

**PLANNING PANEL – 27 MARCH 2013**

**AGENDA**

**SCHEDULE OF APPLICATIONS**

Item 1	<b>4/12/2397/OF1</b> <b>Erection of Single 67m Wind Turbine</b> <b>Land to North East of Middle Gill Farm,</b> <b>Howgate, Whitehaven</b>	<b>1</b>
Item 2	<b>4/12/2541/OF1</b> <b>Improved Vehicle Access &amp; Proposed Alteration</b> <b>To Car Park plus Construction of 8 New Houses</b> <b>Adams Recreation Ground, Beach Road, St Bees</b>	<b>16</b>
Item 3	<b>4/12/2566/OF1</b> <b>Installation of a Single 11kW Gaia Wind Turbine</b> <b>With a Maximum Hub Height of 18.3m and a rotor</b> <b>Diameter of 13m giving a ground to tip height of 24.8m</b> <b>Land at Low Thorney Farm, Carleton, Egremont</b>	<b>27</b>
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## RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 – Adopted June 2006

Lake District National Park Local Plan – Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

## **STANDARD CONDITIONS**

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

### Outline Consent

1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.
2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-
  - a. The expiration of THREE years from the date of this permissionOr
  - b. The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

### Reserved Matters Consent

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

### Full Consent

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

**ITEM NO: 1.**

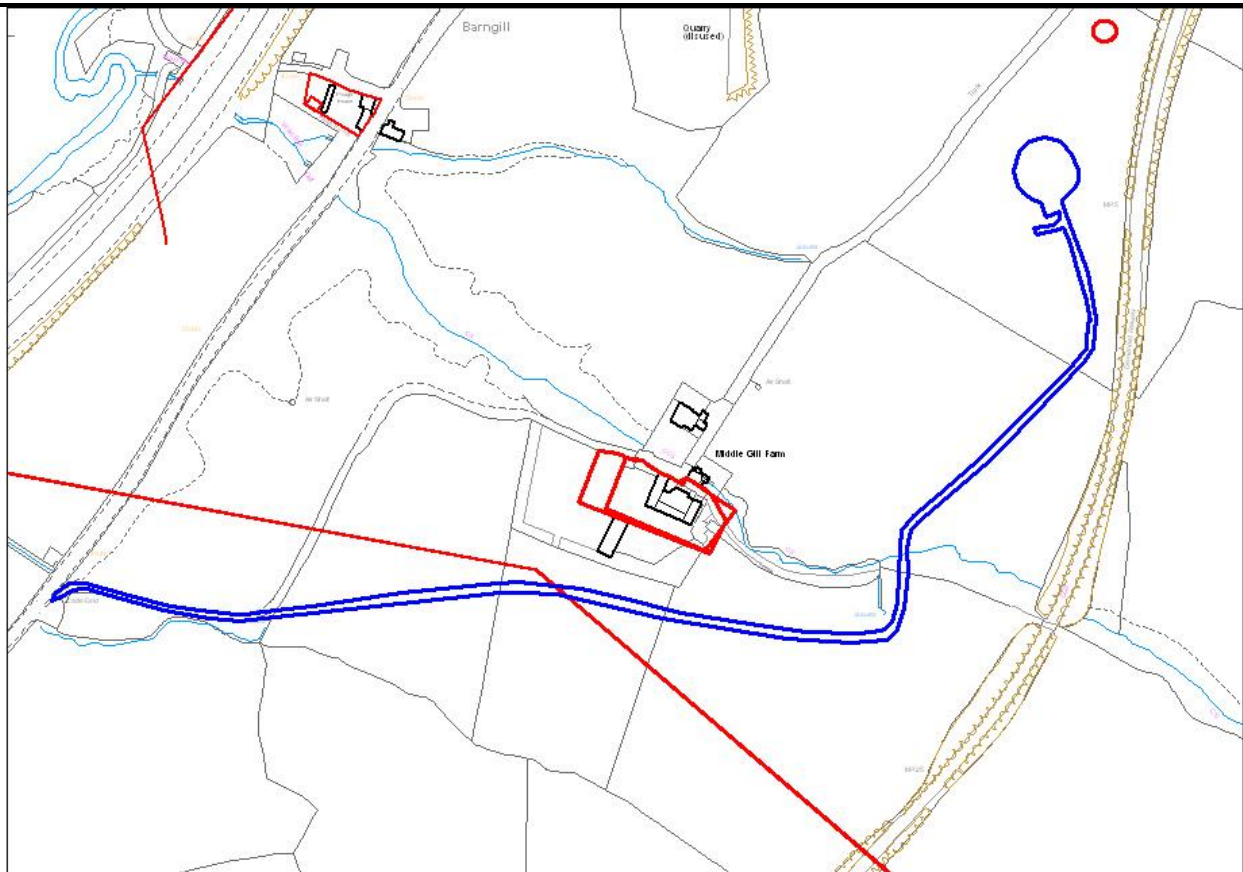


**To: PLANNING PANEL**

**Development Control Section**

**Date of Meeting: 27/03/2013**

<b>Application Number:</b>	4/12/2397/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Empirica Investments Limited
<b>Application Address:</b>	LAND TO NORTH EAST OF MIDDLE GILL FARM, HOWGATE, WHITEHAVEN
<b>Proposal</b>	ERECTION OF SINGLE 67M WIND TURBINE
<b>Parish:</b>	Moresby, Distington
<b>Recommendation Summary:</b>	Refuse



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## INTRODUCTION

This application relates to an open area of agricultural land which lies in an elevated position approximately 1.5 km to the south west of Distington and approximately 1.2 km to the north of Low Moresby. The land is associated with Middlegill Farm.

Members resolved to defer this application at the meeting on 12 September 2012 to enable them to visit the site. The site visit took place on 10<sup>th</sup> October 2012. Since that time additional information has been submitted by the applicants in response to requests from both Officers and consultees to ensure that the proposal could be adequately assessed.

There has also been a delay so that the impact of the turbine on the occupiers of a specific nearby property could be fully assessed.

The applicant's agent has now lodged an appeal against the non-determination of the application due to this delay. This will now result in the decision being made on the application by the Planning Inspector. Consequently this application is now being reported to the Planning Panel to obtain a "minded to" decision.

## PROPOSAL

Planning permission is sought for the erection of a single wind turbine which is to be sited approximately 400 metres to the north of the existing farm buildings. The turbine will have a hub height of 45 metres and a total height to blade tip of 67 metres. The transformer will be housed within a small external kiosk at the base of the tower.

Access is to be achieved off an existing farm track which joins onto the B5306 to the south west of the site boundary. A section of new access track is to be built to the east of the farm complex in order to bypass the existing building group and also to avoid a number of tight bends on the farm track which would hinder the delivery of the turbine and associated equipment to the site. A crane pad is proposed at the base of the turbine to facilitate the erection of the turbine.

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

The original application was accompanied by the following:-

- A site location plan
- An elevation plan
- A design and access statement
- A planning statement
- A landscape and visual impact assessment including photomontages
- A noise impact assessment
- A shadow flicker assessment
- An ecological scoping assessment
- A site access statement
- Coal mining risk assessment

Following further discussions with the applicants agent with regards to various issues raised by both technical consultees and local residents the following additional information has been submitted:-

- An access feasibility study
- Amended shadow flicker assessment
- Supplementary landscape and visual impact assessment including additional photomontages

- An addendum to the noise impact assessment

## CONSULTATION RESPONSES

### Moresby Parish Council

Taking into account the national and local planning policies the Parish Council do not wish to oppose this application. In relation to Local Plan Policy EGY 1 the Parish Council has considered the nine criterion and cannot mount any meaningful argument against anyone of them.

### Distington Parish Council

Object as the Parish Council considers that the turbine will be overbearing on the residents of Barnhill, have adverse impacts on local residents amenity in terms of noise and flickering effects of the blades, result in visual intrusion for the residents of Distington, especially on Hinnings Road and at the south end of the village, and result in adverse impacts on local wildlife, particularly barn owls and buzzards.

### Highways Control Officer

The applicant has not indicated routing nor access standards. It is therefore not possible to advise on whether this access point is acceptable or indeed possible. Since receipt of these comments the applicant has submitted an Access Feasibility Study to provide additional information on the routing of the access. The Highways Control Officers has reviewed this document and is now satisfied that the proposed route for construction vehicles to the site from the south and the details of the access point are acceptable. However it is still appropriate to include a condition on any planning permission which requires the details of the access to be agreed prior to any works starting on the site if planning permission is to be approved.

### Coal Authority

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A condition



should be attached to any planning permission which requires site investigation works to be carried out prior to the commencement of development. A condition should also be included which covers remedial works identified by site investigations.

#### Environmental Health Officer

My initial response based on the noise assessment submitted with the application confirmed that the noise levels would be within acceptable levels. However following consideration of an independent noise report that has been submitted by an objector I have doubts about the robustness of the original assessment due to the method of collection of wind speed data and the subsequent calculation of noise limits.

The key concerns ultimately relate to the height and location of the anemometer and the lack of site specific wind shear data. On the basis of this information I object to the proposal due to the potential for unacceptable noise at Middle Gill Cottage.

With regards to shadow flicker the report implies that only 4 properties/locations would be affected by shadow flicker but these 4 locations actually represent about 10 residential properties. The worst affected site at Woodlane Vale has 5 properties and has the potential for shadow flicker each morning for 2.5 hours over winter. While this does indicate the worst case scenario a Mitigation Plan should be included as part of any conditions if this development is approved.

#### Natural England

From the information provided with the application it does not appear to fall within the scope of consultations that Natural England would routinely comment on. The proposal is unlikely to result in significant impact on statutory designated sites, landscapes or species.

#### Friends of Rural Cumbria's Environment (FORCE)

Object as this proposal would lead to an unacceptable loss of residential amenity, users of the footpath and change in landscape character. The information submitted with the application includes an inadequate assessment of cumulative impacts, wildlife and mine workings. The assessment of visual impact has also been understated.

## Other

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

- There has been a lack of a proper assessment of wind speed as the monitoring mast has only been present on the site for a short period of time
- The turbine will be excessively prominent and will have significant adverse impacts on character and appearance of landscape
- The turbine due to its prominent siting will have significant adverse impacts on the amenities of the residential properties within the locality in terms of noise, shadow flicker and impacts on health. One resident has specifically referred to the health and social welfare of the occupants of one of the nearby houses who has a memory processing disorder. They argue that the potential noise and shadow flicker would have significant impacts on his health. They have provided information to verify the extent of this medical condition.
- Loss of view and devaluation of property
- The previous mining activity on the site causes concerns about the suitability of the site to accommodate a wind turbine
- There would be a lack of benefit to the community. It is also claimed that the potential benefits are grossly exaggerated and do not outweigh the adverse impacts of a turbine on this site
- Adverse impact on ecology and wildlife, in particular to hen harriers and bats
- It will have an adverse impact on tourism within the locality and discourage visitors
- Concerns about the decommissioning process and whether the site will be restored adequately once the turbine has been removed
- Highways safety issues including use of nearby footpaths. There are other more appropriate access routes that could be used and there are concerns that the rerouting of the access track of access track may result in damage to the water supply of local properties

- Potential impact on an existing JRC communications link which is approximately 70 metres away from turbine
- Concerns about the proximity of the turbine to a high pressure gas pipeline
- Generally there is some concern that the submitted document and information submitted is misleading and inaccurate

## PLANNING POLICY

### National Planning Policy Framework

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

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

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

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

The NPPF 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.

Paragraph 14 outlines that a presumption in favour of sustainable development is at the heart of the NPPF and this should be taken as a golden thread running through both plan making and decision taking. For decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay.

Paragraph 17 defines a list of 12 core land use planning principles that should underpin decision taking. Core Principle 10 of this approach 'Meeting the Challenge of Climate Change, flooding & Coastal Change' requires planning to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourages the reuse of existing resources, including the conversion of existing buildings, and encourage the use of renewable resources for example by the development of renewable energy.

Paragraph 97 encourages the increased use and supply of renewable and low carbon energy and requires all communities to recognise their responsibilities to contribute to energy generation from renewable and low carbon sources. Local Planning Authorities are required to design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

Paragraph 98 clarifies that applicants are not required to demonstrate the overall need for renewable energy and that even small scale projects can provide a valuable contribution to the cutting of greenhouse gas emissions. It also advises Local Planning Authorities to approve planning applications if its impacts are or can be made acceptable.

