

PLANNING PANEL AGENDA – 22 JANUARY 2014

<u>SCHEDULE OF APPLICATIONS</u>		PAGE
Item 1	4/11/9007/0F2 (Cumbria County Council application) Phased Construction of Vaults 9a to 14 & for the Disposal of Low Level Radioactive Wastes within These New Vaults & Within the Existing Vault 9 with Higher Stacking, for the Retention of Temporarily Higher Stacked Containers in Vault 8 with Additional Higher Stacking. Phased Construction of a Permanent Engineered Capped Layer over Trenches 1 to 7 & Vaults 8 to 14, with Other Ancillary Work Low Level Waste Disposal Site, Shore Road, Drigg	1
Item 2	4/13/2392/0F1 Proposed Siting of 1 x 24.8m High (Hub) Wind Turbine With a Tip Height of 34.5m Land at Oxenriggs Farm, Egremont	8
Item 3	4/13/2443/0F1 Proposed Engineering Workshop and Palisade Fence Around Site Boundary The Energy Coast Business Park, Haile, Egremont	21
Item 4	4/13/2450/0F1 Variation of Conditions 2 and 5 of Planning Approval 4/13/2061/0F1 (Single Wind Turbine) Land at Drigg Moorside Farm, Drigg	31
Item 5	4/13/2462/0F1 Renovation of Existing Play Area, including Improvements to Drainage, Installation of New Play Equipment, Seating and Fencing Play Area, Land adjacent to Main Beach, St Bees	41
Item 6	4/13/2500/001 Outline Application for up to 60 New Residential Units & Associated Access Land off Laurel Bank, The Highlands, Whitehaven	48

Item 7 4/13/2501/0F1 52
Erection of a Glasshouse
Woodland Nurseries, Stamford Hill, Lowca

Item 8 4/13/2515/0C1 56
Demolition and Removal of the Existing
Public WC Situated within a Conservation Area
Public Conveniences, James Street, Whitehaven

SCHEDULE OF DELEGATED DECISIONS 66

ITEM NO: 1.

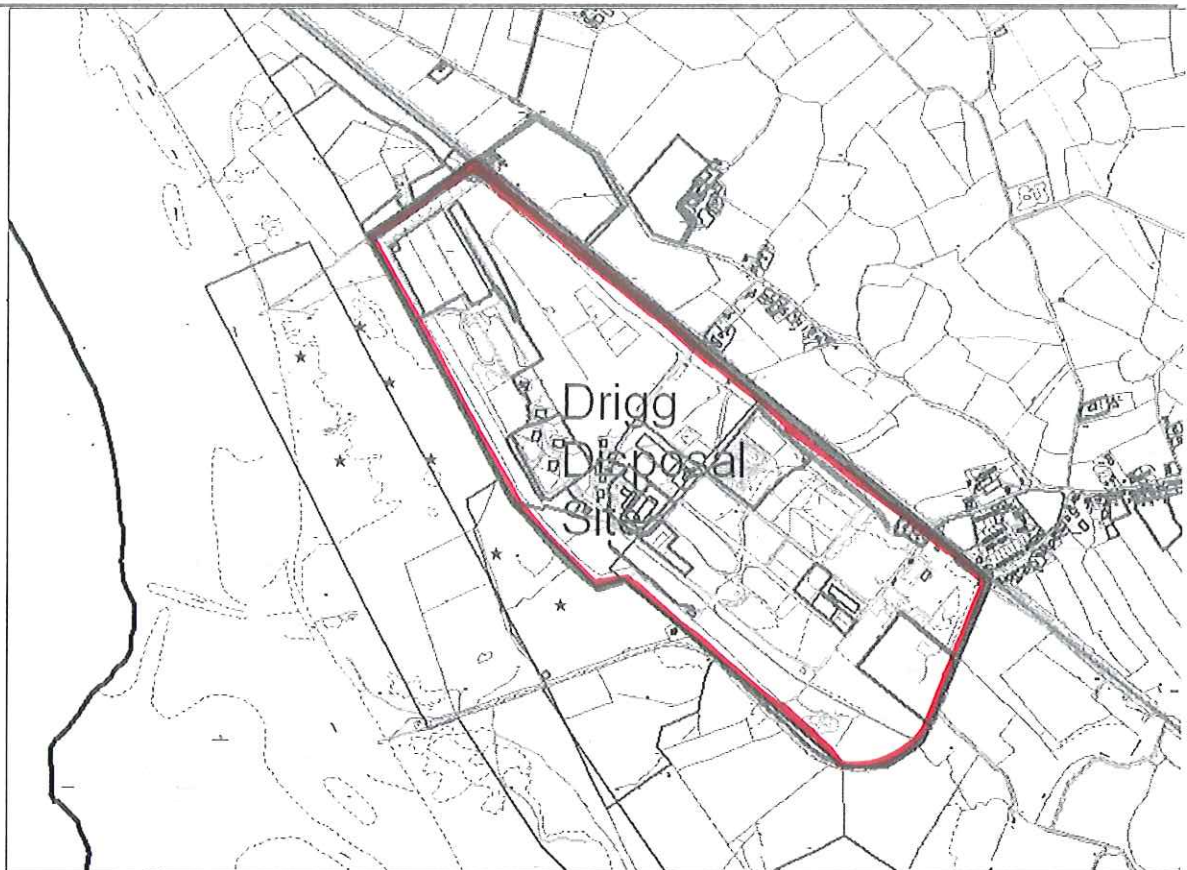


To: PLANNING PANEL

Development Control Section

Date of Meeting: 22/01/2014

Application Number:	4/11/9007/0F2
Application Type:	Full : County
Applicant:	LLW Repository Ltd
Application Address:	LOW LEVEL WASTE DISPOSAL SITE, SHORE ROAD, DRIGG, HOLMROOK
Proposal	PHASED CONSTRUCTION OF VAULTS 9a TO 14 & FOR THE DISPOSAL OF LOW LEVEL RADIOACTIVE WASTES WITHIN THESE NEW VAULTS AND WITHIN THE EXISTING VAULT 9 WITH HIGHER STACKING, FOR THE RETENTION OF TEMPORARILY HIGHER STACKED CONTAINERS IN VAULT 8 WITH ADDITIONAL HIGHER STACKING. PHASED CONSTRUCTION OF A PERMANENT ENGINEERED CAPPING LAYER OVER TRENCHES 1 TO 7 & VAULTS 8 TO 14, WITH OTHER ANCILLARY WORKS
Parish:	Drigg and Carleton, Seascale
Recommendation Summary:	Site Visit



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Introduction

The proposed site currently operates as the UK's national facility for the disposal of Low Level Waste (LLW). Owned by the Nuclear Decommissioning Authority (NDA), it is licensed to and operated by LLW Repository Ltd who manages the site on behalf of the NDA.

The waste disposed of at this facility typically comprises paper, cardboard, plastic, protective clothing, soil, rubble, and metal. It is disposed of in engineered concrete vaults and most is compacted into half height ISO freight containers before being placed in the vaults.

The waste disposal operations are located within the northern most part of the site and currently comprise a series of 7 trenches into which low level waste was initially tipped into until the 1990's when it was containerised and placed in engineered vaults. These trenches have since been covered with an interim cap in the form of a rounded mound.

Vault 8 is the first engineered vault commissioned in 1988 and is located at the most northern most point of the site adjacent to the trenches. An open multi concrete barrier structure partially set into the ground with concrete lined walls.

The sites current permit only allows disposals into the site's current Vault 8. Vault 9 to the south is currently receiving waste stacked at 4 containers high. Currently the operators only have authorisation to stack containers up to 4 high in both these vaults, and this planning application seeks permission for higher stacking.

During the period this planning application has been on pause an inspection of containers in Vault 8 has identified a number of potential issues with containers at the tops of stacks, in particular with the level of grout in some containers and with possible softening of the grout. Following an extensive investigation related to this issue a requirement for an additional 1m of profiling material has been identified to minimise the risk of differential settlement affecting the performance of the final cap.

Background

Planning application number 4/11/9007 for *"Proposed phased construction of Vaults 9a to 14 and for the disposal of low level radioactive wastes within these new Vaults and within the existing Vault 9 with higher stacking, for the retention of temporarily higher stacked containers in Vault 8 with additional higher stacking. Phased construction of a permanent engineered capping layer over Trenches 1 to 7 and Vaults 8 to 14, with other ancillary works at the Low Level Waste Repository, near Drigg, Holmrook, Cumbria, CA19 1XL"* was submitted by LLW Repository Ltd on 30th June 2011 and registered as valid by Cumbria County Council (CCC) 7th July 2011.

Copeland Borough Council was originally consulted on the planning application on the 08th July 2011.

The application was accompanied by an Environmental Statement (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended).

As the requirement for additional profiling fill was not identified in the Environmental Statement (ES) which accompanied the planning application, a Supplementary ES has been submitted which assesses the environmental impact of increasing pre-settlement cap levels.

The application has been on hold since October 2011 to allow the applicant to respond to a request for further information from the Environment Agency and County Council. The EA objected to the application on grounds of lack of information and requested further information on the following topics:

- Hydrogeology of near Surface Groundwater
- Biodiversity and designated Habitats
- Landscaping, Long Term Access and End Use
- Design Elements
- Geotechnical Stability
- Capping
- Material Budgets
- Stockpiled material
- Control of Suspended Solids
- Environmental Management Plan
- Environmental Monitoring
- Coastal Defences.

The planning application is being considered by the County Council at the same time as the Environment Agency (EA) is Considering the Repository's Environmental Safety Case (ESC) which has been submitted to the EA.

The ESC provides the information bases upon which the EA will determine the LLWR application to vary their existing permit. The permitting and planning are independent processes and at the same time that Cumbria County Council are consulting on the planning application the Environment Agency are also determining and consulting on the permitting process.

Whilst the planning application and the ESC are part of separate regulatory regimes, they are interrelated and, to a degree, inter-dependant on each other.

On 28th November 2011 CCC wrote to LLW Repository Ltd. to request the submission of further environmental information on

- Waste arising's and timescale;
- Design details;
- Wildlife;
- Air quality

The LLWR has provided all additional information requested and Cumbria County Council recommenced the consultation process on the 18th November 2013.

The Proposal

The application seeks permission via an application to Cumbria County Council, as the waste planning authority, for a series of works to secure the long term optimisation of LLWR disposal capacity in order to extend its lifespan and for the final phased capping of the site until approximately 2080. These works comprise:

- Phased construction of 6 new vaults on the site – numbers 9a, 10, 11, 12, 13 & 14.
- Retention of containerised stored waste and permit disposal of low level waste in Vault 9.
- Phased disposal of low level waste in the new vaults over the period 2014 – 2079.
- An increase in the permitted height of the half height ISO freight containers stacked in Vault 8 up to the equivalent of 8 in height.
- Installation of the remaining sections of `vertical cut off wall` around the perimeter of the reference disposal area.
- Installation of southern extension of `secant pile wall` adjacent to trench 3 and proposed vaults 10 – 14.
- Phased installation of final restoration cap over existing trenches 1 – 7 and proposed vaults including 8 – 14.
- Diversion of a length of Drigg Stream adjacent to the proposed Vaults 9a – 14 to the perimeter of the reference disposal area.
- Ancillary works and temporary construction facilities including landscaping and tree planting, formation of material stock piles, contractors compounds prior to each phase of construction, associated access roads, hard standings and construction mitigation works.

Changes from original Application

As previously stated since the submission of the original planning application potential issues have been identified in Vault 8 and the application proposes to increase the thickness of profile fill to accommodate settlement. This will require the importation of up to an additional 300,000 m³ of profiling material to the site.

