

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2087/0F1
2.	Proposed Development:	INSTALLATION OF STAND-ALONE POLE MOUNTED SOLAR PANELS (30 PANELS)
3.	Location:	UTOPIA HOUSE, LOWCA, WHITEHAVEN
4.	Parish:	Lowca
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
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 <p>This application relates to a detached property known as Utopia House. The dwelling is surrounded by a large curtilage and has an associated separate parcel of land to the north east which is the subject of this application.</p> <p>Utopia House is currently utilised in association with a facility for dog kennelling. It is served by an access road which runs from Lowca to the south west of the property. A public footpath and cycle route (NCN 72) is located between the site and Utopia House which joins</p>	

with PROW number 413011.

PROPOSAL

Planning Permission is sought for the installation of 30 stand-alone pole mounted solar panels. The row of panels will measure a total length of 17490mm. They will be supported by metal frames extending to a maximum height of 2451mm from ground level. The panels will slope to a height of 729mm at their lowest point. The leg width of the frame is 2207mm.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications on this parcel of land.

CONSULTATION RESPONSES

Lowca Parish Council

No response received.

Highways and the Local Lead Flood Authority

1st Response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development in principle as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere once it is built / operational.

However, I note that the site appears to have limited access from the highway and the path that runs adjacent to the site is a Sustrans National Cycle Route (NCN 72) which is used by vulnerable users (i.e pedestrians and cyclists). I cannot see a Design and Access Statement so please can the applicant explain and provide an access diagram showing the access route for construction, and ongoing maintenance access and the number, types and size of vehicles so we can assess the impact and any risk to the highway and users of the cycle track.

2nd Response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the additional evidence supplied on 15/4/24 relating to access



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to the site field across the cycleway. I can see that it a direct route and the cycletrack is narrow but there will be quite a few trips during construction which could will lead to unusual / unexpected conflict with construction traffic.

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

The applicant must provide the following measures to protect the cycleway and the safety of its users during the construction phase and any subsequent maintenance and decommissioning operations:

- Traffic management as appropriate (Warning signs in advance of the proposed crossings of the cycleway)
- Measures for cleaning of site entrances and the cycleway
- Ensure that the gates open inwards to the fields and do not obstruct the cycleway
- The Applicant must ensure that no obstruction to the cycleway occurs during, or after the completion of the site works.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

Environmental Health

1st Response

Further to the above planning application.

There are no objections in principle to this development from Environmental Health.

Noise disturbance from tonal hum off the inverter units can be a potential issue, though the nearest noise-sensitive dwelling (excepting that of the applicant) is almost 100 m to the north west.

However any further details that the applicant can provide on the inverters (type, cabinet siting and arrangement, noise output) would be welcomed to provide assurance against noise nuisance.

2nd Response

The inverters are quiet (less than 30 db) and should not cause disturbance to the nearest noise-sensitive property.

No further comments from Environmental Health.

The Environment Agency

No response received.

The Coal Authority

No response received.

Public Representation

The application has been advertised by way of site notice and neighbour notification letters to 7 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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM2 – Renewable Energy Development in the Borough

Policy DM10 – Achieving Quality of Place



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Policy DM11 – Sustainable Development Standards

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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

Policy N3PU – Biodiversity Net Gain

Policy CC1PU – Large Scale Energy Developments (excluding nuclear and wind energy developments)

Strategic Policy N6PU – Landscape Protection

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)
Wildlife and Countryside Act 1981

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 slope outside Lowca and the proposed panels will provide renewable energy generation for the operations at Utopia House. Policies DM2 and DM11 of the Copeland Local Plan supports proposals that reach high standards of sustainability and incorporate renewable energy. Policy CC1PU of the Emerging Local Plan encourages renewable energy development provided that siting, scale and design have been considered.

Furthermore, the policy requires that local communities be consulted and any concerns fully addressed. No responses have been received as a result of the neighbour consultation letters or displayed site notice.

Policy CC1PU states that renewable energy installations that become non-operational for a period in excess of 6 months must be removed and the site fully restored. Is it considered to be prudent to include a suitably worded planning condition to ensure that this is undertaken as appropriate.

On the basis of the above, the principle of the development is therefore considered to be acceptable and Policies DM2 and DM11 of the Local Plan, CC1PU of the emerging Local Plan and the NPPF guidance are satisfied.

