

PK 250513
Item 6

PLANNING PANEL- 25 March 2015

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ITEM NO: 1.

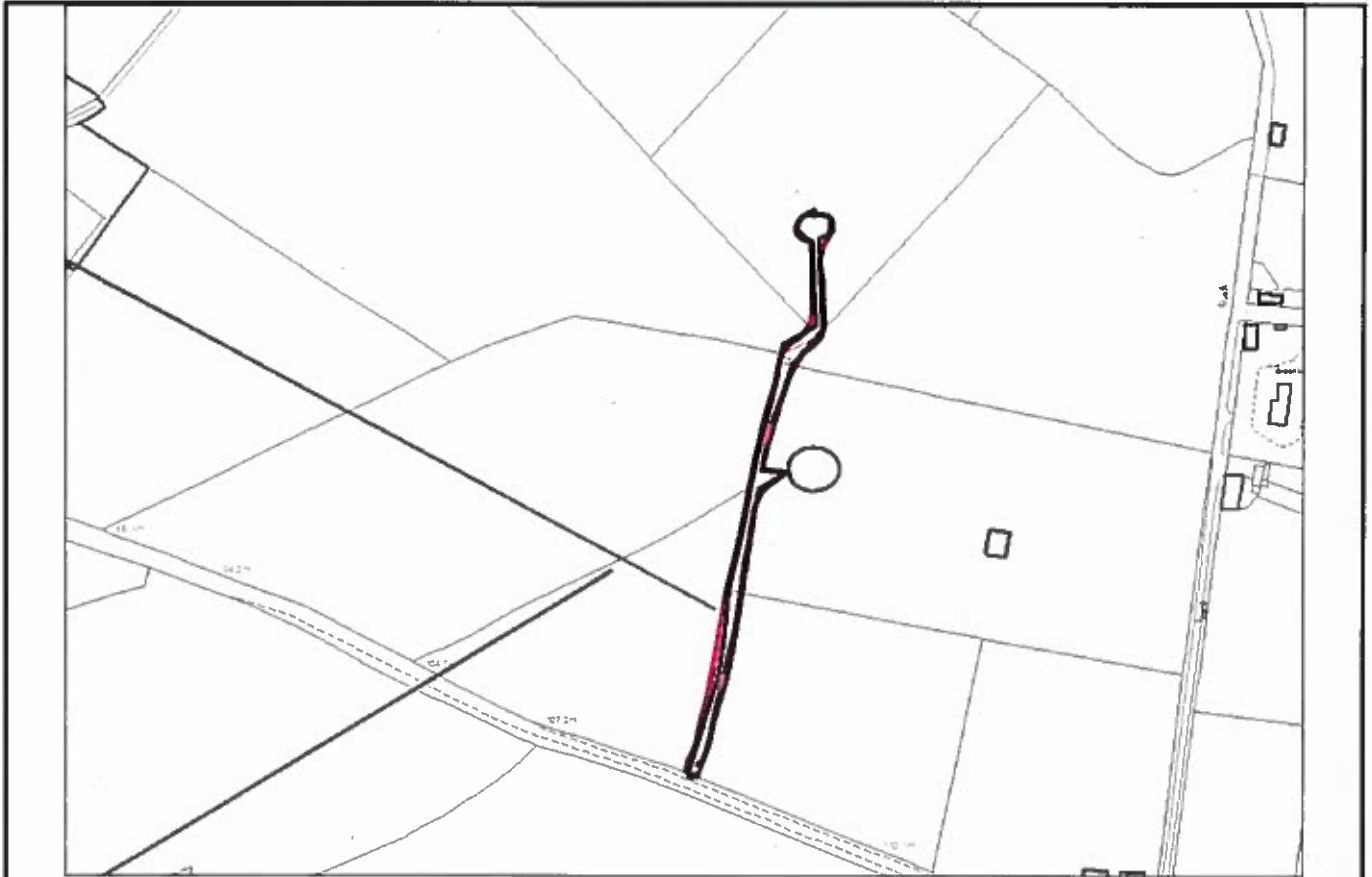


To: PLANNING PANEL

Development Control Section

Date of Meeting: 25/03/2015

Application Number:	4/14/2475/OF1
Application Type:	Full : CBC
Applicant:	Mr C Park
Application Address:	LAND TO SOUTH OF GREEN LONNING, ST BEES (GRID: E297915 N511733)
Proposal	PROPOSED SITING OF 1 x 24.8M HIGH (HUB) WIND TURBINE WITH A TIP HEIGHT OF 36.6M
Parish:	St. Bees
Recommendation Summary:	Refuse



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Introduction

A site visit was agreed at the 21 January 2015 Planning Panel, undertaken on Wednesday 18 February 2015 but aborted due to poor weather conditions. A successful site visit subsequently took place on Tuesday 11 March 2015.

Site Location

This proposal relates to an elevated green field site in open countryside some 450m to the east of St Bees village. It is flanked by the same and forms part of an active agricultural holding which extends to the north and west of the site and includes an agricultural building in an adjoining field some 377m to the south.

There are two non-associated dwellings situated within the vicinity of the site comprising 'Green Lonning House', the nearest at some 240m distant, and 'Fairladies Farm', a bungalow, some 386m to the south. The site is also within close proximity to an existing operational 3 bladed turbine with an overall ground to tip height of 34.5m, which is situated in a neighbouring field some 150m away to the south.

Proposal

It is proposed to erect one three bladed turbine on a single tapered tower matt pale grey in colour 24.8m high to hub. An amendment subsequently submitted proposes a reduced rotor diameter of 19.2m as opposed to 23.5m which reduces its overall ground to tip height by 2.1m, from 36.6m to 34.5m. This matches the existing turbine adjacent.

The turbine would be situated on a concrete foundation some 9.2 square metres in area and 2 m in depth. Connection to the local grid would be via underground cabling.

Vehicular access to the site would be off the adjacent Outrigg Road, along an existing agricultural track and then across fields for a distance of approximately 75m. The latter would be temporary via the use of reinforced sheeting for the duration of the construction period.

The application is accompanied by:

Design and Access Statement.

Wind Turbine Noise Performance Test & Acoustic Data.

Technical Information

Additional Supporting Information for Visual and Landscape Impact Assessment including Photo montages.

Planning History

The planning history relating to adjacent sites is relevant to this application. Planning permission was originally granted in 2012 for a single twin bladed lattice tower type turbine, some 24.8m in overall height on a site within the farm holding to the south east (4/12/2199/0f1 refers). This was not implemented and a subsequent application for a taller turbine, 34.5m ground to tip height, on a nearby site some 150m away to the south, which replaced that permission was approved and secured by a S106 Agreement (4/13/2240/0F1 refers). This turbine is now operational.

This application as amended therefore seeks consent for a second turbine on the holding of the same size and scale.

Also to take into account is the two existing lattice twin bladed turbines at Fairladies Farm, just over 0.5km away (nearest point) to the west. These are circa 24m in overall height and were allowed on appeal in August 2011 (4/11/2033/0F1 refers).

Consultation Responses

The following consultation responses have been received:

St Bees Parish Council – object. The site is within an area designated as a Landscape of County Importance, although there is no reference to this in the application. The Parish Council does not oppose small scale turbines which provide power for farming businesses

themselves but does not believe that larger scale turbines such as the one proposed are appropriate in this location. There is already one turbine very close by.

The proposed site is at the highest point of the sandstone ridge that rises from the south and is a very prominent landscape feature. It has obviously been selected to maximise the generating capacity but this is at the expense of the visual amenity. For these reasons the Parish Council urges Copeland Borough Council to refuse this application.

Highway Authority - no objection, requests the submission of a traffic management plan and controls over dust/ debris emissions affecting the highway during construction which can be covered by appropriate conditions.

Historic Environment Officer - no objections.

Scientific Officer –holding objection, has concerns regarding the potential cumulative noise impact arising from the proposal and the existing operational turbine nearby and its resultant impact on the nearest non associated property 'Green Lonning House'. Requests the provision of a site specific noise assessment which has yet to be provided.

MOD – no objection.

Arquiva – Have concerns that the proposed location of the turbine is on top of a hill, around 100m higher than the existing terrestrial television relay broadcast site at St Bees site (NGR 296700 511500). This is around 1.2km away on a bearing of 80°. The television relay mast at St Bees site is important to the terrestrial television network they solely operate, as it provides localised digital television coverage to many hundred homes. The operation of the television mast at St. Bees is totally reliant on a signal being received from the main television broadcasting site at Whitehaven UHF (NGR 299218 512370). A rebroadcast antenna (RBL) on the mast at St Bees, on a bearing of 71°, receives a signal from the main television broadcast site at Whitehaven. The transmission path of the signal between the sites at Whitehaven to St Bees is directional. Whilst the proposed turbine is not in a position to interfere with this direct RBL path between the two sites, it could produce a reflected signal that would be problematic to the operation of the RBL. To protect the terrestrial television network in the wider public interest, they request that a planning condition be imposed as an appropriate mitigation measure which requires the applicant to demonstrate that there is no interference affecting the network.

Neighbours / Others

No neighbour representations have been received to date.

Planning Policy

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

National Planning Policy Framework

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

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

All of the policies quoted in the NPPF taken as a whole constitute the 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.

Renewable Energy

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

- Support the transition to a low carbon future in a changing climate - including encouraging the use of renewable resources by the development for example of renewable energy.
 - Contribute to preserving and enhancing the natural environment and reducing pollution.
 - Encourage the effective use of land by reusing previously developed 'brown field' land.
 - Promote mixed use developments and encourage multiple benefits from its use.
 - Conserve heritage assets in a manner appropriate to their significance.
 - Actively manage patterns of growth.
 - Take account of and support local strategies to improve health, social and cultural well-being to meet local needs.
 - Core Principle 10 of this approach 'Meeting the Challenge of Climate Change, flooding & Coastal Change' recognises that planning can play a key role in reducing emissions in greenhouse gases and supporting the delivery of renewables. (Paragraph 93 refers)
- And specifically in determining such planning applications (Paragraph 98 refers) we should in particular:
- Not require overall need for the energy development to be demonstrated recognising that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions and
 - Approve the application (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.

Conserving and Enhancing the Natural Environment

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

Planning Practice Guidance

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

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

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

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

Copeland Local Plan 2013-2028

The Local Development Framework Core Strategy and Development Management Policies DPD (known as the Copeland Local Plan 2013-2028) was adopted by the Council in

December 2013. It now replaces the majority of policies in the former Copeland Local Plan 2001-2016.

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

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

Core Strategy:

Policy ST1 Strategic Development Principles,

Policy ST2 Spatial Development Strategy

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

Policy ENV2 Coastal Management this in particular seeks to protect the intrinsic qualities of St Bees Heritage Coast which is a national designation of landscape quality. The headland is the only Heritage Coast in the North West of England.

Policy ENV5 Protecting and Enhancing the Boroughs Landscapes - this aims to protect the Boroughs landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area and also makes provision which allow that the benefits of development may outweigh potential harm.

Development Management Policies DPD

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

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

- A Proposals should be developed with the Borough's community and key stakeholders in accordance with the Council's current adopted approach to stakeholder involvement.
- B. There would be no unacceptable adverse visual effects.
- C. There would be no unacceptable adverse effects on landscape or townscape character and distinctiveness.
- D. There would be no unacceptable impacts on biodiversity or geo-diversity.
- E. The proposals would not cause an unacceptable harm to features of nature or heritage conservation importance.
- F. There are no unacceptable impacts of noise, odour, dust, fumes, light or other nuisance likely to affect nearby residents and other adjoining land users.

- G. Any waste arising as a result of the development will be minimised and managed appropriately.
- H. Provision is made in proposals for the removal and site restoration at the end of the operating life of the installation.

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

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

Policy DM26 Landscaping - this protects areas designated as Landscapes of County Importance from inappropriate change.

Cumbria Wind Energy Supplementary Planning Document

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

Cumbria Landscape Character Assessment

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

Assessment

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

- 1 **Transport and Access.** Access to the site already exists. Whilst construction would increase traffic movements to the site this would only be temporary, taking no more than 2 months to complete. Operational traffic will also be insignificant. These issues can be adequately covered by a condition/ informative which requires a Traffic Management Plan to be agreed.
- 2 **Heritage.** There are no conservation areas, ancient monuments or listed buildings in the vicinity of the site that are likely to be adversely affected by this proposal. The nearest Conservation Area is within the built up area of St Bees and the nearest listed building is Grade II listed barn to the north east of High House some 500m to the north west and Croft House some 544m to the north west.
- 3 **Archaeology.** There are no sites of archaeological interest within 500m of the site .

- 4 Ecology. There are a number of designated sites within proximity to the application site, the nearest SSSI being St Bees Head approximately 1km to the west of the application site. However the ecological impacts will be limited to the habitats within or adjacent to the application site. Collision risk and disturbance replacement are considered to be the predominant effects. However due to the scale of the turbine and the fact it is only one it is expected that collision risk will be minimal. The turbine would also be positioned outside the 50m buffer zone for foraging habitats which would not result in a significant impact on local bird and bat populations.
- 5 Proximity to airports and flight paths. The nearest commercial airport is at Carlisle some 70km from the site due to this it is estimated that there are unlikely to be any significant impacts.
- 6 Shadow Flicker. As all the nearest dwellings are more than 10 rotor diameters (192m) away from the turbine none will be affected by shadow flicker.
- 7 Electromagnetic interference. Not considered to be an issue as the concerns expressed regarding the potential for it to affect the operation of the rebroadcast antenna at St Bees could be adequately addressed by an appropriate condition.

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

Effect on the Character and Appearance of the Landscape

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

The site, as is the whole of the St Bees area, is designated as part of a Landscape of County Importance. These are areas of distinctive landscape which should be protected from inappropriate change. It is acknowledged that the site benefits from this sensitive designation and that the proposed turbine in such an elevated and prominent position will have a significant impact on the landscape. It would result in the introduction of an additional dominant vertical feature on the skyline.

The site is also within proximity to nationally designated heritage coast at St Bees Head, at some 2km away to the west and impacts on views from it.

Visual Impact

Although the submitted Landscape and Visual Impact Assessment and accompanying photo-montages conclude that it is unlikely that there would be any significant effects on visual amenity. This is disputed. The harm demonstrated by the photomontages is more significant than moderate to adverse particularly from medium and wider views such as from St Bees Head, St Bees village and Foreshore Car Park towards the east.

Cumulative Impact

In terms of cumulative impact the site lies within an area which already has a number of turbines within it. There have been a number of individual and paired turbines erected in the immediate and wider vicinity. The closest are to the immediate south, at just over 0.5km away and comprise two twin bladed domestic scale lattice tower turbines, some 24.8m in height (ground to tip), which were allowed on appeal. (4/11/2033/OF1 refers). A smaller domestic turbine (14.5m high ground to tip) is also in place at Moorclose, a detached holding to the south east of the site some 820m away. (4/11/2478/OF1 refers) To the east at Whangs Farm, some 1.55km away (nearest turbine), two medium size (34.2m high ground to tip) three bladed turbines have been erected. (4/11/2534/OF1 refers) To the north east of the site there is a recently erected single 45.5m turbine circa 1.5km away to the north east at Highfield Farm. (4/13/2157/OF1 refers). Whilst it is acknowledged that these are medium or domestic scaled single or paired turbines, as opposed to large scale windfarms it is considered that there would not be any significant cumulative impact arising from them as a result of the introduction of this turbine on the landscape. However, what is considered of significance is the potential cumulative impact in relation to the neighbouring turbine of the same height and scale situated only some 150m away. The presence of this and the proposed turbine in relative close proximity to each other would sit prominently on the skyline particularly from medium and wider views. The presence of a second turbine in this landscape would serve to accentuate their prominence in such an isolated and elevated location which would result in harm.

Potential Effect on Neighbouring Residential Amenity

Although there are three non-associated residential dwellings within reasonable proximity of the site, (distances of 240m, 370m and 480m) it is considered that the visual impact from

the presence of a second turbine on this holding taking into account both will be significant. In particular the nearest property at Green Lonning will be most directly affected with the proposed turbine being only some 240m away from it to the northwest directly within its main field of view with the topography here being relatively flat and open. Whilst the presence of the existing turbine of the same scale some 240m to the southwest was considered acceptable the presence of a second one tips the balance and in my opinion results in an adverse effect on amenity to an unacceptable degree resulting in an over bearing intrusion/ presence.

Fairladies Farm, at some 370m away to the south, is not affected to such a degree. It benefits from increased distance and the mitigation provided by the rising intervening topography, similarly Seawinds at some 480m away to the southeast.

