Development Panel

Will meet on
Tuesday 20 October 2015
at
1.00 pm
in
Council Chamber - Allerdale House

Membership:

Councillor Peter Bales (Chairman)
Councillor Carole Armstrong
Councillor Adrian Davis-Johnston
Councillor Margaret Jackson
Councillor Peter Kendall
Councillor Ron Munby
Councillor Bill Pegram
Councillor Nicky Cockburn
Councillor Malcolm Grainger
Councillor Mark Jenkinson
Councillor Billy Miskelly
Councillor Ron Munby
Councillor Jim Osborn

Members of the public are welcome to attend the meeting. If you have any questions or queries contact Dean Devine on 01900 702556.

Agenda

1. Minutes (Pages 1 - 20)
   To sign as a correct record the minutes of the meeting held on 29 September 2015.

2. Apologies for Absence

3. Declaration of Interest
   Councillors/Staff to give notice of any disclosable pecuniary interest, other registrable interest or any other interest and the nature of that interest relating to any item on the agenda in accordance with the adopted Code of Conduct.
4. Questions
   To answer questions from members of the public – 2 days’ notice of which must have been given in writing or by electronic mail.

5. 2/2015/0413 Springfield Farm, Greysouthen Single turbine 67m to top, 40m to hub (Pages 21 - 42)

6. 2/2014/0737 Iggesund Paperboard, Siddick, Erection of two turbines 65m to hub, 110m to tip and ancillary infrastructure (T3 withdrawn) (Pages 43 - 76)

7. 2/2015/0296 Moorhouse Farm, Winscales, Erection of a single wind turbine (Pages 77 - 90)

8. 2/2015/0389 New Grange Farm, Dearham Proposed siting of a 30m (hub height) endurance wind turbine with a tip height of 48.01m (Pages 91 - 108)

9. 2/2015/0543 Belle Mount, Papcastle, Outline application for two dwellings (resubmission of 2/2014/0649) (Pages 109 - 118)

10. 2/2014/0857 Ashfield Road South, Workington Outline application for up to 290 dwellings (Pages 119 - 152)

11. 2/2015/0466 Land adjacent to Westnewton Hall, Application for proposed detached dwelling (Pages 153 - 162)

12. 2/2015/0573 Adjacent to Oakfield, Crookdake, Erection of an agricultural shed (Pages 163 - 170)

13. 2/2015/0493 12 Thirlmere Avenue, Cockermouth, Proposed first floor extension (Pages 171 - 176)

Chief Executive

Date of Next Meeting
Tuesday 10 November 2015 at 1.00 pm
Council Chamber - Allerdale House
At a meeting of the Development Panel held in Council Chamber - Allerdale House on Tuesday 29 September 2015 at 1.00 pm

Members

P Bales (Chairman)

C M Armstrong  P G Kendall
A Davis-Johnston  B Miskelly
B Finlay  R Munby
M Grainger  J Osborn
C M Jackson  B Pegram
M Jenkinson

An apology for absence was received from Councillor N Cockburn

Staff Present

B Carlin, C Chambers, D Devine, J Eaton, A Gilbert, K Kerrigan, A Seekings and S Sewell

186 Minutes

The minutes of the meeting held on 8 September 2015 were signed as a correct record.

187 Declaration of Interest

8.  2/2015/0440 Foxpit House, Copperas Hill, Harrington

Councillor Jim Osborn; disclosable pecuniary interest; having discussed the application with the applicant and residents

188 Questions

The following questions were submitted and answers given:

Question from Mr Peter Nicholson

Cumbria Local Enterprise Partnership minutes of April 17th paragraph 114 explain that the £3.5 million grant to M Sport would not go ahead yet MSport managing director stated in evidence by his witness statement at public judicial review that the project would not go ahead without the grant funding so how much weight can be placed on what MSport says, in relation to the viability of the project?

Answered by the Head of Development Services

Whilst I am not in a position to comment on the viability of the project the reference in the LEP minutes relates to a grant approval under the RGF 4 programme. M-Sport now have a separate conditional grant approval under the
RGF 6 programme and it is my understanding it is this grant funding which was referred to in the witness statement from M Sport’s managing director.

**Question from Mrs Christine Nicholson**

Government guidance on planning conditions state they are to be “precise and enforceable and reasonable in all other respects” but this condition 6 allows “principles” of Noise Management Plan November 2014 AND ALSO “…the content of the updated draft Noise Management Plan of July 2015” according to Allerdale legal officer (Sept 21 ref BC/(SS)/MSport JR) so please answer how Allerdale or the applicant will take principles from one or other, or both, noise management plans and still have precise requirements in this condition 6 that will be enforceable and that pays reasonable respect to the intentions and decisions that councillors made on December 23rd 2014?

**Answered by the Head of Development Services**

It is considered that the wording of the planning condition fully satisfies the legal tests. The decision of the Development Panel on 23 December 2014 to grant planning permission subject to a condition which secures the implementation of noise management regime based on an updated noise management plan to be submitted for subsequent approval. The proposed non-material amendment does not change this approach. It is a well-established principle of planning law that in granting planning permission the local planning authority can reserve details of any matter for subsequent approval. The updated noise management plan has still to be submitted to, and be approved by, the local planning authority.

**Question from Hilary Coy**

Does the Planning Officer and Councillors agree that where weather conditions prevent effective and detailed monitoring of noise levels that no testing on the track should take place?

**Answered by the Head of Development Services**

It is recognised that weather conditions can impact on both the monitoring and impacts on noise. The draft noise management plan therefore includes provision for weather monitoring equipment to be installed and maintained on site. It is not possible to provide a definitive answer to the specific question as this may pre-judge the consideration and subsequent approval of an update noise management plan as required by the planning permission.

**Question from A.E. Riddell**

As a noise control level based on LAeq5minutes would permit multiple much louder short duration noise events, how can this be considered an acceptable control measure for peak noise as proposed in this amendment?
**Answered by the Head of Development Services**

It is considered that a noise control level based on LAeq5 minutes can provide an effective control measure for noise depending at what level the maximum is set. The maximum level of control necessary has yet to be established and the further approval of the local planning authority is required for this.

The rationale for imposing the planning condition is to safeguard the amenity of the local community and this will be the underlying principle which will inform the approval of the updated noise management plan required by the condition.

**Question from Mr Michael Fossey**

In the revision of Condition 6 it is stated that maximum noise levels will be controlled by LAeq(5min) or LAmx. Can you explain how LAeq(5min) is used to define maximum noise and how these measures, which are put forward as equally valid are demonstrably equivalent as LAmx is normally a one off measure over 0.125s whereas LAeq(5min) is an average noise level measured over 5mins.

**Answered by the Head of Development Services**

It is considered that a noise control level based on LAeq (5 min) can provide an effective control measure for noise depending at what level the maximum is set. Although LAeq (5mins) is an average as is it measured over a short period this takes into account the any peaks within that period and in effect limits the level and duration of those peaks. The maximum level of control necessary has yet to be established and the further approval of the local planning authority is required for this.

I would re-iterate that the rationale for imposing the planning condition is to safeguard the amenity of the local community and this will be the underlying principle which will inform the approval of the updated noise management plan required by the condition.

**Question from Mr Carr**

How can a LAmx noise limit value can be set without an EIA?

In the context of this comment:

Does the EHO agree that, as it the noise the resident experience that has to be controlled and limited, the inability of the developer to calculate what LAmx his vehicles produce only has relevance to his ability to operate the track unhampered by inconvenient environmental limits and that the noise residents can experience i.e. the LAmx limit cannot be determined solely by it being loud/high enough to allow the track to operate unhindered by environmental controls and only an EIA to access acceptable (not unacceptable) levels of LAmx?

If not please explain how such a LAmx noise limit value can be set without an EIA?
Answered by the Head of Development Services

The proposed development has been the subject of an Environmental Impact Assessment and an Environmental Statement, including a detailed noise assessment, informed the decision of the local planning authority to grant planning permission subject to the subsequent approval of a noise management plan which is to include the consideration of maximum noise levels.

I would again re-iterate that the rationale for imposing the planning condition is to safeguard the amenity of the local community and this will be the underlying principle which will inform the approval of the updated noise management plan required by the condition.

Public Participation

The following people addressed the Panel:

- Peter Nicholson in objection to planning application AM/2014/0350
- Tony Riddell in objection to planning application AM/2014/0350
- Ian Chambers in objection to planning application AM/2014/0350
- Eleanor Carr in objection to planning application AM/2014/0350
- Vivian Carr in objection to planning application AM/2014/0350
- Councillor Nicky Cockburn as Ward Councillor in objection to planning application AM/2014/0350
- Eric Telford as the agent for planning application 2/2015/0308
- Kerry Macdonald in objection to planning application 2/2014/0886
- Richard Evans as the agent for planning application 2/2014/0886
- Councillor Hilary Harrington as Ward Councillor in support of planning application 2/2015/0440
- Patricia Paterson in objection to planning application 2/2015/0416
- Mark Greaves on behalf of Brigham Parish Council in objection to planning application 2/2015/0416
- Michael Sandelands as the agent for planning application 2/2015/0416

189 AM/2014/0350 M-Sport, Dovenby Hall

The application:
Non-material amendment to condition 6 relating to noise on planning permission 2/2014/0350, Dovenby Hall, Dovenby, Cockermouth

The Head of Development Services recommended approval.

The Head of Development Services outlined the application and detailed the main issues within the report as detailed below:
Is the proposed change non-material?: The issue to be considered in assessing this application is whether the change proposed to the wording of condition 6 is material having regard to the effect of the change of the planning permission as originally granted and whether the application for a non-material amendment should be approved.

The proposed amendment simply seeks to confirm that the condition allows the local planning authority to control peak noise levels through the approval of a noise management plan. This was the intent of the local planning authority in granting planning permission and the proposed change does not materially affect the planning permission as originally granted.

Members noted that a number of written objections to the application had been received, the details of which were contained in the late list.

Councillor M Jenkinson moved that the application be refused on the grounds that the proposed amendment to condition 6 was a material amendment. Councillor B Finlay seconded.

Councillor A Davis-Johnston moved that the application be refused on the grounds that the proposed amendment to condition 6 was fundamentally different and therefore would be a material amendment. Councillor M Grainger seconded.

The meeting adjourned while the Head of Development Services discussed a change to the proposed amendment to condition 6 with representatives of MSport. The following change to the proposed amendment was suggested:

“Maximum noise levels measured in LAeq5minutes or LAmx”.

Councillor A Davis-Johnston made an alteration to his motion:

Subject to MSport amending the application so that condition 6 states “maximum noise levels measured in LAeq5minutes and LAmx”, that approval be delegated to the Head of Development Services under the scheme of delegation. In the event that the amendment is not made then the application be refused for the reasons set out previously by Councillor A Davis-Johnston.

Councillor M Grainger and the rest of the meeting consented to the alteration to Councillor A Davis-Johnston’s motion.

A vote was taken, 11 in favour of approval subject to the change to the proposed amendment to condition 6, 0 against and 1 abstention.

The motion in favour of approval subject to the above change to the amendment to condition 6 was carried.

The decision:
Approved subject to MSport amending the application so that condition 6 states “maximum noise levels measured in LAeq5minutes and LAmx”, that approval be delegated to the Head of Development Services under the scheme of
delegation. In the event that the amendment is not made then the application be refused for the reasons set out previously by Councillor A Davis-Johnston.

190 2/2015/0308 Lowca Lane, Seaton

The application:
Outline planning application for change of use of land to residential, Lowca Lane, Seaton, Workington

The Planning Officer recommended approval (subject to S106)

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

- Principle of development: As an edge of settlement site the application is subject to Polices S1 S2 S3 S4 and S5 of the current Local Plan regarding housing growth and the core principles of sustainable development within the NPPF. The development will contribute significantly to the Council’s housing strategy and housing land supply.

Seaton, as part of Workington as a whole, is designated as a Principal Centre in the settlement hierarchy with the capacity for major residential growth on appropriate sites.

As a medium sized development of around 49 dwellings the principle of development is acceptable regarding the spatial strategy.

- Access: The access is considered acceptable with appropriate standard conditions further to an amended plan.

- Residential Amenity: The site and layout is well related to existing development with an established landscape buffer. The proposed dwellings themselves are not seen to be significantly harmed by the siting close to established industry, power lines and turbines.

Supporting evidence has been provided that has assessed any likely impact from nearby industry and wind turbine.

- Biodiversity: A hedgerow and wildlife habitat scoping study has been provided. Minimal impact is expected with appropriate mitigation recommended.

Members noted one letter of representation had been received, the main grounds of which were noted in the officer’s report. The Planning Officer made reference to a late representation made from Seaton Academy, along with a response to this representation from Cumbria County Council.

Councillor R Munby moved approval as per the officer’s recommendation. Councillor P Kendall seconded.
Councillor A Davis-Johnston moved approval subject to the S106 being subject to the full projection of the pupil yield based on the number of dwellings and density of the houses. Councillor M Jenkinson seconded.

A vote was taken, 2 in favour of approval subject to the S106 being subject to the full projection of the pupil yield based on the number of dwellings and density of the houses and 10 against. The motion was therefore lost.

A vote was taken, 12 in favour of approval as per the officer’s recommendation.

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

**The decision:**
Approved (subject to S106)

**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.
   Reason: The application has been submitted as an outline application, in accordance with the provisions of the details of the Town and Country Planning (General Development Procedure) Order 1995.

2. The development hereby permitted shall be carried out in accordance with the following plans:
   - 15.20.PRELIM 1A - Proposed entrance. (amended plan 14/7/2015)
   - LOC/0375 - Location Plan
   - OP-Lowca Lane-SCS70v1 Hedgerow Assessment/Phase one Habitat Survey/Scoping Report
   Reason: In order to ensure a satisfactory standard of development.

3. The submission of all 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The access arrangements as shown on the plan, shall be substantially met before any other work commences on site, to such an extent that constructional traffic can park and turn clear of the highway. Once complete it shall be retained and capable of use thereafter and shall not be altered without the prior consent of the Local Planning Authority.
   Reason: In the interests of highway safety.

5. The reserved matters application should include full details of the method of foul drainage. The foul drainage system shall be implemented as approved and retained thereafter.
Reason: To ensure a sustainable means of foul drainage from the site and minimize 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.

6. The reserved matters application should include full details of the surface water system demonstrating that no flooding will occur on any part of the site for a 1 in 30 year event unless designated to do so, flooding will not occur to any building in a 1 in 100 year event, taking account of the likely impacts of climate change and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc.) to the satisfaction of the Lead Local Flood Authority. The surface water drainage system shall be implemented as approved and retained thereafter.

Reason: In order to achieve a satisfactory means of surface water drainage and to manage flood risk within the development to minimise the risk to people and property, in compliance with the National Planning Policy Framework and Policy S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

7. The access arrangements as shown on the plan 15.20.PRELIM 1A shall be substantially met before any other work commences on site, to such an extent that constructional traffic can park and turn clear of the highway. Once complete it shall be retained and capable of use thereafter and shall not be altered without the prior consent of the Local Planning Authority.

Reason: In the interests of highway safety.

8. The development shall be implemented only in full accordance with the mitigation measures and recommendations within paragraphs 5.1 - 5.6 of the Hedgerow Assessment/Phase one Habitat Survey/Scoping Report (Ref OP Lowca Lane-SCS70v1).


9. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:
   (a) Traffic Management Plan to include all traffic associated with the development, including site traffic, offsite parking, turning and compound areas;
   (b) Procedure to monitor and mitigate noise and vibration from the construction and demolition 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) A written procedure for dealing with complaints regarding the construction or demolition;
   (e) Measures to control the emissions of dust and dirt during construction and demolition;
   (f) Programme of work for Demolition and Construction phase;
   (g) Hours of working and deliveries;
   (h) 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 safeguarding the amenity of the occupiers of neighbouring properties during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

10. No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to the commencement of works.

Reason: To minimise any risk during or post construction works 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.

11. Should land affected by contamination be identified under the desk top study under condition 10, 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 during or post construction works 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.

12. Should a contamination remediation scheme be required under condition 11, 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 during or post construction works 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.

13. 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.
14. No development shall take place until a detailed acoustic report on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The report shall include a scheme of noise insulation measures for all residential accommodation. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of National Planning Policy Framework, BS4142: 2014 Method of rating industrial noise affecting mixed residential and industrial areas, BS 8233: 2014 Sound Insulation and Noise Insulation for Buildings - Code of Practice and World Health Organisation Guidelines on Community Noise. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

15. Details of the proposed site layout required under the reserved matters of Condition 1, shall demonstrate that the easements required by United Utilities (Ref DC/15/1835 dated 3/7/2015) to safeguard underground services can be fully achieved.
Reason: In order to protect existing underground services safeguarding the provision of surface and foul water drainage systems in accordance with Policies S2 and S29 of the Allerdale Local Plan (Part 1) Adopted July 2014.

Proactive Statement

Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by identifying planning policies, constraints, stakeholder representations and matters of concern within the application (as originally submitted) and where appropriate negotiating, with the Applicant, acceptable amendments and solutions to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

191 2/2015/0886 Land at Main Street, Dearham

The application:
Outline application for the development of 3 detached dwellings, including details of access, layout and levels, Land at Main Street, Dearham, Maryport

The Senior Planning Officer recommended refusal.

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

- Principle of development: The proposal is considered to be contrary to Policy S3 of the Allerdale Local Plan.

- Affordable Housing: The applicant is not proposing any affordable units and therefore the proposal conflicts with the requirements of Policy S8.
• Highways: The access and road layout is considered acceptable.

• Layout and levels: Officers consider that the applicant has submitted insufficient information in relation to levels for the whole of the site to enable the local planning authority adequately assess the layout of the site in terms of impact on the streetscene and adjoining owners.

• Residential amenity/Impact of development: Officers consider that in the absence of details on finished land levels the applicant has been unable to demonstrate the proposal will not result in an unacceptable loss of privacy to the occupiers of existing dwellings including their amenity areas contrary to Policy S2, S4 and S32.

• Drainage: An acceptable scheme for drainage can be achieved for the site with details controlled under conditions.

• Ecology/Hedgerow: The existing hedgerows to the northwest (rear boundary) and the hedgerow running through the site to west of the site will be retained. However, as no finished land levels have been provided officers cannot assess whether the proposal will result in a demonstrable harm to the existing important hedgerows.

Members noted representations had been made and that objections had been received from 3 properties, the main grounds of which were noted in the officer’s report.

Councillor A Davis-Johnston moved refusal as per reasons 3 and 4 of the officer’s report. There was no seconder. The motion was lost.

Councillor C Armstrong moved refusal as per reasons 1, 2, 3 and 4 of the officer’s report. Councillor A Davis-Johnston seconded.

Councillor P Kendall moved approval on the grounds that he considered the site to be previously developed land. This was not seconded.

A vote was taken, 11 in favour of refusal as per reasons 1, 2, 3 and 4 of the officer’s report, 1 against.

The motion in favour of refusal as per reasons 1, 2, 3 and 4 of the officer’s report was carried.

**The decision:**
Refused

**Conditions/Reasons**

1. The approval of additional dwellings outside the designated settlement limits within this Local Service Centre will result in an imbalance of new dwellings across this tier undermining the aims of the spatial strategy set out in Policy S3 of the Allerdale Local Plan, (part 1).
2. In the absence of any affordable housing units, the proposed development is in conflict with the requirements of Policy S8 of the Allerdale Local Plan (Part 1) approved in July 2014 and paragraphs 47, 50 and 54 of the National Planning Policy Framework.

3. The Local Planning Authority considers insufficient information has been submitted with the application in relation to site levels for the amenity areas and road layout of the proposal in order to adequately demonstrate that the impact of the proposed development would not adversely affect the residential amenity of neighbouring residential properties and is sympathetic to the visual amenity of the streetscene. The proposal is therefore contrary to the National Planning Policy Framework paragraph 17 and Policy S2, S4 and S32 of the Allerdale Local Plan, (Part 1).

4. The Local Planning Authority considers the applicant has not demonstrated that the proposal will not cause demonstrable harm to the existing hedgerows on the site and is contrary to policies S35 and DM17 of the Allerdale Local Plan (Part 1).

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. 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.

192 2/2015/0440 Foxpit House, Copperas Hill, Harrington

The application:
Outline application for erection of single storey detached dwelling – Resubmission of 2/2014/0585, Land adjacent to Foxpit House, Copperas Hill, Harrington, Workington

The Planning Officer recommended refusal.

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

- Principle of Development: The proposals are not considered to satisfy policy guidelines as either a replacement dwelling in the open countryside, housing for elderly or disabled need or new build development outside the settlement limit. The essential or exceptional need required for a dwelling beyond the settlement has not been demonstrated.
- **Elderly/Disabled Need:** Although a medical condition of the applicant has demonstrated the possible need for a single storey dwelling, the site is considered inappropriate at this remote location and does not satisfy the requirements of Policy S10 in relation to such exception.

- **Contaminated Land:** Acceptable to Environmental Health and the Coal Authority with the submission of appropriate Phase 1 Desk Top Study.

- **Planning History:** Previous application 2/2014/0585 refused by Development Panel. There has been no change in the application details that warrants a recommendation of approval.

Members noted that no letters of objection had been received.

Councillor A Davis-Johnston moved approval on the grounds that the proposal satisfied the requirements of policy S10 of the Allerdale Local Plan (Part 1). Councillor M Jenkinson seconded.

Councillor B Finlay moved approval on the grounds that he felt there were no provisions within the Allerdale Local Plan for people living with disabilities. This was not seconded.

Councillor B Miskelly moved refusal. Councillor B Pegram seconded.

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

The motion in favour of refusal was lost.

A vote was taken, 7 in favour of approval subject to policy S10 of the Allerdale Local Plan (Part 1), 4 against.

The motion in favour of approval subject to policy S10 of the Allerdale Local Plan (Part 1) was carried.

**The decision:**
Approved subject to policy S10 of the Allerdale Local Plan (Part 1)

**Conditions/Reasons**

1. The proposed site is considered poorly related to the existing settlement limit and built form with adverse impact upon settlement character. No essential or exceptional need has been demonstrated contrary to the core principles of sustainable development of the NPPF and Policies S1 S2 S3 and S5 of the Allerdale Local Plan.

2. The proposed bungalow is not considered to qualify as a replacement dwelling in the open countryside due to its demolished state contrary to Policy 31 of the Allerdale Local Plan Adopted July 2014.

3. The proposals are considered inappropriate for a dwelling to meet the needs of a disabled or elderly person and not in accordance with Policy S10 a) b) d) and f) of the Allerdale Local Plan Adopted July 2014.
The application:
Change of use of land and erection of a building to serve a woodland
management programme, logging business and landscape contracting
business, Brigham Quarry, Low Road, Brigham

The Planning Officer recommended approval.

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

- Principle of development: Acceptable with an appropriate building sited
to serve an existing woodland management use and proposed landscape
garden business.

- Drainage: Acceptable solutions in principle subject to further details to
safeguard flood risk.

- Contamination: Desk Top Study required by condition regarding nearby
waste disposal site.

Members noted that representations had been made and that three letters of
objection had been received, the main grounds of which were outlined within
the report.

Councillor A Davis-Johnston moved approval on the grounds that condition 9 be
amended to include that the method statement shall include for provision for
verification of the proposed remedial work to be provided to the Local Planning
Authority and that a condition 10 be added to ensure that development would
not commence until the Japanese knotweed had been eradicated.

The Head of Development Services advised the Panel that it would not be
possible to add the condition, as suggested by Councillor A Davis-Johnston,
due to the lengthy process in removing Japanese knotweed.

Councillor A Davis-Johnston made an alteration to his motion, moving approval
subject to an amendment to condition 9 to include that the method statement
shall include for provision for verification of the proposed remedial work to be
provided to the Local Planning Authority. Councillor M Jackson seconded.

Councillor P Kendall moved that Members attend a site visit. The motion was
lost.

A vote was taken, 11 in favour of approval subject to an amendment to
condition 9 to include that the method statement shall include for provision for
verification of the proposed remedial work to be provided to the Local Planning
Authority, 1 against.

The motion in favour of approval subject to the amendment to condition 9 was
carried.
The decision:
Approved subject to an amendment to condition 9 to include that the method statement shall include for provision for verification of the proposed remedial work to be provided to the Local Planning Authority

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:
   08/11/635-101 Proposed plan, section and elevation
   08/11/635-102a Proposed Site Plan
   08/11/635-01 Location Plan
   Reason: In order to comply with Section 51 and Section 91 of the Planning & Compulsory Purchase Act 2004.

3. Prior to the commencement of works, full details of the surface water drainage (from the proposed building, surfaces and access track) including discharge rates and any attenuation to reflect existing greenfield run-off rates, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the use hereby approved and thereafter maintained in accordance with the approved details.
   Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding from the development in comparison to an assessment of its existing undeveloped state, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4. Prior to the commencement of works, full details of the foul water drainage including any attenuation of discharge to ground shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of the use hereby approved and thereafter maintained in accordance with the approved details.
   Reason: To ensure a satisfactory means of foul and surface water drainage and minimise the risk of flooding from the development in comparison to an assessment of its existing undeveloped state, in compliance with the National Planning Policy Framework, Policies S29 and S2 of the Allerdale Local Plan (Part 1), Adopted July 2014.

5. No development approved by this permission shall commence until a desktop study has been submitted to and approved by the Local Planning Authority. Should the preliminary risk assessment identify any potential contamination which may affect human health, controlled waters or the wider environment, all necessary site investigation works within the site boundary must be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement.
Reason: To minimise any risk during or post construction works 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.

6. **Should land affected by contamination be identified under the desk top study under condition 5 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 during or post construction works 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.

7. **Should a contamination remediation scheme be required under condition 6, 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 during or post construction works 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.

8. **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.

9. **Before development commences, a detailed method statement for the eradication, removal and management of Japanese Knotweed within the development site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots or stem of any invasive plant covered under the Wildlife and Countryside Act 1981. The method statement shall include for provision for verification of the proposed remedial**
work to be provided to the Local Planning Authority. Development shall proceed in accordance with the approved method statement. Reason: To avoid the spread during construction works of an invasive and prohibited plant species in the interests of avoiding harm to the environment.

Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any 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.

194 2/2015/0462 Crofton Pond

The application:
Extension of an estate lake to provide angling and wildlife area, Proposed Pond, Crofton, Thursby, Carlisle

The Senior Planning Officer recommended approval.

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

- Location: Considered to extend existing facilities.
- Access: Through existing facilities.
- Landscape and biodiversity: Improved planting and increase in biodiversity.
- Residential amenity: Not disturbed by the proposal.

Members noted that no letters of objection had been received with regard to the application.

Councillor A Davis-Johnston moved approval, as per the officer’s recommendation. Councillor R Munby seconded.

A vote was taken, 12 in favour of approval, 0 against.

The motion in favour of approval was carried.

The decision:
Approved

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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:**
   - LP1 - Location Plan
   - BP1 - Block Plan
   - D2 – Plan View
   - D3 – Section plan
   - D4 – Section Plan
   - D5 – Section Plan
   - D6 – Section Plan
   - D7 – Footbridge Materials and dimensions

Reason: In order to comply with Section 51 and Section 91 of the Planning & Compulsory Purchase Act 2004.

**Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any 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.

**195 2/2015/0504 5 Greenbank Lane, Cockermouth**

**The application:**
Erection of a porch, 5 Greenbank Lane, Cockermouth

The Head of Development Services recommended approval.

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

- **Scale, Siting and Design:** The proposal is considered appropriate in scale and design and would not adversely alter the appearance of the existing dwelling.
- **Residential Amenity:** It is considered the proposal would not materially harm the amenity of the occupants of neighbouring or adjacent neighbours.
- **Highways:** No objections.

Members noted that no letters of objection had been received with regard to the application.

Councillor A Davis-Johnston moved approval, as per the officer’s recommendation. Councillor R Munby seconded.

A vote was taken, 12 in favour of approval, 0 against.
The motion in favour of approval was carried.

**The decision:**
Approved

**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:**
   - 2015.680.LP - Site Location Plan
   - 2015.680.01B - Proposed Plans
   Reason: In order to comply with Section 51 and Section 91 of the Planning & Compulsory Purchase Act 2004.

**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.

**The meeting closed at 5.45 pm**
Allerdale Borough Council
Planning Application 2/2015/0413

Proposed Development: Erection of single turbine with a turbine tower height of 40m and a tip height of up to 67m along with associated infrastructure

Location: Springfield Farm
Greysouthen
Cockermouth

Drawing Numbers: Figure 3.2 Location plan amended 29 September 2015
TER0004 Figure 4.1 - Site plan amended 29 September 2015
1000901 - Proposed turbine elevation drawing
Environmental Statement as amended
Addendum Report August LVIA received 20 August 2015
Additional Visualisations from Settlements received 21 August 2015
Indicative Transformer Container received 29 September 2015
Elevation of turbine received 29 September 2015
Figure 8.2 Phase 1 Habitat Survey received 29 September 2015
Response FORCE September 2015 received 30 September 2015
Assessment of Local Sentiment received 30 September 2015

Recommendation: REFUSE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle of Development</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Regard should be made to the Ministerial Statement of 18 June 2015 which states planning permission should only be granted where:</td>
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<tr>
<td></td>
<td>• the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and</td>
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<tr>
<td></td>
<td>• 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.</td>
</tr>
<tr>
<td></td>
<td>Ministerial Statement 18 June 2015 makes it clear that turbine development should be in specified areas and supported by local</td>
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</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Community response</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual and Landscape and cumulative impact</td>
<td>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.</td>
</tr>
<tr>
<td>Residential amenity</td>
<td>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.</td>
</tr>
<tr>
<td>Noise</td>
<td>Noise impacts from the turbine are likely to be acceptable and upper levels can be secured through planning conditions.</td>
</tr>
<tr>
<td>Heritage</td>
<td>The proposal would not have a significant adverse impact on the grade II listed dwelling known as Mayfield.</td>
</tr>
<tr>
<td>Operational requirements</td>
<td>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</td>
</tr>
</tbody>
</table>
undertake alterations to the access and to secure the delivery route of the turbine.

<table>
<thead>
<tr>
<th>Nature Conservation</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydrology and Drainage</td>
<td>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.</td>
</tr>
<tr>
<td>Potential benefits</td>
<td>The proposal will make a contribution to renewable energy sources nationally. Energy produced would be used by the farm and exported.</td>
</tr>
</tbody>
</table>

**Proposal**

The proposal is for a single 500kW turbine with a tower of 40m and a tip height of 67 metres, with a 54m rotor diameter, along with associated infrastructure, to include a control cabinet housing the switchgear and monitoring equipment. The likely measurements would be 3m x 5m x 3m high and would be coloured green. The turbine is likely to be painted a plain grey colour.