The supplementary ES, submitted with the application, investigates the impacts of the proposed increase on a summary of the issues identified are:

- **Transport** - Importing an additional 300,000 m³ of profiling fill will therefore require a 20% increase in the number of train movements required. However, there will be

no increase in the maximum number of trains importing construction materials per day and LLW Repository Ltd. confirms that there will be sufficient capacity at the on-site railway sidings over the lifetime of the development to accommodate this increase in railway traffic within the proposed timetable for the development. There will be no additional HGV movements by road.

- **Noise and Vibration** - it concludes that since the noise levels predicted in the ES were considered acceptable it follows that this remains the case if the landform is raised by 1m.
- **Landscape and Visual** - An increase in 1 m over the final post-settlement landform would be most apparent from viewpoints in close proximity, (Summer View and bridleway on northern boundary of the site).
- **Surface Water Management** - A system of perimeter ditches around the pre-settlement landform will be created as its creation progresses with sufficient capacity to convey both surface and sub-surface runoff to a point to the south of the final landform

There will be sufficient space available to the south of the vaults and to the southwest of the Drigg Stream to construct an attenuation pond of sufficient size to accommodate run-off from a storm with return period of 1 in 200 years.

The pond can also be designed as a silt trap and pollution control feature with a hydraulic control to limit the rate of discharge into Drigg Stream to a value equivalent to the "natural" runoff from the undeveloped site.

There will not be a permanent flow attenuation and control facility that will be left in place after the final phase of dome construction

Recommendation

This is a major / significant application for the Borough and in view of the complex nature of the proposal and the various issues it raises particularly in terms of timescale, visual impact, infrastructure, health and safety and social – economic impacts it is recommended that a site visit would be of benefit and aid Members in the assessment of this application.

Recommendation:-

Site Visit

ITEM NO: 2.

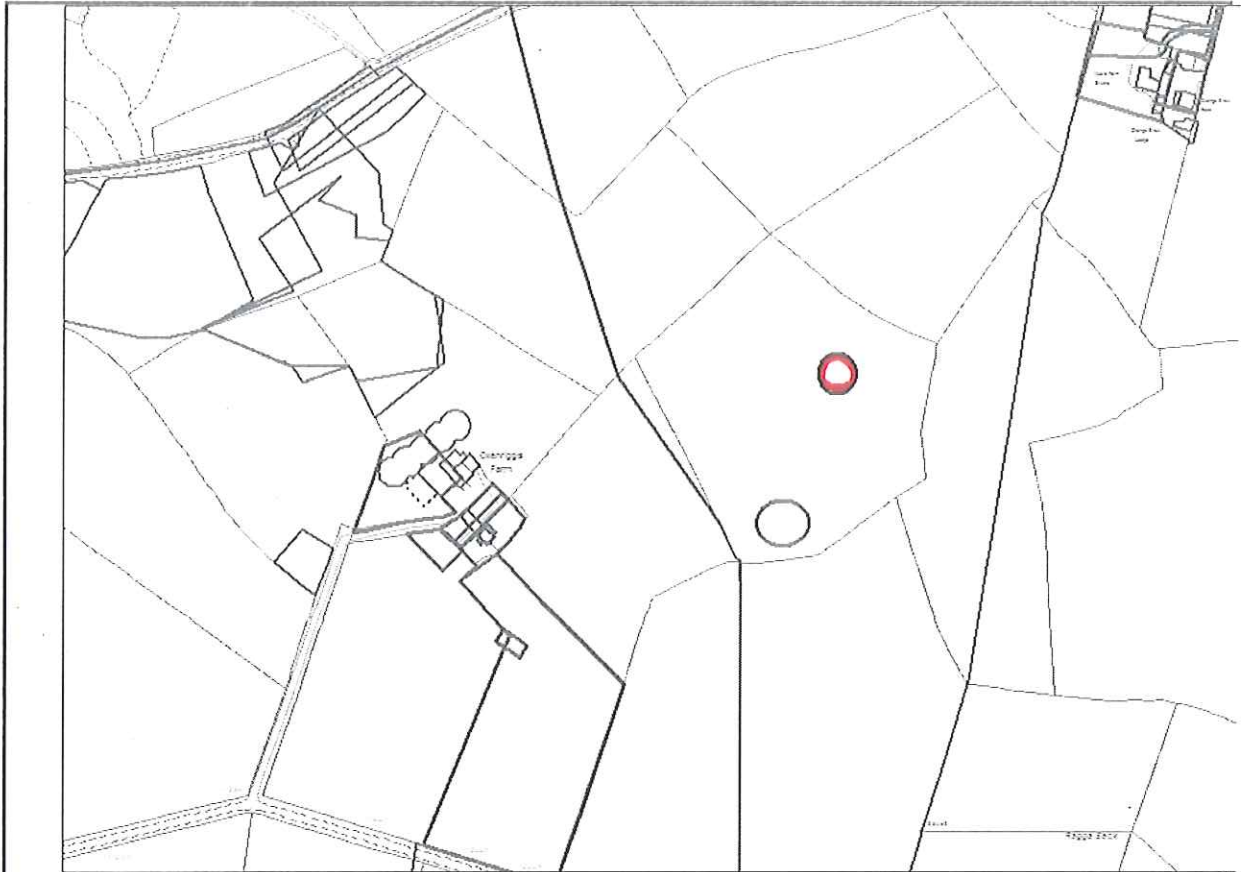


To: PLANNING PANEL

Development Control Section

Date of Meeting: 22/01/2014

Application Number:	4/13/2392/OF1
Application Type:	Full : CBC
Applicant:	Mr D Walker
Application Address:	LAND AT OXENRIGGS FARM, EGREMONT, GRID REFERENCE (EASTINGS 302771, NORTHINGS 510144)
Proposal	PROPOSED SITING OF 1 x 24.8M HIGH (HUB) WIND TURBINE WITH A TIP HEIGHT OF 34.5M
Parish:	Haile
Recommendation Summary:	Approve (commence within 3 years)



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Introduction

This proposal relates to an elevated greenfield site in open countryside, situated some 1.5km to the east of Egremont and some 240m to the north east of a group of dwellings comprising Oxenriggs Farm. The nearest other non-associated dwellings comprise the isolated group at Grange Brow some 270m distant.

The Proposal

Permission is sought for the erection of a single 50kw wind turbine on the site. This would be situated on a single tapered tubular tower pale grey in colour with a hub height of 24.8m. The turbine would be three bladed with a rotor diameter of 19.2m giving a total ground to tip height of 34.5m.

It would be fixed onto a 6m by 6m concrete reinforced foundation some 1.4m in depth and be capable of producing 100,00 - 250,000 kWh per year which is suitable for larger farms. Underground cabling will connect the turbine to the local electricity network.

Access to the development would be via the existing entrance road serving the former farmstead and then via existing access gates and across fields via the use of temporary reinforcing cover sheets to provide access, which will then be removed following installation.

This application is accompanied by a:
Design and Access Statement
Photomontages
Acoustic Data & Wind Turbine Noise Performance Test
Technical Details
Additional Noise Assessment

Planning History

The only associated planning history relevant to this application is the approval of a 50m high anemometer mast in 2012 for a temporary 12 month period on a neighbouring site some 70m to the south west for the purpose of assessing the wind resource in this location. (4/13/ 2392/0F1 refers)

Consultations

Haile & Wilton Parish Council - Strongly object, the height of the turbine will have a visual impact for a large proportion of the parish and residents in surrounding areas and it will also be greatly visible from the National Park. A parish questionnaire undertaken in March 2013 regarding turbines showed that 90% of residents who replied were totally against wind turbines of this size.

Lake District National Park Authority – consider that the proposal has no significant adverse effects on the special qualities nor the setting of the National Park and therefore raise no objection.

Highway Authority - no objections subject to a condition to protect the adjacent highway from mud during construction.

Scientific Officer – is now satisfied following the submission of a further noise assessment that the proposed development meets the requirements for noise levels at all nearby properties. He raises no objections subject to an appropriate noise condition being used.

Neighbours and Others

To date seven letters of objection have been received, two of whom are from residents of one of the nearest non associated group of dwellings at Grange, and three from the other non-associated group at Oxenriggs Farm. Collectively they express concern on the following grounds:

- A recent survey carried out in the parish did not support the development of wind turbines in the area.
- Unacceptable intrusion into the local landscape --This wind turbine will be over 100

feet tall and the visual impact of it will spoil / dominate a naturally beautiful area. It will be detrimental to the habitat and environment.

- Visual Impact. It would destroy the views of Dent, Ennerdale and Buttermere Fells.
- Will set a precedent for other turbines in the parish.
- Cumbria has a vast amount of wind turbines both on and off shore marring the landscape. When is this proliferation going to stop as already have four in the area and have reached saturation point.
- If we have to have them would prefer to see the smaller units being used such as those at Fairladies Farm and Low Thorny which only have a local impact and are much more suited to our environment unlike those at Orgill.
- Query why they have to be white as a darker colour would make them less conspicuous and cut down on flicker.
- It is a commercial size turbine which raises the question as to whether it is required for domestic reasons or commercial gain.
- There is no need for this or similar turbines when there are hundreds of acres of them along our coastline.
- They are not economically efficient when the development, erection, operating, maintenance and commissioning costs are taken into account.
- Query whether a risk assessment covering erection, operation and end of lifecycle has been undertaken as there is often no incentive to decommission them leaving a dangerous rusting hulk for years to come.
- Will have a big impact on neighbour's lives by devaluing their home and lives. It will impact on their views and noise emitted will clearly be audible along with flicker. Proposed site is directly behind objector's farmhouse and adjoining 4 acres of land at Oxenriggs, and will be in clear view from the farmhouse and land which is used for leisure.
- Will adversely affect value of nearby residences.
- Will further damage the access lane to Oxenriggs farm which is used to access non associated residences.
- No photomontages have been provided that show the viewpoints of those most affected at Oxenriggs.

Comments on Grounds of Objection

Whilst the issues raised regarding the potential impacts on character and appearance of the landscape, visual and residential amenities will be considered in the assessment section of this report, the following comments are offered in response to the other points raised:

- Concerns raised regarding need and the effect of the proposal on property values are not material planning issues to take into consideration.
- As regards the colour of the turbine – this is what has been applied for. Not aware that medium and larger turbines are manufactured in darker colours other than grey and white/ off white.
- Economic efficiency referred to whilst noted is not a material planning consideration.
- Risk assessment is not a matter taken into account at the planning stage however the potential for them to become an environmental eyesore is and is usually addressed by appropriate conditions restricting timescale and in-operation.

- Issue raised regarding the potential for noise and flicker to affect the nearest residential property is material. Additional information on noise has been submitted and our Scientific Officer is now satisfied that noise nuisance is unlikely to be an issue in relation to this and other neighbouring properties.

Planning Policy

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

National Planning Policy Framework

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

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

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

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

As regards renewable energy developments it states that we should:

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

- Take account of and support local strategies to improve health, social and cultural well being to meet local needs.

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

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

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

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

Ministerial Statement & Planning Practice Guidance for Renewable and Low Carbon Energy

The Government issued a Ministerial Statement in June 2013 followed by 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.

It should be noted that this guidance and the Ministerial Statement has been given some weight in more recent appeal decisions affecting turbines.

Local Plan Policy

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 although recently adopted by the Council in December 2013 it is at the pre judicial review period stage. Accordingly full weight cannot be attributed to its policies until post this period.

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 now considered relevant and carry significant weight:

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.

Existing Copeland Local Plan

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 and the emerging local plan.

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.

Assessment

The accompanying Design and Access Statement together with the rest of the submission puts forward the case that the proposal is consistent with local and national policy with the benefits of the scheme in terms of providing a renewable energy source outweighing potential impacts. This is demonstrated in the supporting documentation in respect of noise, shadow flicker, ecological issues, archaeological implications, heritage assets, electromagnetic interference and effect on airport/ aeroplane flight paths. However in view of the turbines scale and location, in proximity to two groups of isolated non-associated dwellings and its sensitive setting inland in relation to the fells /Lake District National Park, it does raise a number of other issues that need further consideration:

Landscape Impact

The potential effect of the proposal on the character and appearance of the surrounding landscape and its associated visual impact are key issues.

