At a meeting of the Development Panel held in Council Chamber - Allerdale House on Tuesday 20 October 2015 at 1.00 pm

Members

P Bales (Chairman)

C M Armstrong   P G Kendall
N Cockburn      B Miskelly
A Davis-Johnston J Osborn
M Grainger      B Pegram
C M Jackson     D Wilson

Apologies for absence were received from Councillors M Jenkinson and R Munby

Staff Present


208 Minutes

The minutes of the meeting held on 29 September 2015 were signed as a correct record.

209 Declaration of Interest

None declared.

210 Questions

None received.

211 Statement regarding planning application 2/2014/0582

The Chair ruled that an urgent item be added to the agenda in accordance with rule 4.35 of the Council’s procedural rules.

The Corporate Director read out the following statement:

At the meetings of the Development Panel on 4 November 2014 and 25 November 2014 the members considered and resolved to grant approval of planning application 2/2014/0582 for a proposed wind turbine at Oughterside Mill, Oughterside.

In taking the decision to grant planning permission the Panel took into account the economic benefits of the proposed turbine to the host farm and that, in their view, the proposed turbine would have limited visual impact and would not have a significant adverse effect in terms of the cumulative impact in the surrounding area. These matters were material planning considerations weighing in favour of the grant of planning permission.
The Ombudsman has found fault on procedural issues and the way the Development Panel had been conducted.

On behalf of the Council, I sincerely apologise to the public in relation to what happened at the meetings of the Development Panel held on 4 November and 25 November 2014 and the way the Panel made their decision in relation to the application.

We accept that the faults in process and procedure at the Development Panel meetings caused the perception that the planning decision making procedure was not fair.

Good governance, transparency and fairness are important to us at Allerdale and we have reviewed and improved our working practices and procedures. These improvements include how we make and record our decisions; the conduct and appropriate level of formality for Development Panel meetings, particularly in light of the LGA guidance and how it deals with applications. We also have suitable training arrangements in place to ensure that good governance is embedded within the process.

It is important to say that the Council will learn lessons from the process and I hope that these improvements provide the public with confidence in the democratic process and in our commitment to ensure that community involvement is central to the planning process.
Public Participation

The following people addressed the Panel:

Planning application 2/2015/0413:
Jeff Ferguson in objection
Nathan Billings as the agent
John Trafford in support
James Trafford in support

Planning application 2/2014/0737:
Councillor Celia Tibble on behalf of Seaton Parish Council
Daniel Sowerby as the agent

Planning application 2/2015/0296:
Chris Bagshaw on behalf of Councillor Hilary Harrington as Ward Councillor
Lucy Boulton as the agent

Planning application 2/2015/0389:
Roy Stenson in objection
Tori Heaton as the agent

Planning application 2/2015/0543:
Anthea Jones as the agent

Planning application 2/2015/0573:
Matthew Wallace as the agent

Planning application 2/2015/0493:
Councillor Len Davies as Ward Councillor

2/2015/0413 Springfield Farm, Greysouthen Single turbine 67m to top, 40m to hub

Application:
Erection of single turbine with a turbine tower height of 40m and a tip height of up to 67m along with associated infrastructure, Springfield Farm, Greysouthen, Cockermouth

The Planning Officer recommended refusal.

The Planning Officer outlined the application and detailed the main issues within the report as follows:

- Principle of Development:
The Allerdale Local Plan (Part 1) seeks to promote the development of renewable and low carbon energy resources provided the impacts (either in isolation or cumulatively) are, or can be made acceptable.
Paragraph 93 of the NPPF sets out that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development.

Regard should be made to the Ministerial Statement of 18 June 2015 which states planning permission should only be granted where:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Ministerial Statement 18 June 2015 makes it clear that turbine development should be in specified areas and supported by local communities. Until further work is undertaken to identify suitable areas for such turbine development in Allerdale, turbine applications submitted post 18 June 2015 on a site outside an area identified as suitable for wind energy development in a Local or Neighbourhood Plan would be contrary to the 18 June 2015 Ministerial Statement. This application was received 2 July 2015.

- Community response:
  There are over 130 letters/emails of objection, 5 Parish Councils have objected. 2 Parish Councils do not object. There is also a petition of objection of 65 signatories. There are 56 letters of support.

- Visual and Landscape and cumulative impact:
  The proposed turbines will increase turbines in the area and it is considered that the wind farm will have a significant adverse visual impact on users of local roads. The ES advises the visual effects are ‘Significant’ for a high proportion of footpath/bridle path users and in some instances users of minor roads within approximately 2 km of the turbines.

  By virtue of the scale and siting of the proposed turbine. Officers consider that there is likely to be a significant adverse visual and landscape impact on users of local roads and footpaths.

  The turbine is 2.7km distant from the Lake District National Park. The turbine will be visible from receptors within the LDNP and when looking towards the LDNP. This matter is a material consideration and community objections remain with regard to adverse impacts regarding the LDNP and the potential for an adverse impact on tourism in the local economy.

  There are some cumulative visual effects in sequence, combination or in succession with other wind farm sites. Overall, the potential for cumulative effect was found to be ‘not significant’ in the ES, due to distance between other turbine developments and screening from local topography and vegetation.
- **Residential amenity:**
  The proposed turbine is not within 800m of residential properties except the applicant’s farm house; however there is little evidence of support from the local community. Shadow flicker is not anticipated to affect any residential properties.

- **Noise:**
  Noise impacts from the turbine are likely to be acceptable and upper levels can be secured through planning conditions.

- **Heritage:**
  The proposal would not have a significant adverse impact on the grade II listed dwelling known as Mayfield.

- **Operational requirements:**
  Subject to conditions relating to construction operations, the proposed development would not have an adverse impact on the highway network. Third party agreement will be required to undertake alterations to the access and to secure the delivery route of the turbine.

- **Nature Conservation:**
  The impacts on nature conservation interests including bats and birds are not considered to be significant in the ES. Local community representations consider that this could be an adverse impact.

- **Hydrology and Drainage:**
  Flood risk and/or contamination of water are not anticipated to increase as a result of the development although mitigation would be required by planning condition.

- **Potential benefits:**
  The proposal will make a contribution to renewable energy sources nationally. Energy produced would be used by the farm and exported.

Members noted that 130 letters/emails of objection had been received, in addition to objections received from 5 parish councils and a petition of objection containing 65 signatures. Members also noted that 2 parish councils did not object and that there were 56 letters of support for the application. The main grounds of the representations were noted in the officer’s report.

Members noted that in addition to the above, 44 further letters of objection had been received, 1 letter redacting objection on the petition and a further letter of objection from Brigham Parish Council. Advice from Allerdale Borough Council Environmental Protection and advice from the Coal Authority had also been given.

A second comment had been submitted by FORCE in respect of the application, which was noted by Members.

Councillor A Davis-Johnston moved refusal as per the officer’s recommendation. Councillor M Jackson seconded.
A vote was taken, 11 in favour of refusal as per the officer’s recommendation, 0 against.

The motion in favour of refusal as per the officer’s recommendation was carried.

**Decision:**
Refused

**Reasons for Refusal:**
1. Contrary to the Ministerial Statement of 18 June 2015 the proposed turbine site is not sited within a Local or Neighbourhood Plan as a designated area suitable for wind energy development.

2. Planning matters raised by the community, regarding the potential for adverse visual and local landscape character impacts, adverse cumulative landscape and visual impacts and ecological impacts on protected species, have not been overcome to alleviate local community concerns, in order to enable community support of the scheme. The proposal is therefore considered contrary to The Ministerial Statement of 18 June 2015 and Planning Practice Guidance for Renewable and Low Carbon Energy 2015.