The proposed turbine at Springfield Farm will generate approximately 1,952MWh/yr which is equivalent to the average energy consumption of 466 homes and will offset approximately 16,780 tonnes of carbon dioxide over its lifetime.

The applicant advises the income generated by the proposal will be used to secure the long term viability of Springfield Farm and will assist the diversification of the family business, therefore contributing to the rural economy. The average annual electricity use for the farm is around 28,000kWh which amounts to £5,000 per year. The equivalent carbon footprint for the above mentioned electricity usage is approximately 13 tonnes of carbon dioxide. The installation of a single turbine would support continued agricultural activities at the farm and create an income during the operational lifetime of the scheme and eliminate some of the farms carbon footprint.

The development of the scheme has considered a range of criteria in site selection to include the availability of the wind resource, access, grid connection, proximity to dwellings, potential visual impacts and the character of the surrounding area.

**Site**

The proposed turbine position is located on land forming part of Springfield Farm, Greysouthen (an arable, beef and sheep agricultural enterprise) and is classed as Grade 3 under the Agricultural Land Use Classification. The proposal will be located in a rectangular shaped field which slopes slightly towards the farm house to the west. There is a bank of woodland to the north east of the site. The applicant has confirmed there will be no micro-siting of the scheme. The site lies approximately 120m AOD and there is a high point of 140m AON 400m east of the site. The field is surrounded by further arable and grassland fields, broken by hedgerows, small blocks of coniferous and mixed
woodland shelter belts. Tendley Hill Quarry (limestone) is approximately 1.2km north east of the site.

The turbine is sited so that the nearest non-financially involved dwelling is more than 800m from the turbine. The town of Workington is 7km to the west, Cockermouth is 4.5km to the north east and smaller villages of Greysouthen, Deanscales and Eaglesfield lie within 2km of the site. Bridgefoot, Dean and Brigham settlements are within 3km of the site.

The site would be accessed via the existing access track off the C2031 Fifkettle Brow to the south. There would be an alternative access for the crane only from the C2036 Greencastle Brow, north of Dean.

**National Planning Policy Framework**

Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Supporting a prosperous rural economy

**Planning Practice Guidance for Renewable and Low Carbon Energy June 2015**

**Allerdale Local Plan (Part 1) Adopted July 2014**
Policy S1 - Presumption in favour of sustainable development
Policy S14 - Rural economy
Policy S19 - Renewable Energy and Low Carbon Technologies
Policy S27 - Heritage Assets
Policy S32 - Safeguarding amenity
Policy S33 - Landscape
Policy S35 - Protecting and enhancing biodiversity and geodiversity
Policy S36 - Air, water and soil quality
Policy S4 - Design principles
Policy DM17 - Trees, hedgerows and woodland

The NPPF 2012 and the Allerdale Local Plan (Part 1) 2014 are broadly supportive of proposals for renewable energy development. The need to meet national targets for the generation of electricity and heat from renewable and low carbon sources is recognised as are the wider environmental, community and economic benefits of such development. However the 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.

**Relevant Planning History**
SCO/2014/0005
SCR/2014/0023
Representations

The application has been advertised on site and adjoining owners have been notified.

There are 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.

The objections received from 5 parish councils as summarised below:

Dean Parish Council - Objection. 3x the height of other approved turbines in locality. Adverse effect local landscapes and cumulative visual impact. Adverse impact on views from both within and outside the LDNP. Impact on tourism worth £4000m to the Allerdale economy (15,000 jobs). A turbine refused due to cumulative impact (Broughton Lodge 2.8 miles distant). The aviation light will cause an adverse impact. Unnecessary development in open countryside and no evidence the energy generated will be used at the site.

Greysouthern Parish Council - Objection. Change to Government Policy. 3x height of nearest approved turbine, adverse visual impact on local landscape, contributing to adverse cumulative visual impact from wind turbine development, adverse visual impact on views within the LDNP and impact on tourism and local economy. Concern about the weight given to computer generated images. Concern about the flashing aviation light. The majority of respondents to the public consultation objected to the proposal. Concern the development will affect tourism.

Papcastle Parish Council - Objection. 3x height of nearest approved turbine, adverse impact on local landscape, contributing to cumulative impact from wind turbine development, impact on views within the LDNP and will impact on tourism. Unnecessary development in open countryside and no evidence the energy generated will be used at the site.

Brigham Parish Council - Objection. Unacceptable pepper potting of turbines in area and significant adverse impact on the landscape character of the area and adjacent is the LDNP. The visual effects are significant for a high proportion of residents, footpath/ bridle path users and in some instances users of minor roads close to the turbine. Effects will be significant on nearby fells. A cumulative impact. Allerdale should be calling for a moratorium of wind turbines and should be shifting emphasis to off shore. On shore turbines interrupt the skyline and form a prominent, cumulative impact. Local appeals have been dismissed due to unacceptable cumulative impact and inappropriate siting. Local people should have the final say.

Broughton Parish Council – Objection. Adverse impact on visual amenity and could set a precedent for further turbines to be erected in the Derwent Valley

Blindbothel Parish - No objections

Little Clifton Parish - No comments
ABC Environmental Health - No objection subject to planning conditions relating to noise

ABC Flooding - No incidents of local flooding in area.

Ministry of Defence - No objection

NATS - No safeguarding objection

CAA - No objection

Electricity North West - No impact on Electricity Distribution system infrastructure or other ENW assets.

Natural England - No objections

Cumbria Highways - No objections subject to planning conditions

Lake District National Park - No comments received to date

Environment Agency - No comment

There have been 56 letters of support summarised as follows;

The electricity will feed energy into the local distribution network for use in the surrounding area, wind is a free energy source and will reduce the need for finite carbon generating fossil fuels, turbines are reliable and predictable generators of renewable energy, will generate 1,951,600kWh of electricity per year and will meet needs of 466 Allerdale homes; The project will save 839 tonnes of CO2 per year and 16,780 tonnes over the turbine lifetime. At the national level there is a target of sourcing 30% of electricity from renewables by 2020.

There have been 130 letters / emails of objection received to date (some correspondence comprise of multiple representations), the matters of objection are summarised as follows:

- Recent local appeals have been dismissed by the Planning Inspectorate.
- There is little local support for onshore turbines and local people are supposed to have the final say following revisions to guidance and there are no local zones for turbines in area;
- Unacceptable cumulative effect on landscape and contrary to Policy S19 ALP and S33 ALP and the area saturated with turbines;
- Inappropriate siting of individual turbines e.g. Wellington Farm, Cockermouth and West House Farm, Silloth and Midtown Farm, Great Orton;
- Unacceptable impact on the surrounding landscape and unacceptable views towards and from the LDNP;
- Adversely affect tourism and effort to draw tourists to western fringes;
- Negative impact on wildlife, bats, birds, including migrating geese and ground nesting birds, red squirrels and birds of prey;
- Unacceptable hazards to local roads during construction;
- Pushing turbines beyond A595 towards edge of LDNP;
- Noise and shadow flicker concerns;
- Inefficient energy source and government grants are being removed;
- A massive decommissioning burden;
- Adverse visual impacts from local villages and cumulative impacts with other turbine development in locality;
- The majority of the support has come from the farming fraternity and or people who do not live locally;
- Concern regarding connections to overhead power lines

A petition of 56 signatories raises objections regarding matters relating to the impact on the surrounding landscape and unacceptable views towards and from the LDNP, contrary to ALP 2014 policy S33. Unacceptable cumulative impact contrary to ALP Policy S19 and the NPPF.

FORCE - Objection. Local people should have the final say on on-shore wind turbine development and the local community does not support this development. The scheme is therefore contrary to National Planning Guidance. Concern about micro siting.

Settlements close to the turbine are expected to experience moderate adverse impact. The village of Dean is expected to experience moderate to substantial adverse impact from the northern edge of the settlement with significant effect from the development.

The magnitude of impact on the non-associated residence Mayfield and grade II listed building is likely to be substantially adverse and significant and the property is 1020m from the application site.

It would be a substantial structure in the local landscape, exacerbated by the motion of the turbines. The turbine would be an incongruous presence in the landscape near Greysouthen. FORCE refers to the findings of the Inspector regarding the Wellington Farm appeal, Cockermouth. The CWESPD sets out the development is in Character Type 5 Lowland which has been assessed as having moderate capacity however this landscape type has long since exceeded its moderate capacity to accommodate wind energy. The impact on the surrounding landscape would be disproportionate and unacceptable including views towards and from the LDNP. The cumulative assessment is inadequate and can be simultaneous, successive or sequential in nature. The LDNP is only 2.7km from the site.

Bats and birds maybe at risk from the turbine development and the site is close to the hen harrier over wintering area and the site is surrounded by hedgerows and scattered woodland. There is also a large pond within 500m from the site.

There may be requirements to alter modify parts of the local road network in order to convey the turbine to the site and this may involve land belonging to the third parties. Two new culverts would be required to cross Far Stock Beck (Flood Zone 3) and a farther unnamed water course.

Concern about noise levels. No evidence the energy generated would be used at the site before the surplus is exported to the grid The turbine would be an unnecessary development in the open countryside.
Purpose and Need

The applicants has set out that the wind turbine proposal responds to international, national and local policy and the long term aim of reducing carbon dioxide emissions, by contributing to the attainment of renewable energy targets. The government has committed to reducing greenhouse gas emissions by 80% by 2050. The renewable Energy EU Directive (2009) set a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020 and that this will require a fourfold increase in renewable energy deployment.

NPPF 2012 and the ALP (Part 1) adopted July 2014 are broadly supportive of proposals for renewable energy development. The need to meet national targets for the generation of electricity and heat from renewable and low carbon sources is recognised as are the wider environmental, community and economic benefits of such development.

Assessment

The scheme is supported with an Environmental Statement (ES). It describes all the elements of the wind development, its construction, operation and decommissioning, the nature of the site and its surroundings, the likely effects of the development, and measures proposed to mitigate any adverse effects on the environment.

Key considerations for site selection are explained in detail with the associated Environmental Statement and include: predicted wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts, landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues.

Historically, Policy S19 ALP 2014 and other material planning policies and considerations assist in the assessment of planning impacts that may be identified by affected local communities. To ensure that the impacts of development (either in isolation or cumulatively) are, or can be made acceptable, Policy S19 of the Allerdale Local Plan sets out clear criteria for the consideration of proposals for renewable energy development, including wind turbines. The criteria most relevant to the consideration of this application are considered below.

Landscape and Visual Assessment

The ES considers the likely effect upon the landscape character and the visual amenity of the proposed wind farm together with the potential cumulative effects. The assessment is referred to as the Landscape and Visual Impact assessment (LVIA). The LVIA considers effects within the study area of 30km. A desk review, photograph montages and wire frames and assessment process has considered the effects upon both landscape character and visual amenity. Effects were assessed during construction, operation and decommissioning. Viewpoints are provided to study the potential visual effects of the scheme. They must be representative of a range of views and viewer types.

**Landscape Effects** - Two different Zones of Theoretical Visibility (ZTVs) have been provided to support the assessment of the scheme; these are for a hub height of 40m and for the blade tip at the highest point of the rotation at 67m. The LVIA sets out that
visibility beyond 10km would be minimal therefore the assessment has focused on a detailed study area of 10km. The significance of landscape effects identified is determined by a consideration of the sensitivity of the landscape receptors.

The site and the majority of the 10km detailed study area are outside the LDNP and lie within the NCA 07 West Cumbria Coastal Plain as defined by Natural England. At the county level, the landscape character is defined by Cumbria Landscape Character Guidance Toolkit and the site is identified as being in Landscape Character Type (LCT) 5 and the key characteristics are: A series of ridges and valleys that rise gently towards the limestone fringes of the lake district fells; Well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps an plantations; scattered farms and linear villages found along ridges; large scale structures generally scarce.

The LCT is divided into 5 sub types and the site is within subtype 5C Rolling Lowland and the key characteristics are open undulating and rolling topography, lowland agricultural landscape dominated by pasture, hedges and hedgerow trees are common on lower ground and sparse on higher ground and some scrub woodland.

The LCT is assessed within the Cumbria Wind Energy Supplementary Planning Document as having a moderate sensitivity to wind energy development for accommodating ‘up to a small group of wind turbines defined as 3-5 turbines.

The ES sets out ‘that the overall effect on the landscape character of the site is assessed as moderate adverse (not significant), as the turbine would be prominent and the landscape character of the site would be changed by the presence of the turbine. The surrounding field area, trees and hedgerows would be retained around the turbine, therefore the character would not be totally changed and many of its key physical and perceptual characteristics would remain’.

The LDNP is 2.7km to the east of the site at the closest point. Viewpoints 13 and 15 illustrate the effects of the turbine from the fells as long distance panoramic views. Visitors of the Lake District National Park are considered to be high sensitivity receptors. Viewpoints 13 and 15 illustrate the effects on the views from the fells of the LDNP, the turbine would bring turbine development closer the LDNP but the ES does not consider there would be significant effects from the LDNP, where the turbine would be visible in the long distance, with panoramic views with a back drop of more developed areas along the coast. Officers note Viewpoint 13 Fellbarrow, where the turbine would be a distinctive feature within the landscape and regard objections from the community with regard to concerns relating to views from the LDNP and cumulative impacts of turbine development with lowland LCT 5 landscape.

Viewpoints 7, 8 and 12 illustrate views towards the LDNP in which the turbine would be visible. These show that in views from the west the turbine would be visible with a backdrop of the LDNP, but the ES advises that ‘as the development consists of a single turbine it would not significantly impair views towards the park’. (Para 7.103 ES).

The local community has expressed concern over the impact of the turbine on the character of the landscape and that there would be an adverse visual impact and the scheme would have an impact on the tourism industry. With consideration of the 18 June
Ministerial Statement there remains concern from the local community on matters of visual and landscape character impacts and an adverse impacts on views to and from the LDNP.

Only very small areas of the Solway Coast Area of Outstanding Natural Beauty AONB and the Frontiers of the Roman Empire (Hadrian’s Wall) World Heritage Site are within the ZTV and are approximately 10km to the north of the site. Therefore the landscape character of these designated areas are not likely to be affected.

**Visual Effects** - Visual effects concern changes in view and concerns people’s perception and response to changes in visual amenity. The closest settlements to the turbine site are Greysouthen, Eaglesfield and Dean.

Greysouthen 1.4km NNE - The ES advises that the receptors at Greysouthen are likely to have a moderate adverse effect that is not significant and from the southern and western edges of Greysouther there would be no views of the turbine. There may be some views of the turbine from properties on the northern edge of the village. Viewpoint 3 illustrates views from just east of the village. This viewpoint was amended to show the development without a tree obscuring the view and is Viewpoint A.

Eaglesfield 1.7km ENE - The ES advises that the receptors at Eaglesfield are likely to have a moderate adverse effect that is not significant. The majority of the village is within the blade tip ZTV. Areas to the northern and southern edges of the village are within the hub ZTV and there would some views of the hub and blades above the intervening land form and vegetation. Officers note that users of the local roads and footpaths within the locality are also likely to experience a significant adverse impact.

Deanscales 1.3km ESE - Is a settlement to the south east of the turbine site. The LVIA as amended sets out that in areas where the turbine is visible, effects on visual amenity are assessed on high sensitivity receptors (medium sensitivity if the view is only from upper floor windows) and low magnitude which would give a slight to moderate adverse effect and not significant. The views from this village are illustrated in Viewpoint 5. The viewpoint screens the development with trees and dwellings. The ES acknowledged there will be glimpsed view of the turbine. Officers note that users of the local roads and footpaths within the locality are also likely to experience adverse impacts.

Dean 1.9km S – The ES advises the northern edge of the village of Dean would experience significant effects. The northern edge of the village is at a similar elevation to the site and has views north over the shallow valley of the Far Stock Beck towards the site in which the site would be visible above and between intervening and surrounding coniferous and mixed woodland blocks and between intervening trees as illustrated by Viewpoint 4. The overall effect is assessed as moderate to substantial adverse (significant).

Branthwaite 2.9km SW – The ES advises a moderate adverse effect. Viewpoint 6 is representative of views from the village of Branthwaite and is located on a minor road to the east of Branthwaite located at a distance of 2.7km. The upper part of the tower, hub and blades would be visible on the skyline beyond the intervening vegetation. The effects in the LVIA are moderate adverse (construction and operational effects) but not significant.
Little Clifton, Chapel Brow and Bridgefoot 2.2km NW - The ES advises a moderate adverse impact and not significant. There would be some views of the turbine from the more elevated areas of the settlements, particularly at Chapel Brow as illustrated by Viewpoint 7.

Great Clifton 4km NW - Views would be limited by intervening landform and there would be slight to moderate adverse effects but not significant.

Brigham 2.7km N - Only the south-eastern edge of the village is within the ZTV. The impacts are slight adverse but not significant.

Great Broughton 3.7km N - The village is located on the northern side of the river Derwent valley and there would be sky line views of the turbine. There have been significant numbers of objection from this community. The turbine would be viewed to the foreground of the LDNP fells. The ES advises a moderate adverse effect as illustrated in Viewpoint 9. The ES advises the effect is not significant and there would be intervening vegetation and screening by buildings.

Cockermouth 4.2km NE - Viewpoint 11 is taken on the edge of Cockermouth and looks south west and the proposed turbine would be located at a distance of 5.2km. The uppermost part of the proposed turbine tower, hub and upper blades would be seen against the skyline, set amongst trees. The effects on visual amenity for receptors present at this location were assessed as slight-moderate-adverse but not significant (construction and operational effects).

Mockerkin 4.4km SSE - The ES advises partial views over some distance, however due to the elevated nature of the village all is within the ZTV and the turbine would be visible from properties on the northern side of the village as illustrated in Viewpoint 10. The impacts would be slight to moderate adverse but not significant.

Ullock 2.2km S - There would be limited glimpsed views and the majority of the settlement is not within the ZTV. A group of properties on the northern edge of the settlement are within the ZTV but the impacts are considered to be slight due to intervening landform. The impacts would be slight adverse but not significant.

**Residential Effects** - Springfield Farm is the nearest property and is the land owner, there would be close views of the turbine from the north east facing elevation above the intervening farm buildings and between trees. The overall effects as assessed in the ES as moderate to substantial adverse (significant).

The nearest non-financially involved residential property is a bungalow called ‘Springfield’ 807m to the west of the site which is screened by coniferous shelter belts and there would be a moderate adverse impact that is not significant. Between 1km to 2km there are a number of non-financially involved properties, the closest of which are:

Mayfield - 1km to the west. 2 storey farm house with 7 windows and a front door on the front east facing elevation which faces the site. The magnitude of effects is assessed as medium and the overall effect as moderate to substantial adverse impact which the ES advises is significant.
The visual impacts from properties at Lambhill 1190m to the north-west, Woodside 1280m to south, New House, Dean 1900m SSW and Oldfield 1880m to the W are not considered to be significant.

**Transport Corridors and Rights of Way** - The A5068 runs SSW from Cockermouth approximately 2.3km south east of the site at the closest point. The A66 runs westward through the north of the study area approximately 2.8km north of the site at the closest point. The A595 runs south-west of the A66 at Bridgefoot, approximately 3km to the WNW of the site.

There are several minor roads and lanes in the vicinity of the site, the closest is Greencastle Brow, 800m west of the site. Higher sensitivity to the wind turbine development are associated with the users of local roads, at residential locations and indeed footpaths (or walkers along local roads) which together with the increased magnitude due to proximity of the turbines leads to the significant impact assessment. Users of the local roads are likely to experience a significant adverse effect at certain viewpoints. Officers note that users of local roads around Greysouthen, Dean and Eaglesfield that provide access to surrounding villages and community facilities would be likely to experience an adverse significant impact as established within the ES. Notably Viewpoint 3 that was re-photographed from a slightly revised location in order to avoid the turbine being located behind a tree shows the increased significance of the turbine in terms of visual effects for users of local roads (Viewpoint A).

Viewpoint A is located slightly further south on the minor road to the south of Overend Road, as a tree was obscuring the view of the turbine, from the viewpoint location included in the LVIA. The view looks south and the proposed turbine would be located at a distance of approximately 1590m, seen in the forward view and against the skyline for southbound users of this road. The effects for receptors at this location were assessed in the LVIA as moderate-substantial adverse and significant, in terms of both construction and operational effects. The photomontage presented for this viewpoint confirms this assessment.

Viewpoint B is located on a local road between Greysouthen and Eaglesfield, the proposed turbine would be approximately 1.3km. The upper part of the tower and hub and blades would be viewed. Operational effects on visual amenity are assessed in the LVIA as moderate-substantial adverse (significant), given the close proximity and partial view of the turbine, with the rotation of the blades breaking the skyline.

Viewpoint C is a minor road between Eaglesfield and Deanscales and the proposed turbine would be at a distance of 1.8km. The turbine hub and upper blades would be seen against the skyline. Operational effects on visual amenity area assessed in the LVIA as moderate-substantial adverse (significant) given the partial view of the turbine with the rotation of the blades breaking the skyline.

Viewpoint D is taken on a minor road between Deanscales and Dean located at a distance of 1.4km, there are views of the upper parts of the tower, hub and blades seen above the intervening trees of outfield plantation. Operational effects in visual amenity are assessed in the LVIA as moderate substantial adverse and significant given the close proximity of the turbine.
Beyond 2km uses of roads including the A5086, the A66 and the A595 are considered to have a slight adverse impact but not significant due to the limited prolonged views due to vegetation and topography. Viewpoint 8 is representative of the A595 at Winscale Moor wind farm where the ES advises the overall effects on users of the road would not exceed slight to moderate adverse (not significant).

The additional viewpoint locations within the LVIA are all in 2km of the proposed turbine and confirm the findings of the LVIA, that significant effects on visual amenity, and on the landscape character of the local area i.e. that significant effects on visual amenity, and on the character of the local area, would typically be incurred by receptors located within this distance of the turbine. Community objections have been raised with regard to adverse visual impacts from the turbine from roads, settlements and dwellings and the ES establishes there will be adverse visual impacts.

The closest bridleway is located 1.5km to the north of the site. The closest public footpath circa 650m to the south-west of the site at Lintonhill Plantation as illustrated in Viewpoint 1. The wind turbine has been positioned to avoid any impact on these footpaths and bridleways with 100.5m tip height plus 50% buffer zones utilised at the initial design stage. Of the public rights of way within the study area, the ES advises there would be significant effects only the users of the public rights of way that runs south-east off Greencastle Brow, via Galefield and Woodside to Fifkettle Brow south west of the site and users of the public access route that runs from Fifkettle Brow to Eaglesfield south-east of the site. Views of the turbine would be screened at certain points nevertheless the ES advises the effects would be moderate to substantial adverse (significant).

The northern leg of National Cycle Route 71, the C2C from Workington, is approximately 3.8km north of the site at the closest point the effects are illustrated in Viewpoints 9 and 12. The ES advises the overall effect would not exceed moderate adverse (not significant). Viewpoint 14 is representative of the southern leg of the C2C from Whitehaven. Viewpoints 10 and 14 are representative of the Lake District Boundary walk is approximately 4.1km east of the site at the closest point, but both show views of the turbine broken up by intervening vegetation and therefore the ES advises not resulting in significant effects.

**Cumulative Landscape and Visual effects**

The closest schemes to the Springfield Farm site are the approved turbines at Outgang Farm and Lucy Close, 3.5km and 3.7km to the south-west of the Springfield Farm site, which would both be 24.8m to blade tip. It is not considered that the addition of the Springfield Farm turbine to these would result in significant cumulative landscape and visual effects due to the small scale of the Outgang Farm and Lucy Close turbines, the distances from the Springfield Farm turbine, the presence of intervening vegetation limiting any combined or successive visibility of the schemes.

The ES notes that with the exception of the turbine development along the coast and schemes beyond 5km to the south west all turbine development within 10km is within the LCT 5 Lowland. The closest approved schemes for single turbines include Outgang Farm 3.5km and Lucy Close 3.7km to the south-west both with a blade tip of 24.8m. There is also a wind farm development at Potato Pot and the Winscale Moor Wind farm 4.2km
west of the site but the distance limits cumulative effects.

Potato Pot windfarm is currently being constructed for 3 x 100m turbines also within LCT 5 and is 4.4km (2.7 miles distant)(2/2012/0594). It is considered there will be some sequential cumulative impact with this wind farm development particularly from receptors using local roads.

The residents on the northern edge of the village of Dean are likely to experience the most noticeable cumulative effects of the addition of the Springfield Farm turbine to the north to those at Winscales Moor to the west-north-west, however the distance between the schemes 4.2km would mean that the effects would not be significant and would not result in wind turbines dominating the views.

Users of the A595 would experience sequential cumulative effects due to frequent visibility of the other schemes in the study area, but the ES advises the Springfield Farm turbine would not significantly affect or change the experience of travelling on the A595 through the study area.

Users of the C2C to and from Workington would experience sequential cumulative effects due to the frequent visibility of other schemes in the study area but the ES advises that Springfield Farm turbine would not form a significant contribution to the sequential effects.

The ES acknowledges that visitors to the Western Fells of the LDNP would experience cumulative visibility from the higher fells and higher ground as illustrated by wireframes for Viewpoints 13 and 15 however due to the distance and the back drop of the coastal plain beyond with more distant turbine development, the impact of the proposed single turbine is considered in the ES to be small. Viewpoint 15 is located on Burnbank Fell on the western edge of the LDNP and would be approximately 7.3km. It shows the turbine would be back dropped against the lowland farm land which extends across to the Solway Firth. The effects on visual amenity for receptors at this location is assessed in the ES as slight-moderate-adverse (construction and operational effects). The change in view in the ES is considered as small. The ES further advises due to the presence of other development in the views including operational wind farms, that the proposed turbine scheme would not result in significant cumulative effects on views from the LDNP; the ES argument being that wind farms already feature in views from the higher ground on the western edge of the LDNP and that this proposal would not result in wind turbine development dominating views from the Western Fells.

Officers acknowledge objectors concerns from the community regarding adverse impacts on the LDNP from the proposal and the adverse cumulative visual and landscape effects from turbine development within the locality and the wider borough of Allerdale.

Summary of Visual and Landscape effects.

- There are objections from the local community regarding adverse impacts on the character and appearance of the local landscape, adverse impacts on views to and from the LDNP, and adverse visual and landscape cumulative impacts. The range of visual receptors: properties, settlements, the transport and rights of way network and recreational receptors have been assessed; some would experience
significant adverse effects particularly within approximately 2km of the site as shown in Viewpoints A, B, C and D that there would be significant adverse effects on visual amenity and on the landscape character of the local area.

- The ES advises that of the settlements in the ZTV, only the residents on the northern edge of the village of Dean would experience significant adverse effects. Other settlements within the study area and ZTV are at a lower elevation to the site or are more distant and would be limited by intervening vegetation and landforms. Two properties would experience moderate to substantial adverse (significant adverse effects), those being Springfield Farm (landowner) and Mayfield. There remains community concern regarding visual impacts from nearby settlements and properties.

- Viewpoints 7, 8 and 12 illustrate views towards the LDNP in which the turbine would be visible. These show that in views from the west the turbine would be visible with a backdrop of the LDNP, but the ES advises that ‘as the development consists of a single turbine it would not significantly impair views towards the park’. (Para 7.103 ES). Viewpoints 13 and 15 illustrate the effects on the views from the fells of the LDNP, the turbine would bring turbine development closer the LDNP but the ES does not consider there would be significant effects from the LDNP, where the turbine would be visible in the long distance, with panoramic views with a back drop of more developed areas along the coast.

**Ecology**

To determine the effects on ecological and ornithological receptors, a desk study and extended Phase 1 Habitat Survey were undertaken. The combined information enabled the ecological interest of the survey area to be established in the context of habitats, populations of protected species and designated habitats present within the wider area, to allow an assessment of the likely ecological impacts arising from the proposed development. Habits within the survey area comprise of a series of arable and improved grassland fields, bordered by species poor hedgerows along three of its boundaries and fence lines. There is a sitka spruce dominated plantation woodland to the east of the site. A single pond is within 500m of the turbine circa 420m south west of the turbine.

**Badger** - The application site was not found to support any important or notable habitats but offers potential for a range of protected species. Badger evidence was not recorded at the site and no setts were identified within 500m of the proposed turbine.

**Water vole and otter** - No watercourses were present within the survey area and ditches were considered suboptimal for water vole and otter.

**Great crested newt** - The potential for great crested newt is considered to be low given the only pond within 500m of the study area was heavily used by wildfowl (mallard and wigeon) and considered to be low suitability for great crested newt.

**Birds** - Land within the survey area was considered likely to support a suite of farmland bird species, however habitats are considered to be unsuitable or of low interest to the majority of bird species but the ES does recognise that lapwing, curlew and golden plover may be present in low numbers and several raptor species maybe present on occasion. The survey area is just out with the hen harrier wintering area with the turbine being circa
860m east of the area. Impacts on hen harrier are considered given the proximity of the proposed turbine location to the known wintering species, however habitats are considered of low suitability and no significant effects are anticipated in the ES.

The potential for impacts on geese and swan species associated with the Upper Solway Flats and Marshes SPA/ Ramsar were considered within the ES, given the site lies within a 20km radius for the SPA. The data search returned records of pink footed goose, whooper swan and greylag goose and flocks of these species may pass over the survey area. The residual impact is considered for geese/swan to be minor adverse. Barn owls may be present locally with the survey area suitable foraging habitat along field boundaries. The ES found that the farmland bird assemblage and wader assemblage are considered of local importance. Local goose and swan and hen harrier interest is valued as of regional importance.

Red Squirrel - The tracts of coniferous plantation woodland within the survey area are considered too small and isolated to provide valuable squirrel habitat.

Bats - A range of bat species are considered likely to utilise the habitats within the application site, notably the noctule, which is considered to be a high risk impact associated within wind turbines. Excluding the micrositing (as confirmed by the applicant), a 50m buffer zone between the blade tip and the nearest bat habitat feature could mitigate against the potential for effects on local bat populations. Boundary hedges within the locality and wooded tract may attract moderate levels of bat activity. The residual impact on noctule bats is considered to be minor adverse.

A construction management plan (CEMP) can be used to mitigate against accidental killing or injuring of amphibian and reptile species and this could include pre construction badger checks. A CEMP can be secured by planning condition.