Noise

There is concern that there could be a noise impact on local residents and that there is not enough site specific noise information to make an assessment, particularly in relation to cumulative noise impact given the presence of another turbine within close proximity which could lead to a higher cumulative noise level than envisaged for one. An additional noise assessment has been requested but this has not been provided. Without a satisfactory assessment the holding objection from the Scientific Officer remains in place.

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:

Renewable Energy Generation

It would increase the generation capacity of clean and free electricity for the farm helping to meet its energy needs and thus allow it to operate in a more environmentally and financially sustainable manner.

Climate Change Mitigation / Reduction of Carbon Emissions

The proposed development would make a modest but valuable contribution to meeting the UK's renewable energy targets.

Farm Diversification

The turbine would enable the applicant to reduce his carbon footprint. Excess electricity would be fed into the grid.

In this context it should be noted that the NPPF stresses that Local Planning Authorities cannot ask applicants to demonstrate the overall need for renewable energy development. Paragraph 98 also requires Local Planning Authorities to recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Conclusion

To arrive at a decision on this application it is important to consider in this case:

- The effect of the proposal on the character and appearance of the landscape.
- Impact on residential amenity.
- The concerns raised by local parish council.

Against the:

- Potential benefits of the scheme.

And:

- Whether any identified harmful effects significantly outweigh the benefits.

The landscape within which the turbine would be sited is of high scenic quality. It benefits from an important designation as a Landscape of County Importance and is also within relatively proximity of a national designation, St Bees Heritage Coast. As such there is a local plan policy presumption for protection against inappropriate change that would be harmful to this landscape's sensitive intrinsic qualities. This is reflected in national policy guidance and the Planning Practice Guidance in particular advocates great care be taken to ensure such heritage assets are conserved in a manner appropriate to their significance, and that local topography is a significant factor. It also recognises that protecting local amenity is an important consideration.

The introduction of a second turbine within this landscape within close proximity to an existing one of the same scale would only serve to accentuate their cumulative prominence particularly in terms of wider and medium distance views. Situated on the highest point of an elevated sandstone ridge together they would result in an overly prominent and incongruous landscape feature. It is considered that the slight reduction in size as proposed by the amendment would make no significant difference.

It is also considered that the cumulative impact of a second turbine within close proximity of a non-associated residential property, which also has to contend with the existing turbine nearby, would result in views and outlook being dominated by both turbines to the extent it would be overbearing thus adversely affect residential amenity to an unacceptable degree.

There is also concern that there may be potential for cumulative noise disturbance to affect this dwelling as insufficient information has been submitted to demonstrate otherwise.

National policy requires that the wider environmental and economic benefits of renewable energy projects are given significant weight, but not to the extent that the need overrides environmental protection or local amenity.

Taking the above into account whilst it is recognised the development would contribute to the generation of renewable energy, would assist in meeting national targets to reduce carbon emissions and make an economic contribution, it would not outweigh the unacceptable adverse impact it would have on this sensitive landscape and local residential amenity.

Recommendation:- Refuse

Reason for Refusal

The siting of a second turbine some 34.5m in overall height within this sensitive elevated and open scenic landscape of County Importance, which is within close proximity to an operational one of the same scale, and relatively close to St Bees Head Heritage Coast, would introduce a cumulatively overly prominent and incongruous feature in this high quality landscape which would have a materially harmful effect on the landscape character of the area. Together they would also have an overbearing impact on the residential amenity of the nearest dwelling 'Green Lonning', and in addition as there is insufficient information to demonstrate otherwise, there is potential for cumulative noise to adversely affect the dwelling. As a consequence the proposal is contrary to Policies ER2, ENV2, ENV5, DM2 and DM26 of the Copeland Local Plan 2013-2028 and the guidance contained in the National Planning Policy Framework and Planning Practice Guidance.

Statement

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

ITEM NO: 2.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 25/03/2015

Application Number:	4/14/2480/001
Application Type:	Outline : CBC
Applicant:	North Associates
Application Address:	FORMER KANGOL FACTORY, CLEATOR
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF OFFICES (USE CLASS B1)
Parish:	Cleator Moor
Recommendation Summary:	Approve in Outline (commence within 3 years)



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INTRODUCTION

This application is for the former Kangol factory at Cleator. The site is currently covered by the vacant dilapidated factory building, which was last used approximately 10 years ago. It is bound on its south eastern side by the River Ehen and is located to the north east of the also vacant Cleator Mills building. The entire Kangol/Cleator Mills site has two accesses from the Main Street, one main access adjacent to the Brook Pub and a secondary access from Hilden Road.

This application site did not form part of the previous applications to redevelop the adjacent land to provide a mix of housing and employment premises approved in 2014. An outline application for the development of the greenfield site to the west to provide 79 houses was approved under reference 4/14/2190/001, an outline planning permission was approved to provide new office (B1) accommodation (reference 4/14/2191/001) to the south and a further detailed application for the extension, alteration and conversion of the former Cleator Mills to provide new office accommodation was approved under reference 4/14/2192/0F1.

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

PROPOSAL

Outline planning permission is now sought for the development of this part of the overall site to provide office (B1) accommodation. Although only in outline form an illustrative plan has been submitted which shows a possible layout comprising three detached office buildings. The units will provide a total of 2100 sq. metres of office floor space and have been designed to allow flexible usage by one or more occupiers.

The development will have a parking area of 265 spaces which are to be accessed from the existing vehicular route that serves the Cleator Mills site. It is proposed to site the parking area to the rear of the building, adjacent to the riverside to reduce the the visual appearance of this large parking area and also to provide further separation to the building from the Riven Ehen.

The application is accompanied by the following information:-

- Site Location Plan
- Proposed site plan
- Site context and site analysis plan
- Illustrative plans and elevations of the office buildings
- Design and Access Statement
- Planning Statement
- Drainage statement
- Preliminary ecological appraisal
- Desk based archaeological assessment
- Transport Statement
- Travel Plan
- Preliminary Environmental Risk Assessment
- Flood Risk Assessment
- Site investigation and updated environmental risk assessment

CONSULTATION RESPONSES

Town Council

Members welcomed this application but would like to see some visual detailing on the west side of the development to detract from the industrialised appearance of the pavilions. This would improve the aspect from the proposed housing development. If this application is approved, and detailed

drawings developed, member's request that the pavilions are situated further back towards the river, thus allowing the opportunity for landscaping either side of the access road. It was noted that there had been sand martins nesting in the river bank nearby and as a protected species investigation to the appropriate treatment of their habitat should take place. Japanese Knot Weed is also present in large quantities to the east of the development along the river bank and should also be treated appropriately.

County Council Historic Environment Officer

The applicant has helpfully commissioned an archaeological desk based assessment as part of the application. The results indicate that there is low potential for archaeological remains to be disturbed by the proposed development. I therefore confirm that I have no objections and do not wish to make any comments or recommendations.

Flood and Coastal Defence Engineer

Raises no objections to the proposal.

Environment Agency

We consider that outline planning permission could be granted to the proposed development if the following planning condition is included as set out below.

Condition

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

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

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

Reasons

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future users.
3. We would recommend that as part of the overall development remedial works on the flood defences identified in the Flood Risk Assessment (as per the Flood Risk Assessment Proposed

Conversion and Extension of Factory to B1 Office Use, Cleator Mill, Cleator, Cumbria - produced by RWO Associates and dated April 2014, Version 3) are carried out by the developer.

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

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

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

Natural England

Natural England has concluded that approval in outline can be granted, subject to a condition that no work can commence on site until an additional ALSE has been undertaken for this part of the site and any necessary mitigation measures followed through.

United Utilities

Raise No objections, subject to conditions.

Other

Three letters of support have been received which outline that the development will be beneficial to the area as the site has been an eyesore for a considerable period of time.

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 19 states in particular that planning should operate to encourage and support sustainable economic growth.

Paragraph 21 stresses the importance of supporting existing business sectors, facilitating investment and realises that policies should be flexible enough to accommodate needs.

Paragraph 56 outlines that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.

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

Paragraph 173 seeks to ensure viability and deliverability. It clarifies that pursuing sustainable development requires careful attention to viability and costs in decision taking.

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

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

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

– sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The NPPF 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.

Copeland Local Plan 2013 - 2028

The Core Strategy and Development Management Policies DPD (now referred to as the Copeland Local Plan 2013 – 2026) which replaces most of the Policies in the Local Plan 2001-16 was adopted in December 2013.

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

Policy ST1 of the Core strategy sets out the fundamental principles that will achieve sustainable development in the Borough, including support for development proposals which develop or retain jobs in suitable locations. It advocates the re use of brownfield land and supports the reclamation and redevelopment of vacant and derelict sites.

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

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

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

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

Locality

The Core Strategy identifies six groups of communities as “Localities” which are identified as distinctive functional areas having their own particular issues and needs. Cleator is located within the North East locality and is deemed suitable for minor development reflecting its scale and function where it helps to sustain its services and facilities and contributes to the regeneration of the settlement.

Development Management Policies

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

Policy DM 3 seeks to safeguard employment areas.

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

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

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

ASSESSMENT

This application relates to a brownfield site which lies adjacent to the Cleator Mill building and is covered by the vacant former Kangol premises, which are both in a very poor condition. The planning applications approved on the adjacent areas of the site form part of an overall proposal to redevelop the land including the adjoining greenfield site to provide housing and employment premises.

This particular area of the site is unallocated land within the settlement boundary for Cleator, and has previously been developed with both the dilapidated building currently on the site and the hard standing area around the site. The Local Plan Policy regarding the location of employment land takes a sustainable approach to development meaning that employment uses should be within settlements where there are already services, transport links and also a close proximity to potential workforce. This application is only in outline stage currently but considered that the site has previously housed a large employment use and is therefore more than capable of accommodating buildings of the scale proposed by this application.

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

The Environment Agency have determined that the applications can be approved subject to the same condition included within the planning permissions on the previous three Cleator Mills applications, that no development commences until a suitable scheme relating to surface water has been submitted to and approved which does not increase the flood risk either upstream or downstream. This will include some additional work to the existing flood defences adjoining the site at the developer's expense. There is therefore an opportunity to improve the flood risk situation in the area with the approval of the application through money not currently available.

Natural England has concluded that approval in outline can be granted, subject to a condition that no work can commence on site until an additional ALSE has been undertaken for this part of the site and any necessary mitigation measures followed through.

It is therefore recommended for approval.

Recommendation:-

Approve

Conditions

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

Reason

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

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

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

Or

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

Reason

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

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

- Planning application form received 20 November 2014;
- Site plan received 20 November 2014 (Drawing No. 1419 (PL) 200);
- Location plan received 20 November 2014 (Drawing No. 1419 (PL) 201);
- Indicative site plan received 20 November 2014 (Drawing No. 1419 (F) 202);
- Indicative location plan received 20 November 2014 (Drawing No. 1419 (F) 203);
- Indicative ground floor plan received 20 November 2014 (Drawing No. 1419 (PL) 300);
- Indicative FF and roof plan received 20 November 2014 (Drawing No. 1419 (F) 301);
- Indicative elevations received 20 November 2014 (Drawing No. 1419 (PL) 500);

- Flood Risk Assessment by RWO Associates received 20 November 2014;
- Preliminary Environmental Risk Assessment received 20 November 2014;
- Travel Plan by RWO Associates received 20 November 2014;
- Transport Statement by RWO Associates received 20 November 2014;
- Site Investigation and Environmental Risk Management Strategy received 20 November 2014;
- Archaeological Desk Based Assessment by Wardell Armstrong received 20 November 2014;
- Preliminary Ecological Appraisal received 20 November 2014;
- Drainage Statement by RWO Associates received 20 November 2014;
- Planning Statement received 20 November 2014;
- Design and Access Statement received 20 November 2014;

Reason

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

4. Before any development commences on site, including any demolition works or any ground works, an Assessment of Likely Significant Effect (ALSE) shall be carried out, to the satisfaction of the Council, by an appropriately qualified person in relation to the River Ehen Special Area of Conservation (SAC). If the ALSE concludes that the development is likely to have a significant effect on the SAC, an Appropriate Assessment will be required to be carried out to define mitigation measures to remove significant effects to the satisfaction of the Council.

Reason

To determine whether or not the development proposal is likely to have a significant effect on the Natura 2000 site in accordance with Conservation of Habitats and Species Regulations 2010.

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

Reason

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

6. The use of the offices shall not be commenced until the access and parking/servicing hardstanding areas have been constructed in accordance with the approved plan.

All such provision shall be retained, capable of use when the development is completed and shall not be removed or altered thereafter, without the prior consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access and public safety when the development is brought into use.

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

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

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

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

Reasons

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

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

8. No development approved by this planning permission shall take place until such time as the flood defences are improved and details have been submitted to, and

approved in writing by, the local planning authority in consultation with the Environment Agency. Details of future maintenance of any defences should also be included.

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

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

Reason

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

9. Prior to each phase of development approved by this planning permission no development or such other date or stage in development as may be agreed in writing with the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason

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

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

Reason

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

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

Reason

To ensure a satisfactory drainage scheme.

12. Prior to the commencement of development, a scheme for surface water and foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Drainage Statement dated November 2014, ref: RO/DS/14071.2 version 3 proposing surface water discharging into the SUDS. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.

Reason

To ensure a satisfactory drainage scheme.

Statement:

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

ITEM NO: 3.

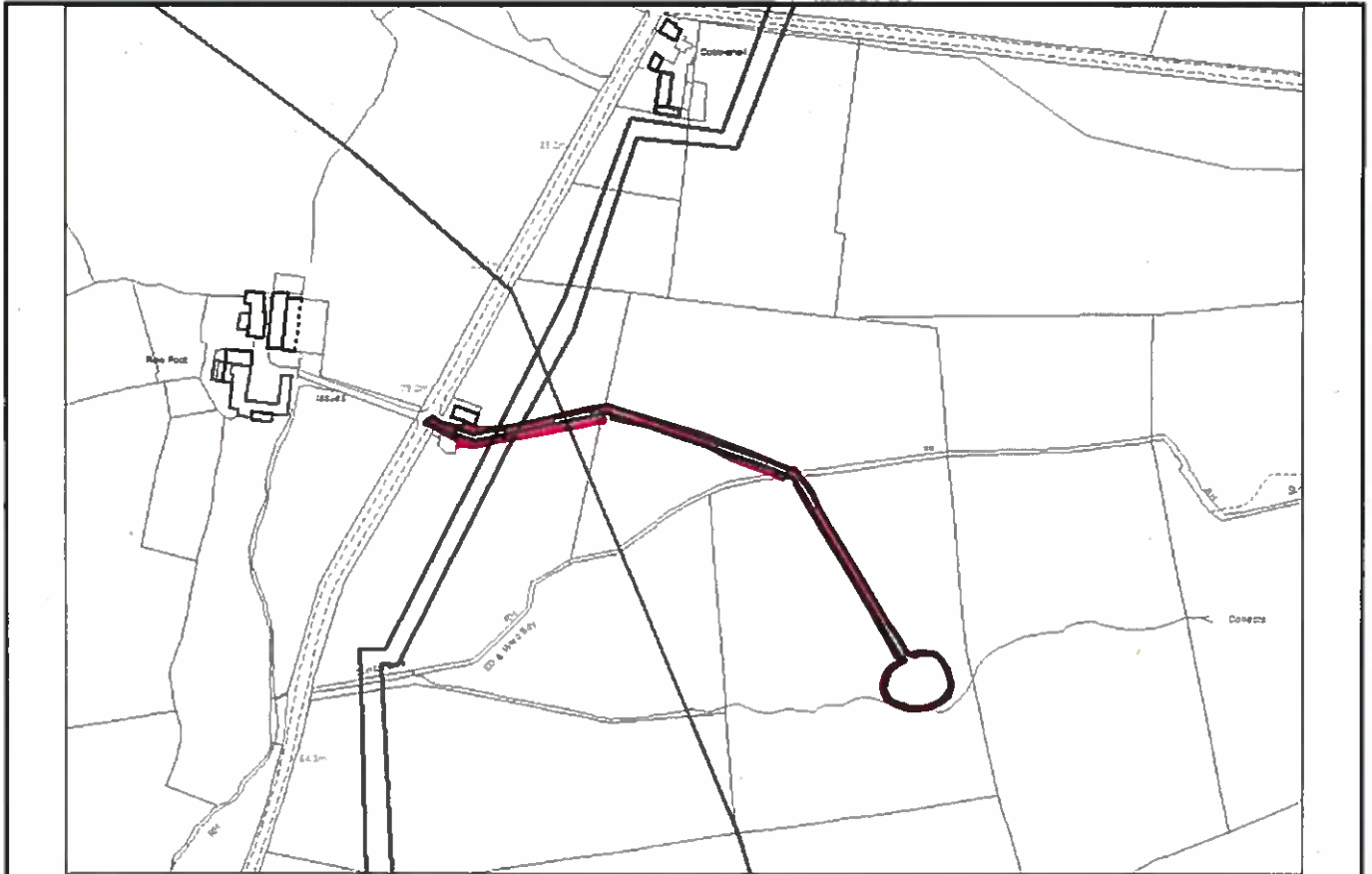


To: PLANNING PANEL

Development Control Section

Date of Meeting: 25/03/2015

Application Number:	4/14/2487/0F1
Application Type:	Full : CBC
Applicant:	Mr D Spedding
Application Address:	LAND NEAR COBBLE HALL FARM, CLEATOR (GRID REF: E302130 N512147)
Proposal	INSTALLATION OF A SINGLE WIND TURBINE (48.01M TO TIP HEIGHT), NEW ACCESS TRACK AND ASSOCIATED INFRASTRUCTURE
Parish:	Cleator Moor, Egremont
Recommendation Summary:	Refuse



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Introduction

This application was withdrawn from the last agenda at the request of the applicant's agents to allow them the opportunity to address the concerns raised by the Scientific Officer on noise grounds.