Paragraph 109 relates to the conservation of the natural environment. It requires the planning system to enhance the natural and local environment by protecting and enhancing valued landscape and minimise the impacts on biodiversity. Net gains in biodiversity should be provided where possible.

Paragraph 123 clarifies that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development but does recognise that it is appropriate to secure mitigation through the use of planning conditions to overcome these impacts. It also seeks to afford protection of areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

### Cumbria Wind Energy Supplementary Planning Document (SPD)

The SPD which was adopted in 2008 was 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.

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

Policy EGY 1 of the adopted Local Plan supports renewable energy developments and sets out the criteria against which all proposals for renewable energy are to be considered. The full Policy is set out below:

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

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

Policy EGY 2 refers specifically to wind energy and requires that such proposals meet the criteria set out in EGY 1 above as well as providing for the removal of the turbines when they cease to be operational and site restoration.

Policy ENV 4 of the Local Plan seeks to protect landscape features and habitats. It states that development which may adversely affect habitat will only be permitted if it can be shown that the reasons for the development outweigh the need to retain the feature and that mitigation measures can be provided for which could reinstate and where possible enhance the nature conservation value of the features.

### Emerging Local Planning Policies

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

Consultation on the Pre-Submission Draft took place over the summer and it has now been submitted to the Secretary of State for Public Examination. The Examination is due to take place in April 2013.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they can only be given limited weight at the moment, the limited scale of objection to the Strategy and its consistency with up to date national policy guidance provides for increasing weight to be afforded to this set of local policy. The document is currently due to be adopted in August 2013.

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

### ASSESSMENT

This application raises a number of issues in relation to landscape, visual and cumulative effects of the proposal and also its potential impact on the residential amenity of nearby

properties in terms of noise, shadow flicker and highway issues. These issues are considered below:-

### Landscape, Visual and Cumulative Impacts

The site comprises an elevated green field location which is open in character and is widely visible from the surrounding area.

The wind energy SPD identifies the site as being within the wider “Lowland” landscape type. It describes this type of landscape as having a moderate capacity to accommodate wind turbines.

The Cumbria Landscape Character Guidance and Toolkit (March 2011) identifies the land in the vicinity as “Character Area 5a “Ridges and Valley”. The guidance acknowledges that wind energy schemes are a recurring feature within this character area, and along with other vertical elements such as pylons, are often sited along ridge tops. They interrupt the skyline and form prominent features in the landscape.

Despite the concentration of large wind energy schemes that dominate the landscape around Workington the Toolkit acknowledges that many parts of this landscape type remain intact and retain the sense of a pleasant, peaceful working farmed landscape.

The vision for this area is to enhance and restore the landscape and new peripheral development will be integrated within a stronger landscape framework. Ridge top clutter will be restricted to strengthen the rural environment and minimise the effects of urban influences.

In terms of new development it stresses that careful control is necessary to avoid this landscape being defined by wind energy development.

This proposal is for a tall structure, some 67 metres in overall height, in a prominent and elevated location which is open to views from both the immediate and wider locality. The ZTV indicates that the turbine will be visible from a number of places within 7 km of the site particularly from the A595 and B5300 and also from the settlements of Distington, Lowca, Parton and Moresby.

Although it is acknowledged that the landscape does already contain some vertical structures, in particular a line of large pylons, these are located on the higher ground to the west of the application site. The land on the eastern side of the A595 (Distington Bypass) is largely devoid of vertical structures. Consequently when viewed from the west and south the turbine would appear as a prominent vertical structure which would be incongruous in its surroundings, especially when viewed from the A595 and the B5306 at Howgate. It is not possible to mitigate this impact especially as the turbine would be sited in a prominent position on an elevated hillside. As a result it will have a materially harmful effect on the character and appearance of the surrounding rural landscape, contrary to criterion 2 of Policy EGY 1 of the adopted Copeland Local Plan.

In terms of cumulative Impacts the submitted reports shows that the turbine would potentially be seen simultaneously with the 5 turbines at Fairfied Farm (potentially Weddicar Rigg). There are also limited potential successive views from higher ground above the valley to existing turbines at Lowca and Winscale wind farms.

The siting of the turbine on the side of the valley and also the presence of higher land to the east will reduce the impact of simultaneous views with Fairfield wind farm. Similarly views of the Lowca wind farm will also be limited due to its coastal location. The intervening landscape between the application site and this wind farm will block simultaneous views of both sites from the majority of the area.

The only other turbine which will be visible in views of the application site, especially from the south, will be sited on the northern edge of Lowca. This turbine was allowed on appeal and has yet to be constructed.

Overall the cumulative impact will not be significant. The addition of an additional turbine on this site will not result in the local landscape being dominated by turbines as you journey through it. On this basis there are not considered to be sufficient grounds to oppose this application on cumulative impacts.



## Noise

The content of the noise report which has been submitted with the application has been challenged. An independent noise report has also been submitted by an objector to amplify their concerns. This report states that due to the proximity of their house to the turbines (283 metres) this turbine is unlikely to be acceptable. They also state that there are inaccuracies in the wind speed determination which has led to background noise level being overstated. This means that results cannot be validly used to derive noise limits for use in planning conditions. As a direct result the noise limits based on these results would not give adequate protection of amenity to occupants of Middle Gill Cottage who will be badly affected.

The Environmental Health Officer has reviewed both reports and he is of the opinion that the original assessment is not robust due to the method of collection of wind speed data and the subsequent calculation of noise limits. On this basis he has lodged an objection to the proposal as it would potentially result in unacceptable levels of noise to the occupiers of Middle Gill Cottage.

## Shadow Flicker

There is no standard assessment of shadow flicker nor are there any guidelines which quantify what exposure levels flicker is acceptable. The Companion Guide to Planning Policy Statement 22 requires an analysis to be carried out to quantify the effects. The flicker effects diminish with distance and flicker effects have been proven to occur only within 10 rotor diameters of a turbine. In this case this distance would amount to 440 metres. The effects also only occur within 130 degrees either side of north relative to the turbine.

The report which has been submitted analyses the potential effects for each property or groups of properties which fall within the potential zone of effect. The report concludes that potentially 10 properties may be affected every morning over the winter months for a period up to 2.5 hours.

The occupiers of a nearby property have objected to the proposal on the basis that the turbine would result in excessive noise and shadow flicker which would have a significant detrimental impact on the wellbeing of their child who has a memory processing disorder. They have provided medical evidence to illustrate this impact. This matter constitutes a material consideration in the assessment of this proposal.

Whilst Officers have a great deal of sympathy with the case put forward by the objector none of the information that has been supplied provides any categoric evidence which links the presence of the turbine to any direct impact on child's wellbeing. On this basis it is considered that there is insufficient specific evidence to constitute a legitimate reason for refusal.

Members should note that the turbine would be located approximately 340 metres to the south east of this property. The orientation of the property with its main aspect facing south west will restrict direct views of the turbine from this property. This should help to minimise the impacts of shadow flicker.

It should also be noted that the submitted report predicts the worst case scenario and the effects would be less than this in practice as the impacts are only apparent when the turbines are moving and the weather conditions are clear. Intervening vegetation will also provide some screening which will also limit the impacts. These factors will diminish the effects of shadow flicker locally.

Under such circumstances it is normal practice to reduce the effects on nearby residential properties by the use of a shadow flicker mitigation scheme. This could be secured by use of a suitably worded planning condition if planning permission is granted.

### Transport and Access

A feasibility report has been submitted which illustrates the construction of the vehicular access and also the route that the construction vehicles would use. The existing access on to the B5306 which currently serves the farm is to be retained and improved to ensure that it is capable of accommodating the construction vehicles. The access track is also to be upgraded and re-routed to ensure that the existing bends are eliminated. This would allow the turbine components to be delivered to the site in a safe manner.

It is anticipated that all of the turbine components can be delivered to the site by 9 abnormal loads and the construction phase will be completed within 7 days. The Highways Control Officer has confirmed that he is satisfied with the submitted details.

## CONCLUSION

Being mindful of the new 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, it 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 a wind turbine measuring a total height of 67 metres in this location would have a significant adverse impact on the character and appearance of the surrounding landscape which cannot be made acceptable by mitigation.

Also, there has been insufficient information provided to demonstrate that this turbine will not pose a potential noise nuisance to nearby residential properties. 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 Policies EGY 1 and EGY 2 of the Copeland local Plan and the NPPF.

### **Recommendation:-**

Refuse

### **Reason for Decision**

The proposed siting of one large scale wind turbine, some 79.6 metres in overall height, 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. There has also been insufficient information provided to demonstrate that it is not likely to be a potential noise nuisance to nearby residential properties. On this basis the proposal is considered to be contrary to Policies EGY1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the advice contained in the National Planning Policy Framework (March 2012).

**ITEM NO: 2.**

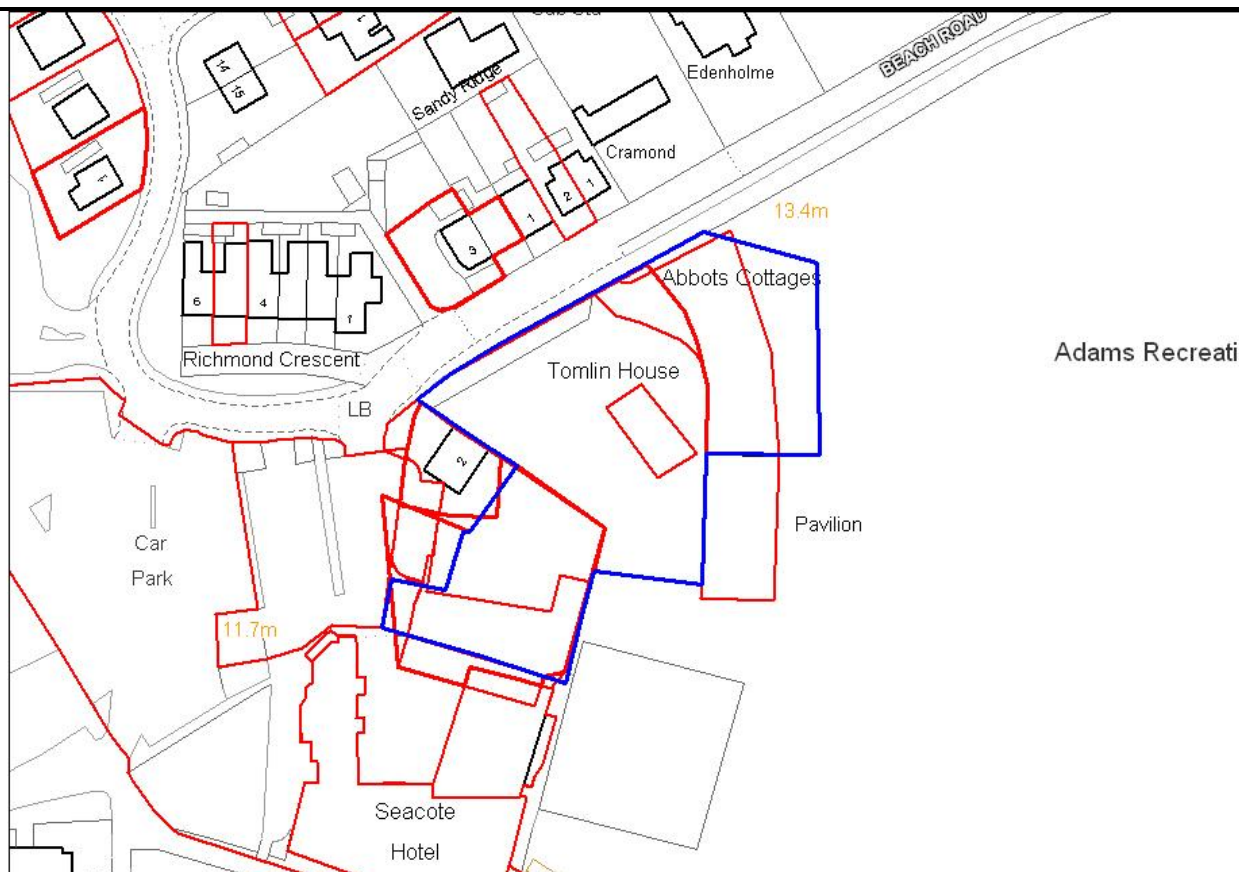


**To: PLANNING PANEL**

**Development Control Section**

**Date of Meeting: 27/03/2013**

<b>Application Number:</b>	4/12/2541/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Adams Recreation Ground Committee
<b>Application Address:</b>	ADAMS RECREATION GROUND, BEACH ROAD, ST BEES
<b>Proposal</b>	IMPROVED VEHICLE ACCESS & PROPOSED ALTERATIONS TO CAR PARK, PLUS CONSTRUCTION OF 8 NEW HOUSES
<b>Parish:</b>	St. Bees
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



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## Introduction

This application was deferred by Members at the last Planning Panel for a site visit following consideration of an objectors concerns relating to highway safety and foul drainage. The site visit took place on Wednesday 13 March 2013.