There are local community concerns regarding the potential loss of wildlife and although the protection of certain species can be safeguarded through planning condition, it is recognised that there remains some risks to wildlife and this needs to be balanced against the concerns and local knowledge of the local community.

**Heritage Assessment**

The scoping report SCO/2014/0005 scoped out the need for an archaeological assessment.

There are 4 scheduled monuments within 5km of the turbine development. There are 5 grade I and grade II* listed buildings within 5km of the proposed turbine. Of note within 600m west of the settlement of Dean is Grade I listed Branthwaite Hall. The ES concludes there to be negligible impact on the asset’s significance.

There are 12 grade II listed structures within 2km of the site. It is considered the impact on heritage assets will be negligible. It is concluded there will be no impact on Greysouthen Conservation Area.

Within 1km of the site is Mayfield this is a 19th century two storey farm house with abattlement folly tower to its northern end. It is considered that due to the 1km distance
and the setting filtered by mature trees that an understanding of the heritage aspects of the building will not be adversely affected by the turbine development nor the setting of the building.

**Access and Construction**

Works at the site will include the creation of new access tracks, casting the turbine foundation, creating an electrical connection trench, constructing a control building in addition to the turbine. A hard standing will be laid to enable the installation of the turbine. This will measure 35m x 15m. The construction of the turbine would last 8-12 weeks. It is set out that the turbine would be operational for 20 years. Further information is considered necessary to ascertain the likely road defects along the proposed delivery route. Works will be required to improve the access to the highway and a detailed design review of proposed mitigation works to any highway alterations will be required.

The main impacts of the proposed development on the road network would be associated with construction traffic. The Highway Authority has no objections to the proposal subject to a condition to protect the highway surface from dirt and debris during construction and to provide a comprehensive Construction and Traffic Management Plan.

**Noise**

Noise from turbine development can occur from the construction and decommissioning phases of the project and during the operation of the turbines themselves. Noise levels are considered to be acceptable and upper noise maximums can be secured by planning condition and as such it is considered there will be no adverse noise effect from the proposal. Noise due to the turbine development is shown in table 11.5 of the ES to be compliant with the requirements of ETSU-R-97 both for financially and non-financially involved receptors. With regard to concern over noise from the local community, the matter of noise can be safeguarded by planning conditions.

**Shadow Flicker**

Shadow flicker would only occur when a building is located within 10x distance of the rotar blade diameter. All non-financially involved properties surrounding the site lie outside of the 10x rotor diameter of the area and therefore community concerns regarding shadow flicker are unfounded in this instance.

**Water Quality, Hydrogeology, Soils and Geology**

The turbine site is considered to be at low risk of flooding and from pluvial, sewers, overland flow, ground water and from reservoir failure. The closest water course to the site is a small drainage ditch which flows from Springfield farm, 300m west of the site. The site is not at risk from flooding. There are no designated sites of geological or hydrological importance in close proximity to the proposed development. Provided mitigation measures to prevent ground, surface water and ground water pollution within the footprint of the development area in place, it is anticipated in the ES that there will be no likely significant effects.

No coal mining activities have been recorded at the site although there are numerous
coal workings and mining activities recorded within the area, including workings recorded to the western boundary of the site. There are numerous abandoned mine shafts in the area to the west of the site, the closest being 200m to the west.

**Aviation and Electromagnetic Interference**

There are no adverse impacts with regard to aviation safeguarding or electromagnetic interference.

**Overhead Power Lines**

The proposed turbine would be over 100m from the nearest power line and is suitably sited with regard to the nearest overhead power line and therefore this matter has been suitably addressed in regard to the community concerns.

**Ice Throw**

The turbine will be equipped with an ice detection system and given the scale, position and slow rotational speed of the proposed turbine, it would not be possible for ice throw to cause any threat to nearby occupied properties or the public highway.

**Stakeholder Engagement and Consultation**

A public consultation was held 5pm-7pm Thursday 9 April 2015 at Greysouthen Village Hall, in order to provide members of the community with information on the proposed turbine, assess support and opposition to the project and hear local community suggestions on how the proposal could be improved. 500 letters were posted to residences within a 2km radius. 30 people attended the consultation and 10 questionnaires were completed. The majority disagreed with the turbine being built within their area.

It is acknowledged that the proposed turbine will have local economic benefits in terms of the contribution it would make to the sustainability of the agricultural operation at the host farm. The reduction in the level of electricity exported to the grid will reduce the overall benefits of the scheme but it is considered that this is not itself sufficient to affect the assessment of the overall planning balance.

**Local Financial Considerations**

Having regard to S70 (2) of the Town and Country Planning Act. There are no local financial considerations relevant to this application.

**Community Representations and Local Appeal Decisions**

Representations from the community reference Appeal Decision APP/G0908/A/11/2156118 that was dismissed at appeal which relates to a turbine application for 3 turbines at Broughton Lodge with a tip height of 125m. The Inspector found that in that location the appeal site would increase and intensify the impact of wind farm development in a prominent manner in a location where the proposed wind turbines would combine with others in the locality and tip the balance from a landscape with wind
farms to a landscape with wind turbines as a defining and dominant element.

Community representations also bring forward Appeal APP/G0908/A/13/2195042 regarding a single turbine with a blade tip height of 79.6m at Wellington Farm, Cockermouth. The Inspector found that the proposed turbine was of such a size that its visual impact could not be mitigated. The Inspector noted that turbines generally appear to be less prominent in photomontages and photographs than they do in real life and that views of ‘disembodied’ rotating turbine blades can have a more disturbing visual effect than views of the whole machine. The Inspector noted the 79m and concluded the proposed turbine would be out of scale with the natural and built environment of the locality and it would have a major adverse impact on the character and appearance of the local landscape.

**Ministerial Statement 18 June 2015**

Recently a Written Ministerial Statement on local planning has been published on 18 June 2015, in relation to the determination of planning applications for wind turbine development this 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.”

This application was validated on 2 July 2015, post the Ministerial Statement therefore the transitional arrangements do not apply and the full provisions of the ministerial statement are therefore a material planning consideration.

Allerdale BC does not have an allocated area for turbine development clearly in a Local or Neighbourhood Plan (maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient).

Historically turbine development has been assessed against Policy S19 ALP which is a criteria based policy to address planning matters relating to renewable energy development. To date however this interpretation of the implications of the Ministerial Statement has not been tested at appeal in Allerdale or indeed elsewhere and therefore in order to make an assessment of community backing and whether any local impacts identified by a local community have been fully addressed, Policy S19 ALP along with other relevant Allerdale Local Plan policies and material considerations remains helpful to assist in the detailed assessment of this application.

Recent Secretary of State and appeal decisions in respect of wind turbine proposals elsewhere in the country deal with applications submitted prior to the Ministerial Statement and therefore the transitional arrangements set out in the Statement apply to these decisions. This means that it is not necessary for the site to be in an area allocated for wind turbines but nevertheless these decisions have all given significant weight to community objections, particularly when expressed by a representative body such as a Parish Council.
Conclusion

The current application has 130 letters of objections and a petition of 65 signatories. There are 56 letters of support. Letters of support are clearly shown within the submitted Assessment of Local Sentiment Figure 1 from the nearby farming community. There are also letters of objection from the nearest Parish Councils: Dean, Greysouthen, Brigham and the Broughton area villages.

The main issues relate to the concerns over adverse visual and landscape impacts, adverse cumulative impacts due to other wind turbine development within the locality, adverse impacts on the Lake District National Park with regard to views towards and from, adverse impacts on the tourism and the local economy, noise, and matters relating to local habitats and species particularly birds and bats.

Except the dwelling relating to the applicant there are no residential properties within 800m of the site. There are objections from residents within the nearby settlements and dwellings. Officers note that the ES advises and concur with the opinion that there will be significant adverse visual impacts on users of local roads and footpaths that are within 2km of the site and an adverse impact with significant effect on the character of the local landscape within 2km. The roads are frequently used by the community to access the facilities within neighbouring villages and to access the wider highway network beyond. The local roads, bridleway and footpaths are also used by sensitive recreational receptors walking and cycling. There is also local community concern about the potential adverse impacts on local bird and bat populations, however the ES advises the impacts to local ecology is not significant.

Significant weight is now attached to the 18 June 2015 Ministerial Statement and given the proposed turbine site is not in a Local or Neighbourhood Plan it is recommended that the proposal is contrary to this advice.

Furthermore, it has not been demonstrated that the matters raised by the community, regarding the potential for adverse visual and local landscape character impacts (particularly regarding adverse impacts experienced from users of local roads, footpaths and the settlement of Dean), the potential for adverse cumulative landscape and visual impacts and ecological impacts on protected species have 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 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 scheme is recommended for refusal accordingly.
Annex 1

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.
Allerdale Borough Council
Planning Application 2/2014/0737

**Proposed Development:** Erection of two turbines 65m to hub, 110m to tip and ancillary infrastructures, new entrance plus temporary construction compound.

**Location:** Iggusung Paperboard (Workington) Ltd
Siddick
Workington

**Applicant:** Iggusund Paperboard (Siddick) Ltd

**Drawing Numbers:**
- I68 - Figure 2 - Location plan
- I62 - Figure 5.4 - Block plan
- I05 - Figure 5.2 - Proposed elevations
- Environmental statement
- Additional information received 4/06/2015 (including omission of T3 turbine)

**Recommendation:** Refused

**Summary/Key Issues**

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<th>Conclusion</th>
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| **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. |

The Proposal

The proposal, as amended seeks consent for 2 wind turbines and associated development. (A former third turbine T3 which was sited north of Siddick ponds was withdrawn from the scheme.) The 3 bladed turbines would have a hub height of 65m and a maximum height to blade tip of 110m. The turbines would be finished in a white or pale
grey colour. An area for micro siting is provided for each turbine. The proposal also includes a 60 square metre control building and small transformers will be housed outside the turbines if they cannot be housed within the towers. The scheme would also include the provision of temporary crane hardstanding beside each turbine and a compound during the construction phase.

New and existing access tracks are to be constructed to serve the development with a highway entrance onto Lowca Lane for turbine T1 with suitable radius and visibility access requirements to accommodate the abnormal scale of the turbine deliveries. T2 would be served by the applicant's existing industrial access onto the A596. The deliveries would be via either the port or the motorway network followed by the M6, A689, A595 and A596.

Each turbine has the energy capacity for 3MW of electricity generation. An element of micro-siting has been allowed for each turbine. (The exact model of the turbine has yet to be established, however for the purposes of the planning application the Vesta V90 has been used as the candidate turbine for the assessment.)

The applicant advises that the site was selected as a location for wind energy development on the grounds of; wind resource due to existing wind speeds, existing landuse designation within a heavily industrialised area without any national or international designations, availability of electrical connections (existing connection point), no adverse impact on air safety, no interference with public rights of way and sufficient area to accommodate the development.

It is envisages the development will generate employment for 20 construction workers over a 6-9 month duration with some opportunities for local contractors, with added small direct positive benefits for local service companies. At a wider scale there would be other socio-economic benefits in terms of job creation and investment (estimates of 2500 jobs sustained by the wind industry in the UK).

During it operational use the site will be unmanned and monitored by an offsite control room.

The applicant highlights the international and national targets set to reduce the emission of greenhouse gases and reducing the carbon footprint including the Dhooa amendment to the Kyoto protocol, the U.K's EU targets and the more recent UK renewable energy road map (update 2013 which reviewed the progress on these targets.

It is anticipated the proposal itself (based on 3 turbines) would generate approximately 20,687MWh which can be calculated to provide approximately 4991 households with energy annually. It would offset 8895 tonnes of CO2 per year. On the basis of the omission of T3 turbine it is assumed that the output/offset will be two thirds of these figures.

The applicant undertook a community consultation exercise prior to the submission of the application. No concerns were made about the access changes and any design changes have been minimal.

The applicant accepted the development was schedule 2 development under the EIA regulations and submitted a supporting Environmental statement to the application.
Planning History

There have been no planning applications for built development on the application site. However modification and widening of the site field access on to Lowca Lane (2/2013/0707) were approved and implemented on the grounds of it serving the current willow plantation operations in the locality of the site.

Further to the submission of the current application a separate outline housing application (2/2015/0308) was submitted on the agricultural field to the west of Hazelgrove estate Seaton. The application was approved subject to an s106 at the last development panel meeting. Its decision cannot be issued until completion of the s106 legal document. Unless the decision is issued it cannot be a material planning consideration in the determination of the turbine proposal. However if issued it would introduce new material amenity issues relating to the impact on residential amenity including noise and shadow flicker. (The extent of any visual impact is unclear as the outline consent did not include layout details.)

Site

The site is located in a narrow green wedge of land located between the built coastal industrial corridor along the A596 and the residential estates on the western perimeter of Seaton. The application site lies to the east of Iggesund’s existing Paper Mill and Biomass Plant industrial complex.

The northernmost turbine (T1) is sited within an existing Willow plantation on a rising undulation of land on the escarpment of the coastal plain. The land is open with few trees in the locality and the nearby fields are divided by hedgerows. The southernmost turbine (T2) is located on a raised area of land near a small copse of trees at the rear of the industrial buildings. The site is adjacent to a small area of ancillary plant associated with the factory.

The land to the east rises uphill to the edge of Seaton’s settlement (Hazelgrove residential estate and Building farm) segregated by open agricultural grazing field. A linear copse of woodland along Hazel Gill traverses on the land to the east of T2. The levels of the site vary from 16AOD to 35AOD with T1 and T2 being on higher land. The industrial complex of the applicant’s factory and its diverse range of large tall buildings (including the recently implemented biomass plant) and structures occupy the western outlook from the site. Most of the industrial buildings are sited at the northern end of the factory. Although the southern end of the factory is more open and is used for storage of materials it does include a wide range of large tall conveyor/plant equipment.

Hazel Gill County Wildlife Site (CWS) is located along Hazel Gill beck. Siddick Ponds (SSSI) is situated to the south west of the two turbine sites. The land to the south relates to a green wedge of agricultural fields that segregate Northside and the retail/industrial development on the A596 from Seaton. The land to the north in the coastal corridor is occupied by the former Eastman factory (presently vacant) which is also located at the base of the slope fronting onto the A596 with agricultural fields in the green wedge between the factory’s and Seaton’s settlement.
The nearest residential settlements are Seaton (approx 350 m eastwards) Siddick including both sides of the A596 (600m to the west), Workington 2km to the south and Flimby 3km to the north.

In addition to the large manmade infrastructure of the industrial units there is a range of existing turbines within the immediate locality of the site. These have been erected under different applications over a long timescale but can be summarised as;

Oldside 9 x 61m turbines (tip height)
Siddick 7 x 61m turbines (tip height)
Voridian 2 x 108m turbines (tip height)
Wythegill 1 turbine 92m (tip height)

A range of overhead lines supported on pylons also traverse across the fields within the green wedge to the east of the site.

**Relevant Policies**

**National Planning Policy Framework**

Chapter 10 Meeting the challenge of climate change, flooding and coastal change
Chapter 11 Conserving and enhancing the natural environment
Chapter 12 Conserving and enhancing the historic environment


**Planning Practice Guidance for Renewable and Low Carbon Energy (June 2015)**
This was updated to reflect the recent ministerial guidance.

**National Policy for Energy EN-1 (July 2011)**

**National Planning Policy statement for Renewable energy Infrastructure EN-3**

**Allerdale Local Plan (Part 1) Adopted July 2014**

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Sustainable development principles
Policy S19 - Renewable Energy and Low Carbon Technologies
Policy S27 - Heritage Assets
Policy S29 Flood risk and surface water drainage
Policy S32 - Safeguarding amenity
Policy S33 - Landscape
Policy S35 - Protecting and enhancing biodiversity and geodiversity
Policy DM17 - Trees, hedgerows and woodland

The Cumbria and Lake District Wind Energy in Cumbria supplementary planning document (Sept 2007)

The following representations were received

Workington Town council Recommend refusal – While the committee appreciate the site was already heavily developed, the proximity of the new turbines to the SSSI to the World Heritage site and the cycleway amenity served to dramatically increase the impact of the existing developments. Councillors were particularly concerned about the most southerly turbine which is very close to SSSI and has an overbearing visual impact on a view which has so far escaped excessive intrusion. The impact of this turbine on the huge variety of birds that use the nature reserve was also a cause for considerable concern.

Seaton parish council Objects to the proposal on the grounds of – the development is located within 800 m of residential properties, the proposal would add to the cumulative visual impact causing noise and flicker, the proposal is adjacent to an award winning nature reserve.
On the reconsultation they reconfirmed their objections as contrary to policy with impacts on primary school, nature reserve and households, resulting in noise, shadow flicker height and disturbance likelihood.

Maryport –Noted

County Planning Object- concluded that in terms of policy they do not oppose renewable energy proposals subject to there being no unacceptable impacts. Whilst recognising that the development would contribute towards the production of renewable energy and references in government policy it is evident that the proposal will generate landscape, visual and cumulative effects with particular significant impacts on the residents of Seaton, the landscape character of landscape sub-type 5a and the setting of heritage assets. It is considered the effects outweigh the benefits associated with the generation of renewable energy contrary to the National Planning Policy Framework, sub RSS and supporting guidance in the Cumbria wind energy SPD.

County Highway Authority Refers to the recently approved single turbine at Wythegill under which a range of street furniture along highway corridors was modified to facilitate its delivery. Advise that overall that the construction traffic associated with the development are unlikely to have a significant impact. One potential benefit is that the turbine power output may replace power generated by the biomass which generates significant traffic movements on the A596/A595/A66.
The County highway authority are solely responsible for Lowca Lane and is satisfied with the submitted information submitted with the application subject to a highway condition relating to the access works.

Highways Agency - No objections.
**Environmental Health** – consider insufficient evidence has been submitted with the application. After completing an independent assessment by a noise consultant further additional survey evidence was sought on cumulative noise impacts. The initial results suggests there is the potential for the scheme not complying with the ETSU-97-R noise guidance resulting in the Environmental Health officers verbally advising that at present they are unable to support the proposal. Ongoing discussions are being undertaken with the applicant’s noise consultant to identify whether the points of concern can be resolved.

**Natural England** - Initially objected to the lack of information as to whether it would damage the features of the SSSI. Particular concern was referred to turbine T3 (which allowing for micro-siting would be 30m from the designation)

Need of additional evidence of bird species at Siddick Pond. The submitted bird information is considered inadequate including hours of data, timing of surveys (Nov – March) and collision risk. Due to the importance of this evidence additional surveys are recommended. It is essential that the risk associated with contamination is also fully examined.

Further to the submission of additional bird survey evidence and the applicant’s decision to withdraw T3 from the proposal a further response was received from Natural England. They consider the removal of T3 substantially resolves their concerns relating to collision risk and displacement of birds. Whilst T2 remains within the 600m sensitivity zone of species using the pond it is accepted that it is the upper limit of the zone and there is intervening screening between the site and the pond.

They also conclude it limits the collision risk to Golden Plover. Recommend that disturbed ground generated by the works should be reseeded with flowers including successional species such as kidney vetch. The development will provide opportunities for additional biodiversity gain.

**Friends of Siddick Pond** - Object The nearest turbine T3 is 90m form the pond and T2 is 456 m distance from the Pond. The ecology evidence recognises the importance and rarity of the species with 4 species of conservation concern and eight on the red list. The turbines would be a moving hazard that would endanger birds lifting or descending to the ponds or hunting in the locality. Particular reference is made to the Bitterns and their flight habits with the potential for collision. Insufficient evidence is outlined within the surveys.

Reference is also made to barn owls, whooper and mute swans and bats all of which have collision risks.

The presence of otters is also a wildlife consideration.

Also refer to the risk of contamination from any run off from construction works. It is difficult to assess the impact of noise from any construction works. It is considered the movement of the turbines blades and the associated lighting works would hinder observational views of the wildlife at the ponds.

Overall they consider there would be a severe impact on the Siddick Pond SSSI resulting in loss of wildlife habitat, failure of nests or abandonment of young. They therefore consider there would be significant harm to biodiversity from the development and the mitigation proposed would not adequately compensate for this impact. They also oppose any condition for micro siting to enable further consultation and reconsideration of any impacts.

**Butterfly Trust** Object to the application and seek a full survey be undertaken by a...
qualified ecologist to establish the strength of any small blue colony at the site which at the very least will need to be translocated to another site. Verbally advise that a survey and any potential translocation to an agreed established butterfly colony site under a condition would be acceptable.

**Cumbria Wildlife Trust** Object The site is located to the east of Hazel Gill County Wildlife site and is therefore recognised as being of at least county, sometimes national importance for their nature conservation value. This is defined by its important distinctive and threatened habits and species. Also Siddick ponds are a designated SSSI. It is essential these are preserved. Questions the applications submitted protected bat species identified in the survey which is a protected species. Seek controls on any lighting details to minimise disturbance to nocturnal species. Also reference to potential impacts on otters, amphibians and the bittern bird species (sited at the Ponds).

**Royal Society for the Protection of Birds** Initially Object- Highlight that the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided or mitigated against it should not be refused. They identify weakness in the applicant’s bird surveys on all bird species known to utilise the site. The potential for bird impacts has not been fully considered with potential impacts on species of a proposed outer Solway SPA proposed European site (which government advice should be treated as fully classed SPA’s). The requirements of the Conservation of habitats and Species Regulations 2010 are applicable to the proposal. Consequently it is up to Allerdale as the planning authority to decide whether the proposals will likely have a significant effect on the European site and its conservation objectives. They highlight the Goose lander population using the site and challenge the extent of the survey and its seasonal recordings with no evidence for January, February or March. Also refer to Wintering Bitterns (prone to collisions) and the need of further evidence. Overall they would prefer a 2 year rather than one year survey. They also refer to the bat evidence and the proposed mitigation to baffle artificial light. They also refer to any damage to the habitat of the small blue butterfly.

Revised consultation response on amendment (30/06/15). Further to removal of T3 which significantly reduces potential displacements and collision risk for birds at Siddick ponds they withdraw their objection. Although T2 remains within the recommended 600m sensitivity zone it is suitably screened and sufficient distance to be unlikely have any significant effect. They support Natural England’s comments dated 24th June and its biodiversity recommendations e.g. provision of areas for kidney vetch.

**Environment Agency** – No objections subject to the inclusion of a planning condition re contamination assessment, mitigation and verification to safeguard the environment in compliance with the NPPF (para 121). Officers based on the Environment Agency advice also recommend an additional condition to control the temporary storage of oils or fuels at the site. This minimises any risks to the nearby ecological sensitive locations of the SSSI. It will need to be ensured that no surface water contaminated silts or sediments are to be discharged to ground or surface water flows during construction. During construction where it is necessary to dewater any excavations as a result of groundwater ingress, this activity is currently exempt from abstraction licensing although this situation is expected to be reviewed in the near future. The applicant will need to consider the impact that any dewatering will have upon groundwater dependant features
in the area. If a potential impact is recognised then mitigation measures will need to be put in place. Additional evidence relating to separate regulations was provided.

**United Utilities** highlight the presence of their existing water main /trunk main crossing the site which is within the vicinity of Turbine 2. Seek an easement distance of no less than 10m (measuring at least 5m on each side of the centreline of the pipe (to be verified by hand dug trial holes).
In addition measures should be applied to protect the mains from any heavy plant crossing the main.
It is recommended that these be secured by condition.

**Electricity North West** The development shown is adjacent to Electricity North West operational land or distribution assets. The development should seek to ensure no encroachment over apparatus or easements. Particular reference is referred to the southern turbine which is within 70m of two 33kV overhead lines which is below the recommended separation distance for a 100m tall turbine Any diversion works should be at the applicant’s expense.

**JT radio** Initially objected-The proposal is within 1km of is within a protected radio link operated by Electricity North west, Northern Gas networks and United Utilities which is generating below 1 Ghz or 0.5 of a link (seek turbines with a blade diameter of 32m to have a distance of 0.5km.of any protected link or path site managed by them. Whilst originally objecting following further analysis and clarification they withdrew their objection.

**HSE** Advise that this type of application does not fall within their consultation remit and would increase the number of the number of people within the consultation distance.

**County Archaeologist** – Highlight the applicants EIA confirms that the site is located within an area of archaeological sensitivity with the potential for significant archaeological remains. The remains of Burrow Walls Roman fort are located form the nearest proposed turbine and these are legally protected as a scheduled monument and form part of Hadrian’s Wall world Heritage site. It is understand that signal tower no 29 is believed to have been situated nearby. The EIA indicates the applicant considers the proposal will have a moderate/ large negative visual impact on the setting of the Burrow Wall schedule monument and the world heritage site particularly on the indivisibility between the a number of designated and undesignated heritage assets within the WHS. No mitigation has been offered. Seek consultation with English Heritage on this matter.
There is the potential of disturbing the remains of the signal tower which was associated with the Hadrian’s wall Cumbrian coastal system. These towers were regularly spaced in visually prominent locations Turbine T1 is in the likely position for this tower. Any such remains of the tower would have a significant equivalence to a designated heritage asset and is worthy of preservation in situ. Seek further survey evidence, in line with NPPF to establish the impact on these remains prior to determination.

In response to the reconsultation the County Archaeologist advised that the applicant commissioned an archaeological evaluation of the site of this turbine. The scope of the evaluation has been limited by willow growing on the site and so represents a very low sample of the overall proposed development area of the turbine. This means that the sample size is not statistically representative and does not fully characterise the
archaeological nature of the site. He is prepared however, to accept this approach as the only possible viable and reasonable way to provide some (albeit limited) information on the archaeological impact of the development, given that the site is covered with willow. He still considers there is the potential for the construction of the proposed northernmost turbine to disturb archaeological assets. I therefore recommend that, in the event planning consent is granted, further archaeological investigation and, where necessary, a scheme of archaeological recording be undertaken in advance of development. I advise that this work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent.

**English Heritage (Historic England)** – Potential impact on the setting of the scheduled Burrows Wall roman fort, a part of the Hadrian’s Wall world Heritage site and more importantly the Outstanding Universal Value (OUV) of the WHS. However the intervisibility with neighbouring sites suggest that visual communication did not play a significant part in the operation of roman defences on this part of the Cumbrian coast. Given the local topography and the current visual context we consider that the proposal will not cause harm to the setting of the fort or the OUV of the WHS. Therefore English Heritage has no objections to the proposed development.

**NATs** The proposal does not conflict with their safeguarding criteria and therefore has no safeguarding objection to the proposal.

**Ministry of Defence**– No objections but seek the proposal to be installed with air navigation details (to be conditioned).

**Civil Aviation Authority** –Seek consultation with the MoD and local airports which should be notified on any approval decision. Seek registration for all structures exceeding 300ft (91.4m) to be charted on aeronautical charts. Similarly aviation lighting is required for all structures above 150m or required by other aviation organisations.

**Stobart Air (Carlisle Airport)** - No objections subject to conditions on reconsultation on any future amendments and corrective action if there are any changes to aviation legislation.

**Geospatial Air information team** No reply to date

**Arquiva (BBC and ITV transmission network)** No objections.

**Campaign to Protect Rural England (CPRE Cumbria Association) (Friends of the Lake District)** - Highlight that at no level does the planning system support proposals where there are unacceptably adverse impacts. Whilst the principle of renewable energy is one which they agree they are concerned that schemes are being brought forward which do have adverse impacts and should not be permitted. They refer to :

Residential amenity – the locality has been the subject of a proliferation turbine development with residents already experiencing visual impacts and loss of amenity. The site is 350m from Seaton and 600m from Siddick where the impact would be significantly adverse, especially from Lowca Lane. It would also be significant from Northside. Reference is made to the SSSI and national cycleway route which adjoins the site with
sensitive receptors with a number affected would have unacceptable impacts which are not outweighed by the benefits of the development. Given the proximity of houses there are also concerns on noise from the turbines. The applicant has chosen the Vespa 90 as its candidate turbine but a different model may generate different noise levels. Some existing noise levels may generate disturbance from traffic noise etc. and the proposal may increase these. Also potential for shadow flicker. Question the details of micro siting and its impact on the planning fee or the sensitivity of local receptors.

Local / National Policy; - Reference to the National Planning Policy Framework (NPPF) reference to sustainable development, which needs to include protection of the natural environment, these should include SSSI and a CWS. Updates by the Department of Communities and Local Government (DCLG) should be given weight in any decision especially as the need should not override environmental protections and the concerns of local communities.

FORCE refers to the level of local opposition to the proposal.

They also consider the proposal is contrary to Policies S19 (within 800m of dwellings) and S32 which seek to protect residential amenity. They also challenge the agents claim that that the Cumbria Wind Energy supplementary Planning Documents is not planning policy.

Landscape – The two turbines T1 and T2 are located in landscape character sub type 5a Ridge and Valley which have a moderate impact for wind energy small group 3-5 or 6-9 in exceptional cases. No exceptional circumstances exist at this location with there already being an excess of turbines with a visual impression of a contiguous array. The applicant’s cumulative assessment includes omissions e.g. Westnewton and Winscales, West House Farm and Fox House Farm, Dearham. Little assessment has been undertaken of sequential impacts and the applicant has referred to the existing turbines as justification for additional development. FORCE finds this approach very objectionable especially when they would be no more than 500m from the two turbines at Eastman (Voridian) site.

Refers to Policy Statement EN1 Which emphasises that coastal areas are particularly vulnerable to the visual intrusion of wind energy development due to their high visibility from the foreshore and the skyline and coast. Therefore they consider there is not reasonable to add more development at this location.

Ecology- T3 would have an impact on Siddick Ponds (100m distance). The surveys include species on red or amber lists as well as overwintering birds for foraging. The proposal will act as an avian obstacle. Bat species may also be at potential risk of collision and the required 50m buffer prompting the removal of a hedgerow near T2. T1 is also in breach of this guidance as its willow crop will need to mature prior to coppiced reducing the buffer to 34.5m with additional implications arising from micro siting. They observe that the RSPB objects to the application. The CWT also refers to otter activity in the vicinity of Siddick Ponds.

The sites are in flood risk zone 1 whereas part of the supporting works is in Flood zone 2 and 3 and therefore raise concerns on pollution.

Heritage –refer to the County Archaeologists reply on the remains of Burrows roman fort. They dispute and object to the applicant claims that the presence of existing turbines to the World Heritage site justifies the addition to their number. FORCE also refers to the objection on radio interference and gas infrastructure concerns. They highlight the proposal is a commercial enterprise with all electricity being fed in to the Grid Network.
Letters of objection were received on the grounds which can be summarised under the following headings:

(i) Cumulative impact; Saturated cumulative visual impact from Seaton with other existing wind turbines – over 14 turbines within 2km of Seaton-additional Robin Rigg windfarm offshore Allerdale already hosts 70% of the County’s turbines. Question how may more turbines are to be built and when is there enough. The site of the turbines is well beyond the coastal industrial strip.

