

PLANNING PANEL AGENDA – 14 AUGUST 2013

SCHEDULE OF APPLICATIONS - CBC

PAGE

Item 1	4/12/2532/OF1 Use of Land to Provide Short Term Holiday Accommodation with Static Lodges, Touring Caravans & Camping Pods; Erection of Shower Block & Installation of Sewage Treatment Plant Land at Lamplugh Tip, Frizington	1
Item 2	4/13/2084/OF1 Removal of Condition 3 of Planning Approval 4/08/2315/0 (Outline Application for Agricultural Workers Dwelling) Land off Tarn Flats, Sandwith, Whitehaven	17
Item 3	4/13/2173/OF1 Installation of a Single 250kw Wind Turbine (With a maximum height of 45.5m to Blade Tip) And Associated Infrastructure Land at Stubsgill Farm, Distington	25
Item 4	4/13/2192/OF1 Demolition of existing garage, Constriction of Two Storey Building which will Incorporate Holiday Accommodation & Office on 1 st Floor, With Garage and Store on Ground Floor Inglenook Caravan Park, Lamplugh	38
Item 5	4/13/2202/OF1 Erection of Motor Cycle & Fitness Room (Retrospective) 33 Pinewoods, Gilgarran, Distington	53
Item 6	4/13/2213/OF1 Variation of Condition 3 of Planning Permission 4/12/2170/OF1 to Extend the Period of Permission From 20 Years to 25 Years Fields 4400 & 6382, Land adjacent to Watch Hill, Low Moorsby, Whitehaven	58
Item 7	4/13/2235/001 Outline Planning Permission for the Erection of 431 (Approx) Dwellings, Land Reserved for Primary School & Associated Ancillary Open Space & Infra- Structure & Approval in Full for Matters in Association With 139 Dwellings to the South of the site with Access, Pedestrian Bridge, SUDS Features and	65

Associated Open Spaces and Infrastructure
Land Bound by Woodhouse to North & High Road/
Wilson Pit Road to West & South, Whitehaven

SCHEDULE OF DELEGATED DECISIONS

69

RELEVANT INFORMATION

The planning applications referred to in this agenda together with responses from consultations and all other representations received are available for inspection with the exception of certain matters relating to the personal circumstances of the applicant or objector or otherwise considered confidential in accordance with Local Government (Access to Information) Act 1985.

In considering the applications the following policy documents will, where relevant, be taken into account:-

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

Department for Communities and Local Government (DCLG) Circulars:-

In particular:

22/80	Development Control, Policy and Practice
15/88	Environmental Assessment
15/92	Publicity for Planning Applications
11/95	The Use of Conditions in Planning Permissions
01/06	Guidance on Changes to the Development Control System

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

STANDARD CONDITIONS

In order to save space standard conditions applied to all outline, full and reserved matters consents have been omitted, although the numbering of the conditions takes them into account. The standard conditions are as follows:-

Outline Consent

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

Reserved Matters Consent

The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

Full Consent

The development hereby permitted shall be commenced within THREE years from the date hereof.

ITEM NO: 1.

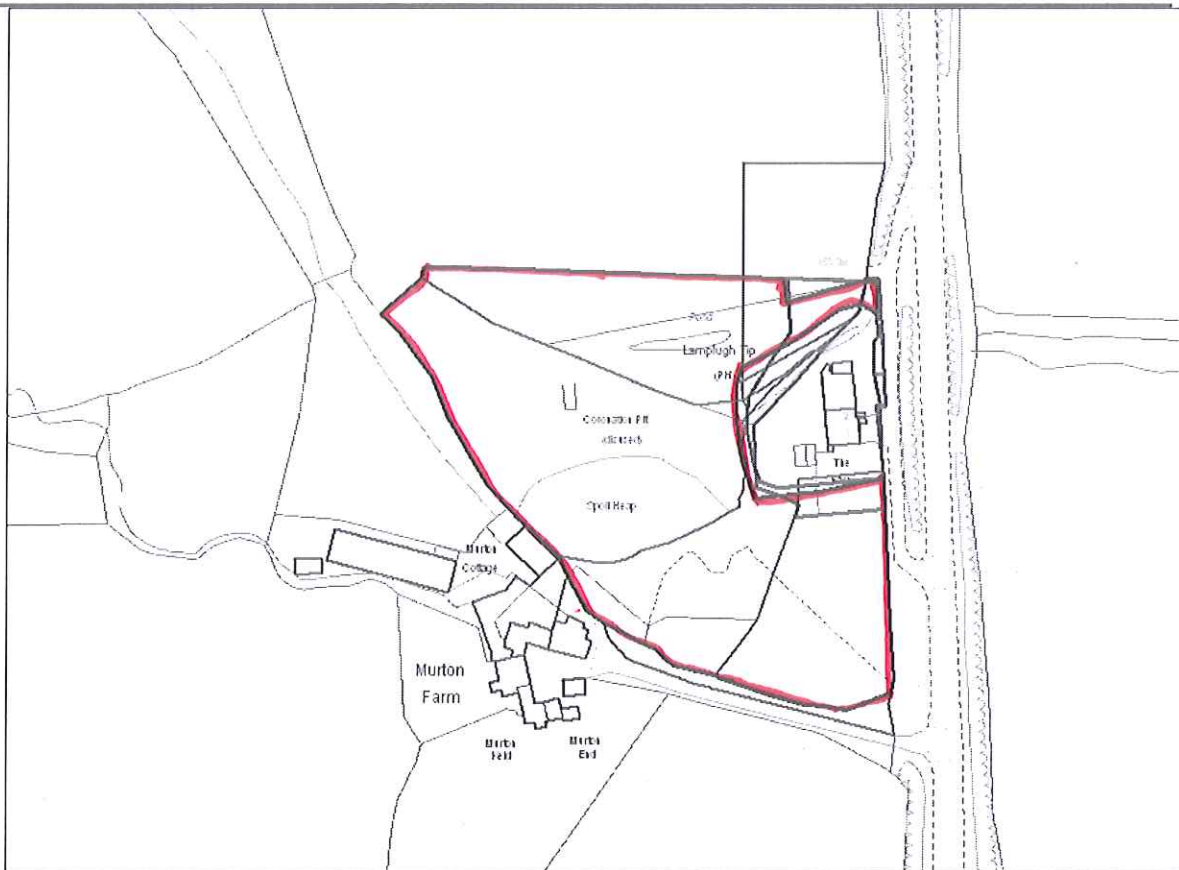


To: PLANNING PANEL

Development Control Section

Date of Meeting: 14/08/2013

Application Number:	4/12/2532/OF1
Application Type:	Full : CBC
Applicant:	Dollar Financial c/o Concept Sign & Display
Application Address:	LAND AT LAMPLUGH TIP, LAMPLUGH
Proposal	USE OF LAND TO PROVIDE SHORT TERM HOLIDAY ACCOMMODATION WITH STATIC LODGES, TOURING CARAVANS & CAMPING PODS; ERECTION OF SHOWER BLOCK & INSTALLATION OF SEWERAGE TREATMENT PLANT
Parish:	Lamplugh
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to a triangular piece of land that lies immediately to the rear of the Lamplugh Tip public house.

Members deferred this application in January 2013 to allow them to visit the site. The site visit took place on 13 February 2013. The delay in reporting this application back to the Panel for determination is due to the prolonged discussions with the Environment Agency to fully consider the contamination, drainage and potential pollution issues associated with the site.

PROPOSAL

Planning permission is sought for the use of the land to provide holiday accommodation. The holiday accommodation will comprise 15 static timber lodges, 9 camping pods and space for 7 touring caravans. The camping pods and touring caravans are to be located immediately to the rear of the public house and are to be served by a new detached shower block. The lodges are to be sited on the southern and western sections of the site.

Vehicular access into the site is to be achieved using an existing slip road which joins onto the A5086 in front of the former public house. The existing entrance to the car park to the rear of the public house is to be used to provide access to the holiday accommodation. Car parking is to be provided adjacent to the individual chalets or camping pods.

A new package treatment plant is to be installed to provide drainage to serve the whole site. An existing culvert which runs across the site is also to be opened up to form a water feature on the site.

It is proposed to create a small earth mound and supplement the existing planting along the northern boundary of the site to provide additional screening.

An associated planning application for the redevelopment and reopening of the Lamplugh Tip public house was approved in 2012 (4/12/2531/0F1 refers).

The applicant has submitted a supporting statement in which he stresses that the proposed holiday accommodation is an important element in supporting the viability of the adjoining public house.

CONSULTATION RESPONSES

Lamplugh Parish Council

The Parish Council has the following concerns

- The lack of adequate screening will result in a potential visual impact
- The site has hidden mining activity
- There is concern about the adequacy of the car parking provision proposed

- The increased number of visitors to the parish excessive for a Parish of 800 people especially when considered in association with the number that already visit the existing caravan parks
- There are concerns about the adequacy of the access on to the highway to accommodate caravans
- The Parish Council has concerns about whether the occupancy of the lodges could be controlled adequately to ensure that they are not used for residential purposes. This concern is based on problems experienced on the other caravan parks within the Parish. Without this assurance the Parish Council are opposed to the proposal.

Highways Control Officer

I can confirm that the applicant is agreeable to the improvement of the looped access road and on this basis, subject to agreeing and implementing suitable improvements to the looped access road, I would raise no highway objections to the proposal.

Coal Mining Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority therefore has no objections to the proposed development.

Environment Agency

The Agency originally objected to the proposal on the basis of insufficient information with regards to contamination, drainage discharge and potential risks to the water environment.

Following the submission of a Desk Study report and also a Ground Investigation Report the Environment Agency agrees that the impact to groundwater resources is unlikely and further risk assessment is not required for this potential receptor. Therefore we agree that the site poses no unacceptable risk of pollution and we have no concerns for development at this site providing pollution measures are incorporated into the working plan of action.

In terms of drainage we have now received additional information from the applicant which indicates that the foul drainage from this development will discharge to surface water via a package sewage treatment plant. This information overcomes our objection although a condition should be imposed on any planning permission which requires the submission and agreement of a foul drainage scheme.

Scientific Officer

The site is located on the former Coronation Pit and there are 2 known shafts, part of the site has an old spoil heap and it is likely that much of the area is made ground from the mining activity, the presence of made ground was confirmed during the intrusive investigation. There is a high possibility that the site has elevated contaminants due to the historic usage and as such additional site investigation work will be necessary prior to any development.

Further work should be undertaken following the Model Procedures for the Management of Land Contamination (CLR 11) and BS10175 – Investigation of Potentially Contaminated Sites – Code of Practice. The work would include (but not be limited to) soil sampling to identify contaminants present, locating and assessing the impact of the mine shafts on the development, a conceptual site model identifying contaminants, receptors (end users, surface water, ground water, etc) and contaminant linkages, a remediation scheme statement and verification reporting.