Following Members agreement at the 21 January 2015 Planning Panel a site visit was undertaken on Wednesday 18 February 2015. However due to conditions of poor visibility it was rescheduled and successfully took place on Wednesday 11 March 2015.

Site Location

This application relates to an elevated green-field site in open countryside situated some 290m southeast of the parent farm Cobblehall, near Egremont. It is surrounded by farmland and flanked to the east by the majestic backdrop of Dent Fell. The nearest settlement is Egremont approximately 1.5km to the west, Bigrigg lies to the northwest circa 2.05km away and Cleator Moor some 2 km to the north.

Whilst the parent farm is the nearest dwelling, the closest non associated dwellings are situated at Row Foot Farm 337m to the northwest along with neighbouring Nook Farm some 537m away. Dent Cottage is located 385m to the northeast.

Proposal

It is proposed to erect one three bladed wind turbine on a single tapered tower finished in a pale matt grey at a height of 30.52m to the hub, with an overall ground to tip height of 48.01m. It should be noted that only a restriction on maximum height is sought to allow flexibility in the choice of turbine type.

It would be fixed onto a concrete foundation some 9.2m by 9.2m in area. A cable trench run of some 190m would be required to connect the turbine to the local grid.

Vehicular access would be off the adjacent unclassified road via an existing agricultural access. A temporary access would then be required across the fields to the site of some 300m in length for the construction period.

The application is accompanied by a:

- Planning Statement incorporating a Design and Access Statement.
- Ecological Impact Assessment.
- Landscape and Visual Impact Assessment incorporating photo montages.
- Noise Impact Assessment and Shadow Flicker Assessment.
- Technical Details.

Planning History

Of relevance to the proposal is a pending application for a single turbine of the same height at nearby Cobra Castle, some 660m away to the south east. (4/14/2375/0F1 refers).

Consultations

Cleator Moor Town Council - Object, it is not in keeping with the surroundings and the visual impact will irretrievably damage the character of the area. It would cause a vertical intrusion against the backdrop of Dent Fell. Request a site visit and the opportunity to speak to the Planning Panel.

Egremont Town Council - Strongly object. It will visually dominate the town and surrounding areas. The visual intrusion on nearby residents and the landscape as a whole is not acceptable. It will be an environmental disaster if approved.

MOD - No objection.

Arquiva - No objection but note it could produce a reflected signal which could affect the operation of the rebroadcast antenna on the mast at St Bees and suggest a planning condition to address this.

Scientific Officer – Holding objection due to lack of information. It is claimed that the noise levels from the turbine will be below 35dBA no evidence for this is given. The noise report included (Hayes Mackenzie) gives details of how loud the turbine itself is and not the noise levels at distance. A simplified noise assessment predicting the noise levels at all appropriate properties will be required.

Lake District National Park - No objection, consider the proposal has no significant adverse

effects on the special qualities nor the setting of the National Park.
Highway Authority – no comments received.

Neighbours and Others

163 letters of objection have been received, the grounds of objection cited include:

- Visual Impact – At 48.01m high and sited on land approximately 100m above sea level it would be visible over great distances and very dominant in the landscape. It will have an industrial appearance and distracting affecting a natural panorama/ iconic view. It will destroy its sense of peace and tranquillity.
- Landscape Impact – This area to east of Egremont and Cleator Moor is very rural and is also very beautiful. This is an historic landscape - Dent is a listed Wainwright. The unspoilt fells around Dent on the edge of the National Park should be protected from this sort of random industrial development. It will stand at the entrance to River Ehen Valley - a SSSI.
- Enjoyment and Preservation of the Landscape - More important that local people have the right to preserve their landscape than the Government's aim to meet renewable energy targets.
- Valued local amenity / area of unspoilt natural beauty. Dent Fell is one of the most beautiful places where locals can walk and enjoy the environment for free.
- A huge commercial size turbine is not necessary for the purpose of supplying electricity to the farm - visual landscape should not be sacrificed for profit.
- Effect on wildlife especially birds of prey / ecological impact
- No local or wider community benefits. Will only benefit one individual and one company. It will not provide any local job opportunities.
- Cumulative Impact
- Effect on peoples living conditions / amenity.
- Safety – concern re the potential structural failure of the turbine.
- Fire
- Inefficient as a source of power generation.
- Noise pollution
- Potential for Flicker
- Potential precedent which will spoil the area.
- Adverse impact on tourism.
- Government targets have been met therefore this development is not needed.
- Impact of construction work re noise, dust etc.
- Effect on nearby locals' health and living conditions from audible noise, low frequency, vibration and strobe. SAD, Health Impact Assessment should be undertaken.
- Have reached saturation point.
- Locations should be restricted to the coastal strip west of A595T.

National Trust -

Object. On the basis of the available information it is the Trust's view that the applicant has not

provided an adequate assessment of the impacts of the proposed development, in particular having regard to the relationship between the proposed turbine and the Lake

District National Park. There is, for example, the prospect of adverse visual impacts from important viewpoints such as Lank Rigg around 7km away. Given the Landscape Character assessment work identified in detail above it is reasonable to conclude that the proposal would result in development that was directly in conflict with the identified key characteristics of a landscape nationally designated for its quality – in particular through a failure to protect open views from tall vertical structures.

In the absence of any assessment of the impacts of the proposed development upon the landscape character of the Lake District National Park and having regard to advice in the NPPF at paragraph 115, as well as Policy ENV5 of the Adopted Copeland DPD (e.g. including as referred to on pages 105 and 114 in respect of 'Copeland Localities') it is considered necessary to object to the proposed development of a wind turbine at Cobblehall Farm.

Planning Policy

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

National Planning Policy Framework

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

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

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

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

Renewable Energy

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

- Support the transition to a low carbon future in a changing climate - including encouraging the use of renewable resources by the development for example of renewable energy.

- Contribute to preserving and enhancing the natural environment and reducing pollution.
 - Encourage the effective use of land by reusing previously developed 'brown field' land.
 - Promote mixed use developments and encourage multiple benefits from its use.
 - Conserve heritage assets in a manner appropriate to their significance.
 - Actively manage patterns of growth.
 - Take account of and support local strategies to improve health, social and cultural well-being to meet local needs.
-
- Core Principle 10 of this approach 'Meeting the Challenge of Climate Change, flooding & Coastal Change' recognises that planning can play a key role in reducing emissions in greenhouse gases and supporting the delivery of renewables. (Paragraph 93 refers)
- And specifically in determining such planning applications (Paragraph 98 refers) we should in particular:
- Not require overall need for the energy development to be demonstrated recognising that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions and
 - Approve the application (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.

Conserving and Enhancing the Natural Environment

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

Planning Practice Guidance

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

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

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

- The need for renewable or low carbon energy does not automatically override environmental protections;

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

Copeland Local Plan 2013-2028

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

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

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

Core Strategy:

Policy ST1 Strategic Development Principles,

Policy ST2 Spatial Development Strategy

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

Policy ENV 5 Protecting and Enhancing the Boroughs Landscapes. It recognises that Copeland has some spectacular landscapes and seeks to ensure that these are protected and enhanced and seeks to protect them from inappropriate change.

Development Management Policies DPD

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

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

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

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

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

Policy DM26 Landscaping This sets out a requirement for all new developments to consider landscape and their potential impact on the landscapes to ensure that it is protected and existing features enhanced.

Cumbria Wind Energy Supplementary Planning Document

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

Cumbria Landscape Character Assessment

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

guidelines to protect, manage and plan changes to maintain and enhance landscape distinctiveness.

Assessment

The Planning Statement incorporating the Design and Access Statement together with the rest of the submission sets out the particular need for the development and contends that the proposed wind turbine development meets the requirements of local plan and national policy, with the material benefits of the scheme, i.e. in terms of providing a renewable energy source and the long term environmental benefits it brings, outweighing any limited impact on the surrounding environment, particularly in respect of cultural heritage and archaeology, site access traffic and transport, ecology and nature conservation, shadow flicker, flood risk, aviation and radar, electromagnetic interference and general safety as summarised below and which are not disputed:

Cultural Heritage and Archaeology There are no designated Conservation Areas or registered Parks, gardens or listed buildings within the vicinity of the site. Nearest listed building is situated 1.3km away at Cleator Moor. As a result this is not likely to be an issue.

Site Access Traffic and Transport

The proposed internal track runs for a distance of 300m following the route of an existing track, which will require upgrading using crushed stone / hard core, from the nearest unclassified road leading from Briscoe Road. This access will continue to be used by the applicant as a farm access. Apart from the installation / construction stage and servicing which will take place on an annual basis no additional traffic will be generated.

Ecology and Nature Conservation,

Given that there are no designated sensitive sites within proximity the only possible impacts are collision risk and disturbance displacement. As this is a single turbine and the habitats around the site favour smaller agile birds the risk of collision is considered minimal.

Shadow Flicker, All neighbouring dwellings are sited more than 10 rotor diameters away from the turbine (192m), as a result flicker is unlikely to be an issue.

Flood Risk

As the site is not within a flood risk zone this is not envisaged to be a problem.

Aviation and Radar

Following a safeguarding assessment it was concluded that the turbine would not represent any concerns with regards to radar and aviation flight paths.

Electromagnetic Interference

Pre application consultation with OFCOM was undertaken and it was identified that the turbine would not cause interference to any transmissions

General Safety

The nearest non associated property is Row Foot Farm at some 337m to the east and as such is beyond the range at which there may be residual danger from turbine collapse or flying ice.

An issue however has been raised in respect of noise which requires the submission of additional information to address it:

Noise and Vibration,

Nearest non associated property is 337m to northwest and in view of this distance and the predicted noise levels at this and other neighbouring dwellings sited further away, the submission contends that noise is unlikely to exceed acceptable limits. However, whilst this may be the case our Scientific Officer has requested evidence via a simplified noise assessment predicting noise levels at these properties to substantiate this and in the meantime has submitted a holding objection.

The impact of the proposal on landscape character and visual amenity in this sensitive location are key considerations in relation to this application and the submission in this respect is disputed.

Impact on the Character and Appearance of the Landscape.

The site forms part of the foothills of the western fells, it is undulating in nature in this location with the turbine situated on an elevated portion. Although it does not benefit from any national or local designations it is part of a much wider landscape with expansive views particularly to the west, north west and south west. By way of contrast it is flanked to the east by the marked elevated feature of Dent Fell, a singularly majestic backdrop, against which this turbine, situated some 640m away would be viewed from the west/ south and northwest. Dent Fell is an important feature in this landscape, a popular local amenity with a high scenic quality. Beyond at some 2.8km distance lies the Lake District National Park boundary. Seaward to the west the landscape is characterised by panoramic wide uninterrupted views.

The Wind Energy SPD and the Cumbria Landscape Guidance and Tool kit identify the site as the foothills, an area to the west of the Lake District fells which is characterised by a pastoral landscape with adjacent low fells and fine long distance views. Consider that the development of wind energy schemes here could erode the open generally undeveloped character particularly close to national landscape designations such as in this instance the Lake District National Park. It states that the aim here should be to protect key views and uncluttered skylines from large energy infrastructure including turbines that could erode its character.

Here it is asserted that the proposal would introduce a prominent vertical structure into an area with strong scenic qualities especially given its proximity adjacent to Dent Fell and the

boundary of the Lake District National Park, which is sensitive to such development.

Although the Lake District National Park Authority have not raised any major concerns as they consider it does not have a substantive enough impact on the National Park itself, the view is that it has a significant effect on the landscape adjacent to it. Although this in itself does not have a specific landscape designation it is considered sensitive due in particular to the high quality scenic nature of it from which this proposal will detract, particularly from views eastwards looking towards Dent Fell.

Despite its slender design and grey finish the vertical emphasis of such a prominent and striking feature in this location would be at odds with the inherent characteristics of the landscape, notably its scenic qualities and its tranquillity, and would introduce an unacceptably incongruous vertical feature that would detract from the area's visual amenity.

Visual Impact

The submission concludes that the turbine is unlikely to cause significant visual impact at distances over 4km and that the site has the capacity to absorb the proposal which is borne out in the ZTV and the LVIA. This is not a view which is shared. Within the LVIA 10 viewpoints are featured as photo montages showing the impact of the proposal on the landscape and visually. It is considered that there are a number of viewpoints where the magnitude of change would be significant as opposed to slight/moderate, where the turbine features quite prominently in views particularly the wide expansive long distance views.

Cumulative Impact

There are three turbines which need to be taken account of in the assessment of potential cumulative impact comprising a 34m high one (ground to tip) at Oxenriggs Farm which is operational, some 2km to the southeast. There is also a smaller domestic scale one recently approved at High House, Wilton, circa 2.5km to the south east which has yet to be erected and another operational one on Clints Brow, Egremont of a similar height at 2.2km distant to the northwest. Others can be seen in the landscape but are over 2.5km away. In view of the scale and location of the turbines within this landscape it is unlikely that the in-combination effect of all these will result in any significant cumulative impact.

Potential Benefits

In addition to assessing the potential impacts it is important in the overall planning balance to consider the wider benefits of the scheme. These are identified as:

Farm Diversification / Renewable Energy Generation / Reduction in Carbon Emissions

The turbine is situated on land belonging to the applicant who runs a beef and lamb farm of 220 acres which he has farmed for over 50 years. It provides the main income along with agricultural contracting.

In terms of renewable energy generation it is envisaged that the turbine will generate at least 429,400 KWh of electricity. This will be used offset the applicants current energy costs and carbon footprint (equates to approximately 60 tonnes of CO2 per annum) and will assist in meeting national energy renewable targets. The rest of the electricity produced will feed back into the national grid. This will provide a much needed diversified income and help give the business control over its energy costs.

Conclusion

In order to assess this proposal the following are important considerations which need to be weighed in the overall planning balance in order to arrive at a decision:

- The effect of the proposal on the character and appearance of the landscape as well as its visual impact.
- Potential benefits of the scheme.
- Whether any identified harmful effects significantly outweigh the benefits.
- The concerns raised by local community feedback on the scheme.

Although the landscape does not benefit from any special designation it is nevertheless one which is sensitive, has considerable scenic quality and is highly valued as a local amenity it being situated on the western edge of the fells within close proximity to Dent Fell and the Lake District National Park. The introduction of an alien vertical feature of this scale and design in such a location would be overly prominent and incongruous and as a result detract from these special qualities.

In the planning balance, it is also important to weigh up the benefits of generating renewable energy in this location from the turbine against any potential harm identified. In this respect it is reiterated that there is strong national policy support in the NPPF and the Planning Practice Guidance for such schemes, and this stresses that such schemes should be approved if its impacts are or can be made acceptable. Considerable weight should therefore be attached to the wider community benefits that would result from the renewable energy generation and reduction in greenhouse gas emissions from the proposal but not at the expense of environmental protection and the consideration of landscape impacts in sensitive locations, as these are also important considerations. In this case it is considered that the benefits expected from the generating capacity of the turbine would not outweigh the adverse impact on the landscape and the subsequent significant visual harm.