(ii) Noise: Potential noise disturbance above that presently experienced from the factory/biomass plant. Consider the applicants noise survey is inaccurate as it was undertaken prior to the construction of the biomass plant) Impact of any low frequency sound (extract of a warning report in Australia. Harmful cumulative noise impact with existing turbines. The effects of low level noise on downwind properties Potential impact on new housing proposal adjacent to Hazelgrove including noise and flicker Reference to a Society for wind vigilance of Canada and America peer review of scientific articles on European wind turbine facilities concluding; wind energy projects create negative impacts on human health and wellbeing (including noise and shadow flicker), annoyance with wind turbine noise was associated with psychological distress, stress and difficulties to fall asleep and sleep interruption and links to sick building noise due to audible and inaudible noise infrasound(referred to by the World Health Organisation1999 as exposure to low frequency noise can cause adverse effects on humans.

(iii) Visual impact: Existing westwards viewpoint views from Seaton are already punctuated by turbines at Clifton and Broughton Moor-the proposal will be closer more elevated and obtrusive than the existing turbines. Legacy for future visual impact on the Solway coastline. Proposal is within 800 m of houses in Seaton and Siddick contrary to adopted local plan policy S19. Their siting closer to Seaton than the existing factory at a higher contour level would dominate and blight views from Seaton. Taller than neighbouring turbines. The viewpoints in the assessment do not accurately reflect the worst case scenario and understates the true visual impact, with only one viewpoint in the immediate locality despite dwellings being identified as an important high sensitivity receptor. Challenges the submitted evidence that the turbines are not out of place to the scale and close proximity of other turbines/pylons/overhead lines and chimneys as the turbines are massively taller in a more elevated and prominent location. Existing locality is an eyesore. The applicant’s viewpoint evidence accepts that the viewpoints form Lowca Lane (VP1) the turbines are dominant and this is something that cannot be mitigated against with any colour scheme. Unneighbourly development. Adverse impact on residential amenity outweighs any renewable energy benefits.

(iv) Economic: Concerns on applicants company’s green credentials due to its impact on the communities. Proposal will not create any employment- Question the need for the development as it is understood that the existing CHP plant produces excess power and therefore the proposal is to gain extra revenue to National Grid without consideration of the residents of Siddick or
Seaton—no economic case. The proposal will not benefit the west Cumbria economy. Existing turbines in the locality are not always operating. Case for cost effectiveness not successful at Eastman’s. Why are turbines not installed at the applicant’s plants in Sweden and Spain? Financial motivations to undertake the project rather than renewable benefits. No local community benefits.

(v) Health and safety: risk from the noise, vibration and flicker from the turbine or an airborne aerofoil blade.

(vi) Shadow flicker: Need of controls or BS standards relating to flicker relating to flicker. Flicker impact from setting sun—potential health impact on people with epilepsy 405 properties are within 900 m of the turbines which will be affected by shadow flicker. The use of blinds is not a suitable mitigation measure for shadow flicker as it results in loss of amenity for occupiers.

(vii) Archaeology: Too close to the site of a roman fort and its archaeological remains.

(viii) Telecommunications: Effect on TV reception.

(ix) Tourism: Undermines visitor’s perception of the area (including tourists). Harmful impact on people using the C2C cycleway route which be dominated by the turbines (increased by the movement of the blades).

(x) Policy: reference was made to the “European best practices Guidelines for Wind Energy Development 2 by the “European Wind Energy Association “which refer to the need to consider: planning policy context, visual impact, proximity to dwellings, ecology.

(xi) Wildlife: Insufficient evidence on land contamination and its potential impact on the nearby Siddick Ponds. Insufficient evidence on the impact on wildlife with no consultation with the RSBP group. Adverse impact from the works on the habitats of the SSSI—increase risk of bird strikes, displacement of bird populations.

(xii) Consultation: 73% of the responders to the questionnaires oppose the development and one objector has not received any response. The public meeting on the proposal occurred whilst an objector was on holiday.

A further 26 letters of objection were received to the re-consultation following the withdrawal of T3 which reiterated their continued objection to the scheme on the grounds specified above, plus reference to the recent ministerial guidance and the planning application for housing on the western perimeter of Seaton.

The former Ward councillor also recommended refusal on the grounds of; the proposal is within 800 m of housing in Siddick and Seaton and is therefore contrary to the adopted local plan, the proposal close to a site in the Allerdale Local Plan (Part 2) for housing next to Hazelgrove resulting in development constraining the development of the settlement, cumulative volume of the turbines and their noise, visual and flicker impacts, the site of
the turbines on the crest of a hill will increase the prominence of the turbines especially for properties at the lower side of the hill, adverse increase to existing noise levels(invalid survey as it was prior to the biomass plant being operational, harmful impact on flicker, unsympathetic siting of the turbines in proximity to the nature reserve, no economic case for the turbine as the applicant already sell on surplus power to the National Grid.

Six letters of support and one letter of no objection were received.

Assessment

Both the National Planning Policy 2012 and the Allerdale Local Plan (Part 1) adopted July 2014 are broadly supportive of proposals for renewable energy development. The need to meet national targets for the generation of electricity and heat from renewable and low carbon sources is recognised as are the wider environmental, community and economic benefits of such development. Therefore need is not a planning consideration in the determination of the application.

As with all planning applications each proposal has to be assessed on its individual planning merits, but also must reflect consideration of the most up to date planning policy context. Specific to wind generation development is balancing the economic benefits of the proposal and its contribution to the supply of energy by renewable developments against any environmental harm associated with the development. The Ministerial statement in April 2014 acknowledged that need does not automatically override local considerations. Furthermore and fundamental to the proposal is the subsequent recent ministerial statement issued in June 2015 and the need to consider whether the planning impacts identified by the local communities have been addressed.

The application was identified as EIA development and is supported with a detailed Environmental Statement (ES). It provides a detailed examination of the following topics; landscape and visual impact, air quality, geology, hydrology, hydrogeology, ecology, ornithology, cultural heritage and Archaeology, noise, socio economics, safety, shadow flicker, telecommunications, aviation and radar, traffic and infrastructure.

The ES accounts for the progressive phases of the development during construction, operation and decommissioning, evaluating the characteristics of the site and its locality (both immediate and wider area). It assesses the impacts of the development, pre during and post construction including any mitigation measures associated with the proposed works.

Officers in evaluating the evidence of the Environmental Statement and accounting for the views outlined in the stakeholder representations (including the local communities) consider the key issues may be summarised as follows:

Landscape and Visual Assessment

This represents a key issue which is assessed in the ES. Its landscape and Visual Assessment (LVIA) assesses the likely effect of the development on the landscape characters of the site including the neighbouring character classifications. It also evaluates the cumulative impact of the two turbines, within the baseline context of the
other existing/approved/pending turbines in the locality as well as the wider visual impact (up to 30km). The LVIA document includes a map of the Zone of Theoretical Visibility (ZTV), wireframes and photomontage evidence with 10 viewpoints at differing distances to measure the impact on both landscape character and visual amenity.

The landscape of the Borough is broken up into different landscape character types under the Cumbria Landscape Character Assessment (Part 2) Guidance 2007 and the Cumbria landscape character assessment toolkit. The site lies in the National character Area NCA7 West Cumbria Coastal plain. The assessment also evaluates the impact on the three sub types within the surrounding landscape.

Both proposed turbines proposed turbines are sited within landscape character type lowland landscape sub type 5a "Ridge and Valley". The County’s Wind Energy SPD describes its features as "medium to large scale landform varying from undulating to ridge and valley terrain, medium to large field units, some vegetation enclosure with occasional valley woodlands, simple agricultural patterns, working countryside with some modern features e.g. pylons, multiple horizons and ridges backdrop of other landscape types in working countryside".

The landscape character types and their capacity for additional development within the Cumbria Wind Energy Supplementary Planning Document (CWESPD), advises that landscape character type LC5a sub type has a moderate sensitivity the landscape capacity of ‘moderate’ for accommodating ‘up to a small group of wind turbines defined as 3-5 turbines or a larger group 6-9 in exceptional cases.

The viewpoints were evaluated with viewpoints 1 (Lowca Lane) and V” (Burrows Walls roman fort) and V10 having moderate adverse significant effects.

The applicant considers that the magnitude of the impact of the works during the construction phase would be low and the significance of the effects would be temporary and slight adverse.

During operations the applicant contests that the host’s type 5 moderate landscape sensitivity would be seen in the context of the neighbouring industrial development and its structures. Such impacts would be direct with the overall effect being direct and slight adverse resulting in a slight change to the landscape or characters within.

The report advises the site has no direct impacts on the sensitive designations of the Lake District National Park (11km east) and the Solway Coasts AONB (7km north), which is further reduced due to topography and the backdrop of the neighbouring industrial plant and buildings. No Conservation Areas would be significantly impacted by the proposal.

The neighbouring landscape types are Type 2 Coastal margins with low to moderate sensitivity and landscape type.1a intertidal flats and the urban landscape character. The landscape impact on Type 1 landscape Estuary and Marsh landscape would be limited as albeit new vertical features they would be seen in conjunction with the other industrial development on the coast. It is considered the impacts would be indirect and slight adverse.

The Coastal margins sub type 2d is considered to be of low-moderate sensitivity to accommodate turbine development. It is considered the industrial units will not
compromise the setting of Siddick settlement. Any impact would be indirect concluding
the overall significance of effect to be slight adverse.
It is considered that the proposal would be seen in the context of its industrial
environment in the urban landscape setting and is physically detached resulting in the
development being barely discernible and would not change the view from this landscape
type.

This is referred to within the applicants submitted LVIA which concludes
“The ES advises that the proposal will involve long term, permanent but reversible effects
during both construction and during the operation of the development. These losses
would be small and reversible once the development is decommissioned
It recognises that the site represents a transition between the flat coastal urban fringe
with its built industrial features and the undulating ridge and valley landscape towards the
east.”
The report also concludes that the proposal would not have any adverse impact on any
designations and no distinctive characteristics of the area would be lost as part of the
development.

The council commissioned an independent Peer Review Appraisal of the LVIA. This
sought to assess the methodology of the applicant’s assessment as well as its overall
findings. This would account for the sensitivities of the site and its associated receptors
the capacity for change comparing the existing baseline with the predicted impacts
(demonstrated in the agreed LVIA viewpoints).
They observe that no alternatives were presented as part of the scheme. The consultant
refers to the County’s SPD details that the prominence of turbines that may decline and
diminish with distance with a “dominant focus” up to 2.4km. The consultation assessed
the landscape of the locality its characteristics as well as the settlements their
populations and visual outlook and the built development in the area.
They consider the landscape character types blend into each other in this locality.
It is considered that for a 25 year consent there will be a small –magnitude adverse
impact on the change on both the class 1a Intertidal flats and class 2d coastal urban
fringe landscape types which are in the locality of the host landscape type (these would
not result in significant effects. Similarly it is considered the 25 timescale for any consent
would result in a negligible adverse change) to the Broad valleys landscape type 8b
(Derwent valley) which would not have a significant effect. (The urban valley in
Workington is already built up and therefore there will no noticeable effect.)

However the consultant refers to the County toolkit for the host landscape area type 5a
which describes this landscape as “rising gently to high wide ridges with long views or
falls to small narrow valleys and being dominated by improved pasture with field being
typically regular in shape with straight boundaries, hedges, hedge banks or fences
reflecting the 19th century planned enclosure. According to the toolkit the landscape
character feels enclosed in the valleys but there is a greater sense of openness in the
ridge tops. Views are important and despite the concentration of large scale wind energy
schemes that dominate the landscape around Workington, many parts remain intact and
retain a sense of a pleasant, peaceful working farmed landscape”. It acknowledges the
presence of factories, turbines, pylons and the trunk road within the vicinity of the site.
Consequently large scale structures are not generally scarce. It observes Seaton
domestic dwellings boundary with this landscape.
It concludes the landscape is of medium sensitivity. As a result of the existing turbines
the peer review considers there would be a small change to this landscape character type as an urbanised extension into the fields. The change would have been greater if the turbines had not been sited so close to the factory and the adjacent vertical infrastructure including the turbines and factory emission stacks. Consequently the resulting small magnitude adverse change would not constitute a significant effect.

The independent assessment also concluded that the 25 year timescale would have a negligible adverse change on the high sensitivity of the National Park landscape due to the separation distance (not significant). The low lying land of the Solway Coast AONB will be limited in view or inter-visibility and therefore will not have a significant effect.

The peer assessment also refers to the context of the Wind Energy in Cumbria SPD. The site of the turbines in combination with existing turbines and behind the factory limits any impact on the landscape character of the Estuary and Marsh landscape type which presently lacks any turbines. The Coastal fringe landscape has been urbanised and industrialised and presently supports more turbines the 6-9 turbines capacity recommended in the SPD. However this is not the typical setting for this landscape and the addition of two additional turbines in the neighbouring landscape would not make a difference in terms of setting. The independent assessment highlights that the site neither falls in the flatter on broad ridge categories for the greatest potential for wind turbine development.

Overall the peer assessment concludes that the landscape guidance suggests a large group of 6-9 turbines in the immediate area, however already eighteen exist. It is considered turbines are now a defining characteristic of the area and reinforce the existing local industrial character of the local setting (which in itself does not reflect the description of their respective landscape types. The assessment advises it is not possible to strictly adhere to the SPD guidance in this case given the existing turbines. It considered the proposal will not have a capacity effect on the Estuary and Marsh landscape. The coastal and Lowland landscape character type does not reflect the descriptions in the SPD, with an alternative industrial character prevailing. The landscape character would have the capacity for the proposed turbines because they would be linked to the buildings, structures in the transport corridor.

Officers are aware that in evaluating all the landscape evidence any such Lowland landscape impact that the localised sensitivities of renewable energy development highlighted in the landscape toolkit which specifies

“The continued need to support renewable energy schemes is likely to result in an increase in large scale wind energy schemes, energy crops and biomass planting. Large scale wind energy schemes have already changed the character of the sub type, particularly around Workington. Without careful control parts of this sub type could become defined by wind energy development. This could have knock on effects on the character of adjacent landscape types due to the far reaching visual effects of such development”.

Whilst officers concur with the professional advice of the peer review landscape assessment that on its individual merits by virtue of the existing development in the immediate locality there would be no substantial harm to an established windfarm environment as the main existing dominating feature it is for members to judge whether
by virtue of the independent peer review whether the views of the local community which have referred to this issue have been addressed, as their focus primarily appears to centre on the visual harm and cumulative harm rather that the character of the landscape.

**Visual Effects(including residential)**

The applicants ES suggests that moderate or slight visual effects could potentially occur up to 1km distance from the site. These would be dominant but not unfamiliar element within the view which already includes existing wind farm schemes. Over 1km the turbines would be less dominant. It evaluated the differing receptors accepting residential properties as being high sensitivity receptors.

In reference to specific settlements the ES states ;

Siddick - "the turbines would be prominent elements in views from properties in Siddick at this distance and the magnitude of change is likely to be medium and the visual effects would be moderate adverse and significant.

Seaton – VP1 the turbines would be dominant elements in views from these properties at this distance and the magnitude of change are likely to be medium and the visual effects would be moderate and significant

Northside – “the turbines would be a relatively prominent element from properties on the north western edge of Northside where the magnitude of change is likely to be medium and the visual effects would be moderate and significant.

Views from other settlements were not considered to be significant.

The ES advises that road users are considered of low sensitivity on the A596 corridor Maryport –Workington with long term (reversible) direct and not a significant visual effect. Similar no significant visual effects would be experienced from the more remote highway routes of the A66 and A595.

In reference to footpaths the ES that the sensitivity of users of the National cycle route 71 adjacent to Siddick Pond (110m from T2) is high with the magnitude of effects would be medium. It is considered the moderate or substantial visual effects from this route which are likely to be significant. The national Cycle route 72 also alongside Siddick pond with high sensitivity receptors would be medium, resulting in moderate visual effects in places in places from this route and are likely to be significant.

The turbines would also be seen from the Cumbria coastal way between Workington and Maryport. The sensitivity of the users would be high with medium magnitude of effects within 1km which will diminish with distance. This will result in substantial to moderate visual effects in locations along the coast which are likely to be significant.

Finally on Heritage the proposal would have a moderate adverse impact from the Burrow Wall fort resulting in a deteriation of the view.

The applicant’s evidence refers to previous appeal decisions at Enifer Down, Devon which considered residential amenity (Lavender test) “is it an unattractive and unsatisfactory (but not necessarily uninhabitable) place to live”. They also refer to an appeal at Burnthouse farm which considered whether the visual impact would be “unpleasant, overwhelming and oppressive “to the occupiers of the dwelling.
The applicant contests that by virtue of the location of the dwellings, the existing outlook with industrial buildings, turbines and turbines plus vegetation that these thresholds are not triggered.

The council's independent peer examination also reviewed the applicants examined visual impact evidence. The report accounted for the distribution of built development in the locality and attached a medium to high sensitivity for people living in the area. The survey identifies six samples of properties within 2.4km and seven sample properties/settlements within 6km.

It considered that properties in Senhouse St-Siddick experience a medium adverse magnitude of change. Seaton would experience a large adverse impact (including its western edge) and large adverse impact would occur at Northside. Properties between 2.4km and 6km had a negligible magnitude of change.

This resulted in Senhouse St- Siddick, Seaton (some properties on western edge only), Hawk Hill and Seaton Road and Northside having significant adverse visual impact. Other properties elsewhere would not have significant impacts. However most properties within 2.4m would not experience a change of view, or would not experience a significant visual impact. The properties therefore which will experience significant impact are some houses on the north west of Seaton, some houses on Seaton road, some houses on the northern edge of Northside and some houses to the west of Iggusund.

The independent assessment outlines “there is no right to a view in English Law. However changes in views which could be considered to be “overbearing “ or unduly obtrusive “are taken into account in planning, Public inquiry and Appeal decision making” The four locations were examined in the peer review greater detail to allow for; scale of change in the view, degree of contrast with features in the view, duration and nature of change, angle of view and size and proximity of new features in the view.

(i) Senhouse St -Siddick – introduces new turbines behind the factory. There would be more movement in the view at a higher level with more people likely affected at the southern end of the street. The views would not be incongruous in terms of the scenery, but increase the dominance on man-made features in the view which would last for 25 years

(ii) Western Seaton. There are some houses at the top of the ridge with views out to sea and the industrialised corridor. This is rural agriculture (foreground) industrial and coastal elements and the sea / sky beyond with longer views of the Scottish coastline in the distance. These are broken up by vertical elements; chimneys/pylons and wind turbines. Only a small number of houses have this view as others are shielded by houses or vegetation or orientated away from the view or are sited on the lee side of the ridge. A small number of houses (approx 4-5) will have clear views of the turbines approx. 500m distance in front of the factory “There would not be a change in the type of view, but for those affected, wind turbines would be a more prominent part of the view’s”

(iii) Hawk Hill / Seaton Rd – Existing houses have views across fields. There are many vertical elements but these tend to be in the distance. The proposed turbines would increase the size and prominence of vertical, man-made, moving features in the view seen in the middle distance (1.2km). The biggest change
in the view would be the movement of the blades against the horizon rather than the size of the elements in the view.

(iv) North Northside – Existing houses have views over Siddick Pond, Dunmail Park and Iggesund factory with scrubland in the foreground. Existing turbines line the horizon in the distance. A small number of houses would have oblique views of new turbines (750m distance)- This would not change the view, but this affected wind turbines would become a more prominent part of the view and the movement of the blades would be visible on the skyline.

The peer assessment also looked at the people working in the vicinity of the site and those passing through the area but concluded that they would not experience in any adverse significant effects.

Overall officers attach significant weight to those properties that would experience significant adverse impacts on the western side of Seaton. The proposal is clearly within 800m of residential properties and therefore is contrary to Policy S19 of the Local Plan. Whilst the orientations of houses on Hazelgrove estate limit the direct visual impact of the turbine it will remain a dominant feature in the streetscene. The properties on Building Farm Close have habitable rooms with a direct overview over T1. It is considered it will be an adverse dominant feature in the foreground of the industrial buildings exacerbated by their closer proximity, size, higher level and movement of their blades. In officer opinion this would result in an unpleasant, overwhelming and oppressive impact resulting them being an unattractive and unsatisfactory place to live, contrary to Policy S19.

Furthermore officers highlight that visual concerns were highlighted by the local community in the objections from the parish/town council and the letters of objection which need to be considered under the guidance in the Ministerial statement.

Landscape and Visual Cumulative Effects

This matter is assessed in the applicants EIA and was also outlined within several of the stakeholder consultation responses. The applicant has applied a 30km study area incorporating existing and consented turbines within this distance.

The applicants list of other turbines in the ES are as follows;
<table>
<thead>
<tr>
<th>Site</th>
<th>Location</th>
<th>Turbine output (MWe)</th>
<th>Number</th>
<th>Maximum power output (MWe)</th>
<th>Height to hub (m)</th>
<th>Height to tip (m)</th>
<th>Approx Distance to proposed site (km)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastman (Voridan)</td>
<td>Workington, Cumbria</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>67</td>
<td>108</td>
<td>0.5</td>
</tr>
<tr>
<td>Siddick</td>
<td>Workington, Cumbria</td>
<td>0.6</td>
<td>7</td>
<td>4.2</td>
<td>40</td>
<td>61</td>
<td>1</td>
</tr>
<tr>
<td>Oldside</td>
<td>Workington, Cumbria</td>
<td>0.6</td>
<td>9</td>
<td>5.4</td>
<td>40</td>
<td>61</td>
<td>1.4</td>
</tr>
<tr>
<td>Flimby Wind Farm</td>
<td>Flimby Cumbria</td>
<td>2.05</td>
<td>3</td>
<td>6.2</td>
<td>-</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>Winscales Moor</td>
<td>Winscales, Cumbria</td>
<td>0.85</td>
<td>7</td>
<td>5.95</td>
<td>50</td>
<td>81</td>
<td>4.5</td>
</tr>
<tr>
<td>Harrington Parks Farm</td>
<td>Coppers Hill, Workington</td>
<td>0.33</td>
<td>1</td>
<td>0.33</td>
<td>-</td>
<td>60.3</td>
<td>8</td>
</tr>
</tbody>
</table>
Officers are aware than there were inaccuracies in this evidence especially relating to the Winscales turbines which refers to 7 turbines whereas there are 18 turbines at Winscales under different consents. This results in 39 turbines within 5km of the application site rather than the stated 28 in the assessment. Similarly there are some inaccuracies on their heights and there are additional turbines consented at appeal (West House and Fox House Dearham).

The applicants ES assessment considers there will be no direct or indirect landscape effects on the Lake District National Parks landscape due to the separation distance and the intervening landscape and topography and the size of the development. Whilst there is no direct impact, there would be an indirect impact to the southern section of the coastline at Maryport in conjunction with the existing turbines at Eastman Siddick, Oldside and Wythegill. Although the development would be apparent the cumulative

<table>
<thead>
<tr>
<th>Site</th>
<th>Location</th>
<th>Turbine output (MWe)</th>
<th>Number</th>
<th>Maximum power output (MWe)</th>
<th>Height to hub (m)</th>
<th>Height to tip (m)</th>
<th>Approx Distance to proposed site (km)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowca</td>
<td>Lowca, Cumbria</td>
<td>0.66</td>
<td>7</td>
<td>4.62</td>
<td>40</td>
<td>63.5</td>
<td>8</td>
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<tr>
<td>Fairfield Farm</td>
<td>Pica, Cumbria</td>
<td>1.3</td>
<td>12</td>
<td>180</td>
<td>70</td>
<td>115</td>
<td>13</td>
</tr>
<tr>
<td>Tallentine</td>
<td>Tallentire, Cumbria</td>
<td>2</td>
<td>8</td>
<td>12</td>
<td>-</td>
<td>-</td>
<td>11</td>
</tr>
<tr>
<td>Robin Rigg (offshore)</td>
<td>Solway Firth</td>
<td>3</td>
<td>60</td>
<td>180</td>
<td>70</td>
<td>115</td>
<td>13</td>
</tr>
<tr>
<td>Wharrels Hill</td>
<td>Bothel, Cumbria</td>
<td>1.3</td>
<td>8</td>
<td>10.4</td>
<td>50</td>
<td>81</td>
<td>18.6</td>
</tr>
<tr>
<td>Helliggg Re-submission</td>
<td>Abbeytown, Cumbria</td>
<td>2.3</td>
<td>4</td>
<td>9.2</td>
<td>-</td>
<td>-</td>
<td>26</td>
</tr>
<tr>
<td>WWU High Pow</td>
<td>Bolton Low Houses, Cumbria</td>
<td>1.3</td>
<td>3</td>
<td>3.9</td>
<td>60</td>
<td>95</td>
<td>26.6</td>
</tr>
<tr>
<td>Winscales</td>
<td>Workington</td>
<td>0.66</td>
<td>3</td>
<td>1.98</td>
<td>-</td>
<td>-</td>
<td>30</td>
</tr>
</tbody>
</table>

**Consented Projects:**

<table>
<thead>
<tr>
<th>Site</th>
<th>Location</th>
<th>Turbine output (MWe)</th>
<th>Number</th>
<th>Maximum power output (MWe)</th>
<th>Height to hub (m)</th>
<th>Height to tip (m)</th>
<th>Approx Distance to proposed site (km)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wythegill</td>
<td>Near Workington</td>
<td>0.66</td>
<td>3</td>
<td>1.98</td>
<td>-</td>
<td>-</td>
<td>1.5</td>
</tr>
<tr>
<td>Tarn Bank</td>
<td>Winscales, Workington</td>
<td>0.5</td>
<td>1</td>
<td>0.5</td>
<td>-</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>High Mains</td>
<td>East Town End, Winscales</td>
<td>0.5</td>
<td>1</td>
<td>0.5</td>
<td>-</td>
<td>-</td>
<td>4.5</td>
</tr>
<tr>
<td>Potato Pot</td>
<td>Branthwaite, Workington</td>
<td>2</td>
<td>3</td>
<td>6</td>
<td>-</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>Brayton Park</td>
<td>Brayton, Aspatria, Wigton</td>
<td>0.5</td>
<td>1</td>
<td>0.5</td>
<td>-</td>
<td>-</td>
<td>17.5</td>
</tr>
<tr>
<td>Prospect House</td>
<td>High Scales, Aspatria, Wigton</td>
<td>0.9</td>
<td>1</td>
<td>0.9</td>
<td>-</td>
<td>-</td>
<td>22</td>
</tr>
<tr>
<td>Firs Farm</td>
<td>Crookdale, Wigton</td>
<td>0.5</td>
<td>1</td>
<td>0.5</td>
<td>-</td>
<td>-</td>
<td>22</td>
</tr>
<tr>
<td>Westnewton Wind Farm</td>
<td>Westnewton, Cumbria</td>
<td>2</td>
<td>3</td>
<td>9</td>
<td>-</td>
<td>107</td>
<td>18</td>
</tr>
</tbody>
</table>
impact would be negligible. The applicant contests there are no cumulative impact on heritage assets or their settings due to their distance from other operational and consented sites.

The applicant refers to the landscape character type for the turbines (Ridge and valley) and its medium sensitivity. The ES suggests the turbines would result in a minor increase in the perception of the wind turbines with limited effects on the area. Therefore there will be no discernible effects or that any detrimental skylining effects would occur in views from the coastline. It is considered the significance of cumulative effects would be moderate – slight which would not be significant in the context of the EIA regulations. The cumulative impacts of the combined turbine schemes are displayed on the Zone of theoretical maps. The cumulative impacts of combined turbines are also demonstrated within four of the ten turbines viewpoints. Residential receptors of a high sensitivity would have a slight and not significant cumulative visual effect. Any predicted significant impact effect would extend over an area 1km from Iggusund reducing to not significant 5km from the site. The significant effect viewpoints include VP1, VP2 and VP10.

Any sequential cumulative impacts are limited in view from the A595 either are non-existent with no significant effect. Alternatively there would be potential views from the A596 but these would be seen alongside the existing turbines result in on a slight and not significant visual effect. Intermittent views will occur for east and westbound traffic on the A66 near the Winscales Moor development but the cumulative effect would be slight and not significant. The ES considers the cumulative impacts would not be adverse because the scheme does not introduce a new landscape element. The relationship with the Oldside, Siddick and Eastman turbines will provide visual cohesion within a limited area of coastal landscape and would not introduce “skylining effects”. The landscape effects would be localised due to the limited size and scale of the windfarm. The ES concludes that the site is within an area with the capacity to accommodate a small group of turbines similar in scale to the cluster proposed and therefore considers it is acceptable at this location.

The independent peer assessment also assessed cumulative impact considered existing consented and proposed turbines with the significant impacts limited to 6km (hence also excluding the Fox house and West House turbines). The impact was assessed with 2.4m radii for the larger turbines (Voridian) and 1.44km for the smaller Siddick and Oldside turbines which reflects the guidance for the larger turbines and the proportion for the smaller turbines. It is considered the proposal would be seen as one large group. The would be no cumulative impact in the landscape character as it would be seen as part of a group and other vertical elements, especially as they also would be viewed from few places and would not interfere with the character of the area. On cumulative visual impact the peer review would result in a more dominant view from Workington and Stainburn, but given existing development they are unlikely to be significant. From Northside the proposal would be seen as part of a group. Views from Hawk Hill would have limited combined views with the existing turbines. The most noticeable cumulative effect is from Senhouse St-Siddick and the NW tip of Seaton. However this is likely to be negligible adverse due to the orientation of these houses which means dwellings will not be affected by the existing and proposed turbines at the same time.

Sequentially would not cause significant cumulative impacts as it primarily relates
movement along the north south alignment of the existing wind farm landscape.

Officers concur with the views of the peer assessment that cumulatively it will be seen as part of the group of the existing windfarm landscape and will not be perceived as a separate group introducing new and elongated views of the existing group of turbines. However it is recognised that the subject of cumulative impact was highlighted by the local stakeholders and given the high level of local representation it can be taken that these concerns have not been addressed.

Noise

Interrelated to the subject of visual amenity and living standards (reflecting Policies S19 and S32) is the issue of noise which was raised within the representations. The applicant has undertaken a detailed noise assessment in accordance with ETSU-R-97. This includes measuring existing baseline noise levels to evaluate both the individual and cumulative noise levels relating to that from the other turbines or industrial uses both in daytime and nighttime hours.

