At a meeting of the Development Panel held in The Oval Centre, Salterbeck Drive, Workington on Tuesday 16 October 2012 at 1.00 pm

Members

P Bales (Chairman)

J Armstrong  P G Kendall
C M Armstrong  J Lister
B Bacon  B Miskelly
J Crouch  R Munby
L Davies  M A Snaith
B Finlay  S Standage
C Garrard  M G Wood
J Holliday  J Wright
C M Jackson

Apologies for absence were received from Councillors W H Jefferson.

Staff Present

S Brook, T Gear, S Long and P McKenzie.

289 Public participation

The following objectors/applicants addressed the Panel.

Mr J Hogg and Ms H Collins outlined their objections to application 2/2012/0483. The agent Mr D Abercromby exercised his right of reply.

Ms J Hill, Ms S Steel and Mr M Gillam outlined their objections to application 2/2012/0544. The agent did not exercise their right of reply.

Mr H Ward and Mr J B Ward outlined their objections to application 2/2011/0973. The agent did not exercise their right of reply.

Ms M Fitzgerald and Mr C Walsh outlined their objections to application 2/2012/0429. The agent Mr W Skelton exercised his right of reply.

290 Declaration of Interest

4. 2-2012-0411 Development Panel - Residential Development - Main Road, High Harrington. Councillors Bill Bacon; Peter Bales; Carole Armstrong; Billy Miskelly and Joan Wright; Other Registrable Interest; 2/2012/0411 - Due to being members of Workington Town Council.

5. 2-2012-0483 - Development Panel - Residential Development - Main Road, High Harrington.
Councillors Bill Bacon; Peter Bales; Carole Armstrong; Billy Miskelly and Joan Wright; Other Registrable Interest; 2/2012/0483 - Due to being members of Workington Town Council.

6. 2-2012-0544 - Development Panel - Erection of turbine - Wellington Farm, Cockermouth. 
   Councillor Chris Garrard; Other Registrable Interest; 2/2012/0544 - Due to objectors being in his ward.

6. 2-2012-0544 - Development Panel - Erection of turbine - Wellington Farm, Cockermouth. 
   Councillor Len Davies; Other Registrable Interest; 2/2012/0544 - Due to being a member of Cockermouth Town Council.

6. 2-2012-0544 - Development Panel - Erection of turbine - Wellington Farm, Cockermouth. 
   Councillors Margaret Jackson and Sam Standage; Other Registrable Interest; 2/2012/0544 - Due to being members of Cockermouth Town Council.

6. 2-2012-0544 - Development Panel - Erection of turbine - Wellington Farm, Cockermouth. 
   Councillor Nicky Cockburn; Other Registrable Interest; 2/2012/0544 - Due to being the Ward Councillor and objectors being in her ward.

   Councillor Bill Finlay; Other Registrable Interest; 2/2011/0973 - Due to being the Ward Councillor and a member of Aspatria Town Council.

   Trevor Gear; Other Registrable Interest; 2/2011/0973 - Due to being a member of Aspatria Town Council.

11. 2-2012-0429 - Development Panel - Erection of wind turbine - Homerigg Farm, Bullgill. 
    Councillor Jim Lister; Disclosable Pecuniary Interest; 2/2012/0429 - Due to home being in close proximity of proposed turbine.

11. 2-2012-0429 - Development Panel - Erection of wind turbine - Homerigg Farm, Bullgill. 
    Councillor Peter Kendall; Other Registrable Interest; 2/2012/0429 - Due to being a member of Maryport Town Council.

12. 2-2012-0599 - Development Panel - Conversion to 7 apartments - Carlton Ceramics and Cafe, Senhouse Street, Maryport. 
    Councillor Martin Wood; Other Registrable Interest; 2/2012/0599 - Due to being a member of Maryport Town Council.

13. 2-2012-0596 - Development Panel - Extension to provide disabled persons accommodation - 11 Thirlmere Avenue, Workington.
Questions

None received.

2-2012-0411 Development Panel - Residential Development - Main Road, High Harrington

The application:
Outline application for residential development with matters of estate layout, scale, appearance and landscaping reserved, Land West of Main Road, High Harrington, Workington.

The Principal Planning Officer recommended approval.

Members were informed that the proposed development was outside the settlement limits and therefore considered to be a departure from current Local Plan Policies and therefore had been advertised as a departure to the current Allerdale Local Plan.

Members noted 16 letters of objection, a petition of 96 signatures in objection and 4 letters of support.

Members were informed of a response from Cumbria County Council relating to the education contribution that appeared on the late list.

Councillor J Armstrong moved approval subject to a 106 agreement. This was seconded by Councillor M Wood.