Whilst it is acknowledged the proposal would support a rural farming business and national policy in respect of renewable energy generation the overall conclusion is that it would have an adverse and substantive impact on this scenic and highly valued landscape to an unacceptable degree which would outweigh the wider community benefits of the scheme, contrary to Policies ER2, ENV5, DM2 and DM26 of the Copeland Local Plan 2013-2028 as well as the guidance contained in the NPPF and the more recent Planning Practice Guidance.

Recommendation:-

Refuse:

The proposed siting of one large turbine, 48.01m high, would introduce an isolated and prominent feature, incongruous in its surroundings, which would have an adverse visual and materially harmful effect on the character of the surrounding sensitive landscape which is within close proximity to Dent Fell and the national designation of the Lake District National Park, contrary to Policies ER2, ENV 5, DM2 and DM26 of the Copeland Local Plan 2013-2028 and the guidance contained in the National Planning Policy Framework and the Planning Practice Guidance.

Statement

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

ITEM NO: 4.

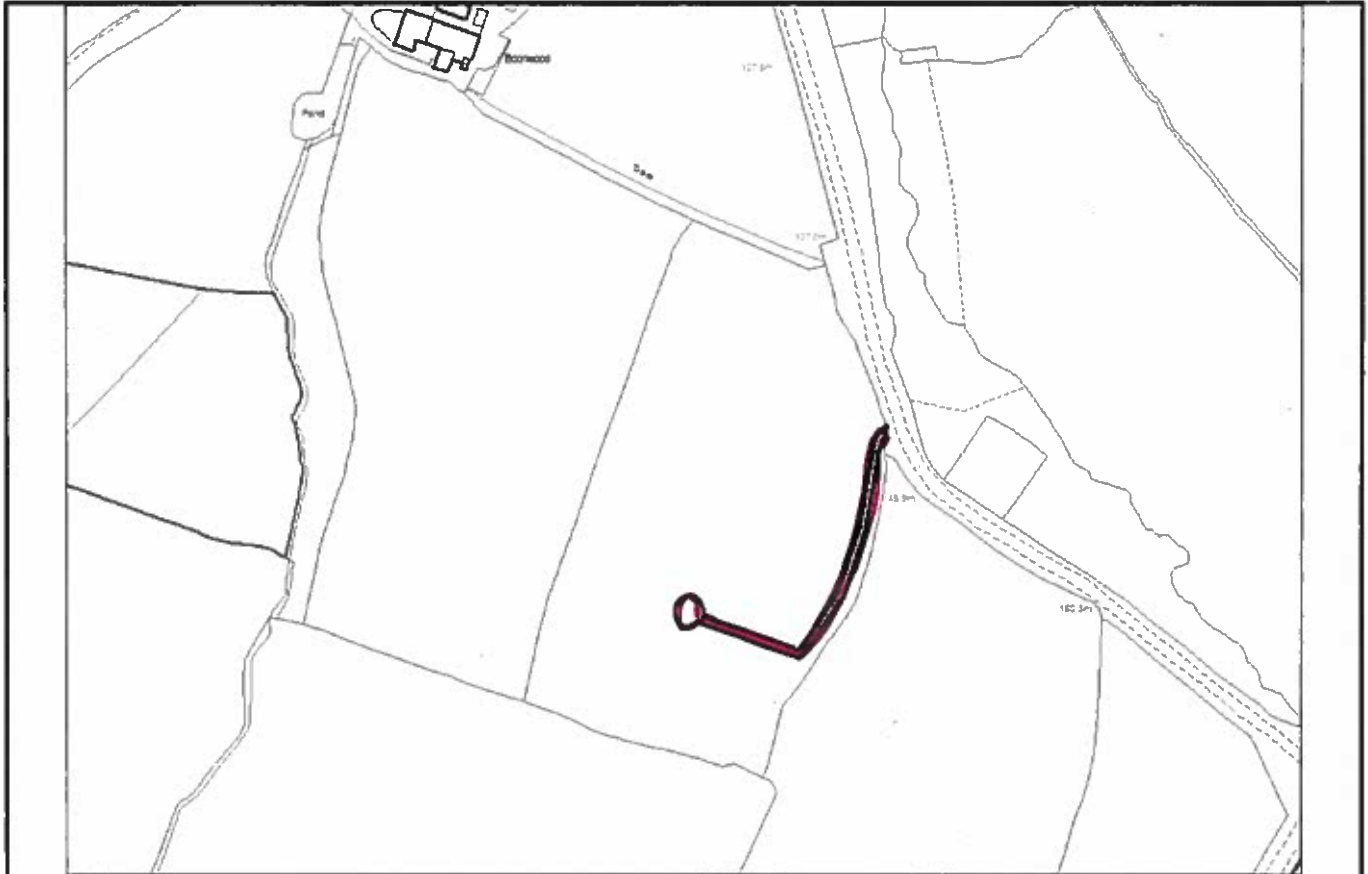


To: PLANNING PANEL

Development Control Section

Date of Meeting: 25/03/2015

Application Number:	4/14/2502/OF1
Application Type:	Full : CBC
Applicant:	Mr D Christopherson
Application Address:	LAND TO SOUTH OF BOONWOOD FARM, DISTINGTON
Proposal	ERECTION OF A SINGLE 30M HUB WIND TURBINE WITH A TIP HEIGHT OF 48.01M
Parish:	Distington
Recommendation Summary:	Refuse



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INTRODUCTION

This application relates to an open area of agricultural land which lies to the south of Boonwood Farm. The farm lies approximately 1.5 km to the south of Distington and 1.1 km from Pica. The land forms part of a small scale agricultural holding.

This application was reported to the Planning Panel on 21 January 2015 with a recommendation that Members visited the site prior to determining the application. The site visit took place on 18 February 2015.

The application was to be reported to the Planning Panel meeting on 25 February 2015 for a decision, however was withdrawn from the agenda to allow the applicants additional time to respond to the objection received from the Environmental Health Officer on the basis of noise in relation to domestic properties.

PROPOSAL

Planning permission is sought for the erection of a single wind turbine which is to be sited approximately 300 metres to the south of the farm complex. The turbine will have a hub height of

30.0 metres and a total blade tip of 48.01 metres. It is proposed that the turbine will be retained on the site for the duration of its operational lifespan, which is 25 -30 years.

The agricultural unit is a small scale sheep and poultry farm, comprising 23 acres and is family run.

The application states that it is seeking permission for the single turbine and associated development, however no details have been submitted regarding any building or hardstanding required on site and grid connection point. It is anticipated that it will produce 550,000 Kwh of electricity per annum, at the anticipated wind speed on the site of approximately 7m/s.

The planning statement details that the applicant is planning to use the renewable energy generated (equating to approximately 869 tonnes CO2 per annum) from the proposed turbine to offset the farm's carbon footprint. The business's energy use currently equates to approximately 60 tonnes CO2 per annum, based on energy consumption, fertiliser usage and on-site vehicles. The rest of the electricity produced will feed back into the grid, providing the business with vital diversified income to allow it to continue to operate in a time of intense competition from supermarkets.

Access to the turbine is to be achieved using an existing field access from the unclassified road between Distington and Pica. An existing track is to be upgraded and extended from this access to the proposed turbine. This will cover a total distance of 200metres and will be surfaced with crushed stone.

The nearest dwelling to the site is the property, West Croft, which is approximately 280m to the southeast of the proposed turbine.

The application is accompanied by the following:-

- A site location plan
- An elevation plan of the turbine
- A planning statement incorporating a design and access statement
- A landscape and visual impact assessment including photomontages
- A community consultation document
- A noise impact assessment

PLANNING POLICY

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

National Planning Policy Framework

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

The NPPF constitutes guidance for local planning authorities and in respect of development control is a material consideration in determining planning applications and reaffirms that the planning system remains plan led requiring that applications for planning permission be

determined in accordance with the development plan unless material considerations indicate otherwise, unless the plan is out of date or not consistent with the NPPF.

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

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

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

- Support the transition to a low carbon future in a changing climate - including encouraging the use of renewable resources by the development for example of renewable energy.

- Contribute to preserving and enhancing the natural environment and reducing pollution.

- Encourage the effective use of land by reusing previously developed 'brown field' land.

- Promote mixed use developments and encourage multiple benefits from its use.

- Conserve heritage assets in a manner appropriate to their significance.

- Actively manage patterns of growth.

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

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

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

- Not require overall need for the energy development to be demonstrated recognising that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions and

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

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

Planning Practice Guidance

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written

Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when the site was launched.

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

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

The need for renewable or low carbon energy does not automatically override environmental protections;

Cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases;

Local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;

Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;

Proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration;

Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Copeland Local Plan 2013-2028

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

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

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

Policy ST1 Strategic Development Principles,

Policy ST2 Spatial Development Strategy

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

and amenity impacts.'

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

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

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

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

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

Cumbria Wind Energy Supplementary Planning Document

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

Cumbria Landscape Character Assessment

This county wide landscape assessment was compiled by Cumbria County Council in 2011. Importantly it provides baseline information that can be used when making decisions on future land use and management. It identifies and assesses landscape types and provides a

strategic framework which includes visions and objectives for future landscapes and guidelines to protect, manage and plan changes to maintain and enhance landscape distinctiveness.

CONSULTATION RESPONSES

DISTINGTON PARISH COUNCIL

Object due to the scale and prominence of the proposed turbine and its proximity to the existing wind farm at Pica and the previously approved turbine at Watch Hill which is likely to have a significant landscape and visual impact and an unacceptable wider cumulative impact within the landscape. They also have concerns about the impact on the visual amenity of nearby settlement of Moresby Parks. They do not consider that any benefits from the turbine will outweigh the detrimental impact on the proposal.

HIGHWAY CONTROL OFFICER

No comments received.

ENVIRONMENTAL HEALTH OFFICER

I object to the application due to lack of information. It is claimed that the noise levels from the turbine will be below 35dBA no evidence for this is given. The noise report included gives details of how loud the turbine itself is and not the noise levels at distance. A simplified noise assessment predicting the noise levels at all appropriate properties will be required and the assessment will need to take into account the cumulative effects from the existing/approved turbines at Fairfield, Watch Hill and Castlerigg.

NATURAL ENGLAND

Natural England does not object to the development.

MOD

No objections to the proposal.

NATS

No objections. The proposed development does not conflict with our safeguarding criteria.

CAA

No comments to make on the proposal.

ARQIVA

No objections to the proposal.

Other

48 letters of objection have been submitted which raise the following points:-

- the turbine will be a dominant structure which will have an adverse visual impact on the character and appearance of the local area.
- the turbine will add another vertical structure into the landscape and will be seen with other existing turbines resulting in an adverse cumulative impact
- the turbines will have adverse impacts on residential properties, especially on the occupants of the nearest property West Croft in terms of noise, vibration and shadow flicker. This property is already significantly affected by the existing wind farm at Fairfield Farm
- The turbines will have no benefit to the local area
- The turbine will have an adverse impact on tourism and the economy of the area
- The local roads are not adequate for a large construction project
- Adverse impact on the local wildlife population within the area
- This proposal will set a precedent for other turbines within the area
- The need for a turbine on this site is questioned given the small amount of energy that it will produce

ASSESSMENT

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

- 1) Shadow Flicker: The accompanying assessment concludes that none of the dwellings without a financial interest in the turbine will be affected by shadow flicker as all dwellings are more than 10 rotor diameters (192m) away from the turbine. A condition could be attached to any permission which would require mitigation measures to be implemented in the event of any complaint with regards to shadow flicker.
- 2) Transport and Access. Access to the site already exists and whilst construction would increase traffic movements to the site this would only be temporary and operational traffic will be insignificant.
- 3) Heritage and Archaeology. There are no conservation areas, ancient monuments or listed buildings likely to be affected in the vicinity.

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

Noise

As noted above in the report, Environmental Health Officer is of the opinion that the noise assessment undertaken and submitted as part of this application is insufficient to fully ensure that the turbine would not have a significant adverse impact of nearby properties, especially when taking into account the cumulative noise impact from the existing turbines.

As mentioned in the introduction, the application was withdrawn from the previous Planning Panel agenda to allow the application sufficient time to address the above comments. A verbal update on

this matter will be provided at the meeting. This however is not the main determining issue in the proposal.

Landscape, Visual and Cumulative Impacts

The site comprises an elevated green field location which is open in character and has extensive views across moorland and higher farmland to the east and lower agricultural land and West Cumbrian coast to the west.

The Wind Energy SPD identifies the site as being within the Type 9 "Intermediate moorland and plateau" and in sub type 9a as "open moorland". It describes this landscape type as having a moderate capacity to accommodate up to a small group of 3-5 turbines.

The Cumbria Landscape Character Guidance and Toolkit (March 2011) identifies the land in the vicinity as "Character Area 9a "Open Moorland". The guidance acknowledges that these are high open landscapes although they are less remote due to its managed appearance and past uses. Despite the row of pylons it retains large expansive views of the Lakeland fells which provide a dramatic backdrop to the landscape. The open character and expansive views across moorland and higher farmed areas are sensitive to large scale infrastructure development that could obscure or significantly interrupt the views.

The vision for this area is that this landscape will be enhanced through restoration and enrichment creating a harmonious balance between the moorlands and woodlands and mining and agricultural features. Semi-natural grassland will be conserved and enhanced, fragmented patterns of rough moorland will be repaired, areas of blanket bog will be restored and semi-derelict pastoral fields will be allowed to revert back to moorland. Degraded areas and neglected sections of landscape will be restored back to their former beauty through the creation of new landscape features including woodland, wetland and strengthened hedgerow patterns.

The guidance stresses that the siting of development on prominent edges of the plateau should be avoided. It also stresses that the siting of large scale wind energy and other vertical structures such as telecommunications masts, pylons and overhead transmission lines in open and prominent areas where it could degrade the open and expansive character should be avoided. They should be sited to prevent visual clutter with existing pylons. In order to minimise the adverse effects of tall and vertical structures such as pylons and turbines it advises careful siting and managing the numbers of turbines to prevent them becoming a dominant feature in the landscape.

This proposal is for a tall structure, some 48.01 metres in overall height which, while being smaller than other turbines in the vicinity, would be sited in a prominent and elevated location which is open to views from both the immediate and wider locality.

There are already a number of turbines within this landscape. The proposed turbine will be located in close proximity to the existing Fairfield wind farm (consisting of 5 turbines) and the previously approved turbine at Watch Hill. In addition a further turbine at Castlerigg Farm, which is less than 600m from this site is also now under construction, and a turbine to the north at Stubbsgill Farm is also now constructed. The site will also have intervisibility with the more distant Lowca wind farm to the west and the other turbine development both on shore and off shore within this part of West Cumbria.

The presence of another turbine would add to the cumulative impacts of the existing and approved turbines in the landscape. The Wind Energy SPD identifies this landscape as having a moderate capacity to accommodate up to a small group of 3-5 turbines. This threshold has already been exceeded by the presence of the wind farm at Fairfield and the approved turbines at Watch Hill, Castlerigg and Stubbsgill. This is a total of 8 turbines, which is significantly above the range deemed appropriate in this SPD.

The erection of an additional turbine on this site would result in turbines becoming a very noticeable element in a high proportion of views. Consequently it would become a landscape where turbines would become a defining characteristic of its character. On this basis it is considered that the threshold of capacity of the landscape to accommodate additional wind turbines of this scale has been exceeded.

Benefits

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

Farm diversification

The turbine will help the farm to diversify and provide an additional income for a 25 year period which will help to secure its future.

Renewable Energy Generation

The proposed turbine will provide 550,000 kWh of electricity per year which is enough to power approximately 140 homes.

Reduction of Carbon Emissions

This would reduce the UK carbon emissions by approximately 869 tonnes of CO₂ equivalent per year which will help to contribute to local and national emission reduction targets and help to tackle climate change.

CONCLUSION

Being mindful of the policy context under which this application should be assessed, and the fact that the NPPF introduces a presumption in favour of such sustainable development with emphasised support for the delivery of renewable, providing that the impacts of such schemes are or can be made acceptable, this allows full weight to be given to the existing renewable energy policies of the Copeland Local Plan. Taking this and the above into account I am of the view that the proposed erection of this wind turbine in this location would have a significant adverse visual impact on the character and appearance of the surrounding landscape and also an unacceptable wider cumulative impact within the landscape. These impacts cannot be made acceptable by mitigation. On balance the benefits which would result from this proposal are not considered to be sufficient to outweigh these impacts. On this basis the proposal is considered to be contrary to Policy DM2 of the Copeland Local Plan 2013 – 2028 and the NPPF.

Recommendation:-

Refuse

Reason for Refusal

The proposed turbine would introduce an isolated, prominent feature, incongruous in its surroundings, which would have a materially harmful effect on the character and appearance of the surrounding rural landscape.

