submission of a construction method statement to cover the construction phase of the development

Regulated waste sites

The proposed development site is within 500 metres of three waste activities regulated by Environment Agency permits.

There are two closed hazardous waste landfills to the west of the development site, Uflex Landfill approximately 130 metres and Hutbank Landfill approximately 410 metres from the development site. There is a potential for gaseous emissions from these landfills, gas levels are currently monitored on site via a number of gas monitoring boreholes.

There is a composting site West Coast Compositing approximately 30 metres west of the development which is subject to a time limited planning permission which requires them to discontinue the waste operations on or before 1 June 2015.

Waste Management

The applicant will need to obtain a site waste management plan and a record of all waste movements will be required. The suitability of material for reuse on the site will be covered by permits issued by the Environment Agency.

Pollution Prevention

Pollution Prevention measures on site need to be implemented to protect surface waters and ground waters, these should comply with the current Environment Agency Pollution Prevention Guidelines.

Measures need to be in place to prevent silt and other contaminants entering surface water drains before beginning ground and construction work. It is advisable to construct the SUDS at the start of each phase so that they can be used as silt settlement lagoons to prevent silt entering the receiving watercourse. There should be a means to isolate these from the receiving watercourse in the event of these becoming contaminated to prevent pollutants leaving the site which will also facilitate clean up.

Other measures such as maintaining vegetated buffer strips and silt fencing can also be very useful for preventing water pollution incidents.

Flood Risk and surface water management

The site is located within Flood Zone 1 as defined in Table 1 of the Technical Guidance to National Planning Policy Framework. With reference to the Environment Agency's Flood Zone Mapping the site is at little or no risk of flooding from river, tidal & coastal sources which shows the extent of floods with below 0.1% annual probability of occurrence. As the site is over 1 hectare in area a Flood Risk Assessment (FRA) is required.

A FRA has been submitted with the application. This states that discussions have taken place with Copeland Borough Council, the Environment Agency and United Utilities and that the applicant is considering discharging surface water to Mirehouse Ponds which in turn outfalls to Pow Beck (which has known capacity issues during periods of significant rainfall).

In principle the Environment Agency would be comfortable with the proposed peak discharge rate of 80% of the 1 in 2 year Greenfield rate (applied to all rainfall events inc. 1 in 100 year) and the means of achieving this via balancing ponds which discharge into the associated watercourses.

A condition should be attached to any planning permission which requires the a scheme to dispose of foul and surface water to be agreed before development commences.

UNITED UTILITIES

No objection to the proposed development subject to the imposition of suitably worded conditions on any planning permission to cover the following issues:-

- A strategy outlining the general system of drainage for foul and surface water flows arising from the entire site
- Details of the surface water drainage and means of disposal for each phase of development based on sustainable drainage principles and evidence of an assessment of site conditions
- Details of foul drainage for each phase including any necessary infrastructure.

Due to the scale and complexity of the project, United Utilities will directly contact the applicant to discuss the surface water and foul water drainage proposal.

HEALTH AND SAFETY EXECUTIVE

The HSE does not advise against the granting of planning permission on safety grounds.

NATURAL ENGLAND

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Our comments on this application are as follows:-

Statutory nature conservation sites

There are no statutory nature conservation sites on the land covered by the planning application.

This application is in close proximity to the St Bees Head Site of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the

interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Protected species

Bats and great crested newts

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats and great crested newts.

We have not assessed the Environmental Statement for badgers, barn owls and breeding birds¹, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

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RSPB

The RSPB acknowledges that the ecological assessment contained within the Environmental Statement includes a summary of potential environmental impacts. We agree with the conclusions set out in that document.

Whilst we also support the proposals for protection and enhancement of the existing ecological features and for the benefit of people and wildlife it is not clear whether these are recommendations or actions. On this basis we recommend that an Ecological Management Plan (EMP) should be made a condition of the consent if granted and would appreciate the opportunity to review and comment on what is proposed. We have considerable experience from developments like this where the developer does not take up the recommendations made by their ecologist.

We also believe that there is an opportunity for even greater benefit through the inclusion of designed nesting/roosting places for a variety of bird and bat species and are disappointed that these have not have been recommended. We would however like to see their inclusion and specific details of the locations and the numbers included in the EMP above. Appropriate nesting/roosting opportunities should be integrated into the fabric of the new buildings.

We support the steps to protect biodiversity during the construction phase and to retain and manage the existing trees, hedgerows and public green spaces to provide foraging opportunities and shelter for invertebrates and vertebrate species.

DRAINAGE OFFICER

Using the grid reference on the application/location plan with the application, the development falls into Flood Zone 1, as indicted on the latest Environment Agency Flood Maps (May 2013).

This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year. The Technical Guide to the NPPF defines that all uses of land are appropriate in this zone.

The development site generally falls into an area that is not considered to be susceptible to surface water flooding, as indicted on the Environment Agency Flood Maps. The exception to this is a large area near to the road junction to Sandwith, which is likely to be susceptible. It does appear from the topographic survey that this area is slightly lower than the surrounding land. It would be expected that this susceptibility will be removed during development.

Because of the low risk of flooding to the site the Flood Risk Assessment (FRA) concentrates on reducing off site flood risk. This sets out a sensible approach by the use of balancing ponds to restrict flows of surface water off site.

PLANNING POLICY TEAM

The site is situated to the south west of Whitehaven, adjacent to the Woodhouse estate, and would represent an extension to the town. It is a mixture of brownfield and greenfield land, much of which lies outside the settlement boundary. As such it would normally be contrary to policy as representing development in the open countryside (Local Plan Policy DEV5, Core Strategy Policy ST2C).

There have been recent developments in this part of the town, on the former Marchon car parks, which have also helped to deliver improvements to the neighbouring Woodhouse estate. This development has been delivered in the form of separate planning permissions as windfall sites on brownfield land within the settlement boundary.

When it became known that the developer intended to extend into the much larger site, it was agreed that this larger site should be considered as a whole rather than a continuation of individual applications.

As a result the Council, in partnership with the developer, produced a Supplementary Planning Document (SPD) for South Whitehaven. This was produced to gain community and key stakeholder involvement early in the process and to provide a clear framework for any subsequent development proposals in the area. The SPD was adopted on 21st March 2013.

The main purposes of the SPD were to:

- Provide a planning status and framework for the site
- Ensure that the South Whitehaven area is considered and planned as a whole with good design
- Enable infrastructure requirements to be considered at an early stage
- Provide the framework for a Masterplan to support future planning applications
- Enable regeneration of the wider area to continue

- The SPD outlines the relevant local planning policy framework, both for the Local Plan 2001-16 and the Core Strategy and Development Management Policies Development Plan Document. The SPD also provides some General Development Principles and Design Guidance specifically for developments in the South Whitehaven area.

It is felt that the application and Masterplan currently submitted are generally in conformity with the requirements of the SPD and have the potential to provide benefits for the area, including the opportunity for new school provision. The proposal appears well designed and includes a large amount of open space for a high quality development. If approved this site could provide a significant proportion of the new housing required in Whitehaven over the next fifteen years.

The nature of the applications (i.e. the full application being for the southernmost part of the site with the remainder only in outline) does however raise some minor concerns. These concerns are primarily around ensuring that the whole site is developed in line with the requirements of the SPD and that infrastructure and other obligations/benefits are delivered in future years and phases.

We accept that viability and deliverability concerns support the delivery of the southernmost element of the site separate from the existing built form in Phase 1, but we would like to see greater connectivity with existing development in earlier phases than currently presented. Discussions with the developer have suggested that they are flexible around this and I am sure this issue can be negotiated with them.

Another key requirement will be to ensure that the future phases (illustrated in outline here) still accord with the requirements of the SPD, both in terms of design to ensure a coherent scheme as well as ensuring the benefits and infrastructure requirements associated with the development continue in future phases. As part of this we will need to ensure that revenues generated by these early phases are factored into the more expensive later phases, when infrastructure will be delivered.

It should be possible to address these concerns with appropriately worded conditions and agreements, but I thought it important that they are raised at this stage. Subject to appropriate agreements and conditions the Planning Policy team supports the above application.

POLICE LIASION OFFICER

In relation to designing out crime the applicants have endeavoured to provide all properties with defensible boundaries either through a change in materials, and the provision of walls/fences or planting. All areas of the development including public open space are well overlooked by housing in order to lessen the opportunity for anti-social behaviour. The developer should consider full Secure By Design accreditation.

OTHER

1 letter of objection which raises concern about the development of this scale in the open countryside and the potential impact on flora and fauna

PLANNING POLICY

National Planning Policy

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

It identifies three dimensions to sustainable development: economic, social and environmental. It defines an economic role as contributing 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. A social role is defined as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations. An environmental role is defined as contributing to protecting and enhancing our natural, built and historic environment.

Promoting sustainable transport is one of the key objectives. Paragraph 30 of the NPPF clarifies that LPAs should support a pattern of development which facilitates the use of sustainable modes of transport.

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

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

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

Paragraph 64 clarifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 69 sets out that LPAs should promote healthy communities. This includes the provision of safe and accessible environments containing clear and legible routes and high quality public spaces which encourage the active and continual use of public areas.

Paragraph 72 clarifies that the Government considers education to be very important and attaches great weight to the need to create, expand or alter schools to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.

As a means of conserving and enhancing the natural environment paragraph 109 sets out that the planning system should prevent new development from contributing to or being

put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution and where appropriate, should remediate and mitigate despoiled, degraded, contaminated and unstable land.

Paragraph 153 outlines that Supplementary Planning Documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.

Paragraph 173 seeks to ensure viability and deliverability. It clarifies that pursuing sustainable development requires careful attention to viability and costs in decision taking. Development identified in Local Plans should be deliverable and therefore the scale of development identified should not be subject to such a scale of obligations and policy burdens which threaten their ability to be developed viably. To ensure viability the cost of any requirements likely to be applied to development such as infrastructure contributions should, when taking into account of the normal cost of development and mitigation, provide competitive returns to a willing developer to enable development to be delivered.

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

Copeland Local Plan 2001-2016

The adopted Copeland Local Plan seeks to achieve sustainable forms of development, as required under the overarching policy of the Plan, Policy DEV 1. Policy DEV 2 designates Whitehaven as being one of the four key service centres where development should be focussed. Policy DEV 4 sets a preference for the development of brown field sites within the development boundary.

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

Policy DEV 8 relates to major development and sets out that where there is a significant adverse social, economic or environmental cost or effect arising directly from the

development a Planning Obligation to address this cost or effect will be expected. Provision secured by this means will be commensurate with the scale, nature and location of the individual development.

Policy HSG 4 permits housing redevelopment within settlement boundaries.

Policy HSG 8 sets out the design criteria for all new housing within the Borough. Amongst other things, it advocates certain separation distances between dwellings, including a minimum of 21.0m between face elevations containing habitable room windows.

Policy HSG 12 encourages development which assists with market renewal.

Policy ENV 4 seeks to protect landscape features and habitats.

Policy ENV 5 seeks to ensure that development does not have adverse impacts on protected species.

Policy ENV 8 seeks to ensure that when considering development proposals careful regard should be had to both views from and to the St Bees Heritage Coast.

Policy ENV 12 seeks to secure appropriate levels of landscaping within new developments.

Policy ENV 18 requires site investigation works and remediation to be carried out on land known to be contaminated.

Policy TSP 4 supports measures to improve public transport. It also allows the Council to seek funding contributions from developers to support new or extended public transport services required to service the development.

Policy TSP 5 seeks cycleways and footways to be provided as part of new developments which link into existing networks.

Policy SVC 11 permits development which provides new or extended education facilities. The site should be related to the needs of the local community and are, or can be , served by a range of transport modes.

Policy SVC 14 requires new development to provide outdoor recreation and leisure facilities.

Emerging Local Planning Policies

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production, following a Public Examination in April.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Now that the Inspector has issued his report following the Examination greater weight can be attached to these policies, particularly given the limited scale of objection to the Strategy and its consistency with up to date national policy guidance. The document is currently due to be adopted in December 2013.

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

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

that the largest scale of development shall be focussed on Whitehaven which is designated as the principal settlement within the Borough.

Policy ST3 sets out the strategic development priorities for the Borough which includes regeneration sites in south and central Whitehaven.

Policy ST4 relates specifically to providing infrastructure. Where a development generates a demand for physical, social or environmental infrastructure then this needs to be provided. In the absence of an adopted Community Infrastructure Levy the Council will apply the following principles in securing developer contributions:

- I. Development proposals should provide, or contribute to the provision of facilities, infrastructure, services and other environmental and social requirements either on or off site, as is reasonable and necessary to support and mitigate the impact of the development
- II. The nature and scale of any planning requirement site for this purpose should be related to the type of development, its potential impact upon the surrounding area and, in the case of residential proposals, the need for developer contributions to the provision of affordable housing
- III. Contributions for the initial running costs of services and facilities to secure their medium and long term viability will be agreed through appropriate conditions or obligations, where such costs cannot be sustained in the short term.

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

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

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

Policy SS4 encourages the protection and provision of community facilities and services. These should be focussed on the larger sustainable settlements.

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

Policy T1 seeks to improve accessibility and transport, especially to the main settlements and the key development sites.

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

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

Policy ENV 5 seeks to protect the Boroughs landscape from inappropriate development.

Localities

Whitehaven is identified as one of 6 distinct localities within the Borough. The land to the south of the Woodhouse estate is highlighted as an area where new housing combined with new neighbourhood facilities would support the housing market renewal in the Woodhouse, Kells and Greenbank areas.

Development Management Policies

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

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

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

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

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

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

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

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

South Whitehaven SPD

A supplementary Planning Document (SPD) for South Whitehaven was adopted on 21 March 2013.

The South Whitehaven area extends from the existing housing area around Woodhouse and Greenbank south to the junction at St Bees Road and Wilson Pit Road, but excluding land around High House and Greenbank Farm. The SPD sets out a planning framework for the development of around 600 new houses together with a range of proposed improvements to local neighbourhoods. It builds on the housing market renewal activity and improvements are likely to include enhancing the quality and range of neighbourhood facilities in the area. The SPD also includes design principles for the new housing, taking into consideration the local character of the area and the outstanding location with its views to the western fells and the Irish Sea

ASSESSMENT

The site is situated to the south west of Whitehaven, adjacent to the Woodhouse estate, and would represent a major extension to the town. This would enable a significant proportion of the new housing required in Whitehaven over the next 15 years to be delivered.

The site is highlighted as a strategic site within the Core Strategy. The preparation and adoption of an SPD for this land has helped to gain community and stakeholder involvement at an early stage and has provided a clear framework in which to assess this application. It has also played a significant role in securing a high quality development.

The development of the site has been considered as a whole and a masterplan has been submitted with the application. This enables a coherent layout to be achieved and will allow the infrastructure requirements associated with the development of this scale to be considered at an early stage.

The proposed development is considered to be well designed and responds to the sites immediate context and topography. The built form has been designed to agreed principles and three separate character areas have been defined within the development to provide variety and interest. The individual dwellings have been designed to reflect the local character and distinctiveness of the local area and there is a hierarchy of streets, squares, footpath/cycle links and open space throughout the proposal. The reinforcement of the existing vegetation with significant amounts of new planting will provide a network of green spaces and corridors which will enhance the existing biodiversity in the area. The landscape belts will help to soften the impact of hard development and ensure that it is assimilated into the landscape so that it sits comfortably within its setting, particularly when seen from longer range views.

Provision is made within the development to integrate with the existing housing at Woodhouse and Magellan Park by the inclusion of link roads, footpaths and cycleways. The existing PROW which traverses the site is also to be retained and diverted as part of the development. This will link into the network of routes that are to be provided as part of the biomass plantation that has recently been approved on the former Marchon site on the opposite side of High Road, giving enhanced access to the coastal footpath routes.

The development will provide a mix of housing types with a range of 2, 3, 4 and 5 bedroomed dwellings. This will ensure that the development appeals to a wide range of the community.

Whilst the proposed housing development does not contain any affordable housing as defined by the National Planning Policy Framework (NPPF), the new housing scheme has been designed with regard to its position adjacent to the Woodhouse Estate. The existing estate has high levels of social rented property and housing which comes up for sale on the open market is typically low value. Woodhouse has previously been zoned as a Housing Market Renewal Area and it is important that the introduction of new housing in this

location does not result in the undermining of the work which has been carried out to date by Home Housing in partnership with Story Homes on the estate in the recent past.

A development of this scale requires a significant element of infrastructure to support it.

Development must mitigate its own impacts and contributions via planning gain can be secured from the developers in order to ensure that the development is acceptable in planning terms.

The payment of monies for infrastructure improvements required as a consequence of new development is governed by the CIL Regulations 2010 which requires that development obligations meet the following tests:

- a) Necessary to make the development acceptable in planning terms,
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The applicant has agreed to contribute towards the following measures as part of this development:-

Transport

Travel Plan outlines a number of issues which have been agreed with both the Highways Agency and Cumbria County Council which can be secured as part of this development through developer contributions including:-

- The funding of a bus service into the site which the developer has agreed to finance for 5 years from the occupation of the 50th dwelling on the site
- Improvements to the surrounding highway network including enhancement works works at the St Bees Road/Mirehouse Road, Ginns/Meadow Road and Meadow View/Ginns to Kells Road junctions
- Traffic calming measures on High Road and the movement of the existing speed limit
- An upgrade to the existing PROW which crosses the site
- The provision of facilities for cyclists and pedestrians within the site
- The provision of full monitoring of the Travel plan

Education

Story Homes has agreed to pay for mitigating the predicted educational impact from the development. The calculated financial contribution for education will be for up to a maximum of 122 primary school pupil places (less any local net surplus places which must be taken into account for CIL-compliance) and Story Homes has further offered to provide

land on which a new primary school can be built, if this is necessary. This is in accordance with the requirements of the South Whitehaven SPD which requires, through Policy GDP7, that the development is "expected to *contribute* towards the provision of local early years and primary education." This approach will meet the tests within the CIL Regulations.

