

PLANNING PANEL AGENDA – 27 FEBRUARY 2013

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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

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## STANDARD CONDITIONS

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

### Outline Consent

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

### Reserved Matters Consent

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

### Full Consent

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

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ITEM NO: 1.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/02/2013

Application Number:	4/13/2004/OF1
Application Type:	Full : CBC
Applicant:	North Cumbria University Hospitals NHS Trust
Application Address:	WEST CUMBERLAND HOSPITAL, HENSINGHAM, WHITEHAVEN
Proposal	NEW ENERGY CENTRE BUILDING COMPLETE WITH CHIMNEY, GENERATOR CONTAINERS AND OIL TANKS WITH CONCRETE BUND
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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## PROPOSAL

Planning permission was granted for the redevelopment of the hospital in 2010. A revised scheme was approved in 2011 (4/11/2265/OF1 refers).

Although the approved scheme highlighted that a new energy centre would be constructed as part of the redevelopment of the hospital complex no details were submitted at that time. This application seeks approval for the detailed design of the new energy centre.

The new energy centre is to be constructed on the site of a former workshop adjacent to the existing facility on the north eastern side of the hospital complex. The building is to be finished in silver cladding to match the new roof of the main hospital and will cover a floor area of 436 square metres. It has been designed with a monopitched roof and will extend up to a maximum height of 7.5 metres.

An associated free standing chimney stack is to be sited adjacent to the main building. The chimney is to be constructed of natural coloured aluminium panels and will extend up to a height of 15 metres.

A standalone container is to be used to house a generator. An external pre-cast concrete bund is to be created to house three cylindrical fuel stores adjacent to the energy centre. These tanks will be 8.5 metres in height.

Access to the centre is to be achieved off the ring road which runs around the hospital site. It has been designed for use by wagons and provision has been made to ensure that they are able to access the compound and oil tanks without any reversing manoeuvres.

#### CONSULTATION

Environment Agency

No objections

Flood and Coastal Defence Engineer

No further comments to add to those which were made in response to the planning application for the redevelopment of the hospital (ref 4/11/2265/0F1).

Highways Control Officer

No objections. Taking into account the existing use of the site and the planning permission already in place, it is considered that the proposal will be unlikely to have a material affect on existing highway conditions.

Health and Safety Executive

Do not advise against this development.

## PLANNING POLICY

### **National Planning Policy**

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 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.

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

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

### **Local Planning Policy**

The Copeland Local Plan 2001-2016 was adopted in June 2006. The following policies are relevant to this application:-

Policy DEV 2 defines Whitehaven as a Key Service Centre which will be the focus for the majority of development within the Borough. Policy DEV 4 defines a development boundary for the town.

Policy DEV 6 seeks to secure high quality sustainable forms of design.

Policy SVC 11 supports proposals for new or extended facilities for medical services provided that the site is related to the needs of the local community and is served by a range of transport modes.

### 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 of 2012 and the Council has now submitted the document to the Secretary of State for Public Examination which is scheduled 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.

The following policies are considered relevant to this application:-

ST2 supports development in Whitehaven

SS4 encourages the protection and extension of community facilities and services

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

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

### ASSESSMENT

The existing energy centre requires modernisation in order to be more environmentally and energy efficient. The proposed buildings are of a simple design which reflects their function as an essential element of the infrastructure that is required for the operation of the hospital.

The new energy centre has been designed to allow the phased redevelopment of the hospital. The existing facility will need to be fully operational while the redevelopment of the hospital takes place



to ensure that there is no loss of service. It is proposed that the new energy centre will be constructed alongside the existing facility and commissioned before the existing facility can be demolished. This can be adequately controlled by use of a suitably worded planning condition.

The siting of the energy centre to the rear of the main building complex will help to reduce its visual impact within the local area.

**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. The existing energy centre including the boiler house, chimney and oil tanks shall be removed from the site within six months of the new energy centre hereby permitted being first used. The land shall be restored following the removal of the existing buildings and structures in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

**Reason**

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

**INFORMATIVE**

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

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

#### **Reason for Decision**

An acceptable proposal which will provide essential infrastructure that is required as part of the overall redevelopment of the hospital site in accordance with Policies DEV 2, DEV 6 and SVC 11 of the adopted Copeland Local Plan 2001-2016 and the guidance outlined in the National Planning Policy Framework (March 2012).

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ITEM NO: 2.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/02/2013

Application Number:	4/13/2018/001
Application Type:	Outline : CBC
Applicant:	Mr and Mrs N Douglas
Application Address:	PLOT OF LAND AT CROSSGATES, LAMPLUGH
Proposal	OUTLINE APPLICATION FOR ERECTION OF A FOUR BEDROOMED HOUSE (LOCAL NEED)
Parish:	Lamplugh
Recommendation Summary:	Site Visit



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## INTRODUCTION

This application relates to a plot of land at Crossgates in Lamplugh. The site is a rectangular area of land covering an area of 0.12 hectares and is currently grassed agricultural land. It adjoins the residential curtilages of the dwellings Wood Beck Rise and Cogra Ghyll to the north and west respectively. It adjoins further agricultural land to the south and the unclassified road between Crossgates and Inglenook to the east boundary.

The A5086 road between Egremont and Cockermouth lie further to the west, adjoining the west boundary of Cogra Ghyll.