Due to its scale, prominence and proximity to the existing wind farm at Fairfield Farm and the approved turbines at Watch Hill, Castlerigg and Stubsgill is likely to have a significant landscape and visual impact and also an unacceptable wider cumulative impact within the landscape when seen in context with existing and approved wind turbines.

The degree of harm is of a scale and character which prevents it being offset by the likely scale of benefits and it is concluded that the adverse effects of the proposal significantly and demonstrably outweigh the benefits of the proposal. As a consequence the proposal is considered to be contrary to Policy DM 2 of the adopted Copeland Local Plan 2013 - 2018 and the provisions of the National Planning Policy Framework.

Statement

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

ITEM NO: 5.

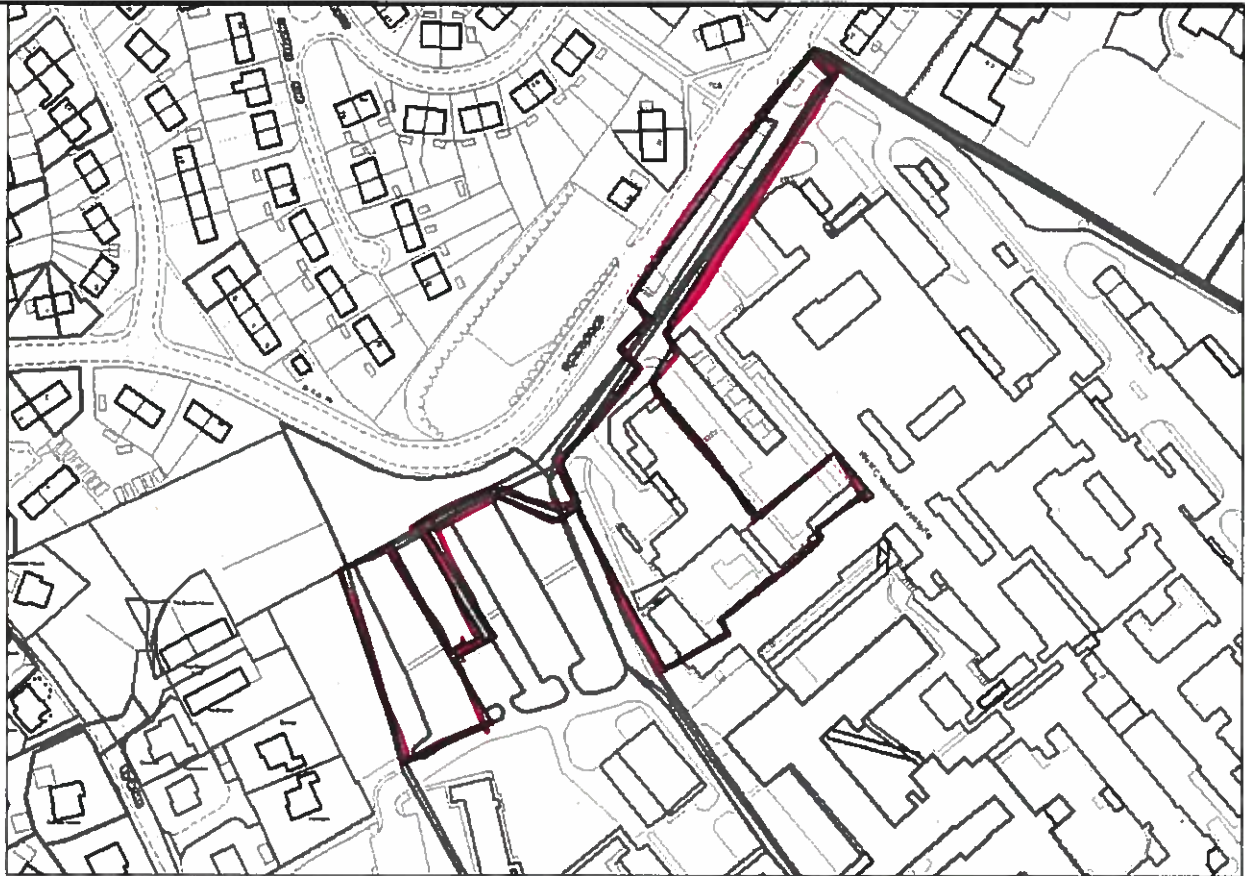


To: PLANNING PANEL

Development Control Section

Date of Meeting: 25/03/2015

Application Number:	4/14/2506/0F1
Application Type:	Full : CBC
Applicant:	North Cumbria University Hospitals NHS Trust
Application Address:	WEST CUMBERLAND HOSPITAL, HOMEWOOD ROAD, WHITEHAVEN
Proposal	CONSTRUCTION OF TEMPORARY CONTRACTORS COMPOUND AND SITE ACCESS ROAD
Parish:	Whitehaven
Recommendation Summary:	Approve



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INTRODUCTION

Planning permission was granted for the creation of a site compound on land to the rear of Sneckyeat Industrial Estate for use in connection with the redevelopment of the West Cumberland Hospital in 2009 (application 4/09/2476/0 refers). The compound was created to facilitate the redevelopment of the West Cumberland hospital site which was granted planning permission in 2011 (4/11/2265/OF1 refers).

A subsequent planning permission was granted in 2013 for a revision to the details of the access, internal roadway and landscaping (application 4/13/2086/OF1 refers).

This application was reported to the Planning Panel on 25 February 2015. At this meeting Members agreed to authorise delegated powers to approve the application for a temporary 4 year period following the expiry of the consultation period. The application is being reported back to the Panel as an objection has been received from the occupier of one of the adjoining residential properties.

PROPOSAL

Planning permission is now sought for the construction of a temporary contractor's compound and site access road. It is anticipated that these will be required for a 4 year period and will allow Phase 2 of the hospital development to commence which involves the refurbishment of Blocks E and F.

The construction compound is to be housed on an area of land which is located to the south of the hospital site. This area of land is currently used for staff car parking, some hospital buildings and an access road.

The compound will be used as a base for Phase 2 of the construction period and will provide storage, car parking and accommodation in the form of a number of modular cabins. The compound will be bound with 2 metre high hoardings which are required for security purposes. These will help to provide a screen to the compound.

A new access is to be created from Homewood Road. This access is to be controlled by security personnel and a holding area is to be created just within the site to prevent large vehicles blocking Homewood Road when entering the site. An internal service road and footpaths will serve the various elements within the site. There will be separate vehicular entrances for hospital staff, visitors and construction traffic. The majority of the traffic routes will be one way with the exception of a short length between the construction traffic access and the entrance to the materials compound. The two lanes on this two way stretch will be separated by a barrier.

Planning permission was granted for the conversion of the original construction compound into a staff car parking area to compensate for the loss of parking that will result from this application at the last meeting (4/15/2001/OF1 refers).

Once construction works are complete on the hospital site the areas covered by this application will be landscaped in accordance with the details approved under both the original planning permission for the redevelopment of the hospital (4/11/2265/0 refers) and the permission for a revised access and internal roadway (4/13/2086/OF1 refers).

CONSULTATION RESPONSES

Highways Control Officer

Originally had concerns about the arrangements as shown on the layout plan as they did not appear practical and insufficient information had been submitted to show that this was not the case. He requested the submission of additional information to clarify a number of points with regards to the temporary access arrangements, the footways for pedestrians, signage and turning facilities for HGVs and safety.

The applicant's agent has now submitted revised details which deal with these issues. The Highways Control Officer has responded by confirming that all his original concerns have been met with the exception of the raised platform at the bus stop on Homewood Road which needs to be moved to a more practical location at the same time as the bus shelter is relocated. Their positions can be made permanent and do not need to be subsequently relocated. These works can be covered by a

condition with details to be agreed. The temporary works shall also be removed within a suitable timeframe.

Other

A letter has been received from an adjoining neighbour whose house lies adjacent to the proposed compound. Their main concerns are as follows:-

1. There are current drainage problems in this part of the site and they would like some reassurance that the proposal will not result in surface water draining down the slope towards the nearby residential properties
2. Concerns about the potential for overlooking from the portacabins into their garden and property and the impacts that this will have on their residential amenities
3. Potential impact on wildlife due to the proximity of the site to the hedgerow along their boundary, especially impacts on bats
4. Siting of compound – they have raised the question why the compound could not be located on the southern car park which does not overlook any residential properties.

PLANNING POLICY

National Planning Policy

The National Planning Policy Framework (NPPF), which came into effect in 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.

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

Paragraph 17 outlines the core planning principles that underpin decision making. These include high quality design, encouraging the effective use of land by reusing land that has been previously developed and taking account of and support local strategies to improve health, social and cultural wellbeing for all and sufficient community and cultural facilities and services to meet local needs.

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

Copeland Local Plan

The Core Strategy and Development Management Policies DPD (now referred to as the Copeland Local Plan 2013 – 2026) which replaces most of the Policies in the Local Plan 2001-16 was adopted in December 2013.

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

The following policies are considered relevant to this application:-

- ST2 supports development in Whitehaven
- SS4 encourages the protection and extension of community facilities and services

The redevelopment of the hospital site is listed as a priority within the Whitehaven Locality.

Development Management Policies DM 11 and DM 21 set out detailed design requirements.

Policy DM 22 requires all development proposals to be both accessible to all users and also served by adequate car parking.

ASSESSMENT

The creation of a new contractor's compound is essential to ensure that the redevelopment of the hospital can progress on a phased basis.

Works on the new build elements of the hospital under Phase 1 are nearing completion. Phase 2 involves the refurbishment of the existing blocks that are to be retained (Blocks E and F) and the demolition of the remaining redundant buildings. The new contractor's compound is required to facilitate Phase 2 of the works.

The applicant's agent has confirmed that these proposals will not involve the loss of public car parking spaces at the hospital. The only loss of car parking is for staff and this will be compensated for by utilising the original site compound as a temporary staff car park. The agent has confirmed that the temporary staff car park will be created before any of the existing staff car parking is removed.

The applicant's agent has submitted an amended drawing in response to the technical issues raised by the Highways Control Officer. The Highways Control Officer has confirmed that any outstanding issues can be adequately covered by suitably worded conditions.

Following the receipt of concerns from the adjoining neighbour the applicant's agent has submitted a revised plan which shows the portacabins resited approximately 13 metres to the east. This will increase the separation distance with the adjoining neighbouring properties. He has also confirmed the following:-

- The window openings on the western elevation facing the houses will be obscure glazed to minimise overlooking
- The site compound will only be in operation from 8.00 a.m. to 5.00 p.m. on weekdays only and will not be in operation during weekends or bank holidays
- The compound is only required on a temporary basis
- The portacabins will only be used as a mess room and offices
- There will not be any additional hard standing created as a result of this proposal and it will not impact on the current drainage provision.

The above measures will help to minimise the impact of this proposal on the amenities of the occupiers of the nearest residential properties.

This application, as amended, is essential and will allow the completion of the redevelopment of the hospital.

Recommendation:-

Approve

Conditions

1. This permission shall be limited to a period of time expiring on 31st December 2019. The temporary contractors compound and site access road shall be removed and the land restored to its former condition at or before the expiration of the period specified in this permission unless the prior written approval of the Local Planning Authority has been obtained for its continuation.

Reason

For the avoidance of doubt and to ensure that the site is adequately restored following the completion of the works to redevelop the hospital in the interests of the amenity of the area.

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 Temporary Site Accommodation and Access Arrangements, scale 1:2500, drawing number WCH-GDA-22-ZZ-DR-A-90-2003 Rev P1, received by the Local Planning Authority on 17th December 2014
 - Site Logistics and Temporary Traffic Arrangements, scale 1:500, drawing number WCH-GDA-22-ZZ-DR-A-90-2005 Rev P3, received by the Local Planning Authority on 16th March 2015
 - Temporary Site Access Arrangements, scale 1:500, drawing number WCH-GDA-22-ZZ-DR-A-90-2007 Rev P2, received by the Local Planning Authority on 11 February 2015
 - Design and Access Statement prepared by Gilling Dod Architects, dated 08th December 2014 and received by the Local Planning Authority on 17th December 2014.

Reason

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

3. Prior to the first use of the site access road hereby approved the bus stop and associated raised platform shall be resited to an alternative location in accordance with a scheme which has been submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in accordance with the approved details thereafter.

Reason

In the interests of highway safety.

4. Prior to the first occupation of the temporary accommodation hereby approved any window opening in the western elevation of any portacabin shall be fitted with obscure glazing and shall remain as such at all times thereafter.

Reason

To protect the amenities of the occupiers of the adjoining residential properties.

5. No external lighting shall be erected within the temporary contractors compound hereby approved without the prior written approval of the Local Planning Authority. The approved lighting shall be maintained at all times thereafter until the use as a temporary contractors compound ceases at which point all external lighting shall be removed from the site.

Reason

For the avoidance of doubt and to protect the amenities of the adjoining residential properties.

6. The site compound hereby approved shall not operate outside the hours of 08.00 a.m. and 17.00 p.m. on Monday to Fridays and nor at any times on Saturdays, Sundays or Bank Holidays.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

Informatives

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

Further information is also available on The Coal Authority website at

www.coal.decc.gov.uk

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

The contractor should note that appropriate licences will be required for all works carried out within highway limits. No works shall commence on any part of the highway until receipt of an appropriate permit allowing such works. Enquiries should be made to Cumbria Highways, Highways Depot, Joseph Noble Road, Lillyhall Industrial Estate, Workington, CA14 4JH, Tel: 01946 506550

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.

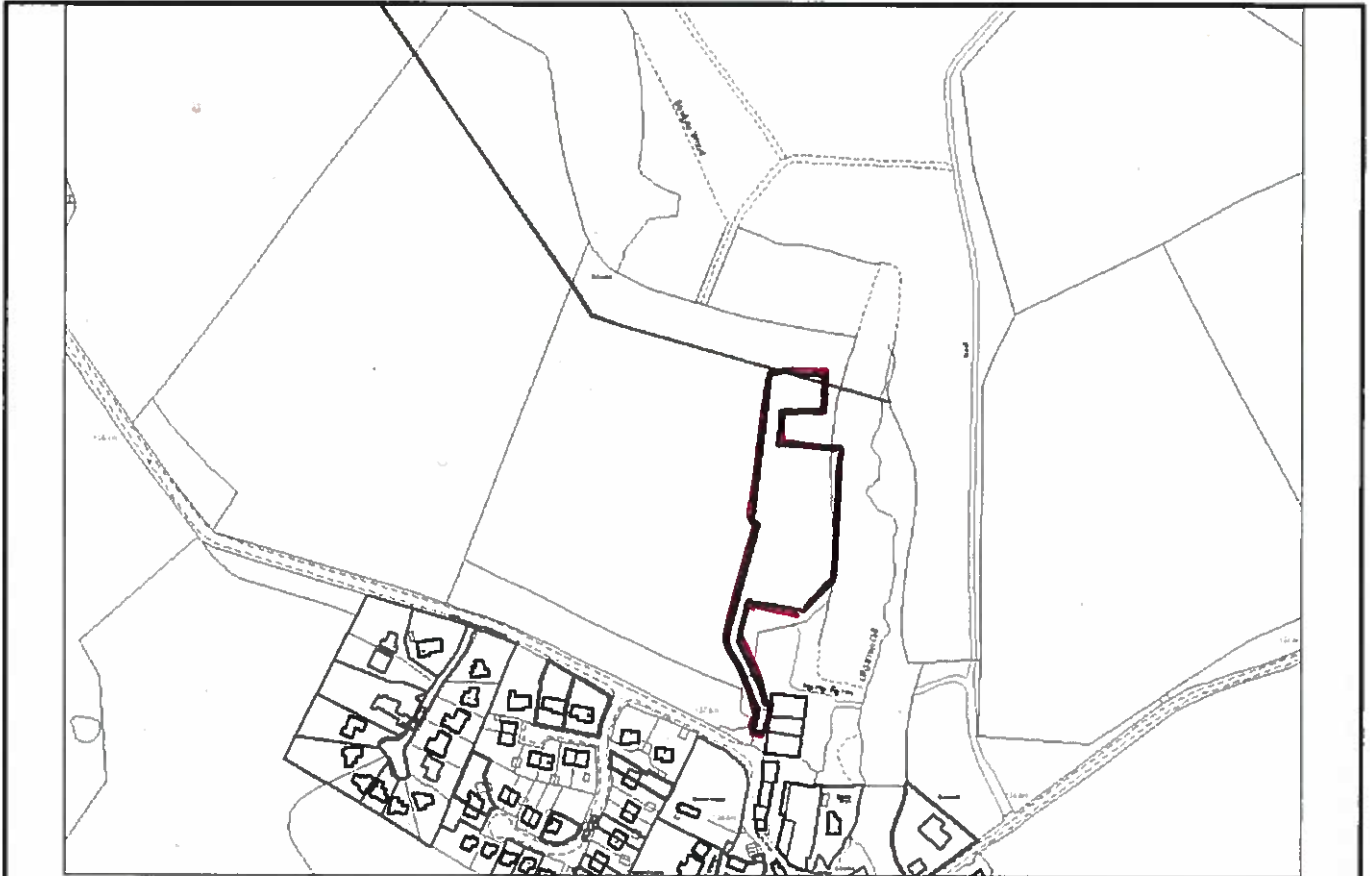


To: PLANNING PANEL

Development Control Section

Date of Meeting: 25/03/2015

Application Number:	4/14/2510/0F1
Application Type:	Full : CBC
Applicant:	W Gate and Son
Application Address:	HOME FARM, GILGARRAN
Proposal	ERECTION OF AN AGRICULTURAL ANAEROBIC DIGESTION PLANT TO COMPRISE 3 STORAGE CLAMPS, DIGESTER TANK, DIGESTATE STORAGE LAGOON, OPERATING BUILDING, SUBSTATION, SEPARATOR AND DRIER AND FLARE STACK
Parish:	Distington
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to an area of agricultural land which lies adjoining the village of Gilgarran. This land forms part of the applicants existing agricultural holding which comprises land to the north of the village east of Frizington around the applicants dwelling, Home Farm. The applicant also currently owns and farms some agricultural land in Frizington and Branthwaite.