However, the primary school contribution sought by Cumbria County Council is based upon an impact that is circa 46% greater than is attributable to the development which therefore fails to meet all 3 tests of the CIL Regulations and is considered to be unlawful.

The developer has suggested the following three options:

1. Story Homes will provide a single-form entry school for 210 pupil places on an appropriately sized site, subject to the LEA providing a financial contribution to Story Homes for the balance of pupil spaces for which Story Homes are not responsible, or;
2. Story Homes will provide a single-form entry school for 105 pupil places on an appropriately sized site, or;
3. Story Homes will provide a site at a nominal value for the construction of a new single form entry school (210 pupil places) plus a financial contribution for up to a maximum of 122 pupil places (less any local net surplus places which must be taken into account for CIL-compliance and/or adjustment for provision of the school site). In this option responsibility for building the school would be with the LEA or other educational provider (as appropriate).

These proposals are all fully compliant with the CIL Regulations and in line with normal planning practice.

The requirement to fill any funding gap would be met by County Council if they consider that a single form entry school is required. It is not in the interests of existing schools or the LEA to provide a surplus of places in the area.

Discussion are progressing on the date for provision of the school. This must also meet the tests within the CIL Regulations and must take account of existing net surplus spaces within primary schools in the locality.

Drainage

It is proposed to incorporate sustainable urban drainage systems as part of this development. This approach is supported by both United Utilities and the Environment Agency.

Detailed technical discussions are ongoing with United Utilities over the specification for the drainage proposals. However they have indicated that appropriately worded conditions could be used to secure appropriate drainage schemes for both foul and surface water disposal.

Contamination

The existing site has been subject to mining activities in the past and has also been partly used in connection with the Marchon chemical works. The development proposals seek to remediate the ground top ensure that it is safe for development. The Environment Agency has suggested a number of planning conditions to control the remediation of the site.

Pipeline

An existing mains gas pipeline runs across part of the north western section of the site adjacent to High Road. This was previously used to supply gas to the Marchon site.

This pipeline needs to be diverted to enable this section of the site to be developed.

The above infrastructure requirements place a significant cost to the developer. The applicants have submitted a confidential viability report which sets out all of the costs associated with providing the development in addition to the infrastructure requirements set out above. The submitted report clarifies that the development is viable and can be delivered. However it is necessary to develop the southernmost portion of the site first to ensure viability. This is the detailed application and relates to the larger executive style housing which is more lucrative.

Whilst there is little scope for any additional contributions to be made for other items such as affordable housing recent discussion with the applicant's agent has identified that a modest additional amount of finance could be made available if the additional sustainable measures that were proposed as part of 10 eco houses are deleted. This would enable 7 houses to be provided at a 30% discount for sale on the open market. This option is considered to offer more benefits to the local area than the original proposal and is favoured by Officers.

Members are reminded that the NPPF requires careful attention to be paid to viability and costs. It is important that this strategic housing site is delivered and the scale of obligations and policy burdens should not threaten its viability.

The developer contributions outlined above are considered to be reasonable and necessary to support and mitigate the impact of the development. Members are advised that any planning permission would be subject to a Section 106 Agreement which would secure the following:-

- Highways improvements
- Open Space maintenance (through a maintenance company);
- Affordable housing (as set out above); and
- Education provision

CONCLUSION

This application relates to a Strategic housing site and will enable a significant proportion of the new housing required in Whitehaven over the next 15 years to be delivered.

The design of the submitted scheme has developed for a masterplan exercise and will produce a high quality development which has strong physical and social links to the existing communities. It will provide a sustainable form of development which will address the existing and future housing needs set out in the SHMA. It will also support the development and regeneration of the adjoining Housing Market Renewal Areas and contribute positively to support the wider regeneration of Whitehaven.

Recommendation:-

Approve subject to a Section 106 Agreement

Conditions

Time Limits

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

Reason

In order to comply with the provisions of the Town and Country Planning Act 1990.

2. In respect of the outline site only, the development permitted shall be begun either before the expiration of three years from the date of this permission or before the

expiration of two years from the date of the approval of the last of reserved matters to be approve whichever is the later.

Reason

In order to comply with the provisions of the Town and Country Planning Act 1990.

Reserved Matters

3. An application for approval of any of the reserved matters for the third phase shall be made to the local planning authority before the expiration of three years from the date of this permission. Applications for the approval of reserved matters for all other phases shall be made to the local planning authority by no later than 7 years from the date of this permission.

Reason

In order to comply with the provisions of the Town and Country Planning Act 1990.

4. Approval of the details of the scale, layout and external appearance of the building, means of access thereto and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the outline element of the planning permission is commenced.

Reason

The application is partially in outline only and therefore not all details are provided beyond phases 1 and 2.

5. Any application for approval of Reserved Matters authorised shall be in accordance with the principles of the Illustrative Planning Application Masterplan and the parameters set out in the Environmental Statement, Transport Assessment, Design and Access Statement, amended Framework Travel Plan dated 24 September 2013 and the Technical Note on the Transport Assessment dated 16 September 2013 unless otherwise agreed in writing by the Local planning authority.

Reason

To ensure a comprehensive and co-coordinated development of the site and to meet the requirements of Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

6. 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 layout plan, scale 1:500, reference 600 Rev A
- Detailed site layout, scale 1:500, reference 602 Rev D
- Proposed elevation treatment, reference 603 Rev B
- Proposed boundary treatment, reference 603 Rev B
- Proposed boundary treatment, reference 604 Rev A
- Proposed street scene, scale 1:150, reference 605 Rev A
- Proposed 3D pictorial views, reference 700
- Proposed 3D aerial oblique, reference 701
- Proposed 3D aerial oblique, reference 702
- Proposed maximum heights, scale 1:2000, reference 505 Rev B
- Proposed access points, scale 1:2000, reference 503 Rev B
- Concept master plan, scale 1:2000, reference 501 Rev C
- Parameter plan 1 site boundary, scale 1:2000. Reference 502 Rev B
- Parameter plan 3 proposed development zones, 1:2000, reference 504 Rev B
- Parameter 6 Phasing plan, scale 1:2000, reference 507 Rev A
- Site location plan, scale 1:2000, reference 509
- Parameter plan 5 proposed movement strategy, scale 1:2000. Reference 506 Rev B
- Topographical survey 1 of 2, scale 1:500, reference SL028.90.0.SL.TP01
- Topographical survey 2 of 2, scale 1:500, reference SL028.90.0.SL.TP02
- Master plot schedule reference SL028
- Plans and elevations for house types for Marlborough, Arundel, Balmoral, Boston, Chester, Epsom, Greenwich, Guildford, Harrow, Hastings, Henley, Kingston, Richmond, Salisbury, Taunton, Warwick, Westminster, York
- Terrace blocks 1, 2 and 3
- Boundary treatments

- Conservatory details
- Garage details
- Tree survey prepared by AJT Environmental Consultants, reference 587
- Flood Risk Assessment prepared by Integra Consulting Engineers dated May 2013
- Geotechnical report
- Phase 2 Environmental Report
- Transport Assessment prepared by i-Transport dated June 2013
- Framework Travel Plan prepared by i-Transport dated 24 September 2013
- Technical note on highways issues, reference ITM 7059 dated 16 September 2013
- Design and access statement prepared by POD dated June 2013
- Engagement report prepared by Positive Planning
- Planning Statement prepared by Positive Planning
- Educational Impact Assessment prepared by EPDS Consultants

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.

Materials

7. Prior to the erection of any superstructure on any phase details and samples of all external facing materials relating to that phase shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved materials.

Reason

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

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

coursing to be used.

Reason

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

Landscaping

9. No development beyond that approved in phases 1 and 2 shall take place until full details of both hard and soft landscape works, including any trees or hedgerows which are to be retained have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with a programmed as agreed with the Local Planning Authority.

Reason

To ensure a satisfactory form of landscaping in the interests of the visual appearance and character of the area.

10. Any trees or other plants, which die, are removed or become seriously damaged or diseased within the first five years following planting shall be replaced during the next planting season with others of similar size or species unless other agreed in writing by the local planning authority.

Reason

To ensure that an acceptable form of landscaping is maintained on the site in the interests of the visual appearance and amenity of the area.

11. Prior to commencement of landscaping works within a particular phase, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for a period of not less than 5 years from the commencement of the work for all landscape areas (other than domestic gardens) within each Phase of the development shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall thereafter be fully implemented unless otherwise agreed to in writing by the local planning authority.

Reason

In order to protect and safeguard the amenity of the area.

12. No development within any phase hereby approved in outline (phase 3 plus) shall take place until details of earthworks for that Phase have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The works shall be carried out in full accordance with the approved details unless the local planning authority agree otherwise.

Reason

In order to protect and safeguard the amenity of the area.

Highways

13. The approved Travel Plan shall be implemented in full in accordance with a timetable which has been submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall continue to be implemented as long as any part of the development is occupied.

Reason

In the interests of highway safety and to aid the delivery of sustainable transport objectives.

14. The carriageway, footways, footpaths, cycleways etc within each phase of the development shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on each phase of the development. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide, or any other superseding document. Any works so approved shall be constructed before the development of that phase is complete.

Reason

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

15. Prior to the first occupation of any dwelling within Phase 1 of the development hereby permitted the pedestrian/cycle link and bridge shall be installed and become operational in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle link and bridge shall be retained at all times thereafter.

Reason

16. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development of the relevant phase commences. Any details so approved shall be constructed as part of the development.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

17. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

In the interests of highway safety

18. Details of proposed crossings of the highway verge and/or footway, as well as the footway fronting the site and traffic calming measure on High Road relevant to that phases, shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed. No dwelling shall be occupied prior to the footway fronting the site being completed.

Reason

To ensure a suitable standard of crossing for pedestrian safety.

19. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

20. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the relevant phases being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

21. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

22. The travel plan measures (outlined in the framework document ref: ?) shall be implemented and monitored in accordance with details set out in the plan and the results of monitoring shall be submitted to the Local Planning Authority within one month of the end of each monitoring period.

Reason

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

23. A copy of both the full residential and school travel plans should be provided to the Local Planning Authority and Highways Agency following completion.

Reason

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

24. Confirmation of the length of time the Travel Plan Co-ordinator will be provided at the site, as well as commitment to submit the travel survey to Cumbria County Council for approval prior to distribution.

Reason

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

25. In relation to the school travel plan this should be developed within 6 months of occupation. This travel plan should be developed based upon a site audit, operational characteristics of the school and staff and students behaviour. A copy of this travel plan should be provided to and accepted by the Agency and Cumbria County Council following its development to enable any changes and recommendations to be made.

Reason

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

26. Prior to the commencement of Phase 3 of the development, details of the route and design of the public right of way which crosses the site 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 the footpath shall remain available for use at all times thereafter.

Reason

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

27. Contamination

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

Reason

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

28.

28. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

29.

30. To protect the quality of groundwater.

29. No development, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:

- the means of access for demolition and construction traffic
- the loading and unloading of plant and materials;
 - the storage of plant and materials used in constructing the development
 - measures to prevent silt and other contaminants entering surface water drains;
 - and
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.

31.

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

32. Reason

33.

34. To protect the water environment from pollution.

35.

30. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays) unless otherwise agreed in by the local planning authority.

Reason

To prevent disturbance to nearby occupants.

31. Prior to the commencement of development in any phase, a scheme of ON-SITE noise mitigation measures for that phase shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out fully in accordance with the approved details unless otherwise agreed in writing beforehand by the Local planning authority.

Reason

To prevent disturbance to nearby occupants.

Archaeology

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

This written scheme will include the following components:

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

Reason

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

Phasing

33. The development shall be carried out in phases in accordance with the details illustrated on plan drawing number 070-STO/507 received on 04 November 2013. Any variation to the agreed phasing shall be submitted to and approved in writing by the Local Planning Authority before development on that phase of the scheme commences.

Reason

For the avoidance of doubt and to ensure a satisfactory form of development.

Drainage

34. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority in relation to the particular phase. The scheme shall be implemented as approved.

Reason

To protect the water environment.

35. Development shall not begin until a surface water drainage scheme for the site on a phased basis, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Details of how the scheme shall be maintained and managed after completion
- Details of the design parameters used and confirmation that climate change has been incorporated into the design.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

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

Reason

To ensure the provision of a satisfactory drainage scheme.

Ecology

37. The development shall implement all of the mitigation and compensation measures set out in the Environmental Statement Report, prepared by NJL Consulting, dated June 2013, and submitted as part of the planning application.

Reasons

To protect the ecological interests evident on the site.

38. Before development commences an ecological management plan shall be submitted to be approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved scheme.

Reasons

To ensure that adequate measures are provided to protect the ecological interests on the site

Statement

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

ITEM NO: 2.

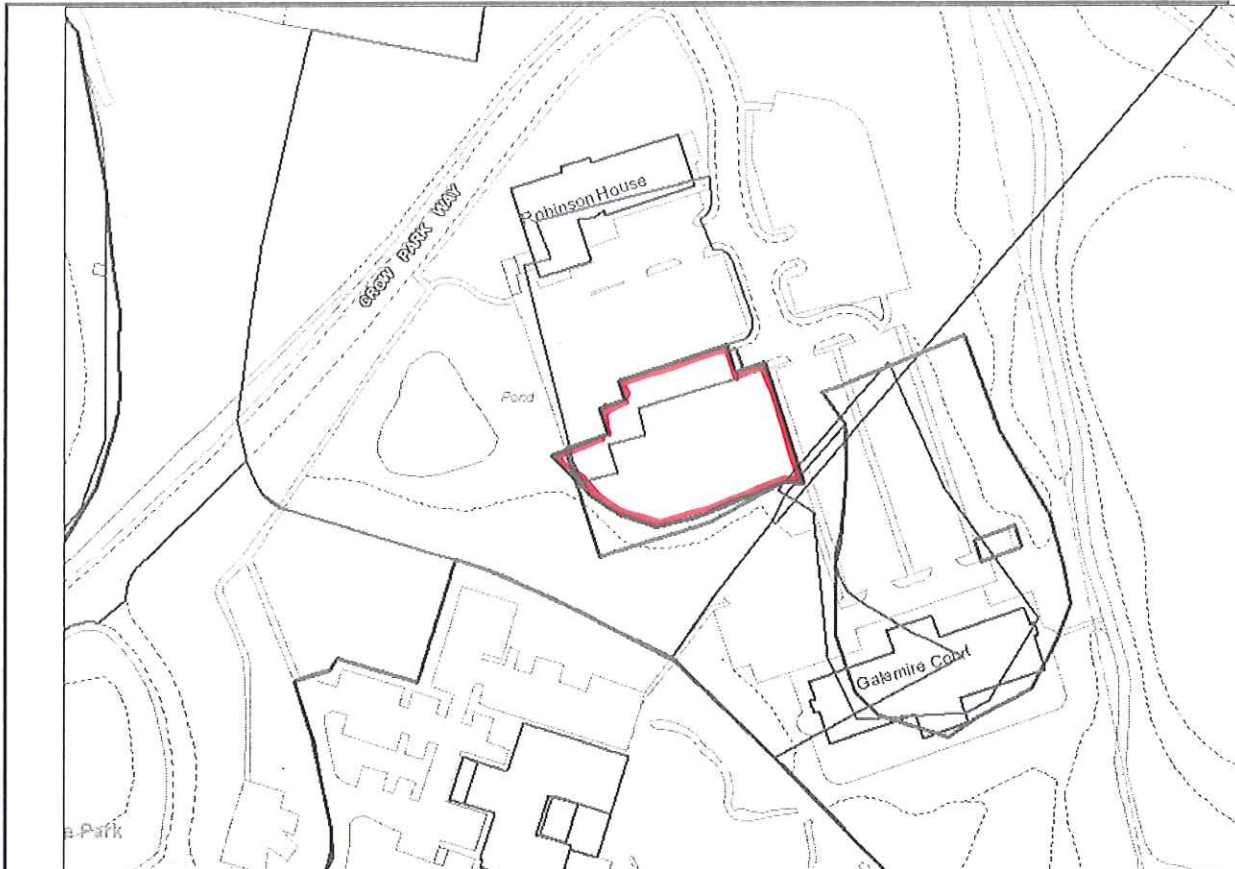


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/12/2013

Application Number:	4/13/2314/OF1
Application Type:	Full : CBC
Applicant:	Energy Coast West Cumbria (Properties) Ltd
Application Address:	SITE 2B, CROW PARK WAY, WESTLAKES SCIENCE AND TECHNOLOGY PARK, MOOR ROW
Proposal	ERECTION OF CHILDRENS NURSERY & ASSOCIATED PARKING, EXTERNAL PLAY AREAS AND STRUCTURES
Parish:	Egremont
Recommendation Summary:	Approve (commence within 3 years)



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Introduction

A proposal for the erection of a new, purpose built, detached building for use as a children's day nursery on plot 2B, Crow Park Way, Westlakes Science and Technology Park (hereinafter referred to as the Park) near Whitehaven.

The site is vacant and relatively level measuring some 0.18ha in area. It is situated between the existing office developments of Robinson House and Galemire Court, and adjoins their respective car parks to the north and east with an overspill parking area adjacent to the north east. It is bounded to the west by existing landscaped areas.

This application was reported to the last Planning Panel with a recommendation to approve. Contrary to officer recommendation however Members were minded to refuse it.

In accordance with the Council's Planning Code of Conduct a final decision on the application is then deferred to the following Planning Panel and allows Members to reflect on the consideration of the proposal.