The council’s environmental Health department have assessed this noise evidence and sought an independent assessment to identify whether it complies within current guidelines in the ETSU –R-97 document. Unlike rural remote locations on other turbine development this site is located in proximity to existing noise generating activities deriving from the nearby factories, the transportation links as well as the existing turbines.

The noise impact assessment (dated September 2015) of the revised 2 turbine proposal was peer reviewed by an acoustic consultant employed by Allerdale Borough Council. The review concluded that taking account of the increases in noise allowed for the existing and consented schemes in the area, the predicted noise levels exceed the ETSU derived noise limits. In addition to this it was concluded that the potential noise emissions from neighbouring sites could be higher than assumed in the noise assessment, as set out in current IOA good practice guidance, therefore leading to potential higher predicted excess over the ETSU derived noise limits. The applicant argues that this could be remedied through operation of the turbines in the reduced noise modes. There is however no mitigation details supplied to demonstrate how this can be achieved. There is therefore not enough information presented to conclude that the proposed turbines could operate such that cumulative noise limits would not be breached in practice. The applicants propose to address this concern through a condition, however the applicants have not submitted for consideration a proposed wording of such a condition which could be considered for review.

The IOA (Institute of Acoustics) good practice guidance recognises that the planning inspector, with respect to another wind farm application, determined that the construction of such a condition was ‘not straightforward, with potential difficulties of enforceability’ and ‘is questionable whether such a requirement would meet the tests which are applicable to planning conditions’. The Council’s consultant would also caution against such an approach as concerns remain regarding the assessment approach taken and the likelihood that the proposed scheme could achieve the noise limits in practice.

Discussions are ongoing between the noise consultants and members will be updated at the meeting. However unless this aspect is resolved it is considered that in the absence
of evidence to the contrary there is insufficient evidence to demonstrate compliance with current guidance.

The additional housing development on the western periphery of Seaton under 2/2015/0308 by virtue of being submitted after the applicant’s submission does not include noise evidence within the EIA assessment. However it is considered that it can only be reasonably given weight upon the issuing of any approval decision for the outline residential development.

Noise is another specific topic raised in local representations and therefore also additionally needs to be evaluated under the ministerial guidance.

**Shadow Flicker**

In assessing wind turbine development it is accepted that shadow flicker is only likely to be an issue within 10 x rotor diameters of the candidate turbine (90m rotor diameter) and within 130 degree either side of north relative to the turbine. In this case the applicants revised shadow flicker document suggests that at least up to 400 properties will be potentially affected by shadow flicker within a 900m distance of the turbines. The ES shadow flicker worst case survey evidence includes receptors from 7 sample local properties within the zone and stipulates the level (hours and times) of shadow flicker that may be experienced at these properties (between 8-161 hours per year). It states that the extent of this impact may be affected by site position, separation distance, wind turbine size and number, cloud cover, horizon diffusion, shielding, wind speed and direction, window size and orientation. It advises that although there is no national planning policy or guidance, it is considered 30 hours per year or 30 minutes per day are acceptable. A mitigation strategy including a procedure for complaints would need to be secured by planning condition.

Officers consider the option of the provision of blinds is both unreasonable and unenforceable. The applicant recognises the extent of the shadow flicker and is agreeable to the concept of agreeing a protocol for the timed switching off of the turbines based on a predicted model of a computer program. This mitigation practice has been applied elsewhere on other turbine schemes and would address any disturbance from this activity.

However officers acknowledge that this is a high number of affected properties and despite proposed mitigation measures therefore similarly needs evaluating under the ministerial guidance.

**Highway**

The proposed sites are located in close proximity to the existing strategic highway network. Following the omission of T3 the applicant advises the works would generate 2271 vehicle trips of which 1600 will be staff.

The highway authority have indicated no objections to the proposal on highway grounds and the County have indicated that the relocation of street furniture for former turbines in the area will assist in the delivery of any future abnormal loads.

Officers highlight that the proposal is independent and would not supersede the biomass operations at the site and their associated traffic movements.

As the proposal access is both acceptable in terms of highway capacity for the
development traffic and its physical works the proposal is considered acceptable.

Ecology and nature Conservation

The applicants report advises that the assessment of this subject was via both desk top and field study surveys
The sites concerned are not directly within ant designations, the nearest being Siddick Ponds SSSI and Local Nature reserve. There is one non-statutory designation which is Hazelmill’s county wildlife site ancient semi natural woodland. A detailed phase 1 habitat survey was undertaken in March 2012 to identify and record any protected species and their habitats. A range of species were identified including: badger, otter, water vole, red squirrel, bats, birds, reptiles, white clawed-crayfish and small blue butterfly. It was considered of negligible value for badgers, water vole and red squirrel and white clawed crayfish.

Otters were known to be present but subject to maintaining a 50m buffer from Ling beck (except a crossing point it is considered there would be no significant effects. Bat surveys were undertaken in 2013 but very low levels of high risk and low risk species, and low levels of medium species were found to use the site. Given the enhancement of local hedgerows the impacts were considered not to be significant. Given the small area to be affected it was considered small reptiles would not likely be affected by construction works. Mitigation measures are recommended to safeguard these species. Six patches of kidney vetch which support small blue butterflies were identified. Mitigation measures are to be introduced to make sure these habitats are safeguarded thus ensuring there is no significant impact.

No cumulative impacts were identified.

The applicants also undertook a breeding bird survey which identified 48 species of which 34 had the potential for breeding. Wintering bird surveys identified 46 species including important species; Golden plover, Bittern and Whooper swan which were primarily concentrated in the swan area used for foraging. It was considered there would be negligible effects on ornithology with no resulting loss of habitat. The risk to Golden Plover was less than 1% from collision. Any site clearance will occur outside breeding bird season. The ES evidence suggests no residual impacts are predicted following the implementation of the mitigation.

Officers acknowledge that the site is clearly sensitive given the close proximity of the Siddick ponds designated SSSI. The initial consultation responses from the wildlife agencies (including Natural England) identified shortfalls in the extent of bird surveys that had been undertaken as part of the assessment, prompting additional surveys during the earlier part of this year.

The applicant subsequently decided to omit T3 from the scheme in order to address the concerns of Natural England on the potential impact of the development on the bird population of the pond.

Subsequent consultation responses from the wildlife agencies withdrew their original ecological objections to the proposal. Whilst T2 may have the potential for some impacts, the extent of these is considered to be insufficient to warrant the refusal of the application. Consequently further to the omission of T3 turbine from the development officers considers the ecological merits of the scheme are acceptable subject to conditions. There are opportunities to enhance the wildlife potential of disturbed sections
of the site.

As the omission of T3 turbine was in direct response to the objections relating to nature conservation it is considered this topic raised by the local community has been addressed especially given the additional weight of the withdrawn objections from Natural England and the RSPB.

Built Heritage and Archaeology

The ES advises that the proposal has the potential for minor adverse effects on undiscovered remains to be moderate to high. The location of Burrows Walls roman fort and signal station 29 suggests roman occupation in proximity to the site. Additional Romano-British evidence relating to the world heritage site also exists in the locality. Archaeology may also potentially exist for earlier periods (Bronze and Iron Age) and the medieval and post medieval periods.

The proposal has the potential for temporary effect on the setting of heritage assets associated with the WHS in a moderate large manner. Other designations include plus four scheduled monuments.

The ES identifies one Grade 1 and one Grade 2* listed buildings within 1km of the proposed development with an additional Grade 1 within 3km and three Grade 2* within 2km. There are 30 other grade 2 listed buildings within 2km.

The ES assessment has measured the environmental impact on the impact of the development on the character and setting of the listed buildings. None of the designations would be directly affected. During the operational phase the buried heritage assets and neutral. The moderate adverse impact will be on 2 scheduled monuments within Hadrian’s Wall world heritage site and two associated non designated assets within the same Heritage site.

Whilst there will be a residual effect on the significance of the setting of four designated assets following the implementation of the mitigation works reference is made to the two other operational wind energy developments in the locality and the recent approved scheme at Wythegill which already depreciate the significance of the setting. The remaining assets will be impacted upon in a slight adverse manner.

English Heritage highlighted the sensitivity of the site and its impact on the Hadrian’s Wall World Heritage site and the OUV. However on balance given the existing development in the locality they do not raise any objections on the impact on the setting of the heritage assets.

The County archaeologist did initially raise concerns on the archaeological impact relating to the possible siting of the former Roman signal tower requesting archaeological evaluations prior to determination to verify the sensitivity of the site. A series of trial trenches have been dug. The County archaeologist has examined the findings and raised no objections subject to further planning conditions to facilitate the monitoring of the site. Officers therefore consider the heritage aspects of the development are acceptable.

Hydrology, Hydrogeology and Geology

During the construction phase there are potential impacts upon the hydrological receptors at the site, including the sensitive water environment of Siddick ponds SSSI. The Environment agency raise no objections subject to mitigation conditions and any such potential pollution impact will be reduced given the greater separation distance
following the omission of T3 turbine.

**Electromagnetic Interference (EMI), Aviation and RADAR**

NATS and the MoD have raised no objections to the proposal, nor has Stobart Air on behalf of Carlisle Airport. As such, the scheme is considered acceptable in terms of aviation safety and radar insofar as these agencies interests are concerned. These organisations have requested notification should there be approval of the scheme and erection of the structures. This could be dealt with by suitable condition if planning permission were given.

Aquirva (representing the BBC, ITV and Re-Broadcast Links) and JT radio have raised no objection to the proposal. Based on the consultation responses, the proposal is considered acceptable in relation to electromagnetic interference (subject to condition to safeguard a future complaint protocol).

**Tourism**

The issue of potential effects on local tourism within the locality, especially with the proximity to the C2C cycleway has been raised within several of the objection representations. However, the Inspector on the Parkland/Hellrigg appeal, in evaluating impact on tourism including the AONB, considered that if there was not a significant impact on the landscape then the degree of effect on attracting visitors would be limited. He considered the evidence of Scottish research submitted at the appeal indicated that the small number of people discouraged from visiting was insignificant. In the absence of any conclusive evidence on this issue, officers consider it would be difficult to sustain a reason for refusal. Further to the Hellrigg appeal officers consider that there is no specific detailed local evidence to demonstrate any conclusive views backed up with evidence.

**Ministerial guidance**

The recent ministerial guidance can be summarised as follows

**Ministerial statement (April 2014)**  
“We have published planning guidance to help ensure planning decisions on green energy do get the environmental balance right in line with the National Planning Policy Framework. The guidance is designed to assist local councils in their consideration of local plans and individual planning applications. In publishing the guidance, we have been quite clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities.”

**Ministerial statement (June 2015)**  
A Ministerial Statement has been published on 18 June 2015 relating to the determination of wind turbine development the statement outlines:

“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.

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the Local Planning Authority.

Where a valid planning application for a wind energy development has already been submitted to a Local Planning Authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, Local Planning Authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”

As this individual application was received prior to the Ministerial advice the transitional provisions within the guidance are applicable to this proposal.

Officers attach substantial weight to the recent ministerial guidance which applies new considerations relating to the views of the local community in determining on shore turbine applications. The weight of this guidance in accounting for the views of the local community and whether their concerns have been addressed have been highlighted in the dismissal of recent appeals for wind turbine development.

As the application was received prior to the guidance the transitional arrangements prevail with members requiring to assess whether the views of the local community have been accounted for.

The applicant considers that the proposal has been evaluated by the respective professional statutory stakeholder consultee’s objectors and their objections have been resolved under planning guidance including the omission of T3 turbine. They advise their business employs approx. 400n direct staff and similar as subcontractors which equates to 15% of the workforce or 2% of the total population of Seaton (5000). They highlight the important contribution of their factory to the local economy and the need for further investment in green initiatives. They therefore consider the merits of the proposal are acceptable.

However officers highlight that the proposal has been the subject of objections from the County and parish council as well as a large number of local representation which are predominantly local residents. The range of their comments is diverse but do contain common themes with an emphasis on cumulative impact and the potential impact on amenity. Although some issues could be interpreted as resolved e.g. nature conservation other remains the same as submitted and have not been amended in response to the comments.

**Local Finance Considerations**

Having regard to S70 (2) of the Town and Country Planning Act the following local finance considerations are relevant to the consideration of the application
Summary and Conclusion

Officers do not dispute the proposal's possible 6MW power output will constitute a renewable form of energy which will provide economic benefits to the applicant and also assist in generating supporting an increased supply of renewable energy to the national electricity infrastructure network.

The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.

It is essential that members in determining the merits of the current application need to balance the renewable energy benefits of the proposed development and its contribution to energy targets against any harm arising from its environmental impact. However it is essential that it also accounts for the recent up to date ministerial guidance to establish whether the concerns of the local community have been addressed. The Planning Practice Guidance was also updated in June 2015 to reflect the details of the recent ministerial statement.

The council attach significant weight to the recent ministerial guidance, under which the transitional approach is applicable. There have been objections from the County council, Workington and Seaton parish councils plus another 144 letters of objection from the public. The grounds within these objection representations predominantly relate to planning considerations. The reasons for objection generally relate to adverse visual, landscape and cumulative impacts, noise, ecology, shadow flicker, aviation safety and an adverse effect on communications and that. Matters of a loss of view and any reduction in house prices within the locality are not ‘material’ planning matters that can be considered as part of the balancing of this assessment. Although some have been addressed e.g. the omissions of T3 turbine, others despite independent assessment have not been amended and therefore from the local perspective remain unresolved. Alternatively there was one letter of support. As the amenity subjects of visual impact, cumulative visual harm, noise and shadow flicker have not been addressed to the satisfaction of the local community it is interpreted from the large volume of objection representations that it does not have their backing. In the absence of the support of the local; community, the principle of the development is therefore considered to be contrary to the ministerial statement (June 2015) and the accompanying Planning Practice Guidance 2015.

The Allerdale Local Plan (Part 1) adopted July 2014 clearly establishes that the Council will seek to promote and encourage the development of renewable and low carbon energy resources given the significant wider environmental, community and economic benefits. The Council will take a positive view if: The proposal (either in isolation or cumulatively) does not have an adverse impact on the amenity of local residents (amongst other matters to include noise, water pollution and shadow flicker); that do not have significant adverse impact on the location in relation to visual impact or impact on the character and sensitivity of the surrounding landscape; and do not have an adverse effect on protected nature conservation sites, including qualifying habitats and species; also that does not have unacceptably adverse impacts on heritage assets and their

Page 73
setting; it can be demonstrated that the development would not have significant adverse effect on protected bird species; and that appropriate operational requirements are addressed and measures to remove structures and restore sites should the sites become non-operational.

Protecting local amenity is an important consideration which is given weight in the consideration of this application. Whilst recognising the potential benefits of the proposed wind farm and the contribution it would make to meeting renewable energy and low carbon targets this must be balanced against the likely adverse visual effects.

In the interests of safeguarding residential amenity and safety, the Allerdale Local Plan July 2014 states that a minimum separation distance of 800m between turbines and residential properties will be expected. In this scheme a large volume of properties would be within 800m of either turbine. After considering physical characteristics of the site including orientation of views, land cover, other buildings and topography, it considered that at least 2 dwellings (2 and 3 Buildings Farm Close, Seaton) would experience an ‘overbearing or overpowering’ impact due to the open and elevated outlook over the turbines and their close proximity which is well within the 800m distance specified, under Policy S19. The loss of amenity is therefore considered contrary to Policies S19 and S32 of the local plan.

Furthermore the issues relating to the impact of noise from the turbines have not been satisfactorily addressed to demonstrate compliance with the ETU-97-R guidance. Whilst acknowledging the background noise from the applicant’s industrial plant and other turbines in the locality, the applicant’s submitted evidence indicates that cumulatively the proposal may potentially adversely affect the residential amenity of properties in the locality. (The proposal has a closer location to the properties in Seaton.) The proposal in terms of noise and detrimental impact on residential amenity is similarly contrary to policies S19 and S32 of the local plan.

In balancing of all material planning considerations including any potential for mitigation, plus the recent ministerial guidance the benefits of the two proposed turbines is outweighed by their adverse environmental impact. I.e. the national benefits to meet renewable energy targets do not outweigh the local disbenefits. This is by virtue of the amenity objections of the local community and the parish/town and County councils not being addressed and consequently being contrary to the recent planning ministerial statement which seeks on shore windfarms to have the backing of the locality. In addition it is considered that the visual amenity of the proposal would result in significant adverse harm to some existing residential properties on the western edge of Seaton. Also the applicant has failed to demonstrate to the satisfaction of the Environmental Health officer that the proposal would comply with current ETSU-97-R guidance. It is therefore recommended that the application be refused.
Annex 1

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 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 With 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.
Allerdale Borough Council  
Planning Application 2/2015/0296

Proposed Development:  
Installation of a single wind turbine with a maximum height to tip of 45m

Location:  
Moor House Farm  
Access Road To Moorhouse Farm  
Winscales  
Workington

Recommendation:  REFUSE

Summary/Key Issues

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<th>Issue</th>
<th>Conclusion</th>
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| 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.

Proposal

The proposal is for the erection of a single wind turbine on a concrete base of 30 metres hub height and 45 metres total height. The model specified for illustration purposes is of a three blade design.

There are plan details provided of ancillary ground control box with a new access across the applicant’s field from the existing farm track.

The supporting information indicates that the electricity generated by the proposed turbine would provide energy to the farm business and the surplus fed back to the national grid with the income generated helping to sustain the business. The proposed turbine will supplement the income already generated from the existing turbine as a means of ensuring the financial sustainability and resilience of the farm business. The existing mixed farm of food production is principally that of free range egg production.

Site

The application site relates to the corner of agricultural field adjacent to the farm access track and within close proximity of the public highway A597. The site and the host farm are located on the outskirts of Workington in open countryside. The land cannot be considered strictly rural and exists as a buffer between the residential suburbs of High Harrington noted 500 metres north and the extensive industrial area of Lillyhall 500 metres south of the proposed turbine site.
An existing turbine 47.1 metres high at the host farm is visible close to the farmhouse and within 250 metres of the proposed site. A prominent telecommunications mast of significant height is within the industrial site to the south.

The landscape rises from the coast to the proposed site that is generally flat and therefore elevated in relation to Workington. The land plateaus before gently undulating towards the south east with distant rural villages and the Lake District beyond.

The farm holding and field subject of the application is crossed by a line of pylons. Mature woodland areas form linear features to the field boundaries and provide a varying level of screening to the nearby residential properties at High Harrington. The farm itself is in a mixed use, part agricultural - a free range poultry farm of 36ha, part commercial, with a number of agricultural sheds and some external storage of trailers and portakabins.

The nearest dwellings are the applicant’s farmhouse (155 metres), and numerous residential properties on the edge of a residential estate at High Harrington (Inglewood Close 517 metres).

Relevant Policies

National Planning Policy Framework

Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment
Supporting a prosperous rural economy

Planning Practice Guidance for Renewable and Low Carbon Energy June 2015

Allerdale Local Plan (Part 1) Adopted July 2014

Policy S1 - Presumption in favour of sustainable development
Policy S14 - Rural economy
Policy S19 - Renewable energy and low carbon technologies
Policy S27 - Heritage assets
Policy S32 - Safeguarding amenity
Policy S33 - Landscape
Policy S35 - Protecting and enhancing biodiversity and geodiversity
Policy S36 - Air, water and soil quality
Policy S4 - Design principles
Policy DM17 - Trees, hedgerows and woodland

Relevant Planning History

A screening opinion has been issued by the Local Planning Authority confirming that the turbine is not considered EIA development and a formal Environmental Statement is not required.
Of some significance is the application for a single turbine 47.1 metres high approved by Development Panel under ref 2/2011/0444. This turbine is part of the same host farmstead and the material planning considerations and characteristics of impact are relevant to this application for a second turbine at the site.

With regard to the existing turbine at Moorhouse farm The Planning Officer’s report concluded as follows.

“In balancing the harmful effects of the proposal, which are in the main limited to the impact on the landscape, against the benefits arising from the promotion of renewable energy development, it is considered that the visual harm identified is outweighed by the benefits arising from the proposal. The recommendation therefore is for approval subject to conditions.”

More recently an application for a solar park ref 2/2014/0899 at Moorhouse Farm was refused by Development Panel with regard to adverse visual and landscape impact.

Representations

Workington Town Council – Objection on the grounds of ‘undesirable coalescence of the turbine zone.’

Winscales – Objection on the grounds that ‘there are already a high number of wind turbines in the vicinity; it is felt that there has to be a stopping point.

Seaton Parish Council – ‘Concern at cumulative visual impact’


Copeland District Council – Written confirmation of no comment to make.

NATS – No objection with regard to radar safeguarding.

Civil Aviation Authority – No objection and standing advice.

MOD – No objection.

Natural England – No objection.

Highway Authority – No objection. No significant impact upon the strategic road network wand with access from a private track.

Highways England – No objection. No significant impact upon the strategic road network.

Coal Authority – No objection with standard “note to applicant” regarding unexpected encounter with former mining features.
United Utilities – No objection with standing advice.

Environmental Protection – They have considered the noise assessment submitted by the applicant (including cumulative impact) and agree with the contents of the report and the conclusions reached. Recommend conditions be applied to any approval granted.

Electricity North West – No objection

FORCE – Object:

- Unacceptable impact on residential amenity with a significant number of dwellings within 800 metres contrary to Policy S19 and S32.
- Existing turbine at the farm does not justify or set precedent for a second turbine
- Unacceptable cumulative impact
- Unacceptable ecological impact with further survey recommended within the ecological appraisal.
- Of no justified need with no local benefit.
- Unacceptable impact from noise disturbance and criticism of accuracy of noise assessment

The application has been advertised on site and by neighbour consultation letters.

Thirty-four letters of representation objecting to the application have been received from twenty-one separate addresses of which nineteen addresses are in the immediate area. The main grounds of objection can be summarised as follows:

- Contrary to the Allerdale Local Plan with regard to 800 metre separation distance within Policy S19.
- Proliferation of wind turbines and cumulative impact on landscape.
- Cumulative impact with existing pylons.
- Visual impact in a rural area.
- Noise disturbance.
- Shadow flicker.
- Impact upon health and wellbeing

All the valid points of objection and matters raised by representations received have been fully reported within the body of the report.

Assessment

Policy Context

National Planning Policy and the Allerdale Local Plan (Part 1) are broadly supportive of proposals for renewable energy development. The need to meet national targets for the
generation of electricity and heat from renewable and low carbon sources is recognised as are the wider environmental, community and economic benefits of such development.

To ensure that the impacts of development (either in isolation or cumulatively) are, or can be made acceptable, Policy S19 of the Allerdale Local Plan sets out clear criteria for the consideration of proposals for renewable energy development, including wind turbines. The criteria most relevant to the consideration of this application are considered below.

In assessing the merits of the proposed development it is necessary to balance the economic, social and environmental benefits of the proposed renewable energy development with any adverse environmental impact of the proposed turbine.

A Written Ministerial Statement on local planning was published on 18 June 2015. In relation to the determination of planning applications for wind turbine development this 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.

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the Local Planning Authority.

Where a valid planning application for a wind energy development has already been submitted to a Local Planning Authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, Local Planning Authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”

This application was validated on 18 May 2015 and therefore the transitional arrangements apply. The second part of the ministerial statement detailed above is therefore a material planning consideration.

The Allerdale Local Plan (Part 1) adopts the approach of assessing proposals for wind turbines against criteria based Policy S19 and does not identify or allocate specific areas as suitable for wind turbine development.

Whilst Local Plan Policy S19 is of considerable assistance in assessing the planning impacts of the development, as the Local Plan does not identify specific areas or sites as suitable for wind turbine development, this would appear to provide a presumption against further wind turbine development unless, and until, further work is undertaken to
identify suitable areas for such development in Allerdale. To date however this interpretation of the implications of the ministerial statement has not been tested at appeal in Allerdale or indeed elsewhere.

**Visual Impact**

In order to address community concerns and in the interests of residential amenity and safety the Local Plan sets out an expectation that a minimum separation distance of 800m will be provided between wind turbines (over 25m to blade tip) and residential properties. It is recognised that in some cases due to site specific factors such as orientation of views, land cover, other buildings and topography it may be appropriate to vary this threshold where it can be demonstrated through evidence that there is not unacceptable impact on residential amenity. Shorter distances may also be appropriate if there is support from the local community.

In this case there are a substantial number of residential properties within 800m of the application site with the residential estate centred around Seadown Drive, High Harrington 790 metres to the north. The edge of that residential development is 517 metres at its nearest point from the turbine site. Individual streets on the estate are summarised as follows:

- Inglewood Close 517 metres
- Moore Way 571 metres
- Bannatyne Drive 632 metres
- Woodville Way 647 metres
- Ruskin Close 701 metres
- Seadown Drive 790 metres

The nearest individual property to the turbine site excluding the host farmhouse is Whinmill Farm at 833 metres west. Further afield properties at Distington Toll Bar, Winscales Avenue and Furnace Row are 1.2 km south at Distington. Workington is noted to the north with the southern edge of residential development at Moorclose 2.1 km away.

The applicant has assessed the visual impact from near and distant viewpoints including the most sensitive residential receptors. Additional locations have been requested by the case officer as a response to local representations. The residential impact assessment and the photomontages clearly show that the proposed turbine will be visible from some locations including residential properties to a varying degree.

It is not considered by Officers that the impact would be significantly harmful upon visual and residential amenity and would be reduced by a combination of angle of view and orientation of properties, separation distance and intervening trees and woodland screening. The existing pylons as vertical structures in the landscape also punctuate the views. Despite such screening, local objection has been received that considers such mitigation not to be adequate as to protect amenity. With regard to the lack of community support the relevant guidance within the ministerial statement is not considered to be satisfied.

The existing turbine operational at the site was subject to a similar debate regarding
visual impact and residential amenity. The mitigation was considered adequate on that occasion however that decision was prior to the publication of the ministerial statement that now carries significant weight regarding impact upon local communities.

Impact upon other receptors in the wider area including public highways, footpaths and areas of recreation including the golf course is not considered significant.

As a standalone turbine, it is considered by Officers that there is a varying degree of minor visual impact considered more significant and harmful by local residents.

The impact cumulatively and sequentially with other existing and approved turbines is a separate matter reported below.

**Noise Disturbance**

Following initial criticism of the applicant’s noise report, supplementary information has been provided regarding the turbine including cumulative impact with the exiting turbine at Moorhouse Farm. Environmental Health has reassessed the matter via a noise consultant (including investigations into noise complaints relating to the existing turbine).

In relation to the potential impact of noise from the turbine on residential amenity, the Environmental Health team advises that this can be mitigated through the use of planning conditions to limit the level of noise from the turbines to satisfy maximum noise levels.

This issue is subject to an evidence based assessment rather than subjective opinion, the local objection to potential noise is therefore considered to have been addressed and not considered a reason for refusal.

**Shadow Flicker**

It is generally acknowledged that the potential impact of shadow flicker on residential amenity is only likely to be an issue within 10 x rotor diameters of the turbine (in this case 300m) and within 130° either site of north relative to the turbine. In this case there are no residential properties within the zone likely to be affected by shadow flicker.

**Landscape impact (cumulative)**

Policy S19 of the Allerdale Local Plan (Part 1) requires consideration to be given to the visual impact of the proposed turbine both individually and cumulatively within the landscape.

The Cumbria Landscape Character Guidance and Toolkit supports appropriately located schemes for wind energy in line with the provisions of the Cumbria Joint Wind Energy Supplementary Planning Document which was adopted by the Council in 2007. The application site is located within Cumbria’s landscape classification Lowland (5a Ridge and Valley).

This area is judged to have moderate landscape capacity to accommodate turbine development of up to a small group (3-5 turbines), exceptionally a large group (6-9 turbines). Of significance to the landscape capacity to accommodate a larger group, is
the industrial linkage with Lillyhall industrial estate to the south that diminishes landscape quality. This has also taken into consideration the concerns expressed within the Cumbria Landscape Character Guidance and Toolkit that turbines around the Workington area have resulted in a sequential impact defining the town perimeter. The turbine subject of this application is not judged to add to this impact.

The applicant has submitted a landscape and visual appraisal assessing the proposed development.

The appraisal comprises a suite of documents and methods of analysis and includes a series of photomontages and assessment from a number of viewpoints in the vicinity of the site and as far away as 6km.

This assessment seeks to demonstrate that whilst there would be some local landscape impact, the turbine could, in the opinion of the applicant, be accommodated without any significant adverse impact. The applicant does acknowledge that the proposal would inevitably have some impact on the area, particularly within 2km of the application site, as it would be a tall structure in the landscape.

In relation to the issue of cumulative impact the applicant’s assessment acknowledges there are a number of viewpoints where the proposed turbine would be viewed in conjunction with existing and approved turbines but again concludes this would not result in a significant adverse effect on visual amenity and the landscape character of the area.

The matter of cumulative and sequential impact is assessed by Officers as follows.

**Cumulative/Sequential Impact**

In order to assess such impact the following turbines existing and approved have been taken into account.

- 2/2011/0444 Moor House Farm 1 turbine 47 metres 250 metres south-west.
- 2/2012/0594 Potato Pot 3 turbines 100 metres 3km south-east.
- 2/2012/0051 Harrington Parks 1 turbine 61 metres 2.9km south-west.
- 2/2013/0082 Hunday Farm 1 turbine 77 metres 1.4km north-east.
- 02/2012/9011 Lillyhall 4 turbines 99 metres 1.81km east. (Appeal pending).
- Winscales Moor Windfarm 20 turbines 60-80 metres 2-5km north-east

Further distant are turbine developments at

- 1 turbine 77m West House 11.9km east.
- 1 turbine 77m Fox House Farm 10.7km south-east
- 7 turbines 62m Wharrels Hill Bothel 21km north-east
- 3 turbines 107m Westnewton 22km north-east
- 6 turbines100m Tallentire 15.5km north-east
- 3 turbines115m Flimby Wood 5.7km north
- 2 turbines 107m Eastmans, Siddick 5.7km north
- 7 turbines 60m Siddick 5.7km north
- 9 turbines 63m Oldside 4.6km north
- 3 turbines 95m High Pow 31km north-east
6 turbines 68m Great Orton 42km north-east
4 turbines 121m Hellrigg 31km north

These sites are considered most relevant forming a string or necklace of turbine development in West Cumbria over a distance greater than 20 km parallel to the A66, A595 and A596. Other more dispersed turbines and smaller turbines may also add to the cumulative assessment from more distant views.