## **PROPOSAL**

Planning permission is sought for the erection of one dwelling on the site. As the proposal is in outline with all matters reserved at this stage, only an indicative site layout has been submitted with the application. Access to the site will be from the road frontage to the northeast onto the unclassified road between Crossgates and Inglenook.

Some information has been submitted from the applicant regarding their local need case for a dwelling in this particular area. More information is however currently being sought on this matter.

There has already been considerable local interest in the application. Currently we have received 8 letters objecting to the proposal and 8 letters in support.

In view of the local interest in the application and its potential impact within the landscape it is considered appropriate for Members to visit the site before reaching a decision on this application.

## **Recommendation:-**

## **Site visit**

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ITEM NO: 3.

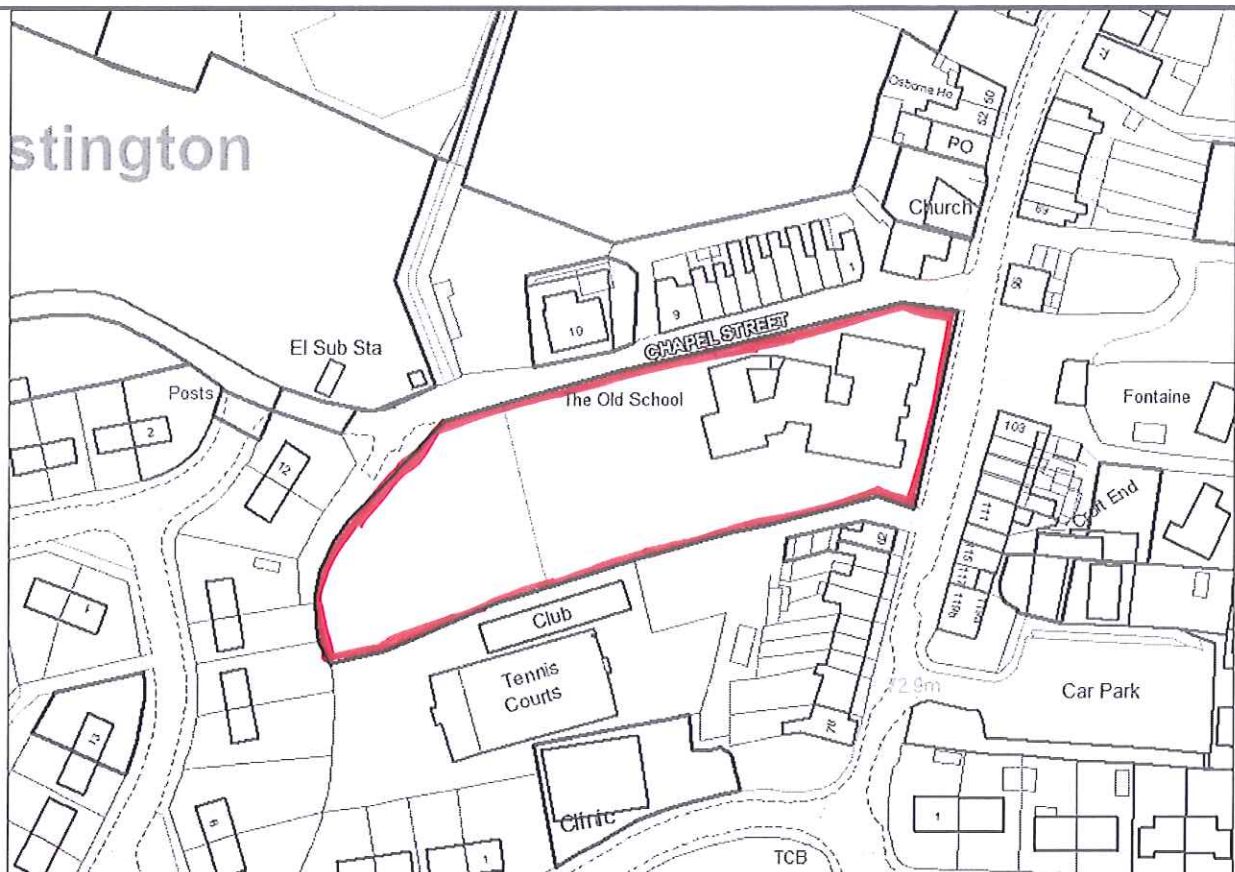


To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/02/2013

Application Number:	4/13/2030/OF1
Application Type:	Full : CBC
Applicant:	John Swift Homes Ltd
Application Address:	THE OLD SCHOOL, MAIN STREET, DISTINGTON
Proposal	DEMOLITION OF OLD SCHOOL, THE RETENTION & REFURBISHMENT OF THE CLOCK TOWER AND THE ERECTION OF 15 No. TWO BEDROOMED BUNGALOWS WITH ASSOCIATED LANDSCAPING & 200% PARKING
Parish:	Distington
Recommendation Summary:	Site Visit



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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.

## PROPOSAL

Planning permission is sought for the redevelopment of the site to provide a residential development comprising 15 residential units. To facilitate this development it is proposed to demolish the existing building with the exception of the central clock tower which is to be retained. The applicant has indicated that this structure will be repaired and gifted to the Distington Parish Council.