The Proposal

The erection of a single storey 262 metre square building situated centrally on the plot is proposed. In terms of external appearance, it is a contemporary style building with white rendered walls on top of a buff brick plinth under a grey mono-pitch metal deck roof. The walls would be interspersed with windows set out in horizontal panels to reinforce the horizontal nature of the elevations and along with doors which would be blue grey coated metal. It is also proposed to have larch or cedar wood panels on the walls serving to break down the massing. At the front, on the north elevation, a centrally located fully glazed canopy is proposed with double doors to highlight the main entrance.

Vehicle and pedestrian access would be via the north eastern corner at the front of the site leading from Westlakes Park directly to a small tarmacked parking court comprising 6 standard parking bays and 1 accessible bay, constructed of permeable paving. This would serve customers as a drop off / pick up facility with an associated pedestrian walkway alongside running up to the main entrance. Designated staff car parking in the form of 8 spaces is provided in the adjacent overspill car park which the applicant has control of.

As regards external lighting it is proposed that the building will be lit at the entrance by steel bollard lights with wall lights attached to the walls operating on a dawn to dusk setting.

Use

Within the building would be three main child care areas dependent on age. Associated facilities include offices, staffroom, toilets and a kitchen. The creation of an extensive outside area to the west, south and east of the building also forms part of the proposal which would be contained by a timber palisade boundary fence 1.8m in height. This would

accommodate a range of buildings and areas including landscaped areas, storage buildings, hen huts, two aviaries, play houses, glass house, covered area and an adventure play area.

The purpose of the building is to provide daily childcare for a maximum of 85 children up to the age of 5 years (pre-school). Staffing levels for this scale corresponds to 12 full time and 2 part time Nursery Nurses.

Proposed operating hours of the facility range from 7.45am to 6.00pm Monday to Friday. Arrival and departure times would be flexible to suit individual needs with the majority of the drop off times being between 7.45am- 9.30am, 12.30pm -1.30pm 3.30pm – 6.00pm.

Planning History

The previous planning history is material. This application basically constitutes a resubmission. A previous application for the same proposal was refused by the Planning Panel in January this year (4/12/2528/0F1) the only difference being, apart from the provision of staff parking in the adjacent overspill car park, that the applicants are now the Park providers. The original submission was refused for the following reasons:

“In the absence of a separate legal agreement to restrict the use of the proposed children`s nursery on a vacant employment plot on this existing Science and Technology Park, near Whitehaven to mainly employees of the Park so that it constitutes an ancillary use, the proposed development would be at variance with Policies EMP1 and EMP2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009), Policies ST2, ER6 and DM4 of the emerging Copeland Local Development Framework (Core Strategy and Development Management Policies DPD May 2012) and the advice contained in the National Planning Policy Framework.”

Supporting case

Following the previous refusal and in addition to a Design and Access Statement, (incorporating flood risk and site investigation) and an Arboricultural Constraints Report, the

application is now accompanied by an enhanced supporting Planning Statement. This seeks to provide justification for the proposal and address the reasons for the previous refusal.

It is reiterated that the nursery will provide an important facility for the Park by supporting the child care needs of families working there and the sustainability of the park, as well as adding to the quality of existing childcare provision in Copeland generally. Critically it is also pointed out that the Park benefits from B1 (Business), B2 (General industry) B8 (storage) and D1 uses together with an agreement of 10% for ancillary use. It is asserted that the nursery fits into both the ancillary and D1 uses for the site.

It should also be noted that the previous application was accompanied by a letter from the the Park operators supporting the proposal stating that the Nursery would be a welcome facility providing a vital and long standing service for the 1500 staff based there. Following consultation with Park tenants 23 letters / expressions of interest for such a facility were received.

Reference is made to the development of the Park, that it is a major knowledge based strategic employment site related to the nuclear industry and a significant employment site in the area with over 1500 employees. It is pointed out that although this is the case, and the outline permission for this area of the Park (4/98/0271/001 refers) only permitted B1,B2 and B8 uses, and that despite this restriction ancillary uses have since been introduced as a result of separate consents and include a restaurant, conference centre and a helipad. Also, that the Masterplan Development Plan 2001 for the Park suggested that up to 10% of the space should be occupied by ancillary uses. Furthermore that the Masterplan Report for development up to 2016, which supported the extension to the Park, specifically identified a need for up to 5ha for higher education and 3 ha for ancillary uses including a hotel. The case is therefore put forward that the proposal for a nursery is an acceptable ancillary use within the context of the existing Masterplan for the Park and subsequent ancillary developments there.

Recent Science Park research/ best practice is also referenced which consider the relevance of ancillary uses and their importance in attracting and retaining tenants. Whilst not exhaustive, this indicates that there are none which constrain use to park employees only although some do have preferential rates for such users and that the take up rate from park use averages between 40 – 55%. As regards it being truly ancillary they consider that a take

up estimated at a minimum of 45% for this proposal is self-evident and given the current investment in the Park consider that demand is likely to grow not remain static or decline.

Consultation Responses

Egremont Town Council – aware this is not a valid planning reason but feel this application will potentially divert children from other local based nurseries. The site was designated as a science and technology park and any additional support services risks the park becoming self-supportive with a negative impact to businesses in the locality, and losing additional social economic benefit that local businesses rely on. Also are concerned about the potential increase in traffic on the adjacent A595 especially at peak hours.

Highway Authority – no objections.

Copeland Disability Forum – comment specifically in relation to the provision of accessible facilities and acknowledge that one accessible parking bay will be provided. Have a concern that the area adjacent to the car parking would be surfaced in chippings. However can confirm the public area to the front is to be of a bound surface with only part of the rear garden laid to chippings.

Flood and Coastal Defence Engineer – no objection and advises SUDS drainage be preferable.

Senior Planning Policy Officer – to be reported verbally.

Neighbour Representations

Three letters have been received in relation to this application, two from other nursery providers in the Whitehaven area and one from an adjoining neighbour.

The two nursery providers object to the proposal on the following grounds:

- Sustainability. There are already a number of childcare facilities within the local area none of which are full or have a waiting list. It appears there is sufficient capacity to meet demand for places. Increasing the number of places will mean reduced

attendance across the board putting jobs and nurseries at risk and reducing parental choice.

- Applicants currently own and operate a nursery in Cockermouth and query Local Authority (Cumbria County Council) contract relating to funding and charge of registration fees.
- One of the objectors is concerned that this will affect their nursery directly as a significant number of their customers are based at Westlakes. Will potentially affect staff numbers. They point out that they are only operating at 58% capacity.
- Concern that by allowing this nursery on the Park it will lead to other none science/ technological business being allowed to open.

The occupier of the neighbouring offices and car park to the north initially expressed the following concerns:

- Whilst they welcome the facility are concerned about the small number of parking spaces proposed. They point out that the site is between two fully occupied buildings and the Park's overflow car park so it is arguably the busiest traffic area and this will result in a lot more vehicle movements in this area.
- Concern that parents may park in their private car park adjacent which is fully utilised.
- During construction it will be noisy and there is concern for the safety of pedestrians – requires a sensible traffic management plan.

In response to the representations the following comments are offered:

The issue of economics and whether there is a need for a further nursery in the area, although noted, is not a material planning consideration, similarly the issue regarding funding contracts. What is material however, is whether such an ancillary use is appropriate in this location and this is debated further in the report.

As regards parking, negotiations have taken place with the applicants following the neighbour's concerns and has resulted in the provision of 8 dedicated spaces provided on the adjacent overspill car park for staff via an amended plan which leaves the spaces immediately in front of the nursery for drop off and pick up only. The issue of site safety during construction is not a planning matter and will be covered separately under the CDM regulations. The applicants are aware of the issue of pedestrian safety and have suggested this could be controlled by an appropriate condition. These revisions are considered to satisfactorily address neighbouring concerns.

Planning Policy

National Planning Policy Framework

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

In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy. Paragraph 21 stresses the importance of facilitating investment and that policies should be flexible enough to accommodate needs not anticipated in the plan as well as supporting flexible working practices.

The NPPF also recognises that planning has a social role in supporting strong, vibrant and healthy communities. This is emphasised in Section 8 and paragraph 69. Paragraph 70 identifies what planning should do to deliver the facilities communities need including ensuring that there is an integrated approach to considering the location of economic uses, community facilities and services.

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

Emerging Local Plan

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. The examination in public took place in April 2013 and it is envisaged that the document will be adopted in December 2013.

The Policies are a material consideration when determining planning applications although they cannot be afforded full weight until formal adoption they can be given greater weight now that the Inspector has issued his report following the Examination, particularly given the limited scale of objection to it and its consistency with national policy guidance.

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

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

ST 2: Spatial Development Strategy and ST 3 Strategic Development Priorities - outline the overall spatial and regeneration strategies for the Borough. Policy ST2; sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. It specifically identifies the Park as an existing major employment location in the Borough within this context.

ER6: Location of Employment – supports employment development in appropriate locations.

DM4: Westlakes Science and Technology Park – specifies the only uses that will be permitted on the site. This includes B1 and specifically sets out that only the higher education element of D1 will be allowed.

Copeland Local Plan

The NPPF initially allowed full weight to be given to relevant local plan policies adopted since 2004 for a limited period of 12 months even if there was a limited degree of conflict with it. The Copeland Local Plan 2001-2016, adopted in 2006, fell into this category. For determining applications post March 2013 the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. They are considered generally compatible and compliant with the NPPF. Accordingly these policies are given due weight in the assessment of the application.

In respect of this application key policies of the adopted Copeland Local Plan (the Plan) identified below remain relevant to the assessment of this application.

DEV 1: Sustainability and Regeneration. This requires all development to contribute to achieving sustainable regeneration of the Borough.

DEV 5: Development in the Countryside. This only permits development on existing employment sites in countryside locations.

DEV 6: Sustainability in Design. This advocates high quality sustainable design in all new developments.

EMP 1: Employment Land Allocation – allocates sites in the borough for future employment development and includes West Lakes Science and Technology Park.

EMP 2: West Lakes Science and Technology Park – this is the key policy governing development on the Park.

This states “Land with planning permission and land allocated for employment use has been identified on the proposals map as E1. Within this area development in Use Classes B1 and D1 will be permitted. Development must be designed to a high standard and make a positive contribution towards the high quality appearance of the Park.”

SVC 11: Education, training, health and other community facilities. This generally supports the development of new day nursery / childcare facilities subject to the requirements of other plan policies being met. Furthermore it states that it must involve sites related to the needs of the community and that can be served by a range of transport modes.

It should be noted that in the absence of an up to date adopted local plan that the NPPF’s policy guidance can take precedence. It could be argued that this applies in this case as we are in effect in the ‘interim period’ whereby the existing Copeland Local Plan policies are out of date and the ones in the emerging local plan, although gaining greater weight post Inspector’s Report, have yet to be formally adopted. In such circumstances the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against this policy framework or specific policies in the framework which indicate development should be restricted.

Assessment

Given the nature of the application the detailed policy context is considered important.

Copeland Local Plan Policy EMP 1 specifically allocates 19.12ha on the Park for employment purposes which includes the proposed development site, plot 2B. It also identifies permitted uses on the estate as being B1 and D1 with reference to EMP 2 which serves to

clarify these uses.

Whilst EMP 2 of the Plan confirms that D1 uses are acceptable on the Park, the preamble to the policy further clarifies the specific intention of this. Paragraphs 3 and 4 of 5.2.15 of the Plan in particular are relevant as it states that all new uses will be restricted to B1 and that D1 uses refer specifically to permitting development associated with higher education only as an exception.

SVC 11, on the other hand, which advocates community services such as day nurseries could potentially support the development of a nursery on the site as an ancillary use as an exception to Policy EMP 2. It would need to be demonstrated that the site is well related to the intended community it is designed to serve i.e. employees on the Park and are or can be accessed by a range of transport modes.

Notwithstanding the above, It can be argued however that the Emerging Local Plan Policies now carry greater weight than the existing Copeland Local Plan policies above given that the Inspector's Report has now been issued. But caution is required here as the emerging plan has yet to be formally adopted. Significant weight therefore would also have to be attributed to the guidance contained in the NPPF during this interim period. In the context of the NPPF this presumes in favour of development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The key Policies of the emerging plan; ST2 and ER6 of the Core Strategy reinforce and endorse the policy approach of the Copeland Local Plan by identifying the Park as a strategic employment site which will be promoted as the focus for a knowledge campus of international significance in line with the requirements of Development management policy DM4. This policy specifies the acceptable ancillary uses for the site within D1 being restricted to higher education.

As such the development of a children's nursery on the site under these policies would be precluded. That said the proposed use would be acceptable if it could be demonstrated that the scale and nature is ancillary to the function of the business park so that it can be considered to represent an exception to policy.

In order for a day nursery to be supported on the site therefore, it would have to be considered as an exception to policy as an ancillary use, but this would need to be clearly justified.

The case put forward to support this resubmission is noted. This indicates that there is evidence in historical documentation relating to the Park's development that demonstrates there has been some previous intention to permit limited ancillary uses which has transformed into formal development on the site. However, restricting such a use via a separate legal agreement is not considered feasible and is not practised elsewhere on such Park's. It is acknowledged in practice this would be unworkable but it would mean there would be no formal control over the facility. As an indication of the intent to exercise appropriate control over the development as being ancillary however the applicants for this application are the Park providers as opposed to a private individual.

Taking the above into account and the fact that the current policy context gives supremacy to the guidance contained in the NPPF, and that this submission goes some way to addressing the previous grounds of refusal, it is considered on balance that the proposal should now be supported.

It is clearly necessary to give weight to the guidance provided through the NPPF relating to the policies with the Copeland Local Plan. Policies within the Core Strategy can be given considerable weight, particular if the Council meeting which precedes this meeting of the Planning Panel agrees to the adoption of the Core Strategy. The decision for Members should be focused on the extent to which the proposed nursery can be considered to be ancillary to the operation of the science park. As noted above it is very common to find operations of this kind on science and business park sites. It is clearly the ambition of the science park operators to support the delivery of facility which increases the attractiveness of the park to existing and prospective operators. There is limited scope for formal planning control and it is accepted that the proportion of science park to non-science park related use remains a relevant subject for debate. It is concluded however that the additional information relating to the intended operation and the scope to defend a refusal at appeal reinforce the basis for the officer recommendation of approval.

Recommendation:-

Approve

Conditions

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

Reason

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

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Design and Access Statement, Revision 2, by Ashwood Design Associates Ltd, October 2012 received 5 August 2013.
 - Planning Statement, by MJN Associates, July 2013, received 5 August 2013.
 - Arboricultural Constraints Report, by APM Consultancy, November 2012, received 5 August 2013.
 - Location Plan and Existing Block Plan / Survey Plan, drawing no 1472 11, scale 1:1250 & 1:100, received 5 August 2013.
 - Proposed Plans, Elevations Shed Plans & Elevations & fence details, drawing no 1472 12 Rev A, scale 1:100 & 1:50, received 5 August 2013.
 - Proposed Site Plan, drawing no 1472 13 Rev B, scale 1:100, received 5 August 2013.
 - OS Location Plan, drawing no 1472 15, scale 1:1250, received 5 August 2013.
 - Amended Proposed Block / Roof Plan, drawing no 1472 12 Rev B, scale 1:100, received 15 October 2013.
 - Use of Nurseries/Creche Facilities on UK Science Parks, Supplementary Information to Planning Statement, by MJN Associates, dated October 2013, received by email attachment 15 October 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. No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall provide details of adequate protection measures for the retained trees / hedges during construction including the erection of fencing and any specialist construction methods undertaken in accordance with British Standard BS 5837:2012. The development shall be carried out in accordance with the approved method statement.

Reason

To adequately protect the existing trees and hedges on site which are considered worthy of retention.

4. Before the development is brought into operation, details of a traffic management scheme to give pedestrian priority shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained thereafter.

Reason

In the interests of pedestrian safety.

5. Dedicated staff car parking shall be provided and brought into use in accordance with the details shown on the amended block plan, drawing no 1472 12 Rev B, received on 15 October 2013, prior to the operation of the Nursery development hereby approved. The approved parking spaces shall be maintained at all times thereafter.

Reason

In the interests of highway safety.

6. 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.

Informative

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

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

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

Statement

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

ITEM NO: 3.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/12/2013

Application Number:	4/13/2316/001
Application Type:	Outline : CBC
Applicant:	Mr C Tyson
Application Address:	LAND ADJACENT TO THORN BANK, ARLECDON ROAD, ARLECDON, FRIZINGTON
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF ONE DWELLING (RE-SUBMISSION)
Parish:	Arlecdon and Frizington
Recommendation Summary:	Approve subject to S106



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INTRODUCTION

This application relates to a plot of land on the western edge of Arlecdon which is currently in use as a domestic allotment. Although the land adjoins an existing dwelling it is under separate ownership and has no link to this property.

The land is bound by an existing hedgerow and has a vehicular access onto Arlecdon Road.

PROPOSAL

Outline planning permission is sought for the erection of a detached dwelling on the site for a local person. The applicants agent has clarified in the Design and Access Statement which accompanies the application that the dwelling would be designed to blend with the existing residential properties within the locality in terms of scale, massing and appearance. The existing entrance would be used to serve the plot.

