Reference No: 02/2006/9033
Received: 09/03/2007
Proposed Development: Extensions to quarry and re-location of fixed plant (from New Cowper processing plant)
Location: Overby Quarry
Aikshaw
Aspatria
Applicant: Thomas Armstrong (Holdings) Ltd
Constraints: Regionally Important Geological Sites 2/05
Allerdale Flood Zone 1
1460, Overby Quarry, A/NY14/6
Policies: The application site is located in an open area of countryside.
The relevant planning policies relate to both Strategic and Local Plan Policies.

The Cumbria Minerals and Waste Local Plan 1996-2006 includes the following policies:-

The site concerned is located within a designated area of search for sand and gravel under which Policy 30 states that proposals for the extraction of sand and gravel from the search area will be permitted subject to there being a demonstrable need. Consent for works outside the search area will not be supported unless significant benefits would occur to the local communities or the environment.

Policy 29 of the Minerals Plan aims to grant sufficient permission for a landbank of permitted reserves for at least seven years extraction and Policy 28 aims for an annual average rate of 1.05 million tonnes of sand and gravel.

Policy 27 states that proposals for the extraction of minerals (accompanied by an Environmental Impact Assessment) will need to take into account:-

i) national, regional and local need;
ii) the location, amount, quality and type of existing permitted reserves and the rate to which they are being worked;
iii) the availability of less damaging alternative sites or sources of supply.

Policy 1 specifically relates to road traffic generation highlighting the necessity of roads, junctions and site access of an appropriate standard to accommodate the type and volume of traffic of the proposal without detriment to highway
Policy 7 stipulates that minerals waste development will only be permitted where any visual impact can be reduced to an acceptable level in its siting, phasing and restoration details. The County Council has also prepared a core strategy of preferred options towards a Cumbria Minerals and Waste Development Framework (CMWDF) which would act as their future development plan to the year 2018.

The core strategy policies are presently at a consultation stage but include the following Policies:

CS01 – promoting sustainable minerals and waste management development.

CSM1 – aims for the plan to meet the Regional Spatial Strategies apportionment of crushed rock and sand and gravel production.

Policy CSM3 – seeks to provide a landbank of permitted reserves equivalent to seven years production at the Regional Spatial Strategy Cumbrian apportionment of 700,000 tonnes/year. The landbank will be refined to relate to local supply pottery and the need to minimise “mineral rules”. However, unlike the existing Local Plan, the alternative strategies of the preferred options for CMWDF propose no specific areas of search.

In an accompanying document outlining the proposed ‘Generic Development Council Preferred Option’ Policy DCE 1 states new mineral developments should be encouraged where they are well related to the strategic route network with proposals only being permitted where they do not have unacceptable impacts on highway safety and where an appropriate standard of access can be provided.

Policy DCE 5 seeks development to be compatible with the distinctive features of Cumbrian landscape.

Policy DCE 11 outlines the criteria for restriction of sites.

Allerdale have lodged no objections to these new policies including the County Council’s preferred option of not including any specific area of search in the Local Development Framework.

**Representations:**

The applicant has submitted two separate planning applications relating to their existing quarry site at Overby.

The applicant seeks consent (02/2006/9033) for the
extension of the quarry and also the relocation of fixed plant from their existing nearby plant at New Cowper.

As a result of the proposal the applicant also seeks consent under (02/2006/9035) to vary the planning conditions of the planning consent for the existing quarry (02/1995/9007) for variations to revise its restoration programme (i.e. the revised restoration conditions on the quarry extension proposal would supersede the existing quarry condition).

The applicant has submitted a supporting Environmental Impact Assessment Statement in support of the application.

The Statement outlines that historically the sand extracted from Overby has been processed at the existing plant at the other nearby sand quarry at New Cowper (washing, drying, bagging and packing of sand). The processing operation also serves the quarries at both the New Cowper quarry itself, plus another existing sand quarry at Bulgill, but due to their limited reserves it is expected all three quarries will finish during the course of 2007.

The Statement advises the proposal is within the local policies identified area of search as suitable for sand and gravel extraction. The existing washing and drying facilities at New Cowper would cease and the bagging and packing operation relocate to Overby.

The quarry’s extension is two fold with a 6 ha extension to the south west and a larger 14 ha extension to the north east.

This would provide additional sand resources of 4.5 million tonnes over an 18 year period (i.e. approximately 250,000 tonnes per annum).

A new access would be constructed to the south of the quarry via the disused Aikshaw Quarry to serve the locations south of the quarry with the existing access (directly onto the B-classified highway) would be used by traffic from the north of the quarry.

In addition, the quarry accepts a modest volume of inert wastes to assist restoration (totalling 80,000 cubic metres over the duration of the site).

The applicant advises that the proposed supply sand to the Cumbrian market and their concrete plants at Silloth and Workington. The company employs around 900 people of which 117 are within the aggregates division.
The Statement advises the extension will provide a further 18 years of reserves and is considered essential in securing provision of reserves for the processing plant and concrete plants at Silloth/Workington plus existing customers.

The applicant contests that the national and local policies seek to ensure an adequate flow of materials for built development in the Cumbria market both for the applicant and other businesses in this area. (There are two suppliers supplying concrete sand from the Aldoth area, with both companies seeking extensions to their existing quarries which would secure supplies of sand and gravel for the regeneration of West Cumbria.)

The option of relocating the processing plant to an industrial area was rejected on economic and sustainability grounds (increased transport milage).

The other option of creating a new processing plant site would have noise and visual implications.

The development would be undertaken in a phased manner to enable the progressive restoration of the site.

The new processing plant would comprise a building of 12.5m width x 30m length and 8m in height to house hoppers and packing equipment. The washing aspect of the process is no longer needed as the sand in the quarry is clean.

The new southern access cutting would be constructed in the first phase and upon completion of the quarry operations would upon completion be filled and restored to its previous levels. The floor of the quarry would be restored to agriculture with the quarry sides to provide for local wildlife.

In assessing the Environmental Impact effects the summary advises the proposal will not affect groundwater levels and a lining will be provided to prevent any pollution from infilling materials. In terms of landscape it was considered the site is remote from dwellings and the screened location of the site would not have any significant impact on the local landscape (even when assessed cumulatively with the other nearby quarry extension at High House (0.5 km). Indeed, the report considers the possible future linking of the quarries (not included in the proposal) to create an elongated depression would benefit from a new topographical feature.

Various surveys have been undertaken as the potential for sub-surface archaeology remains high (crop mark features
may represent field settlement or possible ritual sites). A trial trench exercise at the site identified a number of archaeological features confirming the presence of a prehistoric settlement at the northern end of the targeted area and Bronze Age at the southern end. In view of the archaeological potential if consent if granted there should be an agreed on-going assessment carried out in association with the phased working of the quarry.

The Statement refers to traffic/transport impact. The principle noise is the B5301 for the transportation of minerals both north to Silloth and south to the Strategic Route Network in Aspatria.

The New Cowper site processes sand from the Overby and Bulgill quarries.

Planning conditions restrict daily movements of laden vehicles from New Cowper’s processing plant to 32, but allows up to 40 movements for 50 days per year.

The transport from Bulgill is limited by condition to 30 vehicles per day. There are also bulk deliveries of sand from Overby and its waste for disposal of inert material which are unrestricted.

In relocating the processing plant to Overby the delivery of sand materials from Bulgill would no longer be necessary as the sand at Overby is more coarse than that at New Cowper, (i.e. similar sand materials to that at Bulgill) thus omitting 60 movements along the B5301. It is anticipated there would be 50 visits (100 movements) associates with the activities at the quarry. However, in a worst case scenario, it is considered up to 100 vehicles could visit the site (i.e. 200 movements).

A transport assessment was undertaken on these worst case scenarios. It was found the road network is lightly trafficked (i.e. not leading to congestion) but some safety issues were identified prompting a route accident study which concluded there are several locations on the route where there are carriageway restrictions and bends which have led to accidents (7 recorded accidents).

The report suggests additional signage to reduce speed and warn of hazards which could reduce the number of accidents. The report also refers to ecological considerations including any protected species. The loss of two outlier badger setts were assessed as slight adverse. The loss and replacement of hedgerows was considered to
have a neutral impact, with a gain of woodland. Part of the quarry is Geological/Geomorphological (RIG) site as an example of fluvio glacial delta. It is considered as this area degrades over time, fresh exposures would retain interest.

A noise assessment was undertaken to identify whether noise from the proposal would affect the four nearest properties. It was concluded that the noise from the extensions in a worst case scenario would just exceed noise levels recommended in government ministerial advice. The applicant contests this arises from quiet background noise levels of the open countryside rather than noisy quarrying operations. The assessment concludes that there will not be a significant adverse impact from noise but the consultant recommended a condition be applied to limit the noise levels in accordance with government ministerial advice.

It is considered dust control measures be also applied under planning conditions.

The applicant’s statement therefore concludes the proposal complies with current policy guidelines and would not affect its local environment.

Officers in assessing the proposal consider that both the principle and environmental considerations need detailed evaluation.

The principle of the development relate to the context of current mineral planning policies.

The planning policies of the minerals local plan as an adopted plan carry significant weight. The draft policies of the forthcoming local development framework are presently of little weight, however, its supporting documentation does provide an insight into the current situation relating to landbanks of mineral resources within the County.

In the context of the mineral plan and its associated policies the site is located within the preferred area of search for sand and gravel. However, although this indicates it is located within the area of search any extension would also be subject to an identified demand and any environmental constraints.

The issue of demand is complicated as it is dependant on the levels of permitted reserves and differing production rates for the County within differing policy documents. However, the County are also concerned on the accuracy of their landbank records.
The background information within the draft local development framework indicates that in 2004 there was a 15 year landbank of sand and gravel supplies within the County. Indeed, the applicant accepts that presently the landbank serves the seven year supply but highlights that the existing quarries at Bulgill, Overby and New Cowper which shortly expire and that in addition, the County Council has been encouraging the transfer of existing New Cowper processing plant into the local plan’s preferred area of search. The applicant’s case therefore relates to the County’s regional supply, whereby from a regional perspective, they contest that there is not a seven year landbank for the western Cumbria area.

Officers are aware of a similar approved extension application (02/2006/9017) on the neighbouring High House Quarry site in March 2007. Insufficient evidence has been submitted as to whether if this consent is allowed there remains a satisfactory seven year landbank for this region. Indeed, members may wish to assess whether the principle of a regional concept of local supply (rather than the existing satisfactory established landbank for sand and gravel) within the wider picture of the overall County outweighs this criteria, especially as the plan policy acknowledges that local supply and ‘mineral miles’ is a planning consideration. (Reliance on quarries further afield from West Cumbria would, however, generate increased traffic movements.)

(Whilst the applicant contests the sand provides their own supplies for their existing concrete plants at Workington and Silloth, this would not be of relevance if a satisfactory landbank was evident.) Therefore, as submitted, there is considered to be insufficient evidence on the demand of supplies for a quarry extension which undermines the principle of the quarry extension.

In terms of landscape the site extension concerned is not within a designated sensitive landscape area. The existing quarry occupies a hollowed out section of a ridgeline, forming one of several quarries within the area of search relating to the reserves of sand in this area. It is considered that from a landscape perspective the proposed, especially given the additional landscaping and limited public view points the extension would not have a significant adverse impact on the character of the surrounding landscape.

(Although a deep cutting would be provided for the ridgeline for the new access this cutting landform would be filled-in and re-instated as part of the restoration scheme.)
The primary physical constraint of the site relates to traffic, due to the constraints of the B5301 highway which acts as the main transportation link to the markets for the sand.

Officers observe that the application acknowledges the problems of traffic in seeking to provide a new secondary access which will serve all southbound traffic movements and retain the existing northern access for all northbound traffic (removing the highway hazards to the intersection between the two access entrances and its residential properties).

Officers acknowledge that this road is not heavily trafficked, but by virtue of its bends and hills, represents a hazardous route for quarry traffic. Officers do not oppose the principle of transferring the bagging operation to the quarry subject to it not resulting in any increase in traffic movements. It is understood that the inert fill would likely be transported in the ‘return’ journey of vehicles to the quarry (i.e. no additional traffic movement).

The existing traffic levels combined from both New Cowper and Overby have been accepted in the past under previous consent. Whilst the Bulgill quarry has a restriction on its vehicle movements, the applicant indicates that these would be processed elsewhere and would therefore result in a reduction of traffic. However, Officers consider this aspect, as it is not related to the traffic generated by the quarry’s consent, be considered as a loss, especially given the forthcoming expiry date of this quarry.

Therefore, unless the overall traffic figures do not exceed that imposed and accepted under the conditions of the former existing quarry consent, any additional traffic generation should be resisted. (Officers are also concerned on the poor visibility arising from the U highway (to which the new southern quarry road exits onto) on the B5301 which has poor visibility. Any increase in the existing access to the quarry may also be hazardous due to the restricted visibility.)

The application contests the retention of the bagging operation at the quarry is sustainable. Officers consider that this is an industrial rather than mineral operation. It is considered that it would also not result in material harm if there is no additional generation of traffic arising from its operation. If there was to be additional traffic it is recommended a more sustainable location (e.g. industrial estate) be sought for this process. Whilst the applicant contests this would result in increased traffic movements
(e.g. if sited in Workington it would increase traffic movements to Silloth), Officers would anticipate any supply would primarily be targeted at the West Cumbria area and question the need of bagged supplies for the Silloth area.

Any importation of any additional materials to the site other than those relating to restoration will adversely increase traffic. The applicant’s increase of traffic to 100 vehicles movements (200 in the worst case scenario) would increase traffic to the detriment of highway safety.

The Council considers the importance of the archaeological remains at the site is dependant on the response from the County Archaeologist. Subject to there being no objections from his respective consultation reply, Officers would not oppose this issue.

The other final issue of environmental concern relates to noise levels. The applicant contests that it is nor the noise of the quarry that is excessive, but that it is the quieter background noise levels of its open countryside location that hinder the ability to comply with ministerial guidance on noise.

The applicant has volunteered to a planning condition to comply with the standards stated in the ministerial advice. However, previous noise tests for the worst case scenario (unlike normal conditions) slightly exceeded the guidance levels.

Officers are concerned that unless satisfactory evidence can be demonstrated that this condition can be complied with at all times it would not be appropriate to impose it, (i.e. it would be unreasonable to impose this condition if evidence indicates they are unable to comply). The views of the Environmental Health Officer are awaited and shall be reported at the committee.

Therefore as submitted Officers consider that in view of the uncertainty on the existing landbank on sand and insufficient evidence has been submitted to demonstrate the demand for a quarry extension at the site, and similarly there is inadequate information to verify that it would not result in an increase in traffic from that imposed under the two existing quarry consents at the site.

Allerdale therefore object to the proposed extension on the following grounds.
Recommendation:  Objection

Conditions/ Reasons:

1. The Local Planning Authority considers that in view of the County’s existing landbank on sand and gravel insufficient evidence has been submitted to demonstrate the demand for an additional quarry extension at this location contrary to Policies 27, 29 and 30 of the Cumbria Minerals and Waste Local Plan 1996-2006.

2. The Local Planning Authority considers the proposed increase in traffic from the proposed extension and the additional industrial processing of the reserves at the site would increase the use of traffic on a sub-standard junction onto and along the B5301 highway to the detriment of highway safety contrary to Policy 1 of the Cumbria Minerals and Waste Local Plan 1996-2006.

3. The Local Planning Authority considers any increased traffic use of the quarry’s existing northern access entrance onto the B5301 or the access by southbound/returning traffic entrance of the C2012 onto the B5301, would by virtue of their restricted visibility be hazardous to highway safety.

Unless the principle of the proposed extension to the quarry and its associated phased operation are approved. Officers are consequently unable to support the variation of the conditions under the separate application (02/2006/9035) for the restriction of the existing quarry (i.e. the variation timescale derived from the extension at the site).