The application was report to the Planning Panel meeting on 15 February 2015 with a recommendation that the members undertake a site visit prior to determining the application. This took place on 10 February 2015.

PROPOSAL

Planning permission is sought for the erection of an agricultural anaerobic digestion plant, which consists of three storage clamps, a digester tank, a digestage storage lagoon, an operating building, a substation, a separator, a drier and a flare stack on the 0.95 hectare site. The site will be mainly formed on an existing area of agricultural land adjacent to the existing farm yard area.

The application site is 251m x 68m, with the largest structure proposed being the three storage clamps which are 50m x 20m each in size formed with concrete side panels. The digester is 26m in diameter with a height of 6m. The main operational building on site is 17m x 12m, with a height of 4m to the eaves and 6.2m to the ridge.

Access to the site is to be achieved from the existing farm access from the main road through Gilgarran. There is also a secondary farm access the north of the site from the unclassified road between Gilgarran and Pica. The site lies approximately 50 metres to the north of the nearest dwellings in Gilgarran.

All of the material used in the Anaerobic Digester (Farm yard manure, slurry and surplus silage) will be produced from the applicants existing farming operations.

The application is accompanied by the following:-

- A site location plan
- Elevation plans of the proposed buildings and structures
- A planning statement incorporating a design and access statement
- Landscape and visual photographs
- A coal mining risk assessment

Additional information has also been supplied by the applicants in the application process with regards to traffic movements from the development, which is as follows:-

1: Vehicle movements

October 1st - May 15th. These are the months when the cattle are housed.

Daily:

2 cars per day for farm workers

3 Land Rover journeys per day for farm business

4 quad bike journeys for looking around the sheep

1 loader tractor per day for feeding sheep

Weekly:

4 Land Rover and livestock trailer per week to move livestock

1 large tractor and livestock trailer per week to move livestock

3 average sized tractor and trailer journeys for removing FYM (farm yard manure) to field

1 eight wheeler wagon load of paper bedding from Barrow per week

Annual:

4 articulated lorry loads of artificial fertiliser

May 16th - September 30th

Same as above but no sheep feeding, removal of FYM and no imported bedding, but there may be a similar amount of traffic with the change in seasons . Like forage harvesting: one and half days. Etc. All of the traffic mentioned would be broken down in accordance with the ' Traffic Flow Statement ' previously supplied.

2: Additional vehicle movements

There would be approximately five loads of feedstock per week brought to the farm from the other two farms by an average sized tractor and trailer, using the entrances as described in the Traffic Flow Statement. An average sized tractor and slurry tanker would be used to take the digestate to Far Branthwaite Edge Farm and Lonsdale Farm approximately five times a week, where it will be stored and spread by an umbilical system. These journeys would mostly be using the secondary entrance. There would be more crop being harvested , so will incur approximately 2 - 3 extra days of harvesting per annum.

The Three loads of FYM that is going to field would be used as feedstock and would be used on site therefore reducing some of the existing traffic.

The digestate would be separated, solids from liquids and then the solids would be used as animal bedding on site. This would save buying in paper bedding from Barrow in Furness that has 105 road miles (there and back) linked to it. This equates to 3,465 HGV road miles over 31 weeks of the year when the livestock is housed between October and mid May.

The liquid digestate makes for a very good fertiliser and soil conditioner and the farm would be almost self-sufficient in this commodity with the digestate at hand. This could save the farm business buying in four loads of expensive artificial fertiliser from Silloth and Aberdeen which works out at 640 HGV road miles per annum. So there is maybe the opportunity to remove 4000 HGV road miles off the roads.

The liquid digestate that would need to be spread at Home Farm would be spread via an 'Unbilical System '. This way of application is the most efficient, cost effective and also best practice way for the land to avoid compaction and run off. It also doesn't incur any road traffic because the digestate travels from the farm through lay flat hose over the fields to the spreading equipment instead of tractors and tankers traveling up and down the roads.

So the additional traffic caused by the AD operation would be approximately six journeys per week with an average sized tractor and trailer or slurry tanker, and to fully understand how this traffic would flow to and from the farm it will best to refer to the Traffic Flow Statement previously supplied.

3: Plants fuel requirements

The farm will provide all of the fuel requirements for the AD. The reasons why we won't and can't include importing any feedstock are because A: this is an unreliable way of feeding an AD unless you can obtain at least a five year supply contract with fixed costs, this is very uncommon and expensive in time and money and would have to loan the funds to get the project up and running. No bank or

private investor would lend money on a short term feedstock agreement or an expensive long term one that made it potentially less profitable.

The extra traffic incurred by the proposed AD plant would be predominantly taking place between 9am and 3pm as we would have other commitments with livestock and the AD plant before and after these hours of the day. So because the majority of the residents in the village go to work and school there shouldn't be too much inconvenience to them. There is a very small proportion of retired people that may meet the farm traffic from time to time and has always been and always will be dealt with sensibly by both parties. We will always try to maintain a good relationship with fellow residents of Gilgarran and surrounding areas.

On another note, the main reason for trying to include an AD plant to the existing farm business is to make it more sustainable. We feel it will incur a very limited impact on the village as it is generally a clean and low odour practice when compared to intensive livestock farming. The farm hasn't got enough arable land to concentrate on growing cereals only so the only other sensible option without AD is to expand into dairy and produce milk. From a personal perspective, this type of farming would have a greater impact on the village with increased traffic, cows walking the roads, feed wagons and other supplies as well as a higher chance of odour.

PLANNING POLICY

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

National Planning Policy Framework

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

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

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

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

Copeland Local Plan 2013-2028

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

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

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

Policy ST1 supports environmental sustainability by encouraging development that minimises carbon emissions, maximises energy efficiency and helps us to adapt to climate change.

Policy ST2 restricts development outside settlement boundaries to that which has a proven requirement for such a location. This includes support for energy generating proposals and agricultural development.

Policy DM30 of the Development Management policies states that rural buildings will be permitted so long as they are well related to an existing settlement or farm building complex, are appropriate in design and scale, use materials and colours that enable the development to blend into its surroundings, do not adversely impact the local landscape character or built environment or do not significantly impact the amenity of any nearby residential properties.

Policy DM 11 of the Development Management policies supports all types of sustainable development, including works which increase energy efficiency and incorporate renewable energy development.

Policy DM 2 relates to proposals for renewable energy development in the Borough. This states that they will be supported where they satisfy the following criteria:

A Proposals should be developed with the Borough's community and key stakeholders in accordance with the Council's current adopted approach to stakeholder involvement

B There would be no unacceptable adverse visual effects

C There would be no unacceptable adverse effects on landscape or townscape character and distinctiveness

D There would be no unacceptable impacts on biodiversity or geodiversity

E The proposals would not cause an unacceptable harm to features of nature or heritage conservation importance

F There are no unacceptable impacts of noise, odour, dust, fumes, light or other nuisance that is likely to affect residents and other adjoining land users

G Any waste arising as a result of the development will be minimised and managed appropriately

CONSULTATION RESPONSES

Environment Agency

Raise no objections to the proposal.

Distington Parish Council

After consideration, it was agreed that the Parish Council would like a site meeting for this proposal, on the grounds of the scale of the proposal is unclear and would be better understood on site. During the site visit the Parish representative stated that they did not have any objections to the proposal following the additional information regarding traffic movements.

United Utilities

Raise no objections to the proposal.

Cumbria Highways

No objections subject to the following conditions:-

1) Material Sourcing and Disposal of Waste

90% of the total volume of material used in the process every calendar year shall be with agricultural crops or animal wastes taken from the farm on which the development is situated plus Far Branthwaite Edge Farm and Lonsdale Farm, the extents of which are shown on the Plan submitted and approved, as part of the Consent.

There shall be submitted for the approval of the Local Planning Authority, a Schedule of the 90% of materials to be used in the process and no variation of this 90%, used in any given year, shall be allowed without the prior written consent of the Local Planning Authority.

There shall also be submitted for approval a method statement for the disposal of both solid and liquid digestates produced by the facility; both onto the farmland delineated on the aforementioned plan and other sites as may be approved. There shall be no variation from this approved Method unless expressly approved by the Local Planning Authority.

The operator shall keep detailed accounts of the materials use and wastes disposed of and these shall be retained available for inspection by officers of the Local Planning Authority, during the Authority's normal working hours, for a period of 3 years.

2) During the construction phase no vehicle shall leave the site in a condition that would give rise to the deposit of mud, dust or other debris on the public highway.

3) The applicant shall submit a Construction and Traffic Management Plan for approval all identified highway works shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority prior to works commencing on site.

The additional details supplied by the applicant relating to the traffic flows and volumes should be included as part of the application as supporting information.

4) The applicant should ensure that Public Bridleway No. 404020 remains unobstructed at all times.

Other

One objection has been received from a local resident whose main concern is the increase traffic that the development will cause.

ASSESSMENT

This application relates to a part developed and part greenfield site which lies adjacent to the existing farm development, and also the predominantly residential village of Gilgarran.

The main issue to consider with this application, as raised by the Parish Council, Cumbria Highways and a local resident is the potential traffic impact of the development. The applicants have provided a very detailed breakdown of this (as above in the report) which provides information on the scale of vehicle movements.

Cumbria Highways have now commented that the information supplied is suitable to approve the application, subject to conditions. It is considered however that the Council cannot utilise the suggested condition 1) as detailed above as conditions are required to be reasonable, precise and enforceable according to the Government circular 11/95. The suggested condition would not meet the above criteria, primarily as the Council would not be able to comprehensively assess whether 90% of the materials to be used in the process is obtained from any of the 3 farms under the applications control. The applicants have however stated that 100% of the material will come from their own production on the farms however this statement can only be taken on face value.

The Parish Council have now raised no objections to the proposal following the submission of the additional information regarding traffic movements.

Therefore in consideration of the above, the proposed development is considered to be an acceptable proposal for a sustainable development, which will improve the running of the farming operations on site. It is therefore recommended for approval.

Recommendation:-

Approve

Conditions

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

Reason

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

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

- Boundary Plan Scale 1:1250 Drawing No L-GAT-004-BP received on 18 December 2014;
- Site Layout Plan Scale 1:1250 Drawing No L-GAT-004-SLPP received on 18 December 2014;
- Drier and Separation Unit Plan Scale 1:100 Drawing No L-GAT-004-DSU received on 18 December 2014;
- Digester Tank Plan Scale 1:100 Drawing No L-GAT-004-DT received on 18 December 2014;
- Long Section Plan Scale 1:1250 Drawing No L-GAT-004-LS received on 18 December 2014;
- Silage Clamp Plan Scale 1:200 Drawing No L-GAT-004-SC received on 18 December 2014;
- Technical Building Plan Scale 1:100 Drawing No L-GAT-004-TB received on 18 December 2014;
- Transformer Housing & Sub Station Plan Scale 1:50 Drawing No L-GAT-004-THSS received on 18 December 2014;
- Planning Support Statement by J H Walter received on 18 December 2014.

Reason

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

Informatives:

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

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

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

During the construction phase no vehicle shall leave the site in a condition that would give rise to the deposit of mud, dust or other debris on the public highway.

The applicant shall submit a Construction and Traffic Management Plan for approval and all identified highway works shall be completed to the satisfaction of the Highway Authority prior to works commencing on site.

The applicant should ensure that Public Bridleway No. 404020 remains unobstructed at all times.

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: 7.

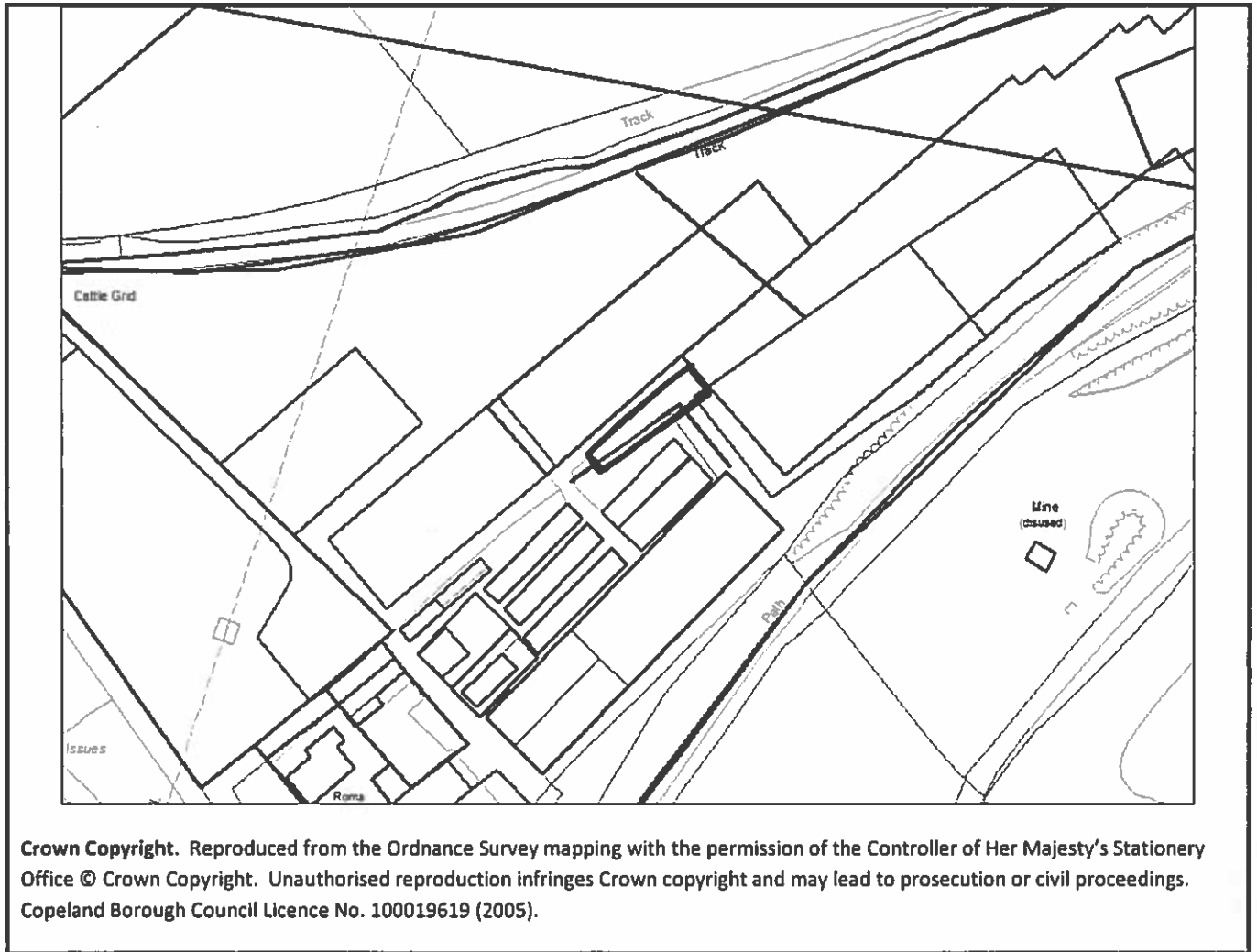


To: PLANNING PANEL

Development Control Section

Date of Meeting: 25/03/2015

Application Number:	4/15/2042/OF1
Application Type:	Full : CBC
Applicant:	Blomfields Ltd
Application Address:	WOODLAND NURSERIES, STAMFORD HILL, LOWCA, WHITEHAVEN
Proposal	RENEWAL OF APPLICATION TO RETAIN 3 RESIDENTIAL CARAVANS FOR CONTINUED OCCUPATION BY AGRICULTURAL WORKERS
Parish:	Lowca
Recommendation Summary:	Approve



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. A major expansion to the glasshouses to provide an additional 17,500 sq. metres of floor space was approved in 2014 (application 4/14/0000/OF1 refers).