The site is identified in the Cumbria Landscape Character Guidance and Toolkit as subtype 5b 'Low farmland'. This comprises undulating and rolling topography with intensely farmed agricultural pasture dominating. Large scale wind energy schemes in this location require careful control to prevent them changing the character of the area. Advocates that wind energy development in this landscape be carefully sited and designed. Also the site and surrounding area does not benefit from any special landscape designation.

Taking this into account, whilst there is likely to be an impact on immediate and wider views by the virtue of the presence of the turbine, especially to the north and east where such views include the backdrop of the fells and the Lake District National Park, at a scale of 34.5m high (ground to tip) it is unlikely it will be so significant to have an adverse impact on the character and appearance of the landscape. This is a view endorsed by the Lake District National Park Authority, whom in their consultation response raise no objection to the proposal. They consider that it will not have any significant adverse effects on the special qualities or setting of the National Park.

Cumulative Impact

The nearest turbines considered to be of any significance are the two which are operational at Whangs Farm at a scale of 34.5m ground to tip which are situated approximately 3.3 km away and could be viewed together with the proposal in the foreground from the east looking north west. Another turbine at smaller scale (some 24m in height) than the one proposed is operational at Low Thorny Farm, Carleton, Egremont some 1.2 km distant to the south west. Although these would be visible together with the proposed turbine from certain views the former are medium sized turbines and the latter more domestic in scale, as opposed to large scale wind farms. As a result it is considered that there would not be any significant cumulative impact arising from them by the introduction of this additional turbine on the landscape.

Visual Impact

The siting of one single medium size turbine at 34.5m high, in this elevated and open countryside location will be visible from wider views from the A595T road west and the coastal road network and to the south and north from the minor road network. It will also be visible from more immediate views from residences in the vicinity at Grange and Oxenriggs Farm. As it is only a single medium sized turbine which is being proposed though it is unlikely that its visual impact in this location will be overly significant.

Impact on Neighbouring Residential Amenity

There are two groups of non-associated dwellings in the immediate vicinity within reasonable proximity of the site, Oxenriggs Farm and Grange at distances of 240m and 270m respectively. It should be noted that there are other individual properties situated at greater distances likely to be impacted, but these will be affected to a lesser degree. Clearly there would be a change in views from a number of these properties, more significantly at Oxenriggs where views are more open and the turbine would be seen on rising land, whereas at Grange views are to a considerable extent mitigated by the intervening increase in land levels. However, the fact that it can be seen in itself is not justification for refusal. What has to be considered is whether the presence of the turbine would unacceptably impact on the living conditions of those residents. Whilst the turbine would be seen it would not be so close as to be unacceptably dominant or overbearing in the outlook of the non-associated dwellings including those at Oxenriggs. So although the turbine would be visible from these identified properties, at that scale it is not considered to have such a significant adverse effect on residential amenity.

Potential Benefits

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

Farm Diversification / Reduction of Carbon Emissions

The turbine is sought to enable the applicant to reduce his carbon footprint and energy bills. Any excess electricity will be fed back into the national grid.

Renewable Energy Generation

It would satisfy the energy demands of the farm by providing a source of renewable energy which would also allow the farm business to operate in a more environmentally and sustainable manner.

The proposed 50kw turbine would generate a reasonable level of electricity and is seen as ideal for larger farms. It has the potential to produce in the region of 100,000 to 250,000 kwh per year in appropriate wind speeds.

Conclusion

In terms of arriving at a decision on this application it is important to consider:-

- The effect of the proposal on the character and appearance of the landscape, its visual impact and potential effect on residential amenity.
- Potential benefits of the scheme
- Whether any identified harmful effects significantly outweigh the renewable energy / environmental benefits.
- That there has been negative community feedback on the proposal and in particular from 5 residents of the nearest non associated properties and the local parish council.

Taking into account the above and the fact that this is a medium size turbine in a landscape which does not benefit from any sensitive designations, it is considered that its overall presence would not be unduly prominent on the landscape or from a visual impact viewpoint. It would also not have an overbearing effect on residential amenity.

On balance it is important to weigh up the benefits of generating renewable energy in this location from the turbine against any potential harm it could have on the key issues of character and appearance of the landscape, visual impact and residential amenity. I would reiterate that there is strong national policy support for such renewable energy schemes and the NPPF states that in arriving at decisions on such applications *'small scale projects such as this can make a valuable contribution to cutting greenhouse emissions, and that planning applications for renewable energy should be approved if its impacts are or can be*

made acceptable`, and would point out that this is a significant consideration to weigh in the planning balance.

In my opinion the proposed wider renewable energy benefits of the proposal have been demonstrated to outweigh any potential adverse impacts. Although the presence of this medium size turbine would clearly be visible on this open and elevated landscape it would not represent an overly dominant or intrusive feature and as such would be compliant with the guidance contained in the NPPF and Policies contained in the emerging and existing Copeland Local Plan.

Recommendation:-

Approve, subject to conditions:

Conditions

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

Reason

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

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

Design and Access Statement, by Earthmill Ltd, dated September 2013, received 26 September 2013.

Photomontages for Planning Application, by Earthmill Ltd, dated 16 August 2013, received 26 September 2013.

Endurance E-3120 Wind Turbine Noise Performance Test, by Hayes McKenzie Partnership, ref. Report HM:2300/R1, dated 23 March 2011, received 26 September 2013.

Endurance Wind power, Acoustic Data E-Series, dated 25 June 2010, received 26 September 2013.

Endurance Wind power, E-3120 50 kW Wind Turbine, Technical Data, received 26 September 2013.

Foundation and HD Bolt Arrangement, drawing no EWP50_F_001, rev D, received 26 September 2013.

Endurance Wind power E-3120 Elevation 24m Monopole, Rev 1, scale 1:1250, received 26 September 2013.

Site Location Plan, scale 1:2500, received 26 September 2013.

Revised Photomontages for Planning Application, by Earthmill Ltd, dated 7 November 2013, received 7 November 2013.

Additional Wind Turbine Noise Assessment, by Bluesky Acoustics, ref A/027/12, dated December 2013, received 3 December 2013.

Reason

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

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

Reason

To ensure that possible dereliction and unsightliness is avoided.

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

Reason

To ensure that possible dereliction and unsightliness is avoided.

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

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

And

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

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

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

Reason

To ensure the protection of residential amenity from noise pollution.

Statement

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

ITEM NO: 3.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 22/01/2014

Application Number:	4/13/2443/0F1
Application Type:	Full : CBC
Applicant:	Beckermet Estates Ltd
Application Address:	THE ENERGY COAST BUSINESS PARK, HAILE, EGREMONT
Proposal	PROPOSED ENGINEERING WORKSHOP AND PALISADE FENCE AROUND SITE BOUNDARY
Parish:	Haile
Recommendation Summary:	Approve (commence within 3 years)



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Introduction

This application relates to an existing site within the confines of 'The Energy Coast Business Park', formerly known as Beckermat Industrial Estate. This is an established industrial estate, which has recently been renamed, situated in open countryside between Beckermat and Haile.

Vehicular access to the site is via the existing recently upgraded metalled road which serves the whole estate and leads from the A595T.

This particular site is located near the southern frontage of the site and is immediately adjacent to the west side of an existing workshop. It currently comprises a level area of land forming a hardstanding serving the neighbouring workshop.

The Proposal

The proposal is to erect a large single span portal framed building on the site, rectangular in shape and measuring some 40.7m in length by 25.5m in width, with a pitched roof 8m high to the eaves and 10.3m high to the apex.

External materials to be used include juniper green profiled metal cladding to walls and roof with matching trims. Roller doors which will be situated on the northern gable end will be galvanised steel with green trims. Other doors to the north and east elevation will be finished in green. These finishes will match the neighbouring building as well as other buildings on the estate.

A 2.4m high galvanised steel palisade fence is also proposed to be erected around the perimeter of this and the neighbouring site. Again this replicates what has previously been approved on neighbouring sites within the estate.

It is the intention that the building will provide the existing company occupying the adjacent building with additional workshop space to accommodate engineering work that has been secured to produce bespoke items for the nuclear and specialist engineering field.

Relevant Planning History

There have been a number of relatively recent applications relating to this industrial site which are indicative of recent economic activity:

Erection of a 350 square metre workshop and office at the entrance to the estate with a 270 square metre extension approved in 2011 (4/09/2496/OF1 & 4/11/2291/OF1 refers).

Construction of a large Rigg Building in 2010 measuring 2079 square metres in floor area (4/09/2198/OF1 refers).

Alterations and improvements to the estate road were granted in 2010 which upgraded the access serving the site from the A595T. (4/10/2031/OF1 refers)

More recently permission has been granted to rationalise the entrance signage and construct a new gateway feature to the estate. (4/13/2444/OF1 refers).

Consultations

Haile & Wilton Parish Council – No comments received.

Highways Agency – no objection.

Flood and Coastal Defence Engineer – insufficient information has been provided for the soakaway surface water drainage scheme proposed. Details could be covered by an appropriate condition.

Scientific Officer – no noise issues expected as its already part of an existing industrial estate. As regards contaminated land it is away from the original iron ore mine so the risk is reduced. However it is still part of an industrial site and may be on the line of the old mineral railway so advises a land contamination condition be attached to any permission.

Other – no other representations, including neighbours, have been received.

Planning Policy

National Planning Policy Framework

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

In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy. Paragraph 21 stresses the importance of supporting existing business sectors, facilitating investment and realises that policies should be flexible enough to accommodate needs.

The NPPF also recognises that planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28 refers).

The NPPF is a material consideration in determining planning applications and requires applications for planning permission to be determined in accordance with the development

plan unless material considerations indicate otherwise.

Emerging Local Plan

The Local Development 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 although recently adopted by the Council in December 2013 it is at the pre- judicial review period stage. Accordingly full weight cannot be attributed to its policies until post this period.

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 and now carry significant weight:

Policy ST1 of the Core strategy sets out the fundamental principles that will achieve sustainable development in the Borough.

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

ER4: Land and Premises for Economic Development - this aims to ensure there is adequate supply of land in the Borough for business development and includes safeguarding employment areas.

ER5: Improving the Quality of Employment Space – to ensure that good quality premises and an attractive environment for business will help economic regeneration.

ER6: Location of Employment – advocates locating economic activity in areas where there are shared services, facilities and the potential for growth.

Copeland Local Plan

This local plan is now rapidly becoming out of date, given that the emerging local plan core strategy and development management policy document is now at the post adoption pre judicial review stage. However, although the policies of this document are non-the-less significant, full weight cannot be attributed to them until this period has expired. In the interim the Copeland Local Plan policies will still carry some weight and arguably the NPPF takes precedence. In such circumstances the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against this policy framework or specific policies in the framework which indicate development should be restricted.

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

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

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

EMP 4: Extension of an Existing Employment Use. This allows extensions of existing employment uses within or adjacent to existing boundaries or where appropriate such as in this location.

Assessment

This application seeks approval for the erection of one large engineering workshop on a vacant plot within an existing and established industrial estate. It is required to enable the neighbouring engineering business to expand. Proposed external finishes will match those already in use on the estate. Vehicular access will be via the existing estate access which is considered acceptable from a highway point of view.

The only outstanding key issue to be considered is the potential visual impact arising from the erection of such a large building. Although it is situated within an open countryside setting, as with the rest of the estate, it will be seen from many viewpoints as forming part of the industrial complex of buildings and will be adjacent to others of similar scale, design and external finishes. Given this context it is unlikely that the building will be so visually significant to adversely affect the character and appearance of the landscape.