Most significantly, the proposed turbine will be seen coincidentally from a number of near and distant viewpoints with the existing turbine at Moorhouse Farm, the turbine at Harrington Parks and those within the Copeland area to the south. It will be seen to less of a degree with other turbines existing and planned in the immediate and wider area.

The most sensitive receptors of the residential estate of High Harrington will have a cumulative view of the proposed turbine and existing turbine to a varying degree. This cumulative view will be at a distance within 800 metres. The cumulative views will be interrupted from certain viewpoints with the line of woodland and electricity pylons.

It is Officer’s opinion that the cumulative and sequential impact locally and in the wider area will be minor with the woodland screening providing some mitigation. However local objection has been received that considers the impact to be more significant and harmful to amenity and landscape character.

**Impact on nature conservation interests**

The applicant has provided a comprehensive ecological survey.

The proposed turbine is located within open pasture bounded by intermittent hedgerows of moderate to poor quality. The nearest hedgerow identified within the ecological report as a possible habitat is approximately 70 metres to the south-east and the nearest building with potential 100 metres.

The hedgerow survey has concluded them to be poorly maintained and of very poor condition and of limited habitat potential.

Impact on any local bat or bird populations is considered unlikely as the hedgerow and tree habitat at the site is more than 50 metres from the turbine sweep path which accords with advice from Natural England that wind turbines are unlikely to affect bat populations where a 50m buffer is maintained from foraging habitat.

The technical note from Natural England has been addressed with the 50 metre separation of blade tip and hedgerow satisfied resulting in the need for 64.23 metres of separation between mast and hedgerow. This is achieved

The applicant’s survey recommends further survey to determine the importance of the hedgerows as wildlife corridors. This is not considered reasonable to condition as the 50 metre separation distance described above has been achieved.

The site does not have any local or national wildlife designations and there are no Sites of Special Scientific Interest in the area.
The applicant has provided a summary appraisal of the ecological issues that concludes as a non-designated site there is no evidence of protected flora, fauna or bird species at the site and in the immediate vicinity.

The installation of the proposed turbine would have no impact on the loss of habitat with no tree or hedgerow removal planned. Collision risk and disturbance or displacements of species are considered the only two effects that may occur. Given the habitats at the site, smaller more agile birds will be most common and the turbine blades are unlikely to have any significant impact.

It is Officers’ opinion that an adequate assessment has been provided and that matters of ecological interest are not affected. Local objection has been received to impact upon local habitats and species but with no evidence base.

**Impact on heritage assets and their settings**

The nearest listed building is identified as Cross House 1.42km west. Considering the separation distance there is considered to be no harm to this Listed Building and its setting.

There is no known archaeological interest at the site of the turbine under threat.

**Electromagnetic Interference**

The digital TV in the UK is not affected by electromagnetic interference previously associated with analogue reception. Any scattering or disruption of a signal is a rare occurrence and associated only with larger scale turbines. The relevant statutory consultee Arquiva does not object.

**Proximity to airports and Flight Paths**

There will be no impact on the flight paths of Carlisle airport 70km and Dovenby Helipad 12km. No objections have been received from statutory consultees on this matter.

**Radar Safeguarding**

NATS has not objected to the proposal with regard to radar interference and radar safeguarding is considered unaffected.

**Operational requirements, including the suitability of the road network**

The main impacts of the proposed development on the road network would be associated with construction traffic. Highways England has not objected with regard to the A595 trunk road connection and route to the site.

The Highway Authority has no objections. With no abnormal load movements from a single turbine of this size, it is considered that there are no highway or traffic implications for the A596.
Potential benefits to the local economy and local community

It is acknowledged that the proposed turbine will have local economic benefits in terms of the contribution it would make to the sustainability of the agricultural operation at the host farm.

Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act there are no local finance considerations that are relevant to the consideration of the application.

Ministerial Statement

For the reasons above it is judged that the planning impacts identified by affected local communities including the Parish Councils have not been fully addressed as far as possible and therefore with regard to the interpretation of the ministerial statement the proposal is recommended for refusal.

By virtue of the number of objections from residents and the surrounding parishes and their grounds for objection, which is now a material planning consideration, the proposal is contrary to the ministerial statement and the accompanying Planning Practice Guidance 2015.

Recent Secretary of State and Inspector decisions relating to wind turbine proposals elsewhere in the country give significant weight to community objections to wind turbine proposals, particularly when the objection is expressed via a representative body such as Parish Councils.

Conclusion

Whilst recognising the potential benefits of the proposed wind turbine and the contribution it would make to meeting renewable energy and low carbon targets this must be balanced against the likely impact on the landscape and visual/residential amenity.

Despite the existing turbine at the site approved at Development Panel and the intermittent screening in the area that helps to mitigate impact, due regard is given to the relevant part of the ministerial statement that is not considered to be satisfied with a significant level of local objection from residents and Parish Councils. Community backing has therefore not been gained.

For the reasons above, the application can therefore not be supported.
Annex 1

Reasons for refusal

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.

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.

Notes to Applicant:
Proposed Development: Proposed siting of a 30m (hub height) endurance wind turbine with a tip height of 48.01m

Location: New Grange
Bull Gill
Maryport

Recommendation: APPROVE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
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</thead>
<tbody>
<tr>
<td>Principle of development</td>
<td>The application is a resubmission to that previously approved by Development Panel at the same location. (2/2014/0484).</td>
</tr>
<tr>
<td></td>
<td>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.</td>
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<td></td>
<td>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.</td>
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<td></td>
<td>Regard should be made to the Ministerial Statement of 18 June 2015 which states planning permission should only be granted where:</td>
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<td></td>
<td>- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and</td>
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<td></td>
<td>- 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</td>
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<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Residential amenity</td>
<td>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.</td>
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</table>
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.

Proposal

An alternative turbine model is proposed to that approved in order to reduce the amount of energy generated due to restricted grid capacity.

The proposal is for the erection of a single three bladed wind turbine on a concrete base of 30 metre hub height and 48.01 metre total height. The hub height is the same as the approved turbine but is 2.94 metres higher in total than the previous model with a longer blade. The blade length is 2.94 metres longer at 17.5 metres.

There are no details provided of any ancillary ground equipment or structures that may be required for operational purposes. Access is from the public highway via an existing farm track. Temporary reinforcement of the track surface is planned.
Temporary excavations are required for cabling and connection to the National Grid.

Site

The application site comprises agricultural pasture land in open countryside associated with the applicant’s business of mixed farming. The landscape is generally flat in nature with gentle undulations.

Open fields with hedgerows and scattered trees are noted with small linear plantations. Grange Wood, a small plantation is near adjacent to the turbine site within 90 metres.

The proposed site is 400 metres south of the farm and the public highway. Public rights of way are noted traversing the fields to the north, west and east of the site within 350 metres.

The turbine site is at the 80 metre contour level.

The ground rises gently to the south with a high point of Tallentire Hill noted at 170 metres and falls to the Derwent Valley before rising again on the boundary of the Lake District National Park 5km away.

The ground falls gradually to the north before falling to the River Ellen valley and then rising to a high point of 87 metres at Crosby and the A596 with the coast beyond.

The nearest dwellings are the applicant’s farmhouse and additional worker’s bungalow at New Grange Farm 400 metres north. Low House Farm in private ownership is 438 metres south-west.

The area is essentially rural in character with few individual dwellings nearby. The settlements of Dearham is 1.2 km west, Tallentire 1.4 km south, Gilcrux 2.1 km north-east, Crosby 2.8 km north-west, Broughton Moor 4.7 km south-west.

Relevant Policies

National Planning Policy Framework

Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment
Supporting a prosperous rural economy

Planning Practice Guidance for Renewable and Low Carbon Energy June 2015

Allerdale Local Plan (Part 1) Adopted July 2014

Policy S1 - Presumption in favour of sustainable development
Policy S14 - Rural economy
Policy S19 - Renewable Energy and Low Carbon Technologies
Policy S27 - Heritage Assets
Policy S32 - Safeguarding amenity
Policy S33 - Landscape
Policy S35 - Protecting and enhancing biodiversity and geodiversity
Policy S36 - Air, water and soil quality
Policy S4 - Design principles
Policy DM17 - Trees, hedgerows and woodland, Allerdale Local Plan (Part 1)

Relevant Planning History

A screening opinion has been issued by the Local Planning Authority confirming that it is considered the proposed development does not required EIA.

The exact same site has a valid consent for a similar turbine marginally lower in height and with shorter blade length approved by Development Panel contrary to Officer’s recommendation (2/2014/0484).

Representations

Dearham Parish Council – The Council has confirmed no comment to make

Gilcrux Parish Council – No objections

Ministry of Defence – No objection.

Civil Aviation Authority – No objection with standing advice.

NATS – Objection provisional withdrawn subject to appropriate conditions to ensure mitigation for radar safeguarding with a contractual obligation.

Natural England – No objection with standing advice

Highway Authority – No objection in principles subject to conditions regarding safeguarding the highway from dirt and debris and the submission of a Construction and Traffic Management Plan.

Environmental Protection – Has repeated conditions for the previous model. This alternative turbine identified as a quieter model with slower blade rotation.

Electricity North West – No objection in principle. Comment regarding possible easements to protect and maintain existing power lines in the locality.

FORCE – Object: Repeat the previous relevant reasons of objection and with reference to the Ministerial Statement regarding community support which they consider to be absent

- Unacceptable impact on local landscape, increasing the number of turbines far in excess of CWESPD recommendations and contrary to national planning guidance, outweighing any gain in renewable energy output.
- Unacceptable impact on residential amenity.
- Inappropriate size and scale of the proposed turbine.
- Inadequate and unacceptable cumulative impact alongside other local wind energy developments.
- Proposals contrary to current National and Local Policies.

There are eight letters of objection regarding visual and landscape impact.

One representation of support has been received from the nearest residential property to the turbine site Low House Farm.

All the points of objection and matters raised by representations received have been fully reported within the body of the report.

Assessment

Introduction

The proposed turbine is planned as an alternative model at the same precise location. The reason for the resubmission is to achieve a turbine model of a slightly longer blade length with slower rotation. This will reduce the amount of energy captured and exported to the grid that has limited capacity in the area.

Policy Context

National Planning Policy and the Allerdale Local Plan (Part 1) are broadly supportive of proposals for renewable energy development. The need to meet national targets for the generation of electricity and heat from renewable and low carbon sources is recognised as are the wider environmental, community and economic benefits of such development.

To ensure that the impacts of development (either in isolation or cumulatively) are, or can be made acceptable, Policy S19 of the Allerdale Local Plan sets out clear criteria for the consideration of proposals for renewable energy development, including wind turbines. The criteria most relevant to the consideration of this application are considered below.

In assessing the merits of the proposed development it is necessary to balance the economic, social and environmental benefits of the proposed renewable energy development with any adverse environmental impact of the proposed turbine.

A Written Ministerial Statement on local planning was published on 18 June 2015. In relation to the determination of planning applications for wind turbine development this 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.

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the Local Planning Authority.

Where a valid planning application for a wind energy development has already been submitted to a Local Planning Authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, Local Planning Authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”

This application was validated on 19 June 2015 and therefore the transitional arrangements do not apply. The full provisions of the ministerial statement are therefore a material planning consideration.

The Allerdale Local Plan (Part 1) adopts the approach of assessing proposals for wind turbines against the criteria based within Policy S19 and does not identify or allocate specific areas as suitable for wind turbine development. Whilst Local Plan Policy S19 is of considerable assistance in assessing the planning impacts of the development, as the Local Plan does not identify specific areas or sites as suitable for wind turbine development, this would appear to provide a presumption against further wind turbine development unless, and until, further work is undertaken to identify suitable areas for such development in Allerdale. To date however this interpretation of the implications of the ministerial statement has not been tested at appeal in Allerdale or indeed elsewhere.

In this case however the existence of a valid planning permission for a wind turbine at the application site is also a material planning consideration which should be given substantial weight in that it establishes a ‘fall-back’ position for the applicant that would still enable a wind turbine to be erected at the application site.

The assessment of the impacts of the proposed development is based on consideration of the fall-back position that the extant planning permission is still capable of implementation and a comparison between the previously approved scheme and the current proposal.

Visual/Residential Amenity

In order to address community concerns and in the interests of residential amenity and safety the Local Plan sets out an expectation that a minimum separation distance of 800m will be provided between wind turbines (over 25m to blade tip) and residential properties. It is recognised that in some cases due to site specific factors such as orientation of views, land cover, other buildings and topography it may be appropriate to vary this threshold where it can be demonstrated through evidence that there is not
unacceptable impact on residential amenity. Shorter distances may also be appropriate if there is support from the local community.

In this case there are only three residential properties within 800m of the application site. New Grange Farm is the applicant’s farmhouse 400m north alongside The Bungalow (agricultural worker’s dwelling with occupancy condition) both with a financial interest in the turbine. The other dwelling Low House Farm at 438 metres south-west has expressed support in writing.

The applicant has provided a detailed assessed of visual impact from only one individual property being Low House Farm that has expressed ‘community’ support. The photomontage clearly shows the proposed turbine in full and open view from several angles. With support of the alternative turbine model from the owner of Low House Farm this receptor is disregarded as a constraint.

An assessment of residential impact has been provided from viewpoints 8 and 9 in Dearham with the conclusion that the alternative turbine will not be seen as was the case with the original turbine. The viewpoints are from street frontage locations in the village with intervening buildings. Viewpoints from the rear of residential properties in Dearham and more significantly from the rear of properties nearer the turbine site at Row Brow Dearham have not been provided.

It is Officer opinion that there will be some visual impact upon some properties in Dearham particularly at Row Brow. Such impact will be no more than the original turbine and there are no properties that would have their outlook so affected that their living conditions would be unacceptably degraded with a separation distance of 1.1-1.6 km and with intervening electricity pylons.

As with the previous application, further viewpoints have been provided at a greater distance from the site close to nearby settlements of Greengill, Gilcrux, Tallentire, Prospect, Crosby Villa and Birkby. These give an indication of impact from the alternative turbine upon residential properties at or near these viewpoint locations. The distance and intervening buildings, structures and topography would appear to mitigate for any visual impact with living conditions not affected significantly.

With regard to visual impact of the alternative turbine, there is no objection from Dearham Parish Council or Gilcrux Parish Council. Eight letters of objection have been received.

Despite the lack of conclusive evidence from the applicant regarding residential impact, it is Officers’ opinion that there are no individual properties or settlements significantly harmed by the alternative turbine as a standalone structure. Low House Farm within 800 metres is an exception with moderate to high impact. However with the owner’s written support of the new application the constraint of 800 metre separation distance of Policy S19 is considered to have been overcome.

When comparing the current proposal to the extant permission the minor differences in height and blade length of the alternative model are not considered to have any additional impact.
Noise Disturbance

In relation to the potential impact of noise from the alternative turbine on residential amenity, the Environmental Health team advises that this can be mitigated through the use of planning conditions to limit the level of noise from the turbine to satisfy maximum noise levels.

Shadow Flicker

It is generally acknowledged that the potential impact of shadow flicker on residential amenity is only likely to be an issue within 10 x rotor diameters of the turbine (in this case 350m) and within 130° either site of north relative to the turbine. In this case there are no residential properties within the zone likely to be affected by shadow flicker.

The turbine site will be visible from a number of footpaths used for local public recreation but not considered to be harmful.

The matter of cumulative and sequential impact upon residential amenity is a wholly separate matter and considered in full below.

Visual and landscape impact

Policy S19 of the Allerdale Local Plan (Part 1) requires consideration to be given to the visual impact of the proposed turbine both individually and cumulatively.

The Cumbria Landscape Character Guidance and Toolkit supports appropriately located schemes for wind energy in line with the provisions of the Cumbria Joint Wind Energy Supplementary Planning Document which was adopted by the Council in 2007. The application site is located within Cumbria’s landscape classification 5a Ridge and Valley.

Key Characteristics of this area are:

- A series of ridges and valleys that rise gently to the limestone fringes of the National Park
- Well managed regularly shaped medium to large pasture fields
- Hedge bound pasture fields dominate
- Scattered farms and linear villages found along ridges
- Fields are large and rectangular
- Large scale structures generally scarce

This area is judged to have moderate landscape capacity to accommodate turbine development of up to a small group (3-5 turbines), exceptionally a large group (6-9 turbines).

The applicant has submitted a landscape and visual appraisal assessing the proposed development as an alternative model to that previously approved.

The appraisal has been updated and includes a series of photomontages and assessment from a number of viewpoints in the vicinity of the site and as far away as 5.5 km.
This assessment seeks to demonstrate that whilst there would be some local visual and landscape impact, the turbine could, in the opinion of the applicant, be accommodated without any significant adverse impact. The applicant does acknowledge that the proposal would inevitably have some impact on the area, particularly within 2km of the application site, as it would be an additional high visual element in the landscape.

In relation to the issue of cumulative impact the applicant’s assessment acknowledges there are a number of viewpoints where the alternative turbine would be viewed in conjunction with existing and approved turbines but again concludes this would not result in a significant adverse effect on visual amenity and the landscape character of the area. When comparing the current proposal to the extant permission the minor differences in height and blade length of the alternative model are not considered to have any additional cumulative impact.

As with the previous application approved by Members, it is considered that the applicant’s Landscape and Visual Appraisal has some deficiencies with the lack of viewpoints at residential properties in Dearham and Row Brow, Dearham. Despite this the matter of cumulative and sequential impact can be assessed and concluded as follows.

**Cumulative/Sequential Impact**

In order to assess such impact the following turbines existing and approved have been taken into account.
1 turbine 77m West House 1.6 km
1 turbine 77m Fox House Farm 2.9 km
2 turbines 27m Bullgill 1.7 km
7 turbines 62m Wharrels Hill Bothel 8.5 km
3 turbines 107m Westnewton 7.5 km
6 turbines100m Tallentire 2-2.5 km
3 turbines115m Flimby 6.5 km
2 turbines 107m Eastmans, Siddick 10 km
7 turbines 60m Siddick 10 km
9 turbines 63m Oldside 12 km
1 turbine 92.5m Seaton 10 km
20 turbines 61-81m Winscales Moor 11km
3 turbines 100m Potato Pot 14 km
3 turbines 95m High Pow 16 km
6 turbines 68m Great Orton 30 km
4 turbines 121m Hellrigg 19 km

These sites are considered most relevant forming a string or necklace of turbine development in West Cumbria over a distance greater than 20 km parallel to the A66, A595 and A596. Other more dispersed turbines and smaller turbines may also add to the cumulative assessment from more distant views.

Of some significance to the assessment of cumulative impact is the planning history regarding West House Farm and Fox House Farm reported as follows.
Both sites were considered by Development Panel and refused on the grounds of visual and landscape impact. The planning Inspectorate allowed both 77 metre turbines under separate decisions effectively judging that the landscape character had the capacity for both turbines without resulting in a ‘wind turbine landscape’. These turbines are now operational.

As with the previous application, the proposed turbine will form a distinct cluster of three high structures with the operational Fox House Farm and West House Farm turbines. The proposed turbine, if constructed, will ‘fill a gap’ and contribute to an encroachment upon the cluster of six turbines at Tallentire. The clusters at WestNewton (3) and Wharrels Hill Bothel (9) continue the immediate string of turbines to the north with the group of three high turbines at Flimby Wood (Broughton Moor) to the south. This network of turbine development continues further to the north to Brakenbarrow, High Pow, Hellrigg and Great Orton with a culmination in the south at Winscales Moor via a sequence of turbines on the coast at Seaton, Siddick and Oldside.

The regular clusters of turbines over such distance already has significant cumulative and sequential impact when viewed from various vantage points over a large distance and when travelling through the area on the major and minor arterial routes including the A595, A596 and A66.

The proposal will add to the cumulative and sequential impact in the area but it is considered that such impacts will be no greater than the turbine previously approved.

**Impact on nature conservation interests**

The proposed turbine is located within open pasture and within 90 metres of a small plantation of mixed trees. The nearest hedgerow is also at 90 metres.

The site does not have any local or national wildlife designations and there are no Sites of Special Scientific Interest in the area.

The applicant has provided a summary appraisal of the ecological issues and concludes as follows. As a non-designated site there is no evidence of protected flora, fauna or bird species at the site and in the immediate vicinity. The nearest sensitive site being the River Derwent SSSI is 4.5 km south-east and very unlikely to have any interaction with the application site.

The only ecological issue is the habitats found at and adjacent to the site. The installation of the proposed turbine would have no impact on the loss of habitat with no trees or hedgerow removal planned. Collision risk and disturbance or displacement of species is considered the only two effects that may occur. Given the habitats at the site, smaller more agile birds will be most common and the turbine blades are unlikely to have any significant impact.

Impact on any local bat population is considered unlikely as the hedgerow and tree habitat is more than 50 metres from the turbine site which accords with advice from Natural England that wind turbines are unlikely to affect bat populations where a 50m buffer is maintained from foraging habitat.
It is Officers’ opinion that an adequate assessment has been provided and that matters of ecological interest are not affected by the alternative model.

**Impact on heritage assets and their settings**

The nearest listed building is identified as Tallentire Hall 1.49km to the south in Tallentire. The grounds and its setting are marginally closer. Considering the separation distance and the relationship there is considered to be no harm to this Listed Building and its setting.

The nearest site of archaeological interest is Monument 1466804 being a post-medieval earthwork and furrow south west of Low House farm. This site is more than 400 metres from any proposed excavations and under no threat from this new proposal.

**Electromagnetic Interference**

The digital TV in the UK is not affected by electromagnetic interference previously associated with analogue reception. Any scattering or disruption of a signal is a rare occurrence and associated only with larger scale turbines. There is no recorded evidence of interference of any kind of signal from a turbine less than 45 metre high.

**Radar Safeguarding**

An objection was received by NATS regarding radar safeguarding with potential interference from the proposed turbine as was the case with the previous model. This has been overcome by a method of technical mitigation and the objection provisionally withdrawn by NATS in writing. This is however subject to the completion of an appropriate contract and financial payment by the applicant and safeguarded for delivery by a Grampian planning condition.

**Proximity to airports and Flight Paths**

There will be no impact on the flight paths of Carlisle airport 24 km and Dovenby Helipad 2.1 km. No objections have been received from statutory consultees on this matter.

**Operational requirements, including the suitability of the road network**

The main impacts of the proposed development on the road network would be associated with construction traffic. The Highway Authority has no objections to the proposal subject to a condition to protect the highway surface from dirt and debris during construction and to provide a comprehensive Construction and Traffic Management Plan.

**Potential benefits to the local economy and local community**

It is acknowledged that the proposed turbine will have local economic benefits in terms of the contribution it would make to the sustainability of the agricultural operation at the host farm. The reduction in the level of electricity exported to the grid will reduce the overall benefits of the scheme but it is considered that this is not itself sufficient to affect the assessment of the overall planning balance.
Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act. There are no local financial considerations relevant to this application.

Conclusion

Whilst the written ministerial statement of 18 June 2015 is a material consideration in the assessment of this application the existence of an extant planning permission for a wind turbine application is also a material planning consideration. In this particular case it is considered that the ‘fall-back’ position of the applicant being able to implement the extant permission and the assessment that the proposed turbine would not have materially greater planning impacts when compared to that scheme outweighs the guidance in the ministerial statement that planning permission should not be granted except in areas identified as suitable for wind turbine development.

It is therefore recommended that planning permission be granted subject to the conditions attached to the original planning permission and an appropriately worded additional condition to safeguard aviation.
Annex 1

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 dwellings 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,
planning, 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 dwellinghouses 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 complainants 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.
Proposed Development: Outline application for the erection of 2 no. detached dwellings.
Resubmission of 2/2014/0649
Location: Land Adjacent to Belle Mount Papcastle Cockermouth
Recommendation: REFUSE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle of development</td>
<td>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.</td>
</tr>
<tr>
<td>Conservation Area and Landscape Character</td>
<td>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.</td>
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<tr>
<td>Drainage</td>
<td>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</td>
</tr>
<tr>
<td>Access</td>
<td>Acceptable to the Highway Authority with appropriate conditions</td>
</tr>
<tr>
<td>Archaeology</td>
<td>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.</td>
</tr>
</tbody>
</table>

Proposal

Outline application for the erection of two detached dwellings considering the principle of development, drainage and the access from the public highway and landscaping. All other matters are reserved.

Site

The site comprises agricultural, greenfield land adjacent to the public highway with a hedgerow enclosed frontage.
Open countryside of agricultural land is noted opposite to the east and to the north and west. Existing residential development is noted adjacent to the south. The Papcastle bypass is noted 120 metres to the rear of the site.

The proposed site will be adjacent to an existing dwelling known as Westlakes being the last dwelling on the edge of Papcastle. Westlakes is separated from the nearest property in Belle Vue by approximately 100 metres to the north; separated by a gap of undeveloped greenfield land.

Relevant Policies

National Planning Policy Framework

Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment
Delivering a wide choice of high quality homes
Requiring good design
Promoting healthy communities
Policy DM17 - Trees, hedgerows and woodland


Policy S1 - Presumption in favour of sustainable development
Policy S2 - Sustainable development principles (excluding highways)
Policy S27 - Heritage Assets
Policy S29 - Flood Risk and Surface Water Drainage
Policy S3 - Spatial Strategy and Growth
Policy S30 - Reuse of Land
Policy S32 - Safeguarding amenity
Policy S33 - Landscape
Policy S4 - Design principles
Policy S5 - Development Principles
Policy S7 - A mixed and balanced housing market

Relevant Planning History

2/2014/0649 Outline application withdrawn
2/2015/0098 Outline application refused

Representations

Parish Council – Object with regard to the following

Previous reasons for refusal not overcome
An exception for essential development not demonstrated
Ribbon development contrary to the Local Plan
Tree planting will result in joining settlements

**County Archaeologist** – No objection subject to condition

**Highway Authority** - No objection subject to condition

**Environmental Health** – No objection

The application has been advertised on site and in the local press. Adjacent landowners have been notified. Two letters of objection have been received regarding inappropriate siting beyond the settlement of Papcastle resulting in the encroachment towards Belle Vue hamlet and the joining of settlements. One objector agreed with the previous reasons for refusal of application 2/2015/0098.

**Call-In**

The application has been called-in by Councillor Peter Kendall for the following reason:

“Landscaping proposed and properties separated now from previous scheme, heritage information included now, members may wish to consider this development as ribbon development to adjoining property at Papcastle. Significant distance still between Papcastle and Belle Vue”

**Assessment**

**Introduction**

This application is a resubmission to a withdrawn application 2/2014/0649 and a subsequent application 2/2015/0098 that was considered and refused by Development Panel (14/4/2015) in accordance with the Officer’s recommendation. The reasons for refusal were as follows.

*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 ansd 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.*
The application has been resubmitted as the same layout but with the proposal of a landscaping scheme between the site and the hamlet of Belle Vue.

Additionally the siting of an ‘Interpretation Board’ is proposed informing of local history and the Roman Fort as a heritage asset; to bring wider public benefit from the housing scheme.

These matters are discussed within the report below.

Principle of Development

The focus of this resubmission is as the previous application and regards the basic principle of development and the Council’s strategy for housing growth.

The site is on the edge of the built form of Papcastle.

Papcastle itself is classed as an Infill and Rounding Off-Village within the settlement hierarchy of the Local Plan where only very small-scale development that is well related may be appropriate to respond to local needs and to contribute to the vitality of rural communities.

No settlement boundaries are proposed for Papcastle and other villages within this tier of the settlement hierarchy. Instead, development is being directed by the criteria outlined in Policy S5 for very small, scale appropriate rounding-off and infill plots.

The site is clearly not recognisable as an infill plot, nor does it round-off the village as such. The term ‘rounding-off’ is not formally defined within the Plan although it is reasonable to consider that rounding-off development would be sited within the confines of the settlement, defining and completing the boundaries of the village.

The supporting text to Policy S5 clarifies that infill and rounding-off development sites would be within the existing built fabric of the village, confirming the criteria within the policy which states that infill and rounding-off development must respect the appearance and the character of the settlement, must be within or well-related to the form of the settlement and to existing buildings within it, and protect, maintain or enhance the local distinctiveness, character and landscape and historic setting.

In addition, development must not exacerbate the adverse effects of ribbon development, result in further sporadic development in otherwise open countryside, or result in settlements joining together.

Although adjacent to the existing village, development of the site would only serve to extend the linear group of existing dwellings at Belle Mount with a harmful impact upon historic settlement character resulting in the threat of joining settlements; linking Papcastle sequentially with the hamlet of Belle Vue. This ribbon development is considered to be harmful to settlement character.

The applicant has argued that the ribbon development is marginal and a green space is retained as a separation buffer between Papcastle and Belle Vue. It is also claimed that Papcastle cannot link ultimately with Belle Vue due to the constraint of an underground
sewer. The applicant also proposes a tree planting landscape scheme as part of this resubmission to restrict further residential development.

Planning Officers would comment that the buffer between Papcastle and Belle Vue would be reduced by half to just approximately 50 metres. The visual separation between the two settlements would be significantly diminished, to the detriment of the character and appearance of the locality and contrary to Policy S5.

Furthermore this remaining land could also come under pressure for further development as underground services need not be a constraint with negotiated diversion and/or easements with United Utilities.

The proposed landscaping scheme intended to provide an undeveloped area between settlements is considered to have little merit as in itself, it will only serve to close the gap towards Belle Vue even further and provide an artificial form of landscaping.

This 0.2 hectare site is not considered one that would be considered very small scale; it would be able to accommodate more than the two dwellings shown. Further applications may follow should the principle be established with an outline approval, irrespective of the indicative layout at this stage. Although new development needs to be of an appropriate density to integrate well with its immediate locality, the scheme as shown illustrates two large dwellings on very large plots. Whilst Officers’ consider that this is an unsuitable location for new development in principle which does not accord with Policy S5 as outlined above, the proposals also represent an inefficient use of land (Policy S2), and exhibit the aspects of development which are most unsympathetic to the settlement form.

The application does not fall within any class of settlement within the hierarchy and is essentially greenfield, agricultural land where the only exception for housing is with regard to an essential need for a rural worker as defined under Policy S3 (a). The application has been submitted with no such need.

In conclusion, the site cannot be considered as infill or rounding-off and therefore contrary to the criteria of Policy S5 where the development would ‘exacerbate the adverse effects of ribbon development’ and would result in further adverse effects of areas of sporadic development beyond the settlement’. The application does not qualify as an exception of any kind as defined within Policy S3.