This proposal relates to an area of vacant land, 0.41ha in size, which forms part of the Adams Recreation Ground on Beach Road, St Bees and an adjacent partly developed housing site.

It extends to include the existing car park and part of the pitch area adjacent to the east, the vacant mound to the west sandwiched between the car park and pavilion, and part of the small housing development site to the south which adjoins Seacote Hotel premises.

## **The Proposal**

Permission is sought for the erection of 8 new houses on the site. These will take the form of one block of 3 two storey 3 bed terraced dwellings and a detached two storey 4 bed dwelling which will front onto Beach Road in linear form. To the rear two blocks of semi-detached two storey 3 bed houses are proposed. External materials to be used include smooth rendered walls, contrasting render band details, slate effect dark grey tiles and UPVC windows.

Vehicular access will be via the existing off Beach Road which currently serves the recreation ground car park, the intention is that this will be improved and a new access road created from it to serve the new housing in the form of a cul-de-sac. Adequate parking will be provided for the new houses. Each unit within the terrace will have two parking spaces allocated directly in front, similarly one of the block of semis opposite, the other block and the detached house will be served by individual driveways.

Access to the existing recreation ground car park will be off the access road serving the new housing. It is also proposed to upgrade and extend the existing recreation ground car park as part of the application, which is much needed. This will accommodate a maximum of 51 vehicles which represents an additional 28 spaces.

## **Planning History**

A previous outline application for a smaller residential development comprising 4 dwellings on the recreation ground part of the site was approved in November 2007 (4/07/2597/001 refers) subject to a S106 agreement which ensured that the funds raised in the disposal of the site were used solely for the benefit of improving and maintaining facilities at the recreation ground. This has now expired.

The applicants now wish to reapply for residential development on the same part of the recreation ground with the additional development site at the rear as described above.

They stress that the circumstances remain the same the only difference being this application incorporates additional development land.

A planning obligation/ S106 has been submitted with the application which seeks to secure that the use of any funds obtained in the sale of the site are used for the sole benefit of improving the existing recreational site.

### **Consultations**

**St Bees Parish Council** – no objections state that their position remains as it was when the initial outline application was made in 2007. Accept that the land to be developed is not used for recreational purposes and could not be used as such without significant further expenditure. The development of this small area will ensure that the Adams Ground is financially secure for the foreseeable future and its use as a sports field can continue. Their only comment concerns drainage – there have been episodes of flooding in this area in recent months and care should be taken that the new development does not exacerbate the problems.

**Highway Authority** – no objection subject to conditions.

**United Utilities** - request that it be investigated that surface water drainage be separate as opposed to via the combined sewer, a matter which is currently being investigated. It transpires that Copeland have a surface water drain in the vicinity which serves existing development to the west before discharging into the sea and it is now the intention to tap into this.

**Flood and Coastal Defence Engineer** - response awaited in relation to the surface water drainage proposal outlined above. This will be verbally reported to the Panel at the meeting.

**Planning Policy Team** – supports this development subject to the requirements of the relevant local plan policies being met. The original permission was granted subject to a S106 that restricted the use of the profit raised by the sale of the residential site to improving, enhancing and maintaining facilities at the recreation ground. Should the permission be granted it should be subject to the same S106 Agreement.

## Neighbour Representations –

Two letters have been received from residents of the properties opposite they object to the proposal on the following collective grounds:

- 1) Increase in vehicular traffic and safety aspect at this location - arising from the use of the access and it has been suggested that this should be via the Seacote Hotel access as an alternative. Initially requested that Members undertake a site visit to consider the situation which was acceded to.
- 2) Drainage - Blockages to drains in the vicinity occur and concern that this may worsen the situation.
- 3) Height of dwellings on plots 1, 2 & 3 – likely to block out light to a neighbour`s property opposite. Bungalows would be preferable.

In response to the above the following comments are offered:

- 1) The potential increase in traffic and resultant road safety implications have been fully considered and it should be noted that the Highway Authority in their consultation response raise no objection to the proposal. Furthermore it is acknowledged that by increasing the size of the car park by an additional 28 spaces will help alleviate current congestion experienced by on street parking which occurs near the entrance during match days.
- 2) It would appear that the blockage referred to at the last meeting that have affected one objector in particular relate to a connection above the proposed site connection i.e. to the east as confirmed by a map extract of the Public Sewers from United Utilities viewed by Members at the site meeting. As a result it is unlikely that the proposed development will exacerbate the current situation as the blockage would have arisen further up from the site.
- 3) Height of the block of terraced dwellings and that of the neighbouring detached one along the frontage onto Beach Road is a key issue in this location. The amended sections submitted demonstrate the relationship between these dwellings, and the neighbouring one alongside and opposite. They show that their overall height is acceptable being similar to the existing neighbouring dwelling and below that of the properties opposite. It confirms that the level of the land will be lowered following excavation of the mound.



## **Planning Policy**

### **National Planning Policy**

The National Planning Policy Framework (NPPF) which came into effect in March 2012, sets out the Governments 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. It involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. Paragraph 8 advocates that the planning system should play an active role in guiding development to sustainable solutions and paragraph 187 specifically encourages emphasis on looking for solutions and working proactively with applicants.

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

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.

It allows full weight to be given to relevant local plan policies until March 2013. The Copeland Local Plan 2001-2016, adopted in 2006, falls into this category. In respect of this application key policies of the adopted Copeland Local Plan (the Plan) identified below remain relevant to the assessment of this application.

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

DEV 6 Sustainability in Design. Advocates high quality sustainable design in all new developments.

HSG 1 Existing Planning Permissions. The section of the site which forms part of an existing development site is an allocated housing site (H39) under this policy. It forms part of a larger site for 7 units, 1 of which has been constructed and 1 partly constructed.

HSG 4 Housing within Settlement Development Boundaries. The site is situated within the settlement boundary for St Bees and this policy permits housing redevelopment within settlement boundaries where appropriate.

HSG 8 Housing Design Standards. Sets out the design standards that all new housing developments should meet. The proposed layout and house designs satisfactorily meets all the required design standards set out in this policy.

SVC 13 Protection of Open Space and Facilities. Does not allow inappropriate development of these sites unless a satisfactory replacement facility is provided or there is no shortfall in provision. In this instance it has been demonstrated that as the part of the site which falls within the recreation area is redundant for recreational use there is no subsequent shortfall in provision expected from its loss.

#### Emerging Local Plan

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and this has now been submitted to the Secretary of State for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment this will increase as the examination progresses. The document is currently due to be adopted in August 2013.

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

- Policy SS3 seeks to secure a range and choice of good quality housing
- Policy ST4C(i) requires that development proposal provide or contribute to the provision of facilities, infrastructure, or services necessary to support and mitigate the impact of the development.
- Policy SS5 this states that loss of designated open space within settlements will be protected.

- Policy DM12 carries forward the standards for new residential developments that are currently set out in Policy HSG 8 of the Local Plan.
- DM10-12 detailed design policies that are relevant to the proposal.
- DM22 Ensures that adequate parking is provided.
- DM25 States that all development should protect the biodiversity of land and buildings.

## **Assessment**

A key issue to consider in relation to this application, as with the previous one, is the policy context. Adams Recreation Ground benefits from being designated as a recreation/ amenity area which is protected from inappropriate development by virtue of Policy SVC 13 of the Copeland Local Plan. It does not sanction its loss unless satisfactory replacement facilities can be provided or it can be demonstrated there is no shortfall of provision.

The applicants in support of the application put forward the case that in order to update and improve the existing recreational facilities the ground offers then considerable additional finance is required to upgrade it to meet demand. Their vision is to improve drainage of the existing pitches and provide an all-weather facility. It is intended that the much needed car park upgrade will be provided as part of proposal. They stress that the part of the application site within the ground is a non-operational area and is surplus to requirements.

As the proposal involves none operational land, it can be successfully argued there will be no direct loss of operational recreational land and no resulting shortfall in provision and as a result it is considered compliant with Policy SVC13. On a positive note the development will enhance and lead to the betterment of the facility which can be satisfactorily secured by the submitted S106 Agreement.

Concerns regarding the potential impact of the height of the dwellings on the frontage plots have been satisfactorily addressed and the proposal is now considered to meet the requirements of housing design policy HSG 8. Likewise concerns raised regarding highway safety. In respect of surface water drainage it is now the intention that this be on a separate system which can be adequately controlled by an appropriate condition.

Taking the above into account, the proposed development of this part recreational and allocated housing site for the erection of 8 dwellings together with improved access and an extended car park is considered to represent an acceptable form of development in this

location in accordance with Policies SVC13, HSG 1, HSG 4, HSG 8 and DEV 6 of the Copeland Local Plan. This is subject to an appropriate S106 Agreement to ensure that any profits raised as a result of the sale of this development land are used for the sole benefit of upgrading and maintaining this recreational facility.

**Recommendation:-**

Approve, subject to the signing of a Section 106 Agreement and the following conditions:

**Conditions**

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

Reason

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

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

Location Plan, drawing no 3524 04, scale 1:1250, received 20 November 2012.

Existing Site Plan, drawing no 3524 01 Rev A, scale 1:500, received 20 November 2012.

Proposed Site Plan, drawing no 3524 02 Rev B, scale 1:500, received 20 November 2012.

Proposed House Plans and Elevations, drawing no 3524 03 Rev A, 1:100 scale, received 20 November 2012.

Existing and Proposed Site Sections, amended drawing no 3524 05, scale 1:200, received 22 January 2013.

Design & Access Statement, SCS/3524, received 20 November 2012.

Letter from Peter Bromiley, Secretary Adams Recreation Ground Committee, dated 19 November 2012 and received 20 November 2012.

Reason

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

3. No dwellings shall be occupied until the new car park extension has been constructed and completed to the satisfaction of the Local Planning Authority and shall remain operational thereafter.

Reason

For the avoidance of doubt and to ensure the provision of the car park.

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

Reason

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

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

Reason

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

6. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details including longitudinal / cross sections shall be submitted to and approved in writing by the Local Planning Authority before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

Reason

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

7. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason

In the interests of highway safety.

8. The access and parking / turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason

In the interests of highway safety.

#### INFORMATIVE

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

#### Reason for Decision

The proposed use of this surplus land within the Adams Recreation Ground and the remainder of the adjacent allocated housing site for a small scale housing development, together with an extension to the existing recreation area's car park represents an acceptable form of development in accordance with Policies SVC 13, HSG 1, HSG 4, HSG 8 and DEV 6 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.

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ITEM NO: 3.