The proposed new dwellings are all to be 2 bedroomed bungalows, with a mix of both detached and semi-detached units. 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 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 15 bungalows will be arranged around a central estate road which is to be accessed from a new entrance onto Main Street. The existing entrance is to be blocked up as part of the development.

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

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.

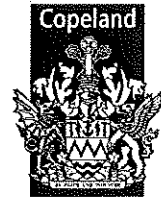
**Recommendation:-**

**Site visit**

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ITEM NO: 4.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/02/2013

Application Number:	4/13/2031/OC1
Application Type:	Conservation Area Consent : CBC
Applicant:	NDA Properties Ltd
Application Address:	DUSTY MILLER INN, ALBION STREET, WHITEHAVEN
Proposal	CONSERVATION AREA CONSENT FOR DEMOLITION OF VACANT PUBLIC HOUSE
Parish:	Whitehaven
Recommendation Summary:	Delegated authority to approve after the expiry of the consultation period



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## INTRODUCTION

Planning permission was granted for the Albion Square office development in 2012 (4/12/2407/OF1 refers).

Conservation Area Consent was also granted for the demolition of a number of buildings fronting onto both Swing Pump Lane and Albion Street to facilitate the office development in 2012 (4/12/2067/OC1 refers).

## PROPOSAL

Conservation Area Consent is now sought for the demolition of the Dusty Miller public house. This building, which dates from the early 19<sup>th</sup> Century, occupies a prominent position within the Whitehaven Conservation Area on the corner of Albion Street and Swing Pump Lane.

The demolition of the public house is sought to enable an enlarged open landscaped space to be created in front of the Albion Square development. It will also allow sufficient space to create an additional accessible car parking space in front of the office building. The palette of materials and soft landscaping proposed for the treatment of the open space will match those which are planned for the main square that will be created between the two new office buildings. A plan has been submitted by the applicants to illustrate these works although a separate planning permission will be required before such works can be implemented.

The applicant has submitted a detailed report which outlines a justification for the demolition of the building on the following grounds -:

- The building is in a poor condition and is currently vacant
- It is not a listed building and it has been altered in an ad hoc manner in the past which has adversely affected its character
- It will allow an enhanced entrance to be created to the Albion Square office development
- It will improve visibility at the Albion Street/Swing Pump Lane road junction for both pedestrians and vehicular traffic
- It will provide a better and more direct pedestrian route to the office building from Swing Pump Lane

## **CONSULTATION RESPONSES**

### **Highways Control Officer**

No objections from a highways perspective subject to a condition which requires the reinstatement of the footway following the demolition of the building.

### **Conservation Officer**

No comments to make on this proposal

### **Other**

1 letter of objection has been received which expresses concerns about the loss of the building, especially as the Whitehaven Town Centre SPD recommends its retention. The building is attractive and contributes to the character and appearance of the Conservation Area.

## **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.

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

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

A social role includes creating high quality built environments.

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

Paragraph 17 sets out 12 principles which should underpin planning decisions. These include proactively supporting sustainable economic development to deliver thriving places, securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings, promoting the vitality of the main urban areas, contributing to the conservation and enhancement of the environment and conserving heritage assets.

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

Paragraph 117 seeks to minimise impacts on biodiversity. One of the key ways of achieving this is the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species.

Paragraph 118 advises Local Planning Authorities when determining planning applications to aim to conserve and enhance biodiversity. It outlines that planning permission should be refused if significant harm resulting from a development cannot be avoided through relocation, mitigation or compensation.

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

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

Paragraph 135 outlines that the effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

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

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

The Copeland Local Plan 2001-2016 was adopted in June 2006. A number of policies are relevant to this proposal.

Policy DEV 6 seeks high standards of design which contribute to creating a strong sense of place.

Policy TCN 3 encourages development which improves the general environment within the shopping area of Whitehaven.

Policy TCN 9 confirms the role of Whitehaven as the principle town centre within the Borough and encourages amongst other things the enhancement of gateways into the town, environmental improvements and a high standard of design, materials and appearance.

Policy ENV 5 seeks to protect the conservation status and the habitats of protected species. It also promotes the provision of mitigation and compensatory measures.

Policies ENV 25 and ENV 26 relate specifically to the demolition of buildings and also new development within Conservation Areas.

ENV 25 states:-

“Demolition of buildings which make a positive contribution to a Conservation Area will not be permitted unless the Council is satisfied that no viable use can be found following adequate efforts. In all cases where demolition is permitted this will be subject to the carrying out of a development scheme which enhances the Conservation Area consecutive to demolition.”

ENV 26 only allows development within a Conservation Area where it preserves or enhances the character or appearance of the Area.

#### **Whitehaven Town Centre and Harbourside Supplementary Planning Document (SPD)**

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

Specific design guidance is set out in the SPD for all of the strategic regeneration sites identified in the adopted Copeland Local Plan, including Albion Square. It encourages the retention of the Dusty Miller Public House and historic chimney but also seeks to promote high quality design which enhances the Conservation Area and also promotes new linkages to the shopping area. It also supports the Streetscape project which seeks to improve the public realm within the town centre around the major road junctions and pavements.

#### **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 of 2012 and the Council has now submitted the document to the Secretary of State for Public Examination which is scheduled 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.