Officers seek the speed restriction of the site in order to minimise disturbance arising from the traffic operations. The Council therefore also object to the variation of condition on the quarry on the grounds that:-

Allerdale opposes any variation of the former consent (02/1995/9007) for extending operations at Overby as they seek the speedy restoration of the site to end temporary disturbance arising from its traffic operations.
Reference No: 02/2006/9035
Received: 09/03/2007
Proposed Development: Implementation of planning permission 2/95/9007 without compliance with the conditions of that permission - application under Section 73 of the Town & Country Planning Act 1990
Location: Overby Quarry
Aikshaw
Aspatria
Applicant: Thomas Armstrong (Holdings) Ltd
Constraints: Regionally Important Geological Sites 2/05 Allerdale Flood Zone 1 1460,Overby Quarry,A/NY14/6
Policies: The application site is located in an open area of countryside. The relevant planning policies relate to both Strategic and Local Plan Policies.

The Cumbria Minerals and Waste Local Plan 1996-2006 includes the following policies:-

The site concerned is located within a designated area of search for sand and gravel under which Policy 30 states that proposals for the extraction of sand and gravel from the search area will be permitted subject to there being a demonstrable need. Consent for works outside the search area will not be supported unless significant benefits would occur to the local communities or the environment.

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Policy 27 states that proposals for the extraction of minerals (accompanied by an Environmental Impact Assessment) will need to take into account:-

iv) national, regional and local need;

v) the location, amount, quality and type of existing permitted reserves and the rate to which they are being worked;

vi) the availability of less damaging alternative sites or sources of supply.
Policy 1 specifically relates to road traffic generation highlighting the necessity of roads, junctions and site access of an appropriate standard to accommodate the type and volume of traffic of the proposal without detriment to highway safety.

Policy 7 stipulates that minerals waste development will only be permitted where any visual impact can be reduced to an acceptable level in its siting, phasing and restoration details. The County Council has also prepared a core strategy of preferred options towards a Cumbria Minerals and Waste Development Framework (CMWDF) which would act as their future development plan to the year 2018.

The core strategy policies are presently at a consultation stage but include the following Policies:-
CS01 – promoting sustainable minerals and waste management development.
CSM1 – aims for the plan to meet the Regional Spatial Strategies apportionment of crushed rock and sand and gravel production.

Policy CSM3 – seeks to provide a landbank of permitted reserves equivalent to seven years production at the Regional Spatial Strategy Cumbrian apportionment of 700,000 tonnes/year. The landbank will be refined to relate to local supply pottery and the need to minimise “mineral rules”. However, unlike the existing Local Plan, the alternative strategies of the preferred options for CMWDF propose no specific areas of search.

In an accompanying document outlining the proposed ‘Generic Development Council Preferred Option’ Policy DCE 1 states new mineral developments should be encouraged where they are well related to the strategic route network with proposals only being permitted where they do not have unacceptable impacts on highway safety and where an appropriate standard of access can be provided.

Policy DCE 5 seeks development to be compatible with the distinctive features of Cumbrian landscape.

Policy DCE 11 outlines the criteria for restriction of sites.

Allerdale have lodged no objections to these new policies including the County Council’s preferred option of not including any specific area of search in the Local Development Framework.

Representations:
The applicant has submitted two separate planning applications relating to their existing quarry site at Overby.

The applicant seeks consent (02/2006/9033) for the extension of the quarry and also the relocation of fixed plant from their existing nearby plant at New Cowper.

As a result of the proposal the applicant also seeks consent under (02/2006/9035) to vary the planning conditions of the planning consent for the existing quarry (02/1995/9007) for variations to revise its restoration programme (i.e. the revised restoration conditions on the quarry extension proposal would supersede the existing quarry condition).

The applicant has submitted a supporting Environmental Impact Assessment Statement in support of the application.

The Statement outlines that historically the sand extracted from Overby has been processed at the existing plant at the other nearby sand quarry at New Cowper (washing, drying, bagging and packing of sand). The processing operation also serves the quarries at both the New Cowper quarry itself, plus another existing sand quarry at Bulgill, but due to their limited reserves it is expected all three quarries will finish during the course of 2007.

The Statement advises the proposal is within the local policies identified area of search as suitable for sand and gravel extraction. The existing washing and drying facilities at New Cowper would cease and the bagging and packing operation relocate to Overby.

The quarry’s extension is two fold with a 6 ha extension to the south west and a larger 14 ha extension to the north east.

This would provide additional sand resources of 4.5 million tonnes over an 18 year period (i.e. approximately 250,000 tonnes per annum).

A new access would be constructed to the south of the quarry via the disused Aikshaw Quarry to serve the locations south of the quarry with the existing access (directly onto the B-classified highway) would be used by traffic from the north of the quarry.

In addition, the quarry accepts a modest volume of inert wastes to assist restoration (totalling 80,000 cubic metres over the duration of the site).
The applicant advises that the proposed supply sand to the Cumbrian market and their concrete plants at Silloth and Workington. The company employs around 900 people of which 117 are within the aggregates division.

The Statement advises the extension will provide a further 18 years of reserves and is considered essential in securing provision of reserves for the processing plant and concrete plants at Silloth/Workington plus existing customers.

The applicant contests that the national and local policies seek to ensure an adequate flow of materials for built development in the Cumbria market both for the applicant and other businesses in this area. (There are two suppliers supplying concrete sand from the Aldoth area, with both companies seeking extensions to their existing quarries which would secure supplies of sand and gravel for the regeneration of West Cumbria.)

The option of relocating the processing plant to an industrial area was rejected on economic and sustainability grounds (increased transport milage).

The other option of creating a new processing plant site would have noise and visual implications.

The development would be undertaken in a phased manner to enable the progressive restoration of the site.

The new processing plant would comprise a building of 12.5m width x 30m length and 8m in height to house hoppers and packing equipment. The washing aspect of the process is no longer needed as the sand in the quarry is clean.

The new southern access cutting would be constructed in the first phase and upon completion of the quarry operations would upon completion be filled and restored to its previous levels. The floor of the quarry would be restored to agriculture with the quarry sides to provide for local wildlife.

In assessing the Environmental Impact effects the summary advises the proposal will not affect groundwater levels and a lining will be provided to prevent any pollution from infilling materials. In terms of landscape it was considered the site is remote from dwellings and the screened location of the site would not have any significant impact on the local landscape (even when assessed cumulatively with the other nearby quarry extension at High House (0.5 km). Indeed, the report considers the possible future linking of the quarries (not included in the proposal) to create an elongated depression
would benefit from a new topographical feature.

Various surveys have been undertaken as the potential for sub-surface archaeology remains high (crop mark features may represent field settlement or possible ritual sites). A trial trench exercise at the site identified a number of archaeological features confirming the presence of a prehistoric settlement at the northern end of the targeted area and Bronze Age at the southern end. In view of the archaeological potential if consent if granted there should be an agreed on-going assessment carried out in association with the phased working of the quarry.

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The New Cowper site processes sand from the Overby and Bulgill quarries.

Planning conditions restrict daily movements of laden vehicles from New Cowper’s processing plant to 32, but allows up to 40 movements for 50 days per year.

The transport from Bulgill is limited by condition to 30 vehicles per day. There are also bulk deliveries of sand from Overby and its waste for disposal of inert material which are unrestricted.

In relocating the processing plant to Overby the delivery of sand materials from Bulgill would no longer be necessary as the sand at Overby is more coarse than that at New Cowper, (i.e. similar sand materials to that at Bulgill) thus omitting 60 movements along the B5301. It is anticipated there would be 50 visits (100 movements) associates with the activities at the quarry. However, in a worst case scenario, it is considered up to 100 vehicles could visit the site (i.e. 200 movements).

A transport assessment was undertaken on these worst case scenarios. It was found the road network is lightly trafficked (i.e. not leading to congestion) but some safety issues were identified prompting a route accident study which concluded there are several locations on the route where there are carriageway restrictions and bends which have led to accidents (7 recorded accidents).

The report suggests additional signage to reduce speed and warn of hazards which could reduce the number of
accidents. The report also refers to ecological considerations including any protected species. The loss of two outlier badger setts were assessed as slight adverse. The loss and replacement of hedgerows was considered to have a neutral impact, with a gain of woodland. Part of the quarry is Geological/Geomorphological (RIG) site as an example of fluvio glacial delta. It is considered as this area degrades over time, fresh exposures would retain interest.

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In the context of the mineral plan and its associated policies the site is located within the preferred area of search for sand and gravel. However, although this indicates it is located within the area of search any extension would also be subject to an identified demand and any environmental constraints.

The issue of demand is complicated as it is dependant on the
levels of permitted reserves and differing production rates for the County within differing policy documents. However, the County are also concerned on the accuracy of their landbank records.

The background information within the draft local development framework indicates that in 2004 there was a 15 year landbank of sand and gravel supplies within the County. Indeed, the applicant accepts that presently the landbank serves the seven year supply but highlights that the existing quarries at Bulgill, Overby and New Cowper which shortly expire and that in addition, the County Council has been encouraging the transfer of existing New Cowper processing plant into the local plan’s preferred area of search. The applicant’s case therefore relates to the County’s regional supply, whereby from a regional perspective, they contest that there is not a seven year landbank for the western Cumbria area.

Officers are aware of a similar approved extension application (02/2006/9017) on the neighbouring High House Quarry site in March 2007. Insufficient evidence has been submitted as to whether if this consent is allowed there remains a satisfactory seven year landbank for this region. Indeed, members may wish to assess whether the principle of a regional concept of local supply (rather than the existing satisfactory established landbank for sand and gravel) within the wider picture of the overall County outweighs this criteria, especially as the plan policy acknowledges that local supply and ‘mineral miles’ is a planning consideration. (Reliance on quarries further afield from West Cumbria would, however, generate increased traffic movements.)

(Whilst the applicant contests the sand provides their own supplies for their existing concrete plants at Workington and Silloth, this would not be of relevance if a satisfactory landbank was evident.) Therefore, as submitted, there is considered to be insufficient evidence on the demand of supplies for a quarry extension which undermines the principle of the quarry extension.

In terms of landscape the site extension concerned is not within a designated sensitive landscape area. The existing quarry occupies a hollowed out section of a ridgeline, forming one of several quarries within the area of search relating to the reserves of sand in this area. It is considered that from a landscape perspective the proposed, especially given the additional landscaping and limited public view points the extension would not have a significant adverse impact on the character of the surrounding landscape.
(Although a deep cutting would be provided for the ridgeline for the new access this cutting landform would be filled-in and re-instated as part of the restoration scheme.)

The primary physical constraint of the site relates to traffic, due to the constraints of the B5301 highway which acts as the main transportation link to the markets for the sand.

Officers observe that the application acknowledges the problems of traffic in seeking to provide a new secondary access which will serve all southbound traffic movements and retain the existing northern access for all northbound traffic (removing the highway hazards to the intersection between the two access entrances and its residential properties).

Officers acknowledge that this road is not heavily trafficked, but by virtue of its bends and hills, represents a hazardous route for quarry traffic. Officers do not oppose the principle of transferring the bagging operation to the quarry subject to it not resulting in any increase in traffic movements. It is understood that the inert fill would likely be transported in the 'return' journey of vehicles to the quarry (i.e. no additional traffic movement).

The existing traffic levels combined from both New Cowper and Overby have been accepted in the past under previous consent. Whilst the Bulgill quarry has a restriction on its vehicle movements, the applicant indicates that these would be processed elsewhere and would therefore result in a reduction of traffic. However, Officers consider this aspect, as it is not related to the traffic generated by the quarry’s consent, be considered as a loss, especially given the forthcoming expiry date of this quarry.

Therefore, unless the overall traffic figures do not exceed that imposed and accepted under the conditions of the former existing quarry consent, any additional traffic generation should be resisted. (Officers are also concerned on the poor visibility arising from the U highway (to which the new southern quarry road exits onto) on the B5301 which has poor visibility. Any increase in the existing access to the quarry may also be hazardous due to the restricted visibility.)

The application contests the retention of the bagging operation at the quarry is sustainable. Officers consider that this is an industrial rather than mineral operation. It is considered that it would also not result in material harm if there is no additional generation of traffic arising from its
operation. If there was to be additional traffic it is recommended a more sustainable location (e.g. industrial estate) be sought for this process. Whilst the applicant contests this would result in increased traffic movements (e.g. if sited in Workington it would increase traffic movements to Silloth), Officers would anticipate any supply would primarily be targeted at the West Cumbria area and question the need of bagged supplies for the Silloth area.

Any importation of any additional materials to the site other than those relating to restoration will adversely increase traffic. The applicant’s increase of traffic to 100 vehicles movements (200 in the worst case scenario) would increase traffic to the detriment of highway safety.

The Council considers the importance of the archaeological remains at the site is dependant on the response from the County Archaeologist. Subject to there being no objections from his respective consultation reply, Officers would not oppose this issue.

The other final issue of environmental concern relates to noise levels. The applicant contests that it is nor the noise of the quarry that is excessive, but that it is the quieter background noise levels of its open countryside location that hinder the ability to comply with ministerial guidance on noise.

The applicant has volunteered to a planning condition to comply with the standards stated in the ministerial advice. However, previous noise tests for the worst case scenario (unlike normal conditions) slightly exceeded the guidance levels.

Officers are concerned that unless satisfactory evidence can be demonstrated that this condition can be complied with at all times it would not be appropriate to impose it, (i.e. it would be unreasonable to impose this condition if evidence indicates they are unable to comply). The views of the Environmental Health Officer are awaited and shall be reported at the committee.

Therefore as submitted Officers consider that in view of the uncertainty on the existing landbank on sand and insufficient evidence has been submitted to demonstrate the demand for a quarry extension at the site, and similarly there is inadequate information to verify that it would not result in an increase in traffic from that imposed under the two existing quarry consents at the site.
Allerdale therefore object to the proposed extension on the following grounds.

**Recommendation:** Objection

**Conditions/Reasons:**

1. The Local Planning Authority considers that in view of the County’s existing landbank on sand and gravel insufficient evidence has been submitted to demonstrate the demand for an additional quarry extension at this location contrary to Policies 27, 29 and 30 of the Cumbria Minerals and Waste Local Plan 1996-2006.

2. The Local Planning Authority considers the proposed increase in traffic from the proposed extension and the additional industrial processing of the reserves at the site would increase the use of traffic on a sub-standard junction onto and along the B5301 highway to the detriment of highway safety contrary to Policy 1 of the Cumbria Minerals and Waste Local Plan 1996-2006.

3. The Local Planning Authority considers any increased traffic use of the quarry’s existing northern access entrance onto the B5301 or the access by southbound/returning traffic entrance of the C2012 onto the B5301, would by virtue of their restricted visibility be hazardous to highway safety.

Unless the principle of the proposed extension to the quarry and its associated phased operation are approved. Officers are consequently unable to support the variation of the conditions under the separate application (02/2006/9035) for the restriction of the existing quarry (i.e. the variation timescale derived from the extension at the site).