3. By virtue of the scale and siting of the proposed turbine there is likely to be a significant adverse visual and landscape impact on users of local roads and footpaths contrary to policies S19, S32, S33 and S35 Allerdale Local Plan (Part 1) adopted July 2014 and the advice contained within the National Planning Policy Framework 2012 and Planning Practice Guidance for Renewable and Low Carbon Energy 2015 and The Ministerial Statement of 18 June 2015.

**Proactive Statement:**
Application Refused Following Discussion – Where there is no Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**Application:**
Erection of two turbines 65m to hub, 110m to tip and ancillary infrastructure (T3 withdrawn)

2/2014/0737 Iggesund Paperboard, Siddick, Erection of two turbines 65m to hub, 110m to tip and ancillary infrastructure (T3 withdrawn)

The Principal Planning Officer recommended refusal, but with the inclusion of the occupiers of 1 Building Farm Close, Seaton in reason 2 of the reasons for refusal.
The Principal Planning Officer outlined the application and detailed the main issues within the report as follows:

- **Principle of Development:**
  The Council seeks to promote the development of renewable and low carbon energy resources provided the impacts (either in isolation or cumulatively) are, or can be made acceptable. The recent ministerial statement and Planning Practice Guidance 2015 is a material planning consideration and states:

  - “local planning authorities should only grant planning permission if:
    the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
    following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing”

- **Community response:**
  There are 144 letters/emails of objection, with additional objections from the County Council, Seaton parish and Workington town councils.

  The recent ministerial statement in June 2015 and accompanying updated Planning practice Guidance 2015 is a fundamental change in policy as it emphasises that any proposed onshore turbine proposal needs to demonstrate that it has addressed the concerns of the local community and have their backing. Officers consider that as a result of the large volume of objection and their planning grounds which have not been addressed the proposal is contrary to the revised guidance.

- **Landscape and cumulative impact:**
  The proposed turbines are located in an area already reflecting a windfarm landscape on an industrial section of the coastline which incorporates a wide range of existing man-made infrastructure.

  The application was the subject of a separate independent peer review. It concluded that overall the proposal given the existing surrounding environment would not have a significant harmful impact on the landscape of the site and its surroundings. It was considered the proposal would not have a significant individual or cumulative impact on landscape character.

  However the merits of this issue need consideration under the recent ministerial guidance.

- **Visual impact including residential amenity:**
  The extent of visual effects is greatest and most significant in short term views of the site which will diminish with distance. Effects are not generally significant for receptors at greater distances. The proposed turbines are within 800m of a large number of residential properties a number of which will have direct views of the turbine which is likely to have an adverse impact on the amenity of the residents of these
properties. The independent Peer review also evaluated visual impact on residential amenity. The review concluded that significant impact would occur at properties on the western edge of Seaton, Siddick and Northside. It is considered the impact of the development would be detrimental to the residential amenity of some existing properties.

- There are up to 400 properties within 900m of the turbine sites. Shadow flicker is anticipated at a large number of properties identified in the Environmental Statement at different times of the day and year. A scheme of mitigation and a complaints procedure can be secured by planning condition.

- The impact on amenity is also a material planning consideration under the ministerial guidance.

- Noise:
  A noise assessment has been conducted as well as a noise assessment of the proposal to evaluate the noise impact both individually and cumulatively with the other nearby turbines in the locality of the site.

  The Environmental health officers have sought an independent peer assessment by a noise consultant. The submitted evidence relating to potential cumulative noise impact does not appear to be acceptable and the Environmental Health officers conclude that presently they are not satisfied that the proposal will comply with ESTU-R-97 guidance. Ongoing reviews of the noise evidence are continuing and members will be updated at the Panel meeting.

Another separate outline planning application (2/2015/0308) for housing development on the western perimeter of Seaton was approved at the last Panel meeting which is closer to the site of the turbines than the existing houses in Seaton. However it will only be a material planning consideration if its formal decision notice has been issued at the time of member’s consideration of this application.

Noise is a material planning consideration under the ministerial guidance which has not been satisfactorily addressed.

- Heritage:
  The proposal will not have a significant adverse impact on any designated heritage assets. A detailed evaluation has been undertaken to assess any archaeological remains from any former Roman watch tower in the vicinity of T1 turbine to the satisfaction of the County Archaeologist. There are no further heritage concerns subject to conditions to enable any future recording of any possible remains (i.e. watching brief condition).

- Highways:
  Subject to conditions relating to construction operations the proposed development would not have an adverse impact on the highway network.
• Nature Conservation:
  Subject to mitigation it is considered that the proposed development, as amended, would not have a significant adverse impact on nature conservation interests including bats and birds.

Planning conditions could secure mitigation to ensure the otter and badger species are protected during construction if found at the site if there were to be any development.

• Hydrology and Drainage:
  Flood risk and/or contamination of water are not anticipated to increase as a result of the development although mitigation measures would be required by planning condition.

• Potential benefits:
  The proposal will make a contribution to renewable energy deployment nationally. All of the energy produced will be exported.

Members noted that 118 letters of objection had been received and a further 26 letters of objection following the re-consultation after the withdrawal of T3 from the application. The main grounds of the objections were noted in the officer’s report. Members also noted that 6 letters of support and 1 letter of no objection had been received.

Councillor A Davis-Johnston moved refusal as per the reasons for refusal contained within the officer’s report, as amended by the inclusion of the occupiers of 1 Building Farm Close Seaton in reason 2 as follows:

2. The proposal would result in significant adverse visual effects to the residential amenity of the occupiers of 1, 2 and 3 Building Farm Close Seaton . . .

Councillor Margaret J seconded the motion.

A vote was taken, 11 in favour of refusal as per the reasons for refusal contained within the officer’s report, but with the inclusion of the occupiers of 1 Building Farm Close Seaton in paragraph 2 of the reasons, 0 against.

The motion in favour of refusal as per the reasons for refusal contained within the officer’s report, but with the inclusion of the occupiers of 1 Building Farm Close Seaton in reason 2 was carried.

Decision:
Refused

Reasons for Refusal:
1. The Local Planning Authority consider the County council, parish town council and local representation objection grounds relating to loss of amenity including cumulative visual impact, noise disturbance, harmful visual impact and shadow flicker from the proposed two turbines have not been satisfactorily addressed and their do not have the backing of the local community. The proposal is therefore contrary to Planning
Practice guidance Renewable energy and low carbon energy 2015 and the ministerial statement (June 2015)

2. The proposal would result in significant adverse visual effects to the residential amenity of the occupiers of 1, 2 and 3 Building Farm Close Seaton which are not outweighed by the potential benefits of the proposed wind turbines and the contribution it would make to meeting renewable energy and low carbon targets. The proposal is therefore considered contrary to policies S19 and S32 of the Allerdale Local Plan (Part 1) adopted July 2014 and the advice contained within the National Planning Policy Framework 2012, the Planning practice Guidance Renewable and Low carbon energy (June 2015) and the Ministerial statements dated April 2014 and June 2015.

3. The local Planning Authority considers insufficient evidence has been submitted to demonstrate that the proposal would not cause an unacceptable noise disturbance to the amenity of residential properties in the locality of the site. The proposal is therefore considered contrary to policies S19 and S32 of the Allerdale Local Plan (Part 1) adopted July 2014 and the advice contained within the National Planning Policy Framework 2012, the Planning practice Guidance Renewable and Low carbon energy (June 2015) and the Ministerial statements dated April 2014 and June 2015.

Proactive Statement:
Application Refused Following Discussion – With Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve all those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out within its report, the outstanding matters needing to be remedied to address the harm identified within the reasons for refusal – which may potentially lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

2/2015/0296 Moorhouse Farm, Winscales, Erection of a single wind turbine

Application:
Installation of a single wind turbine with a maximum height to tip of 45m, Moor House Farm, Access Road to Moorhouse Farm, Winscales, Workington

The Planning Officer recommended refusal.