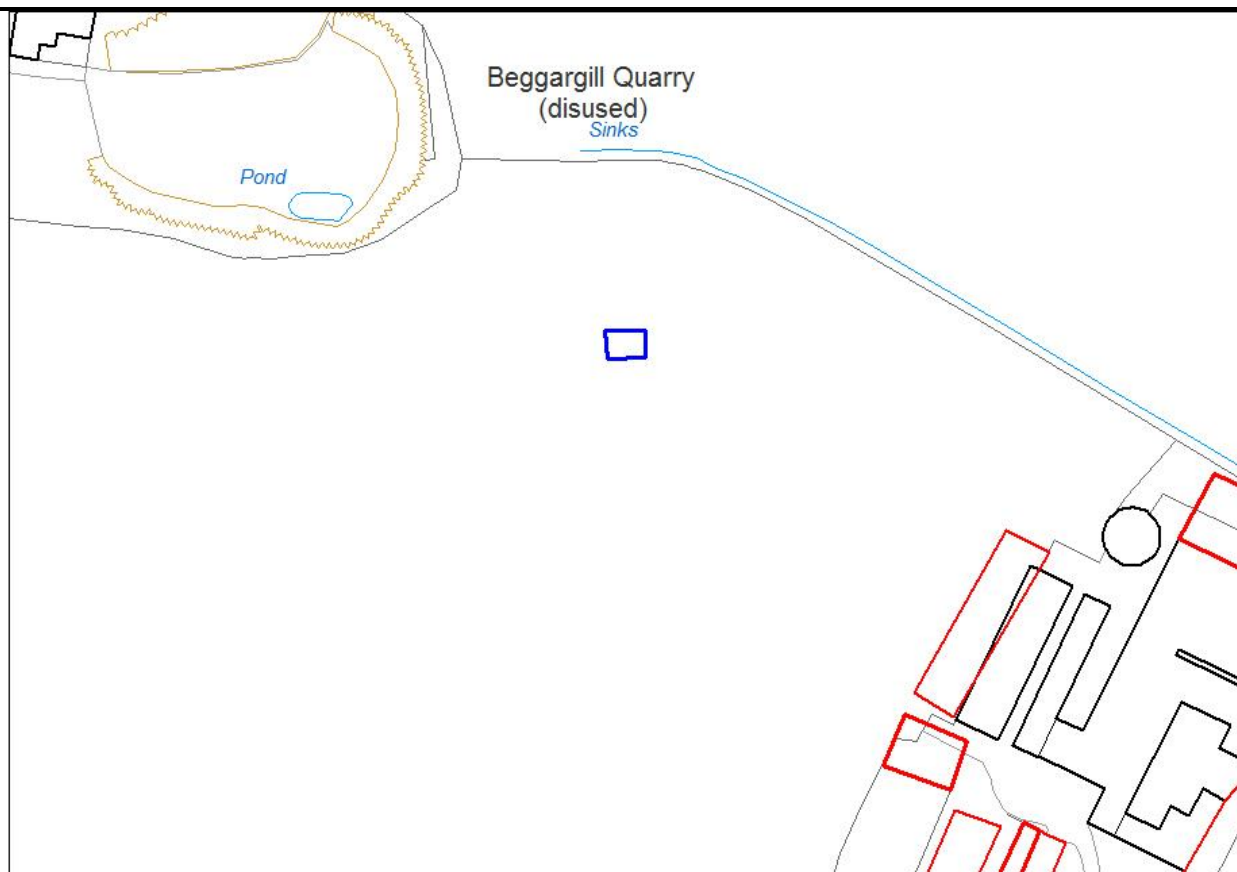


To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/03/2013

<b>Application Number:</b>	4/12/2566/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr P Sherwin
<b>Application Address:</b>	LAND AT LOW THORNEY FARM, CARLETON, EGREMONT
<b>Proposal</b>	INSTALLATION OF A SINGLE 11kW GAIA WIND TURBINE WITH A MAXIMUM HUB HEIGHT OF 18.3m AND A ROTOR DIAMETER OF 13m GIVING A MAXIMUM GROUND TO TIP HEIGHT OF 24.8m
<b>Parish:</b>	Haile
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



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## Introduction

This application was deferred at the last Planning Panel meeting to enable Members to have adequate opportunity to make a further visit to the site when there were better weather conditions prevailing. It transpired that there was poor visibility at the time of the original site visit on 27 February 2013 which meant that it was not possible to assess the visual impact of the proposal on immediate and wider views. The rescheduled site visit took place on Wednesday 13 March 2013.

The proposal relates to an elevated green field site comprising an agricultural field some 50 m to the west of Low Thorney Farm, Carleton, near Egremont. The land rises from the west to east and is currently laid to pasture. To the east of the field lies the isolated hamlet of Carleton of which the farm forms part and a number of dwellings from which back onto the field. To the west it adjoins the road leading to the scattered group of dwellings known as Beggarghyll. To the north is situated an area of land known as Beggarghyll Quarry whilst the southern field boundary joins up with a single track access lane leading to Carleton.



## **The Proposal**

Planning permission is sought for the erection of a single 11kw turbine on the site mounted on an 18m high lattice tower. The turbine proposed is twin bladed with a blade diameter of 13m, making a total ground to tip height of 24.8m. Constructed of galvanised steel the lattice tower would be externally finished in light grey.

The bottom of the tower would be bolted onto a reinforced concrete base measuring some 5m by 5m by 0.4m in size set in a 1m deep hole.

The turbine would be connected to the power supply at the farm via cabling buried at a depth of 0.75m from the turbine.

The application is accompanied by:

- A Design and Access Statement
- Noise Impact Assessment
- Planning Supporting Statement
- Supplementary Information.

## **Consultations**

Highway Authority - no objections subject to conditions governing the control of waste deposits on vehicles leaving the site and the submission of a traffic management plan.

Environmental Health - Originally raised an objection in respect of the potential for noise to affect the curtilage of the nearest property Jesmond House and it's annexe which is situated some 130m distant to the west. The curtilage of the property is extensive and includes neighbouring Beggarghyll Quarry a distance away from the site of only some 60m. However, on reflection the Environmental Health Officer has removed his objection and is now satisfied that the maintained grounds of the dwellings i.e. the formally maintained garden area is that immediately adjacent to the property which will not be affected to the same degree by noise and is satisfied that this and the properties in question can be adequately protected by a noise condition if the application were to be approved.

## **Neighbour Representations**

The majority of the dwellings in the neighbouring hamlets that may be affected by the proposal have been individually consulted. Some 16 letters of objection have now been received, including 15 from the local area. Collective concerns raised include:

- Visual impact from the village - as the majority of the properties are within 250m of the site it will dominate the immediate area and be seen from the National Park. It will also be seen from the A595.
- It will have a detrimental effect on the surrounding environment.
- Will affect property values.

- Will not provide any local job opportunities or help the local economy.
- Noise - will be situated in the centre of a group of scattered hamlets with properties very close and may affect the nearest properties gardens.
- Flicker which may affect driving conditions on the nearby A595T trunk road.
- Query why such a small farm requires such a large turbine - will be for financial gain to feed into the local grid.
- Concern it will lead to the proliferation of turbines in the area and set a precedent.
- It's on agricultural land not industrial land.
- Area relies on tourism and such a development will blight the area.
- Effect on barn owls and bats and local wildlife.
- Effect from vibration.
- Electromagnetic interference affecting local residences.

To comment on the above, issues raised in relation to visual impact, ecology, electromagnetic radiation, noise and flicker are dealt with in the assessment section of this report. It should be noted that property values, the effect on the local economy and need in this instance are not material planning considerations and should be disregarded. Whilst the concern regarding precedent is noted it is stressed that each application is considered on its own merits and that cumulative impact, should other turbines be approved in the vicinity, is relevant and would be taken into account in dealing with those as they arise. In relation to this particular application as it is the only turbine in the vicinity this is not an issue. The fact the turbine is proposed to be located on agricultural land is also not an issue, majority of the sites for wind turbines are greenfield as opposed to being on industrial land/ brownfield sites, as they tend to be located where the wind resource is greatest and away from built up areas.

## **Planning Policy**

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

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF), which came into effect in March 2012, sets out the Government's planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this and revokes the majority of the current Planning Policy Statements / National Documents including PPS 22 'Renewable Energy'. Though it should be noted that the Companion Guide to PPS 22 is still in force and is relevant in so far that it advises how to evaluate renewable energy applications in order to arrive at an objective view and that landscape and visual effects should be assessed on a case by case basis.

It 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.

It allows full weight to be given to relevant local plan policies adopted since March 2004 until March 2013 even if there is a limited degree of conflict with it. Our Copeland Local Plan 2001-2016, which was adopted in 2006, falls into this category. In respect of assessing this application it means that full weight can still be given to key Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009).

## Renewable Energy

As regards renewable energy developments 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 wellbeing 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.
- 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).

## 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.

### **Emerging Local Plan**

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-2016 and is now at an advanced stage of production. The Pre Submission Draft has now been submitted to the Secretary of State for Public Examination and the Inquiry is due to be held in early April.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining applications. Whilst they should be given limited weight at the moment this should increase as the examination progresses. The document is currently due to be adopted in August 2013.

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

ST1 Strategic Development Principles. Sets out the fundamental principles to guide development in the Borough.

ST2 Spatial Development Strategy and ST3 Strategic Development Priorities - outline the overall spatial and regeneration strategies for the Borough.

ER2 Planning for the Renewable Energy Sector - supports and facilitates new renewable energy generation at locations which best maximise renewable resources and minimise environmental and amenity impacts.

DM2 Renewable Energy Development in the Borough - this sets out the criteria for renewable energy development / generation. This duplicates the criteria set out in the Copeland Local Plan policy EGY1 and 2 with the addition of a requirement for mitigation measures to minimise impact and deliver significant benefits.

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

Policy DEV 1: Sustainable Development and Regeneration. Only permits proposals for development if they accord with the local plans aims and objectives and expects all development to contribute to achieving sustainable regeneration of the Borough.

Policy DEV 5: Development in the Countryside. Seeks to protect and enhance the countryside outside settlement boundaries by restricting development to certain categories including energy related development providing it accords with other plan policies.

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

Key Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) are specifically relevant. The former supports renewable energy developments

and sets out the criteria against which all proposals for renewable energy are to be considered. This is set out below:

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

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

Policy EGY 2 refers specifically to wind energy and requires that such proposals meet the criteria set out in EGY 1 above as well as providing for the removal of the turbines when they cease to be operational and site restoration.

### **Assessment**

The Planning Supporting Statement which comprises part of the submission addresses the potential environmental impacts likely to arise from the development including landscape impact, noise, shadow flicker, electromagnetic interference, aviation, ecology and conservation, hydrology, heritage, installation and access. It concludes that its impact on the rural location would be minimal, and where distinguishable its design, form and appearance will ensure that its operation will not be intrusive on the landscape. Stating that any such impacts are far outweighed by the economic, social and environmental benefits it will provide. Furthermore it is stated that the turbine has been sited a significant distance from residential properties to ensure there are no issues associated with noise, shadow flicker or safety. Although it will be visible from public highways and vantage points this does not render the scheme harmful.

The scheme raises certain key issues which are addressed as follows:

**Landscape Impact.** The area on which the proposed turbine is to be sited forms part of a working farmed lowland landscape which does not benefit from any national or local designations. Cumbria Landscape Guidance and Toolkit, March 2011, identifies the area as Low Farmland, an intensely agricultural farmed landscape with a predominant land cover of pasture which comprises undulating and rolling topography, where views can be wide and long distance to the fells and sea. It recognises in this landscape that the continued need to support renewable energy could result in large scale wind energy schemes which could change its character and advocates that this should be carefully controlled to prevent it becoming an energy landscape, with prominent locations avoided and appropriate mitigation to minimise any adverse effects. Taking this into account it is considered that the siting of one domestic scale turbine at a total 24.8m high (ground to tip) in this type of landscape, whilst being a notable vertical feature, would not at this height constitute an overly significant one in the landscape.

**Visual Impact.** It is accepted that the turbine would be visible from the rear of a number of residential properties comprising the hamlets of Carleton and Beggarghyll which look out onto the field in which it is to be sited. The nearest at Beggarghyll is some 130m away, whilst the others are some 250m plus distant. It would also be visible from the adjacent A595T and wider views. Although it would be seen from a wide variety of locations it would not as a result of its relative domestic scale have an overly significant adverse impact on neighbouring amenity as a result of visual intrusion.

**Noise/ Vibration.** As stated earlier in this report the Environmental Health Officer did initially raise concerns over the possible potential for noise nuisance from the curtilage of Jesmond House and annexe, whose boundary seems to extend to include Beggarghyll Quarry some 60m away from the site. However, following reconsideration it was felt that this after all would not have a significant effect on amenity as originally thought given that the maintained garden / amenity space immediately adjoins the property and is far enough away so that it is unlikely to be adversely affected from noise. That said however, it is proposed to ensure that any potential adverse noise arising in the vicinity are controlled by condition.

**Shadow Flicker.** Due to the distance the turbine is located from residential properties taking into account its size this is unlikely to be an issue. This is confirmed by the Environmental Health Officer in his consultation response.

**Electromagnetic interference and Aviation.** It is not anticipated there will be any issues in this respect and this is borne out in the Supporting Statement.