The applicant is aware of the potential issues with the site and is prepared to undertake the necessary investigation and remediation so I believe that it is appropriate for the development to be given permission but with a contaminated land condition attached.

Historic Environment Officer

Our records indicate that the site has archaeological potential. An iron ore mine is shown on a map of the site dating to 1867 and this was superseded by the more extensive workings of the Coronation Pit in the early 20th Century. The remains of the spoil heaps of the pit still survive. Furthermore part of the site was used as Lamplugh Auction Mart in the early 20th Century. It is therefore considered likely that buried archaeological would be disturbed during the course of the construction of the proposed development.

Consequently I recommend that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development and advise that this work should be commissioned and undertaken at the expense of the developer. I consider that this programme of work can be secured through the inclusion of a condition in any planning consent.

Cumbria Tourism

Copeland is generally underprovided with caravan/chalet and camping pitches compared with other parts of the county. We are aware that occupancy levels in modern, well-appointed chalets tend to be significantly higher than in traditional self-catering cottages. However this may be due in part to competitive letting rates and more aggressive marketing from owners/agencies.

The Tourism Strategy for Cumbria 2008-18 would generally be supportive of investment in high quality caravan/chalet and camping facilities in a location such as Lamplugh. It will retain and support jobs, underpin the viability of the adjacent public house and help to spread the benefits of tourism and visitor spend to West Cumbria. The strategy focusses on increasing the quality of visitor accommodation and experiences, increasing visitor spend, encouraging tourism investment outside the main centres, especially along the coastal areas of south and west Cumbria, and maintaining the tourism infrastructure and public transport links. Any development must also avoid damaging Cumbria's special landscapes.

This application has a number of strengths:-

- It reflects current market demands and shortfalls in Copeland
- It will support new job creation and help sustain the viability of the pub
- It will reuse tipped and contaminated land
- It will diversify the range and quality of visitor accommodation in West Cumbria
- It will bring wider economic benefits to other businesses and visitor attractions in the area

Other

This application has attracted a lot of interest locally. The Parish Council held a public meeting which was attended by approximately 70 people. In terms of written comments 3 letters of objection and 5 letters of support have been received.

The objectors have raised the following concerns:-

- This is a dangerous site due to previous ground conditions resulting from historical mining. This has left a legacy of mine shafts and sunken ground.
- There is a small stream running through the site which already accepts discharge from 26 houses. Any further discharge will affect the quality of the water. The stream runs into the River Marron which is a SSSI.
- Increase in traffic and noise is likely to be detrimental
- The scale of development proposed is excessive and would be inappropriate to the village and the surrounding area

- The scale of the development will have an adverse impact in the amenities of the two adjoining properties

The points raised in favour of the proposal are as follows:-

- The chalets and caravans will be vital to support the viability of the adjoining public house, provide substance to the business and provide employment for local people.
- Enhance tourism and contribute to the local economy
- Enhancement of an untidy site
- They acknowledge that screening is vital to reduce the impact of the proposal

PLANNING POLICY

National Planning Policy Framework

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

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

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

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

Copeland Local Plan 2001-2016 (Saved Policies 2009)

Policy DEV 5 seeks to protect and where possible enhance the quality and character of the wider countryside. On this basis development outside key settlements and local centres is restricted to a narrow range of development including essential development for rural businesses and leisure and tourism related development.

DEV 6 requires sustainable form of development which provides safe and convenient access, appropriate levels of car parking and appropriate landscaping and layout.

Policy TSM 4 permits proposals for new holiday caravans, chalets and/or camping sites provided that they satisfy the following criteria:-

1. The proposed site is well related to an existing settlement and the main highway network
2. The site possesses a high level of natural screening which, where necessary, is capable of reinforcement and extension
3. The proposal does not adversely affect areas or undeveloped coastlines.

Policy ENV 12 encourages landscaping as part of new development proposals including the retention and reinforcement of existing local landscape features which reflect local landscape character.

Policy ENV 17 encourages the reclamation of derelict sites.

Policy ENV 18 encourages the reuse of contaminated land where appropriate site investigation works and remediation strategies are secured.

Emerging Local Plan

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

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

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

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

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

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

Policy DM 9 permits proposals for new visitor accommodation subject to their compliance with the principles outlined in ST 1 and ER10 as long as their scale and character are appropriate to the location and setting. It also states that any permitted development will be subject to occupancy conditions or legal agreements which restrict any new visitor accommodation for holiday use only.

ASSESSMENT

This application relates to a prominent site which raises several complex issues. It is currently in a poor condition and has previously been the subject of mining activity. This development will enable the site to be reclaimed and improved to accommodate a new use.

Following prolonged discussions and the submission of additional information by the applicant the Environment Agency is now satisfied that the site can be developed without unacceptable risk of pollution to the water environment. They are also satisfied that the use of a package treatment plant is a satisfactory form of foul drainage.

Site lies adjacent to the A5086 and improvements to the loop road which lies in front of the public house can be secured to ensure that the access arrangements are suitable to

accommodate vehicles towing caravans. These improvements will be secured under a Section 278 Agreement under the Highways Act.

The development is fully supported by Cumbria Tourism who has indicated that Copeland is under provided with camping/chalet and camping pitches. They are confident that a high quality offer will be successful on this site and will benefit tourism within this part of West Cumbria.

The site is well related to the existing public house and will provide a significant benefit to its trade which will be significant as the business seeks to re-establish itself once it is upgraded and reopened.

It is proposed to undertake some remodelling of the site levels in order to set the caravans and chalets at levels which will help to reduce their visual impact. The applicant has also submitted a full landscaping scheme for the northern boundary including the creation of an earth mound. This will reinforce and enhance the existing vegetation along this edge of the site. The phasing of the development will allow the landscaping to establish and provide an effective screen before the site grows in scale. These factors will all help to reduce the visual impact of the development in the localised landscape.

Although the Parish Council comments are noted members are advised that the occupancy of the site can be strictly controlled by the imposition of a number of appropriately worded conditions that limit the accommodation to holiday use only and also require a close season.

Overall this is considered to be a an appropriate form of development which is consistent with Policies DEV 5, DEV 6, TSM 4 of the adopted Copeland Local Plan and the provisions of the NPPF.

Recommendation:-

Approve

Conditions

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

Reason

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

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Site location plan, scale 1:1250, received on 16 November 2012
 - Proposed site layout plan, scale 1:500, drawing number 12.19 Site D, received on 16 November 2012
 - Proposed shower block/toilet block, scale 1:100, drawing number 12.15.SB1, received on 16 November 2012
 - Timber lodge and camping pod details prepared by Lakeland Building Design dated June 2012 and received on 16 November 2012
 - Design and Access Statement prepared by Arrow Planning, received on 16 November 2012
 - Coal Mining Assessment report prepared by Arrow Planning, received on 16 November 2012
 - Proposed site layout plan and planting details, drawing number Land 1, received on 14 December 2012
 - Proposed section through the site, scale 1:100, drawing number 12.19, received on 14 December 2012.

Reason

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

3. The caravans/chalets shall not be occupied other than as holiday accommodation. In particular they should not be used at any time as sole and principal residencies by any occupants.

Reason

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

4. This permission shall not authorise the use of the land as a site for caravans/chalets except during the period 01 March to 31 December each year.

Reason

For the avoidance of doubt and to ensure that the caravans are only used for holiday purposes.

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

Reason

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

6. The proposed development shall not become operational until access improvements to the loop road serving the site allowing two cars with caravans to pass each other safely, have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter.

Reason

In the interests of highway safety

7. 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

For the avoidance of doubt and in the interests of highway safety

8. The whole of the access area bounded by the carriageway edge, entrance gates and splays shall be constructed and drained to the specification of the local planning authority in consultation with the highway authority. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter.

Reason

In the interests of highway safety

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

Reasons

The Solway Tweed river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class.

10. 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 to and approved in writing by the Local Planning Authority.

The written scheme will include the following components:

- a. An archaeological desk-based assessment and evaluation:
- b. An archaeological recording programme the scope of which will be dependant upon the results of the evaluation
- c. 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 or recording of such remains.

11. Within six months from the date of this permission a landscaping scheme shall be implemented in accordance with the approved landscaping details as illustrated on proposed site layout plan prepared by Lakeland Building Design received on 14 December 2012.

]

Reason

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

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

Reason

To ensure the implementation of a satisfactory landscaping scheme.

13. An earth bund shall be created along the northern boundary of the site in accordance with the approved landscaping details prior to the occupation of any of the caravans/chalets hereby permitted. The earth bund shall be maintained at all times thereafter at the agreed height.

Reason

To ensure that the site is adequately screened in the interests of visual amenity.

- d. No development shall commence on site until details of the phasing of development including car parking provision have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained at all times thereafter.

Reason

For the avoidance of doubt and to ensure a satisfactory form of development in the interests of visual amenity.

- e. The caravans/chalets shall be painted in a dark colour to a specification which has been submitted to and approved in writing by the Local Planning Authority within six months of their siting on the land. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and in the interests of visual amenity.

16. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public and environment when the site is developed. Development shall not commence until measures approved in the scheme have been implemented.

Reason

To ensure that any contamination is treated in an appropriate manner to ensure that the development is not contributing to or being put to an unacceptable risk.

Informatives

1. Conditions 6 and 8 will require the applicant to enter into a Section 278 Agreement with the highway authority to ensure the works are carried out to an adoptable standard. All costs associated with these works will be at the applicants expense.
2. The applicant will need to apply to the Environment Agency for an Environmental Permit for the proposed discharge of treated sewage effluent.

The developer should note that the granting of planning permission does not remove the need to obtain the relevant Environment Agency permits and permission should be gained prior to any work commencing. A separate consent is required from the Environment Agency under the provisions of the Environmental Permitting (England & Wales) 2010 Regulations for any proposed sewage or trade effluent discharge to a watercourse or other controlled waters. It is only after a permit application has been made that we can determine the likely level of treatment required.

Advice and forms for applying for an environmental permit can be found on our website at: <http://www.environment-agency.gov.uk/business/topics/permitting/32318.aspx>

The applicant is advised to hold a pre-application meeting with the local Environment Management Officer (tel. 03708 506 506) to ensure the permit application process is efficient.

3. 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: 2.