The Planning Officer outlined the application and detailed the main issues within the report as follows:

- Principle of development:
The Allerdale Local Plan (Part 1) seeks to promote the development of renewable and low carbon energy resources provided the impacts (either in isolation or cumulatively) are, or can be made acceptable.

Paragraph 93 of the NPPF makes clear that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development.

Regard should be made to the Ministerial Statement of 18 June 2015 which states planning permission should only be granted where:
- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing

- Residential amenity:
The proposed turbine is within 517m of the nearest properties of the residential estate in High Harrington. It is considered that the topography and woodland does provide a varying degree of screening and existing pylons provide some visual distraction. Although this would help to mitigate impact, there is significant objection from the local community including residents and parish councils regarding visual amenity affecting living conditions.

- Visual and landscape impact:
There will be a varying level of visual impact locally and in the wider landscape mitigated by woodland screening. There is local objection on this matter of landscape impact.

- Cumulative and sequential impact:
The proposed turbine will be seen coincidentally with the existing turbine at the site and to a lesser degree with others in the wider area. Separation distances between turbines and the local topography and other vertical structures will mitigate the impact. There is however local objection.

- Nature conservation:
An ecological report has been provided regarding habitats and protected species. It is considered that the proposed development by virtue of its siting away from hedgerows and woodland would not have a significant adverse impact on nature conservation interests.

- Heritage:
The proposal will not have a significant adverse impact on any designated heritage assets. The nearest Listed Building is Cross House 1.42km west

- Operational requirements:
Subject to conditions relating to construction operations the proposed development would not have an adverse impact on the highway network.
Potential benefits:
The proposal will make a contribution to renewable energy deployment nationally. It would also make a contribution to the running costs of the farm business, creating an alternative source of income, supporting rural enterprise and economic activity.

Members noted that 34 letters of objection had been received, the main grounds of which were noted in the officer’s report.

Councillor A Davis-Johnston moved refusal as per the officer’s recommendation, but with the inclusion that the application did not comply with S19 of the Allerdale Local Plan (Part 1), given that it would have an unacceptable adverse impact on amenity of residents of Ruskin Close, Workington, contrary to the report. Councillor J Osborn seconded.

A vote was taken, 11 in favour of refusal as per the officer’s recommendation, but with the inclusion that the application did not comply with S19 of the Allerdale Local Plan (Part 1), given that it would have an unacceptable adverse impact on the amenity of residents of Ruskin Close, Workington, contrary to the report, 0 against.

The motion in favour of refusal as per the officer’s recommendation, but with the inclusion that the application did not comply with S19 of the Allerdale Local Plan (Part 1), given that it would have an unacceptable adverse impact on the amenity of residents of Ruskin Close, Workington, contrary to the report, was carried.

Decision:
Refused

Reasons for Refusal:
1. Planning matters raised by the community, regarding the potential for adverse visual and local landscape character impacts have not been overcome to alleviate local community concerns, in order to enable community support of the scheme. The proposal is therefore considered contrary to the Planning Practice Guidance 2015 and Ministerial Statement of 18 June 2015.
2. The proposals would have an unacceptable adverse impact on the amenity of residents of Ruskin Close, Workington, contrary to the provisions of Policy S19 of the Allerdale Local Plan (Part 1) Adopted 2014.

Proactive Statement:
Application Refused Following Discussion – Where there is no Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
Proposed siting of a 30m (hub height) endurance wind turbine with a tip height of 48.01m

The Head of Development Services advised that the Secretary of State was considering a request to call-in the planning application and that he had provided an undertaking not to issue a decision until the Secretary of State had considered this request and made a decision as to whether to call-in the application.

The Planning Officer recommended approval.

The Planning Officer outlined the application and detailed the main issues within the report as follows:

- **Principle of development:**
  The application is a resubmission to that previously approved by Development Panel at the same location (2/2014/0484).

  The Allerdale Local Plan (Part 1) seeks to promote the development of renewable and low carbon energy resources provided the impacts (either in isolation or cumulatively) are, or can be made acceptable.

  Paragraph 93 of the NPPF makes clear that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development.

  Regard should be made to the Ministerial Statement of 18 June 2015 which states planning permission should only be granted where:
  - the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
  - following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing

  The existence of a valid planning permission for a turbine in this location which establishes a ‘fall-back’ position that would allow the applicant to install a turbine in this location in any event is also however a material planning consideration.

- **Residential amenity:**
  The proposed turbine is within 800m of three dwellings. New Grange Farm and The Bungalow are the applicant’s farmhouses (400m) with a financial interest in the turbine. The other dwelling Low House Farm at 438 metres is in private ownership and has expressed support.

- **Visual and landscape impact:**
The proposed turbine will increase the proliferation of turbines in the immediate and surrounding area and it is considered that it will have some impact upon visual amenity and landscape character but this will not be significant when compared to the approved scheme.

- Cumulative and sequential impact:
The proposed turbine will complete a cluster of three turbines with the approved sites at Fox House Farm and West House Farm with a degree of cumulative impact in the immediate locality. This in turn will add to the string of turbines seen sequentially to a varying degree from public vantage points and when passing along major transport routes through the District but the impact of this will not be significant when compared to the approved scheme.

- Heritage:
The proposal will not have a significant adverse impact on any designated heritage assets.

- Nature conservation:
Subject to mitigation it is considered that the proposed development would not have a significant adverse impact on nature conservation interests.

- Operational requirements:
Subject to conditions relating to construction operations the proposed development would not have an adverse impact on the highway network.

- Potential benefits:
The proposal will make a contribution to renewable energy deployment nationally although this will be less than the previously approved scheme in terms of the level of electricity exported to the grid. It would also make a contribution to the running costs of the farm business by creating an alternative source of income, supporting rural enterprise and economic activity.

- Radar safeguarding:
NATS has withdrawn a holding objection subject to conditions to implement appropriate technical mitigation.

Members noted that 8 letters of objection had been received, the main grounds of which were noted in the officer’s report. An additional letter of objection was also received, which Members noted.

Councillor P Kendall moved approval as per the officer’s recommendation. Councillor B Pegram seconded.

A vote was taken, 7 in favour of approval, 4 against.

The motion in favour of approval as per the officer’s recommendation was carried.
The application was approved, subject to confirmation being received that the Secretary of State did not wish to call-in the application.

Decision:
Approved, subject to confirmation being received that the Secretary of State does not wish to call-in the application

Conditions/Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: In order to comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out solely in accordance with the following plans:
   - Figure 001 - Site Location Plan
   - Figure 002 - Site Layout Plan
   - Figure 003 - Turbine Elevation
   Reason: In order to comply with Section 51 and Section 91 of the Planning & Compulsory Purchase Act 2004.

3. This permission shall remain valid for a period of 25 years from the date that electricity from the development is first connected to the grid. Within 12 months of the cessation of electricity generation at the site or the expiration of this permission, whichever is the sooner, all development shall be removed and the land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing.
   Reason: To ensure the satisfactory long term restoration of the site, and the removal of any non-essential development in the open countryside to safeguard the visual amenity of its site and surroundings in the open countryside.

4. If the turbine ceases to be operational for a continuous period of 6 months, the development hereby permitted shall, within a period of 3 months (or such longer period as may be agreed in writing by the Local Planning Authority), be removed in its entirety from the site and the site shall either be restored to its condition before the development took place, or otherwise in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.
   Reason: To safeguard the visual amenity of the site and surroundings from non-essential development in the open countryside.

5. Within 12 months of the completion of the construction works the temporary working areas around the turbines shall be reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing.
   Reason: To safeguard the visual amenity of the site and surroundings in the open countryside.
6. All buildings and other operational structures shall be removed from the contractor’s compound within 3 months of the completion of the works required by Condition 5 above. Reason: To minimise the impact of any non-essential development in the open countryside and to safeguard the visual amenity of the site and its surrounding.