The following policies are considered relevant to this application:-

ST 1 sets out the strategic Development Principles that underpin the planning policies. There is an emphasis on supporting economic development, especially on brown field sites within the major

settlements. It also seeks to protect and enhance heritage assets and secure high quality design which retain and enhance locally distinctive places.

ST 3 identifies the Albion Square site as a strategically important regeneration site.

Policies ER5 and ER6 prioritise high quality office provision within Whitehaven and promote investment in the public realm at specific employment sites.

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

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

Policy ENV 4 seeks to protect heritage assets and enhance the built environment and requires high quality urban design and architecture that respects character

#### Development Management Policies

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

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

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

## ASSESSMENT

Government guidance set out in the NPPF advises that the loss of a heritage asset should only be permitted where the loss is necessary to achieve substantial public benefits that outweigh the loss or harm. This advice is also set out in Policy ENV 25 of the adopted Copeland Local Plan 2001-2016.

The Dusty Mill public house is an unlisted building which is currently in a poor condition. It is not, in its current condition, considered to enhance the appearance of this part of the Conservation Area.

The public house has ceased to function on several occasions in the recent past and is currently vacant. This would cast doubts on the prospect of the public house being viable in the medium to long term.

The removal of the existing structure would provide an opportunity to create an enlarged area of high quality public space which would enhance the setting of the proposed office building and help to provide a strong and attractive gateway entrance into the town centre from the south.

The Albion Square development is designated as a priority site and forms a key part of the regeneration strategy for the town centre. The housing of up to 1000 Sellafield office workers on the site is likely to have a significant benefit to the economic viability and vitality of the town centre. It will also contribute to a reduction in the number of journeys to Sellafield by placing employment development in a sustainable location.

The removal of the building would also have the additional benefit of helping to enhance visibility at the Albion Street/Swing Pump Lane junction which would help to improve highway safety in this part of the town centre.

The only other issue raised by this application involves the potential impact on bats. A bat survey was carried out for the whole site including the Dusty Mill public house in 2012. This report concluded that there was no evidence of bat roosts being present at this building. An updated survey was also carried out approximately a month ago which reconfirmed the absence of bats. The approved Albion Square development does include some mitigation measures with regards bats and it is proposed to install several bats boxes across the site. This strategy was accepted by Natural England as being an acceptable approach.



## CONCLUSION

Overall the substantial public benefits that would result from the demolition of the existing building are considered to outweigh any harm that would result from its loss.

Members should note that the consultation period for this application does not expire until after the Planning Panel meeting. This application has been included on the agenda for this meeting as the 8 week determination period expires before the next scheduled meeting of the Planning Panel on 27<sup>th</sup> March 2013. On this basis Members are asked to authorise delegated powers to determine this application on the expiry of the consultation period. However should any additional adverse comments be received within the defined consultation period which raise material planning issues then this application would be reported back to the Planning Panel to allow Members to consider them fully prior to any decision being issued.

### Recommendation:-

Approve on the expiry of the consultation period

### Conditions

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

#### Reason

To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Following the demolition of the building hereby approved the site shall be redeveloped in accordance with the details illustrated on the plan drawing number L(90)01 Revision A or an alternative scheme which has been submitted to and approved in writing by the Local Planning Authority prior to any development taking place on the site. Development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

#### Reason

For the avoidance of doubt and to ensure that the site is redeveloped in a satisfactory manner in the interests of visual amenity.

3. Within 6 months of the building being demolished the barrel drop, down spout channels and footway edging supports shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

**Reason**

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

**INFORMATIVE**

Prior to the alteration works commencing on site the applicant should contact Mr Kevin Thompson on telephone number (01946) 506005 to agree safe working practices whilst working adjacent to the highway.

No works should commence on any part of the highway until an appropriate permit has been secured which allows such works. Enquiries should be made to Cumbria Highways, Highways Depot, Joseph Noble Road, Lillyhall Industrial Estate, Workington, CA14 4JH.

**Reason for Decision**

The demolition of this unlisted building within the Whitehaven Conservation Area is considered to be justified as it would allow the site to be redeveloped in connection with the approved Albion Square development which would result in an enhancement to this part of the Whitehaven Conservation Area in accordance with Policy ENV 25 of the adopted Copeland Local Plan 2001-2016 (Saved policies June 2009) and the guidance in the National Planning Policy Framework (March 2012).

ITEM NO: 5.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/02/2013

Application Number:	4/12/2541/OF1
Application Type:	Full : CBC
Applicant:	Adams Recreation Ground Committee
Application Address:	ADAMS RECREATION GROUND, BEACH ROAD, ST BEES
Proposal	IMPROVED VEHICLE ACCESS & PROPOSED ALTERATIONS TO CAR PARK, PLUS CONSTRUCTION OF 8 NEW HOUSES
Parish:	St. Bees
Recommendation Summary:	Approve (commence within 3 years)



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## Introduction

This application 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.

**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. Request that Members undertake a site visit to consider the situation.
- 2) 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 considered and it should be noted that the Highway Authority in their consultation response raise no objection to the proposal.
- 2) 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 Government's current planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this. 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.

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.



### **Recommendation:-**

Approve subject to the applicants entering into a S106 Agreement to restrict the use of the profit raised by the sale of the residential site to improving, enhancing and maintaining facilities at the recreation ground 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 splay 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: 6.