Taking the above into account it is considered that the proposed building represents an acceptable form of industrial development within this existing industrial estate in compliance with the NPPF, the policies of the emerging local plan and existing Copeland Plan.

Recommendation:-

Approve, subject to:

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:-

Detailed Plan & Elevations, drawing no BE/KT/13/01, scales 1:200, 1:500 & 1:2500, received 22 October 2013.

Design and Access Statement, by Ken Thompson, Coniston Consultants, ref BE/KT/13/02, received 22 October 2013.

Fencing Details, received 22 October 2013.

Reason

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

3. Details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before it is brought into use. The lighting scheme shall be installed in accordance with the approved details and so maintained thereafter.

Reason

To control light pollution in the interests of the visual amenities of the area.

4. There shall be no operational use of the building between 20.00 hours and 8.00 hours on any day.

Reason

To safeguard the amenities of the locality.

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

Reason

To ensure a satisfactory scheme of surface water disposal from the site.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) A survey of the extent, scale and nature of contamination;
- ii) An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems,

- Archaeological sites and ancient monuments;
- iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

B. Submission of a Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of the approved remediation scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation and the provision of reports on the

same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, also to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

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.

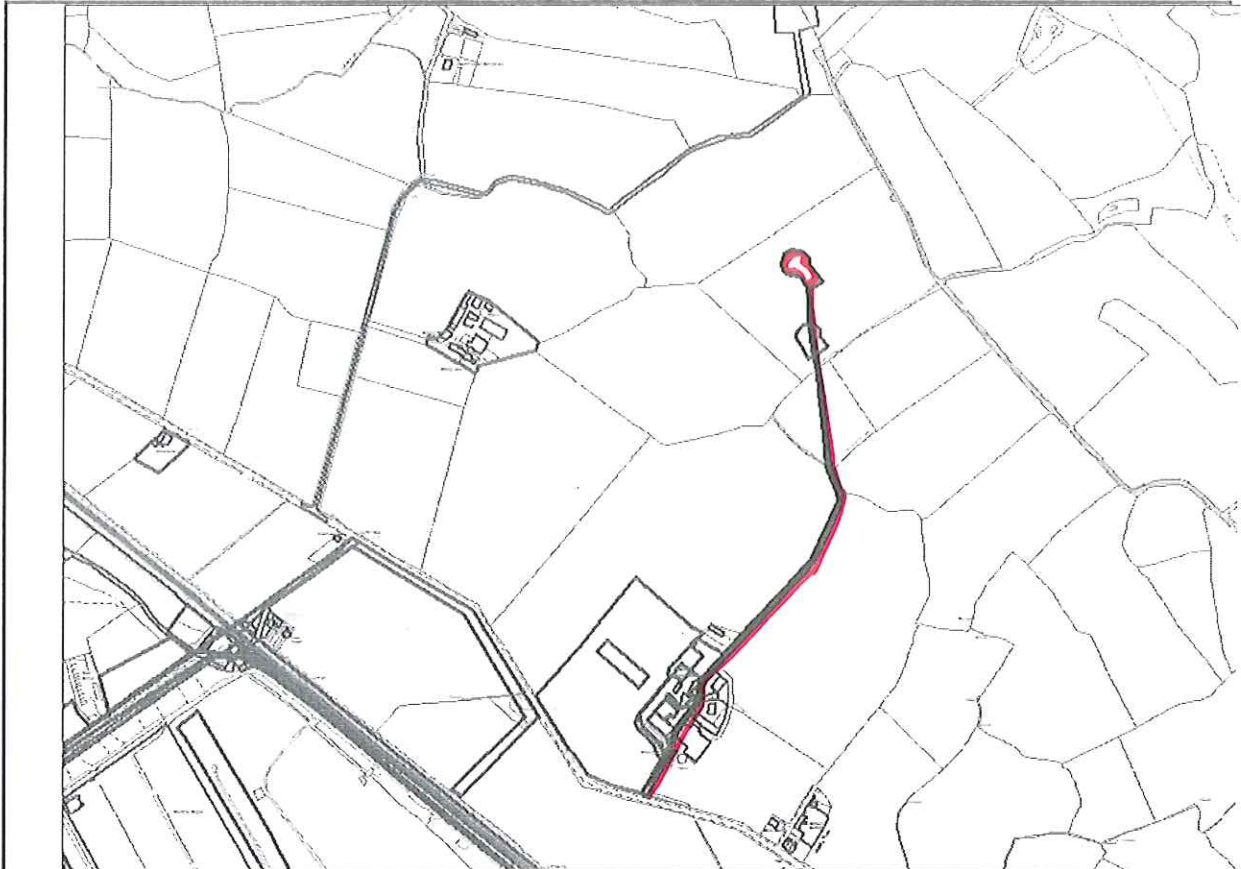


To: PLANNING PANEL

Development Control Section

Date of Meeting: 22/01/2014

Application Number:	4/13/2450/OF1
Application Type:	Full : CBC
Applicant:	Mr S Shepherd
Application Address:	LAND AT DRIGG MOORSIDE FARM, DRIGG, HOLMROOK
Proposal	VARIATION OF CONDITIONS 2 AND 5 OF PLANNING APPROVAL 4/13/2061/OF1 (SINGLE WIND TURBINE)
Parish:	Drigg and Carleton
Recommendation Summary:	Approve amendment of condition



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Introduction

This application relates to a greenfield site some 500m to the immediate north of Drigg Moorside Farm which is situated off the B5344 between Seascale and Drigg. The location takes advantage of a natural depression in the field and is surrounded by agricultural land.

Access to the site is via the farms existing access off the B5344 which runs through the farm yard and for some 310m to the rear. A new 4m wide track of 220m in length is required across the fields to access the site.

Planning permission was granted for the erection of a single 400 kw 45.5m high wind turbine on the site in June last year and was subject to a condition restricting its timescale to 20 years (4/13/2061/0F1 and condition 5 of that permission refers).

The Proposal

This application seeks to vary conditions 2 and 5 of the planning permission for the turbine to allow the turbine to remain on site for a further 5 years making it a 25 year period as opposed to 20 years. For clarification Condition 5 of the 4/13/2061/0F1 consent specifies the time period and condition 2 cites the approved documentation the design and access statement of which refers to the time period of 20 years. Accordingly, should permission be granted both conditions would need to be varied.

It transpires that this extension of time limit for the turbine is required to ensure the applicants planning permission concurs with the legal time frames entered into with the suppliers of the wind turbine.

Relevant Recent Planning History

It should also be noted that a separate non material amendment has been approved to alter the material used to provide the access track across the field. The route and specification however remain as originally approved.

Consultations

Drigg and Carleton Parish Council – no comments received.

Ministry of Defence – no objection.

Highway Authority – no objection.

Neighbour and Other Representations

Due to the previous planning history associated with the original applications for a turbine on this site extensive neighbour consultations have been undertaken. In respect of this particular application 8 letters of objection have been received. These express concern regarding the proposal on the following collective grounds:

- 1) Should have applied for the extension at the time of the original application i.e. at the outset in view of the fact the application was only approved in June last year.

- 2) Concern where will it stop now that permission has been granted – will they come back next for a further 10 years then 15 years and so on. Before we know it – the eyesore will never be removed and without adequate financial compensation for residents especially for property and amenity devaluation.
- 3) Will extend the timescale for the eyesores destroying our countryside.
- 4) Subsidies for wind turbines contribute to fuel poverty.
- 5) Without the extension it seems likely that the wind turbine isn't viable and is purely for financial gain. It will not benefit anyone else but the applicants/ agents.
- 6) Suggest that the land suitability and the structural base is inspected before it is erected.
- 7) Request a condition that the applicant removes the scrap farm machinery in the farm yard before construction begins.
- 8) The wind turbine when erected will be a huge blot/ massive eyesore on the landscape and to extend its life for a further 5 years would be a travesty. An additional 5 years would be of no benefit to the countryside / environment.

Comments on Grounds of Objection

In response to the above the following comments are offered:

- 1) Whilst the concerns expressed regarding timing of the application given that an approval for the turbine was only granted relatively recently and the fact that they may submit further applications does not have a material bearing on this proposal. Each application will be considered on its merits and a permanent i.e. infinitum approval for the turbine is unlikely to be supported.
- 2) Noted that there is no compensation payable to residents affected in the vicinity and the proposal only benefits the applicants / agents but this is not a planning matter.
- 3) Issues raised relating to the original permission 4/13/2061/OF, reference points 6 & 7, cannot now be considered as it has already been approved. This application relates only to the variation of two conditions relating to that permission to extend the timescale.
- 4) The issue raised however, as to whether allowing an additional 5 years will have an impact on the character and appearance of the landscape is relevant and material and is considered more fully in the assessment section below.

Planning Policy

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

National Planning Policy Framework

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

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

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

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

As regards renewable energy developments it states that we should:

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

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

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

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

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

Ministerial Statement & Planning Practice Guidance for Renewable and Low Carbon Energy

The Government issued written Ministerial Statement in June 2013 and 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. This has been given some weight in more recent appeal decisions affecting turbines.

Local Plan Policy

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 although recently adopted by the Council in December 2013 it is at the pre judicial review period stage. Accordingly full weight cannot be attributed to its policies until post this period.

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 now considered relevant and carry significant weight:

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.

Existing Copeland Local Plan

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 and the emerging local plan.

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.

Assessment

The principle of erecting a single 45.5m high (ground to tip) wind turbine in this location has already been established by virtue of the original planning permission which was granted earlier this year. (4/13/2091/OF1 refers). Members in assessing the original application were of the view that the potential benefits outweighed any potential harm a turbine of this size in this location would have on the character and appearance of the landscape and its visual impact.

This application seeks to extend the length of the planning permission by an additional 5 years to a maximum period of 25 years. It should be noted that the Wind Energy SPD recognises that a turbines average lifespan is at least 25 years and that 25 year consents are standard practice.

In terms of local community views 8 letters of objection to the proposal have been received and that they collectively raise the relevant issue regarding impact on the landscape which is considered below.

The key issue this application raises is whether there would be any demonstrable harm on the character and appearance of the landscape and its visual impact as a result of extending the turbines lifespan in this location by a further 5 years. It is noted that the siting of the turbine is sensitive particularly in relation to long and medium distance views both in towards and out of the National Park. It is also noted that Cumbria Landscape Guidance and Toolkit, March 2012, identifies the site and land as 'low farmland' - a traditional working farmed landscape generally large scale and open where views can be wide and long to the fells and have an expansive feeling, which may be sensitive to tall infrastructure development. It advises that large scale wind energy development be carefully sited and designed to prevent it becoming an energy landscape. That said however, it is considered that given the scale of the turbine an additional five years lifespan is unlikely to cause any additional material harm to the landscape.

In the case of this particular turbine, therefore, it is unlikely that an additional 5 year period would result in any significant demonstrable harm and it should be noted it would also extend the benefits associated with the proposal, for example in terms of renewable energy generation and reduced carbon footprint, for a further five years.

Recommendation:-

Approve

Conditions

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

Amended Design and Access Statement, by J Harley, Planning Consultations, dated October 2013, received 24 October 2013.

Project Description, by J. Harley, Planning Consultations, dated October 2013, received 24 October 2013.

Planning Statement and Environmental Report, J. Harley Planning Consultations, January 2013, received 15 February 2013.

Site Location Plan, drwg no T196-PLAN-LOC2, scale 1:5000, received 15 February 2013.

Site Layout, drwg no T196-PLAN-LAY, scale 1:500, received 15 February 2013.

Site Location, drwg no T196-PLAN-LOC1, scale 1:2500, received 15 February 2013.