The application is accompanied by supporting information which sets out the justification for the dwelling in terms of local housing needs. In summary this statement makes the following points:-

- The site is well related to the built form of the village as it lies immediately adjacent to the development boundary for Arlecdon. It would provide a continuation of the row of existing bungalows.
- The applicant was born and bred on Arlecdon Road and attended the local school. His parents still live on Arlecdon Road. He wishes to live near to his aging parents to offer support and care. Medical evidence has been submitted to verify that his parents require additional care.
- The applicant has good social ties with the Arlecdon community. He attends the local church and is actively involved in many of the events that are run in Adams Hall. The applicant currently assists with training the Arlecdon junior rugby team and is a member of the local darts team. He has also just completed a sponsored cycle ride to raise funds for the Adams Hall.
- The applicant currently lives in Asby which has no facilities or public transport. Arlecdon would provide a more sustainable location to build a new home and start a family. The village currently has a range of local facilities and essential infrastructure including a village school, shop and PO, village hall, public house and public transport links. It is also located on the cycle track network providing easy access to Whitehaven.
- The land is under the applicant's ownership and therefore would not involve any financial outlay in securing the site. The applicant's father in law is a builder which will ensure that the construction is completed at a realistic cost.
- If permission is granted for a dwelling on this site the applicants existing house would be released onto the housing market at an affordable price and this will provide the finance to build the new house. The applicants agent has indicated that a locally employed person has already made an offer on the property which has recently been valued at around £125,000
- The applicant agent has indicated that his client is prepared to accept a Section 106 Agreement to limit the occupancy of the new dwelling to local persons.

PLANNING POLICY

National Planning Policies

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

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

Paragraph 49 clarifies that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 54 sets out that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

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

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

Local Planning Policies

The adopted Copeland Local Plan 2001-2016 seeks to achieve sustainable forms of development, as required under the overarching policy of the Plan, Policy DEV 1

'Sustainable Development & Regeneration'. Policies DEV 2 and DEV 3 designate the key and local service centres where development should be focussed.

Arlecdon is listed under Policy DEV 3 as a Local Centre where small scale residential development may be appropriate.

Policy DEV 4 defines a development boundary for the village. The application site adjoins but falls outside this boundary.

Policy DEV 5 only permits development outside the defined development boundaries as an exception to meet local needs.

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

Policy HSG 5 only permits housing outside settlement boundaries where they are required to meet exceptional circumstances arising from local social and economic conditions and will be subject to occupancy restrictions.

Policy HSG 11 permits affordable housing to meet a proven local need in rural areas. It does require any dwelling to be on a site within or immediately adjoining a village and well related to its physical form and specifies that the applicants would have local ties to the village and have genuine difficulty in finding an otherwise acceptable site.

Emerging Local Plan

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. The examination took place in April 2013 and the Inspectors report was issued 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.

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

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

The Copeland Local Development Framework Core Strategy and Development Management Policies designates Arlecdon/Rowrah as a Local Service Centre in the settlement hierarchy for the Borough. In respect of housing, the type and scale of development which is preferred in these Local Service Centres is described as being:

“Within the defined physical limits of development as appropriate: possible small extension sites on the edges of settlements; housing to meet general and local needs; affordable housing windfall sites”

The Strategic Housing Market Assessment Final Report highlights that the total net requirement for affordable housing in Arlecdon/Rowrah up to 2015 is 7 units.

CONSULTATION RESPONSES

Parish Council

No objections providing that there is a genuine local need within the guidelines outlined in the NPPF. The additional supporting information that has been submitted to justify the proposal has been sent to the Parish Council to allow them to comment specifically on the issue of local need. Any response received will be reported at the meeting.

Senior Planning Policy Officer

Based on the information supplied I am satisfied that the applicant has sufficiently demonstrated a case for the local needs dwelling as an exception to planning policy. This is because:

- The site sits immediately adjacent to the settlement boundary of the Local Centre (Arlecdon), most of which is currently in use as an allotment
- The applicant has highlighted their local connection to Arlecdon, both in terms of employment and family ties
- The applicant understands the nature of local needs housing and is willing to enter into a local occupancy agreement to ensure it remains available to local people in the future.

Highways Control Officer

No objections from a highway point of view subject to a condition which reserves all matters relating to the layout of the site, the means of access, parking and turning are reserved for approval at the detailed planning stage. The applicant will need to ensure any visibility splays are suitably protected.

United Utilities

No objections. The site must be drained on a separate system with only foul drainage connected into the foul sewer.

Other

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

- There is an existing parking problem on Arlecdon Road which causes access and visibility problems to both pedestrians and motorists.
- The existing earth bund and hedgerow along the road frontage should be retained. If it is removed it will have an effect on the rural character of the village.
- Is it necessary to allow the use of undeveloped land when there are several areas of brown field/previously developed land within the settlement boundary which are in need of development.
- Surface water drainage may affect the adjoining property
- Potential overlooking from windows/doors/roof windows/ balconies and patios.

ASSESSMENT

This site falls outside the defined development boundary for Arlecdon. Local Plan policies seek to protect the open countryside and consequently new dwellings are only permitted outside village boundaries as an exception where there is a clear justification.

The new NPPF encourages Local Planning Authorities to be responsive to local circumstances, especially where they will enhance or maintain the vitality of rural communities. The emerging policies of the Core Strategy and Development Management policies are consistent with the NPPF in that housing proposals to meet the needs of the local community can be supported where the applicant has genuine local ties to the village, the site is within or immediately adjacent to the village and it would be well related to its built form in terms of scale and character.

The applicant has close family ties to the village and community and medical evidence has been submitted to verify that the applicant's parents require additional care and support. The erection of a dwelling on this site will allow the applicants to move from their existing dwelling in Asby to a larger settlement which is more sustainable in terms of the choice of local facilities and transport options available. It will also free up his existing house which will be sold off.

The site is well related to the physical form of the village and lies on the edge of the designated development boundary. It lies adjacent to a row of existing bungalows, is defined by an existing hedgerow and has an existing entrance onto Arlecdon Road. In this location the development of the site would "round off" this part of the village.

Any proposal for local needs housing has to be thoroughly scrutinised to ensure that adequate justification exists to permit an "exception" to normal policy. To permit a dwelling without sufficient justification would set a dangerous precedent that could be repeated elsewhere within the Borough.

In this instance, based on the information that has been submitted, the applicant's case is considered to have some merit. The local need for a dwelling has been clearly evidenced and the site meets the criteria set out in the Core Strategy in terms of its relationship to the built up form of the existing village.

The Copeland Strategic Housing Market Assessment (SHMA) 2011 identifies a local need for affordable housing within the Parish. Consequently it is appropriate to ensure that any new development outside the designated development boundary is restricted to meet this need.

If Members accept the recommendation then it is appropriate to control the occupancy of the dwelling to reflect the local need by way of a Section 106 Agreement.

Recommendation:-

Approve in outline subject to a Section 106 Agreement and the following conditions:-

Conditions

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

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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

Or

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

Reason

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

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: 4.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/12/2013

Application Number:	4/13/2323/0F1
Application Type:	Full : CBC
Applicant:	Mr P Holywell
Application Address:	LAND TO REAR OF 108 MAIN STREET, HAVERIGG, MILLOM
Proposal	CONSTRUCTION OF A TWO STOREY DETACHED DWELLING
Parish:	Millom
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to an area of garden land to the rear of Main Street in Haverigg. The site is accessed from St Luke's Road and along an unmade lane that runs to the north of St Luke's Church and serves a neighbouring property and agricultural field to the west.

Running along part of the southern site boundary is a dense hedgerow, part of which has been removed to allow access into the site.

PROPOSAL

Planning permission is sought for the erection of a detached dwelling towards the southern end of this site. The northern section of the garden will be retained by the existing terraced house.

The following information has been submitted with the application:-

- detailed layout and elevation plans to illustrate the proposed development
- detailed cross sections
- a design and access statement
- a flood risk assessment
- an ecological scoping survey report

The proposed dwelling will take the form of a two storey detached house incorporating a single storey porch and covering a floor area of 77.09 square metres.

Access will be achieved from the existing unmade lane which runs to the south. This will lead onto a surfaced parking/turning area.

The submitted layout shows the house being positioned 7.4m from the site frontage, 9.2m from the new northern boundary and at its closest point 2.5m and 1.0m from the east and west boundaries respectively. From corner to corner, the proposed dwelling would be 11.6m from Kintail Cottage, the closest neighbouring property situated to the immediate east.

Design wise, the house is to be faced with roughcast render and will have a grey tiled pitched roof and random stone faced porch. It has been designed to take account of the change in levels across the site and a cross section has been submitted to illustrate this.

CONSULTATION RESPONSES

Highways Authority

No objections from a highway point of view. The Council may want to consider agreeing a construction method statement to ensure the access lane remains unobstructed whilst the dwelling is built to minimise inconvenience to other users of the lane.

Millom Town Council

Strongly recommend a site visit due to apparent discrepancies in the plans and concerns regarding access and egress from the site. Following consultation on amended plans, they maintain their view.

United Utilities

Raise no objections and recommend that if possible, the site should be drained on a separate system with only foul drainage connected into the foul sewer. They also encourage the applicant to investigate the feasibility of draining surface water in line with the hierarchy outlined in Building Regulation H3 where surface water is drained in the most sustainable

manner, for example, via an adequate soak away or some form of adequate infiltration system; or where that is not reasonably practicable via a watercourse.

Natural England

Statutory nature conservation sites – no objection.

This application is in close proximity to the Duddon Estuary Site of Special Scientific Interest (SSSI). Natural England advises the Council that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Duddon Estuary has been classified.

Protected species – no objections.

Based on the information provided, the proposed development would be unlikely to affect any European Protected Species. We have not assessed the survey for badgers, barn owls and breeding birds², water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

Biodiversity enhancements - this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Landscape enhancements - this application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Environment Agency

Direct consultation with the Environment Agency is not required for this application as their Flood Risk Standing Advice is applicable.

Other

There is strong local opposition to this application with eleven letters of objection having been received from neighbour property owners and the Church Warden. The grounds for objection can be summarised as follows:-

1. Overlooking/loss of privacy - the development will result in an invasion of privacy and loss of view from existing dwellings. Likewise, because of its position and proximity the house would overlook the church and churchyard and so spoil the ambience of the church.
2. Overshadowing/loss of light – the height and proximity of the proposed dwelling will cause significant overshadowing of adjacent gardens and windows resulting in an unacceptable impact on the occupier's ability to use their gardens and homes to their full extent. May also impact on the effectiveness of existing solar panels.

3. Not in-keeping – a large two storey house is not in keeping with the other residential dwellings which include traditional terraced houses along Main Street and bungalows along St Luke’s Road.
4. Site layout – the proposal goes against Policy DEV 6 of the Local Plan as the house does not align with other properties in the area in terms of the plot size, housing design and density.
5. Separation distances set out in Policy HSG 8 of the Local Plan will not be met. The east elevation will have two windows which directly face the main bedroom and conservatory of Kintail Cottage. Windows in the north elevation will directly overlook the garden of Kintail Cottage and having sight into the living room and upstairs bedroom.
6. Scale – at 9m high the house will be substantially higher than the immediate neighbouring properties, including Kintail Cottage and will have an overbearing impact on this property and its garden being visible from several rooms, the conservatory and garden.
7. Access - access would be via St Luke’s Road and then a narrow private lane. The submitted drawing distorts the width of the private lane showing it to be 12.5 metres wide, when in reality it is 4.7 metres, narrowing to 3.0 metres.
8. The applicant has no legal right of access along the lane.
9. Traffic increase - the development will increase traffic along St Luke’s Road an unmade, narrow private lane. There are already 16 dwelling on St Luke’s Road with upwards of 20 vehicles using this un-adopted road each day in addition to commercial traffic, church visitors, dog walkers and people visiting the beach. The surface is uneven, has many potholes and in desperate need of resurfacing. Extra traffic, including construction traffic, would cause further deterioration without financial responsibility.
10. Safety concerns – additional traffic presents increased danger, hazardous to young children and vehicles reversing due to narrowness and limited view. It may also impact on emergency services.
11. Flooding/drainage – the dwelling is within a flood zone and will have a direct impact on the neighbouring garden and private lane due to increased run-off. The Flood Risk Assessment makes no reference to the preferred option to discharge to a soakaway.
12. Services - gas, water, electricity and telephone services run under the lane. Increased traffic, particularly heavy construction traffic would contribute to structural strain on these services

13. Turning the few remaining allotments in the village into concrete bases for houses should not be allowed. The development is going to swallow up garden land taking away wildlife and impacting on biodiversity.
14. The design does not afford adequate privacy for the occupiers of existing dwellings and allotments and is in breach of the Human Rights Act.
15. Overshadowing will impact upon fruit trees and favoured vegetable plot site.
16. Discrepancies within the application form, Design and Access Statement, Flood Risk Assessment and on the submitted plans.
17. The Design and Access Statement is misleading as the applicant's daughter and partner already own a property in the neighbouring village Silecroft and cannot be judged as first time buyers. This cannot be judged as providing affordable housing.
18. Works have already commenced. A point of access from the site to the lane was created during the week commencing 12 August 2013.
19. The proposal conflicts with local and national planning policy contained within the National Planning Policy Framework, adopted Copeland Local Plan and the Core Strategy and Development Management Policies DPD.
20. Garden land is now considered by PPS3 to be Greenfield or previously undeveloped which goes against Policy DEV4 of the Local Plan.
21. The proposal goes against the SHLAA which identified that existing sites with planning permission can meet housing need such as that at Poolside with permission for 81 dwellings.

Following consultation on amended plans, letters have been received from four of the neighbouring property owners who maintain their initial objections.

PLANNING POLICY

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and includes a presumption in favour of sustainable development. The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies a social role as one of the three dimensions to sustainable development. It defines a social role as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations. Good design and high standards of residential amenity are also advocated.

In terms of housing, paragraph 49 clarifies that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 50 requires Local Planning Authorities to deliver a wide choice of high quality homes to meet the needs and demands of the community.

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

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

Paragraph 64 clarifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

Copeland Local Plan 2001-2016

The adopted Copeland Local Plan seeks to achieve sustainable forms of development, as required under the overarching policy of the Plan, Policy DEV 1. Policy DEV 3 designates Haverigg as being one of the Boroughs local centres where small scale development which helps sustain local services should be focussed. Policy DEV 4 identifies a development boundary around Haverigg which indicates a physical limit to development appropriate for this settlement, likewise, it sets a preference for the development of brownfield sites.

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

Policy HSG 4 permits housing redevelopment within settlement boundaries.

Policy HSG 8 sets out the design criteria for all new housing within the Borough. Amongst other things, it advocates certain separation distances between dwellings, including a minimum of 21.0m between face elevations containing habitable room windows.

Policy ENV 5 presumes against allowing development which would have an adverse effect upon the conservation interest of any site supporting protected species.

Policy ENV 16 presumes against allowing development where there is an unacceptable risk of flooding; an increased risk of flooding elsewhere or where the development would cause interference with or loss of access to a watercourse.

Emerging Local Planning Policies

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production, following a Public Examination in April.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Now that the Inspector has issued his report following the Examination, greater weight can be attached to these policies, particularly given the limited scale of objection to the Strategy and its consistency with up to date national policy guidance. The document is currently due to be adopted in December 2013.

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

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

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

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

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

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

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

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

ASSESSMENT

The site lies within the development boundary for Haverigg one of the Boroughs Local Centres where small scale residential development is permitted.

Policy DEV 4 of the adopted Local Plan gives a presumption in favour of development within the development boundary. However the policy does give preference to the re-use of existing buildings and then previously developed land before Greenfield land is considered, which is also echoed in the NPPF and emerging Core Strategy.

Prior to the introduction of the NPPF government advice set out in the revised PPS 3 changed the definition of garden land from previously developed to green field land. Whilst this does not preclude development within the development boundary it does seek to readdress the balance between the efficient use of land and its impact on character and amenity.

Character and appearance

One of the key issues this application raises is whether the erection of a dwelling within the garden area of an existing property would have an adverse effect on the character and appearance of the area.

The built form locally consists of a strong frontage development along Main Street coupled with lower density development to the rear. In this respect, many existing properties occupy what could be classed as 'backland' locations including Kintail Cottage to the immediate east, Pennyfield to the southwest and properties on Glencoe Close to the west. Consequently, development of this site for a single dwelling, which fronts an established access lane, would not disrupt the existing built form and is considered unlikely to have a significant adverse effect on the character of the area.

Additionally, there are a variety of property styles within the immediate locality including traditional two storey terraced houses along Main Street, bungalows and dormer bungalows along St Luke's Road, together with St Luke's Church to the south. In this respect, a traditionally styled house with pitched roof, rendered walls and random stone detailing is not considered to be uncharacteristic of this area.

Scale

The proposed dwelling is considered to be modest in scale and has been designed to take into account the height and massing of existing dwellings including the two storey terraced houses along Main Street and the detached dormer bungalow to the east, as illustrated on the submitted cross section. In order to limit the impact on adjoining residential properties and their private outdoor amenity spaces, the overall height of the proposed house has been reduced by 1.5m, just 0.38m higher than the closest neighbouring property Kintail Cottage.

Layout

The submitted layout is considered to be acceptable and would meet the requirements set out in Policy HSG8 of the adopted Local Plan and emerging Development Management Policy DM12 thus limiting any adverse impact in terms of overlooking. The position of the house has been amended to move it 1.0m further west within the site. As a result, the house would be 11.6m from the Kintail Cottage, when measured from corner to corner.

Whilst compliance with separation distances is disputed, it must be stressed that the 21.0m separation distance set out in the above policies relates specifically to 'directly facing elevations' and not those positioned at oblique angles, as would be the case here.

Likewise, notwithstanding the presence of an existing close boarded timber fence which runs along the shared eastern boundary, ground floor windows in the eastern gable have been omitted to ensure there will be no direct overlooking of the private garden space serving Kintail Cottage. The only window within this gable would be a small bathroom window at first floor level which would be fitted with obscure glazing. In any case, a condition could also be attached to the grant of planning permission removing permitted development rights to control the provision of future openings on this elevation of the house.