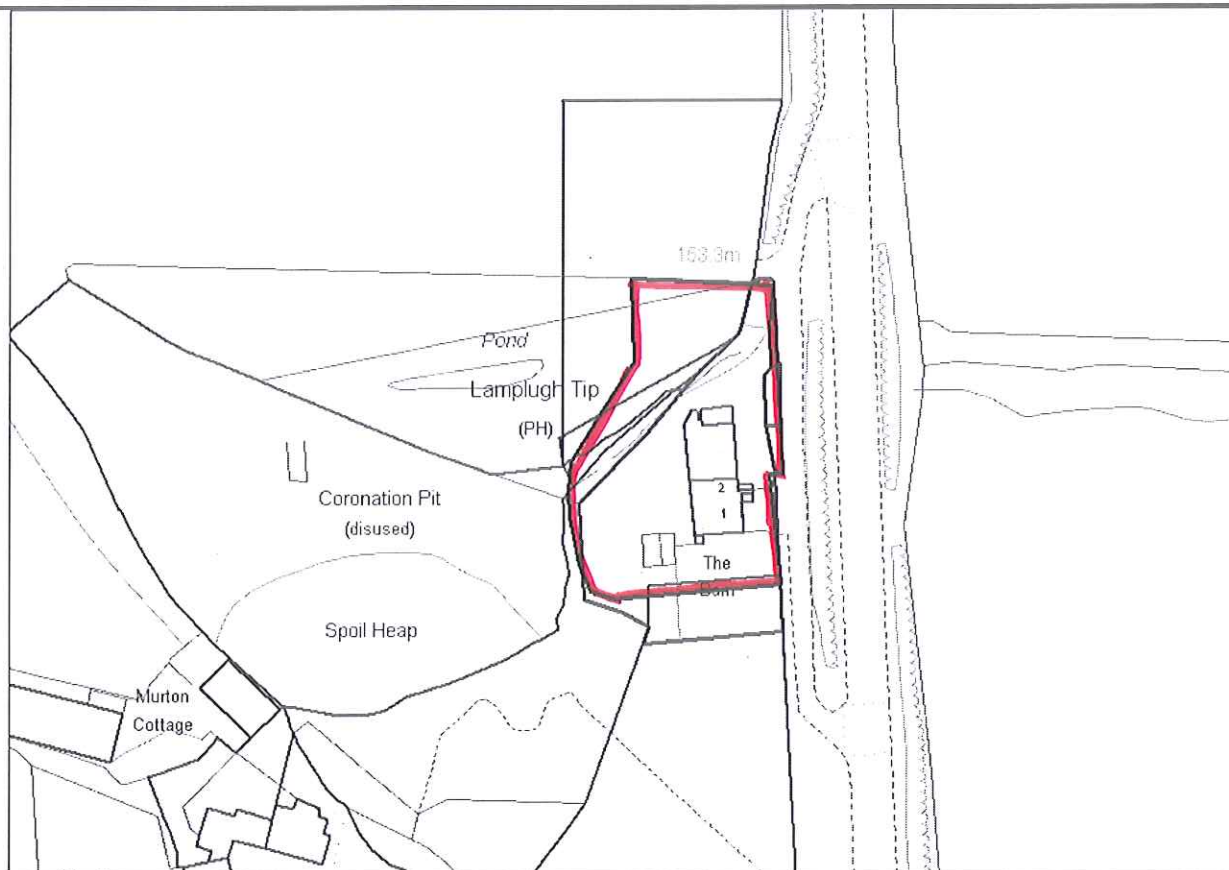


To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/02/2013

Application Number:	4/12/2531/OF1
Application Type:	Full : CBC
Applicant:	Mr B Spence
Application Address:	LAMPLUGH TIP, LAMPLUGH
Proposal	ALTERATIONS AND EXTENSION TO EXISTING PUBLIC HOUSE
Parish:	Lamplugh
Recommendation Summary:	Approve (commence within 3 years)



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## INTRODUCTION

This application relates to a large building which lies adjacent to the A5086 at Lamplugh. The building was formerly in use as a public house and has been vacant since it ceased trading in 2010.

Members deferred the application at the last meeting to undertake a site visit. The site visit took place on 13 February 2013.

Members also viewed an associated planning application for the redevelopment of the land to the rear of the public house to form holiday accommodation at the site visit (4/12/2532/0F1 refers). This application will be reported to a future meeting once all the unresolved issues have been addressed.

## PROPOSAL

Planning permission is sought for the extension and alteration of the building to enable the public house to reopen and commence trading again. The proposed extensions involve an increase in the height of building by 1 metre and the addition of a single storey rear extension to provide an increased dining area and extra kitchen facilities. A number of internal alterations are also proposed which will enable a games room and enlarged toilet facilities to be provided.

The exterior of the building will be refurbished. This involves the rebuilding of an existing porch and also the replacement of the existing concrete tiles with natural slate. It is also proposed to excavate a small area of land in front of the building to enable a level access to be provided into the front entrance. A stone faced wall will be created to retain the existing land following the excavation.

The existing access arrangement to serve the public house off the A5086 are to be retained and it is proposed to extend the car parking area which lies to the rear of the building as part of this proposal.