Officers seek the speed restriction of the site in order to minimise disturbance arising from the traffic operations. The Council therefore also object to the variation of condition on the quarry on the grounds that:-

Allerdale opposes any variation of the former consent (02/1995/9007) for extending operations at Overby as they seek the speedy restoration of the site to end temporary disturbance arising from its traffic operations.
Reference No: 2/2006/1292  
Received: 01/12/2006  
Proposed Development: Outline application for erection of 6 affordable local needs dwellings, as amended by letter and plan received on 5 February 2007 and letter and plan received on 1 May 2007.  
Location: Land Off Church Lane Thursby  
Applicant: Mitre Housing Association  

Constraints: Site Of Arch Interest 3775 Settlement Limit HS5 Allerdale Flood Zone 1  

Policies: Allerdale Local Plan (and its Approved Alterations)  

HS5 & HS8 – Outline the design criteria for new housing.  
HS7 – Sequential release of housing land with brownfield released before greenfield  
EN16 – States the criteria for flood defences  
EN19 – Aims to secure the conservation and enhancement of landscape in the Borough  
EN11 – Seeks to conserve water courses  
EN14 – Safeguarding water environment  
EN32 – Seeks to safeguard the habitat of protected wildlife  
REN1 – Aims to protect undeveloped land within villages which are of high amenity value  
HS16 – Outlines the criteria for affordable/local need housing  
TR6 – Seeks compliance with the County Councils adopted parking guidelines  
TR3 – Seek the design and layout of residential estate roads to an adoptable standard  

Cumbria and Lake District Joint Structure Plan Policies 2001-2016 (Modifications, September 2005)  

ST1 – A sustainable vision for Cumbria  
ST3 – Principles applying to all new development  
H19 – Affordable housing outside the Lake District National Park  
E39 – Enhancement of the built and natural environment  

Interim Housing Policy – Identifies Thursby as a service
centre. Its policy criteria supports the principle of local affordable houses only where there is a demonstrated need.

**Representations:**

**County Archaeologist** Site is of archaeological importance, due to the history of the site and former finds during an archaeological evaluation on a nearby site. Seek a condition recommending a schedule of works should be included on any approval.

**Environmental Health** – No objections.

**CCC Arboriculturalist** – A substantial section of the hedgerow to the public highway is to be removed to form a visibility splay. The hedgerow has been assessed in accordance with the Hedgerow Regulations 1997 and found to be “important” as it has existed for 30 years or more.

**Natural England** (14/02) – Are of the opinion that the proposal to clear the hedgerow and trees is unlikely to adversely affect the conservation status of bats and is unlikely to result in the damage or disturbance of bat roosts (withdrawing its initial objection). They highlight the specific nature conservation regulations to bird breeding season (Note to Applicant).

In accordance with the criteria of PPS9 to conserve, enhance and restore biodiversity. The hedgerow and field may be of local importance as a commuting route and foraging area respectively. It is therefore sought that replacement landscaping be provided to replace/enhance any lost foraging areas.

**Cumbria Wildlife Trust** – A condition should be put on any planning approval that the hedgerow/tree belt bounding the site should not be damaged or removed during the building work, and instead should be incorporated into the development and managed on behalf of biodiversity. This is due to its use being by hedgerow birds and the local bat population for feeding.

**Environment Agency** – A flood risk assessment was required:

1. Control and disposal of surface water from the development.
2. Proximity of the development to Matty Beck which designated as a main river.

The calculations in the submitted FRA have not been validated or approved by the Environment Agency. We have
viewed the FRA and note that the documents have been completed using acceptable methodology and as such is acceptable in principle. The FRA confirms that surface water from the developed site will discharge at the pre-development run off rate (Qbar) which has been calculated as 1.8 litres/second, including facilities. Storage will be incorporated into the chosen surface water system to maintain this run off rate for various storm scenarios up to 1% annual probability event. Whilst we cannot confirm at this stage that the proposed 4 metres wide easement strip adjacent to Matty Beck is acceptable we can advise that this is likely to be the minimum requirement for access. This is of particular relevance given the apparent instability of the left bank of Matty Beck adjacent to the site, and the limited access for repairs on this side.

**Assistant Engineer** – I am unclear on the developers methods for making an installed suds system work successfully given the lack of depth available between site average ground level and part full flow level in watercourse, as suds systems are usually located below site ground course.

**Housing Needs Officer** – The Council’s Housing Section consider the proposed survey is not a small sample base as it related to 100% of the village. They undertook a detailed investigation to identify the housing needs of the village.

The CRHT survey does not ask households to put down details of their medial conditions. Therefore I am unable to provide details of health problems within households. I strongly believe that if these households have ticked on the form that they need accommodation on one level and that they need help with personal care, it does show that these households have health problems that make them unable to manage in their present home. As they are unable to buy on the open market, they are then in housing need. Lake District National Park is happy to accept health reasons in the past.

**Cumbria Highways** (21/12/2006) – In principle the Highways Authority raise no objections to the proposal subject to the following conditions re visibility splays: 2.4m x 45m (west) x 69m (east) and parking and turning facilities.

The applicant should also note the requirement to provide a 1.8 m footway to the east of the site to link the development with the existing footway and the village amenities under a Section 278 Agreement to the satisfaction of the Highways Authority (the land is in the highway verge).
The results of the speed survey appear to have been taken into account in the original application, as the visibility requirements appear to have been met and incorporated on the original plan.

**County Highways (23/05/07)** – Further to our conversation, I would like to confirm the highways point of view regarding the Church Lane Development.

The new property adjacent to the proposed development has a drive constructed across the highway verge which he has done without our permission and therefore this can be requested to be removed and constructed only within the curtilage of his property. I don't see that as being a problem extending the footway across the front of his property adjacent to the highway.

**United Utilities** – No objections to the proposal, subject to drainage on a separate system, with only foul drainage connected into the foul sewer.

**Parish Council** – In the Thursby Parish Plan to cover the period 2004 to 2009, 70% of those who replied to the parish plan questionnaire felt there should be no additional housing within Thursby village and from the survey and consultations undertaken at the time, the majority of residents felt that the open spaces in the village should remain as protected open spaces and not used for housing purposes. The open spaces named in the Parish Plan were the Village Green, land next to the Ship Inn, land at Matty Lonning and the Glebe Field. There is a very strong feeling in the parish that Glebe Field should not be used for housing development. A public meeting was held on 30 January, to allow parishioners to express their views and to give members the opportunity to consider all aspects of the proposal. A further meeting was held on 5th February, to decide whether or not to support the proposed development. The Parish Council questions the validity of the Housing Needs Survey, - we are not convinced that this will meet the needs of young people. The Parish Council is of the opinion that there has not been sufficient evidence to support the proposed development.

At a later meeting, the Parish Council questioned the validity of the Housing Needs Survey in terms of its demographics and is not totally convinced that the development would meet the needs of young people to keep them in the area. Previous 106 agreements have consistently failed to ensure that so called ‘affordable local needs dwellings’ are strictly reserved for local people. The Parish Council has been
given no evidence to support the claim that future agreements will be verified and controlled on a legal basis. Local residents also requested a second speed survey in Church Lane as the first survey undertaken in August 2006 was conducted at a time when building work was in progress and it was thought that this may have had an effect on the survey results.

In conclusion and following extensive investigations, the parish council is of the opinion that there has not been sufficient evidence to support the proposed development as a means of meeting the needs of residents for low cost housing. Therefore the parish council has agreed to oppose the application on the Glebe Field in favour of retaining what is considered to be a most valuable village open space.

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

(16/05/2007) The Parish Council remains opposed to this development and consider that this open space in the centre of the village should be preserved. The Parish Council recommends waiting for the results of the current housing needs survey. The Council considers the lane unsuitable for the increase in traffic that will be produced by the proposed development. It is narrow and has cars parked along its length. Building work in the lane at the time of the speed survey will have reduced the speed of the traffic.

Objections

Cllr S. Moffat (Referral to Committee) – There have been 11 complaints (so far). The reasons include – no proven need, access problems, Glebe Field to stay green (proposed site for development), usage problems in Matty Beck.

A petition’s supporting letter was received signed by 223 residents of Thursby opposing the housing development. In referring to the background of the petition, the residents only became aware of the proposal due to receipt of the consultation letter whose period of consultation overlapped the Christmas and New Year holidays and hindered access to the proposed plans. The petition letter refers to the amenity open space designation in both the Allerdale Local Plan and Thursby Village Plan. Residents have specified their objections both within the petition and individual objections seeking its retention as an amenity space for the benefit of the community.

A total of 160 houses were visited, which was 61.5% of the
total houses within Thursby and 33.6% of the parish (i.e. considered to be a representative sample).

224 x residents supported this petition
9 x residents did not care one way or the other and chose not to sign the petition, or were Parish Councillors and could not compromise their position.
4 x residents supported the application, but had no personal interest in living in the proposed development themselves or had members of their family who would wish to do so.
1 x resident supported the application and thought a member of the family would consider living in the development.

The petition’s supporting letter concludes it covered all areas of the village and not just those directly bordering this proposed development with the overwhelming majority of Thursby residents positively opposing housing development on the Glebe Field and consider it should remain as an open space for the future and potential community use of the village.

An additional 100 letters of objection were received on the grounds that whilst not objecting to the provision of needed affordable housing in the village, if it can be proven that insufficient grounds of need exist. However, I do object on the grounds of need. No need for the particular site, contrary to policy, unsafe access, precedent for further development and retention of community use.

Five letters of objection have been received to the amendments (revised speed survey and layout plan).

Two letters of support have been received.

REPORT

The application site, known as Glebe Field, is located on Church Lane, and is bordered by a mix of residential, retail and Church properties.

The proposal is for outline consent on part of this open site for the erection of 6 affordable homes. The enhanced outline proposal includes the reserved matters of layout and access. The area of the application site measures 0.29 hectares (and the proposed layout comprises of a 2 x 2 bed, 4 person house; 3 x 3 bed, 5 person house; 2 x 2 bed, 3 person bungalow).

The site is accessed by a lane which runs from Matty Lonning to the Village Green. Traffic operates in both
directions, and there is a narrow pinch point close to Rowan Lea which is only wide enough for a single car (3.85 metres); the road widens to 4.6 metres close to the application site. This lane currently serves 9 dwellings, with only a small section of footpath at the eastern end of the highway.

Officers consider in assessing the proposal as an outline application the fundamental merits of the proposal relate to the principle of residential development of the site.

The application site is located within the designated settlement limits within the Allerdale Local Plan. However, under Policy SH20 of the Council’s Interim Housing Policy (introduced September 2004) stipulates only local affordable houses will be allowed in the main service centres (including Thursby).

Under the Interim Housing Policy the need for local housing for the settlement needs to be justified both in terms of need and affordability. The submitted survey information identified there is a local housing need in Thursby.

The Council’s Housing Section has also confirmed the house prices in the village are not affordable to the average parishioner.

This survey, contrary to the views of objectors, is supported by the Council’s Housing Section who has accepted the proposal provides local housing to meet their specific housing needs of individual residents which cannot be fulfilled through the existing housing market.

A housing needs survey has been carried out by the Local Authority and this identified a claimed “need” for 10 properties in the village. These consist of 1 x 2 bed house for rent; 1 x 2 bed house for Low Cost Home Ownership; 1 x 3 bed house for Low Cost Home Ownership; 1 x 4 bed house for rent; and 6 x 2 bed bungalows. This survey was carried out by Cumbria Rural Housing Trust to 100% of the village. Although the initial findings were vague, the Council’s Housing Section broke down the survey information to identify the specific individual housing needs of local residents (including house types and sizes). Housing services would prefer that three bedroom houses are built instead of two bedroom houses so that the households do not need to upsize in future years as there is a shortage of move-on accommodation in the village. The results were analysed using the definition of need, not choice. Households were only considered in housing need if they met all the criteria which is: inadequately housed, unable to
afford to rent or buy on the open market and have a need to live in the locality. From the information it was identified that from a planning perspective 6 properties were needed.

A further recent housing needs survey has been carried out in addition to the original and this shows a claimed “need” for 11 dwellings identified by local residents. These results have yet to be analysed to assess how many of the 11 represent a genuine need rather than a demand. This analysis will be available when the Panel meets.

Housing Services have confirmed that recent properties for sale within the village exceed the affordable criteria for this type of development (i.e. 3½ x average salary). This methodology has been accepted by other local authorities. They, therefore, despite the objectors’ claims that there is no need for the housing, and is not imprecise or making assumptions.

If Members did accept a proven need had been demonstrated, then the merits of providing this need at this particular individual application site requires further examination.

Also of significant importances is the weight of the site’s designation under Policy REN1 of the Allerdale Local Plan. This policy states that development on open spaces/undeveloped land designated under the policy will have regard to its amenity/streetscene value, and proposals which result in the loss of this value will normally be resisted unless the economic or social benefits of the proposal outweigh its value as an undeveloped site, or compensatory/enhancement elements are provided in any development scheme, which may necessitate conditions/S106 Agreement.

As the Interim Housing Policy allows the principle of local affordable housing of the development at this particular settlement (subject to proven need), the merits of the proposal relate to individual merits of the proposal in the context of Policy REN1.

Officers consider the site does contribute to the locality but there is a social benefit to be considered in view of the proven need for housing. The site does not appear to be accessible by the general public, undermining its amenity value. Officers understand Glebe Field has in the past been used by the community for facilities, i.e. fetes, sports days, etc. However, in recent years this has been in decline. One important consideration of the amenity value of the application relates to the boundary hedgerow being classed
as important due to its age. A section of this hedgerow would need to be removed to facilitate the provision of the access visibility splay. (Natural England has withdrawn any grounds of objection relating to wildlife habitat on this issue.)

On balance Officers consider that the amenity value of the site, given its limited use, and indeed limited public view as it is fronted by a tall hedgerow is not of significant weight, especially as it is already bordered on three boundaries by built development (although only part of the overall site is to be developed).

During the application process the agent had been requested to consider alternative sites within the village. They considered ‘The Blast Shop’ on the Green, the agent visited the site. This is still in use as a business, however, and therefore unavailable as an alternative site in this instance. A second site north of the church and cemetery is considered to be consecrated ground and natural progression of an extension to the existing cemetery.

In Officer’s opinion the site proposed occupies a central location within the village which is well related to the surrounding properties. Therefore, in the absence of any more appropriate site within the settlement, the principle of affordable housing development at the site is considered acceptable in accordance with the criteria of Policy HS5.

The applicant has submitted a flood risk assessment in response to the comments of the Environment Agency (the site lies within Flood Zone 1). The assessment was to address two main areas: control and disposal of surface water from the development; and proximity of the development to Matty Beck which is designated as a main river. The Environment Agency has accepted the methodology of the assessment and as such is acceptable in principle, subject to a discharge of 1.8 litres/second. Storage will be incorporated into the chosen surface water system to maintain this run-off rate. Provided the chosen surface water management system for the site maintains the figures detailed in the FRA, the proposed development is unlikely to increase flood risk discharge surface water to Matty Beck.

The archaeological issues raised by the County Archaeologist can be reserved under a condition.

The other outstanding issues raised by the objectors may be summarised as follows:

**Precedent for Further Development**
The current application includes approximately half of the Glebe Field site. The merits of the proposal solely relate to the current site. Any further proposal on the remaining area would be assessed on its own individual planning merits.

**Retain for Future Community Use**

The Glebe Field provides an attractive open amenity space within the village. It should be retained for such use for the village. The public does not have a right of access to the site, and in officers’ opinion the social housing benefits would outweigh the value of the site in its undeveloped state.

**Loss of Former Approved Housing**

Consent was granted in 1999 (2/1999/0414) at the Paddocks, Thursby, for the erection of 47 houses and 8 being identified as local need housing. This was subject to a Section 106 Agreement. A letter was received from Alfred McAlpine Homes to request the amendment of the Section 106 Agreement on the Paddocks, Thursby. It was concluded that it could not be demonstrated that there was a continuing local need for the housing and in 2001 the Development Panel agreed to discharge the S106 Agreement resulting in the estate’s allocated local housing ceasing to be restricted to inhabitants of the locality.

However, the need for local affordable housing is consistently changing and indeed more recently been exacerbated by the significant rises in house prices, resulting in affordability problems.

The applicant has submitted a draft 106 Agreement as part of the current proposal which would limit occupancy of the dwellings to the parishes of Thursby, Westward, Aikton and Woodside at an affordable price to the average salary in the parish.

The scale of affordable housing provision put forward is considered appropriate to meet current needs and Officers are confident that by means of a S106 Agreement they can be retained to continue to meet this need in future years.

The outline proposal also includes the reserved matters details of means of access to the site, which also requires consideration as part of the application.

