
**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2193/0F1
2.	Proposed Development:	INSTALLATION OF 12 GROUND MOUNTED SOLAR PANELS
3.	Location:	4 SCALE VILLAS, GOSFORTH ROAD, SEASCALE
4.	Parish:	Seascale
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION	This application relates to 4 Scales View, an end of terraced property located within Seacale.

The site benefits from a large side garden which slopes towards the south. It is bound by boundary walls and planting.

PROPOSAL

Planning Permission is sought for the installation of 12 ground-mounted solar panels on the south-facing slope of the existing garden. It will comprise two rows (one on the lower garden level and one on the upper garden level) and they are to measure 6.9 metres in width and 1.7 in depth. They will have an overall height of 1.5 metres from ground level.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Seascale Parish Council – No comments received.

Public Representation

The application has been advertised by way of site notice and neighbour notification letters to 2 no. properties - No objections have been received as a result of this consultation.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013):

Core Strategy



Cumberland Council

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

- Policy DM2 – Renewable Energy Development in the Borough
- Policy DM10 – Achieving Quality of Place
- Policy DM11 – Sustainable Development Standards
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species
- Policy DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS2PU – Reducing the impacts of development on Climate Change

Policy DS6PU – Design and Development Standards

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on landscape character and ecology.

Principle of Development

The proposed application relates to a south-facing garden slope within Seascale and it will provide renewable energy generation. Policies DM2 and DM11 supports proposals that reach high standards of sustainability and incorporate renewable energy.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2, DM2 and DM11 of the Local Plan and the NPPF guidance.

Scale and Design

Policy ST1 seeks the creation and retention of quality places is on high quality design. Policy DM10 requires development to respond positively to the character of the site and the wider setting and maintain reasonable standards of general amenity.

The ground-mounted solar panels are considered to be modest in scale and suitably located within the side garden, to the rear of the terraced row. The modest height will ensure amenity standards are maintained and the design is considered to be suitable for the use.

On this basis, the proposal is considered to be acceptable in terms of scale and design and comply with Policy DM10.

Landscape and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The application site lies within a residential garden within Seascale which is relatively enclosed by existing boundary treatments which include tree belts. The solar panels are not considered to be significant in terms of scale and their siting on the slope will limit their visual impact. They will not be excessively prominent when viewed from the immediate locality and will also be viewed in the context of the existing house and the wider residential area. On this basis the panels are not considered to significantly harm the visual amenity of the area or the



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	<p>wider landscape.</p> <p>On balance, the solar panels are not considered to have a significant impact on the character and appearance of the landscape and the renewable energy generation benefits are considered to outweigh any potential harm. The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the CLCGT.</p> <p><u>Ecology</u></p> <p>Policy ST1, ENV3 and DM25 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.</p> <p>The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site relates to an existing domestic garden, which is an unlikely habitat for natterjack toads and therefore it is not considered to be necessary to seek an ecological survey for this minor application.</p> <p>Overall, it is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed solar panels are of an appropriate scale and design and will not have any significant detrimental impacts on the character or appearance of the area or ecology.</p> <p>On balance, the proposed renewable energy generation benefits are considered to outweigh any potential harm and therefore it represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none">2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Application Form, received 4th July 2023;
Location Plan, scale 1:2500, received 4th July 2023;
Site Plan, scale 1:200, received 4th July 2023;
Proposed Solar Panel Plans and Elevations, scale 1:50, received 4th July 2023;
Location Photograph, received 4th July 2023;
Technical Specifications Sheet, received 4th July 2023;
Vertex S Backsheet, received 4th July 2023.

Reason

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

Statement

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

Case Officer: C. Wootton

Date : 25/08/2023

Authorising Officer: N.J. Hayhurst

Date : 30/08/2023

Dedicated responses to:- N/A