Wind Turbine Elevations, scale 1:200, received 15 February 2013.

Switch Room and HIV Metering Unit Detail, drwg no T-SPEC-DETAIL1, scale 1:50, received 15 February 2013.

Reason

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

5. This permission extends the existing planning permission reference 4/13/2061/0F1 by five years which permits a turbine on the site for a period not exceeding twenty

five years from the date that electricity from the development is first connected into the National Grid. Within twelve months of the cessation of electricity generation at the site (or the expiry of this permission, whichever is the sooner), the development shall be removed from the site in its entirety 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.

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.

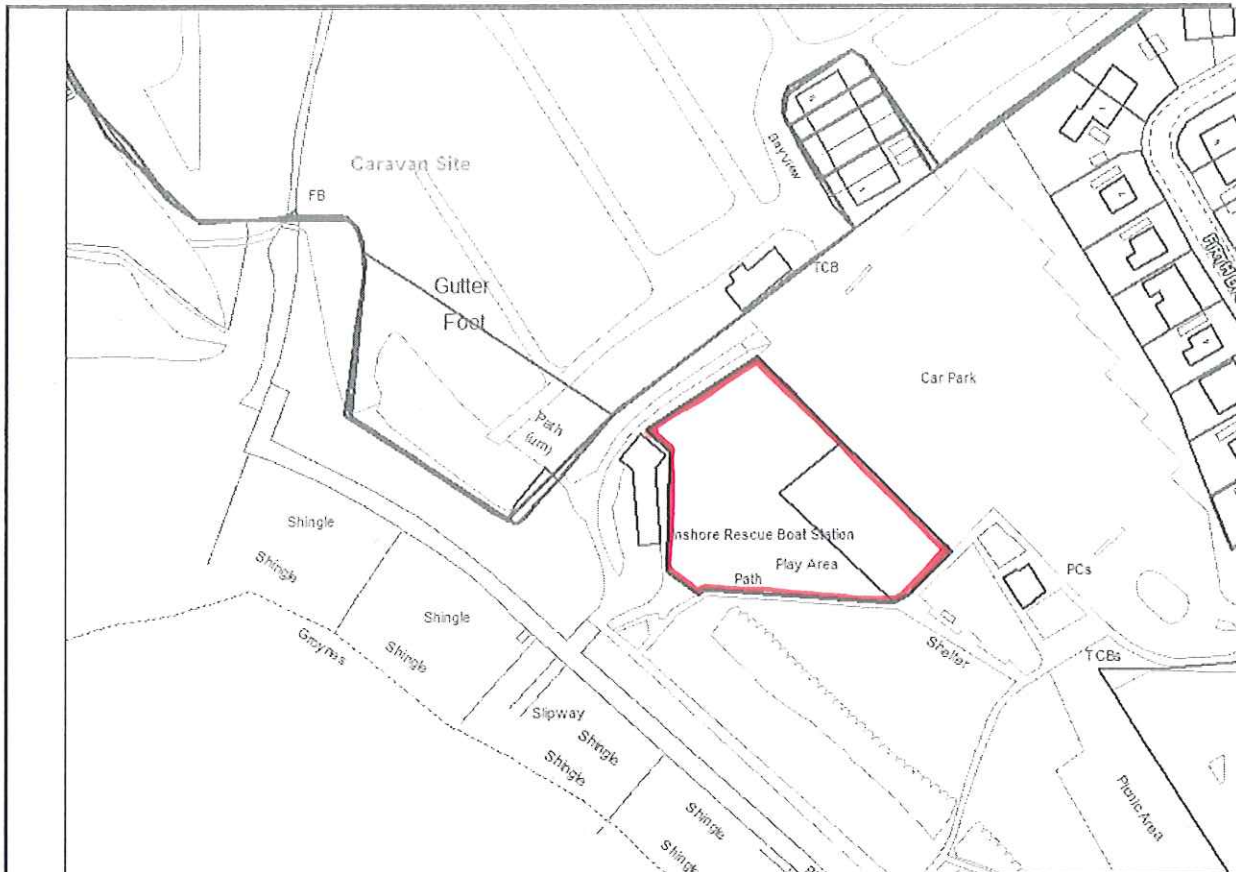


To: PLANNING PANEL

Development Control Section

Date of Meeting: 22/01/2014

Application Number:	4/13/2462/0F1
Application Type:	Full : CBC
Applicant:	St Bees Parish Council
Application Address:	PLAY AREA, LAND ADJACENT TO MAIN BEACH, ST BEES
Proposal	RENOVATION OF EXISTING PLAY AREA, INCLUDING IMPROVEMENTS TO DRAINAGE, INSTALLATION OF NEW PLAY EQUIPMENT, SEATING AND FENCING
Parish:	St. Bees
Recommendation Summary:	Approve (commence within 3 years)



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Introduction

This application relates to the existing play area and surrounding open space which currently forms part of the extensive public foreshore at St Bees Beach. Comprising some 0.3ha in area the site is bounded to the south and east by existing sloping grassed areas and the public toilet block, to the north by the public car park and footpath and to the west by the Inshore Rescue Boat Station.

The site is in the ownership of the Council and as such the Council's Scheme of Delegation requires that this application be determined by the Planning Panel.

The Proposal

It is proposed to improve and extend the existing play area by removing the existing remaining equipment on part of the site, comprising swings and toddler equipment, which are at the end of their life and installing an extensive variety of new ones. The site will incorporate a separate fenced toddler play area at the eastern end with the remaining area being for junior play. The new items of equipment will include a bespoke St Bees lighthouse play unit in the toddler area, swings, springies, a playful palm tree and seating area. In the junior area there will be an activity net, fitness and agility trail, birds nest group swings, cable racers, twisters and a rope tunnel amongst others. An accessible 1.2m wide pathway will be provided within the site to ensure good linkage. The objective is to provide an inclusive, safe and challenging play environment for local and visiting children. As the site is poorly drainage will be improved as part of the application which will make it more suitable for all year round use.

Consultations

Flood and Coastal Defence Engineer – comments that there are no details of the proposed SUDS and advises this be covered by condition.

Planning Policy

National Planning Policy Framework

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

In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy. Paragraph 21 stresses the importance of facilitating investment and that policies should be flexible enough to accommodate needs.

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

The guidance also acknowledges the role planning can play in facilitating social interaction and creating healthy, inclusive communities. It advocates the need to plan positively for the provision and use of shared space, community facilities and other local services, as well as to guard against their unnecessary loss. It also recognises that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities (paragraphs 69, 70 73 & 74 refer).

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

Emerging Local Plan

The Local Development 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 although recently adopted by the Council in December 2013 it is at the pre- judicial review period stage. Accordingly full weight cannot be attributed to its policies until post this period.

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 and now carry significant weight:

Policy ST1 of the Core strategy sets out the fundamental principles that will achieve sustainable development in the Borough.

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

SS4: Community and Cultural Facilities and Services – seeks to protect leisure facilities serving the Borough’s communities and encourages an increase in its provision.

SS5: Provision and Access to Open Space and Green Infrastructure – specifically supports the protection of existing facilities including play areas.

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

DM21: Protecting Community Facilities – seeks to protect existing community facilities from development that would result in its loss.

Copeland Local Plan

This local plan is now rapidly becoming out of date, given that the emerging local plan core strategy and development management policy document is now at the post adoption pre judicial review stage. However, although the policies are non-the-less significant, full weight cannot be attributed to them until this period has expired. In the interim the Copeland Local Plan policies will still carry some weight and arguably the NPPF takes precedence. In such circumstances the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against this policy framework or specific policies in the framework which indicate development should be restricted.

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

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

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

SVC 14: Outdoor Recreation and Leisure Facilities. This permits proposals for new or expanded outdoor recreation and leisure facilities provided that they do not adversely affect the living conditions of local residents.

Assessment

It is considered that the proposed extension and improvement of this existing play area adjacent to St Bees beach is unlikely to raise any contentious issues, given that it has been in part an established play area for some considerable time and that consultations have not resulted in any negative feedback. It will result in an enhanced local public facility which is considered to accord with the guidance contained in the NPPF, emerging local plan and existing local plan policies.

Recommendation:-

Approve, subject to:

Conditions

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

Reason

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

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

Location Plan, St Bees Foreshore Play Area, drawing no SBFPA-JW-001, scale 1:1200, received 29 October 2013.

St Bees Play Area Map, Appendix 2, received 29 October 2013.

St Bees Beach Aerial View showing position of play area, received 29 October 2013.

Layout Plan by Wicksteed playscapes, drawing no 11/18350 Issue 2, received 29 October 2013.

Diagrammatic Illustrations and Equipment Details, by Wicksteed playscapes, received 29 October 2013.

Design and Access Statement, by Jane Donaldson, Clerk to St Bees Parish Council, received 29 October 2013.

Design Statement for St Bees Play Area, by Wicksteed playscapes, received 29 October 2013.

Reason

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

3. Details of any lighting including design, operational times, location and intensity, if to be provided, shall be submitted to and approved in writing by the Local Planning Authority before it is installed and brought into use. The lighting shall be installed and operated in accordance with the approved details and so maintained thereafter.

Reason

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

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

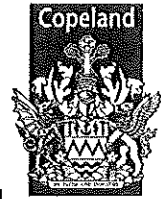
Reason

To ensure a satisfactory scheme of surface water disposal from the site.

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.

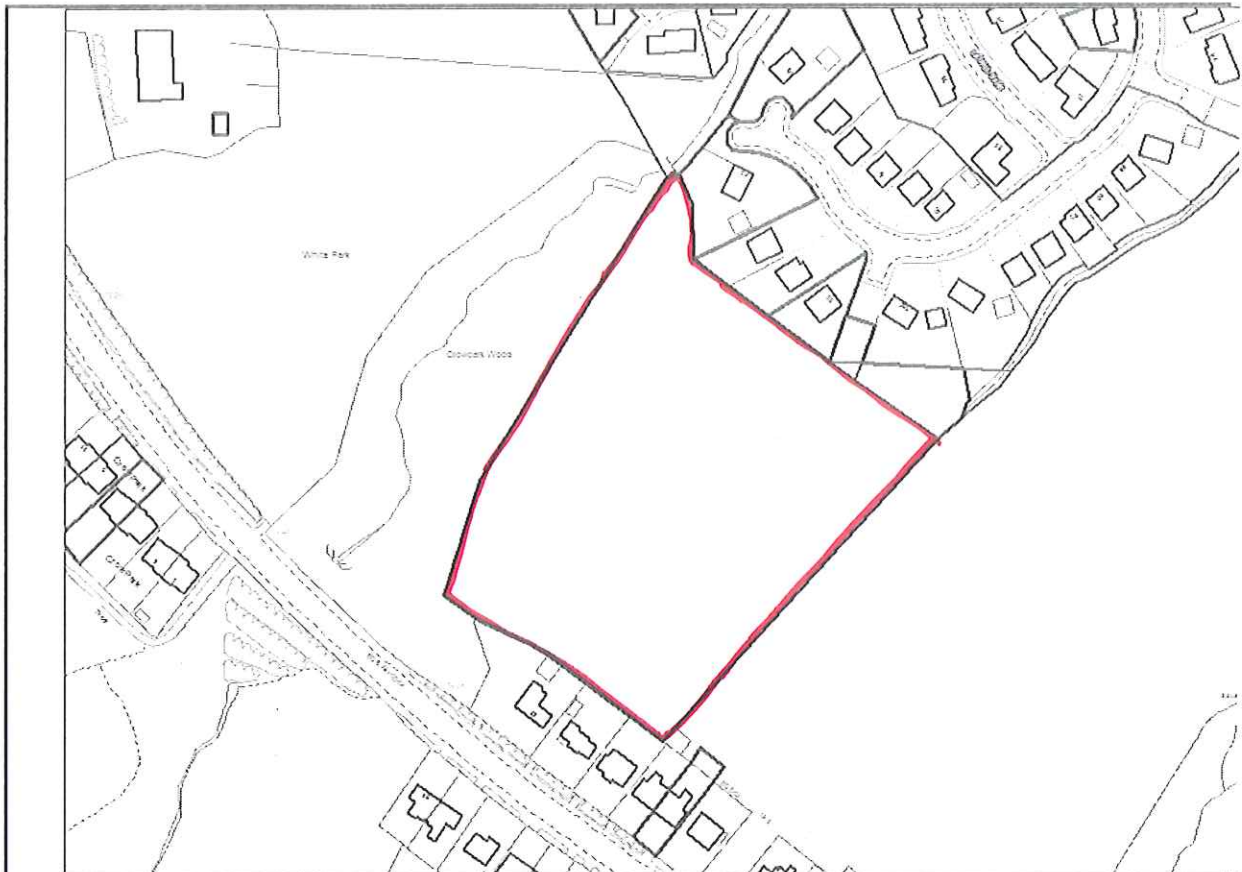


To: PLANNING PANEL

Development Control Section

Date of Meeting: 22/01/2014

Application Number:	4/13/2500/001
Application Type:	Outline : CBC
Applicant:	Persimmon Homes
Application Address:	LAND OFF LAUREL BANK, THE HIGHLANDS, WHITEHAVEN
Proposal	OUTLINE APPLICATION FOR UP TO 60 NEW RESIDENTIAL UNITS AND ASSOCIATED ACCESS
Parish:	Whitehaven
Recommendation Summary:	Site Visit