7. Before development commences a full specification of the turbine model including the colour and finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To minimise the visual impact of the development of its site and surroundings in the open countryside.

8. No development shall take place until a written scheme has been submitted to and approved in writing by the Local Planning Authority setting out a protocol and methodology for dealing with the assessment of shadow flicker in the event of any complaint. The protocol and methodology shall include remedial measures to be taken to alleviate any identified occurrence of shadow flicker. Operation of the turbines shall take place in accordance with the agreed protocol and methodology. Reason: To minimise the risk of shadow flicker from the development affecting the occupiers of any residential dwelling houses in the locality of the site.

9. No development shall take place until a written scheme has been submitted to and approved in writing by the Local Planning Authority setting out a protocol and methodology for dealing with the assessment of electromagnetic interference in the event of any complaint. The protocol and methodology shall include remedial measures to be taken to alleviate any identified occurrence of electromagnetic interference. Operation of the turbines shall take place in accordance with the agreed protocol and methodology. Reason: To minimise the impact of any disturbance potential electromagnetic interference from the development to the aerial reception of any dwelling-houses in the locality of the application site.

10. No development shall take place until a written haul route plan and scheme for temporary works’ signs has been submitted to and approved in writing by the Local Planning Authority. Works so approved shall be carried out prior to works commencing on site, and shall be retained until the construction phase of development has been completed. Reason: In the interests of highway safety.

11. No development shall take place until a scheme for a condition survey of the public highway from the site access along the haul route prior to development commencing and after development is complete has been submitted to and approved in writing by the
Local Planning Authority. Any necessary remedial works identified shall be made good in accordance with the approved scheme prior to the turbine becoming operational.
Reason: In the interests of highway safety.

12. No advertisements other than safety or information notices shall be displayed anywhere on the turbine structures.
Reason: To minimise the visual impact of the development of its site and surroundings in the open countryside.

13. The turbine shall be erected at the following coordinates: E309445 N536273. A variation of the indicated position of any turbine shall be permitted by up to 20 metres in any direction. A plan showing the position of the turbine as built shall be submitted within one month of the First Export Date.
Reason: To minimise any impact of the development from micro-siting the approved turbines on the landscape and its associated visual amenity.

14. Prior to the commencement of development, a plan to a scale of 1:500 shall be submitted to the Local Planning Authority showing the location of the temporary site compound or compounds required in connection with the construction of the development. Each plan shall indicate the location of the buildings, car parking, and boundary fencing. The plans shall describe the surfacing of each site compound and the means of drainage and dust suppression within the compound. Any fuel, oil, lubricant, paint or solvent stored on site shall be contained within bunds or double skin tanks, which must be capable of containing at least 110% of the largest capacity vessel stored therein. Thereafter any temporary site compound at the site shall be constructed in accordance with the approved plans. All temporary contractors’ site compounds shall be removed and the land reinstated to its former profile and condition no later than 9 months after the First Export Date.
Reason: To ensure the long term restoration of the site and safeguard against non-essential development in the open countryside and to prevent the pollution of the local water environment.

15. Before development commences details of any permanent buildings or ground equipment of any kind shall be provided to the Local Planning Authority and approved in writing.
Reason: In the interests of the visual amenity of the site and surroundings.

16. No development shall take place until a surface water management plan covering water treatment and the means of drainage from all hard surfaces and structures within the site and accesses to the local highway network has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the purposes of this condition, hard surfaces include access tracks within the site, the substation compound, temporary
construction and laydown areas, turbine pads and crane pads. The
details to be submitted shall indicate the means of protecting
groundwater, including private water supplies, and diverting
surface water run-off.
Reason: To protect the local water environment from any potential
pollution.

17. Development shall not take place until a Construction Traffic
Management Plan (CTMP) has been submitted to and approved in
writing by the Local Planning Authority. The CTMP shall include
details of:
(a) Alterations or works to the site access
(b) Proposed accommodation works and where necessary a
program for their subsequent removal and the reinstatement of
street furniture and verges, where required, along the route;
(c) Details of road improvement, construction specification,
strengthening, maintenance and repair commitments if necessary
as a consequence of the development;
(d) Retained areas for vehicle parking, manoeuvring, loading and
unloading for their specific purpose during the development;
(e) The dimensions of turbines and associated components;
(f) The management of junctions to and crossings of the public
highway and other public rights of way/footway;
(g) The scheduling and timing of movements, details of escorts for
abnormal loads, temporary warning signs and banksman/escort
details.
h) A wheel and chassis wash facility for delivery vehicles

The development shall be carried out in accordance with the
approved CTMP.
Reason: In the interests of highway safety.

18. Development shall take place until a Construction Method
Statement including details of all on-site construction works, post
construction reinstatement, drainage, mitigation, and other
restoration, together with details of their timetabling has been
submitted to and approved in writing by the Local Planning
Authority and shall include measures to secure:
(a) Formation of the construction compound and access tracks and
any areas of hard-standing, earthworks and re-grading associated
with the access tracks, storage and handling of top-soils/soils;
(b) Cleaning of entrance sites and the adjacent public highway;
(c) Temporary site illumination measures;
(d) Disposals of surplus materials;
(e) The sheeting of all HGVs taking spoil to/from the site to prevent
spillage of deposit of any materials on the highway;
(f) Soil storage and handling;
(g) Temporary and permanent parking and storage areas for
construction vehicles, maintenance vehicles, equipment and
component storage;
(h) Measures to prevent mud and debris extending onto the public
highway
(i) Disposal of any surplus materials
(j) Dust management;
(k) Drainage arrangements for all impermeable areas and buildings, including parking areas, hardstandings, access tracks
(l) Post construction restoration/reinstatement of the working areas.
The Construction Method Statement shall be carried out as approved.
Reason: In the interest of visual and residential amenity, and to prevent pollution of the environment.

19. Construction work shall only take place between the hours of 07:00-19:00 hours on Monday to Friday inclusive, 07:00-13:00 hours on Saturdays, with no such working on a Sunday or local or national public holiday. Outside these hours, construction work at the site shall be limited to emergency works and dust suppression. The receipt of any materials or equipment for the development, other than turbine blades, nacelles, and towers are not allowed outside the hours set out.
Reason: To safeguard the residential amenity of occupiers of dwelling houses in the locality of the site from any noise pollution relating to the development.

20. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by Allerdale Borough Council in order to avoid the impact of the development on the Primary Radar of the Operator located at Lowther Hill and associated air traffic management operations.
Reason: In the interests of aviation safeguarding.

21. No blades shall be fitted to any turbine unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.
Reason: In the interests of aviation safeguarding.

22. The following background noise levels shall not be exceeded when the turbine is in operation:
   (a) Noise from the turbine shall not exceed an LA90 (10 minutes of 35dB(A)) up to wind speeds of 10m/s at 10 metres in height when assessed and measured 3.5 metres from the façade of the nearest noise sensitive receptor namely Low House, Dearham, CA15 7LA
   (b) Noise from the turbine shall not exceed an LA90 (10 minutes of 45dB(A)) up to wind speeds of 10m/s at 10 metres in height when assessed and measured 3.5 metres from the façade of the nearest financially involved noise sensitive receptor namely New Grange Farm, Dearham (in existence at the date of this permission).
Reason: To minimise any potential noise disturbance from the development to the occupiers of any residential dwelling-houses in the locality of the site.