Access

The applicant has committed to a new access from the public highway at this outline stage. An amount of hedgerow will be required for removal that will have minimal impact on visual amenity and biodiversity.

The Highway Authority has responded with no objection and with standard conditions.

Drainage

Foul drainage is planned to the main sewer. Surface water drainage is planned to a soakaway.
Limited information has been provided with a drainage strategy detailing discharge rates. A supporting letter from United Utilities accepts foul and surface water to the main sewer in principle subject to connection points and discharge rates. The applicant owns and controls a large amount of adjacent land. In that regard the applicant has realistic options for sustainable drainage solutions that can be conditioned accordingly, should the application be supported.

Archaeology

The applicant has provided an archaeological evaluation. It concludes the remains of a historic track and agricultural workings. The County Archaeologist has responded and does not rule out these remain as Roman in origin or possibly medieval. However, he comments that they are not of such significance to warrant preservation at the site. The County Archaeologist concludes that any development should be accompanied with a watching brief by condition.

Hedgerow Assessment

A hedgerow assessment has been provided that concludes that the hedge on the frontage of the site is classed an Important Hedgerow’ by virtue of its mix of species and historic context as field boundary. The amount of hedgerow removal is judged to be of around 10 metres. This is considered insignificant in terms of impact although consent under the Hedgerow Regulations will be required.

Mitigation is recommended to minimise hedgerow removal, improve existing hedgerow with appropriate species and restrict groundworks with a 3 metre buffer.

Ecology

A scoping report has been provided that concludes that the development will have no significant impact upon any protected species. A mitigation strategy to safeguard wildlife is recommended with regards to good working practice and the timing of hedgerow and vegetation removal. The site has no unique habitat characteristics or statutory designations and there are no roosting bats at the site.

Residential Amenity

With design and appearance a reserved matter there are no concerns over residential and amenity at this stage.

Landscape Impact and Conservation Area

Allerdale Conservation Officer has objected to the proposals. The development is considered to have a detrimental impact upon the traditional character and form of the village as a Conservation Area; elongating the more recent linear form of the village with the potential of joining settlements together. Views into and out of the village will be affected eroding the landscape surrounding Papcastle that helps to define its strategic location and setting of the Roman Fort.
The applicant has offered the siting of an ‘Interpretation Board’ informing the public of local history. This is intended to address the matter of development bringing wider public benefit where heritage assets are under threat. It is Officers’ opinion that the idea offers little to the application as a way of meeting policy guidelines and does not outweigh the harm of the development upon settlement character, landscape and heritage assets.

Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act the following local finance considerations are relevant to the consideration of the application.

There will be benefits arising from the scheme through the New Homes Bonus scheme which is a material planning consideration.

Conclusion

The development is clearly contrary to Policies S3 and S5 of the Local Plan regarding the settlement hierarchy and strategy for housing growth.

The site if developed will only serve to worsen and extend the ribbon development that has already impacted upon the traditional settlement form and landscape character, with the additional harm of joining Papcastle closer together with the hamlet of Belle Vue eroding undeveloped greenspace. The mitigation proposed by the application to protect the remainder of the greenspace between the two settlements is considered to have no merit and the former reasons for refusal prevail.

The proposed housing does not qualify for any exceptions at this location beyond the settlement. There is no demonstrated local or agricultural need and with no benefit to the local community. There are no benefits from the development that would outweigh such harm.
Annex 1

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.
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Allerdale Borough Council
Planning Application 2/2014/0857

Reference No: 2/2014/0857
Valid Date: 03/12/2014
Location: Proposed Housing Development
Ashfield Road South
Workington
Applicant: Mr Nick Thompson Allerdale Investment Partnership

Drawing Numbers: Site location plan – Drawing no. 1100
Site Access arrangements – Drawing no. TPMA1159-100.
Newlands Lane / High Street Indicative Mitigation Scheme – Drawing no. TPMA1159-104 Date Stamped
Interim Geo-Environmental Report (WYG November 2014)
Interim Travel Plan (Curtins November 2014)
Ecological Appraisal (Wardell Armstrong – August 2014)

Proposed Development: Outline application for up to 290 dwellings

Recommendation: Approve

Subject to conditions and the completion of a Section 106 legal agreement to secure the following:
1. Provision of education contribution of £447,671
2. Provision of on-site public open space and Local Area of play.
3. Provision for future management of the Local Area of Play, amenity green space and landscaped areas to include transfer to and future maintenance by a private management company.
4. Submission of a final Travel Plan and agreement for the administration fee of £1,320 per ‘Review’.
5. Provision of 20% of the (up to) 290 units proposed across the whole site as affordable housing in perpetuity.
6. Junction improvement works at A596/Newlands Lane
7. Pedestrian/cycle linkages to and from and within the site.
<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
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<tbody>
<tr>
<td>Principle of development</td>
<td>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).</td>
</tr>
<tr>
<td>Scale, design and residential amenity</td>
<td>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).</td>
</tr>
<tr>
<td>Landscape and visual impact.</td>
<td>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 northern boundary and 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).</td>
</tr>
<tr>
<td>Highway issues</td>
<td>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.</td>
</tr>
<tr>
<td>Traffic and Transport Issues</td>
<td>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</td>
</tr>
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</table>
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).

<table>
<thead>
<tr>
<th>Local Flood Risk</th>
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<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>However, as this is an ‘Outline’ application these issues can be covered by condition, and dealt with at Reserved Matters / Condition Discharge stage.</td>
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<td>Topic</td>
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<tr>
<td>Foul and Surface water drainage</td>
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<td>Open space and Play facilities</td>
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<td>Affordable Housing</td>
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<td>Ecology</td>
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<td>Contamination</td>
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<td>Community &amp; social infrastructure</td>
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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.

**Proposal**

The application seeks outline planning permission for the erection of up to 290 dwellings on a 10.94ha site located adjacent to Ashfield Road South in Workington. All matters are reserved apart from the point of vehicular access.

Therefore this application seeks only to establish the acceptability of the principle of residential development on the site and the means of access.

Matters pertaining to appearance, landscaping, layout and scale are all reserved for subsequent approval and would be considered as part of any future Reserved Matters application.

**Site**

The application site lies approximately 2km south of Workington town centre in the Moorclose / Westfield area, and to the southern side of Ashfield Road South. The site is currently undeveloped greenfield land that is generally flat with a slight slope along its southern boundary. Belts of trees are located within the site and adjacent to the boundaries. The residential area of Chaucer Road is located to the east, and the rear gardens of the properties on Ellerbeck Close plus open farm land are located to the
south. The playfields and sports area associated with the Moorclose Campus are situated to the west. A public right of way runs to the south of the site along Eller Beck.

Relevant Policies

**National Planning Policy Framework**

- Achieving Sustainable Development
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities

**Allerdale Local Plan (Part 1), Adopted July 2014**

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Sustainable development principles
Policy S3 – Spatial strategy and growth
Policy S4 - Design principles
Policy S5 – Development principles
Policy S7 – A mixed and balanced housing market
Policy S8 – Affordable housing
Policy S21 – Developer contributions
Policy S22 – Transport Principles
Policy S24 – Green Infrastructure
Policy S27 – Heritage Assets
Policy S29 – Flood Risk and Surface Water Drainage
Policy S30 – Re use of land
Policy S32 - Safeguarding amenity
Policy S33 – Landscape
Policy S35 – Protecting and enhancing biodiversity and geodiversity
Policy S36 – Air, Water and Soil quality

Policy DM14 – Standards of good design
Policy DM17 – Trees, hedgerows and woodland

**Relevant Planning History**

SCR/2014/0048 – Screening opinion advised it was not an EIA Development – 23/12/14

**Representations**

Housing Needs Officer (ABC) The findings from the latest housing needs survey suggest the need for affordable housing in Workington and its
adjoining parishes of Seaton, Camerton, Winscales and Great Clifton is as follows:

- 34% - 3 bed houses
- 34% - 2 bed bungalows
- 12% - 4 bed houses
- 10% - 1 bed properties (excl. bungalows)
- 4% - 5 bed houses
- 4% - 1 bed bungalows
- 2% - 2 bed properties (excl. bungalows)

The number and tenure split of affordable provision should be in line with that specified in Policy S8 of the Allerdale Local Plan (July 2014)

Choice Based Lettings shows how many bids are received for each property type. Information is updated weekly, and shows that in Workington and adjoining parishes during 2013 and 2014 to date there is a significant preference for 2 bed flats and houses. This is in contrast to the relatively low need shown in the housing need surveys.

Local Highways Authority (CCC)

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 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.

In addition, 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.

Analysis of reported accidents on the A596 has shown there is a cluster around the High St/Guard St (A596)/Park End Rd junction, roughly two per year. The development will create additional traffic through this junction. Therefore, the accident trends at this location need to be monitored as part of the Travel Plan process and any interventions be part of its Target/Penalty process.

The travel plan should be secured by Condition together with an administration fee of £1,320 per ‘Review’ through a Section 106 Agreement. The S106 agreement will 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.

**Adult Social Care / Extra Care Housing**

The County Council’s Planning Obligation’s Policy seeks to ensure that new housing designs can be easily adapted to meet the requirements of occupants should their needs change over time. If dwellings do not provide design mitigation the County Council requires the provision of a financial contribution as there is the potential for increased support services in the home. This is set out in the County Council’s Planning Obligations Policy.

Of the units proposed 170 units do not incorporate design mitigations. I.e. 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. Therefore, a contribution of £41,137 is required.

Extra care is a purpose built scheme for older people with support and care needs. Within the Cumbria County Council Extra Care Housing Strategy, there is a requirement for at least 380 extra care housing units to be delivered in Allerdale. Of this requirement, it identifies a minimum need for 116 units in Workington. At present there are no Extra Care Housing units in Workington. Therefore, Cumbria County Council is interested in exploring the suitability of this site for some provision within the overall housing mix.
Environmental Health

No objections subject to conditions requiring (a) site investigation works carried out to establish the degree and nature of contamination; b) submission of a remediation scheme; c) implementation of the remediation scheme; d) reporting of unexpected contamination. In addition, a Condition is required regarding full details of noise mitigation measures to be submitted, plus a Construction Management Plan.

United Utilities

In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Therefore, they advise that conditions should be attached regarding surface water and foul water drainage.

Environment Agency

Recommend conditional approval as follows:

1. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The approved scheme shall:
   - Confirm there will be no SuDS/bundling 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.

   Reasons: To protect the water environment and prevent the increased risk of flooding, both on and off site

   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.

2. If during development, contamination not previously...
identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Building Control

No objections on access issues for disabled people into the dwellings.

CCC (Historic Environment)

The archaeological desk based assessment indicates that there is some potential for currently undiscovered archaeological assets to survive on site that would be disturbed by the ground works of the proposed development. Although the archaeological desk-based assessment is helpful in assessing the potential of the site, by its nature it cannot establish whether assets from the prehistoric period survive there.

In a second consultation response the Historic Environment Officer comments that a non-intrusive evaluation survey has been submitted. This has not highlighted archaeological remains that might be of such significance as to warrant preservation in situ. However, the survey has revealed some anomalies that might be archaeological in nature, and these features will be disturbed by the proposed development.

Therefore, conditional approval is recommended.

The Coal Authority

Recommend a planning condition should require that further intrusive site investigation works should be undertaken prior to commencement development, as recommended in the Interim Geo-Environmental Interpretative Report.

In the event that the site investigations confirm the need for
remedial works to treat the mine entries and areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to submission of the reserved matters stage:

- The submission of a scheme of intrusive site investigations in the north-western corner of the site for approval;
- The undertaking of that scheme of intrusive site investigations in the north-western corner of the site;
- The submission of a report of findings arising from the intrusive site investigations in the north-western corner of the site;
- The submission of a scheme of remedial works in the north-western corner of the site for approval;

A condition should also require prior to the commencement of development:

- Implementation of all identified remedial works.

Public footpath 262016 follows an alignment along the southern boundary of the proposed development site and must not be altered or obstructed during or after the development has been completed.

Neighbour consultation letters have been sent out, and the application has been advertised in the local press (Times and Star – 12th December 2014)

3 letters of objection have been received. These state that there will be disruption to local wildlife as there are red squirrels in the area and the proposal will also disrupt owls and bats. There are concerns that loss of trees will lead to a substantial reduction in the habitat available.

Furthermore, comments are made that available brownfield sites should be used before Greenfield Sites are even considered. Concerns are also raised regarding increased traffic flow on Ashfield Road as this is a minor road that already carries a significant amount of traffic including HGVs.
Main Issues:

Principle of development and sustainability

The site has been allocated for housing since 1999 in the Allerdale Local Plan (saved Policy WKHS1). Policy HS3 of the Allerdale Local Plan (1999) states that as the site has been allocated for housing in previous Local Plans the allocation will be carried through to the 1999 Local Plan, and proposals for residential development will be approved subject to the relevant policies of the local plan.

Policy S5 of the Allerdale Local Plan Part 1 (July 2014) states that new development will be concentrated within the physical limits of defined settlements. The proposed development site lies within the defined settlement limit for Workington. Notwithstanding the recent adoption of the Local Plan in July 2014 the defined limits for individual settlements continue to be derived from the Allerdale Local Plan 1999. The local planning authority (LPA) is currently in the process of reviewing settlement limits as part of the site allocations process but this development plan document, Allerdale Local Plan (Part 2), is some way from adoption.

Workington is identified as the Principal Service Centre within the newly adopted Local Plan. Policy S3 states that provision will be made for the delivery of at least 5,471 net additional dwellings over the plan period 2011 – 2029. New development will be located in accordance with the spatial strategy and will be concentrated within the towns and villages in the settlement hierarchy. The scale of development proposed will be expected to be commensurate to the size of the settlement and reflect its position in the settlement hierarchy. With regards to Workington, which is the Principal Centre, 35% is to be provided. This is a total of at least 1,915 (an annual figure of 106) to be provided within Workington.

To address this, the Five Year Housing Land Supply Statement identifies deliverable sites which could accommodate the housing requirement. This includes sites from previous Local Plan allocations, including the application site. It has therefore been acknowledged that the site is a deliverable housing site and provides an important contribution in enabling the Council to meet its five year housing land supply. Therefore, it is considered that the principle of large scale residential development is acceptable on the site. If approved the proposed development would yield up to 290 dwellings and this is considered to be proportionate to the size and role of Workington as a Principal Service Centre.

In summary, the proposed development constitutes a sustainable location for residential development and is considered to be of a scale that is compliant with both the spatial strategy and settlement hierarchy. It would also make a valuable contribution towards the fulfillment of the housing supply target. It is therefore considered to be compliant with the provisions of Policies S2, S3 and S5 of the Allerdale Local Plan (Part 1).

Housing mix and density

The proposed development entails the accommodation of up to 290 dwellings on the site.
The design details are reserved matters but the indicative layout plans illustrate a mixed development comprising a range of detached, semi-detached and terraced properties ranging from two, three and four bedroom units. The development is proposed to predominantly comprise 2-storey dwellings in order to reflect the character of the locality. However, two and a half and three storeys are also proposed.

The NPPF stresses the importance of providing choice in housing developments being brought forward and officers acknowledge that it is important to meet demand in the different sectors of the housing market. Supporting text to Policy S7 of the Allerdale Local Plan states that it is important that homes are provided to meet the aspirations of local people and to attract new people to live in the area in order to support economic objectives. It also states that the housing needs of different types of households should be fulfilled by providing the right types and mix of housing.

While national policy no longer requires a minimum density of housing development, a key objective of the Council is to ensure effective and efficient use of land. The proposed density reflects the character of the surrounding residential area and represents an efficient use of the site, as sought by Policies S2 and S4, while at the same time allowing for the provision of on-site open space.

**Effect on privacy and residential amenity of adjacent properties**

Policies S2, S4, S32 and DM14 seek to ensure that new development secures a satisfactory standard of amenity for existing and future residents.

This application seeks outline approval only and matters of layout, scale, landscaping and appearance are reserved for subsequent approval. Therefore in considering potential impacts on privacy and residential amenity at this stage, the local planning authority must be sufficiently assured that the site could be developed while achieving acceptable levels of privacy and amenity for both proposed and existing dwellings.

Officers are satisfied that spatially an acceptable development can be achieved in terms of the standard of housing for future occupiers on this site, while not adversely affecting the residential amenity of surrounding neighbouring properties.

There will be some noise and disturbance to neighbouring properties during the construction phase of the development. However, this impact may be controlled under a planning condition to minimise disturbance and safeguard residential amenity.

Officers conclude that an acceptable scheme in terms of layout and design could be achieved and therefore the requirements of Policies S2, S4, S32 and DM14 can be met.

**Impact of the proposed development on highway network.**

An assessment of the impact of the proposed development on the highway network has been undertaken by the applicant. This is set out in the Transport Assessment (TA) submitted with the application.
Access to the site is proposed via two priority controlled junctions taken from Ashfield Road which would enable a loop road to be formed within the site. The proposed access junctions are shown to have a 5.5m wide carriageway with 3m footways on either side. Ashfield Road South is subject to a speed limit of 30mph, and Drawing no. TPMA1159_100 demonstrates that visibility splays of 2.4m x 43m can be achieved in both directions. This is in accordance with design guidance in 'Manual for Streets' which advises that access junctions onto a 30mph street should achieve a visibility splay with an ‘x’ distance of 2.4m and a ‘y’ distance of 43m.

The location of the site access points from Ashfield Road were agreed by the applicant following discussions with the Local Highways Authority and reduce any potential conflict between the existing vehicular access junctions and the existing bus stops.

Pedestrian access into the site will be via the proposed footways adjacent to the vehicular access points. New footways are proposed to be provided within the limits of the site boundary along the frontage of Ashfield Road South. A network of cycleways and pedestrian footways are also proposed, and these would provide a safe and convenient access to areas of public open space within the site. It is proposed that the site will provide comprehensive vehicle, cycle and pedestrian connections both within the site and beyond the site boundary. This will ensure that the development is accessible for all and integrates well into its surroundings.

Junction capacity analysis has been undertaken, and the TA identifies that all junctions assessed operate within capacity with the exception of High St / Newlands Lane. Newlands Lane/High Street (A596) junction takes the form of a 3-arm priority junction. The assessment indicates that the junction currently operates with a level of queueing on the High Street North arm as vehicles wait to turn into Newlands Lane. Therefore, a sensitivity assessment has been undertaken which incorporates a right turn lane into the junction. The results show that with an additional right turn lane on the A596, the minor impact that the development would have would be comfortably mitigated and reduce queueing to a lower level than shown in the 2014 observed scenario. 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.

Analysis of reported accidents on the A596 has shown there is a cluster around the High St / Guard St (A596)/Park End Rd junction, roughly 2 per year. The development will create additional traffic through this junction. Therefore, the accident trends at this location need to be monitored as part of the Travel Plan process and any interventions be part of its Target/Penalty process.

An interim Travel Plan has been submitted in support of the application. This includes a list of potential measures that could be implemented to encourage people to choose alternative transport modes over single occupancy car use, and where possible reduce the need to travel at all. It also includes a management strategy for producing a final Travel Plan in the future.

Officers consider that the submission of a final travel plan can be secured by Condition together with a planning obligation through a S106 legal agreement for the administration.
fee of £1,320 per ‘Review’. The planning obligation will also need to incorporate the junction improvement works, and pedestrian / cycle linkages.

In addition, it is considered that additional highway Conditions will be required on any planning approval regarding the phasing of the development, drainage, management during the construction period, and parking.

Concerning the issue of sustainability, 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.

In addition, 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 requires appropriate cyclepath 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 residents and visitors to the site will be able to use the bus stops which are within approximately 230m from the centre of the site and access the existing bus services which run along Ashfield Road South. This will encourage the use of sustainable modes of transport.

The local highway authority is satisfied with the proposed access arrangements and junction layout and concurs with the content and findings of the TA. On this basis there are no objections to the proposed development subject to the inclusion of the conditions recommended relating to the submission of technical details.

Officers conclude that the proposed development would not have a significant adverse impact on the local highway network and the applicant has offered to implement a Travel Plan. An interim Travel Plan has been submitted in support of the application that includes measures to maximise the use of sustainable transport modes. On this basis the proposed development is considered compliant with the provisions of Policies S2, S5 and S22 of the Allerdale Local Plan (part 1).

**Landscape and visual impact**

It is acknowledged that the proposed development would alter the land cover within the site from greenfield land to a residential development, and therefore some landscape impact would be incurred as a result of the proposal. However, existing landscape features such as trees and hedges are proposed to be retained along the boundaries to the east and south. This will maintain a buffer of space between the new development and existing residential areas to the east and south (Chaucer Road area and Ellerbeck Close), and will maintain a degree of visual separation between new and existing development along these boundaries which are currently characterised by plantation trees and hedgerows. Where tree retention is not feasible on this boundary new planting
is proposed.

Trees are proposed to be removed from within the site and along the boundary with Ashfield Road South. However, it is proposed that the development would be set back from the main road frontage in order to allow for a strip of soft landscape. The development is also proposed to be set back from Eller Beck. The Design and Access Statement that was submitted in support of the application recommends that the development is set back 10m from the beck in mitigation for potential presence of protected species. There is an area of flood risk adjacent to the beck which would be covered by this set back area.

The indicative plan also indicates that within the site some spatial elements such as public open space could be included within the development area. However, this is not a fixed parameter as it would need to be defined by the detailed design at the ‘Reserved Matters’ stage. It is also likely that development would include a site-wide Sustainable Drainage System (SuDS) which may include some form of attenuation feature as water drains towards / into Eller Beck.

A Tree Survey has been submitted as part of the planning application to consider the environmental and amenity value of all trees on and adjacent to the site which could be affected by the scheme. The site is generally open and has been planted in the last 20-30 years with a mix of mainly native species trees along the majority of its boundaries. The largest and more mature trees of oak and ash are found along the boundary with Ellerbeck Close, outside of the planning application site. The majority of the trees that are subject to the Tree Survey report are semi mature with a few mature specimens located to the north of Ellerbeck Close. There are no Tree Preservation Orders on any of the trees on the site, nor is the land within a Conservation Area or an Area of Outstanding Natural Beauty (AONB).

As discussed above, several woodland areas within the site and along the north west, north east and south east boundaries are proposed to be removed. The Tree Survey report identifies that all of the trees which are to be removed are Category B and are deemed to be of ‘moderate quality’. The removal of these trees is required to enable access / improve visibility along the northern boundary, enable the scheme to relate well to the surrounding residential areas, and to ensure that it will be a viable development.

Policy DM17 states that the Council will normally resist proposals that involve the removal of existing trees, hedgerows and woodland, unless acceptable mitigation or compensation measures can be secured, for example by enabling replacement planting which maintains the character and local amenity of the area. With regards to the current application it is considered that the removal of the trees will have a nominal impact on views of the site from the south, will thin out the canopy along the northern boundary and will be mitigated by the addition of new open spaces. In addition, the proposed replacement planting will help to maintain the local amenity and the character of the area. This is in accordance with Policy DM17 which requires that wherever possible, existing trees and woodland that are considered important to the local community, contribute positively to the character of the area and/or are of nature conservation value will be protected. The trees that are to be removed make some contribution to the local character of the area, however, this is not considered to be significant. It is also
acknowledged that the trees to be removed are not of the highest quality, plus the site is not within the Conservation Area and there are no Tree Preservation Orders. It has been necessary to remove a number of trees in order to optimise the developable area and ensure that the development opportunity is maximised. Policy DM17 concludes that the removal of trees may be permitted where it can be demonstrated that the economic viability of the development is prejudiced and there are proposed wider benefits that outweigh the loss incurred. The removal of the semi mature, Category B trees is therefore considered to be acceptable in these circumstances and will be mitigated in the form of new planting. A number of mitigation measures are also proposed during the construction period to reduce the impact on the remaining trees, including the installation of protective barriers.

In summary, it is considered that the proposed wider benefits of the scheme outweigh the loss incurred and the loss of trees can be mitigated to ensure that the character, local amenity and nature conservation interest in the local area can be maintained. This is in accordance with Policy DM14 and DM17 of the Allerdale Local Plan.

Ecology

A Preliminary Ecological Appraisal has been submitted in support of the application. This confirms that an Extended Phase 1 Habitat Survey has been undertaken.

The Appraisal concludes that although a number of statutory and non-statutory designated sites are located within a 2km search radius of the land, the development works are unlikely to have a significant effect on these features. The survey did however identify that an ‘indirect impact’ could be had on the Harrington Reservoir Local Nature Reserve to the south west, if pollution prevention measures are not put in place along Eller Beck.

The desk studies and field surveys found no evidence to suggest the presence of badgers, breeding birds, red squirrels, hedgehogs, water voles, reptiles, amphibians or otters on the site. However, it was recognised that the site and surrounding area could offer a suitable habitat for these species and the development could have a potential indirect impact on either these species or the existing habitats. Furthermore, the hedgerow adjacent to the southern boundary is likely to support a diverse range of species. Therefore, these hedgerows should not be adversely impacted upon by the proposed development. The accompanying Tree Survey notes that this area offers the potential to replace any loss of habitat and could provide better structured woodland.

It is also considered that the woodlands surrounding and within the site could offer good value habitats for foraging and commuting bats and the site does also have the potential to offer breeding habitat for a number of bird species. A bat Survey has also been undertaken and concluded that moderate bat activity levels were recorded within the site. A Red Squirrel Report was also produced and indicated that there was at least an occasional presence of red squirrels in the area.

To mitigate against any potential impact on these species, development should aim to deliver an appropriate level of landscape planting.
**Geo-Environmental / Contamination**

Concerning contamination / land stability / and soil or water pollution, a Desk Study and Ground Investigation Assessment has been submitted as part of the planning application. The Assessment identified that there were no significant sources of soil contamination on the site and the potential risks from ground contamination were concluded to be very low.

The scheme has also been specifically designed around the three coal mining locations which were reviewed in the Phase 1 Desk Study Report and recorded by the Coal Authority. Due to the uncertainties associated with the location and number of the mine shafts, it is concluded that additional ground investigation works should be undertaken to locate these. In the meantime, it is recommended that an allowance for capping and grouting the three shafts should be incorporated within the latter phases of the development.

The Council’s Environment Protection team have considered the studies and no objections are raised to the principle of the development subject to pre commencement conditions.

Therefore, it’s considered that the development complies with Policies S2 and S30 of the Local Plan.

**Flood risk and drainage**

Policy S29 states that development should be avoided in locations that would be at risk of flooding or where it would increase the level of flooding elsewhere. It also states that developers should separate surface water from foul drainage to remove pressure on foul drainage system and that all new developments seek to incorporate Sustainable Drainage Systems (SuDS) in preference to discharge to local watercourses or the main sewer.

The built development area of the site is within Flood Zone 1 which is regarded as being at ‘low risk’ in terms of flooding from fluvial sources. However, the 10-20m strip of the site along the bank of Eller Beck where housing is not proposed to be located is within Flood Zone 3.

A Flood Risk Assessment has been submitted in support of the application. The Assessment concludes that there will be no significant risk of fluvial flooding for the residential development and SuDS drainage techniques will be incorporated within the application site.

United Utilities advise that conditions should be attached to any planning permission regarding surface water and foul water drainage. In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
The Environment Agency advise that a condition should be attached stating that no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been approved. The approved scheme shall confirm that there will be no SuDS/bundling or land raising within Flood Zones 2/3. The scheme shall also 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.

Officers consider that suitably worded conditions could be imposed to control the rates of surface water run-off from the site and ensure that the long term maintenance of any SUDS incorporated is secured. Collectively these would serve to abate the risk of surface water flooding. Therefore, officers are satisfied that the objectives of Policy S29 can be fulfilled.

In light of the above, it is considered that the proposal accords with the relevant national and local flooding policies, notably Policy S1 and Policy S29 of the Allerdale Local Plan.

Archaeology and Heritage

An Archaeological Desk Based Assessment has been submitted with the application. This concludes that there are no recorded designations or heritage assets within the site. It also notes that although several heritage assets were recorded within the wider study area, assuming that a 2 to 3 storey residential development is constructed on the site, this would cause no significant impact on these heritage assets, particularly as these are located approximately 1km from the site.

The archaeological desk based assessment indicates that there is some potential for currently undiscovered archaeological assets to survive on site that would be disturbed by the ground works of the proposed development. Therefore, a geophysical survey has been carried out. This survey has revealed some anomalies that might be archaeological in nature, and these features would be disturbed by the development. As such the Historic Environment Officer recommends Conditional approval of the application. The Condition shall specify that no development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

Following the imposition of this condition it is considered that the development will be in accordance with Policy S5 and S27 of the Local Plan as it will not result in a significant harmful effect on heritage and archaeological assets in the area.

Public open space and Local Equipped Area for Play

The Design and Access Statement includes a site layout presented in an indicative form. This represents the most likely form of development to be delivered, however it does not preclude an alternative scheme being brought forward at Reserved Matters stage. The
illustrative development plans indicate that the scheme could create approximately 2.5ha of formal and informal public open space, thereby enabling an attractive setting for the development and providing opportunities for casual recreation. The proposed public open space includes a green landscape corridor along the northern edge, an area of controlled green space through the site, as well as other formal and semi-natural spaces, including Local Equipped Area for Play (LEAP).

Officers consider that this level of provision is appropriate for the site and can be incorporated in a planning obligation on any planning approval.

Loss of informal open space.

Officers consider that the existing site constitutes a semi-natural open space and thus acknowledge that an element of harm would be inevitably be incurred as a result of its loss. However, this needs to be balanced against the fact that the site is not considered to be significant in landscape terms and this, together with the fact that the site is allocated for housing in the Allerdale Local Plan (1999). Furthermore, the newly adopted Local Plan (2014) states that the development of greenfield land will be necessary to meet identified the objectively assessed housing needs for the Allerdale Plan Area. This leads Officers to conclude that loss of the site as an open space resource does not constitute a sustainable ground for refusal. Furthermore, as discussed above, both Public Open Space and ‘Local Equipped Area for Play’ are proposed as part of the development scheme and this can be incorporated in a planning obligation on any planning approval.

Officers conclude that the proposed development would not have a significant adverse impact on existing open space in the town – in terms of capacity, usability and amenity – therefore is compliant with the provisions of Policies S2 and S5 of the Allerdale Local Plan (Part 1).

Provision of affordable housing

Policy S8 of the Allerdale Local Plan (Part 1) seeks to maximise the delivery of affordable housing across the Plan Area. It requires sites over 10 dwellings (or 0.3 hectares) to deliver 20% affordable housing within Workington. It also states that it shall be provided on site, apart from in exceptional circumstances.