A vote was taken, 19 in favour of approval subject to a 106 agreement, 0 against and 0 abstentions.

The motion in favour of approval subject to a 106 agreement was carried.

The decision:
Approved subject to a 106 agreement.

Conditions:

1. Approval of details of the layout, scale and appearance of the building(s) and the landscaping of the site (thereafter called the 'reserved matters') shall be obtained in writing from the Local Planning Authority before the development is commenced. Reason: To enable the Local Planning Authority to assess all the details of the development.

2. The development hereby permitted shall be carried out in accordance with the following plans: 000247.90.9.SL.LP - Rev A - Site Location Plan (amendment received 29/6/2012)
3. The submission of all reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates: a) The expiration of three years from the date of the grant of this permission, or b) The expiration of two years from the final approval of the 'reserved matters' or, in the case of approval on different dates, the final approval of the last such matter to be approved.  
Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The details required by the reserved matters shall include a layout that retains a 40 metre separation distance between the extremity of any housing plot and the nearest source of odour being the existing slurry pit at Whins Farm adjacent to the development site. 
Reason - To minimise the impact of odour in the interests of residential amenity in accordance with Policy EN7 of the Allerdale Local Plan Adopted 1999 (Saved).

5. The carriageway, footways, footpaths, cycleways etc, shall be designed, constructed, drained 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 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 complete.
Reason: To ensure a minimum standard of construction in the interests of highway safety.

6. The development shall not commence until the traffic calming works described within Stage 1 Road Safety Audit Ref CS/054342-01-16 July 2012 and Stage 1 Road Safety Audit Technical Note Ref VACE/elc/ITM7095-003TN August 2012 are complete to the satisfaction of the Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of highway safety.

7. No dwelling shall be occupied until improvements are made to FP 262004. These improvements to be agreed with the Local Planning Authority prior to any works starting on site

Reason: In the interests of highway safety, accessibility and to aid in the delivery of sustainable transport objectives.

8. The development shall not commence until the visibility splays shown on Drawing no IMT7095-GA-001 (Appendix B Transport Statement May 2012) is provided. These splays should provide clear visibility down the centre of the access road and the nearside channel line of the major road 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 grown 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.

9. 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.

10. The whole of each of the access areas 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 Highway Authority.

Reason: In the interests of highway safety.

11. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this
development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

12. Within 6 months of the development (or any part thereof) being occupied, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the start of any construction works of any subsequent phases starting. Reason: To aid in the delivery of sustainable transport objectives.

13. 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.

14. PROW (Footpath) number 262004 lies adjacent to/runs through the site, and the Applicant must ensure that no unauthorised obstruction to the footpath occurs during, or after the completion of the site works. Reason: In the interests of pedestrian access and safety.

15. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:
   (a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;
   (b) Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.
   (c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.
   (d) Mitigation measures to ensure that no harm is caused to protected species during construction.
   (e) A written procedure for dealing with complaints regarding the construction or demolition;
   (f) Measures to control the emissions of dust and dirt during construction and demolition;
   (g) Programme of work for Demolition and Construction phase;
   (h) Hours of working and deliveries;
   (i) Details of lighting to be used on site. The approved statement shall be adhered to throughout the duration of the development.
16. Details of the siting, height and type of all means of enclosure (including acoustic wall/fencing to roadside plots as recommended in the Noise Assessment Report January 2012) shall be submitted to and approved by the Local Planning Authority before development commences. Any such means of enclosure 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 and in the interests of noise abatement and general residential amenity in accordance with Policies HS8 of the Allerdale Local Plan First Alteration June 2006 (Saved) and Policy EN7 of the Allerdale Local Plan Adopted 1999 (Saved).

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All works shall be undertaken in accordance with current UK guidance, particularly CLR11. Reason: To minimise any risk arising from any possible contamination from the development to the local environment in compliance with Policy EN9 of the Allerdale Local Plan (Saved).

18. Prior to the commencement of works, details of the surface water drainage works, including any attenuation measures to demonstrate no greater run-off rate than the existing greenfield site plus 20% to allow for climate change shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any of the dwelling/houses hereby approved. Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding, in compliance with Policy EN14 of the Allerdale Local Plan, Adopted 1999 (Saved) and Policy HS9 of the Allerdale Local Plan, First Alterations June 2006 (Saved).

19. No residential development shall commence until full details of the layout of the Local Area of Play/locally equipped area of play have been submitted to and approved in writing by the Local Planning Authority. The Local Area of Play shall be fully implemented prior to the occupation of the sixteenth dwelling/house on the site.
Reason: To ensure the satisfactory provision of open space in accordance with Policy L1 of the Allerdale Local Plan, Adopted 1999 (Saved) and Policy HS8 of the Allerdale Local Plan, First Alterations June 2006 (Saved).