23. In the event of a complaint being received in writing by the Local Planning Authority alleging noise nuisance at a residential property
or properties due to the wind turbine, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to measure and assess the level of noise emissions from the wind turbine at the location of the complainant's property. The results of the independent consultant's assessment shall be provided in writing to the Local Planning Authority within three months of the date of notification of the complaint. If a breach of Condition 22 was confirmed in the assessment the operation of the turbine will cease until the Local Planning Authority is satisfied the turbine can operate within the noise limits specified in Condition 22. The operator of the development shall be under no obligation to follow the procedure set out in this condition where the complaint relates to a residential property more than three kilometres from the wind turbine generator.

Reason: To minimise any potential noise disturbance from the development to the occupiers of any residential dwelling-houses in the locality of the site.

Proactive Statement:
Application Approved Without Amendment

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 stakeholder 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 within the National Planning Policy Framework.

2/2015/0543 Belle Mount, Papcastle, Outline application for two dwellings (resubmission of 2/2014/0649)

Application:
Outline application for the erection of 2 no. detached dwellings. Resubmission of 2/2014/0649, Land Adjacent to Belle Mount, Papcastle, Cockermouth

The Planning Officer recommended refusal.

The Planning Officer outlined the application and detailed the main issues within the report as follows:

- Principle of development:
The principle of development is not considered acceptable at this location. The site is not infill or rounding-off of the village and will contribute to settlements joining together by ribbon development. The proposals are contrary to Local Plan policies regarding strategic housing growth within the defined hierarchy of settlements. The proposals do not qualify as an exception of any kind for housing outside the settlement.

- Conservation Area and Landscape Character:
The site is considered to extend the village as ribbon development with adverse impact upon the traditional settlement form and the Conservation Area and with harm to the wider landscape.

- **Drainage:**
  There are a number of potentially achievable solutions for surface water and foul drainage at the site in accordance with the hierarchy of sustainable drainage. United Utilities has not objected and agreed in principle to a sewer connection.

- **Access:**
  Acceptable to the Highway Authority with appropriate conditions.

- **Archaeology:**
  An archaeological evaluation has been considered by the County Archaeologist with no necessary preservation of Roman or medieval features required. A watching brief is recommended.

Members noted that 2 letters of objection had been received, the main grounds of which were detailed in the report. Members also noted that a late response had been received from Historic England.

Councillor A Davis-Johnston moved refusal as per the officer’s recommendation. Councillor N Cockburn seconded.

Councillor M Grainger moved that the item be deferred until a site visit had taken place. Councillor B Miskelly seconded.

A vote was taken in favour of deferral until a site visit had taken place, 4 in favour, and 7 against.

The motion in favour of deferral until a site visit had taken place was lost.

A vote was taken, 9 in favour of refusal as per the officer’s recommendation, 0 against and 2 abstentions.

The motion in favour of refusal as per the officer’s recommendation was carried.

**Decision:**
Refused

**Reasons:**
The proposed site is considered poorly related to traditional settlement form and character and not considered to constitute as infill or rounding-off as defined within the Allerdale Local Plan and contrary to Policies S1 S2 S3 S5 and S27 of the Allerdale Local Plan Adopted July 2014 and Para 55 of the National Planning Policy Framework.

The proposed development constitutes non-essential residential development in the open countryside and is not considered to qualify as an exception for housing outside of the settlement and contrary to Policy S3 of the Allerdale Local Plan Adopted July 2014.
The proposed site area is considered to exacerbate ribbon development having an adverse impact upon settlement form (including the Conservation Area), landscape and rural character of the open countryside and with the detrimental result of joining a settlement to a hamlet contrary to Policy S1, S2, S3, S5, S27 and S33 of the Allerdale Local Plan Adopted July 2014.

Proactive Statement:
Application Refused Following Discussion – Where there is no Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2/2014/0857 Ashfield Road South, Workington Outline application for up to 290 dwellings

Application:
Outline application for up to 290 dwellings, Ashfield Road South, Workington

The Head of Development Services recommended approval subject to conditions and the completion of a Section 106 legal agreement as detailed in the report.

The Head of Development Services highlighted an error in the summary report and confirmed that the trees to the northern boundary of the site were proposed to be removed.

The Head of Development Services outlined the application and detailed the main issues within the report as follows:

- Principle of development:
The site has been allocated for housing since 1999 in the Allerdale Local Plan, and it will contribute towards the Council's current 5 year supply of deliverable housing land. The development also constitutes a sustainable location for residential development.

Therefore, the principle of residential development at this location is deemed acceptable and the proposal is considered to be compliant with the provisions of policies S2, S3 and S5 of the Allerdale Local Plan (Part 1).

- Scale, design and residential amenity:
Officers are satisfied that acceptable levels of privacy and amenity could be achieved for both proposed and existing dwellings. Issues regarding layout, scale and appearance are reserved for approval later as 'Reserved Matters', and any potential issues regarding amenity and overlooking could be reduced by design and orientation of the proposed
dwellings at the detailed design stage. This is in accordance with Policies S2, S4 and S32 of the Allerdale Local Plan (Part 1).

- Landscape and visual impact:
  Belts of trees are located within the site and adjacent to the boundaries. However, there are no tree preservation orders. The majority of the trees located adjacent to the south-east boundary are proposed to be retained. This forms a useful boundary treatment as a buffer with the existing housing developments at both Chaucer Road and Ellerbeck Lane. Trees are proposed to be removed along the frontage of the site with Ashfield Road South; however, replacement tree planting is proposed.

  Officers conclude that with the incorporation of the mitigation measures the proposed development would not have a significant adverse impact on landscape character and visual amenity. Therefore, the proposal is compliant with the provisions of Policies S32 and S33 of the Allerdale Local Plan (Part 1).

- Highway issues:
  The application is in ‘Outline’ with access to be determined. Two access points are proposed. These are approximately opposite Crosthwaite Close and Laybourne Court. The access is considered acceptable. The site lies some distance from most of the Town’s facilities. However, there is a good network of pedestrian/cycle routes to local shops at Ashfield Road South / Newlands Lane junction, and St Gregory’s and Westfield Primary schools. The site is also well sited for the Lillyhall Employment and Tertiary Education Site and for access to Whitehaven/Cockermouth and Carlisle/Penrith, without the need to traverse the town.

- Traffic and Transport Issues:
  There are good bus and train linkages available in the town centre. There is also good road linkage to the A596, thence A595/A66/M6 corridors. There is already sustainable transport provision within the Moorclose Phase 6 development on the opposite side of Ashfield Road South, and the new development needs appropriate cycle path connectivity. This would be a matter for the ‘Reserved Matters Application’ as the internal layout is developed. The Moorclose area is also well served by the existing town circular bus service.

  The application includes a Transport Assessment. This identifies that all junctions assessed operate within capacity with the exception of High St / Newlands Lane, where an indicative layout has been provided for a right turn lane which would be delivered in approximately 2020, assuming a 5 year build out period.

  A Travel Plan can be secured by Condition / Legal Agreement. The Planning Obligation would also need to incorporate the junction improvement works, and pedestrian / cycle linkages.

  In addition, Conditions are required regarding phasing, drainage and management of construction materials and parking. Officers conclude that the proposed development would not have a significant adverse
impact on the local highway network in terms of both capacity and safety. On this basis it is considered that the proposed development is compliant with the provisions of policies S2, S5, and S22 of the Allerdale Local Plan (Part 1).

- Local Flood Risk:
The application is supported by a Flood Risk assessment which includes indicative proposals for the site drainage. Surface water will be dealt with by SuDS surface drainage techniques, including attenuation storage and discharge off site to a watercourse, Ellerbeck, at the Greenfield rate. A conventional engineered piped system is proposed which will lead to an attenuation pond at the SE corner of the site. A 10m ‘stand-off corridor’ is planned alongside Ellerbeck and this covers the Flood Zone 3. The SuDS pond must be located outwith Flood Zone 3 or a compensatory flood plain be created.