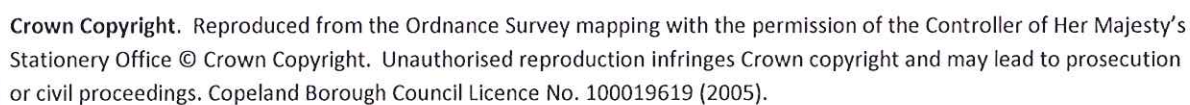


To: PLANNING PANEL

Development Control Section

Date of Meeting: 14/08/2013

Application Number:	4/13/2084/OF1
Application Type:	Full : CBC
Applicant:	Mr R Whitton
Application Address:	LAND OFF TARN FLATS, SANDWITH, WHITEHAVEN
Proposal	REMOVAL OF CONDITION 3 OF PLANNING APPROVAL 4/08/2315/0 (OUTLINE APPLICATION FOR AGRICULTURAL WORKERS DWELLING)
Parish:	Whitehaven
Recommendation Summary:	Approve subject to S106



This application relates to an area of land off Tarn Flats Lane in Sandwith.

In support of the planning application the applicant's agent has submitted details of the marketing of the dwelling that has taken place with the occupancy restriction in place. The site has been marketed since July 2012 and this exercise has not revealed any demand or interest.

PLANNING HISTORY OF THE SITE

The planning history of the site is relevant to the consideration of this proposal.

An outline application was originally refused in 2007 (reference 4/07/2302/001) as there was not considered to be a functional need to justify a dwelling on the land based on the applicants agricultural business at that time.

The subsequent outline permission in 2008 was granted based on the specific circumstances relating to the applicants agricultural business and followed an independent appraisal of the case which was carried out by Capita Symonds on behalf of the Council. The main change from the refused application in 2007 was the increase in the acreage of land that was farmed by the applicant.

A subsequent Reserved Matters application which provided the details of the agricultural workers dwelling was approved in 2010 under reference 4/10/2285/0R1. Following approval of this application the applicant commenced works to construct the dwelling. At present the foundations and floor plate of the dwelling have been constructed in accordance with the approved plans. These works constitute a commencement of development and are sufficient to keep the planning permission alive.

Following the approval of this application the Council became aware that the owner of the site was intending to sell off parcels of his land in separate lots. This raised implications for the Council as the amount of land that the owner farmed which amounted to approximately 145 acres was a factor in demonstrating that the scale of the owner's agricultural business justified the erection of a dwelling on the site.

Following the disposal of the majority of his land the applicant now only owns 9 acres of land which is associated with the site.

CONSULTATION RESPONSES

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

- The planning permission which was previously been granted no longer applies as the owner has sold off all the land
- Question why the Council has allowed the applicant to sell off all of his land
- Question why the Council has allowed the applicant to install concrete footings
- The land has never been offered for sale as agricultural land
- This proposal will open the floodgate resulting in adhoc development and the selling off of plots with no established need for housing on agricultural land
- The Council should be stricter in assessing applications for agricultural workers dwellings to ensure that this position does not happen again.
- The dwelling will add to the existing flooding and drainage issues in this part of the village
- There are other plots of land available within the village which have planning permission and are more suitable
- The applicant does not live in the village
- The acreage in the ownership of the applicant does not warrant a dwelling on this site
- Any construction works will impact on the amenity of the residents of this part of the village in terms of noise, dirt and vehicular traffic
- Loss of view
- Loss of a green field which would have an adverse impact on the appearance of the countryside
- There is no need for new housing within the village.

Two letters have been received which support the applicant in his attempt to find a suitable buyer for the dwelling. They consider that the existing restriction which only permits the dwelling to be occupied by a farmer or retired farmer is too restrictive as there is a lack of suitable occupants locally.

They also stress that the removal of this condition would not change the environment.

PLANNING POLICY

National Planning Policy Framework

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

Paragraph 55 stresses that Local Planning Authorities should avoid isolated housing in the countryside unless there are special circumstances.

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

Copeland Local Plan 2001-2016 (Saved Policies 2009)

Policy HSG 7 relates specifically to the removal of occupancy conditions. It states:

“Where planning permission is sought to remove an agricultural occupancy condition, it will be replaced wherever possible by other local occupancy conditions. Planning permission for the removal of occupancy conditions will only be granted where it is shown that the longer term need for dwellings for such workers, both on the unit and in the locality, no longer warrants reserving the subject dwelling for that purpose or for other housing needs which are evident in the area.”

Emerging Local Plan

The Local Development Frameworks Core Strategy and Development Management Policies DPD which will replace the policies in the Copeland Local Plan, is now at a more advanced stage of production. The public examination into the document took place in April this year

and the Inspectors report is due soon. It is the intention that this will be adopted in September 2013.

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

The following Policies of the new document are considered relevant. Whilst it is acknowledged they are a material consideration in determining planning applications they should be afforded little weight at present until the Inspector has issued his report into the public examination, when it is anticipated greater weight can be attached:

- Policy ST2 sets out the spatial development strategy for the Borough. One of the principles is that new dwellings in the countryside should be restricted to housing that meets proven specific and local needs including provision for agricultural workers
- Policy DM 17 relates specifically to the removal of occupancy conditions. This policy reiterates the guidance set out in Policy HSG 7 of the adopted Local Plan.

ASSESSMENT

The planning history of the site and the owner's previous approach to selling off parcels of his land has effectively made the holding unviable and prevented its sale with the occupancy restriction intact. This approach is not within the spirit of the original planning permission that was granted which was based on the applicant's circumstances as an exception to the normal policy and was required for the functioning of the farm. This need clearly no longer exists.

In view of these circumstances legal advice has been sought to seek guidance on whether the ability to implement the current planning permission still exists given the changes to the planning unit across these applications. It is also relevant to seek guidance on whether there is any mechanism available to revoke the original permission and also to seek guidance on whether there is any case that can be made to refuse this application based on the inability to implement the planning permission as the disposal of land has effectively made the holding unviable.

The legal advice provided is summarised below:-

1. As permission has been granted for the dwelling and the conditions have been complied with there is no reason why the 2008 permission is not valid or cannot be implemented.

2. Although the dwelling was granted based on a specific need the only restriction imposed on the permission was that of occupancy. This restriction only controls the use of the building and there were no other conditions contingent on any external circumstances. Consequently this doesn't stop the permission being implemented.
3. As a matter of general principle once outline permission is granted, the holder of that permission has the right to implement it, providing they comply with the conditions attached to it, regardless of whether or not the surrounding circumstances have changed since the permission was granted.
4. Although the Council could revoke the existing planning permission they would have to consider it expedient to do so. Any revocation Order would have to be approved by the Secretary of State and there would be a right of challenge. The Council would also be liable to pay compensation to the owner of the site.
5. The current application must be determined in the same way as any other application by taking into account any relevant development plan policies and any other material considerations.

The relevant development plan policy is Policy HSG 7 which dictates that the condition can only be removed if there is no long term need for agricultural dwellings in the locality of the site. The applicant has provided details of the marketing exercise which has been undertaken since July 2012. The dwelling and associated land have been marketed by Mitchells Auction Company in the Whitehaven News, Times and Star, Cumberland News and Farmers Guardian. It has also been advertised on Mitchell's web site and also within their estate agents. A for sale board has been on display at the site entrance since 12th July 2012.

This marketing exercise has taken place over a 12 month period and demonstrates that there is no interest for a dwelling in this location with the occupancy restriction in place.

Based on the legal advice set out above and also the marketing information that has been provided the requirements of Policy HSG 7 are considered to have been met. Consequently there is not considered to be any legitimate planning reasons to oppose the removal of the agricultural occupancy condition.

In line with the guidance set out in Policy HSG 7 it is considered appropriate to impose a local occupancy restriction on the dwelling. This would need to be secured by a Section 106 Agreement.

The circumstances relating to this application, where the position applicable at the point of granting planning permission changes during the course of implementation is not

uncommon. There are examples in other local planning authorities where the basis of agricultural justification changes. Whilst it may be necessary to accept this position in this case, it would be appropriate to reflect on the possibility of this situation arising when assessing any future proposal for a tied dwelling, and to test need even more robustly, to seek controls to ensure the operations justifying development are in some way controlled, and to appraise more thoroughly the scope for alternatives to new development.

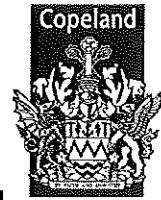
Recommendation:-

Approve subject to S106 Agreement

Statement

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

ITEM NO: 3.