The increase in traffic (both vehicular and pedestrian) along Church Lane is a concern, as the road is narrow in places
and does not have a footpath which runs the full length. Highways have suggested that a 1.8 metre wide footway be provided to the east of the site to link the development with the village amenities, the footway has been identified on land outside the ownership of the applicant. Highways have requested that a visibility splay of 43 metres (west) and 46 metres (east), be created for the entrance.

A speed survey has been carried out in August 2006 over the period of one week, with data recorded over 30 minute time periods. This recorded average speed of 30.79 mph in a westerly direction and 24.71 mph in an easterly direction. Eastbound the Annual Average Daily Traffic count was 77; westbound the Annual Average Daily Traffic count was 39.

There is very limited parking on Church Lane which is currently hampered by construction traffic, as the former church hall is currently under construction for residential development.

A Grampian condition has been recommended with regard to the footpath and the adjacent highway.

**Conclusion**

Whilst Officers acknowledge the status and open character of the application site’s land in the village, (which has been endorsed by its allocation under Policy REN1), it is considered the social benefits of the local need housing outweigh this criteria.

Therefore, subject to additional evidence to demonstrate there are no alternative sites in compliance with Policy HS7, officers consider that subject to the applicant agreeing to the local occupancy and affordability obligation criteria of a S106 Legal Agreement the proposed site is well related to the site and the village layout and that planning permission can be granted.

**Recommendation:**

**Conditions/Reasons:**

1. Approval of the details of the scale and appearance of the buildings and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
   
   **Reason:** To enable the Local Planning Authority to assess all the details of the development.

2. Plans and particulars of the reserved matters referred to
in Condition 1 above relating to the scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To enable the Local Planning Authority to assess all the details of the development.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of THREE years from the date of this permission.

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

4. The detailed plans required by Condition 1 above shall indicate the precise position of adjacent properties and shall include sections through the site to indicate the levels and height of the development in relation to surrounding properties and/or the locality in general.

   Reason: So that the impact of the proposed development can be fully assessed in relation to both the site itself and nearby property in compliance with Policy HS8 of the Allerdale Local Plan.

5. The development shall not be brought into use until visibility splays providing clear visibility of 2.4 metres x 46 metres in an easterly direction and 2.4 metres in a westerly direction measured down the centre of the access road and the nearside channel line of the major road have been 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, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

   Reason: In the interests of highway safety.

6. A 1.8 metres wide footway in an eastern direction is required to link the site with the village amenities shall be designed and constructed to a standard that is suitable for adoption and in this respect further details, including cross sections, shall be submitted for the approval of the Local Planning Authority before any building commences on site. 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 dwelling is occupied.

Reason: To ensure a minimum standard of construction in the interests of highway safety.

7. The dwellings shall not be occupied until the vehicular access, parking and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access, parking and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use.

8. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is occupied/brought into use.

Reason: In the interests of highway safety.

9. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto/off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and to minimise potential hazards.

10. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety.

11. The approved development shall not be brought into use until the required improvements to the adjacent highways are carried out to the satisfaction of the Local Planning Authority in consultation with the Highways Authority.

Reasons: In the interests of highway safety.

12. 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.
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, in compliance with Policy CO20 of the Allerdale Local Plan.

13. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. This scheme shall provide for the retention of trees and hedges bounding the site except where their removal is required to facilitate access. No part of the development shall be brought into use after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme relating to new planting have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species. 

Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality, in compliance with Policy EN3 of the Allerdale Local Plan.

14. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees and hedges 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 and hedges on the site in the interests of the landscaping of the site and the retention of wildlife habitat, in compliance with Policies EN3 and EN34 of the Allerdale Local Plan and Policy E39 of the Cumbria and Lake District Joint Structure Plan 2001-2016, Adopted Plan, April 2006.
Reference No: 2/2006/1304
Received: 04/12/2006

Location: Land Off Browside Road Dearham Maryport

Applicant: Rachel Lightfoot Story Land & Development

Constraints: NLUD Sites Settlement Limit HS5 Vacant Land & Buildings Allerdale Flood Zone 1 British Coal Area

Policies: The application site is located within the designated settlement limits for Dearham and is specifically allocated for housing under Policy RHS4.

Dearham’s settlement limit is not restricted by the criteria of the Council’s Interim Housing Policy.

Policy HS7 of the Allerdale Local Plan’s Approved Alterations seeks the preferable development of brownfield sites prior to greenfield sites.

Policies HS5 and HS8 outline the design criteria for new housing development, whilst Policy HS9 seeks the provision of satisfactory access and drainage facilities for new housing development.

Policy HS14 of the Approved Alterations to the Allerdale Local Plan seeks, where appropriate, the provision of a ratio
(up to 20%) of affordable housing at proposed sites involving housing exceeding more than five units.

Policy L1 of the Allerdale Local Plan seeks a local equipped area for play in housing sites of 60-150 dwellings.

Policy EN9 outlines the criteria for development affected by contaminated land.

Policy EN12 seeks to ensure development does not result in any increased flood risk.

**Representations:**  **Parish Council** – Recommend refusal on the grounds of:

(a) Inadequate existing sewer capacity for the proposed development.

(b) Hazardous Access: Browside Road already has heavy on-street parking congestion as its properties lack off-street parking facilities.

Browside’s access onto Central Road has limited visibility due to a brow in the road. Central Road is also supporting a high volume of traffic and is congested with cars.

The junction of Central Road with the A594 is also hazardous due to restricted visibility and reference is made to previous accidents.

The proposal will generate at least a further 134 car journeys per day, and may be even greater.

The Council express concern on the potential for the footpath link acting as a drop off point.

(c) Services: There are no details of services, or the diversion route of the existing overhead line traversing across the site.

(d) Public Footpath 226006: Pedestrian use of this route would have to cross the entrance to the proposed development, raising safety concerns, especially for school children.

(e) Loss of hedgerows and trees and their associated wildlife.

(f) Greenfield: Question whether there are alternative brownfield sites available, including the site at Flimby
Lodge.

(g) Fencing: The 2m tall perimeter boundary fencing would be prominent in its surroundings.

(h) Question whether the development would create more open spaces and refer to lack of details on its maintenance. The terrace of three storey dwellings would be an alien feature as there are no comparable dwellings of this size in the village.

(i) Four Bedroom Units: In consideration of other new build four bed dwellings which are unoccupied in the village questions the need for this type of dwelling.

(j) Loss of amenity to the neighbouring dwellings.

(k) Contamination: Consider it is inappropriate to site a play area adjacent to a contaminated site.

In response to the amendments the Parish accept that they seek to address the highway problems on the Browside/Central Road area, but do not overcome their previous highway reasons to recommend refusal including:-

(i) The ability to enforce the parking details

(ii) Increased parking restrictions will continue and exacerbate parking on the remaining section of Browside Road.

(iii) The restrictions applied at Browside and Central Road would adversely affect pensioners, those with a disability (young mums and elderly residents) who need carers.

(iv) High Levels of Contamination: Seek guarantees of its satisfactory treatment including any mitigation measures, impact on water courses, and the works to the minshaft. Consider the report re-inforces that the site is unsuitable for development.

(l) The amended layout reduces the number of two bedroom houses being reduced by 50% affecting the level of affordable housing on the estate.

(m) There is inadequate information on the drainage
catchment for the spoil heap which presently enters the public sewer.

(n) The retention of 1.8m tall boundary fences which separate new build houses from existing social housing is contrary to Government guidelines (referring to a supporting letter from the MP) and stating such fences should be omitted and controlled under planning conditions.

(o) Inadequate surface water drainage facilities have been submitted for the proposed development.

(p) Movement of contaminated materials on site would pose an unacceptable risk to residents and would cause inconvenience to local residents.

(q) No guarantee that the works to the spoil heap will be completed.

(r) Height of spoil heap is still a concern with, also, no details of its maintenance.

**Environmental Health** – Additional submitted evidence to the initial contamination report outlines arsenic contamination levels are just below soil guidance values and therefore do not require any remediation on the site. Seek a condition requiring validation testing on 1 in 3 garden plots. Submitted evidence on gas tests is acceptable. Seek additional information on the submitted method statement relating to validation testing.

**Cumbria Highways** – No objections to the amended scheme incorporating the double yellow line parking restrictions/traffic management scheme, subject to highway conditions (subject to further amendments to turning areas for Plots 48-55). Seek a Grampian condition to ensure the highway works to Browside Road prior to the occupation of any dwellings. (Although they also recommend a condition requiring the submission of a Travel Plan, as the Council would not be minded to refuse the application without this detail it is recommended that it be alternatively incorporated as a Note to Applicant.)

**County Archaeologist** – The site has been the subject of a desk based assessment and evaluation which indicates no remains of archaeological significance remain (although this excluded the contaminated area of land which might include remains of a 19th century brickworks). Seek an archaeological evaluation condition to allow further
assessment of this area prior to the commencement of works.

**United Utilities** – No objections subject to drainage as a separate system with only foul drainage to the public sewer at a rate of 3 litres per second. Surface water should be discharged to a watercourse to the satisfactory of the Environment Agency. A 3 metre maintenance corridor should be maintained on each side of the public sewer traversing across the site. Any diversion of the existing overhead line across the site would be at the applicant’s expense. No objections to submitted flood risk assessment subject to the above criteria.

**Fire Officer** – No objections.

**Environment Agency** – Consider there are no objections on the grounds relating to contamination subject to the submission of a method statement relating to the regarded mound (comments awaited). Advise that subject to a condition restricting flow rates to 21 litres per second from the estate section of the development, they do not object on flood risk grounds (conditioned). The submitted method statement is considered adequate.

**Council Engineer** – Surface water concerns relating to flood risk drainage to properties on the south-east edge of the site which should be remedied with a cut-off drain ditch. Additional evidence is required from the applicant on the noise condition and the capacity of the existing culvert proposed to accommodate the surface water discharge from the capped mound.

**Dearham Primary School**  Confirmed no objections to the development subject to the retention of the hedge between the school field and the development.

The application has been advertised on site and within the local press. Adjoining owners have also been notified.

Forty letters of objection from 21 residents have been received to the proposal and its amendments on the grounds of:

1. No capacity for the scale of the development in the existing sewage system which presently results in flooding problems.

2. Insufficient Access – Will there be any other alternative access?
(3) Increased traffic levels in the village to the detriment of highway safety (reference to recent minor accidents). Hazard of Central Road access onto the A594 which has limited visibility.

(4) Poor access for construction traffic.

(5) Detrimental impact on wildlife on the site.

(6) Browside Road is unsuitable as an access as its dwellinghouses lack off-street parking facilities resulting in a one way traffic flow along this street. The increased traffic flow (approx 134 additional daily cars) along this road would be a hazard to children’s safety.

(7) Hazards of increased traffic flows on Central Road which also lacks off-street parking.

(8) The properties at the rear of Browside would result in loss of light to the existing dwellinghouses on this street.

(9) Three storey dwellings would be unsympathetic at this site.

(10) No demand for this scale of housing in the village.

(11) Hazards from contaminated land (former mine workings).

(12) Lack of details on electricity/telephone supplies.

(13) The footpath link may act as a drop off point for school children, increasing traffic movement (loss of existing pedestrian route to the school).

(14) Lack of details on surface water drainage.

(15) The contamination of the field used as an amenity area would be a hazard to children.

(16) Inadequate education facilities at the village school for the extra pupils generated by the development, plus the village infrastructure/services for the scale of the development.

(17) Threat to public safety from the contamination and its mitigation measures.
(18) Hazards associated with the movement of contaminated materials on the site to public health and local watercourses, including that associated with vehicles arriving/departing from the site.

(19) The amendments do not overcome the original grounds of objection.

(20) Unsatisfactory design.

(21) Oppose the introduction of double yellow lines outside properties, reduced facilities (same number of vehicles on a reduced length of road).

(22) Lack of need for proposed homes.

(23) Lack of affordable housing.

(24) Lack of details on future maintenance of mound.

Two letters of support for the proposal were received.

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REPORT

Members at the last meeting of the Development Panel resolved to defer the application to clarify outstanding issues relating to contamination and surface water drainage for the site.

A former detailed application (2/2005/0353) for the development of 92 dwellinghouses on the site was withdrawn after a wide range of constraints were identified at the site.

The current resubmission application seeks detailed consent for 67 dwellinghouses. The layout of the dwellinghouses is concentrated around the northern, eastern and western boundaries of the site.

A large proportion of the overall site, which is presently occupied by a large spoil mound, is proposed to be remodelled and capped to form a raised bank area which would be maintained as an area of public open space.

The housing layout (as amended) comprises of a mix of detached, semi-detached and terraced houses. It involves a range of 7 two bedroom dwellinghouses, 34 three bedroom units, and 26 four bedroom dwellinghouses.

The proposed dwellinghouses would be finished in render/brick materials and tiled roofs.

In a supporting access and design statement the applicant
advises the development is located within the village’s local centre. The site was partially formerly a brickworks and has been previously mined, with a mineshaft remaining at the site. However, these uses have ceased and the site has returned to agriculture, although the spoil mound remains a local feature which is prominent in its immediate surroundings. Access to the site is via Browside Estate Road which links onto Central Road.

The applicant contests that the proposal is sustainable and complies with national and local plan housing policies. The applicant also contests there are no other alternative brownfield sites in Dearham/Maryport (dismissing a ½ acre site at Maryport on the quayside, with others requiring a high degree of remediation – the allocated site for Maryport has been developed and a site at Flimby Lodge as a result of its overgrown condition has reverted back to a greenfield site.)

The applicant considers the development would benefit the community, support its services and provide both open market and local market housing, reflecting the guidance in PPG3/PPS3. The applicant contests that in the absence of any detailed housing survey for Dearham the proposal’s housing mix complies with the guidance in PPS3 (which will become a material consideration by the date of the next Development Panel). The applicant considers the amendments increase in the number of three bedroom units will provide compact units which will allow for flexibility for changes in family situations. (No strategic housing assessment is available for Dearham to identify specific house type need).

The applicant considers the development is well related to the existing density without resulting in any loss of amenity and, excluding the remediated area of land, would represent a site density of 31 dwellings per hectare. The applicant contests the layout is well related to the levels of the site and would include both a pedestrian link to the school and a central open space area. The applicant considers the house type and their design are sympathetic with their surroundings.

The statement also advises the public open space would include low maintenance landscaping to enable its use by the public with planting on its steeper banks and further softening with hedgerows and grassed areas of the bank (as supported by the submitted landscaping scheme).

The proposed local area of play is centrally located in the site. The terraced house type reflects existing housing in the
village. The supporting statement also advises the access has been discussed with the Highways Authority. The site has access to public transport and includes pedestrian links (including a pedestrian link to the nearby school).

The applicant has submitted a range of consultants' reports to address some of the physical constraints previously identified at the site.

Firstly, in response to the extent of the spoil mound on the site and its potential contamination, the application has submitted a consultant’s contamination assessment of the site. This report states that the mound will be retained on site as it would be prohibitively expensive to remove (estimated at £4.5 million).

The report refers to the site’s spoil mound which needs to be elongated and enlarged to provide 1 in 3 side slopes and drain facilities. The results in a mound approx 530 metres in length, 70 metres wide, rising to a height of 5.5-11 metres. A 1m cap of surplus soil materials is needed to provide a barrier to contaminants or accidental ignition of the materials in the spoil mound.

The applicant has highlighted the cap will not be lifted on the existing landform adjacent to the existing houses. They also highlight the existing mound is at risk of slippage, which some letters indicate may already be happening. The mounding operations would stabilise the mound, and its continued maintenance would be incorporated into the management company.

In addition the report proposes the site’s existing mine shaft be drilled, grouted and capped to the National House Building Controls regulations (including stand-off zones).

It was identified that there were no mine workings in influencing distance of the surface. An area in the south-west corner of the site was identified as having elevated levels of heavy metals. It is therefore recommended that this area be excavated and transferred to the spoil mound, and replaced with a new topsoil cap.