Given the topography of the site, which falls from Ashfield Road South to the SE corner, it will not suffer from overland flow events. Furthermore, other than alongside Ellerbeck the site is within Flood Zone 1. However, Ellerbeck / River Wyre does experience downstream flood events in Harrington. Therefore, attenuation is required to less than Greenfield ‘run-off’ rate.

This section of Ellerbeck is Ordinary Watercourse, and as such full details of the discharge and associated structures to Ellerbeck are required for approval. Furthermore, the use of SuDS principles to source controls and surface features with appropriate treatment are encouraged rather than engineered piped systems.

However, as this is an ‘Outline’ application these issues can be covered by condition, and dealt with at Reserved Matters / Condition Discharge stage.

- Foul and Surface water drainage:
Officers are satisfied that a suitable scheme for the management of foul drainage and surface water run-off from the site can be achieved, and this can be covered by Condition.

- Open space and Play facilities:
The illustrative development plans indicate that the scheme could create approximately 2.5ha of formal and informal public open space. This includes a green space corridor along the northern edge, plus an area of greenspace through the site, and a Local Equipped Area for Play.

- Affordable Housing:
The proposed development would provide 20% affordable housing and the applicant has agreed to its inclusion within the Section 106 agreement. This complies with policy S8 of the Allerdale Local Plan.

- Heritage:
It is not considered that there would be an adverse impact on Heritage assets. The site is not located in a conservation area. However, there are
a number of Listed Buildings within 1.5km of the site. The closest, Schoose Farm is 0.6km to the North-East. A number of sites of archaeological interest are also within close proximity and an archaeological desk based assessment has been submitted.

- **Ecology:**
  No risks to ecological assets are predicted. The site is located 1.8km to the south of the River Derwent’s Site of Special Scientific Interest (SSSI), which is also designated as a Special Area of Conservation (SAC). However, given the distance of almost 2km between the site and the River Derwent it is not considered that the SSSI raises the environmental sensitivity of the location. The site is also located 0.2km east of an area identified for ‘small blue butterflies’. However, an ecological appraisal has been submitted as part of the planning application and Officers consider that subject to the inclusion of the mitigation measures identified within this the development would not cause significant harm to protected species that may roost, forage or commute within the site.

  Officers conclude that the proposed development would not have a significant adverse impact on ecology and therefore is compliant with the provisions of policies S35 and S36 of the Allerdale Local Plan (Part 1).

- **Contamination:**
  It is considered that the issue regarding contamination and remediation schemes can be covered by Condition.

- **Community & social infrastructure:**
  Cumbria County Council (CCC) has estimated that the proposed development would yield 54 primary aged children and 38 secondary aged children. There is a shortfall of 16 secondary places and 13 infant places as a direct result of this development. Therefore an education contribution of £447,671 is sought (£156,663 Primary contribution and £291,008 Secondary contribution). This has been calculated using the Department of Education (DfE) multiplier. The applicant has accepted the need for this contribution and has agreed to its inclusion within the Section 106 agreement.

  CCC are also seeking an adult social care contribution of £41,137 based on the fact that of the 290 units proposed 170 units do not incorporate design mitigations. 170 units do not contain straight and sufficiently wide staircases to accommodate a stair lift, plus sufficiently large entry level WC facilities that can easily incorporate a level entry shower, as set out in the Lifetime Homes Standard. CCC is therefore seeking this contribution to mitigate the cost of these potentially expensive adaptations.

  Policy S10 of the Allerdale Local Plan provides the policy basis for considering the CCC adult social care contribution request. The policy does not require new residential development within the Allerdale Plan Area to incorporate Lifetime Homes Standards, it merely encourages it. Notwithstanding this, the affordable housing units would comply with
these Standards meaning that in fact the applicant has exceeded the requirement of Policy S10.

The Department for Communities and Local Government (DCLG) has recently issued a consultation document in relation to a Housing Standards Review. This includes proposals that would enable Building Regulations to set optional standard, above the basic requirements, which can then be applied by a planning authority as a planning condition. However, DCLG has made it clear there will need to be a mechanism to limit planning authorities’ ability to impose technical standards beyond those which emerged from the Housing Standards Review.

Therefore, given the compliance with Policy S10 and Government’s position in the consultation document, there is no planning policy background to support the request from CCC. It is therefore considered that the request for the contribution cannot be sustained.

Members noted that 3 letters of objection had been received, the main grounds of which were detailed in the report.

Councillor C Armstrong recommended approval as per the officer’s recommendation. Councillor P Kendall seconded.

A vote was taken, 11 in favour of approval as per the officer’s recommendation, 0 against.

The motion in favour of approval as per the officer’s recommendation was carried.

Decision:
Approved, subject to conditions and the completion of a Section 106 legal agreement

Conditions:

1. Before any works commence, details of the layout, scale and appearance, and landscaping (hereinafter called ‘reserved matters’) shall be submitted to and approved by the Local Planning Authority, in accordance with the phasing scheme as agreed under Condition 5 and the development shall be carried out as approved. Reason: To enable the Local Planning Authority to assess all the details of the development, in accordance with the provisions of the details of the Town and Country Planning (General Development Procedure) Order 1999.

2. The development hereby permitted shall be carried out in accordance with the following plans:
   Site location plan – Drawing no. 1100
   Site Access arrangements – Drawing no. TPMA1159-100Newlands Lane / High Street Indicative Mitigation Scheme - TPMA1159 104
   Reason: In order to ensure a satisfactory standard of development.
3. The submission of the first reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:
   a) The expiration of three years from the date of the grant of this permission,
   or
   b) The expiration of two years from the final approval of the 'reserved matters' or, in the case of approval on different dates, the final approval of the last such matter to be approved.
   Reason: In order to comply with the requirements of Section 92 of The Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Any application for 'reserved matters' of layout shall include plans showing the following:
   a) Cross sections through the site;
   b) Details of existing and proposed ground levels;
   c) Proposed finished floor levels of buildings;
   d) Levels of any paths, drives, garages and parking areas; and the development shall be carried out in accordance with the details so approved.
   Reason: To ensure that the works are carried out to a suitable level in relation to the adjoining properties and highways and in the interests of visual amenity.

5. Any application for reserved matters of the layout of the site shall include a phasing plan showing the sequencing of the development to be submitted to and approved by the Local Planning Authority, and the developer shall not proceed other than in accordance with the approved scheme.
   Reason: To serve in the public and visual interests a satisfactory correlated order of development, in accordance with Policies S5 and DM14 of the Allerdale Local Plan (Part 1) Adopted July 2014.

6. No dwelling shall be occupied until any parking spaces, garages and turning areas associated with them have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking and turning areas provided shall not be used for any purpose other than the parking and turning of vehicles.
   Reason: To ensure that proper access and parking provision is made and retained for use in relation to the development, in compliance with the National Planning Policy Framework and Policy S22 of the Allerdale Local Plan (Part 1), Adopted July 2014.

7. The carriageway, footways and footpaths shall be designed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any part of the development hereby permitted is commenced. No work shall be commenced until a full specification has been approved. These
details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed. Reason: To ensure a minimum standard of construction in the interests of highway safety.

8. Prior to occupation visibility splays providing clear visibility of 43 metres measured down the centre of the access road and the nearside channel line of the major road shall be provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure or object of any kind shall be erected or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splays which exceed 1 metre in height and obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded. Reason: To ensure a satisfactory means of access for the development in the interests of highway safety.

9. No development hereby permitted shall be commenced until details and representative samples of the external stone/brick/roof materials for the development has been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details. Reason: To ensure the use of appropriate materials in the interests of visual amenity, in compliance with policies S2, S4 and DM14 of the Allerdale Local Plan (Part 1) Adopted July 2014.

10. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the buildings they enclose are first occupied. Development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory standard of development which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policies S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

11. The details submitted in pursuance of Condition 1 shall be accompanied by a scheme of hard and soft landscaping which shall include indications of all existing trees, hedgerows and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. The scheme shall include:
   a) The treatment proposed for all ground surfaces, including hard areas;
   b) Full details of tree planting;
c) Planting schedules, noting the species, sizes, numbers and densities of plants;

d) Finished levels or contours;

e) Any structures to be erected or constructed;

f) Functional services above and below ground; and

g) All existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality, in compliance with Policies S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

12. Pursuant to Condition 11, all planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality, in compliance with the National Planning Policy Framework and Policies S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

13. No part of the development hereby permitted shall be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained, together with the positions and height of protective fences, the areas for the storage of materials and stationing of machines and huts, and the position and width of temporary site roads and accesses. The details so approved shall be implemented prior to the commencement of the development and maintained at all times during the construction period.

Reason: To ensure the retention of existing important trees on the site, in compliance with Policy DM17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

14. The details submitted in pursuance of Condition 1 shall be accompanied by a landscape scheme for hedgerow and planting along the southern boundary, and replacement of any section of the hedgerow along the eastern boundary required to be removed as part of the formation of the access to the site. This scheme shall be approved in writing by the Local Planning Authority and implemented thereafter in accordance with the approved details and prior to first occupation of the first dwelling. All planting shall be carried out in the first planting season following completion of the development and any which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality, in compliance with the National Planning Policy Framework and Policies S4 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

15. No dwellings shall be occupied until full details of the layout of the Local Area of Play / Locally Equipped Area of Play have been submitted to and approved in writing by the Local Planning Authority. The Local Area of Play shall be fully implemented prior to the occupation of 50% of the dwellings within the first phase of the development.
Reason: To ensure the satisfactory provision of open space, in compliance with policies S2, S4, S24, S25, S26 and DM14 of the Allerdale Local Plan (Part 1), Adopted July 2014.

16. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to through the construction period. The Plan shall include the following:

a) Traffic Management Plan to include:
- All traffic associated with the development, including site and staff traffic
- The means of access for construction traffic
- The loading and unloading of plant and materials
- The storage of plan and materials used in constructing the development
- Wheel washing facilities
b) Procedure to monitor and mitigate noise and vibration from the construction and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles deliveries. All measurements should make reference to BS7445.
c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.
d) Mitigation measures to ensure that no harm is caused to protected species during construction.
e) A written procedure for dealing with complaints regarding the construction or demolition.
f) Measures to control the emissions of dust and dirt during construction.
g) Programme of work for the Construction phase.
h) Hours of working and deliveries.
i) Details of lighting to be used on site.
The approved statement shall be adhered to throughout the duration of the development.
Reason: In the interests of the amenity of the occupiers of neighbouring properties and to secure appropriate mitigation of ecology interests on the site, in compliance with Policies S32 and S35 of the Allerdale Local Plan (Part 1) Adopted July 2014.
17. Pursuant to Condition 16 and prior to the commencement of
development, a plan shall be submitted for the prior approval by the
Local Planning Authority reserving adequate land for site
offices/stores, secure compounds, including adequate land for the
parking/turning of vehicles/plant, engaged in the construction
operations associated with the development hereby approved. Such
land, including the vehicular access thereto, shall be used for or be
kept available for these purposes at all times until completion of the
construction works.
Reason: To minimise inconvenience and danger to road users, in
compliance with Policies S2, S5, S22 and DM14 of the Allerdale Local

18. The Interim Travel Plan shall be developed during the first phase of
the development as the Development Travel Plan and shall be
submitted to the Local Planning Authority for approval, in
consultation with the local highways authority, prior to the
occupation of 50 dwellings. This Plan shall be further developed
during the Review process, which shall take place annually or when
there have been 50 dwellings occupied since the last review. The
Travel Plan shall provide for/include the following:
a) The appointment of a Travel Plan Co-ordinator
b) The collection and recording of baseline data on travel patterns
c) Targets to be achieved for modal share
d) Details of the specific measures to be implemented to promote
the use of sustainable modes of transport and details of the way in
which these will be implemented in order to meet the identified
targets and the more specific site objectives are developed as part
of the Full Travel Plan
e) Details of the mechanism for monitoring the identified targets
f) Details of the means by which the Travel Plan shall be reviewed
and the corrective measures to be employed if the identified targets
are not met.
Reason: To aid in the delivery of sustainable transport objectives and in
support of Local Transport Plan Policies LD3 and LD4.

19. Cyclepaths shall be provided that link continuously across the site
and to the existing bus stops. Pedestrian/cycle linkages to and from
and within the site shall be provided that are convenient to use.
Additional infrastructure (such as lay-bys, seats, timetable posts
and crossing points on Ashfield Road south) shall be provided as
may be identified through the Travel Plan process, by the Local
Planning Authority, in conjunction with the Local Highways
Authority.
Reason: To ensure there is adequate access to sustainable transport
modes and minimise hazard to users thereof.

20. No development shall commence within the site until the applicant
has secured the implementation of a programme of archaeological
work in accordance with a written scheme of investigation which
has been submitted by the applicant and approved by the Local
Planning Authority. This written scheme shall include the following components:
1. An archaeological evaluation;
2. An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
3. Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

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

21. The development shall be implemented in accordance with the mitigation measures outlined in the preliminary Ecological Appraisal (Wardell Armstrong – August 2014).


22. Prior to commencement of development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and Policy S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

23. Only foul drainage shall be connected to the public sewer.

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

24. Pursuant to condition 23, none of the dwellings shall be occupied until the sewage disposal works have been completed in accordance with the submitted plans.

Reason: To ensure a sustainable means of drainage from the site and minimise the risk of water pollution to the local water environment, in compliance with the National Planning Policy Framework and Policy S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

25. Prior to the commencement of works, details of the surface water drainage works, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall:
Confirm there will be no SuDS/bunding or land raising within Flood Zones 2/3. Indicate the maximum allowable discharge rate from the
impermeable area of development site shall be restricted to the pre-
development greenfield runoff rate (Qbar) rate of 7 litres per second
per ha.

Any flows from any areas of the site including permeable areas in
excess of 7 litres/second will be attenuated on site in a detention
basin/balancing pond for all events up to and including the 1 in 100
year event including a 30% allowance for climate change. The
approved scheme shall be fully implemented prior to the
occupation of any of the dwellinghouses hereby approved.
Reason: To ensure a satisfactory standard of surface water drainage and
minimise the risk of flooding, in compliance with the National Planning
Policy Framework and Policies S2 and S29 of the Allerdale Local Plan
(Part 1), Adopted 2014.

26. No development approved by this permission shall commence until
all necessary site investigation works within the site boundary are
carried out, as identified in the Interim Geo-Environmental Report
(WYG, November 2014 & phase 1 Desk Study Report, Wardell
Armstrong, November 2014), to confirm the need for remedial works
to treat the mine entries and areas of shallow mine workings and to
establish the degree and nature of the contamination and its
potential to pollute the environment or cause harm to human health.
Reason: To ensure the safety and stability of the proposed development
and minimise any risk arising from any possible contamination from the
development to the local environment in compliance with the National
Planning Policy Framework and Policy S30 of the Allerdale Local Plan

27. Should any affected by mine working and / or contamination be
identified under the site investigation works under condition 27 be
found which poses unacceptable risks to human health, controlled
waters or the wider environment, no development shall take place
until a detailed remediation scheme has been submitted to and
approved in writing by the Local Planning Authority. The scheme
must include an appraisal of remediation options, identification of
the preferred option(s), the proposed remediation objectives and
remediation criteria, and a description and programme of the works
to be undertaken including the verification plan.
Reason: To minimise any risk arising from any possible contamination
from the development to the local environment in compliance with the
National Planning Policy Framework and Policy S30 of the Allerdale
Local Plan (Part 1), Adopted July 2014.