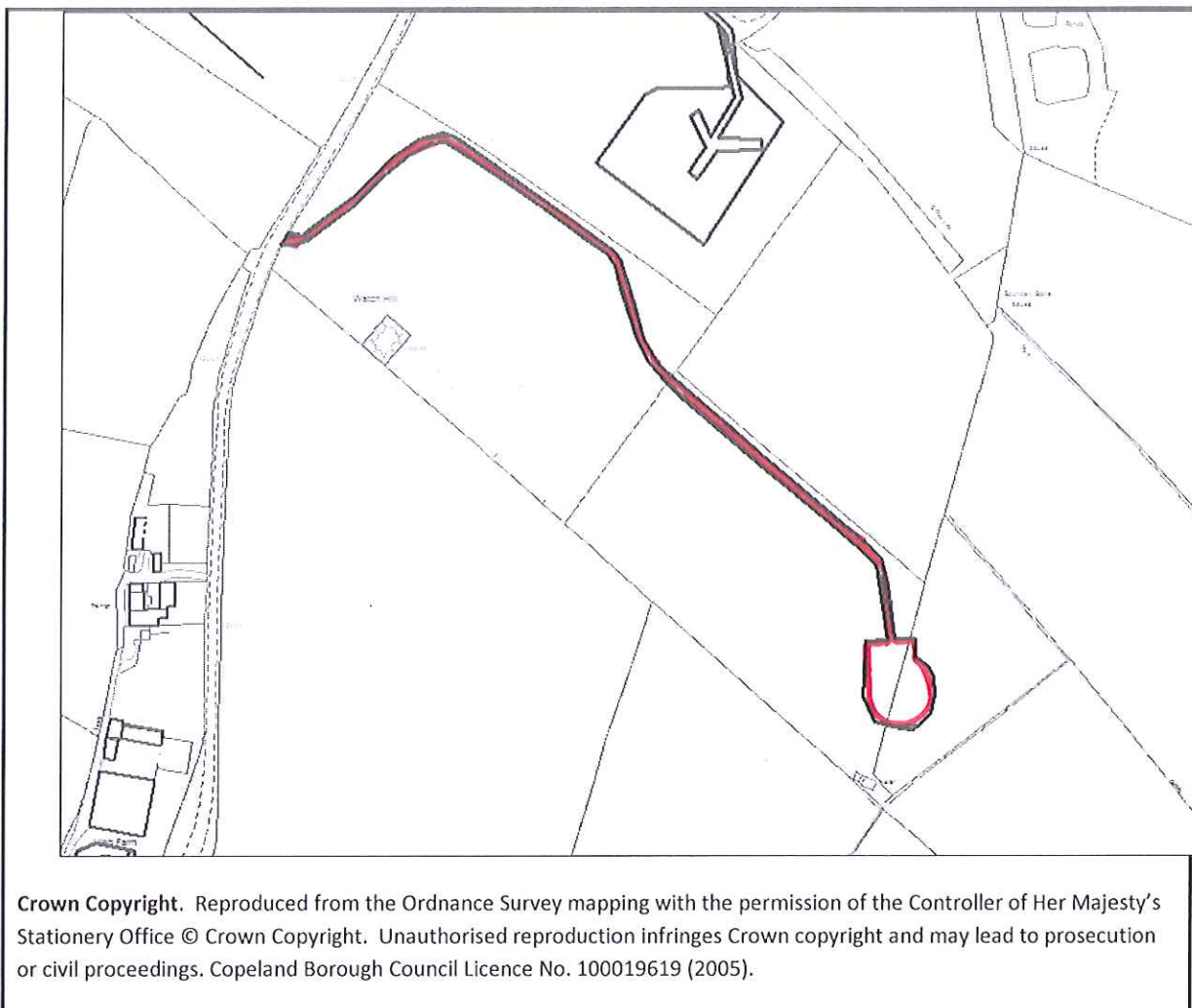


To: PLANNING PANEL

Development Control Section

Date of Meeting: 14/08/2013

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



INTRODUCTION

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

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

PROPOSAL

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

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

CONSULTATION RESPONSES

Highways Control Officer

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

Natural England

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

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

Other

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

He is also of the opinion that it is inappropriate to extend planning permission before the turbine has been built and its effectiveness and efficiency assessed. He feels strongly that planning should be sought after the full impact of the wind turbine on the landscape can be fully appreciated by local residents.

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

PLANNING POLICY

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

National Planning Policy Framework

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

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

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

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

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

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

means that full weight can therefore still be given to Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009).

Renewable Energy

As regards renewable energy developments it states that we should:

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

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

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

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

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

Planning Practice Guidance for Renewable and Low Carbon Energy

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

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

Local Plan Policy

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

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

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

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

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

Cumbria Wind Energy Supplementary Planning Document (SPD)

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

Emerging Local Plan

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

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

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

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

ASSESSMENT

The principle of erecting a wind turbine at a maximum height of 74 metres to blade tip has already been established by the original planning permission which was granted in 2012 (4/12/2170/OF1 refers). In coming to this decision Members concluded that the adverse landscape and visual impacts that would result from a turbine of this scale in this location

would not be of such significance to outweigh the presumption in favour of sustainable development as set out in the NPPF and the benefits that would result from the proposal. Members were also satisfied that the mitigation and habitat enhancement that was proposed would not result in any adverse impacts on the wintering hen harrier population. This view was confirmed by both the RSPB and Natural England.

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

The retention of the turbine on the site for an additional temporary 5 year period is unlikely to result in any significant additional adverse impacts that would warrant the withholding of a planning permission in this case. Any extension in the timescale would also extend the benefits of the proposal for a further 5 year period.

The conditions that were attached to the original planning permission should be repeated on any permission to extend the timescale for a turbine on this site to ensure adequate controls are imposed to protect hen harriers and also restrict noise levels. This will also ensure that the turbine is removed from the site on the expiry of the planning permission or if the turbine ceases to function for a prolonged period of time.

Recommendation:-

Approve

Conditions

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

Reason

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

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

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

- site location (2 of 2), scale 1:500, drawing number T155-Loc 2, received on 04 June 2013
- E48 turbine detail, scale 1:200, drawing number T Spec-Detail 2, received on 04 June 2013
- Switch room and HV metering unit detail, scale 1:50, drawing number T Spec detail 1, received on 04 June 2013
- Access road details, scale 1:50, drawing number T Spec Detail 3, received on 04 June 2013

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

Reason

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

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

Reason

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

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

Reason

To avoid possible dereliction in the interests of general amenity.

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

Reason

In the interests of highway safety

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

Reason

In the interests of highway safety

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

11. The rating noise emissions expressed as LA90, 10 min from the effect of the turbine hereby permitted, as measured or calculated, and corrected for the presence of any tonal components, in accordance with ETSU-R-97, at any dwelling lawfully existing at the date of this permission, shall not exceed:
 - (a) Between 0700 and 2300 hours the greater of 35 dB (A) or 5 dB (A) above the day-time background noise levels for each of the wind speeds set out below.
 - (b) Between 2300 and 0700 hours the greater of 43 dB (A) or 5 dB (A) above the night-time background noise levels for each of the wind speeds set out below.

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

Reason

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

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

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

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

Reason

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

Informative

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

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

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

Statement

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

ITEM NO: 4.

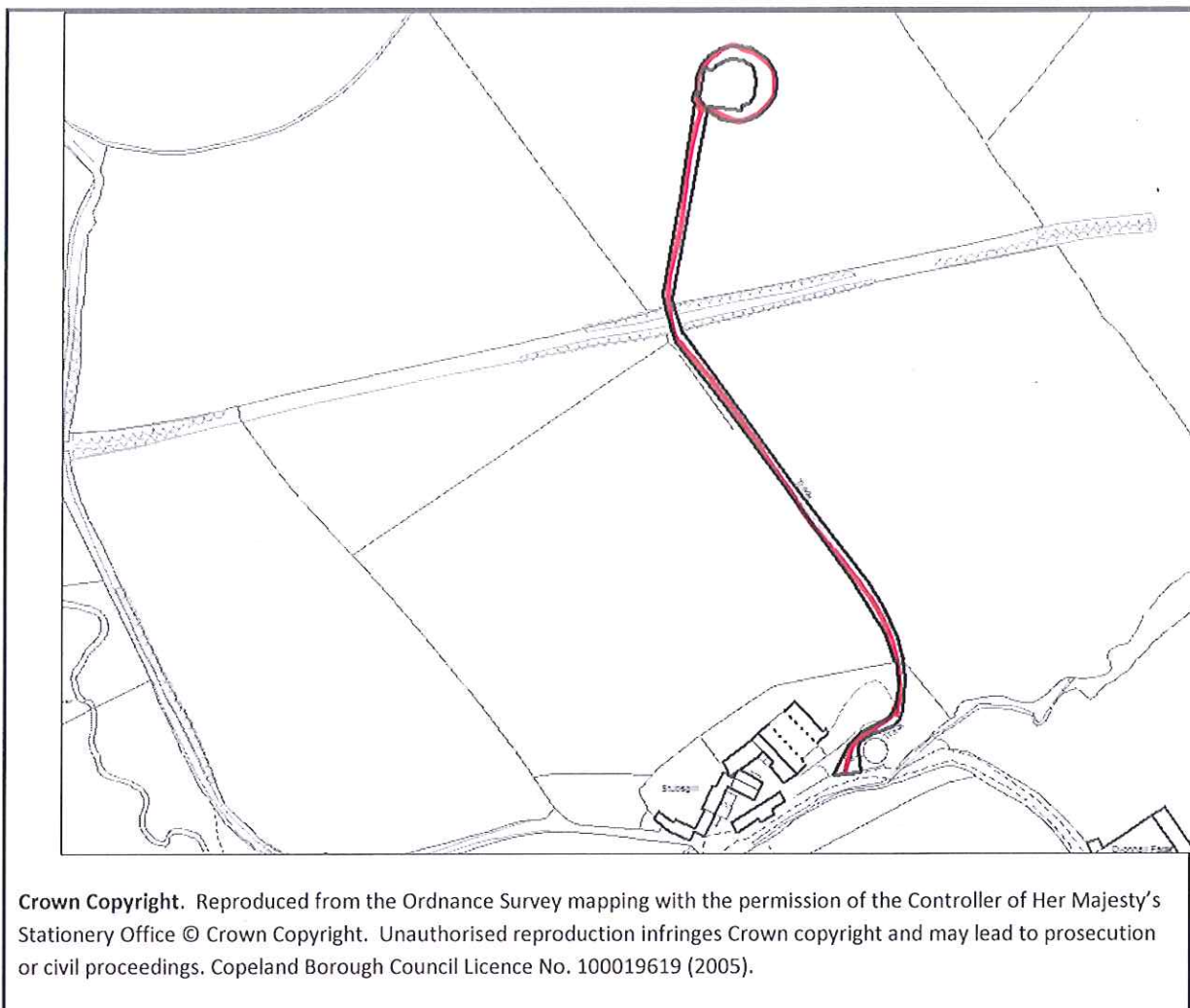


To: PLANNING PANEL

Development Control Section

Date of Meeting: 14/08/2013

Application Number:	4/13/2173/OF1
Application Type:	Full : CBC
Applicant:	Mr W Lawson
Application Address:	LAND AT STUBSGILL FARM, DISTINGTON
Proposal	INSTALLATION OF A SINGLE 250KW WIND TURBINE (WITH A MAXIMUM HEIGHT OF 45.5M TO BLADE TIP) AND ASSOCIATED INFRASTRUCTURE
Parish:	Distington
Recommendation Summary:	Approve (commence within 3 years)



INTRODUCTION

This application relates to an open area of agricultural land which lies to the north of Stubsgill Farm. The farm lies approximately 1.1 km to the west of Distington and 1.4 km from Pica. The land forms part of an agricultural holding which comprises 64.5 hectares.

This application was deferred at the Planning Panel meeting on 19 June 2013 to enable Members to visit the site. The site visit took place on 03 July 2013.

PROPOSAL

Planning permission is sought for the erection of a single 250 kW wind turbine which is to be sited approximately 350 metres to the north of the farm complex. The turbine will have a hub height of 30.5 metres and a total blade tip of 45.5 metres. It is proposed that the turbine will be retained on the site for a maximum period of 20 years.

A switchgear and transformer kiosk is to be sited at the base of the turbine to house the related electrical equipment. This will cover a floor area of approximately 20 sq. metres and will extend up to a maximum height of 2.7 metres.

A crane pad is to be constructed at the base of the turbine to facilitate the erection of the turbine. A substation is to be constructed adjacent to this area of hard standing which will cover a floor area of approximately 16 sq. metres and extend up to a maximum height of 3.2 metres.

Access to the turbine is to be achieved using an existing field access which is to be upgraded to provide enhanced visibility splays. An existing track is to be upgraded and extended from this access to the proposed turbine. This will cover a total distance of 424 metres and will be surfaced with crushed stone.

The turbine will be connected to the local grid using underground cables.