The erection of additional solid timber fencing to the north and west will further help to define the boundary of the site and also provide greater protection of privacy.

Access/traffic

One of the main issues raised locally is the use of St Luke's Road and the existing lane to the south to access this development. Whilst it is understood that neither of these are adopted

highways, this is not a basis on which to refuse planning permission. One additional dwelling is unlikely to generate a significant increase in traffic and the Highways Authority has raised no objections to the proposal. Whilst it is inevitable that there will be some disturbance during construction, this can be actively managed by agreeing a construction method statement prior to development commencing to ensure the access lane remains unobstructed whilst the dwelling is being built to minimise inconvenience to other users of the lane.

Whether or not the applicant has a legal right to use this access lane is not a material planning consideration.

Drainage/flooding

This site lies within Flood Zone 2 (medium vulnerability) and accordingly the application is accompanied by a Flood Risk Assessment. The development is classed 'more vulnerable' and in accordance with the NPPF this vulnerability classification is appropriate in this zone. In accordance with the Environment Agency's Standing Advice the finished floor level of the lowest habitable room has been raised by 300mm to ensure it will be 600mm above the 1 in 200 annual probability sea flood in any year.

Whilst United Utilities have raised no objections to the proposal, they suggest that the applicant investigate the feasibility of draining surface water in line with the hierarchy outlined in Building Regulation H3 where surface water is drained in the most sustainable manner. In response to this the applicant's agent confirms that it would be the applicant's preference to take the surface water to the combined sewer but if required it will be possible to use a soakaway system. Likewise, they also point out that hard surfaces will be permeable and the house will be set down at a slightly lower level than the access lane, and as such, there is unlikely to be any additional runoff as a result of this. In any respect, a suitably worded condition could be imposed on the grant of planning permission which requires a drainage scheme to be agreed with the Local Planning Authority before development commences.

Biodiversity

In response to concerns raised regarding biodiversity the applicants have commissioned an ecological scoping survey and a subsequent report has been submitted and forwarded to Natural England who raise no objections. Notwithstanding this response, and whilst the site is not the subject of any specific landscape or wildlife designations, the scheme has been amended to incorporate the use of bat slates in the roof and two nest boxes on the east facing elevation as recommended by Natural England.

Discrepancies

A number of concerns have been raised over the accuracy of the submitted documents, including the Design and Access Statement and it is suggested that certain statements are misleading including, for example, the circumstances of the applicant and the need for a local needs/affordable home. The content of any application for planning permission lies with an applicant and his/her agent. Whilst applications need to be on prescribed forms and cover specific issues to be properly considered, the applicant is entitled to make submissions in support of a proposal as he/she sees fit. Information is presented to others as it is received and it is not for the Local Planning Authority to edit such information even when others may consider that submissions do not necessarily aid the applicant's case.

CONCLUSION

On balance this is considered to be an acceptable proposal for this site which is located within the designated development boundary for Haverigg.

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:-
 - Elevations, drawing no. R1119-P-003 Rev E, received on 26 November 2013.
 - Section, drawing no. R1119-P-002 Rev C, received on 22 October 2013.
 - Ecological Scoping Survey Report, Ref C355 R01, prepared by Lloydbore, dated September 2013, received on 18 October 2013.
 - Plans, drawing no. R1119-P-001 Rev D, received on 26 September 2013.
 - Flood Risk & Drainage Statement, Ref RO/13004 Version 2, prepared by Ross Oakley, RWO Associates dated July 2013, received on 8 August 2013.

- Design and Access Statement received on 8 August 2013.

Reason

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

3. Notwithstanding the details illustrated on drawing no. R1119-P-003 Rev D 'Elevations' received on 22 October 2013, the first floor bathroom window in the east facing side elevation of the house hereby approved shall be fitted with obscure glazing and so maintained thereafter.

Reason

In the interests of residential amenity.

4. Before any of the superstructure is erected full details of all materials to be used on the external surfaces of the development, including parking surfaces, 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. Notwithstanding the details illustrated on the block plan, drawing no. R1119-P-001 Rev D received on 26 September 2013 full details of the proposed boundary treatments to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the dwelling hereby approved the boundary treatments shall be constructed in accordance with the approved details and so maintained thereafter.

Reason

To ensure the provision of a satisfactory boundary treatment.

6. The development shall implement all of the mitigation and compensation measures set out in the Ecological Scoping Survey Report (Ref: C355 R01) prepared by Lloydbore, dated September 2013, received on 18 October 2013 and illustrated on drawing no. R1119-P-003 Rev E 'Elevations' received on 26 November 2013 and submitted as part of the planning application. These measures shall be maintained at all times following their implementation.

Reason

To protect the ecological interests evident on the site.

7. Prior to the commencement of development a scheme for surface water and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approval details. The development shall be completed, maintained and managed in accordance with the approved details.

Reason

To ensure the provision of a satisfactory drainage scheme.

8. A Construction Method Statement shall be submitted for approval by the Local planning Authority in consultation with the Highway authority prior to the works commencing on site. The approved Statement shall be adhered to throughout the construction period. The Statement shall include:

- the means of access for construction traffic;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- the storage of plant and materials used in constructing the development;
- measures to prevent silt and other contaminants entering surface water drains; and
- a scheme for recycling/disposing of waste resulting from construction works.

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

Reason

For the avoidance of doubt and to ensure that the proposed development of the site is managed to avoid disturbance and inconvenience to local residents and road users.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings / buildings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity.

Informative

United Utilities have requested, if possible, that the site be drained on a separate system with foul drainage only connected into the foul sewer in order to ensure a satisfactory drainage scheme.

Statement

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

ITEM NO: 5.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/12/2013

Application Number:	4/13/2379/OF1
Application Type:	Full : CBC
Applicant:	Mr J Gate
Application Address:	FIELD 4886, NEAR WINDER, NORTH OF FRIZINGTON
Proposal	BELOW GROUND RECEPTION TANK FOR RUN OFF WATER AND SLURRY FOR WINTER STORAGE
Parish:	Arlecdon and Frizington
Recommendation Summary:	Refuse



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INTRODUCTION

This application relates to field number 4886, an area of agricultural land which lies between Frizington and Winder. This land forms part of the applicants existing agricultural holding which comprises land to the east of Frizington, which extends in a north easterly direction towards Winder. The applicant also currently owns and uses some agricultural buildings on the edge of the village, known as Lonsdale Farm.

PROPOSAL

Planning permission is sought for the construction of an open structure on the site which will be used for the storage of slurry and run off water. It is proposed to be 22.0m x 22.0m with sloping sides narrowing to a base of 10.0m x 10.0m in size and will be lined with clay. The overall depth of the structure is to be 3 metres below ground level. A 1.5 metre high bund is to be constructed around its perimeter to provide an enclosure to stop excess run off. The bund will be surfaced with top soil.

Access to the site is to be achieved off a private access road which lies to the North West and which serves Eskett Quarry. The private road joins onto the A5086 to the north of the site.

The site lies approximately 480 metres to the west of the nearest dwellings in Frizington.

To the east of the agricultural land is the linear group of dwellings running north to south along Skelsceugh Road in the hamlet of Winder, separated from the site by the quarry road and a line of mature trees which were planted following the quarry road was constructed. The properties along Skelsceugh Road are 320m from the site at the nearest point. There is also a group of terraced dwellings to the north of the site fronting onto the A5086 called Waterloo Terrace, which are 550m away from the site.

No other information has been submitted with the proposal with regards to the existing farm situation or future farm management plans for this area of land.

A separate application for the erection of a general purpose agricultural building on land adjacent to this proposal has also been submitted by the applicant. This application is included on the agenda as a separate item (Planning Application 4/13/2406/OF1 refers).

CONSULTATION RESPONSES

Cumbria Highways and United Utilities have both raised no objections to the proposed development.

The Environment Agency have objected to the application on the grounds that as submitted the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water and groundwater quality can be safely managed and recommend that the application be refused.

The reasons for this are as follows:

1. We understand that the proposal is for a clay lined slurry lagoon and not a below ground reception tank as indicated on the application form and supportive documents.
2. The applicant has provided no supportive information with the application to demonstrate if the ground conditions are suitable for the slurry lagoon. We have provided advice and guidance to the applicant on what testing they needed to undertake to demonstrate that ground conditions were suitable for the slurry lagoon and advised the applicant to undertake these prior to applying for planning, this included demonstrating that there was sufficient clay below the base of the lagoon and undertaking testing of the clay to demonstrate that it was suitable. We understand that no clay testing has been undertaken and have received no information if there is sufficient clay below the base of the lagoon.
3. The applicant has not supplied any information on how slurry is to be transferred from the farm buildings to the lagoon approximately 800 metres from the farm. If slurry is to be pumped the applicant will need to provide information on what safeguards will be in place to protect the three water courses which cross the fields between the farm buildings and the proposed lagoon.

The Council's Environmental Health Manager has raised an objection to the proposed development. The reasons for the objection are:

1. Nuisance – slurry storage, activities to deliver slurry for storage and removal of slurry for land spreading will cause odour nuisance. The application does detail how nuisance to properties in Frizington and Winder which are within a 300 – 500 metre radius of the proposed site and properties in Arlecdon will be prevented particularly as the prevailing wind is in the direction of properties in Winder and Arlecdon.

As an example of how nuisance control and protecting the local amenity has not been considered the slurry tank design submitted does not detail that a floating cover or roof to reduce odour and ammonia emissions will be used as recommended in Protecting our Water, Soil and Air - a code of good agricultural practice for farmers, growers and land managers (DEFRA - Department of Environment Food and Rural Affairs).

2. Health Impacts – there is a potential for bio hazards from bio aerosols and other sources of contamination from slurry movement, manure storage and spreading to land. The application does not detail how bio hazards will be controlled. A report from Public Health England on health impacts is awaited following a site visit on 19th November 2013 and will be submitted separately.
3. Land drainage disruption and water course impacts - there is a ditch adjacent to the proposed location site for the below ground tank which has land drainage discharge points. The plan does not detail land drainage arrangements on the site and does not indicate how land drainage disruption will not take place.
4. Environmental impacts – there is a potential for environmental impacts from the storage of slurry and waste water. Taking into consideration the Environment Agency Fact sheet 5: for farmers – Earth bank slurry stores and tanks the application does not detail how environmental impacts will be controlled and does not include the following information:

Suitability of the soil – soil testing by an approved soils laboratory to meet BS 1377 (method of tests for soils for civil engineering purposes) is required to demonstrate that the soil is impermeable and stable

Details of the water table levels – sites with high water tables should not be selected

The tank construction does not detail the legal requirement of a freeboard level of 750 mm

Consideration of rainfall on tank selection size

The objection has taken into consideration odour complaints from slurry movements and pig housing at Lonsdale Farm, Main Street Frizington which the applicant operates. Investigation of these complaints established that a statutory nuisance from odour existed. An abatement notice to control odour was served in August 2012 and although there have been some actions to comply with the notice the odour nuisance remains leaving Copeland with no alternative but to consider prosecution for failure to control odour.

This application has received a large amount of public interest, including the receipt of 979 letters of objection (948 of which are on a proforma sheet).

The concerns raised are as follows:-

- The smell from the slurry will be unacceptable to local residents;
- The proposed development would affect property prices if approved;
- The smell could affect the children at the local school;
- There is potential for the release of gases from the development which is unacceptable to the local environment;
- The slurry could run off in to local water courses;
- The development could cause health problems for local residents;
- The proposal does not comply with the requirements of policy ENV 43 of the adopted Copeland Local Plan 2001 – 2016;

In addition, Arlecdon and Frizington Parish Council have raised an objection to the proposal, due to the smell and the possibility of toxic fumes which could be harmful to the health of residents. They also have concerns that the spreading of slurry in such large quantities over the land may cause seepage into the local water courses which would be harmful to the local environment and wildlife.

PLANNING POLICY

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and includes a presumption in favour of sustainable development. Supporting a prosperous rural economy, requiring good design and conserving and enhancing the natural environment are encouraged as part of this goal of achieving sustainable development.

- Supporting a prosperous rural economy

Paragraph 28 seeks to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Likewise, it seeks to promote the development and diversification of agricultural and other land-based rural businesses.

Paragraph 61 requires planning decisions to address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 64 clarifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In addition to the above the NPPF includes a set of 12 core land-use planning principles which should underpin plan-making and decision-taking. Amongst these principles planning should:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.
- contribute to conserving and enhancing the natural environment
- encourage the effective use of land by reusing land that has previously been developed.

The NPPF requires proposals to be determined in accordance with the development plan unless material considerations determine otherwise. It allows full weight to be given to relevant local plan policies until March 2013. The Copeland Local Plan 2001-2016, adopted in 2006, falls into this category. In respect of this application key policies of the adopted Copeland Local Plan identified below remain relevant to the assessment of this application.

Copeland Local Plan 2001-2016

DEV 1 'Sustainable Development and Regeneration' requires all development to be sustainable and comply generally with the Local Plan's aims and objectives.

DEV 5 'Development in the Countryside' seeks to protect the quality and character of the wider countryside and sets out the types of development that will be permitted outside the defined Key Service and Local Centres.

DEV 6 'Sustainability by Design' advocates a sustainable form of design being achieved in all new developments. Amongst other things, DEV 6 requires development to show a high standard of design where building scale, density and proportion, landscaping and overall layout contribute to creating or maintaining a strong sense of place; by design and choice of location creates or maintains reasonable standards of general amenity and avoids the loss or damage to important landscapes or open spaces.

Copeland Core Strategy and Development Management Policies

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production, following a Public Examination in April.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Now that the Inspector has issued his report following the Examination greater weight can be attached to these policies, particularly given the limited scale of objection to the Strategy and its consistency with up to date national policy guidance. The document is currently due to be formally adopted in December 2013.

Policy ST1 'Strategic Development Principles' sets out the fundamental principles that will achieve sustainable development. Amongst other things, it seeks to ensure that development retains or enhances locally distinctive places, improves build quality and achieves efficient use of land and ensures development provides or safeguards good levels of residential amenity.

Policy ST2 'Spatial Development Strategy' sets out a spatial development strategy whereby development should be guided to the principle settlements, other centres and should sustain rural services and facilities.

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

Policy DM11 'Sustainable Development Standards' seeks to ensure that development proposals reach high standards of sustainability.

Unlike the adopted Copeland Local Plan, the emerging Development Management Policies DPD introduces a policy specifically related to rural buildings. Policy DM30 'Rural Buildings' states that proposals for new agricultural buildings will be permitted so long as they:

- (a) Are well related to an existing settlement or farm building complex, or where this is not possible or appropriate are accessible and well screened.
- (b) Are of an appropriate design and scale.
- (c) Use materials and colours that enable the development to blend into its surroundings.
- (d) Do not adversely impact on the local landscape character or built environment.
- (e) Do not significantly impact the amenity of any nearby residential properties.

ASSESSMENT

This application relates to the construction of an open slurry tank within an agricultural field in land between Frizington and Winder. Therefore while the land falls outside the designated development boundary for Frizington as defined by Policy DEV 4 of the Copeland Local Plan, there are a number of properties within the vicinity of the application site.

To meet the requirement in particular of Policy DM30, to permit agricultural developments the Council must be sure that the proposal does not adversely impact on any nearby residential properties. In this case while the large number of objections includes letters from people outside of the parish and adjoining parishes, a significant proportion of properties in the nearby vicinity have objected which must be taken into account.

In addition, both the Environment Agency and the Council's Environmental Health department have raised strong objections to the proposal which both centre around the lack of information and poor quality of the submission, which in turn does not adequately provide evidence that there will not be harm from the proposal in terms of pollution to water sources, the suitable control of any potential biohazards and the amenity of residents within the Frizington/Winder vicinity.

Finally within the submission there is no indication as to the chosen location of the proposed site far away from the existing farm development or the justified need for such a large storage facility.

CONCLUSION

On balance, in the absence of demonstrable evidence to the contrary, the proposed development constitutes non-essential development in a prominent open countryside location that would have an unacceptable adverse impact on residential amenity contrary to the National Planning Policy Framework, Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan and Policies ST1, ST2, DM10, DM11 and DM30 of the emerging Core Strategy and Development Management Policies DPD. On this basis, I recommend that planning permission be refused.

Recommendation:-

Refuse

Reason:

The proposed development constitutes non-essential development in a prominent open countryside location that would have an unacceptable adverse impact on residential amenity contrary to the National Planning Policy Framework, Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan and Policies ST1, ST2, DM10, DM11 and DM30 of the emerging Core Strategy and Development Management Policies DPD.

ITEM NO: 6.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/12/2013

Application Number:	4/13/2406/0F1
Application Type:	Full : CBC
Applicant:	W Gate and Son
Application Address:	FIELD 4886, NEAR WINDER, NORTH OF FRIZINGTON
Proposal	GENERAL PURPOSE AGRICULTURAL BUILDING
Parish:	Arlecdon and Frizington
Recommendation Summary:	Refuse



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INTRODUCTION

This application relates to field number 4886, an area of agricultural land which lies between Frizington and Winder. This land forms part of the applicants existing agricultural holding which comprises land to the east of Frizington, which extends in a north easterly direction towards Winder. The applicant also currently owns and uses some agricultural buildings on the edge of the village, known as Lonsdale Farm.

PROPOSAL

Planning permission is sought for the erection of an agricultural building on the site. The building as proposed would be 42.0m x 15.5m with a height of 5.5m to the eaves, and a total height of 7.5m. The materials specified are concrete panel to the lower walls, wooden Yorkshire boarding to the upper section of the walls and green box profile metal cladding to the roof. There is already a hardstanding area adjoining the application site which is utilised as a sheep pen.

The applicant has submitted information with the proposal stating that the building will be used partly as a farm yard manure store, partly for storage and also for lambing sheep.