**Ecology and Conservation.** The site is not located close to any protected sites and the nearest Important Bird Area is some 24 miles away (Duddon Estuary) so it is unlikely that this will be an issue. The Supporting Statement concludes that it is unlikely to have an impact on birds and as a mitigation measure for bats will be sited at least 50m from the nearest likely habitat of woodland, buildings and water.

**Heritage.** There are no listed buildings or conservation areas within the vicinity of the

proposed turbine and as the installation will have limited material impact on the ground it is unlikely to affect any archaeological remains.

Tourism. There is no evidence to suggest that wind turbines will have an adverse effect on tourism in the area.

## **Conclusion**

Taking into account the policy context this application should be assessed under including the Copeland Local Plan and the NPPF, the latter of which emphasises support for the delivery of renewable development where its impacts can be made acceptable, I am of the view that on balance the erection of one 24.8m high turbine in this location would not have an overly significant adverse visual impact or cause demonstrable significant material harm to the character and appearance of the landscape and as such would be in compliance with Policies EGY 1 and EGY 2 of the Copeland Local Plan and those contained in the NPPF.

## **Recommendation:-**

Approve, subject to the following conditions:

## **Conditions**

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

### **Reason**

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

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

Design and Access Statement, by Myriad CEG, received 14 December 2012.

Planning Supporting Statement, by Gemma Farrow of Myriad CEG, received 14 December 2012.

Supplementary Information for Planning Applications, by Gaia-Wind, received 14 December 2012.

Location Plan, 1:2500 scale, received 14 December 2012.

Technical Detail: Front Elevation & Plan View, drawing no GAIA-WIND 18-1L, received 14

December 2012.

Sustainable Energy Structures in the Rural Landscape – Comparative Heights, by David Roe, Environmental Engineering Consultant, received 14 December 2012.

Reason

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

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

Reason

To ensure that possible dereliction and unsightliness is avoided.

4. If the turbine ceases to be operational for a continuous period of 6 months it shall be dismantled and removed from the site and the site restored in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be submitted to the Local Planning Authority within two months after the expiry of the six month period and the turbine shall thereafter be removed and the site restored in accordance with the approved scheme.

Reason

To ensure that possible dereliction and unsightliness is avoided.

5. The noise emissions from the wind turbine shall not exceed a sound pressure level  $L_{Aeq,t}$  of 35dB in the formally maintained garden area of any dwelling lawfully existing at the time of this consent at wind speeds up to and including 8 ms<sup>-1</sup> at rotor centre height. Any measurement shall be made at a height of 1.2m and at a minimum distance of 3.5m from any façade or acoustically reflective surface.

The measurement time period (t) shall be based on the BWEA blade length calculation

( $t=4*D$  where D is the blade diameter and t is the time in seconds).

Reason

To ensure the protection of residential amenity from potential noise pollution.



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

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

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

Reason

To ensure the protection of residential amenity from potential noise pollution.

### **Reason for Decision**

The siting of one 24.8m high wind turbine in this location, in an agricultural field to the west of Low Thorney Farm at Carleton, Egremont, is on balance considered to represent an acceptable form of wind energy development in accordance with Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.

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ITEM NO: 4.

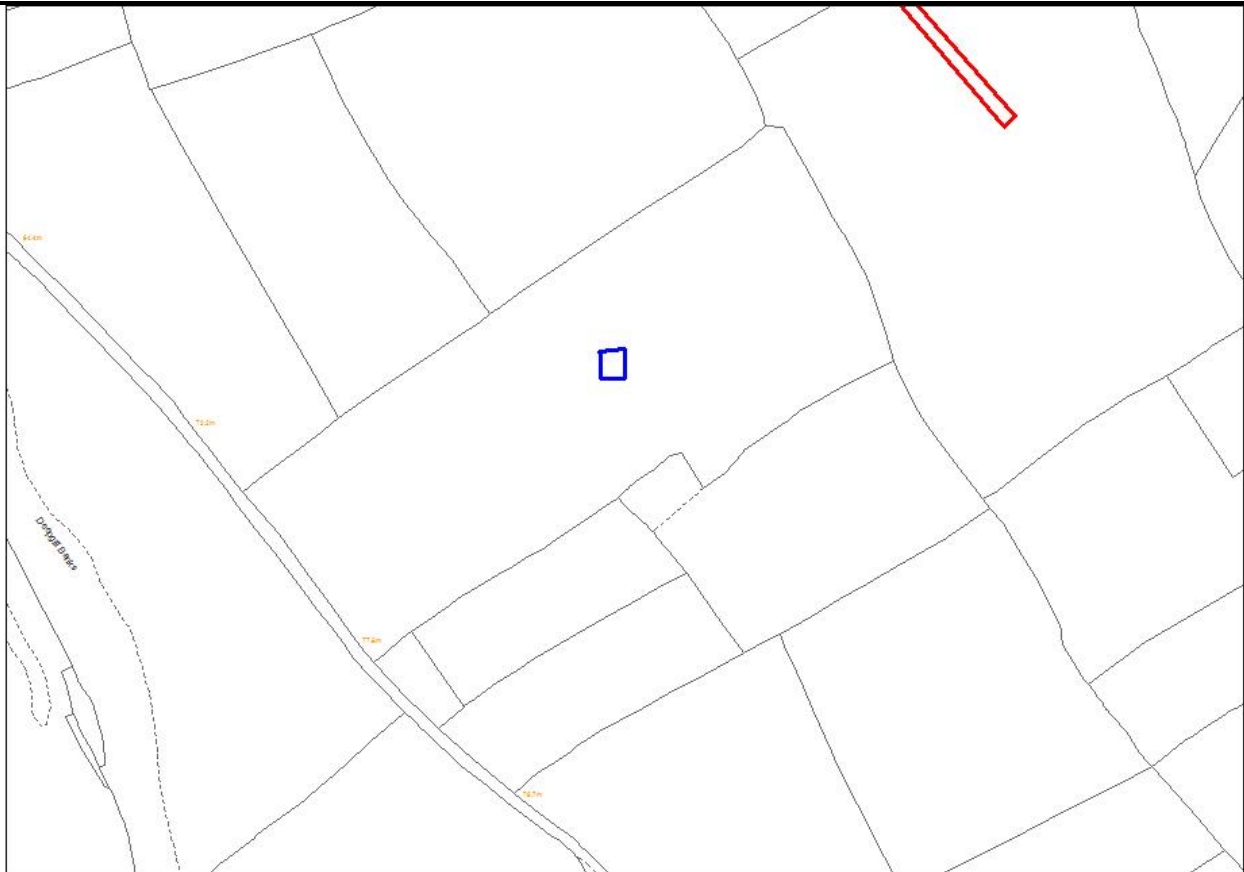


To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/03/2013

<b>Application Number:</b>	4/13/2026/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr J Clark
<b>Application Address:</b>	LAND TO SOUTH WEST OF FAIRLADIES FARM, OUTRIGG ROAD, EGREMONT
<b>Proposal</b>	INSTALLATION OF A 500KW WIND TURBINE, WITH ANCILLARY DEVELOPMENT INCLUDING TEMPORARY ACCESS TRACKS AND CRANE PADS
<b>Parish:</b>	St. Bees
<b>Recommendation Summary:</b>	Site Visit



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## Introduction

This proposal relates to an elevated greenfield site in open countryside comprising an agricultural field some 220m to the north of Egremont Road, St Bees and some 400m to the south west of the applicants farm holding at Fairladies Farm, Outrigg, near St Bees.

Access to the site would be via the adjacent Egremont Road off an existing field access. A new 4m wide temporary hard core track some 250m in length will be required in this location for the construction phase.

## The Proposal

It is proposed to erect one single 500 kW turbine on the site with a hub height of 40m. The three bladed turbine would have a blade diameter of 52m with an overall ground to tip height of 66m. It would be pale grey in colour and be anchored on a reinforced concrete foundation measuring 9m by 9m and 1.6m in depth. At the foot of the turbine a crane pad would be located measuring 16m by 20m in area.

The turbine would be connected to the local grid via an underground cable leading to a transformer situated within an existing farm building. The cabling would be laid in a trench some 1.1m deep by 0.61m wide.

The application is accompanied by:

- A Design and Access Statement.
- An Environmental Appraisal which incorporates impact assessments of the proposal in respect of land use and tourism, visual impact, noise, shadow flicker, ecology, geology, hydrogeology and hydrology, cultural heritage, aviation, electromagnetic interference, traffic, transport and highway issues.
- Technical information.

### **Planning History**

The recent planning history relating to this farm holding is relevant. The applicants currently own and operate two 11 kW micro wind turbines which are situated some 350m (nearest turbine) to the north east nearer the farm building group. These are twin bladed turbines set on an 18m high lattice galvanised steel tower mid grey in colour with a ground to tip height of 24.5m. They were originally refused by the Planning Panel in March 2011 and then allowed on appeal (4/11/2033/0F1 refers). In view of their proximity to the application site the issue of potential cumulative impact will need to be taken into consideration.

### **Consultations**

St Bees Parish Council - strongly oppose the application. Are of the view that the proposed turbine is of an industrial scale and is completely inappropriate in this rural location. It is within a landscape of county importance and would be clearly visible from St Bees Head and the Heritage Coast. There are already two smaller turbines close to this location and they would be dwarfed by this structure and the impact would have a seriously detrimental effect on the character of the area. Concern that it also might affect transmitters in the area. Point out that the Council is not opposed in principle to small scale wind turbines in appropriate locations where they provide power for domestic or farm buildings without creating a significant visual impact. The Council does not believe that the area is an appropriate location for generation on an industrial scale.

Highway Authority -- no objections subject to conditions requiring a traffic management plan before development commences and controlling the state of vehicles leaving the site during construction phase.

### **Neighbour Representations**

It is expected that the proposal will raise considerable local interest. In view of the sensitive nature of the application and its proximity to St Bees village extensive neighbour consultations have been undertaken together with the publishing of an advert in the local press.

**Recommendation:-**

In view of the likelihood of this application raising considerable local interest, given its scale and proximity to St Bees village, it is recommended that Members take the opportunity to visit the site to fully evaluate all the relevant material planning considerations prior to making a decision.

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ITEM NO: 5.