## CONSULTATION RESPONSE

### Parish Council

The Parish Council held a meeting which was attended by in excess of 60 people. There was whole hearted support and locals would like to see a viable public house return to the parish.

However the Parish Council have some reservations with regards to screening, noise and light pollution and the adequacy of the car parking provision to serve the building.

### Highway Control Officer

The site gains access off the main road (A5086) by use of a narrow looped side road which serves the existing public house. This loop road is not an ideal arrangement and the applicant is encouraged to consider some form of traffic management to cope with the traffic that is likely to be generated by this development.

## Copeland Disability Forum

A level access should be provided into the building. The applicant has confirmed that this will be achieved and has also agreed to provide a disabled toilet within the building.

### Letters of objection

Two letters of objection have been received from the owners of the two adjoining residential properties. Although they support the principle of reopening the public house they have expressed concerns about the impact of the proposed extension on the amenities of their properties in terms of outlook and potential loss of light. They are also concerned about the potential increase in traffic and noise from an extended public house.

### Letters of Support

Five letters of support have been received which make the following points:-

- The reopening of the public house will improve village amenity and provide a community hub for the parish
- The provision on an enlarged restaurant facility will encourage visitors and aid tourism within the locality
- The public house will provide new employment opportunities within the local area
- The new owner should be supported in order to make a success of the public house as previous attempts to run it have failed
- The proposals will improve the appearance of the building and the site in general
- The public house is part of the local heritage and should be retained, especially as the Parish has lost most of its facilities including a post office.

## PLANNING POLICY

### National Planning Policy

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.

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

Paragraph 69 outlines that planning can play an important role in facilitating social interaction and creating healthy and inclusive communities.

Paragraph 70 reinforces the need to provide and protect community facilities including public houses for the benefit of the community.

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.

### **Local Planning Policy**

The Copeland Local Plan 2001-2016 was adopted in June 2006. The following policies are relevant to this application:-

Policy DEV 6 seeks to secure a good standard of design and appropriate provision of safe car parking facilities.

Policy EMP 4 encourages permits extensions to existing employment uses.

Policy SVC 11 permits proposals to extend community and entertainment facilities.

POLICY SVC 12 seeks to protect existing social or community facilities within rural areas, especially when it is the last facility in the local area.

### **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 of 2012 and the Council has now submitted the document to the Secretary of State for Public Examination which is scheduled 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.

The following policies are considered relevant to this application:-

ST2 supports appropriately scaled development in rural areas which help to sustain services and facilities for local communities.

ER10 encourages tourism related development.

SS4 seeks to protect community facilities and services including public houses.

Development Management Policies DM8, DM 10, DM 15 and DM 21 encourage community facilities of a good design, especially where it involves the reuse of an existing building.

## ASSESSMENT

The use of the existing building as a public house is already established. The public house has had a mixed history and has been closed for the last few years. This proposal will enable the building to be refurbished and reopened as a public house which will retain an important facility for the local community.

The proposed extensions are acceptable in terms of scale and design and will permit the provision of enhanced dining facilities which is important for the viability of a rural public house.

Although the Highways Officer has made comment on the current access arrangements into the site off the A5086 via a loop road, the site has been in use as a public house for a number of years. The proposed extensions are not considered to be of a scale that will generate significant amounts of additional traffic to warrant improvement to the current arrangements as part of this proposal.

Overall this proposal is considered to be a suitable form of development which is consistent with the guidance set out in both the National Planning Policy Framework and the adopted Copeland Local Plan.

**Recommendation:-**

Approve subject to the conditions below:-

**Conditions**

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

**Reason**

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

2. Prior to the first use of the extended building hereby approved a car park to serve the public house shall be constructed in accordance with a detailed scheme which has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of levels and surfacing materials. Once constructed the approved car park shall be retained at all times thereafter.

**Reason**

For the avoidance of doubt and to ensure that the public house is served by an appropriate provision of car parking in the interests of highway safety.

3. Details of the proposed boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the first use of the extended building hereby approved and shall be maintained as such at all times thereafter.

**Reason**

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

4. Prior to the first use of the extended building hereby approved a suitable extraction and ventilation system shall be installed to serve the public house in accordance with

a detailed scheme which has been submitted to and approved in writing by the Local Planning Authority. The approved extraction and ventilation scheme shall be maintained at all times thereafter.

Reason

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

5. The roof shall be finished in natural slate, a representative sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences. The slate roof shall be retained thereafter at all times.

Reason

To safeguard the traditional appearance of the public house in the interests of visual amenity

6. Prior to the first occupation of the extended building hereby approved a detailed landscaping scheme shall be implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out in accordance with the approved details and shall be maintained at all times thereafter.

Reason

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

5. Prior to the first occupation of the extended building hereby approved representative samples of the materials to be used on the hard surfaced areas around the building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

## INFORMATIVE

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

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

### Reason for Decision

The proposed extensions and alterations are acceptable in terms of the siting, scale and design and will enable the public house to reopen which will retain an important community facility within the locality in accordance with Policies DEV 6, EMP 4, SVC 11 and SVC 12 of the adopted Copeland Local Plan 2011-2016 and the guidance outline in the National Planning Policy Framework (March 2012).

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ITEM NO: 7.