Gas monitoring recordings have also been undertaken at the site. Environmental Health has confirmed there is no necessity for gas protection measures.

Details are also provided in the report on structural constraints (with no close proximity of development to the shaft).
Further to the Development Panel meeting, following concerns of local residents and the Parish Council, the applicant has submitted a method statement for the movement of contaminated materials to overcome the revised enlarged mound on the site (comments of both Environmental Health and the Environment Agency are awaited on this issue.)

An additional archaeological report provided an archaeological evaluation of the site (excluding the spoil mound and the mine shaft).

In response to concerns of the Highways Authority, the applicant has also submitted a supporting Transport Assessment plus an associated Stage 1/2 Road Safety Audit.

The report evaluates the highway merits of the proposal in accordance with the National Planning guidance in PPG13 Transport and PPS3.

The assessment included the highway network of Browside Road and its junction onto Central Road, plus the wider context of Central Road itself and its junction onto the A594. It concludes there are no visibility issues that prevent Browside Road being suitable for residential development.

Vehicle counts were undertaken with peak hours 8:00-9:00 a.m. and 5:00-6:00 p.m. Although two accidents have occurred in the previous three years, there are not considered to be any safety problems which will be worsened by the development’s traffic.

The site has access to public transport and has suitable pedestrian links (including to the school). Using Highway formulae and forecasting techniques, the statement considers the existing highway infrastructure has adequate capacity to accommodate the traffic trips generated by the development.

The report therefore considers there are no transport grounds for the refusal of the application.

The applicant has also submitted an amended surface water drainage plan which proposes the discharge of the surface water via a 500m pipe to the North East to Row Beck following the Environment Agency’s objections to the initial surface water drainage scheme.
A revised flood risk assessment initially proposed the discharge of the surface water from the revised mound into an existing nearby culvert traversing through the neighbouring estate. However, further to a meeting with the Council’s Engineer, the developer indicates they will pursue the installation of a separate water pipe alongside the surface water pipe for the estate drainage.

Officers consider that the merits of the detailed proposal relate to both the principle and physical constraints of the site.

Firstly in assessing the principle, although the site is within Dearham’s settlement limits and is an allocated site for housing under Policy RHS4 in the Local Plan, the principle of the development needs to be evaluated in the context of the revised Policy HS7 within the adopted alterations to the Allerdale Local Plan. Dearham settlement is not affected by the restrictions within the Council’s Interim Housing Policy. This policy seeks the preferable development of brownfield sites prior to greenfield sites.

Officers acknowledge that a proportion of the site (predominantly within the spoil mound), by virtue of the features former worked materials would be classed as brownfield. Indeed, in the Local Plan housing policy the site outlines part of the justification for its allocation is, “There is a small colliery spoil tip on the site, the removal of which would be a significant improvement to the environment of Dearham.”

However, a higher significant proportion of the land to be developed for the housing remains greenfield, with only a small area of the overall estate on the south-eastern boundary representing an area of brownfield land to be reclaimed for residential dwellings. Consequently, despite the reclamation mitigation works to the spoil mound itself (as the applicant indicates their removal from the site would make the project uneconomic and therefore not viable), the housing development itself is primarily greenfield.

The application has submitted a sequential test document to assess the merits of any other alternative brownfield sites in both Dearham and in its wider context as part of Maryport’s housing market.

Officers are unaware of any other alternative brownfield sites within Dearham. Dearham is considered to form part of Maryport’s larger housing market. Whilst there are some smaller brownfield site’s in Maryport (e.g. Woods Harbour),
there is nothing in comparison with the scale of the current proposal. Although the applicant has referred to another site in Flimby, it is considered this would not, by virtue of its geographical location and distance, form part of Dearham’s individual local housing market.

Therefore, overall, in the absence of any satisfactory alternative brownfield site, the merits of the principle of the proposal are considered satisfactory subject to addressing any physical constraints.

The physical characteristics of the layout and design raise a range of issues (especially given the range of constraints at the site) which may be summarised as follows:

(i) Housing Density: The housing density of the developed area reflects the guidance criteria within Policy HS8 of the Alterations and the guidance in PPG/PPS3 ‘Housing (i.e. a ratio of 30 dwellings per hectare). The applicant wishes to highlight this density is at the bottom of the 30-50 dwellings per hectare ratio specified in government advice. Therefore, subject to Members being satisfied that the existing infrastructure within the village can support the scale of the development, there are no objections to the scale of the development.

(ii) Local Needs Housing: The applicant has agreed in principle to allocating dwellinghouses (5 x 2 bed houses and 3 x 3 bed houses; 8 x local occupancy, affordable houses); within progressive phases to meet the local housing provision recommended and identified by the Council’s Housing Section under a S106 (in accordance with the provisions of Policy HS14).

(iii) Sewage Infrastructure/Capacity: The comments of United Utilities has confirmed no objections subject to only foul drainage to the public sewer at a controlled rate (to be reserved under a condition). Their comments are awaited on the revised flood risk assessment.

(iv) Archaeology: The County Archaeologist accepts the findings of the report and raises no objections, subject to a condition relating to further investigation into the outstanding areas within the spoil mound.

(v) Surface Water/Flood Risk: This issue has been raised by the objectors. The Environment Agency has withdrawn their intial objection subject to a planning condition restricting the discharge rate of the surface
water from the estate section of the site. As the surface water of open space section of the site is into an existing culvert (rather than a watercourse), they consider this particular aspect of the surface water drainage alternatively falls under the jurisdiction of the Council’s Engineer. Although a flood risk assessment has been submitted, the Council’s Engineer has requested additional details on the condition and capability of the proposed use of an existing culvert to accommodate any flow rates generated by the mound (especially in the context of its impermeable clay capping).

In response to these concerns the applicant is seeking to pursue a new surface drain for the mound adjacent to the proposed surface water drain for the estate itself (details awaited). Any such revising will need to be to the satisfaction of the Council’s Engineer and the Environment Agency.

(vi) **Contamination/Landscape:** The applicant has submitted a detailed evaluation of the site, including site investigation analysis. The Council’s Building Control Officers consider that despite extensive mineworkings underneath the site, by virtue of the coal seam being below a layer of bedrock, there would be no significant structural concerns other than those around the immediate vicinity of the mineshaft.

As specified previously, the applicant, on economic grounds, seeks to retain and consolidate the contaminated land at the site and cap it with an area of soil from the site which will be used as public open space. As a consequence this would address the hazards associated with the combustible and health hazard materials identified with the existing spoil mound on the site. (If refused these issues would have to be pursued by Environmental Health with the existing land owner under their own respective regulations.)

Both the Environmental Health Officers and the Environment Agency are satisfied that the proposed capping scheme is acceptable subject to condition relating to additional testing. The Environment Agency consider the method statement is adequate but reserved the right to take enforcement action if necessary. Environmental Health has requested additional information on the method statement details. Therefore officers, subject to additional evidence on the method statement to the satisfaction of Environmental Health,
are satisfied that, subject to the implementation of the mound in accordance with the revised scheme, the merits of the resubmission scheme are acceptable with no threat to public health or the water environment.

Inter-related to the mitigation measures proposed to overcome the contamination constraints is the physical landform of the resulting mound and its impact on the visual amenity and landscaping of its surroundings. Officers are surprised at the scale of the enlargement of the mound to secure the contamination measures.

The applicant has submitted a detailed landscaping scheme for the mound. A second option of a lower, broader steep sided but flat plateau mound was considered less prominent but more unnatural in its landscape form. Whilst the resulting mound substantially enlarges the existing mound, its height, which is approx 5.5 metres higher than the land on the western boundary and 11 metres higher than the land on the eastern boundary (i.e. exceeding the height of a dwellinghouse), is not considered excessive given the overall size of area to be landscaped and would form more of a natural feature than that of the existing irregular shaped spoil mound presently on the site.

It is, however, essential for Members to assess whether the large scale of this feature and the environmental impact of the physical form of the resulting mound outweigh the benefits of resolving the contamination at the site and enabling the beneficial development of the site for housing. However, officers are also awaiting additional surface water drainage details for this individual aspect of the development to ensure it poses no risk in terms of contamination or flood risk (due to the clay content of its capping material).

(vii) **Highway Concerns:** This issue constitutes one of the primary physical constraints to the site due to the limited options of access to the site and its associated infrastructure and details.

The Highways Authority has confirmed that the amended plan addresses their initial concerns. It is understood that the provision of the parking restrictions at each end of Browside’s Estate’s road would act as passing places for the traffic from the proposed estates and allow vehicles to wait for oncoming traffic.

The Highways authority consider that this would enable
four cars to ‘stack’ off to wait for traffic approaching along Browside Road. A build out area is also proposed to improve visibility.

It was accepted the junction of Central Road with the A594 is sub-standard but that the traffic flares generated by the development would not be significant and increase danger at this junction. (The accident record is low with two accidents in the past three years, though these did not highlight any particular safety issues.)

Officers, however, accept the highway consultant’s comments relating to Central Road and its junction onto Browside Road (whose visibility would be further secured by the proposed parking restrictions.)

The application has been amended to incorporate the footpath link details to the school.

In the absence of any objections to the proposal (as amended) from the Highways Authority to the submitted Traffic Assessment and Road Safety Audit officers consider the highway merits of the proposal are acceptable.

(viii) **Design:** The objections concerns relating to the three storey element of the housing layout has been superceded by the amendments more sympathetic two storey terrace.

The Parish Council have also referred to concerns on the boundary treatment for both the regarded mound and the dividing fences between proposed and existing dwellinghouses.

The applicant has amended the boundary treatment to the perimeter of the open space to a more sympathetic landscaped/post and rail fence.

Whilst reference has been made that 1.8m fencing should not be supported between properties, this type of treatment of on rear curtilages on most housing estate developments, and officers are unaware of any specific planning regulation guidance which resists this aspect of the development. It is therefore considered the proposed boundary details are acceptable.

Therefore, overall, officers do not oppose the principle of the development. However, the merits of the development are subject to addressing the physical constraints of the access,
landscaping, surface water drainage and contamination.

Subject to satisfactory details on the remaining issues of the method of moving the on-site contamination and clarification on the acceptable means of surface water drainage for the public open space, prior to the Committee meeting the merits of the proposal are acceptable and may be approved (subject to an S106 Agreement securing the housing development’s recommended affordable housing on the site).

**Recommendation:** 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. Prior to the commencement of works, details of the landscaping and schedule of maintenance of works for the public open space shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the occupation of any of the dwellinghouses hereby approved and thereafter maintained at all times in accordance with the submitted schedule.
   
   **Reason:** To ensure the provision of satisfactory public open space facilities in accordance with Policy L1 of the Allerdale Local Plan.

3. Details of the siting, height and type of all means of enclosure/screen walls/fences/other means of enclosure shall be submitted to and approved by the Local Planning Authority before development commences. Any such walls/fences, etc, shall be constructed prior to the approved building being brought into use/occupied. All means of enclosure so constructed shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
   
   **Reason:** To ensure a satisfactory standard of development which is compatible with the character of the surrounding area.

4. The approved landscaping scheme received on 12 February 2007 for the public open space shall be fully implemented within the first planting and seeding season after the completion of works on the site. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size
and species.

*Reason:* In order to enhance the appearance of the development and minimise the impact of the development in the locality.

5. Details and representative samples of all external and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. The materials so approved shall be used in the development as approved.

*Reason:* To ensure a satisfactory standard of development which is compatible with the character of the surrounding area.

6. 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.

*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.

7. The carriageway, footways, footpaths, cycleways, etc, shall be designed, constructed, 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 work commences on site. 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 complete.

*Reason:* To ensure a minimum standard of construction in the interests of highway safety.

8. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs, etc, to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

*Reason:* To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.
9. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub-base construction.  
   *Reason:* To ensure that the access roads are defined and laid out at an early stage.

10. No dwellings shall be occupied until the estate road, including footways and cycleways to serve such dwellings, has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.  
    *Reason:* In the interests of highway safety.

11. Full details of the surface water drainage system shall be submitted to and approved by the Local Planning Authority prior to works commencing on site.  
    *Reason:* To ensure the satisfactory surface water drainage of the site and and minimise the risk of flooding in the locality, in compliance with Policies EN12 and HS9 of the Allerdale Local Plan.

12. Access gates, if provided, shall be hung to open inwards only away from the highway.  
    *Reason:* In the interests of highway safety.

13. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the developments are occupied.  
    *Reason:* In the interests of highway safety.

14. Details of all measures to be taken by the developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the developments being completed and shall be maintained operational thereafter.  
    *Reason:* In the interests of highway safety and environmental management.

15. The carriageway, footways and footpaths which are to remain private shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before the work commences on site. No work shall be commenced until
a full specification has been approved. Any works so approved shall be constructed before the development is completed.

Reason: To ensure a minimum standard of construction in the interests of highway safety.

16. Prior to the occupation of any of the dwellinghouses on the approved plan, the two car parking spaces hatched on the approved plan shall be fully implemented. Therefore these car parking spaces shall be retained and capable of use, and shall not be removed without the written consent of the Local Planning Authority.

Reason: To ensure adequate parking provision is made and retained for use in relation to the development and minimise any on-street car parking in compliance with Policy TR6 of the Allerdale Local Plan.

17. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives.

18. Prior to the commencement of works, the 'no waiting' parking restrictions to Browside Road/Central Road outlined on the approved plan received on 20 February 2007 shall be fully implemented.

Reason: In the interests of highway safety and to ensure a satisfactory means of access to the site, in compliance with Policy HS9 of the Allerdale Local Plan.

19. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to "permitted development", no development shall be implemented within 3 metres of either side of the public sewer traversing across the site unless agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority wishes to ensure and safeguard the satisfactory future maintenance of the public sewer traversing across the site.

20. No development shall be commenced on the housing estate hereby approved until the method statement (including mitigation and validation details) for the regrading and capping treatment of the spoil mound and the treatment of the mine shaft have been submitted to and approved by the Local Planning Authority. The
approved scheme shall be implemented in accordance with the approved statement prior to the commencement of works on the housing estate hereby approved.  

*Reason: To minimise the risk of any protected combination risk to public health or the water environment in compliance with Policy EN9 of the Allerdale Local Plan.*

21. Prior to the commencement of works a scheme for the testing and validation of the chemical composition and thickness of the topsoil of one rear garden per every three plots shall be submitted to and approved by the Local Planning Authority. The works shall be solely implemented in accordance with the approved scheme and no dwellinghouse shall be occupied until its respective validation details have been accepted by the Local Planning Authority.  

*Reason: To minimise the risk to human health from any potential contamination at the site in compliance with Policy EN9 of the Allerdale Local Plan.*

22. No dwellinghouse shall be occupied until the approved surface water drainage scheme for the estate not exceeding a discharge rate of 21 litres per second, and its associated attenuation measures for the estate not exceeding a discharge rate of 21 litres per second, as outlined in the amended details received 2 April 2007 have been fully implemented.  

*Reason: To ensure the satisfactory means of surface water drainage from the site and minimise the risk of flooding in the locality, in compliance with Policies HS9 and EN12 of the Allerdale Local Plan.*
ALLERDALE BOROUGH COUNCIL

Reference No: 2/2006/1321
Received: 11/12/2006

Proposed Development: Wind farm comprising of 7 wind turbines up to 81 metres high, a sub-station, an anemomtry mast, access tracks including access off the public highway, underground electrical cabling (all for a period of 25 years), and a temporary construction compound.

Location: Winscales Moor Wind Farm
Winscales
Workington

Applicant: Winscales Moor Windfarm Ltd

Constraints: Allerdale Flood Zone 1
British Coal Area


The Draft Regional Spatial Strategy Policy EM 17 sets out acceptability criteria for renewable energy proposals.