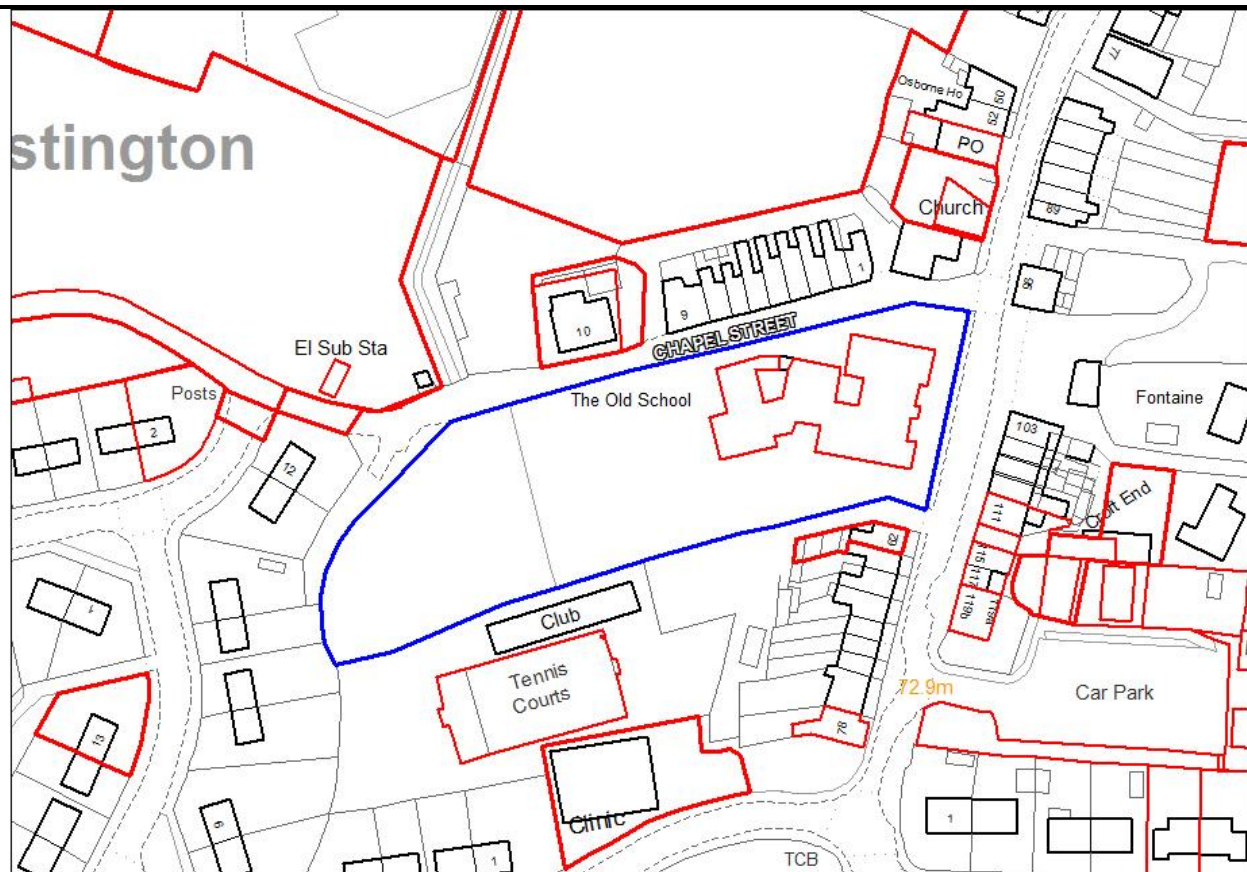


To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/03/2013

<b>Application Number:</b>	4/13/2030/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	John Swift Homes Ltd
<b>Application Address:</b>	THE OLD SCHOOL, MAIN STREET, DISTINGTON
<b>Proposal</b>	DEMOLITION OF OLD SCHOOL, THE RETENTION & REFURBISHMENT OF THE CLOCK TOWER AND THE ERECTION OF 3 HOUSES AND 11 BUNGALOWS WITH ASSOCIATED LANDSCAPING & 200% PARKING
<b>Parish:</b>	Distington
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



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## INTRODUCTION

This application relates to the Old School site which fronts onto the Main Street in Distington. The site covers an area of 0.5 hectares and is currently occupied by a large vacant building which was previously used as a school up until 2001. More recently the building has been used as offices by Cumbria County Council.

At the last meeting Members resolved to carry out a site visit before determining the application. The site visit took place on Wednesday 13 March 2013.

## PROPOSAL

Planning permission is sought for the redevelopment of the site to provide a residential development comprising 14 residential units. To facilitate this development it is proposed to demolish the existing building with the exception of the central clock tower structure which is to be retained. This is to be repaired and gifted to the Distington Parish Council.

The majority of the proposed new dwellings are all to be 2 bedroomed bungalows, with a mix of both detached and semi-detached units. 3 units out of the 14 in total will have an additional bedroom in the roof space. This amendment of house type has reduced the overall number of dwelling on the site from 15 to 14 as originally submitted. This change has been made by the developer due to local interest and feedback on the preferable types of properties available.

Each property will have a private garden area and two dedicated car parking spaces. Externally the buildings will be finished with red facing brick to the walls with St. Bees sandstone heads and cills to the front elevations. The pitched roof to each property will be covered with grey concrete tiles and the windows will be black anthracite Upvc double glazed units. The properties fronting onto Main Street are to be finished in a Weinerberger Saltburn Heritage brickwork due to the resemblance to the sandstone of the former school building. In addition, the low wall to the front of the site is to be retained and the former railings which were originally on the property will be reinstated.

The 14 dwellings will be arranged around an estate road located alongside the north boundary of the site adjoining Chapel Street but which is to be accessed from a new central entrance onto Main Street. The existing entrance is to be blocked up as part of the development.

The applicant has stated that the proposal has been mainly restricted to bungalows following discussions with Local Estate Agents with the likely occupants of the properties being older people who wish to remain within the village but in single storey accommodation.

The following information has been submitted with the application:-



- detailed layout and elevation plans to illustrate the proposed development
- a design and access statement
- a desktop study report
- a habitat assessment
- a coal report

## CONSULTATION RESPONSES

### Highways Authority

Raise no objections to the proposed subject to minor further amendments and conditions on any grant of planning approval. The required changes have now been received on an amended plan.

### Planning Policy Team

Comments to follow.

### Housing Policy Manager

Consider that the plans to redevelop the site in the local centre of Distington for new smaller size and type accommodation is to be supported and it is encouraging to note the developer has amended the proposals based on proposed demand.

### Environment Agency

Confirm they have no comments to make as the site lies within Flood Zone 1.

### County Historic Environment Officer

Raises no objections to the proposal, subject to the inclusion of a condition relating to historic building recording prior to demolition.

United Utilities

No objections to the proposal, subject to conditions and informatives on any grant of planning permission.

## PLANNING POLICY

### National Planning Policy

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

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

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

Paragraph 58 clarifies that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and respond to local character and reflect the identity of local surroundings and materials.

Paragraph 60 recognises that it is proper to promote or reinforce local distinctiveness.

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

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

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

#### Adopted Copeland Local Plan 2001 - 2016

Policy DEV 3 of the adopted Copeland Local Plan 2001 - 2016 supports small scale development which helps to sustain local services and meets local needs within Local Centres such as Distington. Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 sets a preference for the development of brown field sites within the development boundary.

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

Policy HSG 4 permits housing redevelopment within settlement boundaries.

Policy HSG 8 sets out the design criteria for all new housing within the Borough.

Policy HSG 10 permits appropriately scaled, low cost development to provide affordable housing within Local Centres subject to other plan policies and in accordance with up to date housing needs assessments.

Policy ENV 12 seeks to secure landscaping within new developments.

### Emerging Local Planning Policies

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and it has submitted to the Secretary of State for Public Examination which is scheduled for April 2013.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment there have only been 58 objections and the weight given to them should increase as the examination progresses. The document is currently due to be adopted in August 2013.

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

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

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

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

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

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

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

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

## ASSESSMENT

This site comprises brownfield land located within the development boundary for Distington, which is designated as a Local Service Centre where new development should be focussed.

The site has previously been utilised for education uses and latterly as office accommodation but has now been vacant for a significant period of time, with the possibility of further deterioration if left in the current situation. The proposal will improve the available housing stock within Distington, while also retaining the clock tower structure as a feature in the village.

## CONCLUSION

The development of this site for housing is fully in accordance with the policies outlined in the adopted Copeland Local Plan and the provision of the National Planning Policy Framework. It is within a residential area and provides additional housing within the locality, on a vacant previously developed 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:-
  - Site Location Plan Scale 1:1250 at A4 Drawing No PA-01 received by the Local Planning Authority on 30 January 2013.
  - Site Layout Plan Scale 1:200 at A1 Drawing No PA-02 Rev D received by the Local Planning Authority on 15 March 2013.
  - House Types A, B and C Scale 1:100 at A1 Drawing No PA-03 Rev C received by the Local Planning Authority on 25 February 2013.
  - Site Survey Plan Scale 1:200 at A1 Drawing received by the Local Planning Authority on 30 January 2013.
  - Preliminary Risk Assessment Report No 12626/1 dated January 2013 prepared by The Arley Consulting Company Limited received by the Local Planning Authority on 30 January 2013.
  - Bat report dated January 2013 prepared by Whistling Beetle Ecological Consultants received by the Local Planning Authority on 30 January 2013.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning

Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Prior to the development commencing, a flow impact assessment (including both foul and surface water) from the proposed development against the existing site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and so maintained thereafter.

Reason

To ensure a satisfactory drainage system.

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

Reason

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

5. Prior to the carrying out of any construction works the existing buildings occupying the site shall be recorded in accordance with a Level 2 survey as described by English Heritage's document "Understanding Historic Buildings - A Guide to Good Recording Practice", 2006. Within 2 months of the commencement of construction works 3 copies of that survey report shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority.

Reason

To ensure that a permanent record is made of the buildings of architectural and historic interest prior to its alteration and demolition as part of the proposed development.

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

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be

dependent upon the results of the evaluation.

- iii) Where appropriate, a post-excavation assessment and analysis, preparation of a site archive report, and submission of the results for publication in a suitable journal.

Reason

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

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

Reason

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

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

Reason

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

- 9. The existing sandstone wall which runs along the northern boundary (Chapel Street) of the site shall be retained in situ as part of this development and shall be retained at all times thereafter.

Reason

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



10. Prior to the development commencing, full details of the boundary treatments to the site (including details to the proposed railings) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and so maintained thereafter.

Reason

To ensure satisfactory boundary treatments in the interests of amenity.

11. No development shall take place until full details of hard surfacing works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory hard surfacing scheme.

12. The carriageway and footways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

Reason

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

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

Reason

In the interests of highway safety

14. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby

approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason

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

15. The carriageway and footways of the unadoptable roads shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

Reason

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

16. The development shall not be brought into use until visibility splays providing clear visibility delineated by straight lines extending from the extremities of the site frontage with the highway to points 2.4m along the centre line of the access drive measured from the edge of the adjacent highway has been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed, and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstructs the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interest of highway safety

17. The whole of the access area bounded by the carriageway edge and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason

In the interests of road safety.

18. Prior to the development commencing, a construction method statement regarding the demolition of the school buildings and the retention of the clocktower shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and so maintained thereafter.

Reason

For the avoidance of doubt.

**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](http://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) <<http://www.groundstability.com>>

No work 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 506559

The developer shall investigate the feasibility of draining surface water in line with the hierarchy outlined in Building Regulations H3 where surface water is drained in the most sustainable manner.

The connection of highway drainage from the proposed development to the public wastewater network will not be permitted.

Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes.

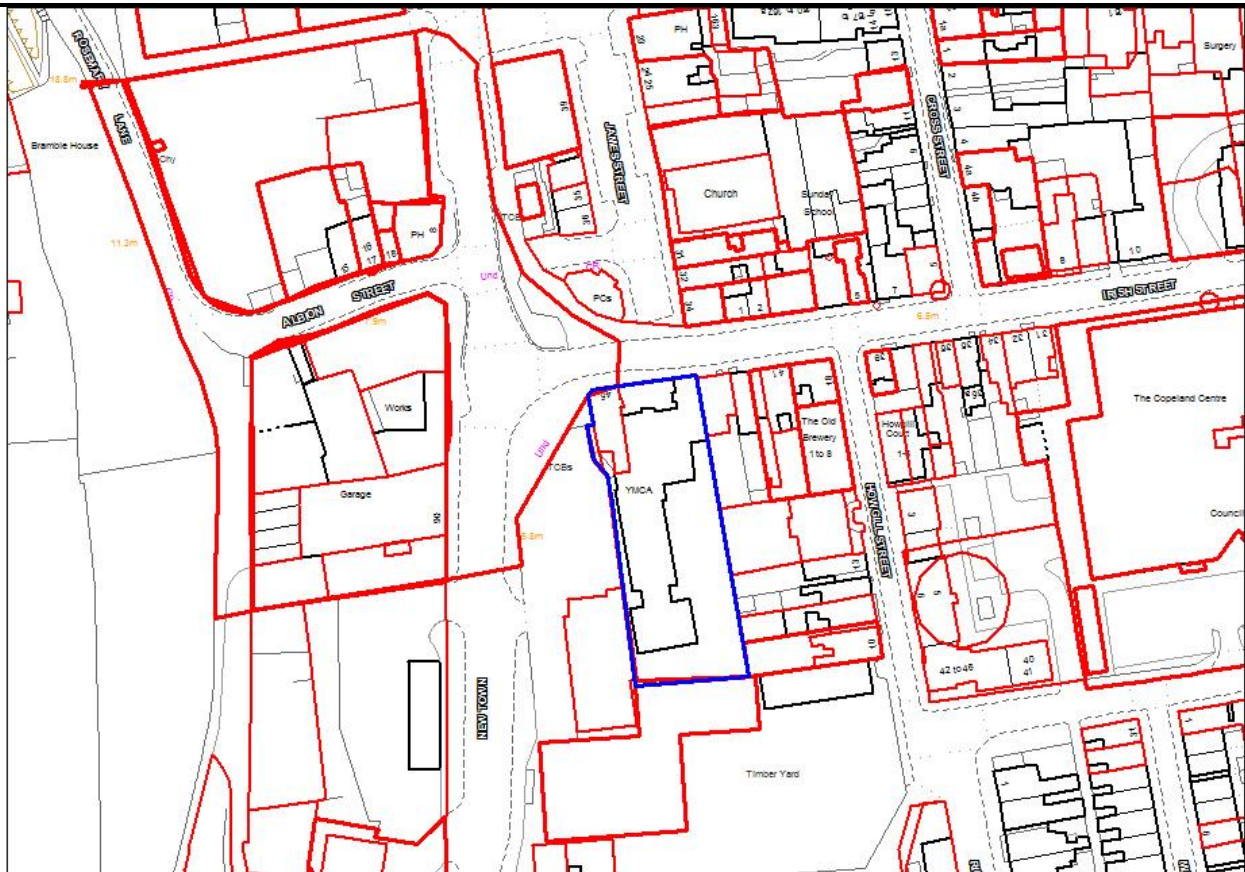
### **Reason for Decision**

An acceptable scheme on this previously developed site within the Local Centre of Distington to provide a residential development of 14 dwellings in accordance with Policies DEV 3, DEV 4, DEV 6, HSG 4, HSG 8, HSG 10 and ENV 12 of the adopted Copeland Local Plan 2001-2016 and the provisions of the National Planning Policy Framework.