Access to the site is to be achieved via a track which runs off a private access road to the North West and which serves Eskett Quarry. The private road joins onto the A5086 to the north of the site.

The site lies approximately 490 metres to the west of the nearest dwellings in Frizington. To the east of the agricultural land is the linear group of dwellings running north to south along Skelsceugh Road in the hamlet of Winder, separated from the site by the quarry road and a line of mature trees that were planted when the quarry road was constructed. The properties along Skelsceugh Road are 280m from the site at the nearest point. There is also a group of terraced dwellings to the north of the site fronting onto the A5086 called Waterloo Terrace, which are 545m away from the site.

No other information has been submitted with the proposal with regards to the existing farm situation and farm management, or future plans for this area of land.

A separate application for the construction of a below ground reception tank for water run-off and slurry for winter storage adjacent to this proposal has also been submitted by the applicant. This application is included on the agenda (Planning Application 4/13/2379/0F1 refers).

CONSULTATION RESPONSES

Cumbria Highways and United Utilities have both raised no objections to the proposed development.

The Council's Environmental Health Manager has raised an objection to the proposed development. The reasons for the objection are:

1. Nuisance – the application details that the general purpose building will be used for farmyard manure storage and for lambing sheep. Use for animal housing is not excluded so there is a possibility that animals including pigs could be housed in the building.

Manure storage and animal housing without controls and systems will cause nuisance. The application does detail how farm yard manure will be transported onto the site and how nuisance to properties in Frizington and Winder which are within a 300 – 500 metre radius of the proposed site and properties in Arlecdon will be prevented particularly as the prevailing wind is in the direction of properties in Winder and Arlecdon.

The design of the building submitted is for part concrete paneling and open side wooden paneling. As an example of how nuisance has not been considered the design plans for the general purpose building do not include details of how liquid run off from farm yard manure will be collected and odour controlled. Protecting our Water, Soil and Air – a code of practice of good agricultural practice for framers, growers and land managers (DEFRA - Department of Environment Food and Rural Affairs) details for solid manure stores that bases should not let liquids pass through and there should be a slope so that liquids run off into collection channels and for liquids to be collected in a suitably sized tank or directed into a slurry store.

2. Health Impacts – there is a potential for bio hazards from bio aerosols and other sources of contamination from manure movement, storage and use. The application does not detail how farm yard manure will be stored and used and how bio hazards will be controlled. A report from Public Health England on health impacts is awaited

following a site visit on 19th November 2013 and will be submitted separately.

3. Introduction of new farming activities –uses for the general agriculture building are detailed as storage for farm yard manure and sheep lambing but does not exclude use for other animal housing. Field 4886 is currently used for grazing, this application has the potential to significantly change the nature of the farming activity from one which has a low neighbourhood impact to one which if badly managed could impact significantly upon the neighbourhood. The application for the general purpose building has been submitted separately to an application for a below ground reception tank for runoff water and slurry for winter storage
4. Environmental Impacts – there is a potential for environmental impacts from the storage of farm yard manure, the application does not detail how liquid run off from the farm yard manure store will be collected and controlled.
5. Land drainage disruption and water course impacts - there is a ditch above and adjacent to the proposed location site for general purpose agricultural building which has land drainage discharge points. The plan does not detail arrangements to manage rain water runoff or land drainage arrangements on the site and does not indicate how land drainage disruption will not take place or how water courses will be protected.

This application has received a large amount of public interest, including the receipt of 563 letters of objection (555 of which are on a proforma sheet).

The concerns raised are as follows:-

- The building could be used for the housing of pigs in the future;
- The development could be used like the existing farm unit which causes smell problems in Frizington;
- Due to the prevailing winds the smell from the proposed manure store in the building will travel far;
- The size of the building will have a large negative impact on the countryside.
- There is a lack of information with the application;
- The proposed location is unacceptable for the development;

- The surface water discharge from the site has not been addressed;
- The proposed site does not have suitable access and turning facilities;
- The smell could affect the children at the local school;
- The proposed development would affect property prices if approved;

In addition, Arlecdon and Frizington Parish Council have raised an objection to the proposal, due to proposed development of both this building and the slurry tank. Residents have expressed concerns over the proposed size of the building and any potential future use of it. Residents and children at the school already have to endure the obnoxious smells on a daily basis from the existing pig farm in Frizington and fear that the business may expand to this site in Winder.

PLANNING POLICY

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and includes a presumption in favour of sustainable development. Supporting a prosperous rural economy, requiring good design and conserving and enhancing the natural environment are encouraged as part of this goal of achieving sustainable development.

- Supporting a prosperous rural economy

Paragraph 28 seeks to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Likewise, it seeks to promote the development and diversification of agricultural and other land-based rural businesses.

Paragraph 61 requires planning decisions to address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 64 clarifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In addition to the above the NPPF includes a set of 12 core land-use planning principles which should underpin plan-making and decision-taking. Amongst these principles planning should:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.
- contribute to conserving and enhancing the natural environment
- encourage the effective use of land by reusing land that has previously been developed.

The NPPF requires proposals to be determined in accordance with the development plan unless material considerations determine otherwise. It allows full weight to be given to relevant local plan policies until March 2013. The Copeland Local Plan 2001-2016, adopted in 2006, falls into this category. In respect of this application key policies of the adopted Copeland Local Plan identified below remain relevant to the assessment of this application.

Copeland Local Plan 2001-2016

DEV 1 'Sustainable Development and Regeneration' requires all development to be sustainable and comply generally with the Local Plan's aims and objectives.

DEV 5 'Development in the Countryside' seeks to protect the quality and character of the wider countryside and sets out the types of development that will be permitted outside the defined Key Service and Local Centres.

DEV 6 'Sustainability by Design' advocates a sustainable form of design being achieved in all new developments. Amongst other things, DEV 6 requires development to show a high standard of design where building scale, density and proportion, landscaping and overall layout contribute to creating or maintaining a strong sense of place; by design and choice of location creates or maintains reasonable standards of general amenity and avoids the loss or damage to important landscapes or open spaces.

Copeland Core Strategy and Development Management Policies

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production, following a Public Examination in April.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Now that the Inspector has issued his report following the Examination greater weight can be attached to these policies, particularly given the limited scale of objection to the Strategy and its consistency with up to date national policy guidance. The document is currently due to be formally adopted in December 2013.

Policy ST1 'Strategic Development Principles' sets out the fundamental principles that will achieve sustainable development. Amongst other things, it seeks to ensure that development retains or enhances locally distinctive places, improves build quality and achieves efficient use of land and ensures development provides or safeguards good levels of residential amenity.

Policy ST2 'Spatial Development Strategy' sets a spatial development strategy whereby development should be guided to the principle settlements, other centres and should sustain rural services and facilities.

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

maintain reasonable standards of general amenity.

Policy DM11 'Sustainable Development Standards' seeks to ensure that development proposals reach high standards of sustainability.

Unlike the adopted Copeland Local Plan, the emerging Development Management Policies DPD introduces a policy specifically related to rural buildings. Policy DM30 'Rural Buildings' states that proposals for new agricultural buildings will be permitted so long as they:

- (a) Are well related to an existing settlement or farm building complex, or where this is not possible or appropriate are accessible and well screened.
- (b) Are of an appropriate design and scale.
- (c) Use materials and colours that enable the development to blend into its surroundings.
- (d) Do not adversely impact on the local landscape character or built environment.
- (e) Do not significantly impact the amenity of any nearby residential properties.

ASSESSMENT

This application relates to the construction of a large multi-purpose agricultural building within an agricultural field in land between Frizington and Winder. Therefore while the land falls outside the designated development boundary for Frizington as defined by Policy DEV 4 of the Copeland Local Plan, there are a number of properties within the vicinity of the application site.

To gain planning approval for such a development, a proposal of this nature must meet the above criteria of Policy DM30. This application however does not adequately demonstrate that the development complies with any of the above points as it is not a site well related to an existing settlement or farm building complex, it would not be well screened, without any justification it is not considered to be an appropriate scale, due to the size and location it would likely impact on the local landscape character. In addition, while the large number of objections included letters from people outside of the parish and adjoining parishes, a significant proportion of residents in the nearby vicinity have objected which must be taken into account.

In addition, the Council's Environmental Health department has raised objections to the proposal which concern the lack of information and poor quality of the submission, which in turn does not adequately provide evidence that there will not be harm from the proposal in terms of both health matters, environmental issues and the amenity of residents within the Frizington/Winder vicinity.

CONCLUSION

On balance, in the absence of demonstrable evidence to the contrary, the proposed development constitutes non-essential development in a prominent open countryside location that would have an unacceptable adverse impact on residential amenity contrary to the National Planning Policy Framework, Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan and Policies ST1, ST2, DM10, DM11 and DM30 of the emerging Core Strategy and Development Management Policies DPD. On this basis, I recommend that planning permission be refused.

Recommendation:-

Refuse

Reason:

The proposed development constitutes non-essential development in a prominent open countryside location that would have an unacceptable adverse impact on residential amenity contrary to the National Planning Policy Framework, Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan and Policies ST1, ST2, DM10, DM11 and DM30 of the emerging Core Strategy and Development Management Policies DPD.

ITEM NO: 7.

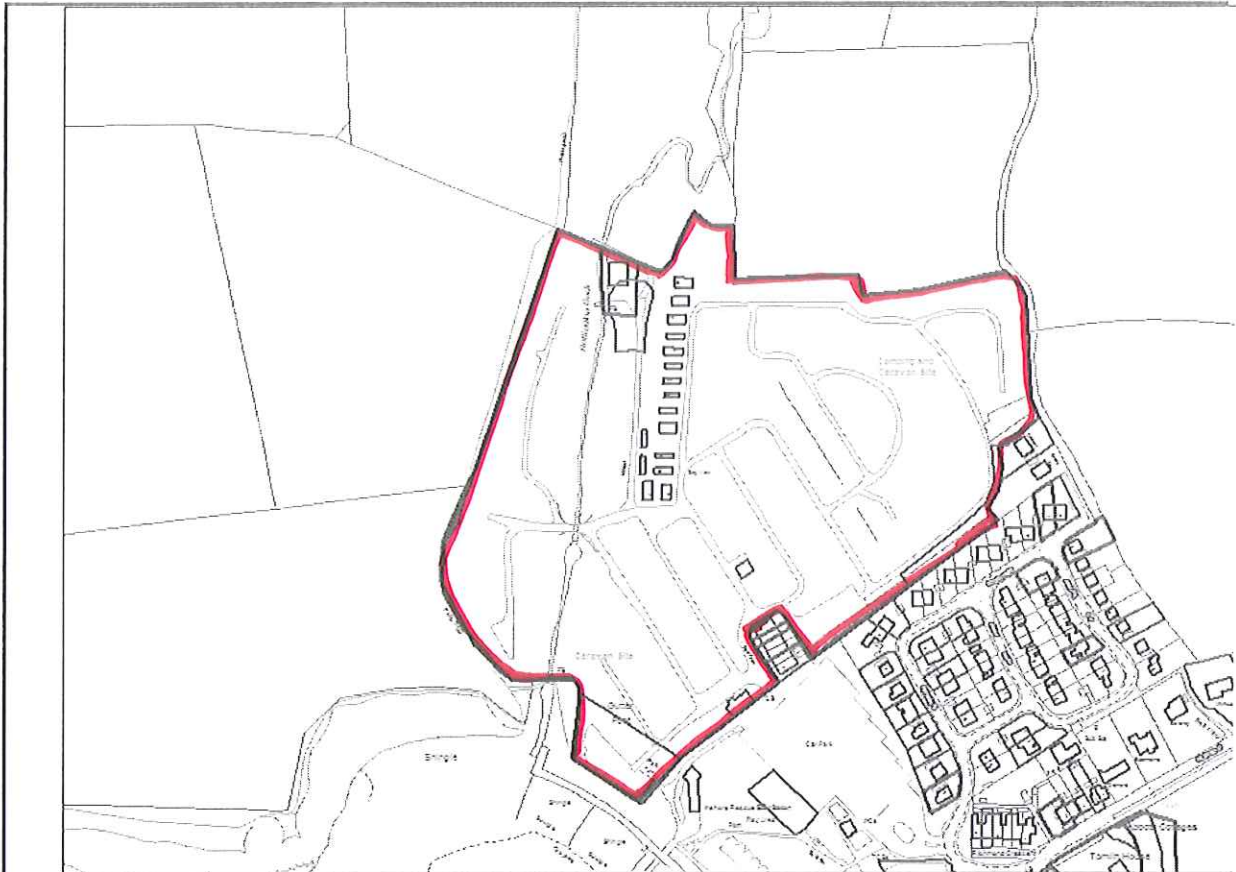


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/12/2013

Application Number:	4/13/2413/OF1
Application Type:	Full : CBC
Applicant:	Thomas Milburn (Property) Ltd
Application Address:	ST BEES CARAVAN PARK, ST BEES
Proposal	VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/01/0665/0 TO ALLOW USE OF STATIC HOLIDAY CARAVANS ALL YEAR
Parish:	St. Bees
Recommendation Summary:	Approve amendment of condition



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The Site

The application site is an established holiday caravan park located adjacent to the Beach Car Park in St Bees. It has planning permission for a maximum of 305 static caravans, 16 of which are residential, leaving 289 statics used for holiday purposes. 84 of these holiday statics already benefit from all year round holiday use. There are also dedicated areas for tents and tourers at the north western end of the site and associated on site facilities.

The Proposal

Permission is sought for all year round (12 Months) holiday use of the remaining permitted 205 holiday static caravans on the site. Currently occupation of these is restricted to 1 March until 14 November inclusive. This is confirmed via condition 2 of extant planning permission 4/01/0665/0F1 which relates to an approved amended layout plan specifying

the caravans under the time limiting occupation. This application seeks to vary that condition via a new layout showing the additional static holiday caravans proposed for all year round use.

Relevant Planning History

There is a complex planning history relating to the site. In respect of this proposal the following applications are considered relevant:

- 4/80/0142/063 Layout of Site for Caravans and Chalets – this permitted some 378 caravans and chalets on the site.
- 4/01/0665/0F1 Development of land as a Caravan and Camping Park – this modified the former approval and redeveloped the site. It allowed for greater spacing standards resulting in a net reduction of some 78 caravans on the site. Approval was subject to a S106 revoking the earlier 1980 consent.
- 4/13/2359/0F1 – Variation of Condition 2 of Planning Approval 4/01/0665/0 to allow only two months of Closure of Static Holiday Caravans. This was withdrawn pending the submission of the current application.

Consultations

St Bees Parish Council – has the following concerns:

- 1) Whether the drainage systems are able to cope with the additional demand created by all year round occupancy.
- 2) All year round occupancy would change the nature of the caravan park from what was traditionally a holiday facility.

Environmental Health Officer – awaited.

Neighbour Representations

Two letters have been received from residents of two of the residential statics on the site together with an accompanying 56 signature petition, (26 of whom are resident in St Bees) who strongly object on the following grounds:

- 1) The applicant has been operating the 9 month restriction on the site illegally since 2006.

- 2) Several caravan owners are now residing on site for the 11 month period without paying Council tax.
- 3) The caravan park has always been known as a holiday park but more and more contractors are staying on the site.
- 4) Most of the holiday caravan holders do not want contractors on the site and being disturbed at all hours of the day and night.

In response to the concerns raised by the Parish and the objectors the following comments are offered:

Whilst the concern regarding the capacity of the drainage system is noted it is unlikely that the demand from the additional use of these caravans for a further three and a half months will be significant, given that this is an out of season period and that the caravans are already served by existing drainage arrangements.

The introduction of all year round use would not necessarily change the nature of the caravan park – it will remain as a holiday facility but with an extended period of use.

Whether or not the applicant has been operating in breach of his planning consent (which if proven is not to be condoned) is not sufficient a reason to refuse / withhold consent.

The issue regarding payment of Council tax is not material to this application. The allegation would have to be investigated separately by our Council tax department and planning enforcement if it was found that this has been the case.

As regards potential effect on neighbouring amenity, this is considered in the assessment section.

Planning Policy

National Planning Policy Framework

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

In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy. Paragraph 21 stresses the importance of facilitating investment and that policies should be flexible enough to accommodate needs not anticipated in the plan with a proactive approach to meet the development needs of business.

The NPPF also recognises that planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28 refers). It supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside, including supporting the provision and expansion of tourist and visitor facilities in appropriate locations.

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

Emerging Local Plan

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. The examination in public took place in April 2013 and it is envisaged that the document will be adopted in December 2013.

The Policies are a material consideration when determining planning applications although they cannot be afforded full weight until formal adoption they can be given greater weight now that the Inspector has issued his report following the Examination, particularly given the limited scale of objection to it and its consistency with national policy guidance.

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

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

ST 2: Spatial Development Strategy and ST 3 Strategic Development Priorities - outline the overall spatial and regeneration strategies for the Borough. It sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities.

ER 10: Renaissance through tourism – this strategic policy seeks to maximise the potential of tourism in the Borough.

DM 8: Tourism Development in Rural Areas – encourages sustainable development in rural areas subject to certain criteria.

DM 9: Visitor Accommodation – this supports new or improved visitor accommodation including caravans and chalets extensions in appropriate locations.

Copeland Local Plan

The NPPF initially allowed full weight to be given to relevant local plan policies adopted since 2004 for a limited period of 12 months even if there was a limited degree of conflict with it.

The Copeland Local Plan 2001-2016, adopted in 2006, fell into this category. For determining applications post March 2013 the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. They are considered generally compatible and compliant with the NPPF. Accordingly these policies are given due weight in the assessment of the application.

In respect of this application key policies of the adopted Copeland Local Plan (the Plan) identified below remain relevant to the assessment of this application.