County Structure Plan Policy ST4 sets criteria for considering major development. Policy R44 sets criteria for renewable energy proposals.

Policy E34 looks to safeguard national designations. Curwen Park is listed.

Allerdale Local Plan EN19 considers landscape protection. EN25 protects the open countryside. Policy CO19 looks to safeguard the setting of Scheduled Ancient Monuments and of nationally important archaeological remains. Policy CO24 protects the setting of Hadrians Wall World Heritage Site. Policy EN24 seeks to safeguard listed parks.

Allerdale Local Plan Policy EN40 expects development on the edge of Workington to positively enhance the landscape.

Wind Energy Development in Cumbria (SP9 1997). Whilst this document is dated it is adopted policy.

Cumbria Wind Energy SPD (Consultation Draft August 2006). This document is in the early stages and therefore
should not be given significant weight in determination. The appraisal of the proposal undertaken on behalf of the Council has used the document as a framework for identifying sensitivities and issues specific to wind energy development.

Representations:

**Winscales Parish Council** – No objections. Falls in line with other wind farm developments in the vicinity, however, feel the number of wind turbines now at a maximum.

**Workington Town Council** – Object to the development on the physical size of the proposed units and the visual impact on the surrounding district.

**Little Clifton Parish Council** – No objections.

**Great Clifton Parish Council** – No objections.

**Seaton Parish Council** – Object – detrimental visual impact.

**Cumbria Highways** – No objections subject to conditions.

**Cumbria County Council** – Object, “it was considered contrary to Policy R44 due to its affect on landscape character and visual amenity and to Policy 37 as it is not compatible with the landscape capacity of the area. It would cause unacceptable harm to the landscape character both individually and cumulatively with other wind energy schemes in the Workington area.

**NATS** – Has no safeguarding objection to the proposal.

**Fire Officer** – No objections.

**Civil Aviation Authority** – No objections.

**RSPB** – No objections.

**MOD Defence Estates** – No objections.

**Cumbria Constabulary** - No representations received to date (23/05/2007).

**The Environment Agency** - No representations received to date (23/05/2007).

**CPRE** - No representations received to date (23/05/2007).

**Environmental Health Officer** - No representations received to date (23/05/2007).
**Lake District National Park Authority** - No representations received to date (23/05/2007).

**Garden History Society** – No representations received to date (23/05/2007).

**English Heritage** – Do not object regarding impact on World Heritage Site.

**Natural England** – No objection.

The application has been advertised on site and within the local press. Adjoining owners have also been notified.

18 letters of objection have been received. 16 letters are known to be from within Allerdale and refer to landscape and visual impact, not enough benefit, noise, alternatives exist, cumulative impact.

83 letters of support have been received. 66 letters are from within Allerdale. 6 of the remaining letters have no addresses (e-mail).

**REPORT**

The planning application was submitted in December 2006. It is supported by a full Environmental Impact assessment.

The proposal is for 7 1.3 megawatt turbines of up to 81m to blade tip. The hub height will be 45-50m. The development would take up to nine months to construct, have an operational life of 25 years and take 4 months to decommission. There would be some 1.8km of new stone track, generally 4.5-5.0m wide. There would be a sub-station building and compound. An existing farm access will be widened from 16m to 55m, with 4.5m to 220m visibility plays. Access from the A595 via an unclassified minor road will require 5 passing places/carriageway widenings. The electricity output could meet the electricity needs of around 4,000 households.

The site is approx 2km east of Workington and bounded on the north by the A66 Stainburn bypass and the A595 to the east. Stainburn and Great Clifton are approx 1km away and Seaton about 2.4km away.

The existing 11 turbines of Winscales Wind Farm are approx 350m to the south. The turbines are slightly smaller.

As part of the consideration of the proposal, the Council has sought the advice of an independent landscape consultant. A detailed report has been received which includes the
following conclusions:

**CONCLUSIONS**

8.1 These conclusions respond to the landscape related planning considerations identified in Section 3 of this report and are structured accordingly. In some areas the findings cannot be entirely conclusive due to a lack of information in the ES and its supplements.

**Siting and Design**

8.2 Whilst landscape and visual factors favouring and constraining wind energy development are finely balanced within the receiving Ridge and Valley landscape (Sub-type 5a) in principle it should be capable of receiving a carefully sited and well designed small group of turbines (3-5) or exceptionally a large group of turbines (6-9) without significant harm. However the central concern with this proposal is one of siting in a location that already plays host to the existing Winscales Wind Farm, which at 11 turbines has already pushed the boundaries in terms of the appropriate size of development for a receiving landscape of medium scale. The proposed site is directly adjacent to this development (350m) where it will effectively read as an extension immediately raising concerns as to whether the receiving landscape can accommodate the larger composite feature of 18 turbines, whether the magnitude of effects will be significantly increased, whether it will successfully read as a controlled single entity and whether in design terms the developments will be compatible and achieve a cohesive unified overall appearance.

8.3 There are also other siting issues. In landscape terms these are proximity to the historic Curwen Park (1.3km) and Locally Important Landscape of the Derwent Valley (Sub-type 8c, 1.2km) rendering these areas within range of potential effects of national and district level significance respectively. In visual terms the main concerns are the proposal’s immediate proximity to the main A66 ‘gateway’ into Workington (100m) such that the turbines would appear overbearing and proximity of valley rim villages such as Stainburn, Seaton, Hawk Hill with main aspects directly facing towards the broadest profile of the proposal both individually and
cumulatively with Winscales (up to 0.61km and 1.55km respectively).

8.4 The offset position of the proposal northeast and further down the ridge side than the existing Winscales Wind Farm would create a close but disconnected appearance from WNW and ESE aspect including the sensitive receptors of Curwen Upper Park, A596 as it emerges from Workington, nearby residential fringes of the town, the Howe and the Cloffocks. This would create an unsettling composition where the eye tends to jump from one grouping to the other. The offset positioning would also stretch out the composite wind farm affecting the entire vicinity between the A595 and A66 and creating an image of sprawl when viewed from these roads rather than a controlled single entity. From the other side of the ridge around Branthwaite the composite wind farm would appear to ‘spill’ out of the natural dip in the ridge between the summits at Winscales and Capel How.

8.5 The wind farm design has weaknesses in terms of compatibility with the composition and turbine detail of the existing Winscales Wind Farm. The density of the turbines would be inconsistent with greater separation distances in the proposal being apparent from close - mid range views such as Seaton and A596 Curwen Upper Park. Inconsistencies between the alignment of turbine rows in each development would be apparent from Seaton and around Branthwaite. Whilst the design iteration of reducing the turbine height to 81m (less than current industry standards) would result in a fairly even appearance the proposed turbines would have an inconsistent appearance in other ways due to slower blade rotation speeds, longer blades creating squatter proportions and a different make of turbine.

8.6 Inclusion of a lattice construction meteorological mast throughout the operational life of the wind farm would increase the sense of clutter and confusion with existing pylons in close range views such as the A66 ‘gateway’.

Landscape Compatibility

8.7 Individually the proposed group of seven turbines would not intimidate the broad ridge, medium to large scale field pattern and wide views of Sub-type
5a in this vicinity. The intimate scale and narrower vistas of the nearby lower Derwent Valley comprising the western part of Sub-type 8c would be more vulnerable. In close range the turbines are likely to dwarf adjacent hedges, pylons and plantations.

8.8 Whilst benefiting from a positive functional rationale of an exposed coastal ridge location the proposal would not appear as simple sculptural or symbolic feature in the landscape due to the problems of disconnection, sprawl, visual complexity with other verticals and design incompatibilities with the existing Winscales Wind Farm described above.

8.9 It would associate positively with the ‘working’ character of the Sub-type 5a improved pasture land, nearby major roads and industrial estate. However in the context of the natural, sinuous and historic character of the nearby lower Derwent valley (Sub-type 8c) and Curwen Park the turbines are likely to appear incongruous. In these areas the wind farm would also create a strong focal point, its presence emphasised by blade movement, distracting attention from existing focal points and disrupting scenic harmonies. Similarly it would detract from distinctive skylines of the Lakeland Fells by cluttering the simple farmland that acts as a mid-ground foil of views from the ridges or vistas along the Derwent Valley.

8.10 Generally the noise and movement of the turbines would relate to a relatively busy area already affected by major roads, existing turbines and industrial activity however the peaceful part of lower Derwent Valley (Sub-type 8c) around Camerton would be more vulnerable.

8.11 Although rolling terrain and woods of Type 5 landscapes would assist absorption through visual interruption these same features would result in surprise views and variable relationships with the skyline with intensifying or disturbing effects such as framing or blade flash over valley rims.

Significant Landscape Effects

8.12 Significant long term effects on landscape character would occur within the immediate setting (2-3km) of Sub-type 5a Winscales Moor area and Seaton / Hawk Hill area the proposed wind farm becoming a
dominant focus or prominent feature in the landscape. Given the problems of disconnection, sprawl, visual complexity with other verticals, incompatibilities with the existing Winscales Wind Farm, awkward relationships of scale with woods etc and detraction from views of distinctive Lakeland skylines these effects would tend to be adverse.

8.13 With regard to the Locally Important Landscape Area significant effects would occur within 2.5 - 5km from the wind farm on the eastern part of the Derwent Valley (Sub-type 8c) between Camerton, Great Broughton and Broughton Cross and the east side of the Marron Valley around Greysouthen (Sub-type 5c). Here the wind farm would become a key element of the landscape generally highlighted on the valley rim. Given the incompatibilities with key landscape characteristics these effects would generally be adverse.

8.14 With regard to Curwen Park (Workington Hall) significant effects would occur with regard to the Upper Park. From its western side the wind farm would become a key element seen above part of the park’s circumferential woodland against a backdrop of the Lakeland Fells. It would compromise the setting of the park by appearing incongruous, jarring against sinuous lines of the ‘natural’ eighteenth century design, disrupting scenic harmony by distracting attention away from the focal point of listed building complex of Schoose Farm, competing for attention with the adjacent but disconnected Winscales turbines and cluttering the Lakeland Fell backdrop. Effects on the Lower Park are unclear, the ZVI indicates potential hub height visibility within the park however it is difficult to predict what the extent of screening by woodland would be.

**Significant Visual Effects**

8.15 There would be significant long term effects on the residential visual amenity of 8 number individual properties in immediate proximity, up to approximately 50 - 60 other properties within the villages of Great Clifton, Seaton, Hawk Hill and Stainburn and further properties on the eastern fringes of Workington.

8.16 There would be a significant effect on the setting of Workington in terms of the main A66 ‘gateway’ on
westbound travellers beyond Bridgefoot and in both directions in the immediate vicinity of the site along the Stainburn bypass where the turbines would appear overbearing and National Cycle Route 71 (Coast to Coast Cycleway) ‘gateway’, the A596 where it exits the town and elevated viewpoints on the Howe and the Cloffocks in relation to tourists and walkers.

8.17 There would be significant effects in both directions for travellers using the A595 between the A66 and Lillyhall Industrial Estate. Significant effects on National Cycle Route 71 (Coast to Coast Cycleway) would occur from several locations between the Workington and Cockermouth.

8.18 Whilst recognising perceptions of wind farms are variable given the cohesion and compatibility problems in combination with the existing Winscales Wind farm described above the proposal is less likely to be positively received by residents and visitors.

**Standard of Assessment, Design and Mitigation**

8.19 The minimisation of visual elements over the operational life of the wind farm is compromised by a failure to utilise any existing tracks, in large part the proposed new tracks run adjacent to existing ones. The infrastructure removal and remediation measures are also compromised by the proposal to leave 1.83 km of new track, construction compound hardstanding and new site access solely for the farmer’s use. The position of the site access through the shelterbelt and new tracks directly adjacent to hedges threatens the integrity of local landscape fabric through potential wind throw, drainage and root zone damage etc and the design has failed to consider this or incorporate any protection measures.

8.20 Given the close range visibility from the A66 and local Stainburn road abounding the site and importance of the hedges, plantations and unspoilt pastureland in a depleted restored open cast coal landscape context should planning permission be granted conditions should be imposed to ensure that the extent of new tracks and site access is minimised as far as possible, ensure the downgrading or reinstatement of these features on decommissioning, ensure the reinstatement of the
construction compound at the end of the construction period and ensure adequate protection of the landscape fabric. Despite highlighting enhancement opportunities for hedgerow tree planting, management and diversification of the shelterbelts and existing wet grassland for wildlife benefit rushy pasture at the scoping stage the only landscape enhancement measures proposed are ‘possible’ new hedgerow planting and improvements. It is assumed that improved enhancement and compensation measures for damage to hedging and shelterbelt at the site entrance could be secured by an appropriate planning condition.

8.21 The environmental assessment and design, particularly in relation to quantification of effects and cumulative effects including ability of landscape to accommodate a larger composite feature with the existing Winscales Wind Farm, infrastructure and cohesion and compatibility with Winscales Wind Farm fall short of national standards and best practice set out in references such as the Guidelines for Landscape and Visual Impact Assessment (2002), PPS 22 Companion Guide (2004) and SNH Guidelines on the Environmental Impacts of Windfarms and Small Hydroelectrical Schemes (2001).

**Significant Cumulative Effects**

8.22 There would be significant cumulative effects in combination primarily with Winscales but also Oldside, Siddick and Voridian across the whole of the receiving unit of the Ridge and Valley landscape (Sub-type 5a) and the southern part of the unit to the north of the Derwent Valley between Hawk Hill and Camerton. Within the close range, approximately 3km, wind turbines would be expected to become a defining characteristic and within 3-5km a key characteristic. Hence effectively requiring reclassification as a Wind Farm Landscape within the close range or a variation on Sub-type 5d: Urban Fringe with Wind Farms.

8.23 There would be a cumulative effect of national significance on the setting of Curwen Upper Park in combination with Winscales and significant cumulative effects on the Derwent Valley Corridor (Sub-type 8c) between Camerton, Great Broughton and Broughton Cross again in combination with
Winscales where the turbines would be expected to read as a key element in the landscape.

8.24 It is difficult to come to a conclusion on the extent of significant cumulative effects on visual amenity due to the inadequacies of the ES and lack of information, however they would be likely to occur in relation to residents on the fringes of Workington and valley rim villages as described above and travellers on the A66 where effects would be intensified in combination primarily with Winscales, the setting of Workington in terms of both static views and sequential views of different wind farms appreciated from ‘gateways’ and amenity open spaces, visitors using the A595, A596 and Cumbria Coastal Way and National Cycle Route 71 (Coast to Coast Cycle Route).

8.25 Finally in terms of the ability of the landscape to accommodate the Winscales Moor and Winscales as a larger composite wind farm feature of 18 turbines it is concluded that a development of this size would overwhelm the medium scale landscape of the receiving Ridge and Valley landscape (Sub-type 5a). There are no exceptional circumstances such as an immediate large scale backdrop of seascape or fells to assist absorption of such a large feature. In combination with the offset positioning of the two developments the large scale of the composite wind farm feature would create an image of sprawl at the main A66 ‘gateway’ into Workington.

8.26 The nature of these cumulative effects would be as those described for the proposal individually.”

Planning policy at all levels is promoting targets for renewable energy and looking to local authorities to support renewable energy development which do not have unacceptable impacts.

There is continuing pressure for wind farm development in Allerdale and Copeland. There is seen to be a continuing demand to produce power from renewables. A continued stance of rejecting schemes is not likely to be acceptable and therefore the least objectionable may merit support.

It is to be accepted that this proposal will have an adverse impact. Following on from that, consideration must be given to the fact that it is close to an existing large wind farm and that much of the impact already occurs. Can what is
tantamount to a single wind farm of 18 turbines be accepted in this location? The consequences of saying 'No' might be to make it all the more difficult to resist other small schemes in more sensitive locations, or allowing more schemes throughout Cumbria, which may go further towards creating a 'Wind Farm Landscape'.