Policy S8 also states that the Council will require the provision of affordable housing to be in clusters throughout the development so as to be indistinguishable from open market dwellings. The Council will normally seek a tenure split of 75% social rented and 25% intermediate affordable units, but will take into consideration the identified local need and site specifics, including viability.

The Council recognise that in some cases viability of housing sites can be marginal and therefore a flexible approach is required. Where the viability of schemes fall short of the policy requirements, the onus will be on the developer/landowner to clearly demonstrate the circumstances justifying a lower affordable housing contribution or a different tenure.
The applicant has confirmed that 20% affordable housing will be provided on the site in accordance with Policy S8.

The applicant has agreed to enter into a Section 106 Agreement regarding this provision. The type of affordable housing to be provided on site would be established at the detailed design (reserved matters) stage and be agreed formally prior to the commencement of development.

Officers are satisfied that the requirements of Policy S8 have been fulfilled.

**Impact on school capacity**

Cumbria County Council (CCC) is the local education authority and in this function it has considered the proposed development in the context of its impact on school capacity. CCC has estimated that the proposed development would yield 54 primary aged children and 38 secondary aged children.

CCC advise that when considering the effects of development there will be a requirement to consider both baseline number on roll projections, combined with the effects of forthcoming development proposals.

When considering the capacity of local schools to accommodate the effects of this development CCC have taken into consideration the impact of four developments with planning approval. These are:

- 2/08/0879 – 651 units (Corus) – 131 primary aged children, 94 secondary aged children.
- 2/10/1054 – 94 units (Curwen Road) – 19 primary aged children, 14 secondary aged children.
- 2/12/0252 – 22 units (Moor Rd, Stainburn) – 4 primary aged children, 3 secondary aged children.
- 2/12/0311 – 150 units (Moor Rd, Stainburn) – 33 primary aged children, 22 secondary aged children.

It is accepted, however, that 10 units of application 2/12/0252 (Moor Rd, Stainburn) are occupied. Plus 28 units of application 2/12/0311 (Moor Rd, Stainburn) are occupied. Therefore, 38 units have been occupied equating to 8 primary school pupils.

Therefore, With regards to primary education, when the effects of other developments are factored in, there is a shortfall of 13 infant places as a direct result of this development.

To mitigate the effects of 13 pupils the contribution would be worked out as follows:

13 pupils x DfE multiplier of £12,051 = £156,663 contribution (Primary)
With regards to secondary education, three further developments with planning approval have been taken into consideration. These are:

- 2/13/0183 – 75 units (‘Reserved Matters’ Main Rd, High Harrington) – 11 secondary aged children

It is accepted, however, that 41 units of application 2/13/0183 (Main Rd, High Harrington) are occupied. Plus, 1 unit of application 2/2013/0445 (Bellaport Gdns) is occupied. Therefore, 80 dwellings are occupied equating to 12 secondary school pupils.

Therefore, when the effects of other developments are factored in, there is a shortfall of 16 secondary places as a direct result of this development.

To mitigate the effects of 16 pupils the contribution would be worked out as follows:

16 pupils x DfE multiplier of £18,188 = £291,008 contribution (Secondary)

The secondary contribution would be used to provide additional school places at Stainburn Academy. The new academy is being built by the Education Funding Agency (EFA). The EFA will only build a school based on existing children and do not include potential children from housing developments in their calculations. The additional places are to be provided through developer contributions.

The new academy will be for 1,200 pupils. 1,050 of these pupils at year 7 – 11, and 150 will be 6th form pupils. As set out in CCC Planning Obligation Policy the calculation for secondary only considers the Year 7-11 year groups i.e. 5 years. The location of the new Workington Academy has just been decided by the EFA and will be at Stainburn site (1.2 miles away from the development). St Joseph’s Catholic School (secondary) will still be retained in addition to the new academy.

CCC consider the contribution requests to align with the tests set out within the National Planning Policy Framework and Regulation 122 of the CIL Regulations, with the mitigation being directly related to the proposed development.

With respect to the receipt of payment, CCC is willing to accept payment of the required contribution prior to the occupation of the 190th dwelling.

With respect to the use of the contributions received. That concerning secondary school places will be used to provide additional capacity at Stainburn Academy. The design of the school will facilitate a modest extension. In terms of primary school, the contribution is proposed to be used to provide additional places at the sites of Westfield Primary
School or St Gregory’s Primary School. These schools are close to the development site and additional capacity delivered via the S106 would mitigate the effects of this development. The capacity of these schools was considered within the assessment of available school places when this application underwent consideration by CCC.

The applicant has accepted the need for this contribution, which totals £447,671, and has agreed to its inclusion within the Section 106 legal agreement. Therefore, officers are satisfied that the proposed development is policy compliant and would not have an adverse impact on school capacity.

**Adult Social Care**

Cumbria County Council have advised in their consultation response that they are seeking an adult social care contribution of £41,137. This is based on the fact that of the 290 units proposed 170 units do not incorporate design mitigations, i.e., 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 that 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.

**Local Financial Considerations**

Having regard to S70 (2) of the Town and Country Planning Act the following local
finance considerations are relevant to the consideration of the application.

There will be benefits arising from the scheme through the New Homes Bonus scheme which is a material planning consideration. There will also be a financial contribution to education provision within Workington.

**Conclusion / Recommendation**

The proposal constitutes a sustainable form of development that would incur limited landscape, highways and infrastructure impacts whilst making a significant contribution to housing needs, including affordable housing. On this basis, the application is recommended for approval, subject to conditions and the completion of a Section 106 legal agreement.
Annex 1

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. TPMA1159-100 .
   Newlands 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 Plan (Part 1), Adopted July 2014.
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 dependant upon the results of the evaluation;
   3. Where significant archaeological remains are revealed by the programme of archaeological work, a post-exavcation 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 (Part 1), Adopted July 2014.

27. Should land 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 National Planning Policy Framework and Policy S30 of the Allerdale Local Plan (Part 1), Adopted July 2014.

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
shall be submitted to and agreed in writing the 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.

Notes to Applicant:

Public footpath 262016 follows an alignment along the southern boundary of the proposed development site and must not be altered or obstructed during or after the development has been completed.
Allerdale Borough Council
Planning Application 2/2015/0466

Proposed Development: Application for proposed detached dwelling

Location: Land Adjacent To Westnewton Hall Westnewton Aspatria

Recommendation: REFUSE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle of Development</td>
<td>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 needs to be met.</td>
</tr>
<tr>
<td>The Character of the Conservation Area</td>
<td>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.</td>
</tr>
<tr>
<td>The Setting of Westnewton Hall</td>
<td>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.</td>
</tr>
<tr>
<td>Design</td>
<td>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.</td>
</tr>
<tr>
<td>Amenity</td>
<td>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.</td>
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</tbody>
</table>

Proposal

The applicant seeks consent for the erection of a two storey detached dwelling. The dwelling will comprise of a kitchen, dining room, lounge, playroom, utility and garage at ground floor, with 5 bedrooms (2 en-suite, 1 with dressing room) and a bathroom at first floor level.

The footprint of the dwelling is approximately 134 square metres, resulting in an overall usable floor space of 258 square metres. The building will measure approximately 15.85m in length x 10.5m at its widest point x 7.8m to ridge, 4.7m to eaves. The roof height over the garage is 6.58m to ridge, eaves height 3.25m
The dwelling has not been applied for in connection with any farming business.

Site

Westnewton, set in a gently rolling countryside, is laid out in linear form along a main street and stream that runs through the village. The varied properties along the street are set out informally, but generally face the street, and a spacious feeling is created by generous grass verges alongside the street and stream. The farms in the village are interspersed along the main street with other properties, including farm-workers cottages and more modern houses and bungalows.

The application site lies in the centre of the village of Westnewton and forms part of Westnewton Conservation Area. The proposed dwelling is to be sited in a field to the rear of two existing bungalows, with Westnewton Hall which is a Grade II listed building and agricultural buildings to the west, residential dwellings to the east and to the north open agricultural land.

Relevant Policies

National Planning Policy Framework
Building a strong, competitive economy
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment
Requiring good design

Allerdale Local Plan (Part 1), Adopted July 2014
Policy S1 - Presumption in favour of sustainable development
Policy S2 - Sustainable development principles
Policy S3 - Spatial Strategy and Growth
Policy S4 - Design principles
Policy S5 - Development Principles
Policy S27 - Heritage Assets
Policy S29 - Flood Risk and Surface Water Drainage
Policy S32 - Safeguarding amenity
Policy DM14 - Standards of Good Design

Representations

Call In – Councillor Lister wishes the design of the dwelling and its location to the Listed Building to be considered by members.

Westnewton Parish Council – No objections.

Cumbria Highways – No objections. Should the applicant seek to serve further
dwellings from this access in the future then improvements will need to be made to it’s width, construction and access arrangements.

**Environment Agency** – Flood Risk Standing Advise should be applied.

**Environmental Health** – Operational farm buildings are located within 25m of the proposed development. A buffer zone of 36m is recommended as the minimum distance to protect amenity of the residential development, and as such Environmental Health is not in a position to support this application.

**Fire Officer** – No reply to date.

The application has been advertised on site and in the local press. Adjoining owners have been notified.

No representations have been received to date.

**Main Issues:**

**Principle of development**

The policy framework for the supply of housing within the plan area is set out in Policy S3 - Spatial Strategy. Westnewton, along with a number of other villages, is identified as an Infill/Rounding Off Village in tier 5 of the hierarchy. Tier 5 villages together with those in tier 4 are expected, in accordance with Policy S3, to accommodate sites for 6% of the new dwellings required in the period up to 2029.

The historic development pattern of Westnewton has created an apparently ad-hoc layout with, in most parts, no obvious building line. This layout has derived mainly from the many farms that made up the village and the piecemeal development of the farm buildings around. As such, officers consider the development of the site would constitute an infill development and would not object to the principal of building a single dwelling on the site.

**The Character of the Conservation Area**

The Westnewton Conservation Area Appraisal (adopted in 2009) identifies with other aspects the following as positive characteristics of the village:

- Its distinctly agricultural character derived from the predominance of farm buildings and farm workers cottages.
- Its close containment with, and containment within, the cultivated fields of the valley sides.
- The combination of dwellings with gardens, paddocks and farmyards, resulting in a generously spaced and informal arrangement of buildings.
- A high proportion of traditional buildings retaining their original characteristics of simple rectangular forms.
- A sense of enclosure, physical self-containment and rural tranquillity.
The Conservation Officer considers that an important attribute and constituent of many of the above characteristics, is the fact that in front, between and behind many of the buildings are green spaces, and green fields. The fields that surround and enclose the village provide a backdrop to the village and provide the visual evidence of its agricultural and valley setting. The Conservation Officer considers, it is the variety of green spaces that provides much of the agricultural character and sense of containment, spaciousness and rural tranquillity identified as positive features in the character appraisal.

The Conservation Officer is concerned that the location of a house on the proposed site would lead to a loss of part of this visible green backdrop to the village, which will dilute the agricultural character and the sense of spaciousness of the village, as well as diluting the (currently large) proportion of high quality buildings of traditional architecture.

Planning Officers however, feel that the proposal would not result in a significant loss of visible green to the village. The grassed area to the east of the bungalows would remain with views along this stretch of the proposed site and the access lane between the existing bungalow Alberta and Westnewton Hall which will both look past the dwellings to the open fields retaining the green backdrop of the village.

Planning officers therefore consider the development of this site will not result in an unacceptable impact on the Character of the Conservation Area.

The Setting of Westnewton Hall

Westnewton Hall is a large, classically proportioned, symmetrical house with simple but delicate detailing. In officers opinion the setting of the Hall is a part of its historic significance. It is considered that its setting derives from two main aspects. The first is its central location within the village and the fact that it is set back from the road with a large front garden, with well detailed and delicate ashlar walls, gate piers and gate to the front. This shows that the House was owned by wealthy people who, presumably, had considerable status and importance in Westnewton. The second aspect, is its agricultural setting, derived from its adjoining barn to the west and the visible farmland to the east.

To some extent, its prominence has been compromised by the bungalows to its east. However, these are single storey and on land which is of approximately the same height, and therefore do not significantly visually compete with the Hall and agricultural land is still visible behind them, so the conservation and planning officers do not feel that the bungalows notably damage the agricultural setting of the Hall. However, officers consider that 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.

In addition to the loss of this agricultural element of the building’s setting, it is considered that the proposed design of the house, which has none of the simple or delicate architectural characteristics of Westnewton Hall, would detract from and further compromise the building’s setting, as it would be seen alongside the listed building in most views of it.

Allerdale Local Plan Policy S27 states that the impact of a proposal on the significance (including setting) of a heritage asset (in this case the listed building), will be taken into
account and that only proposals which do not harm any positive qualities of the heritage asset will be approved unless there is clear and convincing public benefit to the proposal that will outweigh that benefit. Officers are not aware of any wider public benefit of this proposal.

The proposal is also contrary to Allerdale Local Plan Policy S4 as it does not respond positively to the character, history and distinctiveness of its location, or enhance protect and integrate effectively with the listed building. It is also contrary to Policy S5 as it will, in officer’s opinion, give rise to significant harmful effects on this heritage asset.

Design

The proposed dwelling would be constructed in reclaimed sandstone and K render under a reclaimed slate roof with a stone ridge and the windows are to be sliding sash hardwood with timber doors.

The proposed design is of traditional materials, but the Conservation Officer and Planning Officers do not consider that its form or its details will either maintain or enhance the character of the Conservation Area. The form is much more complex than is typical of the village and the window proportions are neither traditional nor contemporary (but appear to be a part imitation of traditional sliding sash windows, but paired to create much more horizontal openings, without the classical proportions or delicate detailing). The gable projection, the asymmetrical design, the variety of roof heights, the broken eaves, the door case and door design are all reminiscent of houses seen on a modern (or at least C20) housing estates, rather than on a single site in a historic rural village. As such it would, in officer’s opinion, dilute the special character of the Village and Conservation Area.

Officers do not consider the proposal meets with the following criteria of policy S4 ‘Design Principles’, and S5 ‘Development Principles’ of the Allerdale Local Plan:

- Be visually attractive, of appropriate scale and appearance;
- Respond positively to the character, history and distinctiveness of its location and integrate well with existing development
- Enhance, protect and integrate effectively with the historic and natural environment.
- Be of a design which will not detract from the character of the settlement
- Protect, maintain and enhance the local distinctiveness, character and landscape and historic setting of the settlement

Amenity

The proposed two storey dwelling will be sited to the rear of two existing bungalows. A separation distance of 31m has been achieved between the proposed property and the existing bungalows. The applicant is also proposing new screening be planted along the south boundary dividing the site from the bungalows.

Officers consider an appropriate separation distance from existing properties to the east and south has been achieved with acceptable screening proposed to protect the amenity of the existing bungalows.
Operational farm buildings are located 20m to the west of the proposed development lying to the rear of Westnewton Hall. These buildings can be used to house livestock.

Environmental Health Officers recommend a minimum separation distance of 36m from new residential dwellings to existing livestock buildings to protect the amenity of the proposed residential development. As this has not been achieved for this proposal Environmental Health Officers are not in a position to support the application. The proposal is considered contrary to Policy S4, S32 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Access and Parking

Access to the site will be gained from the highway along an existing access lane between Westnewton Hall and Alberta. Existing gate stoops into the site itself will be utilised with a drive to the front of the house constructed leading to the garage. The site will allow for adequate parking for the property and in-site turning area.

The Highways Authority have raised no objections to the proposal from a highway point of view and require no works to be carried out to the access lane.

Flooding

The levels of the land gradually slope upwards from south to east, resulting in different parts of the site falling with Flood Zone 1, 2 and 3. The siting of the dwelling itself and the land to the rear all fall within Flood Zone 1 the lowest risk of flooding. The front garden and access lane fall mostly within Flood Zone 3.

The Environment Agency have made no comments on the application and refer to their standing advice. Given the fact that the siting of the dwelling is within Flood Zone 1 officers have determined that there is not a requirement for this development to carry out a sequential test or exemption test. The access to the site however lies over land identified as been in Flood Zone 3. If the application was approved a condition could be attached requiring the applicant to provide an alternative evacuation plan from the site.

Officers are satisfied that the proposal is acceptable in terms of flooding.

Other Issues:

Drainage

The foul drainage from the dwelling will be via the mains sewer with surface water discharged via soakaways. Officers consider the drainage proposal to be acceptable and a condition could attached require full details of the surface water design to be provided.

Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act 1990 (as amended) the proposal could attract ‘New Homes Bonus’ and whilst this is a material planning consideration it is considered not to outweigh the conflict with planning policy.
Conclusion

Whilst officers do not object outright to the principle of a dwelling on this site, it is considered the proposal as a result of its siting and design, would detract from and further compromise the listed buildings setting, as it would be seen alongside the Grade II Listed building Westnewton Hall in most views of it. The proposal also fails to enhance, protect or integrate effectively with the listed heritage asset.

The wider character of the village needs to be considered, with the site lying within Westnewton Conservation Area. Whilst the design is of traditional materials, its form and detailing neither maintain or enhance the character of the conservation area with the design reminiscent of houses seen on a modern (or at least C20) housing estates, rather than on a single site in a historic rural village.

The location of the proposed dwelling in close proximity to existing agricultural buildings to the west is considered would adversely affect the amenity of the proposed dwelling by way of noise and odour nuisance and it has not been demonstrated by the applicant that this would not be the case.

The proposal is considered contrary to the National Planning Policy Framework Chapters 7 and 11 and Policies S4, S5, S27 and S32 of the Allerdale Local Plan (Part 1), Adopted 2014 for the reasons detailed in the report.
Annex 1

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.
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Allerdale Borough Council
Planning Application 2/2015/0573

Proposed Development: Erection of agricultural shed
Location: Adjacent to Oak Field Crookdake Aspatria Wigton

Recommendation: REFUSE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Siting</td>
<td>The proposal is an isolated structure in the open countryside, poorly related to the existing structures on the farm.</td>
</tr>
<tr>
<td>Landscape Setting</td>
<td>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.</td>
</tr>
<tr>
<td>Highways</td>
<td>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.</td>
</tr>
<tr>
<td>Scale/Design</td>
<td>The proposal is of a standard agricultural scale and design.</td>
</tr>
<tr>
<td>Amenity</td>
<td>The proposal would not have any adverse impact on residential amenity.</td>
</tr>
</tbody>
</table>

Site

The development site is situated in the open countryside, to the north west of Fletchertown.

The site is agricultural land, bounded to the west by an agricultural workers dwelling approved under 2/2008/0514, to the south by the highway linking Watchill to the A596 and agricultural land to all other sides.

Proposal

The proposal involves the erection of a livestock building with a footprint of 13m x 7.6m, maximum height to eaves of 3m and total height of 4.05m. The building would be finished
with tin clad walls above concrete panels and slate blue box profile sheeting to the roof incorporating 6 roof lights. The building would be open fronted to the north.

The site has been subject to three previous applications under 2/2014/0259, 2/2014/0478 and 2/2015/0054, all of which related to the erection of a general purpose agricultural building of similar proportions and siting. These former applications were refused as the proposals were considered to form an isolated and visually obtrusive form of development, poorly related to other buildings at the adjacent farmstead, which would detract from the character and appearance of the area.

 Relevant Policies

National Planning Policy Framework
Paragraph 7
Paragraph 17
Chapter 3 - Supporting a prosperous rural economy

Allerdale Local Plan (Part 1) July 2014
Policy DM6 - Equestrian and agricultural buildings
Policy S14 - Rural economy

 Relevant Planning History

2/2014/0259 – Erection of a livestock building at Croft House, Crookdake, Aspatria – Refused 05/06/14


2/2015/0054 – Erection of agricultural shed at Croft House, Crookdake, Aspatria – Refused 01/04/15

 Representations

Parish Council – No objections

Highways – No response to date

Environmental Health – No response to date

The application has been advertised on site. No resulting representations have been received to date.

 Assessment

Siting

The application has been submitted as an application relating to Oak Field, an
agricultural workers dwelling to an adjacent farmstead at Croft House, located to the north west of the site. The applicant submits that the building is to be sited on land falling adjacent to an agricultural workers dwelling, separated from the farmhouse at Croft House and the surrounding farm buildings. The agent submits that the applicant is the tenant and occupier of Croft House and is prohibited from constructing new buildings on this land. The development site has been chosen as the applicant is the owner of this land. The building would be used for general agriculture including general purpose storage and livestock housing during calving/lambing. It is not indicated why the existing buildings at Croft House are insufficient.

The National Planning Policy Framework sets out in its agenda to achieve sustainable development, a desire for the planning system to plan an environmental role in protecting and enhancing the natural, built and historic environment (paragraph 7). The core planning principles contained within paragraph 17 of the NPPF identifies the importance of protecting the character and beauty of the countryside.

Policy DM6 of the Allerdale Local (Part 1) specifies that agricultural development will only be permitted where development is ‘closely related to existing farm buildings or other groups of buildings….’ Policy S14 of the Allerdale Local Plan (Part 1) supports ‘proposals for appropriately designed and related agricultural development and buildings’.

The siting of the proposed building remains unchanged from that proposed in the previous applications. The siting would result in an isolated agricultural building, being surrounded by open countryside, separated from the existing farming activities and structures located at Croft House, approx 100m to the north west.

The proposed building would not be sited adjacent to an existing range of agricultural buildings. Despite the applicant’s submission that they are prohibited from erecting new sheds at this farmstead, it remains that the existing farm buildings and practices are located at Croft House and there are no existing farm buildings within the immediate vicinity of the application site. There are no details to suggest that the existing buildings at Croft House are unsuitable or to indicate why the additional building is required.

The siting of the proposed building is therefore considered to be contrary to current policy guidelines.

Landscape Setting

The building is proposed to be sited directly adjacent to the highway. The buildings position would mean it would be visible above the separating field hedge.

The applicant proposes landscaping measures to screen the building to include sinking the south western corner of the building into the ground by approximately 0.6m, erection of a bund topped with a hedge to the north of the building and additional trees to be planted between the hedge and the field. The height of the hedge adjacent to the highway is to be cut back to 1m high, 12m to each side of the access.

Policy DM6 of the Allerdale Local Plan (Part 1) 2013 stipulates that agricultural buildings should be ‘closely related to existing farm buildings or other groups of buildings, and where this is not possible, development …. (should be) designed and sited to minimise
impact on the landscape setting’.

Taking aside the siting issues referred to above, the applicant has incorporated measures into the proposal to try to alleviate the visual prominence concerns that the building would create in this landscape, raised under the previous applications (2/2014/0259, 2/2014/0478 and 2/2015/0054). Whilst these measures would go some way to alleviating landscaping concerns, it remains that as a stand-alone agricultural building (visible in particular on approach from the north over the 1m hedge), the structure and any associated screen would draw the eye when travelling along this stretch of highway so as to have a detrimental visual impact upon this area of open countryside.

Highways

An existing field access is in situ to the north east of the site. The applicant proposes to use this existing access for the proposal.

Under previous applications, the Highways Department raised an objection to the proposal on the basis that the applicant's plans to recess the field gate would not provide enough space for a vehicle to pull off the highway and that should the hedge exceed 1m in height it would obstruct visibility.

The applicant has since amended the proposal to incorporate a 4.5m recess between the highway and the gateway and proposes to reduce the hedge to 1m in height for 12m either side of the access point. No comments have been received from the Highways Department in relation to the current application, however, this amended element of the proposal met with no objections from the Highways Department when considered as part of the previous application.

Whilst these measures tackle the concerns of the Highways Department, they would in turn impact upon the prominence of the building and ‘undo’ the screening proposed by the applicant. Thus the building would appear as an isolated and prominent structure in the open countryside which could be readily viewed from the main highway. Likewise, the proposed splayed access would be at odds with the surrounding landscape character so as to have a detrimental impact upon this area of open countryside.

The proposed access arrangements are considered to impact upon the visual prominence of the building which in turn would detract from the character and appearance of the area.

Scale/Design

The proposed building is of a scale and design commensurate with other agricultural buildings in the area. It is also considered to be suitable for the proposed use.

The scale and design of the proposal are therefore considered to be in compliance with current policy guidelines and would be considered acceptable if the building were to be located in a more acceptable location.

Amenity
The adjacent dwelling is an agricultural workers dwelling, associated with the farmstead. The nature of the agricultural tie would mean this building is not categorised as sensitive or protected in relation to farm buildings. No objections have been raised by the Environmental Health Department.

The proposal's impact upon the residential amenity of the area is considered to be in compliance with current policy guidelines.

**Local Financial Considerations**

Having regard to S70 (2) of the Town and Country Planning Act the proposal would not result in any local financial benefits.

**Conclusion**

It is considered that the limited justification provided for the building at the site does not demonstrate an essential need for an agricultural building in a location that is isolated from existing agricultural structures and in a prominent visual location. It is therefore considered that the proposal would constitute non-essential development in the open countryside contrary to well established planning policy principles.

The proposed building is considered unacceptable in terms of its siting in isolation and harmful visual impact upon the open countryside.

The proposal is therefore considered to be contrary to Chapter 3 of the NPPF, paragraphs 7 and 17 of the NPPF, Policies S14 and DM6 of the Allerdale Local Plan (Part 1).

The application is recommended for refusal.
Annex 1

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.
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Allerdale Borough Council
Planning Application 2/2015/0493

Proposed Development: Proposed first floor extension

Location: 12 Thirlmere Avenue
           Cockermouth

Recommendation: APPROVE

Summary/Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scale and Design</td>
<td>The proposal has been amended to reduce the ridge height of the extension. The scale and design are appropriate for the site.</td>
</tr>
<tr>
<td>Amenity</td>
<td>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.</td>
</tr>
<tr>
<td>Highways</td>
<td>Highways conditions remain unchanged.</td>
</tr>
</tbody>
</table>

Site

The application site comprises a two storey semi-detached dwelling of painted render finish, under a slate roof, situated within a residential area of Cockermouth. The existing property has a nearly full width ground floor extension to the rear. The site lies on sloping ground running down towards the eastern rear garden boundary. Off street parking is provided by means of a detached garage located to the rear of the back garden with a driveway running alongside the dwelling.

Proposal

The proposal involves the erection of a first floor extension to provide additional accommodation. The first floor extension would be situated to the rear of the dwelling, on the footprint of the single storey rear extension.

A previous application at the site (2/2014/0791) was refused in part as the proposed first floor extension was considered poorly related to the existing dwelling due to the raised ridge above the ridge line of the existing dwelling. It was also determined that the proposal would have an overbearing impact on the neighbouring dwelling which would give rise to overshadowing and loss of light to this adjoining dwelling.

A second application (2/2015/0150) amended the proposal by reducing the ridge line of the proposed extension so that it sat lower than the ridge line of the existing dwelling. All
other aspects of the proposal remained unchanged in that the first floor extension would be sited on the footprint of the existing single storey rear extension, set in 200mm from the shared side boundary with the adjoining property at 14 Thirlmere Avenue. The extension would project 3.375m from the rear elevation of the dwelling, have a width of 6.6m, eaves height to match that of the existing dwelling and overall height of 6.55m. The extension would be finished with wet dash painted white walls, welsh grey roof slates and white PVC windows. Although the issue relating to the ridge line of the proposed extension was resolved in this application, the issue relating to the impact upon the neighbouring dwelling was not been addressed within the proposal therefore, this reason for refusal was still applied to the application.

The current proposal is a replica of that submitted under 2/2015/0150.

**Relevant Policies**

National Planning Policy Framework  
Chapter 7 - Requiring good design

Allerdale Local Plan (Part 1) July 2014  
Policy DM15 - Extensions and alterations to existing buildings and properties  
Policy S32 - Safeguarding amenity  
Policy S4 - Design principles

**Relevant Planning History**

2/2014/0791 – Proposed first floor extension at 12 Thirlmere Avenue, Cockermouth – Refused 8/12/14

2/2015/0150 – Proposed first floor extension to provide additional accommodation and alterations to roof pitch at 12 Thirlmere Avenue, Cockermouth – Refused 6/05/15

**Representations**

Town Council – No objections

Highways – No objections

The application has been advertised on site and neighbouring properties have been notified. No resulting representations have been received to date.

**Assessment**

**Scale and Design**

There is adequate space within the plot to accommodate an extension of this scale given that the first floor extension would be sited on the footprint of the existing ground floor extension. The extension has been designed with materials and form matching that of the existing dwelling.
Amenity

The previous applications were refused on the grounds that the first floor extension would be situated directly adjacent to the shared boundary with 14 Thirlmere Avenue and would therefore have an adverse impact on the amenity of these occupiers due to its height and massing. No alterations have been made to the proposal to alleviate these concerns.

In the absence of any amendments to the former plans, Officers consider that the proposal is of such a height and massing in close proximity with the neighbouring dwelling that, if allowed, the proposal would result in an increased sense of enclosure as a result of overbearing development and a loss of sunlight/daylight as a result of overshadowing to the neighbouring dwelling at 14 Thirlmere Avenue. This is particularly relevant to those ground and first floor windows closest to the boundary and serving the living accommodation available within the neighbouring dwelling, where the impact of this loss of amenity would be greater.

Policies S32 and DM15 of the Allerdale Local Plan (Part 1) July 2014 indicate proposals will not be supported where they would have an unacceptable effect on residential amenity and where a proposal would result in harm to the amenity of occupants of neighbouring or adjacent properties. As the proposal has not been amended to alleviate concerns relating to the loss of neighbouring amenity, the proposal is still considered to be contrary to current planning policy in terms of safeguarding amenity.

Highways

The proposal would not affect existing highways conditions. No objections have been received from the Highways Department.

Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act the proposal would not result in any local financial benefits.

Conclusion

The proposal is the third application at the site. The previous applications were refused on the grounds that the proposed ridge line would project above the existing ridge line to the visual detriment of the area and street scene (2/2014/0791), and also due to the loss of residential amenity to the neighbouring dwelling at 14 Thirlmere Avenue (2/2014/0791) and (2/2015/0150).

The current proposal has been amended to reduce the ridge line and thus concerns relating to the visual impact of the development from the highway. The issues relating to the loss of amenity to the neighbouring dwelling have not been tackled and thus remain.

The proposal is considered contrary to Chapter 7 and Paragraph 17 of the National planning Policy Framework and Policies S4, S32 and DM15 of the Allerdale Local Plan (Part 1) July 2014. The application is recommended for refusal.
Annex 1

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.