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Introduction

This application relates to a steeply sloping area of green field, rectangular in shape, which is bounded to the north by Laurel Bank, part of the residential estate road of the Highlands, and to the south by frontage development on the Loop Road South. To the west it adjoins Crowpark Wood, a densely wooded ghyll and to the east it adjoins open green fields.

Proposal

Outline permission is sought for the erection of up to 60 new residential units and associated access on this 1.5ha site. Consent for the point of vehicular access off an existing spur emanating from the residential road serving Laurel Bank between no. 100 and no. 55 is also sought.

The application is accompanied by the following documentation:

Tree Survey Report

Transport Statement

Flood Risk & Drainage Assessment

Phase 1 Habitat and Scoping Survey for European Protected Species.

Phase 1 Desk Top Study Report

Planning Statement

Design and Access Statement

Landscape & Visual Impact Appraisal

Planning History

The previous planning history relating to this site is considered relevant.

Outline permission for housing on this and the neighbouring field to the south was refused in 1978 on highway grounds and the fact that the proposal at the time was considered premature. (4/78/522/001 refers)

In 2003 planning permission for residential development with access from Laurel Bank was refused on the grounds that it represented non-essential and inappropriate development on a site which is designated as protected urban greenspace in the adopted Copeland Local Plan. (4/03/0761/001 refers).

Consultations

As this is a smallscale major application it is subject to more extensive consultations and given that it is still relatively early in the process key statutory responses are currently awaited.

Representations

Extensive neighbour consultations have been undertaken and to date some 15 letters of objection have been received from neighbours who express concern on the following collective grounds:

- Increase in traffic, Laurel Bank is a narrow residential cul-de-sac and the addition of up to 60 units would mean an increase in at least 120 vehicles and possibly more. Would create an unacceptable traffic hazard.
- Increase in noise levels associated with the increase in traffic especially early mornings and evenings.
- Greenfield Development – should be re-using brownfield land.
- Loss of privacy and overlooking from proposed dwellings. Particularly for those backing onto the site and adjacent to the access.
- Increased danger during construction – increase in heavy construction traffic would present a hazard to the family environment currently enjoyed by Laurel Bank residents. Also the Highlands generally.
- Non-compliance with local Planning policies which identifies the land as protected open space.
- Impact on biodiversity.

Assessment

In view of the issues this locally significant application raises and the extent of community interest it is generating, Members are recommended to visit the site to fully appraise all the relevant planning considerations prior to determination.

Recommendation:-

Site Visit

ITEM NO: 7.

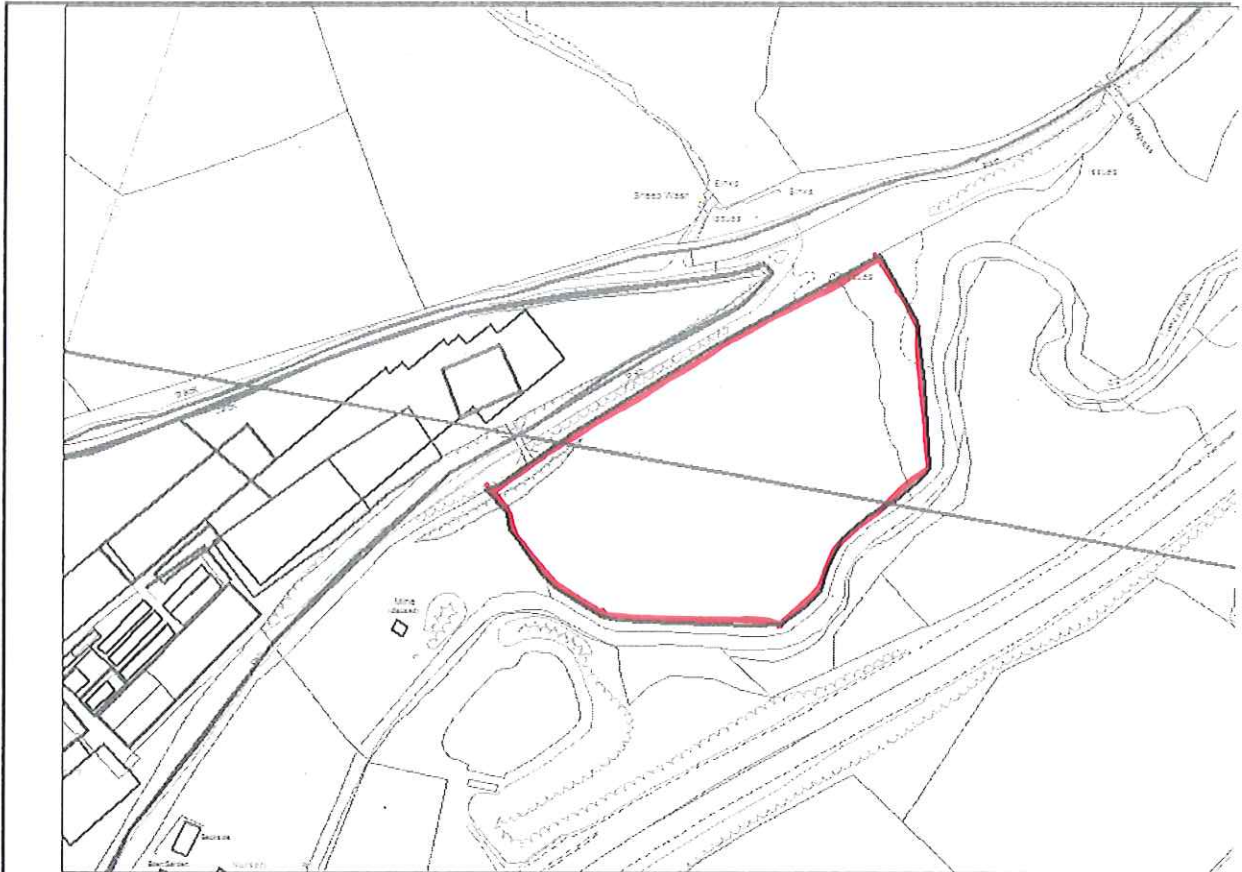


To: PLANNING PANEL

Development Control Section

Date of Meeting: 22/01/2014

Application Number:	4/13/2501/OF1
Application Type:	Full : CBC
Applicant:	Blomfields Ltd
Application Address:	WOODLAND NURSERIES, STAMFORD HILL, LOWCA, WHITEHAVEN
Proposal	ERECTION OF A GLASSHOUSE
Parish:	Lowca
Recommendation Summary:	Site Visit



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INTRODUCTION

This application relates to Woodland Nurseries which is located at Stamford Hill on the eastern edge of Lowca. The commercial nursery has expanded incrementally over the last 20 years and comprises a number of large scale glass houses which currently cover 2.5 hectares of the 5.4 hectare site. The nursery provides bedding plants/ornamental plants which are sold directly to Local Authority Parks Departments, garden centres and retail outlets on a wholesale basis.

PROPOSAL

Planning permission is now sought for the erection of a large scale glass house structure extending up to 17,500 sq metres to allow the business to grow to meet demand for their produce.

The proposed glasshouse would be sited on the agricultural land to the south east of the existing nursery and would be of a modular construction. The use of sectional components would allow the development to be constructed in phases. Each component would have a pitched roof which would extend to a maximum height of 4.9 metres.

Due to the sloping nature of the site it is proposed to excavate into the upper section of the slope to provide a level platform on which the modular section would sit.

Access to the site will be achieved using the existing entrance off a private land which joins onto East Road and Stamford Hill Avenue to the west.

The application is accompanied by the following information:-

- Site location plan
- Layout plan
- Elevation plans
- A cross section
- Indicative building design plan
- Photomontage view
- Topographical survey
- Planning statement
- Flood risk and drainage assessment
- Transport note

CONSULTATION RESPONSES

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

The Parish Council have already expressed concerns about the scale and prominence of the development and the potential for increased vehicular movements associated with the site. They have requested an extension of time in which to send in their detailed comments.

ASSESSMENT

As this application relates to a large scale extension to an existing commercial nursery on a prominent site in open countryside it is recommended that Members visit the site to fully appraise all of the material planning considerations before determining the application.

Recommendation:-

Site visit

ITEM NO: 8.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 22/01/2014

Application Number:	4/13/2515/0C1
Application Type:	Conservation Area Consent : CBC
Applicant:	Copeland Borough Council
Application Address:	PUBLIC CONVENIENCES, JAMES STREET, WHITEHAVEN
Proposal	DEMOLITION AND REMOVAL OF THE EXISTING PUBLIC W.C. SITUATED WITHIN A CONSERVATION AREA
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to the former WC block which is located at the corner of Irish Street and Swing Pump Lane within the Whitehaven Conservation Area. The building was originally granted planning permission in 1993 under reference 4/93/0161/0F1 and is under the Council's ownership.

PROPOSAL

Planning permission is now sought for the demolition of the building. Permission is only required for the demolition as the site falls within the Conservation Area. Previously this proposal would have required Conservation Area Consent. Following a recent change in legislation planning permission is now required for the demolition of a building in a Conservation Area rather than Conservation Area Consent.

The building is no longer in use as a WC and has been closed for a number of months. Following the demolition of the building it is proposed that the land will be restored to a hard surface to match the surrounding paving.

A Heritage Statement has been submitted in support of the application which lists the following points as a justification for the demolition of the building:-

- The building is currently vacant and is no longer operating as a public WC facility
- The building is not listed
- The building is in need of maintenance and renovation
- The loss of the building will be mitigated by the positive contribution made by the open area of public realm that will replace it – the proposal is **not** required as part of any highway improvement proposals
- The building is on the fringes of the Town Centre Conservation Area and its removal will open up views of the existing buildings along James Street and the listed buildings on Irish Street
- The existing building is unlikely to be suitable for any other type of use.

CONSULTATION RESPONSES

Highways Control Officer

Whilst I would raise no highway objections to the proposal in principle I would raise the following points which require clarification:-

1) Are the roadside Barriers, which I understand are Copeland BC's, to be removed as part of this proposal? If so then the carriageway kerb line will need to be adjusted to normal height and the footway re-laid to suit.

2) Will the area the building currently covers become part of the adopted highway? If so then we will need to agree the construction details, if not then we will need to know how the area will be demarcated.