Notwithstanding the objection raised by the County Council, regard must be had to the comparatively small scale of objection and the extent of the letters of support. The Local Parish Council does not object, nor do two adjoining Parish Councils. Three other Parish Councils have objected.

The issues are finely balanced. If Members consider that the benefits of producing energy from this site outweigh the dis-benefits caused by the impact of the scheme, then planning permission can be granted.

Recommendation: 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. 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 submitted to and approved by the Local Planning Authority prior to any development commencing.
   
   Reason: In order that the impact of the development is removed at the end of the development’s operational life.

3. If any turbine ceases to be operational for a continuous period of 6 months it shall be dismantled and removed from the site and that part of the site shall be restored in accordance with details approved pursuant to Condition 2 above.
   
   Reason: In order that the impact of the development is removed if electricity ceases to be produced.

4. The turbine blades shall rotate in the same direction.
   
   Reason: In order to minimise visual impact.
5. Before erection of any of the wind turbines, details of the colour and finish shall be submitted and approved by the Local Planning Authority and the development shall be carried out in accordance with those details. No part of any of the structures shall carry any logo or lettering.
*Reason: In order to minimise visual impact.*

6. Construction work shall not begin until a scheme has been submitted to and approved by the Local Planning Authority setting out a procedure for the measurement of noise emissions from the turbines in the event of any complaint, identifying noise sensitive properties and setting agreed background noise levels and noise levels that shall not be exceeded.
*Reason: In order to minimise any adverse impact.*

7. All buildings and other operational structures shall be removed from the contractor's compound within 3 months of the compliance with Condition 8.
*Reason: In order to minimise visual impact.*

8. 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 previously submitted to and approved in writing by the Local Planning Authority before development commences. Such a scheme should be designed to provide continued occasional use for maintenance vehicles, while allowing the surface regeneration of vegetation.
*Reason: In order to minimise visual impact.*

9. No development shall commence until a written scheme has been submitted to and approved by the Local Planning Authority identifying noise sensitive properties in the surrounding locality and setting out a protocol for the measurement of noise emissions from the turbines in the event of any complaint, including setting agreed background noise levels and specifying noise levels that should not be exceeded at the noise sensitive properties; in accordance with the advice and methodologies in ‘The Assessment and Rating of Noise from Wind Farms (ETSU-R-97). Operation of the turbines shall take place in accordance with the agreed protocol unless the Local Planning Authority gives its prior written consent to any variation.
*Reason: In order to minimise the risk of noise pollution and nuisance.*

10. No development shall commence until a written scheme
has been submitted to and approved by the Local Planning Authority setting out a protocol for the assessment of shadow flicker in the event of any complaint, including remedial measures. Operation of the turbines shall take place in accordance with the agreed protocol unless the Local Planning Authority gives its prior written consent to any variation. 

*Reason: In order to minimise the risk of light pollution and nuisance.*

11. No development shall commence until a written scheme has been submitted to and approved by the Local Planning Authority setting out a protocol for the assessment of electro-magnetic interference in the event of any complaint, including remedial measures. Operation of the turbines shall take place in accordance with the agreed protocol unless the Local Planning Authority gives its prior written consent to any variation.

*Reason: In order to minimise the risk of nuisance.*

12. Prior to the works commencing on site the applicant shall submit further details, including a full specification of the proposed road widening arrangements, to the Local Planning Authority for approval. Any approved works shall be implemented in accordance with the approved details before work commences on site.

*Reason: In the interests of highway safety.*

13. Prior to the works commencing on site the applicant shall submit for approval a haul route plan and a scheme of temporary works signs. Any works so approved shall be implemented by the applicant prior to works commencing on site and shall be maintained until the construction phase of the development has been completed in all respects.

*Reason: In the interests of highway safety.*

14. The development shall not be brought into use until visibility splays providing clear visibility of 220 metres x 4.5 metres x 220 metres measured down the centre of the access road and the nearside channel line of the major road have been 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, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the
visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

*Reason: In the interests of highway safety.*

15. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 15 metres as measured from the carriageway edge of the adjacent highway.

*Reason: In the interests of highway safety.*

16. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning authority in consultation with the Highways Authority.

*Reason: In the interests of road safety.*

17. The public highway within 500 metres of the site access shall be kept clean of all mud and debris from vehicles leaving the site during the construction phase of the development.

*Reason: In the interests of road safety.*

18. Prior to the works commencing on site a condition survey of the public highway from the site access to the A595(T) along the haul route shall be carried out, with a further survey after the completion of the construction works, the applicant being responsible for making good any identified remedial works, all costs associated with the works are to be met by the applicant.

*Reason: In the interests of road safety.*
Reference No: 2/2007/0173
Received: 23/02/2007
Proposed Development: Certificate of lawfulness for an existing use of property as a dwelling, as amended by letter and photographs received 1 May 2007.
Location: Hennah Hall
Broughton Moor
Maryport
Applicant: Mr & Mrs A Fawkes

Constraints: Radon Assessment
Allerdale Flood Zone 1
1561, Broughton Moor roadside verge, A/NY03/20
British Coal Area

Policies: Representations:
Parish Council – No representation has been received to date (23/05/2007).
Cumbria Highways – No objections.
Environmental Health – No objections.
Council Tax – See report.
Natural England – No objections.
The application has been advertised on site.
No representations have been received to date (23/05/2007).

REPORT
A Lawfulness Development Certificate is sought to confirm the lawful resumption of residential use for a farm house known as Hennah Hall. Should this be granted the applicant has indicated that it would be their intention to demolish the farm house and rebuild a new dwelling to a similar size and footprint and reuse the existing external stone.

Hennah Hall comprises of a small traditional stone built farmstead within 2.76 acres of land, situated in open countryside and is accessed off a long, unmade track from a road leading from Broughton Moor to the A594 (Cockermouth to Maryport) road. The complex is formed around a courtyard and includes a farm house, barns and stable buildings.

To establish whether this farm house has a lawful use as a dwelling the issue of abandonment must be considered and this is assessed in relation to four factors:
1. The physical condition of the building;
2. Period of non use;
3. Nature of any intervening uses;
4. Evidence regarding owner’s intentions.

1. Physical condition: The farm house at Hennah Hall is deemed uninhabitable and is without a roof, ceilings or floors and is deemed structurally unsound. The fabric of the building is now in a ruinous state and the applicant has conceded that reconstruction would be required if residential reuse was to take place.

2. Period of non use: The farm house was vacated in 1990 some 17 years ago for health and safety reasons, due to the close proximity of the coal mining activities. Evidence of this is provided in photographs (see amended details received 1/5/07). The farm house has been deemed uninhabitable since at least 1st April 1998 as Council Tax records indicate.

3. Intervening Uses: There is no evidence to suggest any other intervening uses between the point of vacation of the farm house to date and the restoration of the surrounding land post coal mining has only been completed over the last 3 to 4 years.

4. Owners Intent: On vacation the family moved to Linefoot but it is stated it was always the intention of the owners to move back following reinstatement of land after coal mining. The family now wish to return to the farmstead to breed horses. It is stated that the building was initially boarded up and secured, however, there is now little evidence of this, also, the slate roof was stolen with subsequent prosecutions in 1991 and 1993. The applicant may argue that had the roof material not been stolen, then the building may not have fallen into such poor state of repair. No evidence is provided of the roof ever being replaced in order to secure the building from the degenerative processes of weather or intruders.

It is stated that services to the site, to include water and electricity supplies, were initially maintained. These have subsequently been disconnected for health and safety reasons. No dates or records as evidence have been provided of utility bills paid.

In terms of Council Tax records, these only date back to 1st April 1998. From the period 1st April 1998 to 31st March 2000, the owners were deemed exempt from any Council Tax payments due to the property being considered uninhabitable. To receive exemption, the Council Inspection
Officer would be required to confirm the building as being uninhabitable. From 1st April 2000, legislation changed which required that even uninhabitable properties would be required to pay Council Tax but receive a 50% discount. Since that date the applicants have paid 50% of the annual Council Tax requirements.

Case Law:
It is necessary to consider recent case law in this field and of particular relevance is a similar case in Allerdale borough whereby a Local Development Certificate was refused (2/2001/0481 refers) after the applicant sought to confirm the use of a farm house at Broughton Lodge as a dwelling house. The former farm house was located in a large rural area which had been subject to open cast coal mining work for an extended period within the 1990’s. The subsequent planning appeal was also dismissed, (Allerdale 27/08/02 DCS No. 33885495 refers), after the appellant argued that although the farm house was in poor condition, there had never been any intention to abandon the residential use of Broughton Lodge as a dwelling house. The Inspector deemed it necessary to have regard to all circumstances and that it would be wrong to elevate the intentions of owners to a paramount status or to subordinate other relevant considerations. The Inspector established that any intent of the appellant to not abandon the farm house at Broughton Lodge needed to be assessed alongside the physical condition of the building. It was concluded that the former farm house had been abandoned due to its poor physical condition; having no roof and there being no internal floors or ceilings and that no attempt had been made to preserve the building in a stable condition. The Certificate of Lawfulness refusal was dismissed on appeal.

With regard to this application where consent is sought for a Certificate of Lawfulness for the use of Hennah Hall as a dwelling house, it is Officer’s opinion that the former farm house has in fact been abandoned when considering evidence provided and relevant case law. This application is recommended for refusal accordingly.

**Recommendation:** Refused

**Conditions/Reasons:**
1. It is the opinion of the Local Planning Authority that the former dwelling at Hennah Hall has been abandoned, by virtue of its poor physical condition, its 17 year period of non use, by reason of the building being not made secure and from the limited evidence of owners intent with regard to retaining the dwelling house for domestic purposes.
ALLERDALE BOROUGH COUNCIL

Reference No: 2/2007/0403
Received: 10/04/2007
Proposed Development: Erection of 1.2m fence and enclosure of land for parking
Location: Land next to 6 Infirmary Road, Workington
Applicant: Mr Burns & Mrs Bell

Constraints:
- Settlement Limit HS5
- Allerdale Flood Zone 1
- CZ1-CZ6
- British Coal Area
- Adv Control Exclusion – Workington

Policies:
- Allerdale Local Plan
  TR13 – The needs of pedestrians taken into account

- ST3 – Principles applying to new development

Representations:
- **Town Council** – No representation has been received to date (23/05/2007).

- **Cumbria Highways** – 1) Due to the annexation of the land, it may be useful to realign the access road arrangements for ease of access regress along the road. 2) There should be adequate space on the private road for vehicles to pass freely but this would be to the detriment of long standing parking provision on the lane.

- **Environmental Health** – No objections.

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

Eleven letters of objection and 3 letters of support have been received (see report).

**REPORT**

Retrospective planning permission is sought for the erection of a 1.2 metre wooden fence and the enclosure of land for domestic parking adjacent to an end terrace dwelling on Infirmary Road. The enclosed land has historically formed
part of an unmade access lane to a small cul-de-sac of 5 nos. bungalows and their garages known as West Grove. The access lane also serves a garage court of 18 nos. garages and provides for informal parking for local residents.

The main issue to consider is whether the enclosure of the land for the provision of private parking has any adverse impact on local residents as a result of partly blocking up the access lane that serves West Grove and the garage court adjacent. Also to consider are the appearance and design of the fence and any loss of historic informal parking arrangements for local residents.

The enclosed land measures 3.7m in width and 13.4 metres in length and although the applicant sets out that 7m of access lane remains, this is often parked up with informal parking. It is noted that the enclosure of the land requires the realignment of the original route of the lane; however, pot holes have been filled by the applicant in order to improve the surface of the remaining access lane and to address local flooding issues.

11 letters of objection and three letters of support have been received from neighbour notification and from the publicising of the proposal by site notice and local newspaper.

The objections raised include:-
1. The applicant does not own the land and has no right to claim the land by erecting a fence around the land.
2. The land is owned by Curwen Estates.
3. The owners have created 2 private parking spaces but 3 public parking spaces have been lost.
4. The enclosed land has been used for parking by local residents for at least 41 years.
5. The applicant already benefits from a large garage adjacent to their property.
6. There is a shortage of parking spaces within the locality, with less than 25% sufficient parking spaces for the number of properties.
7. The erected fence and gates are considered ugly, unsightly and not in-keeping.
8. The enclosed area forms part of the vehicular access to West Grove and a garage court which has now been narrowed so that it is restricted and refuse, utility and emergency vehicles cannot always gain access.
9. Vehicular access is restricted to Hazelmere, Infirmary Road.
10. Stopping up of the access lane would require the agreement of all the users.
11. The enclosure of the land would establish a
dangerous precedence.

12. The enclosure of the land by a fence has impeded the access lane and is a danger to pedestrians and motorists.

The reasons for support include:
1. The fence has improved the view.
2. Pot holes on the lane have been filled which has stopped flooding.
3. The visibility at the junction has improved since the fence has been erected.

With regard to the issues raised, although the applicant does not own the land, the correct Certificate D has been completed within the application. This establishes that the applicant has taken reasonable steps to find out the names and addresses of the owner(s) of any part of the land to which the application relates by undertaking a Land Registry search, by advertisement in the Times and Star and by placing a Site Notice.

It is stated that the land is owned by Curwen Estates which is administered by Allerdale Borough Council, however, it has been confirmed that this subject land parcel is not part of the Curwen Estate that is administrated by Allerdale Borough Council.

It is noted that vehicular and pedestrian access rights have been acquired over time for local residents and garage court users on West Grove to cross the access lane. The partial enclosure of the access lane will therefore require a Stopping-Up Order.

County Highways advises that there should be adequate space remaining on the private road for vehicles to pass freely, but this would be to the detriment to the long standing parking provision on the lane. It is likely, however, that cars will continue to park on the lane and therefore the lane will become single width. In addition, the enclosed land is wider than the width of cars that have historically been parked in the locality and it may be considered that this further impedes the free flow of traffic in addition to any previous informal car parking arrangements. Also, the 3.8 metres in front of the access gates adjacent Infirmary Road is considered to be insufficient space to enable vehicles to use it as a passing place; to allow larger vehicles to access/egress through the lane should the lane be blocked by car parking and become single width. This would mean vehicles would be required to reverse onto Infirmary Road to allow vehicles to egress through the lane.
It is Officer opinion that the main issue in this proposal is the partial blocking up of the access lane as a result of the enclosure of the land by as fence to provide domestic curtilage. It is deemed that the enclosure of the land will have an adverse effect on vehicular and pedestrian access arrangements for users of the lane, including local residents and users of the nearby garage court, by virtue of the need to realign the access lane over existing historic informal parking areas, the reduction in width of the lane and from the blocking up of existing pedestrian routes.

The design and materials of the fence are not considered a reason alone for refusal of planning permission and it is noted that the fence could be reduced in height by 20cm and enjoy permitted development rights under Part 2, Minor Operations of the Town and Country (General Permitted Development) Order 1995. This would not, however, take away the need for the enclosed land to require a change of use from access lane to domestic curtilage or for the requirement of a Stopping-Up Order for the partial blocking up of the access road from Infirmary Road to West Grove. The informal parking arrangements on the lane have historically made the vehicular and pedestrian movements across the lane sub-standard but it is considered as a result of the proposed reduction in width of the lane and its realignment over existing informal parking bays, that the access and parking issues within the vicinity will be further exacerbated and the scheme is not considered to satisfactorily address these issues.