The applicant's agent has set out that the turbine will provide an additional source of income for the farm for a 20 year period and will also help the applicant to demonstrate that he has complied with the sustainable farming code of practice. It will also contribute towards the UK renewable energy targets.

The application is accompanied by the following:-

- A site location plan
- An elevation plan of the turbine and associated kiosk
- A design and access statement
- A planning supporting statement
- A landscape and visual impact assessment including photomontages

- A noise impact assessment
- An ecology and ornithology assessment
- An archaeology and cultural heritage statement
- An a hydrology, hydrogeology and geology appraisal
- traffic and transport appraisal
- An appraisal of impacts on telecommunication, television aviation
- An appraisal of potential shadow flicker

CONSULTATION RESPONSES

Scientific Officer, Environmental Health

I can confirm that with regards to noise and shadow flicker I have no reason to object to the development.

The noise section of the Environmental Report indicates that the predicted levels of noise from the turbine would remain below 35dB L_{A90} at all nearby residential properties so the turbine meets the simplified ETSU assessment and a flat 35dB L_{A90} condition would be appropriate for the development. However I would note that the prediction was made using the noise data from a 225W Vestas V27 turbine, if the turbine used in the development is noisier the assessment will need to be revisited.

Natural England

From the information provided it does not appear to fall within the scope of the consultations that Natural England should routinely comment on.

Highways Control Officer

No objections to the proposal from a highways point of view subject to the imposition of appropriate conditions which require a Traffic Management Plan to be approved which identifies all highways works required and also the use of measures to prevent mud or debris being deposited on the public highway.

Other

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

- This proposal will set a precedent and result in the proliferation of turbines especially as it refers to phase 1 on the plan
- turbines are not cost effective
- adverse visual and landscape impacts which will affect the visual amenity of the area
- adverse impacts on wildlife especially red squirrels, migrating birds and bats
- impact on views impact on residential amenity devaluation of property
- the proximity of the turbine to residential properties will result in an adverse impact on residential amenity, loss of views and devaluation of property
- noise impacts
- potential shadow flicker
- potential impact on television reception
- adverse impact on leisure and tourism within the local area
- the proposal will not provide any benefits to the local population and job creation will be minimal
- the proximity of the turbine to the road raises health and safety risks due to driver distraction health and safety dangers of turbines in terms of collapse, blade sheering and ice dropping off blades

PLANNING POLICY

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

National Planning Policy Framework

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

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

- plan for biodiversity at a landscape-scale across local authority boundaries
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for

biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;

- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.

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

As regards renewable energy developments it states that we should:

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

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

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

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

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

Planning Practice Guidance for Renewable and Low Carbon Energy

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

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

Local Plan Policy

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

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

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

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

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

8. There would be no adverse unacceptable conflict with any existing recreational facilities and their access routes.
9. That they would not give rise to any unacceptable cumulative effects when considered against any previous extant planning approvals for renewable energy development or other existing/ approved utility infrastructure in the vicinity.

Cumbria Wind Energy Supplementary Planning Document (SPD)

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

Emerging Local Plan

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

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

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

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

ASSESSMENT

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

- 1 Noise: The supporting case contends that any noise arising from the turbine in operation would be below the recommended level and would have no impact on surrounding properties. The separation between the turbine and the nearest residential property is 378 metres. Given this separation distance it is considered that any noise issues can be adequately dealt with by the use of appropriately worded conditions attached to any planning permission which would set a maximum noise level at the nearest properties.
- 2 Shadow Flicker: The accompanying assessment concludes that no additional shadow impacts will affect the adjoining houses as they all fall outside the assessment area of 10 x the rotor diameter of the turbine (300 metres). The nearest residential property is 378 metres away.
- 3 Transport and Access. Access to the site already exists and the Highway Authority raises no objections to the proposal. Whilst construction would increase traffic movements to the site this would only be temporary. Operational traffic will also be insignificant. These issues can be adequately covered by a condition which requires a Traffic Management Plan to be agreed before development commences.
- 4 Heritage and Archaeology. There are no conservation areas, ancient monuments or listed buildings in the vicinity of the site that are likely to be affected by this proposal.
- 5 Aviation. An Aviation Impact Assessment has been submitted which concludes that the proposal will have no impact on aviation.
- 6 Telecommunications and television reception. The turbine is unlikely to cause any interference to telecommunication or television reception in the vicinity due to the modest scale of the turbine and its proposed siting. Digital television is less susceptible to interference from turbines.
- 7 Ecology. The site falls outside the West Cumbria wintering site for Hen Harriers as defined by the RSPB. The habitat within the boundary of Stubsgill Farm is not deemed to be suitable to support hen Harriers due to the tightly grazed and agriculturally improved nature of the site. The RSPB has indicated verbally that there is no perceived significant impact on Hen Harriers.
A Phase 1 study has been submitted with the application which clarifies that the turbine is unlikely to have any significant impacts on ecology in the vicinity of the site. Natural England has not raised any comments on the application.

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

Landscape, Visual and Cumulative Impacts

The turbine is to be located on a gently sloping hillside within the rural land to the east of Distington. The local setting is characterised by a combination of urban and rural landscapes.

The site lies on the edge of landscape character type 9a "open moorland" and is immediately adjacent to landscape character type 5d "urban fringe". The Wind Energy SPD identifies both of these landscape types as having moderate landscape capacity to accept a small group of up to 3-5 turbines.

The site is not designated as a national or local level.

Whilst the proposed turbine will have a significant visual impact this impact would be limited to a relatively small area within the immediate vicinity due to the relatively modest scale of the turbine and also the rolling nature of the surrounding landscape.

The site lies within an area which already has turbines within it. The two main wind farms within close proximity are Fairfield Farm at Pica and the Lowca windfarm. Fairfield Farm consists of 5 turbines and lies approximately 2.3 km to the south. This windfarm occupies a plateau and is separated from the application site by higher ground which will significantly reduce the intervisibility between the two.

The Lowca windfarm consists of 7 turbines which lie approximately 3.6 km to the west of the site. It occupies a coastal location on lower ground. The higher land form in between the wind farm and the proposed turbine will significantly restrict views of both sites within the locality.

The other constructed wind farms lie to the north of the site around the fringes of Workington. The distances involved between these turbines and the current proposal will diminish any cumulative impacts.

Overall there is not considered to be any significant cumulative impact when introducing the proposed development into the existing pattern of wind turbine development in this part of West Cumbria.

Benefits

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

Farm Diversification

The turbine would provide an additional income for a 20 year period which would help to secure the future of the farm and would also protect the farm against any future rises in electricity prices.

Renewable Energy Generation

The applicants have set out that the proposed turbine could provide up to 565.9 MWh of electricity per year which is the equivalent to the amount of energy used annually by 120 households.

Reduction of Carbon Emissions

The applicants claim that the turbine could displace approximately 243 tonnes of carbon dioxide emissions per year. This will help the applicant to demonstrate that he has complied

with the sustainable farming code of practice that is now commonplace requirement in attracting and retaining key contracts with supermarkets.

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

CONCLUSION

The NPPF sets out a strong presumption in favour of sustainable development. It advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal. Although it is acknowledged that the proposed turbine would have an adverse visual and landscape impact in the local vicinity these impacts are not considered to be so significant that they demonstrably outweigh the benefits of this scheme in this case.

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

Reason

To ensure that possible dereliction and unsightliness is avoided.

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

Reason

To ensure that possible dereliction and unsightliness is avoided.

4. The maximum height of the turbines hereby permitted shall not exceed 45.5 metres above ground level when a blade is in the vertical position.

Reason

For the avoidance of doubt and in the interests of amenity.

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

Reason

In the interests of residential amenity.

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

Reason

In the interests of highway safety

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

Reason

In the interests of highway safety

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

Reason

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

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

Reason

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

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: 5.

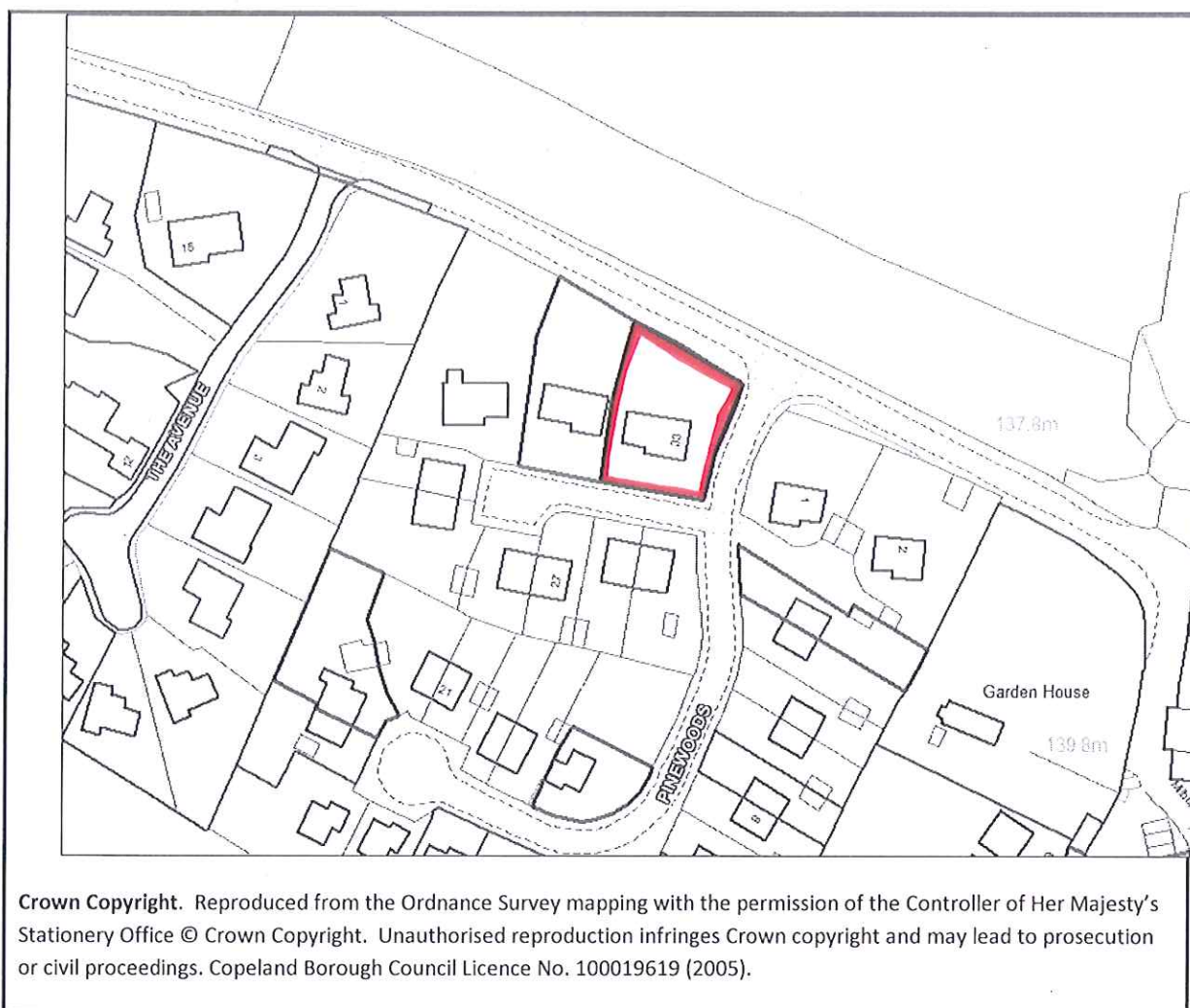


To: PLANNING PANEL

Development Control Section

Date of Meeting: 14/08/2013

Application Number:	4/13/2202/OF1
Application Type:	Full : CBC
Applicant:	Mr L Greggain
Application Address:	33 PINWOODS, GILGARRAN, DISTINGTON
Proposal	ERECTION OF MOTORCYCLE STORE & FITNESS ROOM (RETROSPECTIVE)
Parish:	Distington
Recommendation Summary:	Approve (commence within 3 years)