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.

Planning permission was granted for the siting of 3 static caravans to accommodate workers on the site in 2010 for a temporary 5 year period (application 4/09/2546/OF1 refers).

PROPOSAL

Planning permission is now sought for the retention of three static caravans. The caravans are sited within the existing nursery complex and are currently used to house full time staff at the nursery. They are connected to a septic tank and have mains electricity and water. Access is achieved off the main entrance into the site.

The applicant's agent has submitted a supporting statement to justify the need to retain the caravans on site. The nursery has expanded over the recent past and currently employs 20 full time staff and a further 12 full time staff who are only required during the main growing season of March to August. The nursery is a labour intensive business which requires close supervision to ensure that the correct growing environment is maintained to maximise growth. Many activities are on-going and extend beyond the normal working day. This requires constant site supervision which can only be fully met by having full time workers present on the site.

PLANNING POLICY

National Planning Policy Framework

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

Paragraph 7 defines an economic role as one of the three dimensions to sustainable development. An economic role contributes to building a strong, responsive and competitive economy to support growth.

Paragraph 17 outlines the core planning principles that underpin decision making. These include proactively driving and supporting sustainable economic development.

Paragraph 19 clarifies that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 20 advises local planning authorities to plan proactively to meet the development needs of business.

Paragraph 21 sets out the local planning authorities draft policies to facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

Paragraph sets out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

With regards to housing paragraph 54 sets out that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs.

Paragraph 55 clarifies that one of the exceptions to isolated dwellings in the countryside is when the accommodation is essential for a rural worker to live at or near their place of work.

Copeland Local Plan

The Core Strategy and Development Management Policies DPD (now referred to as the Copeland Local Plan 2013-2026) which replaces most of the policies in the Local Plan 2001-2016 was adopted in December 2013.

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

Policy ST 1 sets out the Strategic Development Principles which includes encouraging economic growth and also supplying housing to meet identified needs.

Policy ST 2 sets out the Spatial Development Strategy. It restricts development outside defined settlements boundaries to that which has a proven requirement for such a location including housing to meet proven specific and local needs.

Policy SS3 sets out housing policy to meet needs. It allows for the provision for housing for specific groups where there is housing need, including temporary workforce, agricultural workers and key workers.

Policy DM 19 permits residential caravans where they are required as temporary accommodation to serve a rural enterprise.

CONSULTATION RESPONSES

Parish Council

The Parish Council question whether a temporary permission is reasonable given that the caravans have already been on site for more than 3 years in breach of the original planning permission which has expired.

The Parish Council do not question that the horticultural business is growing and therefore has a continued requirement for full time workers on site. As the business has expanded there may be a need to have more permanent accommodation on the site, especially as the viability of the commercial business is proven, particularly due to the large expansion of the building that is currently taking place.

ASSESSMENT

Given the nature and demands of the nursery and the recent expansion of the business it is considered that a functional need still exists for the housing of workers on the site. The Policies set out in both the NPPF and the adopted Local Plan permit the provision of temporary workers accommodation to service a viable rural business.

The caravans are well screened by the other buildings which surround them and have little visual impact within the locality.

The use of appropriate conditions to control the length that the caravans are kept on the site and also to restrict their occupancy to workers at the nursery is considered reasonable in this case. A temporary 3 year permission is deemed to be acceptable.

Recommendation:-

Approve

Conditions

1. The occupation of the caravans shall be limited to persons solely employed at the nursery

Reason

Permission has been granted in recognition of the functional needs of this rural business

2. This permission shall expire on 31st March 2018. The caravans shall be removed from the site on or before this date and the land restored to its former condition.

Reason

The use hereby approved is not considered suitable as a permanent form of development and permission is granted in recognition of the functional needs of the rural business.

Statement

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

ITEM NO: 8.

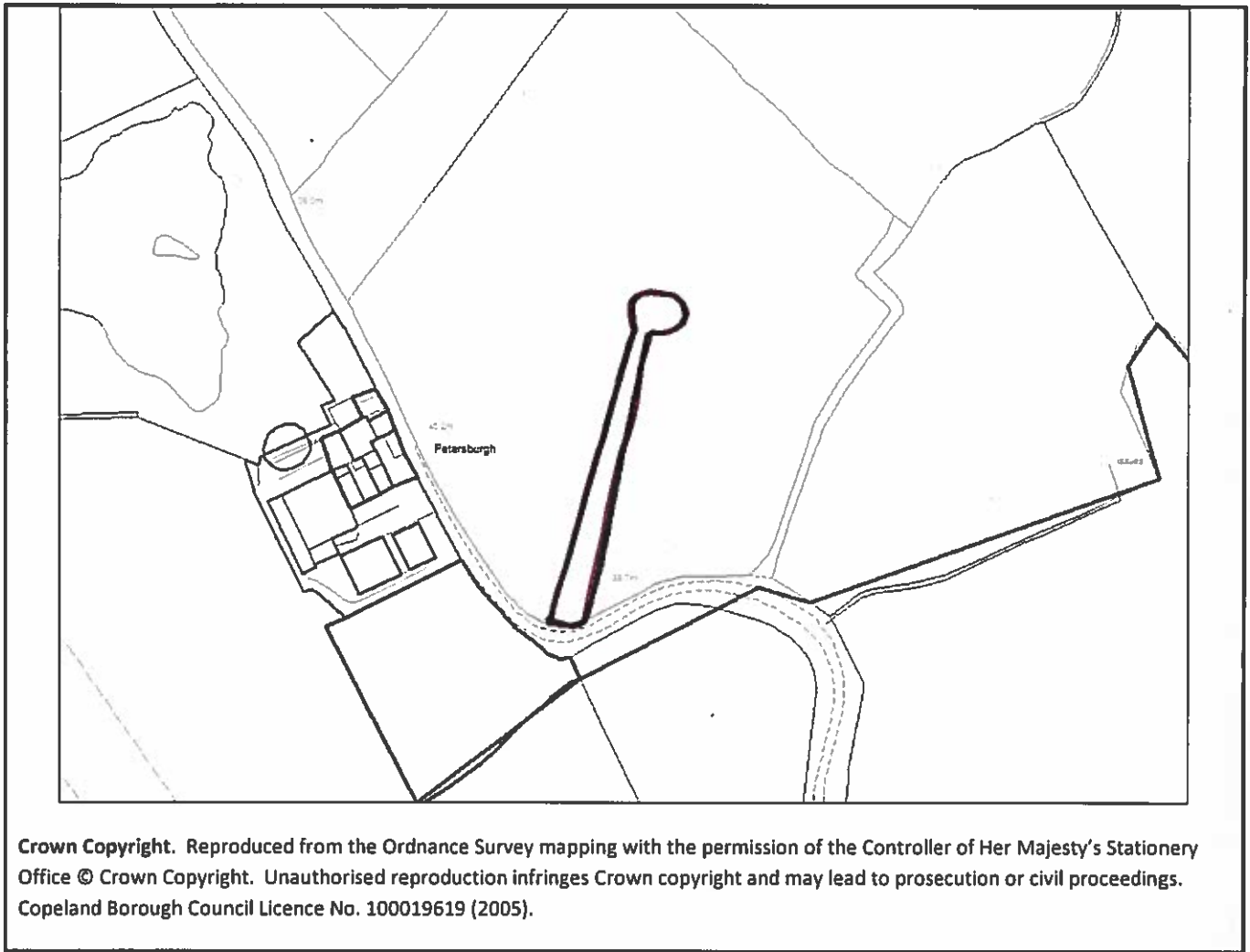


To: PLANNING PANEL

Development Control Section

Date of Meeting: 25/03/2015

Application Number:	4/15/2055/OF1
Application Type:	Full : CBC
Applicant:	Mr S Sherwen
Application Address:	PETERSBURGH FARM, BECKERMET
Proposal	VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/14/2251/OF1 (ERECTION OF WIND TURBINE)
Parish:	Beckermest with Thornhill
Recommendation Summary:	Approve amendment of condition



Introduction

Members will recall that the erection of a single three bladed turbine with a ground to tip height of 45.07m was approved at the 21 January 2015 Planning Panel. This followed a cooling off period from the 10 December 2014 meeting at which Members were initially minded to refuse the application.

Site Location

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

Proposal

Variation of condition 2 of the planning permission for the turbine is sought which would permit an increase in overall height by 2.94m to 48.01m. Whilst the hub height would remain identical to that

already approved at 30m, the variation comprises an increase in the length of the blades and the resulting rotor diameter from 29.1m to 35m.

Externally the turbine would be finished in a neutral matt colour and situated on a concrete foundation. A cable trench and access track, some 80m in length, across the field via the existing field access would be required. This would be temporary in nature for the duration of construction using reinforcing cover sheets.

Supporting Case

The applicants agents in support of this higher turbine puts forward the case that the reason for the variation is due to a change in feed in tariffs which has had a significant impact on the viability of the project. It transpires that erecting the original approved turbine would no longer be financially viable.

Consultations

Beckermeth with Thornhill - object to the modification based on the revised size of the turbine and the ancillary facilities that it will require. When the original application was made, there was substantial local objection because of the visual impact, noise, etc. To come back straightaway before anything has been done, to seek an inevitably noisier and more obvious structure is unwelcome. As the original application was only permitted on the casting vote of the Planning Committee chairman, we think that the change should be refused.

Egremont Town Council No comments received.

Lowside Quarter - No comments received.

Scientific Officer - No objection subject to an appropriate noise condition remaining in place.

Highway Authority – No comments received.

MOD - No objections.

Natural England - No comments.

Neighbour/ Other Representations

2 letters of objection have been received and concern is expressed on the following summarised grounds:

-- Impact on the wildlife that now inhabits Nursery Wood which lies in close proximity. and especially the wildlife regeneration project the objectors have been involved in which has resulted in the successful breeding of buzzards, tawny and barn owls. It has also been home to the bittern for the past 3 years, one of the rarest birds in the UK. Rides have also been developed for bats.

-- If successful this will set a precedent and the applicant will seek yet a further increase and will not be satisfied until the village has to endure a 100m turbine thrust upon it.

-- Reasons stated in original objection remain valid and the belief that local wildlife will suffer as a

direct result of the rotor blades on this turbine and any increase in blade length will increase this risk.

Planning Policy

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

National Planning Policy Framework

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

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

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

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

Renewable Energy

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

- 25 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.
- 26 Contribute to preserving and enhancing the natural environment and reducing pollution.
- 27 Encourage the effective use of land by reusing previously developed 'brown field' land.
- 28 Promote mixed use developments and encourage multiple benefits from its use.
- 29 Conserve heritage assets in a manner appropriate to their significance.
- 30 Actively manage patterns of growth.
- 31 Take account of and support local strategies to improve health, social and cultural well- being to meet local needs.
- 32 Core Principle 10 of this approach 'Meeting the Challenge of Climate Change, flooding & Coastal Change' recognises that planning can play a key role in reducing emissions in greenhouse gases and supporting the delivery of renewables.
(Paragraph 93 refers)

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

33 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

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

Conserving and Enhancing the Natural Environment

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

Planning Practice Guidance

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

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

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

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

Copeland Local Plan 2013-2028

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

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

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

Core Strategy:

Policy ST1 Strategic Development Principles,

Policy ST2 Spatial Development Strategy

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

Development Management Policies DPD

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

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

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

Adequate mitigation measures would be secured to minimise the potential impacts of any

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

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

Cumbria Wind Energy Supplementary Planning Document

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

Cumbria Landscape Character Assessment

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

Assessment

This application seeks to vary condition 2 of the original planning permission to allow an increase in height of the approved turbine for this greenfield site from 45.07m to 48.01m, an increase of 2.94m. The key issue here to consider is whether this proposed change is substantial and significant enough to now justify/ warrant refusal. It is important therefore to assess the impact of this change in terms of landscape character, visual impact and in respect of noise -which were the key/ main concerns raised in the assessment of the original application which will now need re-visiting, as well as the wildlife impacts raised by the neighbour/ other objections. These will then need to be assessed in light of the potential wider benefits of the scheme in order to arrive at a decision.

Effect on the Character and Appearance of the Landscape

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

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

Although the height of the turbine will be increased it is considered unlikely that this will result in any significant adverse landscape impact.

Impact on Visual Amenity

Arguably visual impact is the key issue the original submission raised. Whilst the turbine at the increased height of 48.01m, as opposed to 45m, in overall height (ground to tip) will be visible it is unlikely to have an overly significant impact on any neighbouring residential amenity over and above that of one at 45m in height. It has been established that the nearest non associated residences are over 430m away with no direct outlook from their property to the turbine so it is unlikely this impact will be so significant to justify refusing the application. Only the parent farm is likely to be more affected. As regards views from the village the intervening topography will help to mitigate any medium distance impact. The Landscape and Visual Impact Assessment (LVIA) submitted with the application demonstrates that whilst the turbine will be visible it will not serve to dominate views especially to the south and south west where it will be absorbed by the industrial backdrop of Sellafield. An increase in height of 2.94m is not considered to result in any significant additional visual harm.

Cumulative Impact

This is considered to be negligible. There are no other turbines in the vicinity that would have any real visual interaction with the proposal and this view will not materially change as a result of the proposed increase in height.

Noise & Shadow Flicker

Shadow flicker - whilst this initially was a concern with the original application it transpires that the only property that has the potential to be affected is the applicants own and he has the power to control and shut down the turbine if this ever became an issue. There are no other properties in the vicinity likely to be affected. Although there will be an increase in the potential for this to occur as the rotor diameter will be increased it is unlikely that this will be substantial and any impact will remain within the applicants own control.

Noise - It is accepted that noise limits are within acceptable limits for non-associated properties, the nearest being circa 430m away and it is contended that this will not change significantly as a result of the increase in height proposed. As with the original submission the parent property is arguably within tolerable limits but our Scientific Officer is now satisfied, following the provision of additional information, that it is potentially borderline and that an appropriate noise condition would provide sufficient controls.

Effect on Local Wildlife

The nearest protected site is the SSSI at Low Church Wood some 750m way to the south west. Others are 2.4km and 3km away, all of which are likely to be unaffected. Low Wood referred to by the objectors, which is not designated, is circa 440m away and similarly is not likely to be affected. Any impacts are more likely to be associated with the loss of habitat or important foraging ground for wildlife in and around the immediate site and it is not considered that there would be direct loss of either. As regards collision risk and disturbance displacement as this is only a single turbine of

medium scale these risks are likely to be minimal. It should also be noted that no adverse comments have been received from Natural England and the RSPB in response to the original application.

Benefits

Against the backdrop of potential impacts it is also important in the overall planning balance to consider the potential wider benefits of the scheme which it is stressed is important to consider in respect of this proposal:

Farm Diversification, Renewable Energy Generation & Reduction in Carbon Emissions

It is envisaged that the turbine will satisfy the energy demands of the farm by providing a source of renewable energy that would allow the farm business to operate in a more environmentally and financially sustainable manner. It is stressed that the thrust of the application is based on climate change mitigation. It will also help achieve national renewable energy targets and result in significant carbon savings for the farm.

Conclusion

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

- Potential Impacts including visual impact and the fact that the landscape does not benefit from any special designation or quality.
- Potential benefits of the scheme.
- Negative feedback received from some Members of the local community.

Taking the above into account it is considered an increase in height of the approved turbine of 2.94m would not result in any significant material harm on the landscape or visually, especially as it is devoid of any sensitive designations with a major industrial backdrop to the south west. As a result it is considered that the visual and other impacts would not in this instance outweigh the wider benefits of generating renewable energy. Any impacts that there are can be addressed via appropriate mitigation and as such the proposed increased size of turbine is considered to be compliant with Copeland Local Plan Policies ER2 and DM2 and the guidance contained in both the NPPF and the Planning Practice Guidance 2014.