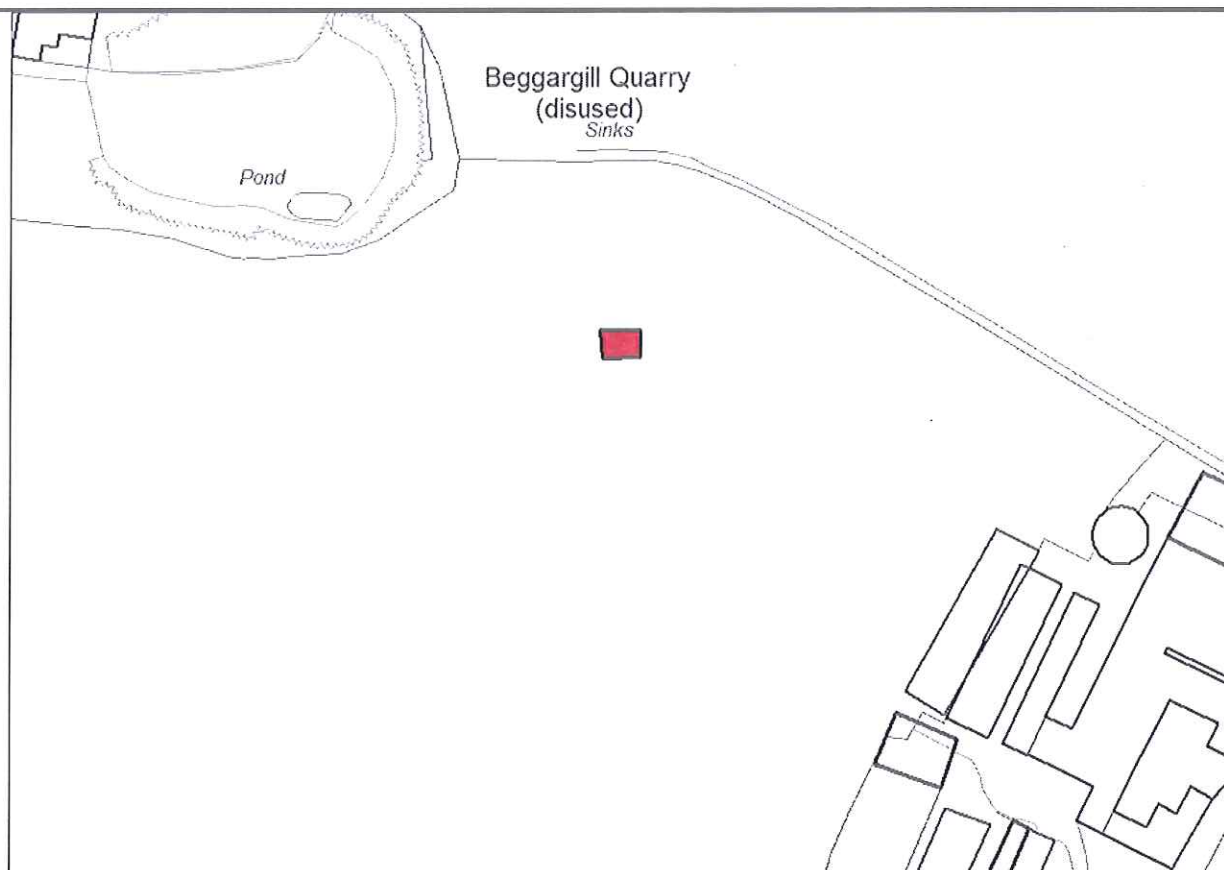


To: PLANNING PANEL

Development Control Section

Date of Meeting: 27/02/2013

Application Number:	4/12/2566/OF1
Application Type:	Full : CBC
Applicant:	Mr P Sherwin
Application Address:	LAND AT LOW THORNEY FARM, CARLETON, EGREMONT
Proposal	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
Parish:	Haile
Recommendation Summary:	Approve (commence within 3 years)



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## Introduction

This application 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, a number of dwellings from which back onto the field and to the west it adjoins the road leading to the scattered group of dwellings known as Beggarsghyll. To the north is situated an area of land known as Beggarsghyll Quarry whilst the southern field boundary joins up with a single track access lane leading to Carleton.

It was agreed at the last Planning Panel that Members would carry out a site visit prior to making a decision following a request from the ward councillor and in view the likely level of local interest the application would generate. The site visit took place this morning, Wednesday 27 February 2013.

## 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 Beggarsghyll 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 ie 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 13 letters of objection have been received, including 12 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. 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 Beggarsghyll which look out onto the field in which it is to be sited. The nearest at Beggarsghyll 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 Beggarsghyll 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 arisings 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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Date  
From 22/01/2013Date  
To 15/02/2013[View Report](#)

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## List of Delegated Decisions

### Selection Criteria:

**From Date:** 22/01/2013**To Date:** 15/02/2013**Printed Date:** Monday, February 18, 2013**Printed Time:** 12:28 PM



<b>Application Number</b>	4/12/2528/OF1
<b>Applicant</b>	Mr and Mrs Richardson
<b>Location</b>	SITE 2B, CROW PARK WAY, WESTLAKES SCIENCE AND TECHNOLOGY PARK, MOOR ROW
<b>Proposal</b>	ERECTION OF CHILDRENS NURSERY & ASSOCIATED PARKING, EXTERNAL PLAY AREAS AND STRUCTURES
<b>Decision</b>	Refuse
<b>Decision Date</b>	30 January 2013
<b>Dispatch Date</b>	31 January 2013
<b>Parish</b>	Egremont