Conservation Officer

The public conveniences are housed in a single storey building built in the early 1990's on a cleared site on the James Street side of the Irish Street/Newtown road junction. The faceted plan of the building mimics the alignment of the road junction and results in an unattractive gable elevation with the mono-pitched slated roof extending to one and a half storeys at its highest point. The building is finished in render with details such as quoins and window surrounds intended to imitate the details of the surrounding properties.

The property is located in the heart of what was Whitehaven's original Old Town which predates the development of the Georgian town centre and which retains elements of its less formal arrangement of streets. The area currently forms part of Whitehaven's Town Centre Conservation Area and is now also included within the recently designated Whitehaven Townscape Heritage Initiative area.

Other than its attempt to reflect the architectural details of the area, the building offers no architectural merit and because of its awkward shape and low height, it sits uneasily within the context of the Conservation Area and THI. It also partially blocks the view along James Street towards the Grade II listed former YMCA building which sits at the junction of Irish Street and James Street.

I am of the opinion, therefore, that the proposed demolition of this building will do no harm to the visual character of the Conservation Area, and that it will, in fact, enhance this amenity as it will open up the view of the former YMCA and will also remove an unattractive feature at this gateway approach to the town centre. In these respects, paragraphs 134 and 138 of the National Planning Policy Framework help to support the proposed demolition of this building.

The Applicant places much emphasis on the enhancement of the public realm and improved pedestrian links that will follow the demolition of this building, however, no details of the proposals have been submitted with the application. My support of this application is, therefore, based on the enhancement of the visual character of the Conservation Area rather than the perceived public benefit of improvements to the public realm and pedestrian links to the market place and town centre.

The treatment of the cleared site is, nonetheless, of critical importance to ensure that if new public realm works are not to follow immediately upon the demolition of the building, then the area of the cleared site should be left in a tidy state clear of any danger or any trip hazard to the public. Any approval should be conditioned accordingly and be clearly the responsibility of the applicant, rather than any other party, to ensure that this is the case.

Other

1 letter of objection has been received which raises concerns about the removal of public toilets from the Market Place, especially as the original building cost a significant amount of money to construct and was deemed to be essential at that time for use by market traders as well as the general public.

National Planning Policy Framework

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

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

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

A social role includes creating high quality built environments.

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

Paragraph 17 sets out 12 principles which should underpin planning decisions. These include

proactively supporting sustainable economic development to deliver thriving places, securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings, promoting the vitality of the main urban areas, contributing to the conservation and enhancement of the environment and conserving heritage assets.

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

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

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

Paragraph 134 clarifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

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

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

Emerging Local Plan

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 was adopted by the Council in December 2013.

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

they cannot be given full weight until the 6 week period for challenge under judicial review has expired. This expires in mid-January 2014.

The following Core Strategy policies are considered relevant to this application:-

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

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

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

The following Development Management policies are considered relevant to this application:-

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

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

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

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

The Copeland Local Plan 2001-2016 which was adopted in June 2006 is to be replaced by the Core Strategy and Development Management Policies DPD (known as the Local Plan). As the emerging Local Plan is at a significantly advanced stage the policies within the Copeland

Local Plan now carry little weight in the decision making process.

Whitehaven Town Centre and Harbourside Supplementary Planning Document (SPD)

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

It seeks to promote high quality design which enhances the Conservation Area and also encourages new linkages to the shopping area. It also supports the Streetscape project which seeks to improve the public realm within the town centre around the major road junctions and pavements.

ASSESSMENT

Whilst the closure of the public toilets has raised some public concern the determination of this application must rest principally on the consideration of the impact of the demolition of the building on the character and appearance of the Whitehaven Town Centre Conservation Area.

The toilet block is a modern building. Its awkward shape and low height makes it sit uneasily within the context of this part of the Conservation Area. It offers no architectural merit and is therefore not worthy of retention.

The demolition of the building would result in the opening up of the space at the end of James Street, providing open views of the former YMCA building on Irish Street which would enhance the amenity of this gateway approach into the town centre.

Members will be aware that this part of the town centre is currently undergoing significant change with the construction of the Albion Square office development, the associated improvements to the public realm around the Irish Street/Preston Street and Swing Pump Lane/Rosemary Lane road junctions and the refurbishment and alteration of the YMCA building on Irish Street to house a foyer development. The removal of the toilet block will add to these planned improvements.

The Council has also recently been successful in its bid for funding through the Town Heritage Initiative programme which will provide for a catalyst for the enhancement and regeneration of this part of the town centre. As the public toilet building falls within the designated THI area it is imperative that the site is restored using high quality materials following the demolition of the building so that it complements the other public realm improvements planned in the immediate vicinity. A suitably worded condition can be attached to any planning permission for demolition in a Conservation Area to secure the use of satisfactory surfacing materials.

CONCLUSION

Overall the demolition of this modern building will enhance the character and appearance of this part of the Conservation Area and complement the other public realm improvements that are scheduled to take place within the immediate vicinity in the near future.

A separate application for the Prior Notification for the demolition of the building has also recently been submitted under reference 4/14/2015/OF1. The purpose of this application is to ensure that the demolition of the structure is undertaken in a satisfactory manner so as not to adversely impact on local amenity or highway safety. If Members accept the recommendation to approve demolition in a Conservation Area then Members will also be asked to authorise delegated powers to approve the Prior Notification of Demolition application on the expiry of the consultation period.

Recommendation:-

Approve

Conditions

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

Reason

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

2. Prior to the commencement of any demolition works hereby approved full details of the proposed surface treatment and finished levels of the site following the removal of the building shall be submitted to and approved in writing by the Local Planning

Authority. The approved surface treatment works shall be completed within 3 months from the date of completion of the demolition works and so maintained thereafter.

Reason

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

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.

List of Delegated Decisions

Selection Criteria:

From Date: 03/12/2013

To Date: 13/01/2014

Printed Date: Monday, January 13, 2014

Printed Time: 12:36 PM

Application Number	4/13/2161/0F1
Applicant	Hawthorn Estates
Location	LAND ADJACENT TO OLD TOWN HALL, DUKE STREET, WHITEHAVEN
Proposal	ERECTION OF ONE PAIR SEMI-DETACHED TOWN HOUSES (RESUBMISSION)
Decision	Approve (commence within 3 years)
Decision Date	24 October 2013
Dispatch Date	10 December 2013
Parish	Whitehaven

Application Number	4/13/2240/0F1
Applicant	A & C Park
Location	LAND AT GREEN LONNING, ST BEES
Proposal	PROPOSED SITING OF 1 x 24.6M HIGH (HUB) WIND TURBINE WITH A TIP HEIGHT OF 34.2M TO REPLACE PLANNING PERMISSION (4/12/2199/0F1) FOR 1 x 18M (HUB) WIND TURBINE WITH A TIP HEIGHT OF 24.8M
Decision	Approve (commence within 3 years)
Decision Date	11 September 2013
Dispatch Date	18 December 2013
Parish	St. Bees

Application Number	4/13/2303/001
Applicant	Mr J Kitt
Location	ALLOTMENT SITE BETWEEN ARGYLE STREET, BACK SURREY STREET & BACK MAINSGATE ROAD, MILLOM
Proposal	OUTLINE APPLICATION FOR ERECTION OF ONE SINGLE STOREY DWELLING WITH ASSOCIATED GARAGE AND ACCESS
Decision	Approve in Outline (commence within 3 years)
Decision Date	17 December 2013
Dispatch Date	19 December 2013
Parish	Millom

Application Number	4/13/2346/0F1
Applicant	Mr C Benn
Location	FORMER WATH BROW MISSION, FRIZINGTON ROAD, CLEATOR MOOR
Proposal	ERECTION OF A TIMBER FENCE
Decision	Approve (commence within 3 years)
Decision Date	3 December 2013
Dispatch Date	10 December 2013
Parish	Cleator Moor

Application Number	4/13/2407/0L1
Applicant	St Bees School
Location	BEGA HOUSE, 11 LONSDALE TERRACE, ST BEES
Proposal	LISTED BUILDING CONSENT FOR INSTALLATION OF NEW LASER TRANSMITTER AND RECEIVER
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	5 December 2013
Dispatch Date	10 December 2013
Parish	St. Bees

Application Number	4/13/2413/0F1
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Applicant	Thomas Milburn (Property) Ltd
Location	ST BEES CARAVAN PARK, ST BEES
Proposal	VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/01/0665/0 TO ALLOW USE OF STATIC HOLIDAY CARAVANS ALL YEAR
Decision	Approve
Decision Date	11 December 2013
Dispatch Date	12 December 2013
Parish	St. Bees

Application Number	4/13/2417/0F1
Applicant	NDA Properties
Location	SITE OF FORMER DUSTY MILLER INN, ALBION STREET, WHITEHAVEN
Proposal	LANDSCAPING AND CAR PARKING PROPOSALS
Decision	Approve (commence within 3 years)
Decision Date	4 December 2013
Dispatch Date	4 December 2013
Parish	Whitehaven

Application Number	4/13/2418/0F1
Applicant	Sellafield Limited
Location	CAR PARK J, SELLAFIELD SITE, SEASCALE
Proposal	CHANGE OF USE FROM DERELICT AREA TO A CAR PARK
Decision	Approve (commence within 3 years)
Decision Date	4 December 2013
Dispatch Date	5 December 2013
Parish	Beckermet with Thornhill

Application Number	4/13/2419/0F1
Applicant	Sellafield Limited
Location	CAR PARK K, SELLAFIELD SITE, SEASCALE
Proposal	CHANGE OF USE FROM DERELICT AREA TO A CAR PARK
Decision	Approve (commence within 3 years)
Decision Date	4 December 2013
Dispatch Date	5 December 2013
Parish	Beckermet with Thornhill

Application Number	4/13/2420/0F1
Applicant	Sellafield Limited
Location	CAR PARK L, SELLAFIELD SITE, SEASCALE
Proposal	CHANGE OF USE FROM DERELICT AREA TO A CAR PARK
Decision	Approve (commence within 3 years)
Decision Date	4 December 2013
Dispatch Date	5 December 2013
Parish	Beckermet with Thornhill

Application Number	4/13/2421/0F1
Applicant	Sellafield Limited
Location	CAR PARK M, SELLAFIELD SITE, SEASCALE
Proposal	CHANGE OF USE FROM A CONTRACTORS LAY DOWN AREA TO A CAR PARK
Decision	Approve (commence within 3 years)
Decision Date	5 December 2013
Dispatch Date	5 December 2013
Parish	Beckermet with Thornhill

Application Number	4/13/2429/OF1
Applicant	Mr G Peers
Location	86 WINCHESTER DRIVE, WHITEHAVEN
Proposal	TWO STOREY EXTENSION TO PROVIDE GARAGE & UTILITY ROOM WITH BEDROOM OVER AND SINGLE STOREY SUN ROOM EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	3 December 2013
Dispatch Date	10 December 2013
Parish	Whitehaven

Application Number	4/13/2436/OL1
Applicant	Mr and Mrs J Mellor
Location	CROSS HILL HOUSE, CROSS HILL, ST BEES
Proposal	LISTED BUILDING CONSENT FOR PARTIAL RE-ROOFING, RENEWAL OF CHIMNEY BACK GUTTER AND INTRODUCTION OF ROOF INSULATION AND RAKING CEILING LININGS
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	9 December 2013
Dispatch Date	10 December 2013
Parish	St. Bees

Application Number	4/13/2438/OF1
Applicant	Mr P Wiggins
Location	LAND BETWEEN HOLME GARTH AND 3 CHURCH WALK, MILLOM
Proposal	DEMOLITION OF 2 GARAGES AND THE CONSTRUCTION OF A NEW FOUR BEDROOMED PROPERTY
Decision	Approve (commence within 3 years)
Decision Date	3 December 2013
Dispatch Date	4 December 2013
Parish	Millom