PROPOSAL

Planning permission is sought in retrospect for the erection of a detached outbuilding to 33 Pinewoods, Gilgarran, Distington. The application follows the submission of an application of the same title which was granted planning permission in November 2012 (4/12/2450/OF1 refers).

The property is a single storey detached dwelling situated on a residential estate of 33 properties within the small village of Gilgarran. The property adjoins the estate road to the south and east boundaries, the unclassified road providing access to the village to the north and the curtilage of the adjoining property, 32 Pinewoods to the west. The land level slopes down significantly to the rear of the garden to the north elevation.

The application seeks planning permission now, in retrospect, for a single storey detached building to be utilised as a motorcycle store and a fitness room. It is located to the rear of the dwelling, near the boundary with the adjoining dwelling 32 Pinewoods and on the boundary with the road to the rear. The boundary was formed with a thick conifer hedge to both boundaries, but during the course of the construction the hedge to the rear boundary

has been removed. Access would be provided between the gable elevation of the dwelling and the boundary. The building is 5.8m x 9.5m with a pitched roof which extends to a height of 2.5m at eaves level and 4.3m to the ridge.

Due to the fall in the land level however, the rear elevation has a height of 3.8m to the eaves and a total height of 5.6m due to a substantial level of under build to create a level floor within the building. It has a grey tiled pitched roof, a white upvc window, timber stained access door, metal up and over garage door and a dry dash finish to the walls.

The dwelling retains a grassed garden area adjacent to the garage and the existing access to the dwelling frontage remains unaffected by the proposal.

The application differs from the previous approval as the outbuilding has been repositioned approximately 2.0m closer to the rear boundary of the site, following the removal of the boundary hedge to the rear. In addition, the building now appears to be located on or over the rear boundary with the highway verge of the road. This is a stretch of grassed land approximately 2.5m wide. A 1.8m high timber fence has now been constructed to enclose the building, which protrudes further into the grassed land than either boundary to the dwellings either side. The Highway Authority have however not raised any objections to the proposal in terms of either highway visibility or land ownership.

The application also includes an additional window to the rear of the building.

CONSULTATION RESPONSES

2 letters of objection have been received from residents of the estate, whose comments are summarised as below:-

- The application did not building the outbuilding in accordance with his previously submitted plans
- The hedge along the boundary has been removed.
- The building has been constructed partly on the highway verge.

PLANNING POLICY

National and Local Planning Policy

The National Planning Policy Framework, which came into effect in March 2012, sets out the Government's new planning policies and introduces a presumption in favour of sustainable development.

Paragraph 17 of the NPPF covers 12 key principles of the planning framework. One section of this states that 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.

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

It allows full weight to be given to relevant local plan policies and the Copeland Local Plan 2001 – 2016, adopted in 2006, falls into this category. In respect of this application policies DEV 6 and HSG 20 of the adopted Copeland Local Plan 2001-2016 are considered of particular relevance to the determination of this application. The former sets out the Council's sustainable design criteria which all new developments must adhere to. The latter presumes in favour of allowing domestic extensions and alterations provided the scale, design and materials used respect the character of the parent property; they would not lead to a significant reduction in daylight; they would not create security, privacy or overlooking problems and they would not result in a loss of 50% or more of the undeveloped curtilage.

Emerging Local Planning Policy

The Local Development Framework Core Strategy and Development Management Policies DPD which will replace the policies in the Copeland Local Plan, is now at a more advanced stage of production. The public examination into the document took place in April this year and the Inspectors report is due in September. It is the intention that this will be adopted in December 2013. In the meantime it is acknowledged that the NPPF is critical to development management decisions and that local plan policy can only be considered relevant where it is considered consistent with it.

Therefore Policy DM 18 of the new document, regarding domestic extension and alterations, is considered relevant in the determination of this application. This states:

Proposals for extension and alterations to existing dwellings will be permitted so long as:

- A The scale, design and choice of materials involved respect the character of the parent property with the use of pitched roofs where practicable
- B They would not lead to a significant reduction in daylighting available to either the parent property or adjacent dwellings
- C They would not create potential noise nuisance, security or privacy or overlooking problems for residents of either the parent property or adjacent dwellings
- D They would not result in a loss of 50% or more of the undeveloped curtilage of the parent property

Proposals which involve listed buildings or properties within conservation areas must also meet the requirements of Policies ENV 4 and DM26.

ASSESSMENT

The outbuilding is still considered to be of an appropriate size in relation to the parent property, and the level of under building is considered necessary to create an equal floor level within the building due to the sloping nature of the site. With regards to the repositioning, as mentioned above Cumbria Highways have raised no objections, either in terms of highway visibility or the land ownership matter. While the relocation and removal of the hedge have increased the impact the outbuilding, especially from the Gilgarran access road to the rear, it is not considered to be so detrimental to the amenity of the area, that it warrants refusal. Any refusal would effectively mean in practice that it should be demolished and repositioned as previously approved.

Therefore while the retrospective nature of the application is not condoned, the proposal is still considered to be compliant with Policies DEV 6 and HSG 20 of the Local Plan and, as such, it is recommended that planning permission be granted.

Recommendation:-

Approve

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: 6.

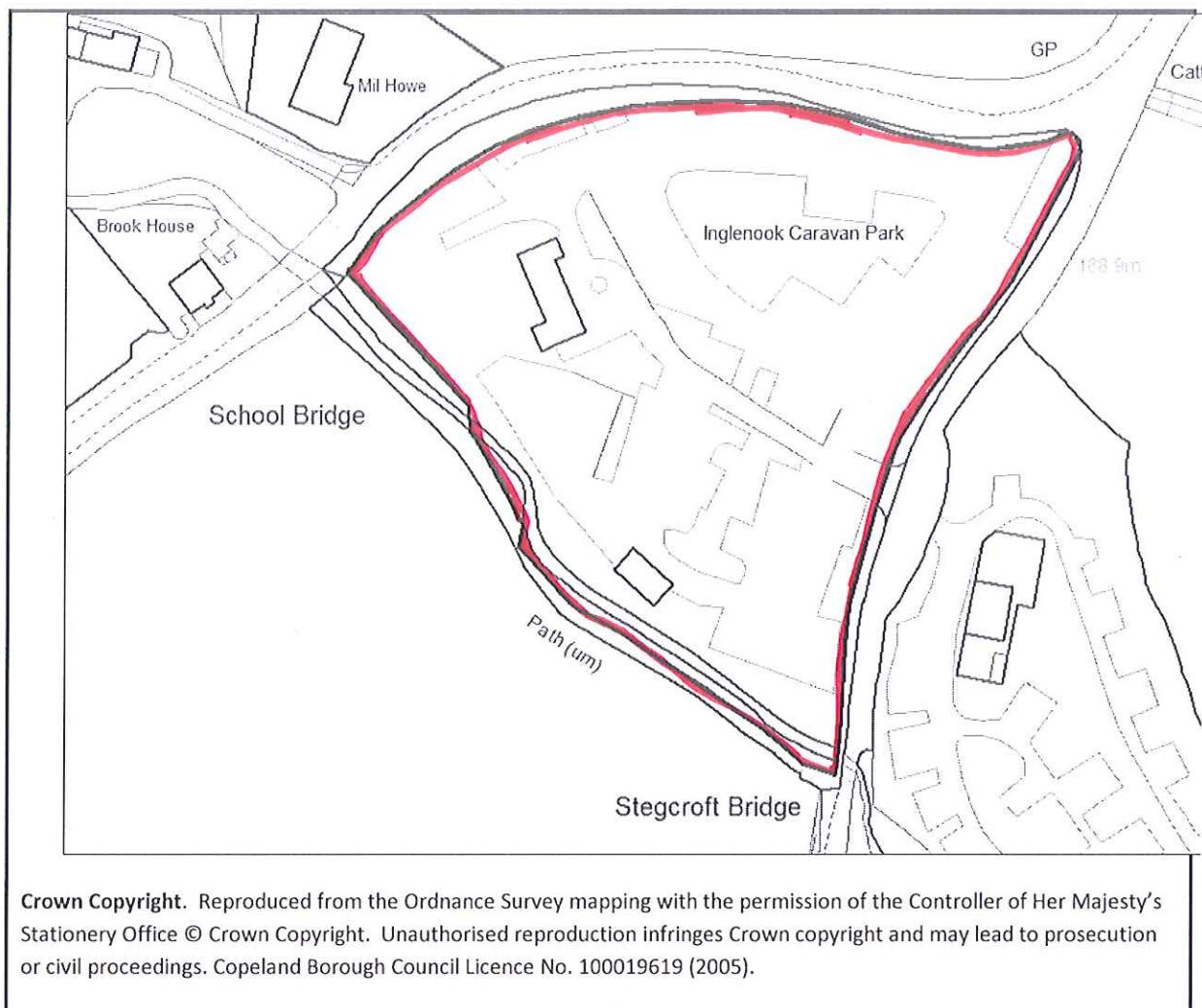


To: PLANNING PANEL

Development Control Section

Date of Meeting: 14/08/2013

Application Number:	4/13/2192/0F1
Application Type:	Full : CBC
Applicant:	Mr J Hoey
Application Address:	INGLENOOK CARAVAN PARK, LAMPLUGH
Proposal	DEMOLITION OF EXISTING GARAGE, CONSTRUCTION OF TWO STOREY BUILDING WHICH WILL INCORPORATE HOLIDAY ACCOMMODATION AND OFFICE ON FIRST FLOOR, WITH GARAGE AND STORE ON GROUND FLOOR
Parish:	Lamplugh
Recommendation Summary:	Site Visit



PROPOSAL

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

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

The building will have a pitched slate roof and its external walls will be clad with a mixture of render, stone and timber cladding. It will be a total length of 15.5 metres long and 9 metres wide and its maximum height would be a maximum of 8 metres when measured from the lower part of the site.