DEV 1: Sustainability and Regeneration. This requires all development to contribute to achieving sustainable regeneration of the Borough.

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

TSM 4: Holiday Caravans Chalets and Camping. This permits extensions to existing caravan / chalet sites in appropriate locations.

It should be noted that in the absence of an up to date adopted local plan that the NPPF's policy guidance can take precedence. It can be argued that this applies in this case as we are in effect in the `interim period` whereby the existing Copeland Local Plan policies are out of date and the ones in the emerging local plan, although gaining greater weight post Inspector's Report, have yet to be formally adopted. In such circumstances the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against this policy framework or specific policies in the framework which indicate development should be restricted.

The DCLG Good Practice Guide on Planning and Tourism (2006)

This guidance introduced in 2006 is still in force and gives general support for tourism uses. It emphasises that tourism is of crucial importance to the economic, social and environmental well-being of the country and identifies that the planning system has a vital role to play in facilitating its development and improvement. The guidance may be considered material to planning decisions. Annex B deals with seasonal and holiday occupancy conditions. This recognises that the nature of holidays in this country has become increasingly diverse with greater demand for self-catering accommodation outside the summer months. This advocates that the use of occupancy conditions can ensure that the holiday accommodation is used for its intended purpose.

Assessment

The key issues this application raises include potential impact on residential amenity of existing on site residents and neighbouring residents and change in nature of the use of the site:

Residential Amenity – concern has been expressed regarding the potential effect of all year round use on the existing residents on the site. There are 16 existing residential caravans on the site and there are also existing dwellings which back onto part of the southern boundary which could be affected. However, as the majority of the properties on the boundary already have all year round holiday caravans sited adjacent, it is unlikely they would be adversely affected. It is noted though that the existing residential caravans on site are situated opposite caravans subject to this application. Whilst the proposal may well lead to some increased activity levels, during the months when the caravans in question would not normally be operational, it is whether this is likely to be so significant to adversely affect normal day to day living conditions of those residents sufficient to justify not supporting the application. As this activity is limited to the winter/ quieter months it is envisaged that it is likely to lead to only a modest increase in use of the site and resulting activity. As a consequence it is therefore unlikely to lead to a significant increase in noise and disturbance which would adversely affect the residential amenity of existing residents on the park and adjacent.

Change in Nature of the Use of the Site – as previously stated the introduction of all year round use of the site by extending the holiday period would not change the nature of the use of the site. It will remain as holiday accommodation controlled via condition which will limit use of the caravans and prevent them from being used as permanent and sole residences.

Conclusion

The proposal is to extend the use of 205 static holiday caravans on the site from seasonal occupancy (1 March to 14 November) to all year round use. It should be noted that the principle of using the site for holiday accommodation has already been established via the previous planning approvals on the site. The proposal is purely to extend the holiday season and not for permanent residential use. This, it has been demonstrated, can be adequately controlled by the use of an appropriate condition.

The NPPF gives significant weight to supporting economic generating uses when determining planning applications. The increased use of the holiday accommodation all year round would support tourism in the area in compliance with the NPPF, the emerging local plan and the Copeland Local Plan and the Good Practice Guide on Tourism.

Taking the above into account the proposal is considered to constitute sustainable development in accordance with current planning policy which is unlikely to cause demonstrable material harm.

Recommendation:-

Approve

Conditions

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

Proposed Caravan Park Layout Plan, drawing no. SP/01/02(1), scale 1:1250, received 7 October 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.

2. The caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence.

Reason

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

3. The owners / operators of the caravan park shall maintain an up to date register of the names of all owners / occupiers of the individual holiday caravans this permission relates to, and of their main home addresses, and shall make this information available as required to the Local Planning Authority.

Reason

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

Informative

This consent relates solely to the variation of condition 2 of planning permission LPA reference 4/01/0665/0 to allow use of static holiday caravans all year round.

Statement

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

ITEM NO: 8.

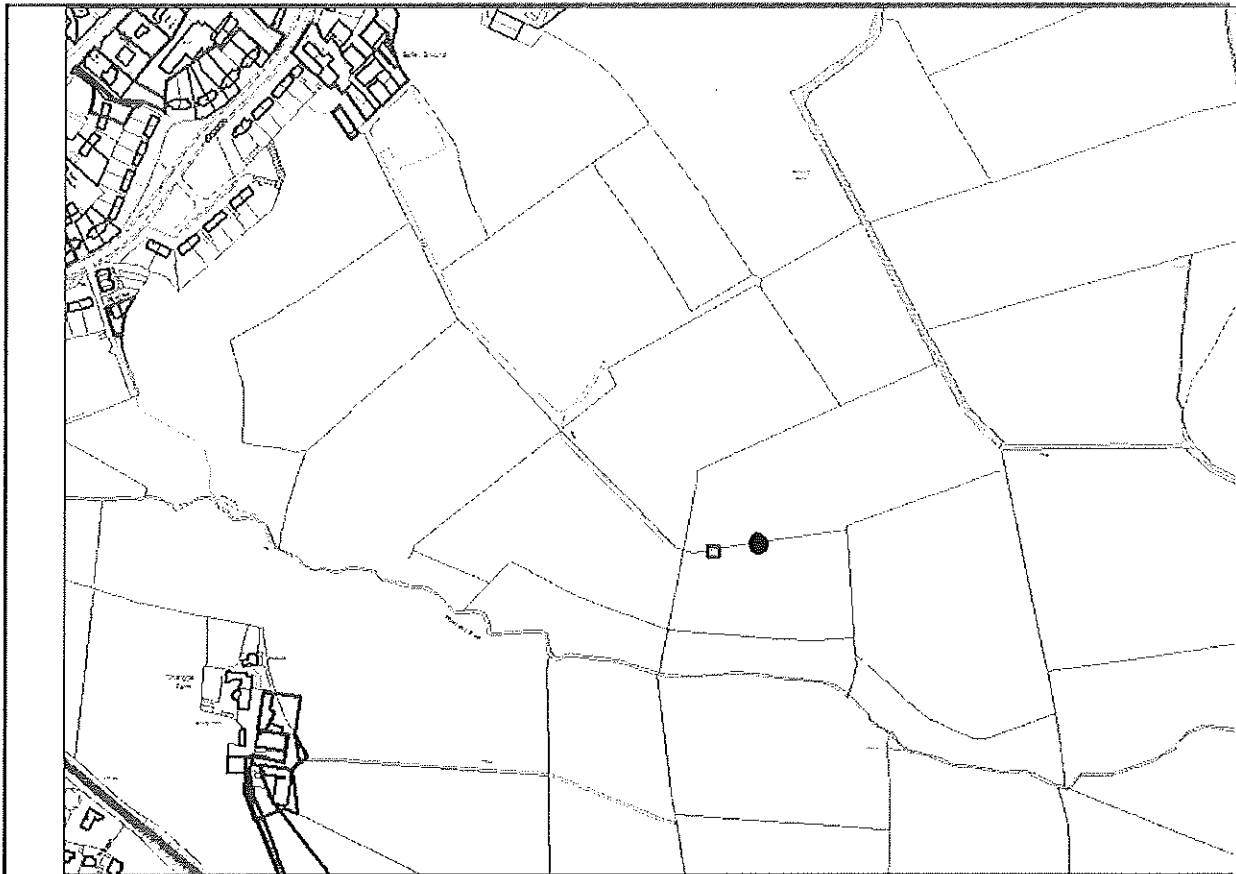


To: PLANNING PANEL

Development Control Section

Date of Meeting: 11/12/2013

Application Number:	4/13/2440/OF1
Application Type:	Full : CBC
Applicant:	Mr S Mawson
Application Address:	LAND AT BAILEY GROUND FARM, SANTON WAY, SEASCALE
Proposal	PROPOSED SITING OF 1 X 30M HIGH (HUB) ENDURANCE WIND TURBINE WITH A TIP HEIGHT OF 45M
Parish:	Seascale
Recommendation Summary:	Site Visit



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Introduction

The proposal relates to a greenfield site in open countryside some 460m to the south east of Bailey Ground, a working farm building group situated on the edge of Seascale, just off Santon Way.

In terms of non-associated dwellings the nearest are Routen Syke, some 445m to the north east and Broadlea some 410m away to the south west.

The Proposal

Permission is sought for the erection of a single 225 kW wind turbine on the site. This would take the form of a three bladed turbine with a rotor diameter of 29.1m on a single tapered pole with a hub height of 30.5m, giving a total ground to tip height of 45.07m.

As regards output it would be capable of producing 200 MWh - 850MWh per year which is suitable for farms.

Access to the turbine would be via the existing agricultural track, off Santon Way, which links the farms land to the farm building group.

The purpose of the turbine is to generate enough electricity for the farm business with the surplus going to the local grid.

The application is accompanied by a:

- Design and Access Statement
- Photomontages
- Technical Details
- Noise Study

Planning History

A 39m (ground to tip) high twin bladed turbine mounted on a single pole was approved in May last year (4/12/2173/0F1 refers) on a neighbouring site some 50m to the west of the proposed site. This application is sought as a replacement and if considered favourably would be subject to a S106 Agreement to revoke the 2012 permission.

Consultations

Seascale Parish Council - wish to raise a number of objections:

- The application does not comply with Seascale Parish Council Planning Policy on Renewable Energy. No public consultation has been offered and no account has been taken of the requirement for community benefit to be discussed for a structure which will have adverse impacts on the surrounding area.
- The proposed turbine will have a greater visual impact than that of the previously approved two bladed structure. It will have a faster speed and be a more obvious intrusion on the landscape.
- It will also be noisier due to the additional blade and the increased speed.
- The photomontages give almost no impression of the views from Seascale, from Santon Way, Wasdale Park or the Whitriggs area for example.

Scientific Officer - A key response given the proximity to dwellings is awaited.

Neighbours

Extensive neighbour consultations have been undertaken in the vicinity. To date four letters of objection have been received. Collective grounds of objection include:

1. Detrimental cumulative impact with the nearby Drigg Moorside turbine.
2. Detrimental visual impact to the visual amenity of the local area and the National Park.
3. Parish Plan is against wind turbines.
4. Not green and not viable - over subsidised con.
5. Public consultation should have been carried out prior to the application and the local population should have a say and veto applications.
6. The people who will be subject to the visual and audible impact are the inhabitants of Seascale and many are customers of Bailey Ground Dairy - this could affect their business.
7. Concern that the applicants did not consult the nearest neighbours to the turbine before submitting their application.
8. Potential strobing effect on nearest residential properties.
9. Proposal will deprive residents of the only remaining unspoilt views they have of the valleys and fells to the east.

Recommendation

In view of the sensitive location of this proposed turbine, the previous planning history relating to an immediate neighbouring site and the likely scale of local opposition expected, Members are recommended to take this opportunity to visit the site and appraise all the relevant material planning considerations before determining the application.

Recommendation:-

Site visit

List of Delegated Decisions

Selection Criteria:

From Date: 28/10/2013

To Date: 02/12/2013

Printed Date: Monday, December 02, 2013

Printed Time: 3:23 PM

Application Number	4/13/2143/0F1
Applicant	Sellafield Limited
Location	AREA L, SELLAFIELD, SEASCALE
Proposal	NEW FENCE AND STERILE ZONE
Decision	Approve
Decision Date	19 November 2013
Dispatch Date	20 November 2013
Parish	Beckermest with Thornhill

Application Number	4/13/2191/0F1
Applicant	Kells Development Group Ltd
Location	PLOTS 57-72, FORMER WHITE SCHOOL SITE, KELLS, WHITEHAVEN
Proposal	VARIATION OF CONDITIONS ON PLANNING PERMISSION 4/12/2267/0F1 RELATING TO THE ERECTION OF 16 AFFORDABLE HOUSES
Decision	Approve (commence within 3 years)
Decision Date	1 November 2013
Dispatch Date	7 November 2013
Parish	Whitehaven

Application Number	4/13/2227/0L1
Applicant	The Whitehaven Community Trust
Location	41 IRISH STREET, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR ERECTION OF SIGNAGE ON FRONT OF BUILDING
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	10 October 2013
Dispatch Date	29 October 2013
Parish	Whitehaven

Application Number	4/13/2228/0L1
Applicant	The Whitehaven Community Trust
Location	1 LOWTHER STREET, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR ERECTION OF SIGNAGE ON FRONT OF BUILDING
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	14 October 2013
Dispatch Date	29 October 2013
Parish	Whitehaven

Application Number	4/13/2347/0F1
Applicant	Mrs N Moore
Location	2 PALLAFLAT COTTAGES, BIGRIGG, EGREMONT
Proposal	ERECTION OF GARAGE
Decision	Approve (commence within 3 years)
Decision Date	11 October 2013
Dispatch Date	30 October 2013
Parish	Egremont

Application Number	4/13/2358/0F1
Applicant	Millom Town Council
Location	PART OF MILLOM PARK, ST GEORGES ROAD, MILLOM
Proposal	CONSTRUCTION OF SKATEPARK AND BMX PUMP TRACK INCLUDING FLOODLIGHTS
Decision	Approve (commence within 3 years)

Decision Date	27 November 2013
Dispatch Date	27 November 2013
Parish	Millom

Application Number	4/13/2362/TPO
Applicant	Mr R Leslie
Location	GHYLL BANK HOUSE, INKERMAN TERRACE, WHITEHAVEN
Proposal	REDUCTION IN HEIGHT OF LEYLANDI CYPRESS HEDGE & SILVER BIRCH SITUATED WITHIN A CONSERVATION AREA
Decision	Approve
Decision Date	7 November 2013
Dispatch Date	13 November 2013
Parish	Whitehaven

Application Number	4/13/2363/0F1
Applicant	Mr and Mrs A Flannery
Location	LAND ADJACENT TO MIDTOWN FARM, HAVERIGG, MILLOM
Proposal	ERECTION OF A SINGLE DWELLING (RESUBMISSION OF 4/13/2214/0F1)
Decision	Approve (commence within 3 years)
Decision Date	15 October 2013
Dispatch Date	29 October 2013
Parish	Millom

Application Number	4/13/2370/0F1
Applicant	Mr J Grant
Location	PLOT 18, OVEREND GARAGE SITE, OVEREND ROAD, RICHMOND, WHITEHAVEN
Proposal	ERECTION OF SINGLE GARAGE
Decision	Approve (commence within 3 years)
Decision Date	8 October 2013
Dispatch Date	29 October 2013
Parish	Whitehaven

Application Number	4/13/2371/0F1
Applicant	Mr R Porter
Location	CROFTON, HAYESCASTLE ROAD, DISTINGTON
Proposal	DEMOLITION OF EXISTING REAR EXTENSION AND BUILDING OF NEW TWO STOREY REAR EXTENSION; CONVERSION OF ATTIC INTO AN EN-SUITE BEDROOM
Decision	Approve (commence within 3 years)
Decision Date	31 October 2013
Dispatch Date	5 November 2013
Parish	Distington

Application Number	4/13/2372/0F1
Applicant	Smurfit Kappa Composites
Location	RICHMOND WORKS, MORESBY ROAD, HENSINGHAM, WHITEHAVEN
Proposal	TO SUPPLY AND INSTALL NEW UPVC DOUBLE GLAZED WINDOWS AT FRONT OF BUILDING
Decision	Approve (commence within 3 years)
Decision Date	2 October 2013
Dispatch Date	29 October 2013

Parish	Whitehaven
Application Number	4/13/2373/0F1
Applicant	Samuel Sheldon Ltd
Location	FORMER CENTRAL DAIRY, HOLBORN HILL, MILLOM
Proposal	DEMOLITION OF THE FORMER CENTRAL DAIRY BUILDINGS; ENTIRE SITE CHANGE OF USE FROM INDUSTRIAL/STORAGE TO RESIDENTIAL; CONSTRUCTION OF TWO NEW DOMESTIC PROPERTIES IN THE FORM OF A SEMI-DETACHED DORMER BUNGALOW
Decision	Approve (commence within 3 years)
Decision Date	16 October 2013
Dispatch Date	29 October 2013
Parish	Millom

Application Number	4/13/2376/0L1
Applicant	Mrs J Todhunter
Location	3 HIGH STREET, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR CHANGE OF EXISTING REAR DORMER WINDOW TO A VELUX ROOF LIGHT
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	5 November 2013
Dispatch Date	7 November 2013
Parish	Whitehaven

Application Number	4/13/2377/0F1
Applicant	Mr D Lyall
Location	MIDDLE LEYS, LAMPLUGH
Proposal	VARIATION OF CONDITION 7 (RE SURFACE WATER DISCHARGE) OF PLANNING APPROVAL 4/11/2357/0F1 (CONVERSION OF BARN TO CREATE 2 HOLIDAY LETS)
Decision	Approve
Decision Date	30 October 2013
Dispatch Date	4 November 2013
Parish	Lamplugh

Application Number	4/13/2378/0F1
Applicant	Mr M Amor
Location	8 ELEANORS WAY, CLEATOR MOOR
Proposal	DESIGN CHANGES TO PROPOSED DWELLING FROM PARTIALLY BUILT BUNGALOW UNDER PLANNING REF 4/09/2136 TO BUNGALOW WITH HABITABLE ACCOMMODATION WITHIN THE ROOF SPACE
Decision	Approve (commence within 3 years)
Decision Date	6 November 2013
Dispatch Date	8 November 2013
Parish	Cleator Moor

Application Number	4/13/2380/0F1
Applicant	Mr G Hunton
Location	6 MILL STREET, FRIZINGTON
Proposal	ERECTION OF REAR VERANDAH
Decision	Approve (commence within 3 years)
Decision Date	8 October 2013
Dispatch Date	29 October 2013