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**ITEM NO: 6.****To: PLANNING PANEL****Development Control Section****Date of Meeting: 27/03/2013**

<b>Application Number:</b>	4/13/2045/OF1 4/13/2044/OL1 & 4/13/2043/OC1
<b>Application Type:</b>	Full, Listed & Conservation Area Consent
<b>Applicant:</b>	The Whitehaven Foyer
<b>Application Address:</b>	FORMER YMCA, 44-45 IRISH STREET, WHITEHAVEN
<b>Proposal</b>	PARTIAL DEMOLITION, ALTERATION & CONVERSION OF EXISTING BUILDING & DEMOLITION & REPLACEMENT OF REAR SPORTS HALL WITH A THREE STOREY REAR EXTENSION TO PROVIDE A FOYER DEVELOPMENT COMPRISING 17 RESIDENTIAL FLATS & ASSOCIATED SUPPORT FACILITIES INCLUDING A RECEPTION AREA, OFFICES & MEETING/TRAINING ROOMS
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Site Visit



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## INTRODUCTION

This application relates to the former YMCA building, which occupies a prominent location at the junction of Irish Street and New Road. The existing building is Listed and lies within the Whitehaven Conservation Area.

## PROPOSAL

Planning permission, Listed Building Consent and Conservation Area Consent are sought for the redevelopment of the site to form a foyer development which is to be provided jointly by Impact Housing Association and the Howgill Centre.

The foyer is designed to provide a springboard to independent living, training and work. It comprises residential units and a range of support facilities on one site. The flats would be occupied by young people aged between 16 and 25 years old who have been homeless, who are vulnerable, lacking in life skills and who have left school with few qualifications. In exchange for the accommodation and services offered the occupants have to sign a formal contract which requires them to actively engage in education, employment and training where they address their own development and make a positive contribution to their local community.

It is proposed to alter and extend the listed building to allow its conversion to house the main support facilities, including a reception area, training room, meeting room and managers office. The upper floor is to be converted to form a large first floor meeting room which will be available as a venue for community events and activities. The additional first floor office space will be let to agencies allied to the foyer on long term leases.

The existing entrance off Irish Street is to be retained to provide public access to the main support services.

It is proposed to demolish a former sports hall building which lies to the rear of the listed building to enable the erection of a new three storey building comprising 17 flats. A glazed link is to be created between the residential block and the listed building to provide a simple break between the two buildings and also to establish a separate private entrance to the residential units.

Externally the listed building will be refurbished using materials to match the existing. The new residential block is to be of a contemporary design and will be clad with coloured panels which will sit on a brick plinth.

The open space to the rear of the building is to be used to create a direct link to be provided with the adjoining Howgill Centre. This will create a campus for children and young people services.

The following information has been submitted with the application:-

- detailed layout and elevation plans to illustrate the proposed development
- a design and access statement
- a heritage statement
- a historic buildings survey
- a flood risk assessment
- a phase 1 desk study
- an ecology statement on bats

As this application relates to a major redevelopment proposal on a sensitive site within the Conservation Area it is appropriate for Members to visit the site before reaching a decision.

**Recommendation:-**

Site Visit

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ITEM NO: 7.

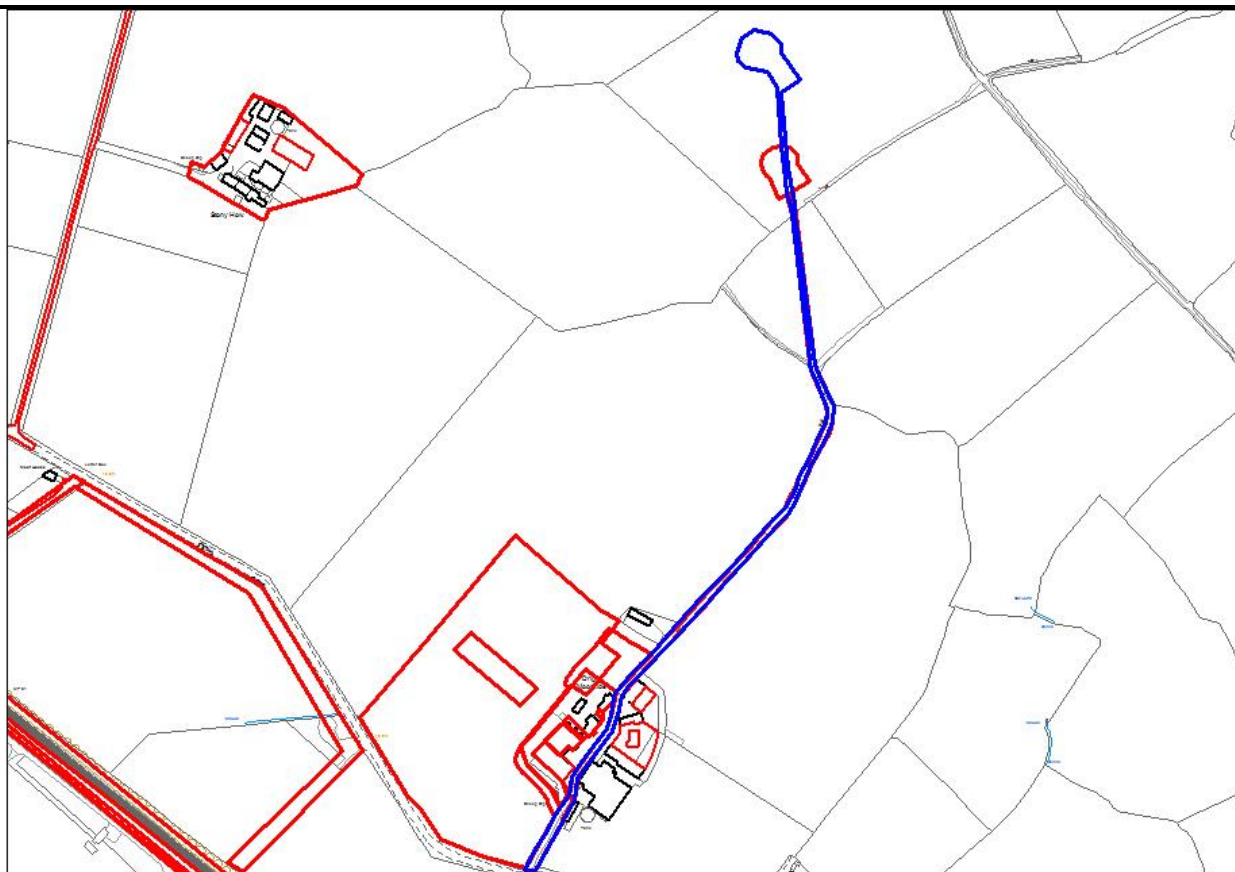


To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/03/2013

<b>Application Number:</b>	4/13/2061/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr S Shepherd
<b>Application Address:</b>	DRIGG MOORSIDE FARM, DRIGG, HOLMROOK
<b>Proposal</b>	ERECTION OF WIND TURBINE 45.5 METRES TO BLADE TIP HEIGHT AND ASSOCIATED METERING UNITS
<b>Parish:</b>	Drigg and Carleton
<b>Recommendation Summary:</b>	Site Visit



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## Introduction

This application relates to a greenfield site some 500m to the immediate north of Drigg Moorside Farm which is situated off the B5344 between Seascale and Drigg. The location takes advantage of a natural hollow / dip in the field and is completely surrounded by agricultural land. Access to the site would be via the farms existing access off the B5344 which runs through the farmyard and for some 310m to the rear. A new 4m wide track of 220m in length would then be required from it across fields to access the site.

## The Proposal

Permission is sought for the erection of a single 400kW wind turbine on the site. This would be situated on a tapered pole pale matt grey in colour with a hub height of 28.6m. The turbine

would be three bladed with a blade diameter of 34m making a total ground to tip height of 45.5m. It would be fixed onto an 8m square base some 1.4m in depth.

Adjacent to the turbine would be situated a switch room and metering unit each 3.05m in length and 2.95m in width with an overall height of 2.44m. It would also be accompanied by an assembly platform and crane platform 35m in width by 30m in length.

The turbine would be connected to the local grid via underground ducting laid along the existing and proposed access roads.

The application is accompanied by a:

Design and Access Statement.

Planning Statement and Environmental Report which incorporates assessments of the impact of the proposal in respect of ecology, noise, landscape and visual, aviation and communications, shadow flicker, transport and access, cultural heritage and archaeology, decommissioning and reinstatement.

Extended Phase 1 Habitat Survey

Assessment of Environmental Noise.

Technical Information.

## **Planning History**

The recent planning history relating to this application is relevant. Planning permission for a larger single wind turbine, some 79.6m ground to tip height, situated some 40m to the south west of this proposal was deemed refused by the Planning Panel in May last year (4/12/2120/0F1 refers). The grounds of refusal were cited as follows:

‘The proposed siting of one large turbine, some 79.6m 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 and appearance of the surrounding landscape including the Lake District National Park. Also there has been insufficient

information provided to demonstrate that there is unlikely to be a potential noise nuisance to residential properties in the vicinity. The proposed development is therefore deemed to be contrary to Policies EGY1 and EGY2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.

This deemed refusal was then upheld on appeal with the Inspector appointed by the Secretary of State concluding that the proposed turbine would cause substantial harm to the landscape and visual amenity.

In view of this the applicants have now reviewed the matter and it has resulted in this application for a smaller wind turbine, at a ground to tip height of 45.5m (as opposed to 79.6m), on a lower part of the field.

It should be noted that reference is also made in the applicants supporting case to a recent approval for a single wind turbine at Bailey Ground, a farm situated on the edge of the nearby settlement of Seascale, the site for which is some 1.1km distance from the current application site. This permission for a 39m (ground to tip) high turbine was granted in May last year (4/12/2173/OF1 refers) but has yet to be implemented.

### **Consultations**

As it is still relatively early in the application process statutory consultation responses have yet to be received.

### **Neighbour Representations**

Due to the previous planning history associated with this application extensive neighbour consultations have been undertaken and an advert taken out in the local press. Although still early in the application process it has generated considerable local interest from the onset.

To date 70 letters of objection have been received. Collective grounds cited include:

- Visual impact - a smaller turbine will still be visually detrimental to the area and will affect views in and out of the National Park.
- Against local plan policies and the National Planning Policy Framework.
- Effect on tourism.
- Will devalue properties.
- Will set a precedent.
- Area already blighted by Drigg Dump and Sellafield.
- Noise
- Electromagnetic disturbance.
- Flicker.
- Impact on wildlife.
- Photomontages submitted are misleading.

Some 5 letters of support have also been received. The grounds of support cited include:

- Will enable applicants business to progress.
- Will produce sustainable green energy.
- Will not destroy or affect views -point out that we already have tall chimneys and towers at Sellafield.

**Recommendation:-**

The evaluation of this application is still at a relatively early stage with consultation responses awaited. As with the previous planning history for a turbine in the vicinity it is generating considerable local interest. In view of the local significance and likely sensitivity of the application it is recommended that Members visit the site to fully appraise all the relevant and material planning issues before determining the application.