Application Number	4/13/2444/OF1
Applicant	Beckermet Estates Ltd
Location	ENTRANCE TO ENERGY COAST BUSINESS PARK/A595, HAILE, EGREMONT
Proposal	PROPOSED STONE GATEWAY FEATURE AND SITE SIGNAGE
Decision	Approve (commence within 3 years)
Decision Date	11 December 2013
Dispatch Date	12 December 2013
Parish	Beckermet with Thornhill

Application Number	4/13/2444/OF1
Applicant	Beckermet Estates Ltd
Location	ENTRANCE TO ENERGY COAST BUSINESS PARK/A595, HAILE, EGREMONT
Proposal	PROPOSED STONE GATEWAY FEATURE AND SITE SIGNAGE
Decision	Approve (commence within 3 years)
Decision Date	11 December 2013
Dispatch Date	12 December 2013
Parish	Haile

Application Number	4/13/2445/0F1
Applicant	Mr I Todd
Location	49A ROPER STREET, WHITEHAVEN
Proposal	CHANGE OF USE OF PROPERTY FROM DOMESTIC TO COMMERCIAL
Decision	Approve (commence within 3 years)
Decision Date	5 December 2013
Dispatch Date	10 December 2013
Parish	Whitehaven

Application Number	4/13/2446/0F1
Applicant	ESH Group
Location	BETWEEN SUMMERGROVE HALL, HENSINGHAM AND WESTLAKES SCIENCE AND TECHNOLOGY PARK
Proposal	CONSTRUCTION OF A FOOTPATH COMPRISING RAISED TIMBER BOARD WALK SECTION AND TARMAC PATH SECTIONS, WITH LIGHTING AND ACCESS GATES
Decision	Approve (commence within 3 years)
Decision Date	17 December 2013
Dispatch Date	18 December 2013
Parish	Weddicar

Application Number	4/13/2446/0F1
Applicant	ESH Group
Location	BETWEEN SUMMERGROVE HALL, HENSINGHAM AND WESTLAKES SCIENCE AND TECHNOLOGY PARK
Proposal	CONSTRUCTION OF A FOOTPATH COMPRISING RAISED TIMBER BOARD WALK SECTION AND TARMAC PATH SECTIONS, WITH LIGHTING AND ACCESS GATES
Decision	Approve (commence within 3 years)
Decision Date	17 December 2013
Dispatch Date	18 December 2013
Parish	Egremont

Application Number	4/13/2449/0F1
Applicant	Mrs R Miller
Location	WHITEHAVEN CRICKET CLUB, RICHMOND TERRACE, WHITEHAVEN
Proposal	EXTENSION TO PORCH AREA INTO CLUB HOUSE
Decision	Approve (commence within 3 years)
Decision Date	3 December 2013
Dispatch Date	10 December 2013
Parish	Whitehaven

Application Number	4/13/2451/0F1
Applicant	Mr J Hewiston
Location	LAND NEAR YEORTON HALL FARM, HAILE, EGREMONT
Proposal	VARIATION OF CONDITIONS 2 AND 3 OF PLANNING APPROVAL 4/13/2091/0F1 (SINGLE WIND TURBINE)
Decision	Approve
Decision Date	17 December 2013
Dispatch Date	18 December 2013
Parish	Haile

Application Number	4/13/2452/0F1
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Applicant	Home Group
Location	9 PATTERDALE CLOSE, WHITEHAVEN
Proposal	ERECTION OF GROUND FLOOR EXTENSION TO REAR
Decision	Approve (commence within 3 years)
Decision Date	6 December 2013
Dispatch Date	10 December 2013
Parish	Whitehaven

Application Number	4/13/2455/0F1
Applicant	Mrs E Joyce
Location	LA VENUE, 25 LOWTHER STREET, WHITEHAVEN
Proposal	PROPOSED SINGLE STOREY KITCHEN EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	5 December 2013
Dispatch Date	10 December 2013
Parish	Whitehaven

Application Number	4/13/2456/0L1
Applicant	Mrs E Joyce
Location	LA VENUE, 25 LOWTHER STREET, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH PROPOSED SINGLE STOREY KITCHEN EXTENSION
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	5 December 2013
Dispatch Date	10 December 2013
Parish	Whitehaven

Application Number	4/13/2457/0F1
Applicant	Ms P Smurthwaite
Location	114 MORESBY PARKS ROAD, MORESBY PARKS, WHITEHAVEN
Proposal	SINGLE STOREY EXTENSION TO FORM ADDITIONAL FAMILY ROOM, SINGLE GARAGE & PORCH TO FRONT
Decision	Approve (commence within 3 years)
Decision Date	5 December 2013
Dispatch Date	10 December 2013
Parish	Moresby

Application Number	4/13/2459/TPO
Applicant	Hawthorn Estates Ltd
Location	LAND TO REAR OF OLD TOWN HALL, DUKE STREET, WHITEHAVEN
Proposal	REMOVAL OF ASH TREE SITUATED WITHIN A CONSERVATION AREA
Decision	Approve
Decision Date	4 December 2013
Dispatch Date	6 December 2013
Parish	Whitehaven

Application Number	4/13/2460/TPO
Applicant	Mr T Parry
Location	49 RHEDA PARK, FRIZINGTON
Proposal	FELLING OF 2 SCOTCH PINE TREES PROTECTED BY A TREE PRESERVATION ORDER
Decision	Approve
Decision Date	4 December 2013

Dispatch Date	6 December 2013
Parish	Arlecdon and Frizington

Application Number	4/13/2461/OF1
Applicant	Mr P Glenister
Location	LAND TO THE REAR OF 14 EAST ROAD, EGREMONT
Proposal	ERECTION OF A PREFABRICATED CONCRETE DOUBLE GARAGE
Decision	Approve (commence within 3 years)
Decision Date	5 December 2013
Dispatch Date	10 December 2013
Parish	Egremont

Application Number	4/13/2463/TPO
Applicant	HMS Programme Mgt Ltd
Location	HIGH CROFT HOUSE (FORMERLY NAMED FLEATRIGG), HIGH HOUSE ROAD, ST BEES
Proposal	VARIOUS WORKS TO TREES SITUATED WITHIN A CONSERVATION AREA
Decision	TREE PRESERVATION APPROVE
Decision Date	17 December 2013
Dispatch Date	18 December 2013
Parish	St. Bees

Application Number	4/13/2465/OF1
Applicant	Mr D Eddevane
Location	72 MORESBY PARKS ROAD, MORESBY PARKS, WHITEHAVEN
Proposal	ERECTION OF DORMER WINDOW TO ROOF ROOM
Decision	Approve (commence within 3 years)
Decision Date	11 December 2013
Dispatch Date	12 December 2013
Parish	Moresby

Application Number	4/13/2466/OF1
Applicant	Mr D Harper
Location	LAND AT CASTLERIGG FARM, MORESBY PARKS, WHITEHAVEN
Proposal	VARIATION OF CONDITION 1 OF PLANNING APPROVAL 4/13/2062/OF1 - INSTALLATION OF A TEMPORARY ANEMOMETER MAST
Decision	Approve (commence within 3 years)
Decision Date	5 December 2013
Dispatch Date	10 December 2013
Parish	Moresby

Application Number	4/13/2467/OF1
Applicant	Mrs D Platt
Location	LAND TO REAR OF 35 EAST ROAD, EGREMONT
Proposal	SEATING/PATIO AREA (RETROSPECTIVE)
Decision	Approve (commence within 3 years)
Decision Date	5 December 2013
Dispatch Date	10 December 2013
Parish	Egremont

Application Number	4/13/2469/OR1
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Applicant	Mr P Gaston
Location	LAND ADJACENT TO THE SUN INN, ARLECDON, FRIZINGTON
Proposal	RESERVED MATTERS APPLICATION FOR DETACHED DWELLING TO MEET LOCAL AND AFFORDABLE NEEDS
Decision	Approve Reserved Matters
Decision Date	9 December 2013
Dispatch Date	10 December 2013
Parish	Arlecdon and Frizington

Application Number	4/13/2474/0F1
Applicant	Kells Development Group Ltd
Location	LAND ADJACENT TO PLOTS 65 TO 72 COLLIERS WAY, KELLS, WHITEHAVEN
Proposal	ENGINEERING OPERATIONS TO REINSTATE KERB LINES AND GRASSED AREAS, WITH THE FORMATION OF FOOTWAY LINKS (RETROSPECTIVE)
Decision	Approve
Decision Date	16 December 2013
Dispatch Date	16 December 2013
Parish	Whitehaven

Application Number	4/13/2475/0F1
Applicant	Mr B Spencer
Location	LAMPLUGH TIP, LAMPLUGH
Proposal	ALTERATIONS AND EXTENSIONS TO EXISTING PUBLIC HOUSE (REVISED SCHEME)
Decision	Approve (commence within 3 years)
Decision Date	6 January 2014
Dispatch Date	7 January 2014
Parish	Lamplugh

Application Number	4/13/2476/0F1
Applicant	Mrs L Cox
Location	2 JOHN COLLIGAN DRIVE, CLEATOR MOOR
Proposal	TWO STOREY SIDE EXTENSION WITH PORCH - AMENDMENT TO PREVIOUSLY APPROVED SCHEME
Decision	Approve (commence within 3 years)
Decision Date	12 December 2013
Dispatch Date	13 December 2013
Parish	Cleator Moor

Application Number	4/13/2479/0F1
Applicant	SH & CL Graham
Location	GRAHAMS GARAGE, BRIDGE END, EGREMONT
Proposal	CONVERSION OF EXISTING STOREROOM TO FORM LARGER SHOP AND RELOCATION OF CASH MACHINE
Decision	Approve (commence within 3 years)
Decision Date	19 December 2013
Dispatch Date	20 December 2013
Parish	Egremont

Application Number	4/13/2481/TPO
Applicant	Mr R Warren
Location	8 FOXHOUSES ROAD, WHITEHAVEN

Proposal	VARIOUS WORKS TO TREES (T1, T2 & T3) SITUATED WITHIN A CONSERVATION AREA
Decision	Tree Preservation Part Approved Part Refused
Decision Date	17 December 2013
Dispatch Date	17 December 2013
Parish	Whitehaven

Application Number	4/13/2483/0L1
Applicant	J Dixon & Sons Ltd
Location	J DIXON & SON LTD, LOWTHER STREET, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR INSTALLATION OF MECHANICAL ESCALATOR SYSTEM TO PROVIDE ASSISTED ACCESS BETWEEN GROUND AND FIRST FLOOR SALES AREA
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	3 January 2014
Dispatch Date	13 January 2014
Parish	Whitehaven

Application Number	4/13/2485/0F1
Applicant	Mr S Johnston
Location	31 SNAEFELL TERRACE, SEACLIFFE, WHITEHAVEN
Proposal	SINGLE STOREY REAR EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	18 December 2013
Dispatch Date	18 December 2013
Parish	Whitehaven

Application Number	4/13/2496/0A1
Applicant	Shepherds Views Holidays
Location	LAND ADJACENT TO CLOUDBASE, DRIGG, HOLMROOK
Proposal	DIRECTIONAL SIGN
Decision	Approve Advertisement Consent
Decision Date	7 January 2014
Dispatch Date	13 January 2014
Parish	Drigg and Carleton

Application Number	4/13/2514/HPAE
Applicant	Mrs B Smith
Location	77 SNEBRO ROAD, WHITEHAVEN
Proposal	SINGLE STOREY REAR EXTENSION (KITCHEN & UTILITY)
Decision	Permitted Development
Decision Date	8 January 2014
Dispatch Date	9 January 2014
Parish	Whitehaven