Parish	Arlecdon and Frizington
Application Number	4/13/2383/0F1
Applicant	Kells Development Group Ltd
Location	LAND ADJACENT TO PLOTS 65-72, FORMER WHITE SCHOOL DEVELOPMENT, KELLS, WHITEHAVEN
Proposal	CHANGE OF USE FROM GRASSED VERGE INTO GARDEN LAND
Decision	Withdrawn
Decision Date	6 November 2013
Dispatch Date	6 November 2013
Parish	Whitehaven

Application Number	4/13/2385/0F1
Applicant	Mr W Connor
Location	COCKSHOT FARM, PICA
Proposal	ERECTION OF ROOF OVER FARM LIVESTOCK MUCK STORE
Decision	Approve (commence within 3 years)
Decision Date	7 November 2013
Dispatch Date	8 November 2013
Parish	Arlecdon and Frizington

Application Number	4/13/2386/0F1
Applicant	Mr J Jackson
Location	23/28 CHURCH STREET, EGREMONT
Proposal	CHANGE OF USE OF HOUSE AND FLAT TO H.M.O.
Decision	Approve (commence within 3 years)
Decision Date	12 November 2013
Dispatch Date	12 November 2013
Parish	Egremont

Application Number	4/13/2387/0F1
Applicant	C G P Ltd
Location	C G P LTD, MAINSGATE ROAD, MILLOM
Proposal	CONSTRUCTION OF NEW GATED ENTRANCE
Decision	Approve (commence within 3 years)
Decision Date	24 October 2013
Dispatch Date	29 October 2013
Parish	Millom

Application Number	4/13/2388/0F1
Applicant	Mr W Clark
Location	VACANT LAND TO REAR OF 77 MAIN STREET, HAVERIGG, MILLOM
Proposal	CONSTRUCTION OF A THREE BEDROOMED DORMER BUNGALOW WITH A DETACHED DOUBLE GARAGE
Decision	Approve (commence within 3 years)
Decision Date	30 October 2013
Dispatch Date	7 November 2013
Parish	Millom

Application Number	4/13/2389/0F1
Applicant	Mrs J Simpson
Location	22 BORDER AVENUE, CLEATOR MOOR
Proposal	ERECTION OF SHOWER ROOM EXTENSION

Decision	Approve (commence within 3 years)
Decision Date	18 October 2013
Dispatch Date	29 October 2013
Parish	Cleator Moor

Application Number	4/13/2390/0F1
Applicant	Mr H Fearon
Location	LAND AT LOWCA TOP ROAD, LOWCA, WHITEHAVEN
Proposal	VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/12/2557/0F1 (ERECTION OF SINGLE WIND TURBINE) TO EXTEND THE DURATION OF THE PERMISSION FROM 20 YEARS TO 25 YEARS
Decision	Approve (commence within 3 years)
Decision Date	13 November 2013
Dispatch Date	20 November 2013
Parish	Lowca

Application Number	4/13/2391/0F1
Applicant	Ms M Fitzpatrick
Location	LAND AT GREEN HOUSE FARM, LOWCA, WHITEHAVEN
Proposal	VARIATION OF CONDITION 3 OF PLANNING APPROVAL 4/11/2480/0F1 (ERECTION OF WIND TURBINE) TO EXTEND THE DURATION OF THE PERMISSION FROM 20 YEARS TO 25 YEARS
Decision	Approve (commence within 3 years)
Decision Date	11 November 2013
Dispatch Date	19 November 2013
Parish	Lowca

Application Number	4/13/2393/0F1
Applicant	Mr D Leslie
Location	1 GRISEDALE CLOSE, MIREHOUSE, WHITEHAVEN
Proposal	ERECTION OF A SINGLE STOREY EXTENSION TO PROVIDE ENLARGED KITCHEN AREA, UTILITY & WC, DAYROOM & PORCH
Decision	Approve (commence within 3 years)
Decision Date	29 October 2013
Dispatch Date	4 November 2013
Parish	Whitehaven

Application Number	4/13/2394/0F1
Applicant	Mr and Mrs L Graham
Location	44 ELIZABETH CRESCENT, WHITEHAVEN
Proposal	REMOVAL OF RAISED PATIO AND ERECTION OF CONSERVATORY
Decision	Approve (commence within 3 years)
Decision Date	28 October 2013
Dispatch Date	30 October 2013
Parish	Whitehaven

Application Number	4/13/2396/0F1
Applicant	Mr R Fowler
Location	PLOT 1 JULIA DRIVE (TOWN HEAD FARM), SANDWITH, WHITEHAVEN
Proposal	DWELLING HOUSE AND GARAGE
Decision	Approve (commence within 3 years)

Decision Date	25 November 2013
Dispatch Date	27 November 2013
Parish	Whitehaven

Application Number	4/13/2397/0F1
Applicant	Mr N Gill
Location	71 CENTRAL ROAD, KELLS, WHITEHAVEN
Proposal	ERECTION OF KITCHEN EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	12 November 2013
Dispatch Date	19 November 2013
Parish	Whitehaven

Application Number	4/13/2399/0F1
Applicant	Kells Development Group Ltd
Location	PLOTS 34 & 35, FORMER WHITE SCHOOL, KELLS, WHITEHAVEN
Proposal	PAIR OF SEMI DETACHED FOUR BEDROOMED HOUSES, GARAGES AND PARKING
Decision	Approve (commence within 3 years)
Decision Date	15 November 2013
Dispatch Date	25 November 2013
Parish	Whitehaven

Application Number	4/13/2400/0F1
Applicant	Mr G Gibson
Location	2 CHERRY TREE COTTAGE, THE GREEN, MILLOM
Proposal	DEMOLITION OF EXISTING SINGLE STOREY EXTENSION AND PORCH; CONSTRUCTION OF A NEW PORCH AND TWO STOREY EXTENSION; ALTERATIONS TO EXISTING FRONT ENTRANCE & ADDITION OF 2 NO. WINDOWS TO SOUTHERN ELEVATION
Decision	Approve (commence within 3 years)
Decision Date	30 October 2013
Dispatch Date	4 November 2013
Parish	Millom Without

Application Number	4/13/2401/0F1
Applicant	John Swift Homes Ltd
Location	PLOT 3, THE OLD SCHOOL, MAIN STREET, DISTINGTON
Proposal	ADDITION OF A CONSERVATORY TO THE REAR ELEVATION
Decision	Approve (commence within 3 years)
Decision Date	26 November 2013
Dispatch Date	26 November 2013
Parish	Distington

Application Number	4/13/2402/0F1
Applicant	Mr and Mrs B Wright
Location	13 STANDINGS RISE, WHITEHAVEN
Proposal	ERECTION OF A SINGLE STOREY EXTENSION TO SIDE
Decision	Approve (commence within 3 years)
Decision Date	30 October 2013
Dispatch Date	4 November 2013
Parish	Whitehaven

Application Number	4/13/2403/OF1
Applicant	HEINEKEN UK Limited
Location	MANOR HOUSE HOTEL, 11-12 MAIN STREET, ST BEES
Proposal	INTERNAL REFURBISHMENT OF BAR AND DINING AREAS AND NEW PORTICO ENTRANCE TO REAR
Decision	Approve (commence within 3 years)
Decision Date	6 November 2013
Dispatch Date	7 November 2013
Parish	St. Bees

Application Number	4/13/2404/OL1
Applicant	HEINEKEN UK Limited
Location	MANOR HOUSE HOTEL, 11-12 MAIN STREET, ST BEES
Proposal	LISTED BUILDING CONSENT FOR INTERNAL REFURBISHMENT OF BAR AND DINING AREAS AND NEW PORTICO ENTRANCE
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	6 November 2013
Dispatch Date	7 November 2013
Parish	St. Bees

Application Number	4/13/2405/OF1
Applicant	Mr H Fearon
Location	LAND AT LOWCA TOP ROAD, LOWCA, WHITEHAVEN (EASTINGS 299030, NORTHINGS 522747)
Proposal	CONSTRUCTION OF ACCESS TRACK, CRANE AND ASSEMBLY AREAS FOR PERMITTED WIND TURBINE (4/12/2557/OF1)
Decision	Approve (commence within 3 years)
Decision Date	18 November 2013
Dispatch Date	18 November 2013
Parish	Lowca

Application Number	4/13/2408/TPO
Applicant	Mr K Thompson
Location	LAND TO REAR OF GARDEN OF 95 VALLEY PARK, WHITEHAVEN
Proposal	FELLING OF 1 POPLAR TREE AND TRIMMING OF 2 SYCAMORE TREES SITUATED WITHIN A CONSERVATION AREA
Decision	Approve
Decision Date	12 November 2013
Dispatch Date	14 November 2013
Parish	Whitehaven

Application Number	4/13/2409/OF1
Applicant	Mr S Woodman
Location	ROOF OF BARN AT SPRINGBANK FARM, HIGH WALTON, EGREMONT
Proposal	INSTALLATION OF 30 SOLAR MONOCRYSTALLINE PANELS
Decision	Approve (commence within 3 years)
Decision Date	6 November 2013
Dispatch Date	7 November 2013
Parish	St. Bees

Application Number	4/13/2410/OF1
Applicant	Mr & Mrs Hocking & Mrs Chapman
Location	OXENRIGGS FARMHOUSE, EGREMONT
Proposal	EXTENSIONS AND ALTERATIONS INCLUDING A CHANGE OF USE TO CREATE GROUND FLOOR BED AND BREAKFAST ACCOMMODATION AND FIRST FLOOR LIVING ACCOMMODATION
Decision	Approve (commence within 3 years)
Decision Date	26 November 2013
Dispatch Date	28 November 2013
Parish	Haile

Application Number	4/13/2411/HPAE
Applicant	Mr P Whaley
Location	13 ABBEY VALE, ST BEES
Proposal	SINGLE STOREY REAR EXTENSION TO KITCHEN AND DINING ROOM
Decision	Permitted Development
Decision Date	29 October 2013
Dispatch Date	29 October 2013
Parish	St. Bees

Application Number	4/13/2412/HPAE
Applicant	Mrs K A Mackie
Location	70 MARKET STREET, MILLOM
Proposal	DINING ROOM EXTENSION IN REAR YARD
Decision	Permitted Development
Decision Date	31 October 2013
Dispatch Date	31 October 2013
Parish	Millom

Application Number	4/13/2414/OF1
Applicant	Mr and Mrs CC Williamson
Location	77 HONISTER ROAD, MIREHOUSE, WHITEHAVEN
Proposal	TWO STOREY SIDE EXTENSION WITH SINGLE STOREY FRONT PORCH
Decision	Approve (commence within 3 years)
Decision Date	19 November 2013
Dispatch Date	27 November 2013
Parish	Whitehaven

Application Number	4/13/2415/OF1
Applicant	Miss K Dryden
Location	16 AIKBANK ROAD, WHITEHAVEN
Proposal	DOUBLE STOREY EXTENSION TO SIDE AND REAR WITH KITCHEN, UTILITY & W.C. & 2 BEDROOMS ABOVE, DEMOLISH EXISTING DEFECTIVE SINGLE STOREY EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	18 November 2013
Dispatch Date	27 November 2013
Parish	Whitehaven

Application Number	4/13/2422/OF1
Applicant	Mr and Mrs P Sage
Location	BURNEY, THE GREEN, MILLOM

Proposal	EXTENSIONS AND ALTERATIONS TO EXISTING BUNGALOW, ERECTION OF DETACHED GARAGE, CAR PORT AND DOMESTIC STUDIO
Decision	Withdrawn
Decision Date	31 October 2013
Dispatch Date	31 October 2013
Parish	Millom Without

Application Number	4/13/2423/0F1
Applicant	Seascale Golf Club
Location	GREEN KEEPERS STORE, SEASCALE GOLF CLUB, THE BANKS, SEASCALE
Proposal	EXTENSION TO EXISTING GREEN KEEPERS STORAGE FACILITIES
Decision	Approve (commence within 3 years)
Decision Date	12 November 2013
Dispatch Date	27 November 2013
Parish	Seascale

Application Number	4/13/2424/0F1
Applicant	Everything, Everywhere & H3G UK Ltd
Location	MULTI STOREY CAR PARK, SWINGPUMP LANE, WHITEHAVEN
Proposal	PROPOSED 3 NO. EE ANTENNAE AND 3 NO. EE TRANSMISSION DISHES ON SUPPORT POLES AND 3 ASSOCIATED CABINETS
Decision	Approve (commence within 3 years)
Decision Date	21 November 2013
Dispatch Date	27 November 2013
Parish	Whitehaven

Application Number	4/13/2425/0F1
Applicant	Mr D Knight
Location	17 SPRUCE GROVE, THE HIGHLANDS, WHITEHAVEN
Proposal	EXTENSION AT FIRST FLOOR LEVEL
Decision	Approve (commence within 3 years)
Decision Date	19 November 2013
Dispatch Date	28 November 2013
Parish	Whitehaven

Application Number	4/13/2426/TPO
Applicant	Mr A Dalton
Location	3 LINGMELL WOOD, SEASCALE
Proposal	REMOVAL OF DEAD SYCAMORE TREE PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	20 November 2013
Dispatch Date	21 November 2013
Parish	Seascale

Application Number	4/13/2427/0F1
Applicant	Miss V Shipley
Location	RETREAT, PART GROUND & FIRST FLOOR, 1 MARKET PLACE, EGREMONT
Proposal	CONVERSION OF PART OF BEAUTY SALON INTO OWNERS ACCOMMODATION

Decision	Approve (commence within 3 years)
Decision Date	21 November 2013
Dispatch Date	28 November 2013
Parish	Egremont

Application Number	4/13/2430/0F1
Applicant	Mr C Kelly
Location	PART FIELD 7200, NORTH OF DOG AND PARTRIDGE, SANDWICH, WHITEHAVEN
Proposal	PROPOSED REPLACEMENT AGRICULTURAL STORAGE BUILDING
Decision	Approve (commence within 3 years)
Decision Date	22 November 2013
Dispatch Date	28 November 2013
Parish	Whitehaven

Application Number	4/13/2433/0A1
Applicant	Story Homes
Location	LAND AT SITE OF FORMER RHODIA OFFICES (OPPOSITE NOS 20 & 24 SNAEFELL TERRACE), HIGH ROAD, WHITEHAVEN
Proposal	SITING OF 2 NO. ADVERTISEMENT BOARDS AND 3 NO ALUMINIUM POLES WITH FLAGS
Decision	Approve Advertisement Consent
Decision Date	25 November 2013
Dispatch Date	28 November 2013
Parish	Whitehaven

Application Number	4/13/2435/0F1
Applicant	Mrs Todd
Location	3 RAILWAY TERRACE, MOOR ROW
Proposal	EXTENSION OF EXISTING REAR KITCHEN TO INCLUDE A WET ROOM
Decision	Approve (commence within 3 years)
Decision Date	28 November 2013
Dispatch Date	2 December 2013
Parish	Egremont

Application Number	4/13/2437/0F1
Applicant	Mr R Craghill
Location	FIELD AT JUNCTION OF TOWNHEAD LANE & MAIN STREET, (REAR OF RED BROW BUNGALOWS), HAVERIGG, MILLOM
Proposal	NEW GATE TO EXISTING BOUNDARY FENCE TO ALLOW ACCESS FOR LIVESTOCK
Decision	Approve (commence within 3 years)
Decision Date	25 November 2013
Dispatch Date	28 November 2013
Parish	Millom

Application Number	4/13/2439/0F1
Applicant	Mr A Savage
Location	SITE 1, GARAGE SITE, WYTHBURN ROAD, RICHMOND, WHITEHAVEN
Proposal	ERECTION OF SINGLE PRE-FABRICATED GARAGE AND CONCRETE BASE

Decision	Approve (commence within 3 years)
Decision Date	21 November 2013
Dispatch Date	28 November 2013
Parish	Whitehaven

Application Number	4/13/2442/0F1
Applicant	Mr D Rigg
Location	69 BANK HEAD, HAVERIGG, MILLOM
Proposal	REPLACE EXISTING FRONT PORCH WITH A LARGER ONE
Decision	Approve (commence within 3 years)
Decision Date	19 November 2013
Dispatch Date	28 November 2013
Parish	Millom

Application Number	4/13/2447/0N1
Applicant	Messrs T Graham
Location	ASHLEIGH FARM, MIDDLETOWN, EGREMONT
Proposal	NOTICE OF INTENTION FOR GENERAL FARM STORAGE BUILDING
Decision	Approve Notice of Intention
Decision Date	7 November 2013
Dispatch Date	7 November 2013
Parish	Lowside Quarter

Application Number	4/13/9010/0F2
Applicant	United Utilities plc
Location	WASTEWATER TREATMENT WORKS, MAIN STREET, CLEATOR
Proposal	TWO NEW MOTOR CONTROL KIOSKS
Decision	County Council Approved
Decision Date	28 November 2013
Dispatch Date	28 November 2013
Parish	Cleator Moor

Application Number	4/13/9011/0F2
Applicant	Sellafield Ltd
Location	SELLAFIELD WORKS, SEASCALE
Proposal	SECTION 73 APPLICATION TO REPLACE EXTANT PLANNING PERMISSION 4/11/9006, IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION FOR THE ERECTION OF A BUILDING FOR THE TRANSIT OF CONTAINERISED INTERMEDIATE LEVEL RADIOACTIVE WASTE
Decision	County Council Approved
Decision Date	27 November 2013
Dispatch Date	27 November 2013
Parish	Ponsonby

Application Number	4/13/9012/0F2
Applicant	Frizington Community Primary School
Location	FRIZINGTON COMMUNITY PRIMARY SCHOOL, MAIN STREET, FRIZINGTON
Proposal	EXTENSION TO EXISTING CLASSROOM
Decision	County Council Approved
Decision Date	20 November 2013
Dispatch Date	20 November 2013

<i>Parish</i>	Arlecdon and Frizington
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