Scale and Design

Policy ST1 seeks the creation and retention of quality places and places an emphasis on high quality design. Policy DM10 of the CS and DS6PU of the ELP 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 practical in scale and suitably located within a parcel of land that is currently vacant and well related to Utopia House. The modest height of the panels will ensure amenity standards are maintained and the design is considered to be suitable for the use.

Further information was received from the Applicant to ensure that the Invertor does not cause unnecessary noise disturbance to any surrounding properties or users of the Cycle Path. The single phase invertor is considered to be quiet at less than 30db and will not cause disturbance to the nearest noise sensitive property which is over 100m away.

On this basis, the proposal is considered to be acceptable in terms of scale and design and



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comply with Policy DM10.

Landscape and Visual Impact

Policy ENV5 and DM26 of the CS and N6PU of the ELP state 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 Cumbria Landscape Character Toolkit categorises this parcel of land as Sub Type 5a – Ridge and Valley. The vision for this sub type is to restrict ridge top clutter and resist large scale development. Renewable energy schemes are to be supported provided the character of the area is not altered resulting in far reaching visual effects.

The application site lies within a parcel of land that is highly visible from the Sustrans National Cycle Route (NCN 72) – which runs adjacent to the site. 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 wider area with Utopia House to the south and Blacketholme Gate Farm to the north. On this basis the panels are not considered to significantly harm the visual amenity of the area or the wider landscape.

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 ENV5 and DM26 of the CS, Policy N6PU of the ELP and provision of the CLCGT.

Ecology

Policy ST1, ENV3 and DM25 of the CS, N3PU of the ELP 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.

There are no designations on the land at international, national or local level with regards to ecology.

The Association of Local Government Ecologists has produced a trigger list for development and its effect on species of interest. These include the following:

- Bats;
- Barn owls;
- Breeding birds;
- Great crested newts;

- Otters;
- Dormice;
- Red Squirrels;
- Water voles;
- Badgers;
- Reptiles;
- Amphibians;
- Small blue butterflies;
- Plants.

The application site does not meet any of the criteria for further information to be requested with regards to these species.

The Bat Conservation Trust has a similar trigger list for when a protected species survey and report is required to be submitted with a planning application.

Again, the application site does not meet any of the criteria within this list and it is considered that requesting any species surveys from the Applicant would not be proportionate with regards to this development.

The application was submitted prior to the requirement for information to be submitted with regards to Biodiversity Net Gain.

Overall, it is therefore considered that the development complies with Policies ST1, ENV3 and DM25 of the CS, N3PU of the ELP and section 15 of the NPPF.

Construction Phase

Whilst the development will not impact on any residential properties during the construction phase, due to its location there may be some disturbance to the Sustrans National Cycle Route (NCN 72).

The Applicant provided a route for the materials and construction workers which would be used to access the parcel of land. This route would go through the garden of Utopia House and then cross the Cycle Route. This ensures that works are prepared and carried out as far as practicable on land owned by the Applicant, therefore reducing the risk of disruption to the general public. The Applicant has a right of way over the cycle track. The Highways Officer has requested that a condition is added to any approval to ensure that signage is displayed, cleaning is undertaken and no obstruction to the cycleway occurs during or after the completion of the site works.

Planning Balance and Conclusion

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.

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.
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>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: -</p> <p>Application form, received 18th March 2024; Site Location Plan, scale 1:1250, received 18th March 2024; Site Block Plan, scale 1:500, drawing number TQRQM24076195630458, received 18th March 2024; Solar Panel details, received 18th March 2024; Longi Solar Panel Brochure, received 18th March 2024; Fox Ess K Series Single Phase Inverter datasheet, received 15th April 2024.</p> <p>Reason</p> <p>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.</p> <p>The applicant must provide the following measures to protect the cycleway and the safety of its users during the construction phase and any subsequent maintenance and decommissioning operations:</p> <ul style="list-style-type: none"> • Traffic management as appropriate (Warning signs in advance of the proposed crossings of the cycleway) • Measures for cleaning of site entrances and the cycleway • Ensure that the gates open inwards to the fields and do not obstruct the cycleway <p>The Applicant must ensure that no obstruction to the cycleway occurs during, or after</p>

the completion of the site works.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

4. In such circumstances as the renewable energy installation becomes non-operational for a period in excess of 6 months, the facility must be removed and the site fully restored to its original condition within one year.

Reason

In order to ensure that there is no unnecessary impact on the landscape and in accordance with Policy EN5 of the Copeland Local Plan.

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 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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: Sarah Papaleo

Date : 09/05/2024

Authorising Officer:

Date : 13/05/2024

Dedicated responses to:- N/A