The applicant's agent claims that the flat is required to meet the demand from existing users of the park who would like a facility which allows their family and friends to stay with them on the site. It is also argued that the storage facilities would provide enhanced security.

CONSULTATION RESPONSES

Lamplugh Parish Council

The Parish Council has raised the following points:-

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

Environment Agency

No objection in principle to the development. The Environment Agency indicative mapping shows the site to be within Flood Zone 1 although it lies in close proximity to Flood Zone 3. A Flood Risk Assessment has been produced and submitted with the application. The applicant should be fully aware of the flood risk and frequency at this location and any

impact this may have on their proposals. The applicant should ensure that flood risk is not increased elsewhere as a result of their proposals.

Others

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

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

PLANNING POLICY

National Planning Policy Framework

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

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

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

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

Copeland Local Plan 2001-2016 (Saved Policies 2009)

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

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

Emerging Local Plan

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

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

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

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

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

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

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

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

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

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

ASSESSMENT

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

The proposed building is to be sited adjacent to the existing shop and warden's accommodation in the central part of the site. The building is of an attractive design but is much larger in scale than the existing single storey garage that it is to replace. The change in levels across the site will also increase its scale when viewed from outside the site along the western boundary of the park. The recent removal of some existing landscaping along this boundary will increase the impact of the proposed building.

Although the planning policy context for tourism related development is positive Policy TSM 3 of the adopted Local plan only permits serviced accommodation within existing settlement

boundaries. Policy RUR 1 only permits ancillary buildings which are of an appropriate scale and are no bigger than the building it is to replace.

Although the applicants agent claims that the proposed accommodation is to meet a demand from existing park users who would like the facility for their family and friends to stay with them when they are present at the park no evidence has been supplied to substantiate this claim. It may be possible to meet this demand by siting another caravan on the site. No details have also been provided to illustrate that there is a requirement for additional garaging and storage to support the operation of the park. All of these factors may have an

impact on the scale of any new building that is deemed appropriate.

Given the policy implications listed above and also the concerns raised by both the Parish Council and local residents it is considered to be appropriate for Members to visit the site before determining this application.

Recommendation:-

Site Visit

ITEM NO: 7.

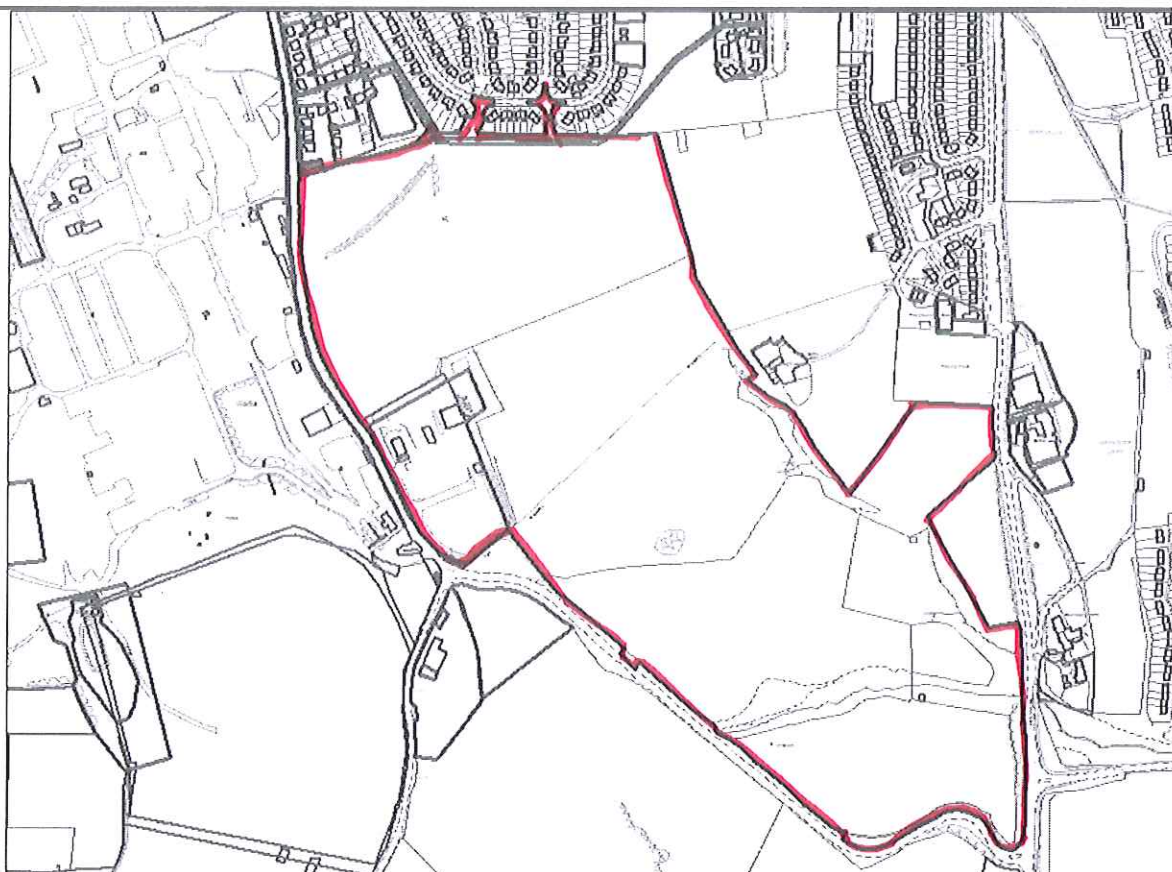


To: PLANNING PANEL

Development Control Section

Date of Meeting: 14/08/2013

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:	Site Visit



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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.

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. 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 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

The application is currently subject to an extensive consultation process with both technical bodies and the local community.

As this application relates to a major housing development on a prominent site on the edge of Whitehaven it is recommended that Members take the opportunity to visit the site to fully appraise all of the material planning considerations before determining the application.

Recommendation:-

Site Visit

List of Delegated Decisions

Selection Criteria:

From Date: 09/07/2013

To Date: 05/08/2013

Printed Date: Tuesday, August 06, 2013

Printed Time: 8:27 AM

Application Number	4/12/2022/0F1
Applicant	Mr I Adams
Location	LAND ADJACENT TO 12 KIRKBECK DRIVE, BECKERMET
Proposal	SPLIT LEVEL DWELLING (RE-SUBMISSION)
Decision	Approve (commence within 3 years)
Decision Date	19 July 2013
Dispatch Date	25 July 2013
Parish	Beckermest with Thornhill

Application Number	4/13/2146/0R1
Applicant	Kirkbride Homes (NW) Ltd
Location	STATION YARD, MOOR ROW
Proposal	RESERVED MATTERS APPLICATION FOR ROAD AND PLOT LAYOUT
Decision	Approve Reserved Matters
Decision Date	17 July 2013
Dispatch Date	18 July 2013
Parish	Egremont

Application Number	4/13/2153/0F1
Applicant	Jacksons Timber
Location	CALDERBRIDGE TIMBER YARD & SAWMILL, NORTH DRIVE, CALDERBRIDGE, SEASCALE
Proposal	ERECTION OF NEW STORAGE BUILDING AND SHOWROOM/OFFICE BUILDING INCLUDING WIDENING OF EXISTING ACCESS AND NEW PERIMETER FENCING
Decision	Approve (commence within 3 years)
Decision Date	22 July 2013
Dispatch Date	23 July 2013
Parish	Ponsonby

Application Number	4/13/2157/0F1
Applicant	Mr J L Hocking
Location	LAND AT HIGHFIELD FARM, EGREMONT
Proposal	INSTALLATION OF A SINGLE 250KW WIND TURBINE (WITH A MAXIMUM HEIGHT OF 45.5 METRES TO BLADE TIP HEIGHT) AND ASSOCIATED INFRASTRUCTURE
Decision	Approve (commence within 3 years)
Decision Date	17 July 2013
Dispatch Date	22 July 2013
Parish	St. Bees

Application Number	4/13/2159/001
Applicant	Pathfinding Commercial Ltd
Location	LAND AT FORMER SEKERS SITE, MAIN STREET, HENSINGHAM, WHITEHAVEN
Proposal	APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE EXTANT PLANNING PERMISSION (4/10/2359/001 - OUTLINE FOR 58 BED SPACE CARE HOME & RESIDENTIAL DEVELOPMENT ETC) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION
Decision	Withdrawn
Decision Date	25 July 2013
Dispatch Date	25 July 2013
Parish	Whitehaven

Application Number	4/13/2185/0F1
Applicant	John Swift Homes Ltd
Location	THE OLD SCHOOL, MAIN STREET, DISTINGTON
Proposal	AMENDMENT OF VARIOUS CONDITIONS OF PLANNING APPROVAL 4/13/2030/0F1 (DEMOLITION OF OLD SCHOOL, ERECTION OF 3 HOUSES & 11 BUNGALOWS ETC)
Decision	Approve (commence within 3 years)
Decision Date	5 July 2013
Dispatch Date	10 July 2013
Parish	Distington

Application Number	4/13/2187/0F1
Applicant	Mr D Lynch
Location	THE CASTLE PUBLIC HOUSE, LOW CORKICKLE, WHITEHAVEN
Proposal	REPLACEMENT WINDOWS, FRONT DOOR, ROOF AND ENTRY GATES
Decision	Approve (commence within 3 years)
Decision Date	3 July 2013
Dispatch Date	11 July 2013
Parish	Whitehaven

Application Number	4/13/2190/0F1
Applicant	Mr A Sharma
Location	CROWN AND ANCHOR, WHINLATTER ROAD, MIREHOUSE, WHITEHAVEN
Proposal	ALTERATIONS TO FORMER PUBLIC HOUSE TO SHOP UNIT (RE-SUBMISSION)
Decision	Approve
Decision Date	10 July 2013
Dispatch Date	1 August 2013
Parish	Whitehaven