Recommendation: Refuse

Recommendation: Refused

Conditions/Reasons:

1. The partial blocking up, reduction in width and the realignment of the access lane from Infirmary Road to West Grove in order to provide domestic curtilage and private parking by virtue of existing on-street parking, is deemed to have an adverse effect on the vehicular and pedestrian access arrangements for users of the unmade lane, including local residents and users of the nearby garage court and is likely to have an adverse effect on the free flow of traffic, pedestrians and highway safety in the locality.
Reference No: 2/2007/0441
Received: 16/04/2007
Proposed Development: Installation of a 15m high fake timber telegraph pole with O2 radio telecommunications antenna hidden within the top section of the pole (shrouded)
Location: Streetworks on footpath at West Street Market Square Aspatria Wigton
Applicant: Mr P Shackleton MRICS Stappard Howes on Behalf of O2(UK)Ltd

Constraints: Settlement Limit HS5 Allerdale Flood Zone 1 British Coal Area Adv Control Exclusion – Aspatria

Policies: Policy EM15 – Planning permission for telecommunications masts or antennas and associated equipment will be granted provided that:-

i) the proposal forms an essential part of a telecommunications network, full details of which must be submitted with the first application that an operator submits in an area;

ii) there is no reasonable possibility of combining the proposal with any existing installation;

iii) in the case of proposals for freestanding masts, there is no reasonable possibility of erecting the apparatus on an existing building or other structure;

iv) where new installations are required, they are located where there will be no significant environmental damage;

v) where a proposal will have a significant damaging environmental impact, there are no suitable alternative sites where the impact would be acceptable;

vi) any mast and associated equipment or buildings are appropriately designed, coloured and landscaped, taking account of their setting;

vii) in the case of proposals that would adversely affect a sensitive area or its setting and there are no acceptable alternative sites, permission may be
granted only where the adverse effect is not significant and maximum appropriate screening in line with technical considerations is proposed.

Where approval is justified, it will normally be subject to a condition requiring reinstatement of the site to its original condition, if it becomes non-operational.

**Structure Plan Policy**

ST1, ST3 and E39

**Representations:**

**Town Council** – No representation has been received to date (23/05/2007).

**Cumbria Highways** – No objections as it does not affect the highway.

**Environmental Health** – No representation has been received to date (23/05/2007).

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

Two letters of objection have been submitted stating that:

The location is totally unacceptable due to its siting near Beacon Hill School, Aspatria Youth Club, the library, a popular gym, the new Health Centre, nearby homes and Brandraw car park which are extremely popular and well used by residents and visitors to Aspatria.

Not enough is known about these masts and the possible dangers they pose to the public through radiation levels, let alone for them to be sited in the vicinity of a very busy school/college.

It will also prejudice the size of the footpath in an already very busy area during the rush hour times. This will affect the pupils making their way to and from school. It will decrease the value of property in the area and will be unsightly, standing out like a sore thumb. If planning permission is granted then what assurance is there that others will not follow.

The objector also cites studies that link illnesses to mobile phone masts, and The Stewart Report, January 2005 and Friends of the Earth report and quotes some of the findings from these reports relating to children and the effects these masts might have on them.

Additional letters of consultation have been issued and any
response will be reported at the Panel meeting.
The proposal is for a 15 metre high fake timber telegraph pole with O2 telecommunications antenna hidden within the top section of the pole and an equipment cabin (1.43 metres (height) x 1.3 metres (width), finished in light grey).

West Street is the main thoroughfare of Aspatria, the streetscene is a mixture of house types and designs, retail, car park and school. West Street forms part of the A596.

The proposed site is located 3.8 metres from the highway, the proposed kiosk is 0.8 metres south west of the proposed pole. The post is proposed on the edge of the public footpath. This is located east of the vehicular access to Market Square car park. Approximately 67m east of the proposed site is a Grade II Listed statue. At 15m high the pole would be significantly taller than the nearest streetlight, which is approximately 8m.

The proposed site is located 55 metres from Beacon Hill Primary School. The applicant consulted the school prior to submitting an application and they objected to the proposal during pre-application negotiations. There are two other community facilities in close proximity, these being the medical centre and youth club.

Local Planning Authorities are encouraged to respond positively to telecommunications development proposals, and should also take into account the advice on the protection of urban and rural areas in other planning policy guidance notes. Material considerations include the significance of the proposed development as part of a national network. In making an application for planning permission or prior approval, operators may be expected to provide evidence regarding the need for the proposed development. Local Planning Authorities should not seek to prevent competition between different operators and should not question the need for telecommunications systems which the proposed development is to support.

The applicant’s supporting evidence states “Local Planning Authorities are encouraged to respond positively to telecommunications development proposals”. This is a quote from Planning Policy Guidance 8: Telecommunications. However, this also states that design and siting is an important feature when determining telecommunications application. Although the type of mast has been chosen to blend in with the existing streetscene, existing telegraph poles and street furniture. It is considered that the proposal would have a detrimental effect on the streetscene and the
adjacent Grade II Listed building, appearing incongruous and intrusive in this sensitive and prominent location.

Pre-application negotiations took place between the applicant and the Local Authority in early 2007, the applicant was advised that an alternative site should be sought, as the Local Planning Authority would be unlikely to support any proposal in this location. The applicant has considered a number of alternative sites for mast sharing these being:-

- Orange PCS lattice tower, west of school – poor coverage
- Vodafone 31191, Aspatria RFC – ground to low
- Aspatria ATE – ground to low
- Condux, 4 King Street – site provider not interested in sharing
- Co-op, King Street – considered a flag pole, however, height would exceed ridge height of building as this would need to be 10-12 metres in height
- St Kentigerns Church – wrong area for optimum radio coverage
- Gas compound, off A596 – previous refusal
- The Creamery, Long Rigg – site has been acquired, poor coverage
- Arkleby Road (Vodafone) – low ground

The sites which have been considered by the applicant have been disregarded due to locality and reception quality.

As regards the health and safety concerns raised by the objector, the statement includes a Declaration of Conformity with current International Commission Non-ionising Radiation Protection (ICNRP). Whilst the health and safety issue is a material consideration, the applicant has demonstrated compliance with current INCRP guidelines. The issue of perception of fear is currently being investigated by Officers given the site’s proximity to a school. This may justify a further reason for refusal and Officers will report further when the Panel meets.

Officers are in addition investigating whether the proposed cabin would constitute an obstacle detrimental to the health and safety of blind and partially sighted pedestrians. This might constitute a further reason for refusal.

The applicant’s advertisements relating to the setting of a Listed building expires after the date of the Committee. Consequently, the Committee’s decision is subject to no additional representatives within the advertising outstanding timescale which are contrary to Members’ decision.
A Panel site visit is not possible in relation to this proposal because of the time constraints under which the Authority operates in relation to telephone masts.

It is recommended that the proposal be REFUSED subject to the following.

**Recommendation:** Refused  
**Conditions/Reasons:**

1. The Local Planning Authority considers insufficient information has been submitted. In this eventuality the application will be reconsidered at the next Committee.

2. The Local Planning Authority considers the proposed cabin and the ancillary telecommunication equipment would by virtue of their site, materials and design, constitute a prominent and alien feature within the surrounding streetscene detrimental to the setting of a Listed statue and contrary to Policies CO18 and EM15 of the Allerdale Local Plan and Policies ST3 and E38 of the Cumbria and Lake District Joint Structure Plan.
ALLERDALE BOROUGH COUNCIL

Reference No: 2/2007/0442
Received: 01/05/2007
Proposed Development: To erect a 10 m. high, free-standing tower which will support a 1.8kw. Skystream 3.7 Turbine.
Location: Lingholme
Longcroft
Kirkbride
Wigton
Applicant: Mr Henry Brian Dugdale

Constraints: Allerdale Flood Zone 1
English Nature Conservation Area
ASCA Area
EN20

Policies: Allerdale Local Plan Policies

Policy EN20: Development within or adjoining the Solway Coast Area of Outstanding Natural Beauty, the Council will require the protection of its natural beauty. This will be given priority over all other planning considerations.

Paragraph (i) - Any development which would have an unacceptable adverse effect on the natural beauty of the landscape will be refused permission, unless there is an overriding need for the development and the development accords with the standards laid down in criterion (v).

Paragraph (v) - All development within or adjoining the AONB must preserve or enhance the distinctive landscape character and heritage of the area through appropriate siting, design, materials and landscape measures, which minimise environmental harm caused by the development.

Policy RE2: Proposals for wind energy developments, other than those regarded as large scale, will be approved where the number, siting, scale and design of the turbines satisfy the following criteria:

(i) the character and appearance of the landscape, the character and setting of designated landscapes, nature conservation, archaeological or other environmental interests do not suffer unacceptable adverse effects;
(ii) the amenity of residential properties by reason of visual impact, noise, shadow flicker or reflected light is not adversely affected to an unacceptable degree;

(iii) effective measures are available to overcome any unacceptable electro magnetic interference to transmitting or receiving equipment.

In assessing proposals against this policy the Local Planning Authority will consider whether the benefits of the scheme outweigh any adverse impacts. Full account will be taken of proposed mitigating measures.

**Cumbria and Lake District Joint Structure Plan 2001 2016 – Adopted April 2006**

**Policy ST3: Principles applying to all new development**

All proposals for development including alterations to existing buildings and land use change will be required to:

Under Point 7 – ensure high standards of design including siting, scale, use of materials and landscaping which respect and where possible, enhance the distinctive character of townscape and landscape.

Under Point 9 – Promote energy and water efficient design and the use of recycled materials and renewable energy technology

**Policy E34: Development within the Area of Outstanding Natural Beauty**

**Policy R45: Renewable Energy in AONB’s**

Within AONB’s, proposals for renewable energy developments, including any ancillary infrastructure or buildings will be favourably considered if:-

1. their scale, form, design, materials and cumulative impacts can be satisfactorily assimilated into the landscape or built environment and would not harm the appearance of these areas; and

2. they would not impact adversely on the local community, economy, nature conservation or historical interests.
Planning Policy Statement 22 – Renewable Energy

Small-scale developments should be permitted within areas such as National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts provided that there is no significant environmental detriment to the area concerned.

Representations: Cumbria Highways – No objections.
The application has been advertised on site.
No representations have been received to date (23/05/2007).

REPORT

The proposal is for the erection of a domestic wind turbine to the rear of a dormer bungalow in the Solway Coast Area of Outstanding Natural Beauty. The property is in a remote location with no immediate properties adjoining the site; the nearest residential properties are over 450m from the proposal.

Application 2/2006/1209 was approved for a smaller turbine attached to the dwelling being 7.4m in height from the ground level to the tip of the blade with a blade diameter of 1.75m. The height of the approved turbine is not any greater than the existing roof height and is considered not to have the same visual implications as the new proposal as it is lower in height, closer to the dwelling and visually in a less prominent location.

The turbine would be 10m in height from the ground level to the hub with a blade diameter of 3.7m; a total height from the ground to the tip of the blade is approximately 11.85m. The height of the proposal would be greater than the existing roof height of 7.4m.

The proposal would be located approximately 50m from the C2043 and would readily be seen from the section of the road from Longcroft to Anthorn.

The garden is bound by a low hedgerow and open countryside to the side and rear of the proposal. There are limited trees within the site which would only provide very limited screening, leaving the turbine visible from a number of vantage points.

Although the views to the east of the property include the masts at Anthorn it is considered that the views to the east from Anthorn towards the proposal are uncluttered and the presence of the turbine on the flat open planes of the Solway Coast would be a prominent feature and harmful to the visual amenity of the area.
The applicant has positioned the turbine to the rear of the property approximately 25m from the dwelling house in order to gain maximum effect from the prevailing winds. Due to the size of the turbine it is considered that the visual impacts would reduce the visual amenity of the surrounding area and impact on the character of the Area of Outstanding Natural Beauty.

The development is considered to have an unacceptable adverse effect on the natural beauty of the landscape and the applicant has not shown that there is an overriding need for the development.

The turbine is not considered to preserve or enhance the distinctive landscape character of the area through its siting, design and materials.

A turbine in this location would set an unwanted precedent for other structures to be erected in the Area of Outstanding Natural Beauty.

The applicant has not shown specific need for the development; the property has an existing mains electricity supply and has solar hot water panels installed on the property.

It is recommended that the application is refused.

**Recommendation:** Refused

**Conditions/Reasons:**

1. The proposal will have an unacceptable adverse effect on the natural beauty of the Area of Outstanding Natural Beauty due to the scale, siting, design and appearance of the proposed turbine, contrary to Policies EN20 and RE2 of the Allerdale Local Plan and Policies R45, E34 and ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 Adopted Plan, April 2006.

2. No need has been demonstrated that would justify the harm the proposed turbine will have on the visual amenity of the Area of Outstanding Natural Beauty, contrary to Policy EN20 of the Allerdale Local Plan and Policy E34 of the Cumbria and Lake District Joint Structure Plan 2001-2016 Adopted Plan, April 2006.

3. If approved the development may set an undesirable precedent for similar prominent wind turbine development elsewhere in the Solway Coast designated Area of Outstanding Natural Beauty,
ALLERDALE BOROUGH COUNCIL
SITE VISIT

Reference No: 2/2007/0020
Received: 05/01/2007
Proposed Development: Single storey extension to provide additional kitchen area, garage, wc and porch.
Location: 18 Ellerbeck Lane
Workington
Applicant: Mr & Mrs M Kenyon

Constraints: Settlement Limit HS5
Allerdale Flood Zone 1
British Coal Area
Adv Control Exclusion – Workington

Policies: HS12 – Extension to dwellings
ST3 – Principles applying to all new developments

Representations: Town Council – No objections.
Cumbria Highways – No objections, concern over loss of 2 parking spaces on drive.
Environmental Health – No objections.
The application has been advertised on site and adjoining owners have been notified.
One letter of objection has been received of grounds of loss of light and value to their property.
The application was called into Committee by a Councillor who suggests that the development would cause loss of light and visual impact. Asks that Committee considers a site visit.

REPORT Planning permission is sought for a single storey extension to provide additional kitchen area, garage, w.c. and porch, 18 Ellerbeck Lane, Workington

The application site comprises of a two storey detached dwelling with garden area to the front, side and rear, with a garage incorporated into the property, which currently is attached to the adjoining property No. 20. There is a drive to the front of the property for off-road parking. The proposal is to demolish the existing flat roof garage and create a larger single storey pitched roof extension to the front of the property to provide a w.c., garage and larger porch, which will be one metre away from the boundary with No. 20. The proposed extension will protrude 3.870 metres from the existing line of the front of the dwelling house.
The proposed materials are concrete tiles for the roof, dry dash render for the walls and white PVCU windows and door (to match the existing dwelling). It is felt there is adequate room to accommodate this extension and the scale and proportion is acceptable and sympathetic to those of the existing property. The proposal is deemed acceptable in terms of siting and design. A similar extension has been approved at No. 22 which extends to the front of their property, but not as far forward to the front as the proposed application. In the officer’s opinion it is considered the proposed extension would not have a detrimental impact on the dwelling itself or on any nearby residential/visual amenity.

It is the officer’s opinion that two off road parking spaces could still be provided, one in their garage and one on the drive (existing adequate parking provision).

There has been an objection received from No. 20 who have concerns over loss of light and value to the property, also that it would be visually obtrusive. He states that there is a covenant on these properties that states that permission for an extension needs to be sought from Persimmon Homes, and agreement needs to be sought by all relevant parties. (The covenant regulations are a legal matter rather than a planning consideration.)

The neighbour currently has a view out of the large living room window of the property on the opposite side of the road. The erection of the proposed extension will not fully obstruct the view out of this room. (At present there is no boundary wall or fence between the two properties but the agent has stated that if planning permission is not granted then a 2 metre fence will be erected along the boundary. If the height of the fence is no higher than 2 metres from ground level and is lowered to 1 metre at the front adjoining the highway then planning permission will not be required. The erection of the fence would result in the same effects on No. 20’s property as the erection of the extension.)

It is therefore officer’s opinion that the extension will not result in a significant loss of natural light, or would be overly obtrusive.

Taking all of the above into account, it is considered that the proposal does not result in a detrimental effect on the property itself or the residential amenity of the area as a whole. The proposal is therefore considered acceptable and complies with Policy HS12 of the Allerdale Local Plan and ST3 of the Cumbria and Lake District Joint Structure Plan.
Recommendation: 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.