Recommendation:-

Approve variation of condition 2 of planning permission 4/14/2251/0F1:

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:-

Design and Access Statement by Earthmill, March 2014, received 12 June 2014, with the height and rotor diameter of the turbine as amended by the technical details set out in figure PB 001-Endurance X35, accompanying supporting data and letter received from Sam Dewar of Earthmill Ltd, dated 9 February 2015, as received on 9 February 2015.

Community Consultation Responses, received 12 June 2014.

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

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

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

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

Reason

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

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.

Date From



Date To



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List of Delegated Decisions

Selection Criteria:

From Date: 17/02/2015

To Date: 16/03/2015

Printed Date: Monday, March 16, 2015

Printed Time: 2:34 PM

Application Number	4/13/2506/OF1
Applicant	Mrs A Wilson
Location	HALL GREEN FARM, KIRKSANTON, MILLOM
Proposal	CONVERSION OF TRADITIONAL FARM BUILDINGS TO 4 DWELLINGHOUSES AND 1 WORKSHOP WITH ASSOCIATED DEMOLITION OF UNSATISFACTORY STRUCTURES AND MODERN AGRICULTURAL BUILDINGS, IDENTIFICATION OF CURTILAGE TO SERVE EXISTING FARMHOUSE AND CONSTRUCTION OF PRIVATE SEWAGE TREATMENT PLANT
Decision	Approve (commence within 3 years)
Decision Date	13 January 2015
Dispatch Date	18 February 2015
Parish	Whicham

Application Number	4/14/2349/OF1
Applicant	Mr R Benn
Location	PART FIELD, REAR OF GREENWAY, MAIN STREET, FRIZINGTON
Proposal	ERECTION OF AGRICULTURAL BUILDING FOR LAMBING AND FODDER STORAGE & NEW ACCESS TRACK
Decision	Approve (commence within 3 years)
Decision Date	13 February 2015
Dispatch Date	25 February 2015
Parish	Arlecdon and Frizington

Application Number	4/14/2429/OF1
Applicant	Mrs J Dalton
Location	CHURCH STYLE FARM, DRIGG, HOLMROOK
Proposal	CONVERSION OF REDUNDANT AGRICULTURAL BARN INTO TWO DWELLINGS
Decision	Approve (commence within 3 years)
Decision Date	24 February 2015
Dispatch Date	25 February 2015
Parish	Drigg and Carleton

Application Number	4/14/2450/ON1
Applicant	E & B J Jenkinson and Son
Location	LAND TO EAST OF CROFT HOUSE FARM, ADJACENT TO NURSERY ROAD, BECKERMET
Proposal	ERECTION OF STEEL FRAMED BARN FOR STORAGE OF AGRICULTURAL PRODUCE AND MACHINERY (NOTICE OF INTENTION)
Decision	Refuse
Decision Date	11 February 2015
Dispatch Date	18 February 2015
Parish	Beckermert with Thornhill

Application Number	4/14/2459/OF1
Applicant	Ms C Kearney
Location	ISLAND VIEW, NETHERTOWN, EGREMONT
Proposal	DEMOLITION OF OLD DWELLING AND ERECTION OF NEW BEACH BUNGALOW
Decision	Approve (commence within 3 years)
Decision Date	4 March 2015
Dispatch Date	4 March 2015

Parish	Lowside Quarter
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Application Number	4/14/2463/0F1
Applicant	Mr P Myers
Location	19 ROWANTREE CLOSE, WHITEHAVEN
Proposal	ERECTION OF FIRST FLOOR BEDROOM EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	25 February 2015
Dispatch Date	26 February 2015
Parish	Whitehaven

Application Number	4/14/2467/001
Applicant	Mr H Mossop
Location	NORTH SIDE OF SMITHFIELD ROAD, EGREMONT
Proposal	OUTLINE APPLICATION FOR RENEWAL OF APPROVAL FOR ONE DETACHED DWELLING, INCLUDING MINOR AMENDMENTS TO GARDEN
Decision	Approve in Outline
Decision Date	3 March 2015
Dispatch Date	4 March 2015
Parish	Egremont

Application Number	4/14/2491/0F1
Applicant	Mr and Mrs L Crellen
Location	3 HIGH WALTON FARM, HIGH HOUSE ROAD, EGREMONT
Proposal	ERECTION OF CONSERVATORY, FORMING OF TWO WINDOWS AND TWO ROOFLIGHTS
Decision	Approve (commence within 3 years)
Decision Date	10 February 2015
Dispatch Date	18 February 2015
Parish	St. Bees

Application Number	4/14/2505/0F1
Applicant	Mr R Mawson
Location	INZIEVAR, THE BANKS, SEASCALE
Proposal	CHANGE OF USE FROM HMO TO GUEST HOUSE (CLASS C1)
Decision	Approve (commence within 3 years)
Decision Date	28 January 2015
Dispatch Date	18 February 2015
Parish	Seascale

Application Number	4/14/2512/0F1
Applicant	Mr P Lancaster (Rep:-Church Committee)
Location	OUR LADY AND ST JAMES CHURCH, QUEEN STREET, MILLOM
Proposal	EXTEND AND RE-ROOF SIDE CHAPEL TO FORM MEETING ROOM AND KITCHEN
Decision	Approve (commence within 3 years)
Decision Date	10 February 2015
Dispatch Date	18 February 2015
Parish	Millom

Application Number	4/14/2513/0F1
Applicant	Martin McColls Ltd
Location	195 MEADOW ROAD, MIREHOUSE, WHITEHAVEN

Proposal	CHANGE OF USE OF GROUND FLOOR RESIDENTIAL TO RETAIL; NEW DISABLED ACCESS RAMP; AIR CONDITIONING UNITS AND EXTERNAL STEEL STAIRCASE TO FIRST FLOOR FLAT; NEW SHOPFRONT ENTRANCE DOOR AND WINDOW
Decision	Approve (commence within 3 years)
Decision Date	16 February 2015
Dispatch Date	25 February 2015
Parish	Whitehaven

Application Number	4/14/2515/OF1
Applicant	Mr and Mrs Hodgson
Location	FIELD 6724, BECKERMET
Proposal	ERECTION OF 1 NEW AGRICULTURAL STORAGE BUILDING
Decision	Approve (commence within 3 years)
Decision Date	4 March 2015
Dispatch Date	16 March 2015
Parish	Beckermet with Thornhill

Application Number	4/14/2517/OF1
Applicant	Mr A Banton
Location	9 HALLSENNA ROAD, SEASCALE
Proposal	ERECTION OF GROUND FLOOR EXTENSION TO SIDE
Decision	Approve (commence within 3 years)
Decision Date	10 February 2015
Dispatch Date	18 February 2015
Parish	Seascale

Application Number	4/14/2521/OF1
Applicant	Mr and Mrs B Hinde
Location	15 PEARSON CLOSE, MOOR ROW
Proposal	REMOVAL AND REPLACEMENT OF GARAGE
Decision	Approve (commence within 3 years)
Decision Date	24 February 2015
Dispatch Date	25 February 2015
Parish	Egremont

Application Number	4/14/2522/OF1
Applicant	Mr P Crone
Location	BUILDING NEAR POSTLETHWAITES GARAGE, 36 GOSFORTH ROAD, SEASCALE
Proposal	CHANGE OF USE FROM DISUSED STORE TO RESIDENTIAL
Decision	Approve (commence within 3 years)
Decision Date	11 March 2015
Dispatch Date	13 March 2015
Parish	Seascale

Application Number	4/14/2524/OF1
Applicant	PFK Estate Agency
Location	81 KING STREET, WHITEHAVEN
Proposal	CHANGE OF USE FROM FORMER VIDEO RENTAL STORE TO ESTATE AGENCY (RETROSPECTIVE)
Decision	Approve
Decision Date	23 February 2015

Dispatch Date	25 February 2015
Parish	Whitehaven

Application Number	4/14/2529/OF1
Applicant	Mr R Taylor
Location	23 LEATHWAITE, WHITEHAVEN
Proposal	TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION & REVISED PARKING/TURNING AREAS
Decision	Approve (commence within 3 years)
Decision Date	11 February 2015
Dispatch Date	17 February 2015
Parish	Whitehaven

Application Number	4/14/2530/OF1
Applicant	Mr D Hymers
Location	OLD MASONIC HALL, FRIZINGTON ROAD, FRIZINGTON
Proposal	CONVERSION OF FORMER MASONIC HALL INTO FOUR SELF CONTAINED 2 BEDROOMED FLATS
Decision	Approve (commence within 3 years)
Decision Date	11 February 2015
Dispatch Date	26 February 2015
Parish	Arlecdon and Frizington

Application Number	4/14/2531/OF1
Applicant	St James C of E Infant School
Location	ST JAMES C OF E INFANT SCHOOL, HIGH STREET, WHITEHAVEN
Proposal	EXTENSION WITHIN COURTYARD AREA TO CREATE HEAD TEACHERS OFFICE
Decision	Approve (commence within 3 years)
Decision Date	23 February 2015
Dispatch Date	26 February 2015
Parish	Whitehaven

Application Number	4/15/2002/OF1
Applicant	Mrs L Gaithwaite
Location	48 HIGHFIELDS, HILLCREST, WHITEHAVEN
Proposal	PROPOSED TWO STOREY EXTENSION TO PROVIDE GARAGE WITH BEDROOM OVER AND SINGLE STOREY KITCHEN DAY ROOM
Decision	Approve (commence within 3 years)
Decision Date	23 February 2015
Dispatch Date	26 February 2015
Parish	Whitehaven

Application Number	4/15/2004/OL1
Applicant	Turning Point
Location	COATES LANE CARE HOME, 10A COATES LANE, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR PROVISION OF NEW CAST IRON SOIL VENT PIPES TO REAR ELEVATION; INTERNAL REFURBISHMENT WORKS
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	11 March 2015
Dispatch Date	12 March 2015
Parish	Whitehaven

Application Number	4/15/2006/OF1
Applicant	Mr D Adair
Location	HAWTHORNE GROVE, CLEATOR
Proposal	ERECTION OF TRIPLE GARAGE TO REAR ELEVATION; REBUILD EXISTING PATIO
Decision	Approve (commence within 3 years)
Decision Date	23 February 2015
Dispatch Date	25 February 2015
Parish	Cleator Moor

Application Number	4/15/2008/ON1
Applicant	The Lowther Estate Trust
Location	WOODLAND AREA AT MILLOM PARK, MILLOM (GRID REF: E316730 N483340)
Proposal	NEW FOREST ROAD (NOTICE OF INTENTION)
Decision	Approve Notice of Intention
Decision Date	18 February 2015
Dispatch Date	18 February 2015
Parish	Millom Without

Application Number	4/15/2009/OA1
Applicant	Vision Express
Location	17 WELLINGTON STREET, MILLOM
Proposal	ADVERTISEMENT CONSENT FOR NON ILLUMINATED FASCIA BOARD
Decision	Approve Advertisement Consent
Decision Date	26 February 2015
Dispatch Date	3 March 2015
Parish	Millom

Application Number	4/15/2011/OL1
Applicant	Mrs M Willis
Location	57 MAIN STREET, EGREMONT
Proposal	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH THE CHANGE OF USE TO A3 (CAFE AND TAKEAWAY)
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	4 March 2015
Dispatch Date	4 March 2015
Parish	Egremont

Application Number	4/15/2012/OF1
Applicant	Mrs M Willis
Location	57 MAIN STREET, EGREMONT
Proposal	CHANGE OF USE FROM EMPTY SHOP TO A SANDWICH SHOP AND CAFE SERVING HOT AND COLD FOOD, EAT IN AND TAKE-AWAY
Decision	Approve (commence within 3 years)
Decision Date	4 March 2015
Dispatch Date	4 March 2015
Parish	Egremont

Application Number	4/15/2013/OF1
Applicant	Mr J Macaulay
Location	62 MAIN STREET, FRIZINGTON

Proposal	DEMOLITION OF EXISTING REAR SINGLE STOREY EXTENSION AND ERECTION OF NEW SINGLE STOREY EXTENSION TO PROVIDE LIVING ROOM, BEDROOM WITH WHEELCHAIR ACCESSIBLE WET ROOM AND SEPARATE WC
Decision	Approve (commence within 3 years)
Decision Date	2 March 2015
Dispatch Date	3 March 2015
Parish	Arlecdon and Frizington

Application Number	4/15/2018/OL1
Applicant	Miss B Adair
Location	APARTMENT 3, SOMERSET HOUSE, 52 DUKE STREET, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR THE ERECTION OF A SKY SATELLITE DISH TO THE REAR OF THE PROPERTY
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	9 March 2015
Dispatch Date	11 March 2015
Parish	Whitehaven

Application Number	4/15/2019/TPO
Applicant	Lowther Forestry Group
Location	GHYLL SCAUR QUARRY/UNDERWOOD, THE HILL, MILLOM
Proposal	TREE WORKS TO VARIOUS TREES PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	2 March 2015
Dispatch Date	3 March 2015
Parish	Millom Without

Application Number	4/15/2020/OF1
Applicant	KKS Body Repairs
Location	KKS BODY REPAIRS, MAIN STREET, FRIZINGTON
Proposal	EXTENSION AND ALTERATION TO EXISTING COMMERCIAL GARAGE
Decision	Approve (commence within 3 years)
Decision Date	11 March 2015
Dispatch Date	13 March 2015
Parish	Arlecdon and Frizington

Application Number	4/15/2023/OF1
Applicant	Mrs C A Dhillon
Location	BARN 1, MOSS DALTS, EGREMONT
Proposal	PRIOR APPROVAL OF PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO A DWELLING HOUSE
Decision	Approve (commence within 3 years)
Decision Date	4 March 2015
Dispatch Date	13 March 2015
Parish	Egremont

Application Number	4/15/2024/TPO
Applicant	Mr M Little
Location	10 RHEDA CLOSE, FRIZINGTON
Proposal	FURTHER PRUNING OF TWO SYCAMORE TREES PROTECTED BY A TREE PRESERVATION ORDER

Decision	TREE PRESERVATION REFUSE
Decision Date	11 March 2015
Dispatch Date	12 March 2015
Parish	Arlecdon and Frizington

Application Number	4/15/2029/TPO
Applicant	M J Ball
Location	CROFT LODGE, BECKERMET
Proposal	RAISING AND THINNING OUT OF THE CROWN OF A SYCAMORE TREE AND FELLING OF AN ASH TREE PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION REFUSE
Decision Date	12 March 2015
Dispatch Date	12 March 2015
Parish	Beckermest with Thornhill

Application Number	4/15/2030/HPAE
Applicant	Mr R Irwin
Location	12 PINEWOODS, GILGARRAN
Proposal	PRIOR NOTIFICATION FOR SINGLE STOREY REAR EXTENSION WITH FLAT ROOF, CONSISTING OF KITCHEN AND DINING AREA, WITH UTILITY ROOM AND W.C.
Decision	Permitted Development
Decision Date	5 March 2015
Dispatch Date	5 March 2015
Parish	Distington

Application Number	4/15/2031/HPAE
Applicant	Mr A Walker
Location	BLAKE VIEW, 10B LINGLA BANK, FRIZINGTON
Proposal	PRIOR NOTIFICATION FOR REAR SINGLE STOREY EXTENSION
Decision	Refuse
Decision Date	9 March 2015
Dispatch Date	9 March 2015
Parish	Arlecdon and Frizington

Application Number	4/15/2033/TPO
Applicant	Mr C Bew
Location	WOODSIDE, RHEDA PARK, FRIZINGTON
Proposal	FELLING OF A POPLAR TREE PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	4 March 2015
Dispatch Date	5 March 2015
Parish	Arlecdon and Frizington

Application Number	4/15/2046/HPAE
Applicant	Mr R Green
Location	51 MOOR ROAD, MILLOM
Proposal	PRIOR NOTIFICATION FOR CONSTRUCTION OF A SINGLE STOREY REAR EXTENSION FOR USE AS A SUN LOUNGE
Decision	Permitted Development
Decision Date	16 March 2015

Dispatch Date	16 March 2015
Parish	Millom

Application Number	4/15/2062/TPO
Applicant	Copeland Borough Council
Location	SANDHILLS LANE CAR PARK ENTRANCE, WHITEHAVEN
Proposal	FELL AND REMOVE ALDER TREE SITUATED WITHIN A CONSERVATION AREA
Decision	TREE PRESERVATION APPROVE
Decision Date	11 March 2015
Dispatch Date	12 March 2015
Parish	Whitehaven