Application Number	4/13/2193/0L1
Applicant	St Bees School
Location	11 LONSDALE TERRACE, ST BEES
Proposal	LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS TO SECOND FLOOR TO PROVIDE STAFF LIVING ACCOMMODATION FOR HOUSE TUTOR IN BOARDING HOUSE
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	15 July 2013
Dispatch Date	16 July 2013
Parish	St. Bees

Application Number	4/13/2194/0F1
Applicant	Mrs S Pyne
Location	BRIDGE END HOUSE, THE GREEN, MILLOM
Proposal	DEMOLITION OF EXISTING REAR EXTENSION AND CONSTRUCTION OF NEW SINGLE STOREY/TWO STOREY EXTENSION TO REAR AS UTILITY SPACE & GARDEN ROOM
Decision	Approve (commence within 3 years)
Decision Date	11 July 2013
Dispatch Date	16 July 2013

Parish	Millom Without
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Application Number	4/13/2198/OF1
Applicant	Sellafield Limited
Location	SELLAFIELD SITE, SEASCALE
Proposal	PROPOSED DRILL TOWER
Decision	Approve (commence within 3 years)
Decision Date	23 July 2013
Dispatch Date	23 July 2013
Parish	Beckermest with Thornhill

Application Number	4/13/2199/OF1
Applicant	Mr and Mrs S G Butterworth
Location	36 TRUMPET TERRACE, CLEATOR
Proposal	REAR FIRST FLOOR EXTENSION & REAR DORMER ROOF EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	30 July 2013
Dispatch Date	1 August 2013
Parish	Cleator Moor

Application Number	4/13/2200/OF1
Applicant	Mr M Blair
Location	PLOT 3, FLEATHAM HOUSE, HIGH HOUSE ROAD, ST BEES
Proposal	ERECTION OF NEW DWELLING - REVISIONS TO PREVIOUSLY APPROVED SCHEME (4/10/2506) INCLUDING THE USE OF UPVC DOORS AND WINDOWS
Decision	Approve
Decision Date	25 July 2013
Dispatch Date	25 July 2013
Parish	St. Bees

Application Number	4/13/2204/OF1
Applicant	Mr M Davison
Location	116 MAIN STREET, ST BEES
Proposal	REAPPLICATION FOR THE DEMOLITION OF PLUMBERS STORE AND THE ERECTION OF A DWELLING
Decision	Approve (commence within 3 years)
Decision Date	24 July 2013
Dispatch Date	24 July 2013
Parish	St. Bees

Application Number	4/13/2205/OC1
Applicant	Mr M Davison
Location	116 MAIN STREET, ST BEES
Proposal	CONSERVATION CONSENT FOR THE DEMOLITION OF PLUMBERS STORE & ERECTION OF A DWELLING
Decision	Approve Conservation Area Consent (within 3yrs)
Decision Date	24 July 2013
Dispatch Date	24 July 2013
Parish	St. Bees

Application Number	4/13/2206/OF1
Applicant	Mr T Bunning
Location	TREE TOPS, LOW MORESBY, WHITEHAVEN

Proposal	EXTENSIONS TO SIDE AND REAR TO FACILITATE ANCILLARY ACCOMMODATION FOR ELDERLY PARENTS
Decision	Approve (commence within 3 years)
Decision Date	12 July 2013
Dispatch Date	24 July 2013
Parish	Moresby

Application Number	4/13/2207/0F1
Applicant	Dr Chris Hall
Location	GHYLL HEAD, LOW MORESBY, WHITEHAVEN
Proposal	CHANGE OF USE OF LAND TO DOMESTIC CURTILAGE & ERECTION OF DETACHED GARAGE WITH SOLAR PANELS & INSTALLATION OF OIL TANK
Decision	Approve (commence within 3 years)
Decision Date	25 July 2013
Dispatch Date	1 August 2013
Parish	Moresby

Application Number	4/13/2208/0F1
Applicant	Mr S Ashburner
Location	54 WELLINGTON STREET, MILLOM
Proposal	APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE AN EXTANT PERMISSION (4/10/2224/0F1 - DEMOLISH EXISTING SINGLE STOREY SHOP AND ERECT A TWO STOREY HOUSE) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION
Decision	Approve (commence within 3 years)
Decision Date	17 July 2013
Dispatch Date	22 July 2013
Parish	Millom

Application Number	4/13/2210/0F1
Applicant	Walkingshaw Construction & Developments Ltd
Location	11 & 13 WHOLE HOUSE ROAD, SEASCALE
Proposal	REPLACE EXISTING GARAGES WITH NEW INCLUDING ENTRANCE PORCH TO NO. 13
Decision	Approve (commence within 3 years)
Decision Date	18 July 2013
Dispatch Date	1 August 2013
Parish	Seascale

Application Number	4/13/2212/0F1
Applicant	1st St Bees Scout Group
Location	YOUTH CENTRE, OUTRIGG, ST BEES
Proposal	RENEWAL OF PLANNING PERMISSION FOR CONTINUED USE OF YOUTH CENTRE FOR SCOUTS & PLAYGROUP
Decision	Approve (commence within 3 years)
Decision Date	23 July 2013
Dispatch Date	25 July 2013
Parish	St. Bees

Application Number	4/13/2214/0F1
Applicant	Mr and Mrs S Flannery
Location	LAND ADJACENT TO MIDTOWN FARM, HAVERIGG, MILLOM
Proposal	ERECTION OF A SINGLE DWELLING

Decision	Withdrawn
Decision Date	30 July 2013
Dispatch Date	30 July 2013
Parish	Millom

Application Number	4/13/2215/0F1
Applicant	Empirica Investments Limited
Location	LAND AT MIDDLE GILL FARM, HOWGATE, WHITEHAVEN
Proposal	TEMPORARY PLANNING PERMISSION FOR THE SITING OF A 50M METEOROLOGICAL MAST FOR A FURTHER 12 MONTHS (RELATING TO 4/12/2240/0F1)
Decision	Approve
Decision Date	18 July 2013
Dispatch Date	22 July 2013
Parish	Distington

Application Number	4/13/2216/0F1
Applicant	Empirica Investments Limited
Location	LAND AT KIDBURN GILL, LAMPLUGH
Proposal	TEMPORARY PLANNING PERMISSION FOR THE SITING OF A 50M METEOROLOGICAL MAST FOR A FURTHER 12 MONTHS (RELATING TO 4/12/2175/0F1)
Decision	Approve
Decision Date	18 July 2013
Dispatch Date	22 July 2013
Parish	Arlecdon and Frizington

Application Number	4/13/2218/0F1
Applicant	Mr A Hebb
Location	30 MAIN STREET, DISTINGTON
Proposal	CONVERSION OF ATTACHED CHAPEL INTO 2 NO. DWELLINGS AND ALTERATIONS TO EXISTING FLAT AND FORMER CHINESE RESTAURANT TO CREATE A TWO STOREY DWELLING
Decision	Approve (commence within 3 years)
Decision Date	30 July 2013
Dispatch Date	30 July 2013
Parish	Distington

Application Number	4/13/2219/0F1
Applicant	Miss R Stanborough
Location	38 RED BECK PARK, CLEATOR MOOR
Proposal	DOUBLE STOREY EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	26 July 2013
Dispatch Date	29 July 2013
Parish	Cleator Moor

Application Number	4/13/2220/0F1
Applicant	Mr D Thompson
Location	INZIEVAR, THE BANKS, SEASCALE
Proposal	CHANGE OF USE FROM CURRENT USE AS RESIDENTIAL CARE HOME (USE CLASS C2) TO USE AS LETTING ROOMS (HOUSE IN MULTIPLE OCCUPATION) - USE CLASS SUI GENERIS
Decision	Withdrawn

Decision Date	2 August 2013
Dispatch Date	2 August 2013
Parish	Seascale

Application Number	4/13/2221/OF1
Applicant	Mrs P Murray
Location	LAND ADJACENT TO 40 PALMERS LANE, MILLOM
Proposal	ERECT DETACHED DWELLING HOUSE
Decision	Approve (commence within 3 years)
Decision Date	23 July 2013
Dispatch Date	1 August 2013
Parish	Millom

Application Number	4/13/2222/OF1
Applicant	J Shephard & Son
Location	LAYRIGGS FARM, KIRKSANTON, MILLOM
Proposal	DEMOLISH REDUNDANT BARN & BYRE, ERECT GENERAL PURPOSE BUILDING
Decision	Approve (commence within 3 years)
Decision Date	31 July 2013
Dispatch Date	1 August 2013
Parish	Whicham

Application Number	4/13/2226/TPO
Applicant	Mrs N Clegg
Location	CONEY GARTH, BECKERMET
Proposal	REMOVAL OF TWO TREES SITUATED WITHIN A CONSERVATION AREA
Decision	TREE PRESERVATION APPROVE
Decision Date	18 July 2013
Dispatch Date	1 August 2013
Parish	Beckermest with Thornhill

Application Number	4/13/2229/OF1
Applicant	Mr M Beqq
Location	26 CROADALLA AVENUE, EGREMONT
Proposal	LOFT EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	16 July 2013
Dispatch Date	1 August 2013
Parish	Egremont

Application Number	4/13/2238/OF1
Applicant	Ms Jenny Shovelton
Location	88 NEWTON STREET, MILLOM
Proposal	ALTERATIONS AND ERECTION OF TWO STOREY EXTENSION TO REAR OF PROPERTY AND CONSERVATORY
Decision	Approve (commence within 3 years)
Decision Date	23 July 2013
Dispatch Date	1 August 2013
Parish	Millom

Application Number	4/13/2248/OF1
Applicant	Mr D Simpson

Location	LAND ADJACENT TO AARON HOUSE, GREEN HILL ROAD, THE GREEN, MILLOM
Proposal	INSTALLATION OF GROUND SOURCE HEAT PUMP FOR DOMESTIC USE (RETROSPECTIVE)
Decision	Approve (commence within 3 years)
Decision Date	31 July 2013
Dispatch Date	1 August 2013
Parish	Millom Without

Application Number	4/13/9003/0F2
Applicant	Sellafield Ltd
Location	SELLAFIELD LTD, SEASCALE
Proposal	MODULAR SUB-CHANGEROOM
Decision	County Council Approved
Decision Date	11 July 2013
Dispatch Date	11 July 2013
Parish	Beckermest with Thornhill

Application Number	4/13/9007/0F2
Applicant	Story Homes
Location	FORMER TANKER DEPOT, HIGH ROAD, WHITEHAVEN
Proposal	TEMPORARY STORAGE OF EXCESS MATERIALS FROM NEARBY RESIDENTIAL DEVELOPMENT OF ANHYDRITE AND SLAG UP TO 2018
Decision	No Objection
Decision Date	18 July 2013
Dispatch Date	22 July 2013
Parish	Whitehaven