ITEM NO: 8.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/03/2013

<b>Application Number:</b>	4/13/2073/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr S Richardson
<b>Application Address:</b>	MELLBREAK HOUSE, MAIN STREET, HENSINGHAM
<b>Proposal</b>	DEVELOPMENT OF 22 DWELLINGS AND ASSOCIATED ACCESS ROAD AND COMMUNAL AREAS
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Site Visit



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## INTRODUCTION

This application relates to a prominent site along Hensingham Main Street. The site covers an area of 0.46 hectares and, until recently, was occupied by a large vacant building. This building was previously in use as Hensingham Infant School and more recently as offices by Cumbria County Council.

The building has now been demolished and the site is in the process of being cleared.

## PROPOSAL

Planning permission is sought to redevelop the site to provide a residential development comprising 22 units, associated access, on-site parking and landscaping. A mix of 2, 3 and 4 bed houses are proposed.

The proposed layout includes a mix of terraced and semi-detached houses arranged around a central road accessed off Winston Drive. The existing vehicular access off Main Street is to be blocked up although a pedestrian access onto Main Street will be retained.

Externally the development will be finished with a mixture of smooth render and facing brick to the walls, tiled roof coverings and upvc double glazed windows and doors.

The following information has been submitted with the application:-

- detailed layout and elevation plans to illustrate the proposed development
- a design and access Statement
- a tree and energy Statement
- a desk top environmental report which includes details of ground conditions, ecology and hydrology
- a drainage layout plan

As this application relates to a major redevelopment proposal on a constrained site within a residential area it is appropriate for Members to visit the site before reaching a decision.

### **Recommendation:-**

Site visit



## List of Delegated Decisions

**Selection Criteria:**

**From Date:** 19/02/2013

**To Date:** 18/03/2013

**Printed Date:** Tuesday, March 19, 2013

**Printed Time:** 11:42 AM

<b>Application Number</b>	4/12/2315/0F1
<b>Applicant</b>	Sellafield Limited
<b>Location</b>	SELLAFIELD, SEASCALE
<b>Proposal</b>	ERECTION OF NEW FENCE, STERILE ZONE & PATROL TRACK (AREA E)
<b>Decision</b>	Approve
<b>Decision Date</b>	20 February 2013
<b>Dispatch Date</b>	26 February 2013
<b>Parish</b>	Ponsonby

<b>Application Number</b>	4/12/2522/0F1
<b>Applicant</b>	Mr G and Mrs D Armstrong
<b>Location</b>	WEST LAKES HOTEL, GOSFORTH, SEASCALE
<b>Proposal</b>	NEW FUNCTION SUITE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	26 February 2013
<b>Dispatch Date</b>	28 February 2013
<b>Parish</b>	Gosforth

<b>Application Number</b>	4/12/2526/0R1
<b>Applicant</b>	Mr P Lockhart
<b>Location</b>	TARN BANK, BRAYSTONES, BECKERMET
<b>Proposal</b>	RESERVED MATTERS APPLICATION FOR 3 NO. AFFORDABLE DWELLINGS; ACCESS ROAD; 2 GARAGES; VISITOR PARKING & DEMOLITION OF TARN BANK (PHASE 1 FOLLOWING OUTLINE APPROVAL FOR 11 DWELLINGS)
<b>Decision</b>	Approve Reserved Matters
<b>Decision Date</b>	25 February 2013
<b>Dispatch Date</b>	27 February 2013
<b>Parish</b>	Lowside Quarter

<b>Application Number</b>	4/12/2535/0A1
<b>Applicant</b>	Lloyds Banking Group
<b>Location</b>	59 LOWTHER STREET, WHITEHAVEN
<b>Proposal</b>	REPLACEMENT OF EXISTING FASCIA LOGO AND PROJECTING SIGN
<b>Decision</b>	Approve Advertisement Consent
<b>Decision Date</b>	27 February 2013
<b>Dispatch Date</b>	28 February 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/13/2001/0F1
<b>Applicant</b>	Mr P Whitwell
<b>Location</b>	12 BECKSIDE, HILLCREST, WHITEHAVEN
<b>Proposal</b>	DEMOLISH EXISTING GARAGE & BUILD TWO STOREY EXTENSION TO SIDE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	22 February 2013
<b>Dispatch Date</b>	26 February 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/13/2002/0F1
<b>Applicant</b>	Kirksanton Village Hall Committee
<b>Location</b>	VILLAGE HALL, THE GREEN, KIRKSANTON, MILLOM
<b>Proposal</b>	ERECT DISABLED ACCESS & W.C. FACILITY, KITCHEN & STORAGE EXTENSION, PROVIDE DISABLED PARKING SPACE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	14 February 2013
<b>Dispatch Date</b>	26 February 2013
<b>Parish</b>	Whicham

<b>Application Number</b>	4/13/2003/0L1
<b>Applicant</b>	Zarrini and Hadwin
<b>Location</b>	HIGH TREES FARM, LAMPLUGH
<b>Proposal</b>	LISTED BUILDING CONSENT FOR MINOR ALTERATIONS TO REAR & SIDE ELEVATIONS AND INTERNAL LAYOUT
<b>Decision</b>	Approve Listed Building Consent (start within 3yr)
<b>Decision Date</b>	25 February 2013
<b>Dispatch Date</b>	26 February 2013
<b>Parish</b>	Lamplugh

<b>Application Number</b>	4/13/2006/0F1
<b>Applicant</b>	Mr K Wilson
<b>Location</b>	43 FESTIVAL ROAD, MILLOM
<b>Proposal</b>	ERECTION OF SINGLE STOREY REAR EXTENSION
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 February 2013
<b>Dispatch Date</b>	26 February 2013
<b>Parish</b>	Millom

<b>Application Number</b>	4/13/2007/0F1
<b>Applicant</b>	Slacks Millom Limited

<b>Location</b>	BORWICK RAILS, MILLOM
<b>Proposal</b>	ERECT STORAGE & DISTRIBUTION BUILDING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	6 March 2013
<b>Dispatch Date</b>	7 March 2013
<b>Parish</b>	Millom

<b>Application Number</b>	4/13/2008/0F1
<b>Applicant</b>	Devonshire Renovations
<b>Location</b>	67 HOPE STREET, MILLOM
<b>Proposal</b>	CONSTRUCTION OF REAR EXTENSION AND INTERNAL ALTERATIONS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	14 February 2013
<b>Dispatch Date</b>	26 February 2013
<b>Parish</b>	Millom

<b>Application Number</b>	4/13/2009/0T1
<b>Applicant</b>	BT plc
<b>Location</b>	PAVEMENT AT CORNER OF IRISH STREET/ROPER STREET, WHITEHAVEN
<b>Proposal</b>	(PART 24 OF THE TOWN & COUNTRY PLANNING GENERAL PERMITTED DEVELOPMENT ORDER 1995) FOR A SMALL DIGITAL SUBSCRIBER LINE ACCESS MULTIPLEXER (DSLAM)
<b>Decision</b>	Approve Telecommunications
<b>Decision Date</b>	22 February 2013
<b>Dispatch Date</b>	5 March 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/13/2010/0T1
<b>Applicant</b>	BT plc
<b>Location</b>	PAVEMENT ON QUEEN STREET SIDE OF 80 DUKE STREET, WHITEHAVEN
<b>Proposal</b>	(PART 24 OF THE TOWN & COUNTRY PLANNING GENERAL PERMITTED DEVELOPMENT ORDER 1995) FOR A SMALL DIGITAL SUBSCRIBER LINE ACCESS MULTIPLEXER (DSLAM)
<b>Decision</b>	Approve Telecommunications
<b>Decision Date</b>	22 February 2013
<b>Dispatch Date</b>	5 March 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/13/2011/OT1
<b>Applicant</b>	BT plc
<b>Location</b>	PAVEMENT ON STRAND STREET SIDE OF 35 LOWTHER STREET, WHITEHAVEN
<b>Proposal</b>	(PART 24 OF THE TOWN & COUNTRY PLANNING GENERAL PERMITTED DEVELOPMENT ORDER 1995) FOR A SMALL DIGITAL SUBSCRIBER LINE ACCESS MULTIPLEXER (DSLAM)
<b>Decision</b>	Approve Telecommunications
<b>Decision Date</b>	22 February 2013
<b>Dispatch Date</b>	5 March 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/13/2012/OF1
<b>Applicant</b>	St Georges Residential Care Home
<b>Location</b>	ST GEORGES RESIDENTIAL CARE HOME, ST GEORGES ROAD, MILLOM
<b>Proposal</b>	CAR PARK EXTENSION AND IMPROVEMENTS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	6 March 2013
<b>Dispatch Date</b>	7 March 2013
<b>Parish</b>	Millom

<b>Application Number</b>	4/13/2013/OL1
<b>Applicant</b>	St Georges Residential Care Home
<b>Location</b>	ST GEORGES RESIDENTIAL HOME, ST GEORGES ROAD, MILLOM
<b>Proposal</b>	LISTED BUILDING CONSENT FOR CAR PARK EXTENSION AND IMPROVEMENTS
<b>Decision</b>	Approve Listed Building Consent (start within 3yr)
<b>Decision Date</b>	6 March 2013
<b>Dispatch Date</b>	7 March 2013
<b>Parish</b>	Millom

<b>Application Number</b>	4/13/2014/OF1
<b>Applicant</b>	Miss S McLean
<b>Location</b>	28 MARKET PLACE, EGREMONT
<b>Proposal</b>	CHANGE OF USE FROM CAFE TO PUBLIC HOUSE (USE CLASS A3 TO A4)
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	4 March 2013
<b>Dispatch Date</b>	5 March 2013
<b>Parish</b>	Egremont

<b>Application Number</b>	4/13/2015/0F1
<b>Applicant</b>	Ms M McClure
<b>Location</b>	34 MAIN STREET, FRIZINGTON
<b>Proposal</b>	CHANGE OF USE FROM GARAGE TO DOG GROOMING BUSINESS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	6 March 2013
<b>Dispatch Date</b>	7 March 2013
<b>Parish</b>	Arlecdon and Frizington

<b>Application Number</b>	4/13/2016/0F1
<b>Applicant</b>	Mr B Copley
<b>Location</b>	6 HENSINGHAM ROAD, WHITEHAVEN
<b>Proposal</b>	DECKING TO FRONT OF PROPERTY (RETROSPECTIVE)
<b>Decision</b>	Approve
<b>Decision Date</b>	13 March 2013
<b>Dispatch Date</b>	14 March 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/13/2017/0F1
<b>Applicant</b>	Mr J Craghill
<b>Location</b>	PART FIELD 7635, DISUSED AIRFIELD, HAVERIGG, MILLOM
<b>Proposal</b>	ERECT SHEEP & GENERAL PURPOSE BUILDING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 February 2013
<b>Dispatch Date</b>	26 February 2013
<b>Parish</b>	Whicham

<b>Application Number</b>	4/13/2029/0F1
<b>Applicant</b>	Carlisle Diocesan Board of Finance (Property) Ltd
<b>Location</b>	2 SMITHY BANKS, HOLMROOK
<b>Proposal</b>	FORMATION OF STUDY, TOILET & LINKING CORRIDOR, INCLUDING ALTERATIONS AND EXTENSION TO EXISTING GARAGE (AMENDED SCHEME)
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	26 February 2013
<b>Dispatch Date</b>	7 March 2013
<b>Parish</b>	Drigg and Carleton

<b>Application Number</b>	4/13/2034/0F1
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<b>Applicant</b>	Miss F Huggett
<b>Location</b>	GROUND FLOOR, 31 MAIN STREET, EGREMONT
<b>Proposal</b>	CHANGE OF USE FROM COMMERCIAL OFFICE TO RESIDENTIAL
<b>Decision</b>	Withdrawn
<b>Decision Date</b>	6 March 2013
<b>Dispatch Date</b>	6 March 2013
<b>Parish</b>	Egremont

<b>Application Number</b>	4/13/2046/TPO
<b>Applicant</b>	Home Group Limited
<b>Location</b>	LAND TO THE REAR OF 35 EHEN COURT ROAD, EGREMONT
<b>Proposal</b>	REMOVAL OF A SELF SEEDED HOLLY TREE PROTECTED BY A TREE PRESERVATION ORDER
<b>Decision</b>	TREE PRESERVATION APPROVE
<b>Decision Date</b>	26 February 2013
<b>Dispatch Date</b>	28 February 2013
<b>Parish</b>	Egremont