28. Should a remediation scheme be required under condition 28, the
approved strategy shall be implemented and a verification report
submitted to and approved in writing by the Local Planning
Authority, prior to the development (or relevant phase of
development) being brought into use.
Reason: To minimise any risk arising from any possible contamination
from the development to the local environment in compliance with the

29. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All works shall be undertaken in accordance with current UK guidance, particularly CLR11.

Reason: To minimise any risk arising from any possible contamination from the development to the local environment in compliance with the National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

30. Prior to occupation of the dwellings, full details of all noise mitigation measures, as identified in Section 5 of the Noise and Vibration Assessment (Wardell Armstrong, Report Number LE12021, Date: October 2014) shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation measures approved shall be installed prior to occupation of the dwellings.


Proactive Statement:
Application Approved Without Amendment
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 stakeholder 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 within the National Planning Policy Framework.

2/2015/0466 Land adjacent to Westnewton Hall, Application for proposed detached dwelling

Application:
Application for proposed detached dwelling, Land adjacent to Westnewton Hall, Westnewton, Aspatria

The Principal Planning Officer recommended refusal.

The Principal Planning Officer outlined the application and detailed the main issues within the report as follows:
• **Principle of Development:**
The erection of a single dwelling on this site is considered to comply with Policy S3 of the Allerdale Local Plan. However, the criteria of Policy S5 need to be met.

• **The Character of the Conservation Area:**
Officers consider the proposal will not result in a significant loss of visible green to the village, with views retained past the dwelling to the open fields retaining the green backdrop of the village and the agricultural character of the Conservation Area.

• **The Setting of Westnewton Hall:**
It is considered the proposed house would adversely affect the agricultural setting of the Hall, by removing and obscuring much of the visible agricultural land which currently contributes to its setting.

• **Design:**
The design of the dwelling in its form or its details will either maintain or enhance the character of the conservation area and the setting of the Listed Building.

• **Amenity:**
The proposed dwelling is located 20m to the east of existing agricultural buildings resulting in a poor standard of amenity to the future occupiers of the dwelling.

Members noted that no representations had been received from members of the public. A statement was provided to Members from the agent for the application, which was received following the preparation of the agenda.

Councillor P Kendall moved that the item be deferred until a site visit had taken place. Councillor B Pegram seconded.

Councillor A Davis-Johnston moved refusal as per the officer’s recommendation. Councillor M Jackson seconded.

A vote was taken, 6 in favour of refusal as per the officer’s recommendation, 5 against.

The motion in favour of refusal as per the officer’s recommendation was carried.

**Decision:**
Refused

**Conditions/Reasons:**
1. The proposed development by virtue of its siting and design would be harmful to the character of the village and the setting of Westnewton Hall Grade II Listed Building. The proposal would neither preserve or enhance the character or appearance of the Conservation Area and Listed Building and is therefore contrary to the National Planning Policy Framework Chapters 7 and 12 and Policy S4, S5 and S27 of the Allerdale Local Plan (Part 1), Adopted July 2014.
2. The Local Planning Authority considers that the future occupiers of the proposed development would suffer a poor standard of residential amenity by way of the proximity of the dwelling to the agricultural buildings to the west of the site contrary to the National Planning Policy Framework Chapter 11 and policy S32 of the Allerdale Local Plan (Part 1), Adopted 2014.

Proactive Statement:
The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

219 2/2015/0573 Adjacent to Oakfield, Crookdake, Erection of an agricultural shed

Application:
Erection of agricultural shed, Adjacent to Oak Field, Crookdake, Aspatria, Wigton

The Principal Planning Officer recommended refusal.

The Principal Planning Officer outlined the application and detailed the main issues within the report as follows:

Siting:
The proposal is an isolated structure in the open countryside, poorly related to the existing structures on the farm.

Landscape Setting:
The applicant has taken some measures to screen the building; however, as an isolated structure with splayed access, the building would be visually prominent against the open setting.

Highways:
The applicant has amended to scheme to counter objections received from the Highways Department through a previous application. These measures would however reduce the level of screening originally proposed and increase the visual prominence of the building, to the detriment of the surrounding landscape.

Scale/Design:
The proposal is of a standard agricultural scale and design.

Amenity:
The proposal would not have any adverse impact on residential amenity.
Members noted that no representations had been received from members of the public. Members noted that late responses had been received from the Highways Department and the Environmental Health Department raising no objections to the proposal.

Councillor N Cockburn moved refusal as per the officer’s recommendation. Councillor C Armstrong seconded.

Councillor P Kendall moved approval on the grounds that it was considered that it was not possible to site the proposed building adjacent to existing farm buildings and the building had been sited to minimise impact on the landscape setting. Councillor D Wilson seconded.

A vote was taken, 3 in favour of approval on the grounds that it was considered that it was not possible to site the proposed building adjacent to existing farm buildings and the building had been sited to minimise impact on the landscape setting, 8 against.

The motion in favour of approval was lost.

A vote was taken, 8 in favour of refusal as per the officer’s recommendation, 3 against.

The motion in favour of refusal as per the officer’s recommendation was carried.

Decision:
Refused

Conditions/Reasons:
The proposed agricultural development, by reason of its siting, would form an isolated and visually obtrusive form of agricultural development, poorly related to other buildings at the adjacent farmstead, which would detract from the character and appearance of the area within which it is located. The proposal is therefore contrary to Paragraphs 7 and 17 of the National Planning Policy Framework and Policies S14 and DM6 of the Allerdale Local Plan (Part 1) July 2014.

Proactive Statement:
The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Application:
Proposed first floor extension, 12 Thirlmere Avenue, Cockermouth
The Principal Planning Officer recommended refusal.

The Principal Planning Officer outlined the application and detailed the main issues within the report as follows:

**Scale and Design:**
The proposal has been amended to reduce the ridge height of the extension. The scale and design are appropriate for the site.

**Amenity:**
The proposal would be at a height and massing alongside the shared boundary with 14 Thirlmere Avenue which would result in an unacceptable impact upon the residential amenity of these occupiers.

**Highways:**
Highways conditions remain unchanged.

Members noted that no representations had been received from members of the public.

Councillor M Jackson moved refusal as per the officer’s recommendation. Councillor A Davis-Johnston seconded.

Councillor P Kendall moved approval on the grounds that it was considered that the proposed development would not materially harm the amenity of the occupiers of the neighbouring property and therefore complied with Policy DM15 of the Allerdale Local Plan (Part 1). Councillor M Grainger seconded.

A vote was taken, 5 in favour of approval on the grounds that it was considered that the proposed development would not materially harm the amenity of the occupiers of the neighbouring property and therefore complied with Policy DM15 of the Allerdale Local Plan (Part 1), 6 against.

The motion in favour of approval was lost.

A vote was taken, 6 in favour of refusal as per the officer’s recommendation, 5 against.

The motion in favour of refusal as per the officer’s recommendation was carried.

**Decision:**
Refused

**Reasons for Refusal:**
The proposed rear extension, by reason of height, length and proximity to the shared boundary with 14 Thirlmere Avenue, would have an unacceptable effect on the residential amenity of the occupiers of the adjoining property at 14 Thirlmere Avenue. These occupiers would experience an inappropriate sense of overbearing and enclosure as well as a loss of natural daylight available to the habitable rooms running adjacent to the shared boundary, contrary to Chapter 7 of the National Planning Policy Framework and Policies DM15, S4 and S32 of the Allerdale Local Plan (Part 1) July 2014.
Proactive Statement:
The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

The meeting closed at 5.00 pm