<b>Application Number</b>	4/12/2553/OF1
<b>Applicant</b>	Mr A Dixon
<b>Location</b>	24 HIGHFIELDS, HILLCREST, WHITEHAVEN
<b>Proposal</b>	ERECTION OF TWO STOREY EXTENSION
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	14 January 2013
<b>Dispatch Date</b>	30 January 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2560/OF1
<b>Applicant</b>	Mr J Nuttall
<b>Location</b>	31 LOWTHER ROAD, MILLOM
<b>Proposal</b>	TWO STOREY EXTENSION WITH INTEGRAL GARAGE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	21 January 2013
<b>Dispatch Date</b>	30 January 2013
<b>Parish</b>	Millom

<b>Application Number</b>	4/12/2562/OF1
<b>Applicant</b>	Mr Keith
<b>Location</b>	26 LECONFIELD STREET, CLEATOR MOOR
<b>Proposal</b>	NEW PORCH TO FRONT, CHANGE DOOR TO WINDOW & INTERNAL MODIFICATIONS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	1 February 2013
<b>Dispatch Date</b>	4 February 2013
<b>Parish</b>	Cleator Moor

<b>Application Number</b>	4/12/2563/OF1
<b>Applicant</b>	Mrs M Monro
<b>Location</b>	19 HARPUR PLACE, THORNHILL, EGREMONT
<b>Proposal</b>	ERECTION OF WHITE UPVC CONSERVATORY
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 January 2013
<b>Dispatch Date</b>	30 January 2013
<b>Parish</b>	Beckermest with Thornhill

<b>Application Number</b>	4/12/2564/OF1
<b>Applicant</b>	Mr C Steele
<b>Location</b>	FIELD NO 3824, HALL SENNA, HALLSENNA, HOLMROOK
<b>Proposal</b>	ERECTION OF 60' X 30' X 12' STEEL PORTAL BUILDING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	18 January 2013
<b>Dispatch Date</b>	30 January 2013
<b>Parish</b>	Gosforth

<b>Application Number</b>	4/12/2568/OR1
<b>Applicant</b>	Mr P Carton and Miss N Place
<b>Location</b>	PLOT 4, FORMER LEGION SITE, BRANSTY ROAD, BRANSTY, WHITEHAVEN
<b>Proposal</b>	RESERVED MATTERS APPLICATION FOR A DETACHED DWELLING
<b>Decision</b>	Approve Reserved Matters
<b>Decision Date</b>	5 February 2013
<b>Dispatch Date</b>	7 February 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2569/OF1
<b>Applicant</b>	Ms J Burns
<b>Location</b>	THE DOG AND PARTRIDGE, SANDWITH, WHITEHAVEN
<b>Proposal</b>	SINGLE STOREY EXTENSION TO PROVIDE CELLAR & FOOD PREPARATION AREA
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	11 February 2013
<b>Dispatch Date</b>	13 February 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2570/OF1
<b>Applicant</b>	Mr Brown
<b>Location</b>	30 BROOM BANK, THE HIGHLANDS, WHITEHAVEN
<b>Proposal</b>	SUN ROOM TO FRONT OF PROPERTY
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	12 February 2013
<b>Dispatch Date</b>	13 February 2013
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/9007/OF2
<b>Applicant</b>	LLW Repository Ltd
<b>Location</b>	LOW LEVEL WASTE REPOSITORY, NEAR DRIGG, HOLMROOK
<b>Proposal</b>	ERECTION OF AN EXTENSION TO EXISTING OFFICE, CONSTRUCTION OF NEW CAR PARK & INSTALLATION OF PACKAGED SEWAGE PLANT (UNDER REVIEW)
<b>Decision</b>	County Council Approved
<b>Decision Date</b>	13 February 2013
<b>Dispatch Date</b>	13 February 2013
<b>Parish</b>	Drigg and Carleton

<b>Application Number</b>	4/12/9007/OF2
<b>Applicant</b>	LLW Repository Ltd
<b>Location</b>	LOW LEVEL WASTE REPOSITORY, NEAR DRIGG, HOLMROOK
<b>Proposal</b>	ERECTION OF AN EXTENSION TO EXISTING OFFICE, CONSTRUCTION OF NEW CAR PARK & INSTALLATION OF PACKAGED SEWAGE PLANT (UNDER REVIEW)
<b>Decision</b>	County Council Approved
<b>Decision Date</b>	13 February 2013
<b>Dispatch Date</b>	13 February 2013
<b>Parish</b>	Seascale

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<b>Application Number</b>	4/13/2005/0N1
<b>Applicant</b>	Mrs M Gass
<b>Location</b>	ROW FARM, CLEATOR
<b>Proposal</b>	NOTICE OF INTENTION FOR AGRICULTURAL GENERAL PURPOSE BUILDING
<b>Decision</b>	Approve
<b>Decision Date</b>	29 January 2013
<b>Dispatch Date</b>	30 January 2013
<b>Parish</b>	Cleator Moor

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