20. Before development commences, details of all noise mitigation proposals for those properties highlighted within page 16 of 24 of the Noise Assessment Report January 2012 shall be provided to and approved by the Local Planning Authority prior to occupation of the dwellings. The approved details shall be fully implemented as approved prior to the occupation of each respective dwelling. Reason: In the interests of residential amenity in accordance with Policy EN7 of the Allerdale Local Plan Adopted 1999 (Saved)

Notes to Applicant:
Coal Authority/Mining standard (housing)
The content of the letter received from United Utilities Ref DC/12/2526 is brought to the attention of the applicant/developer in the interests of biodiversity the developer is encouraged to incorporate a variety of bird and bat boxes within the development. The applicant/developer is reminded that a Section 278 agreement will be required regarding the traffic calming measures to the public highway.

293 2-2012-0483 - Development Panel - Residential Development - Main Road, High Harrington

The application:
Outline application for the development of up to 80 dwellings including a mix of 2, 3 and 4 bedroom properties, Land at Main Road, High Harrington, Workington.

The Principal Planning Officer recommended Approval to outline planning permission subject to planning conditions and section 106 legal agreement to secure the maintenance of public open space/Locally Equipped Area for Play, an education contribution, maintenance of a surface water scheme and affordable housing provision for social rent.

Members were informed that the proposed development was outside the settlement limits and therefore considered to be a departure from current Local Plan Policies and therefore had been advertised as a departure to the current Allerdale Local Plan.

Members were advised of the relevant planning history – Screening opinion. No EIA required, letter dated 3 February 2012 (SCR/2012/0001).

Members were advised of 19 emails/letters of objection.

Members were informed of 2 further letters of objection setting out concerns over highway safety and a response from Cumbria County Council relating to the education contribution that appeared on the late list.
Councillor M Wood moved approval to outline planning permission subject to planning conditions and section 106 legal agreement to secure the maintenance of public open space/Locally Equipped Area for Play, an education contribution, maintenance of a surface water scheme and affordable housing provision for social rent. This was seconded by Councillor J Lister.

Councillor C Armstrong moved refusal. This was seconded by Councillor J Wright.

A vote was taken, 4 in favour of refusal, 13 against and 2 abstentions.

The motion in favour of refusal was lost.

A vote was taken, 12 in favour of approval to outline planning permission subject to planning conditions and section 106 legal agreement to secure the maintenance of public open space/Locally Equipped Area for Play, an education contribution, maintenance of a surface water scheme and affordable housing provision for social rent, 4 against and 3 abstentions.

The motion in favour of approval to outline planning permission subject to planning conditions and section 106 legal agreement to secure the maintenance of public open space/Locally Equipped Area for Play, an education contribution, maintenance of a surface water scheme and affordable housing provision for social rent was carried.

The decision:
Approved outline planning permission subject to planning conditions and section 106 legal agreement to secure the maintenance of public open space/Locally Equipped Area for Play, an education contribution, maintenance of a surface water scheme and affordable housing provision for social rent.

Conditions:
1. Before any works commence details of the layout, scale and appearance of the building(s) and the landscaping of the site (thereafter called the 'reserved matters') shall be obtained in writing from the Local Planning Authority.
   Reason: To enable the Local Planning Authority to assess all the details of the development.

2. The development hereby permitted shall be carried out in accordance with the following plans:
   12/01/749-01 - Site Location Plan
   12/01/749-02 - Indicative Master Plan (access only)
   Reason: In order to ensure a satisfactory standard of development.

3. The submission of all reserved matters applications shall be made no later than the expiration of 3 years beginning with the date of this permission and the development shall begin no later than whichever is the later of the following dates:
   a) The expiration of three years from the date of the grant of this permission, or
b) The expiration of two years from the final approval of the 'reserved matters' or, in the case of approval on different dates, the final approval of the last such matter to be approved. 
Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:
(a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic;
(b) Procedure to monitor and mitigate noise and vibration from the construction and demolition and to monitor any properties at risk of damage from vibration, as well as taking into account noise from vehicles, deliveries. All measurements should make reference to BS7445.
(c) Mitigation measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.
(d) Mitigation measures to ensure that no harm is caused to protected species during construction.
(e) A written procedure for dealing with complaints regarding the construction or demolition;
(f) Measures to control the emissions of dust and dirt during construction and demolition;
(g) Programme of work for Demolition and Construction phase; (h) Hours of working and deliveries;
(i) Details of lighting to be used on site.
The approved statement shall be adhered to throughout the duration of the development.
Reason: In the interests of the amenity of the occupiers of neighbouring properties, in compliance with Policy EN6 of the Allerdale Local Plan, Adopted 1999 (Saved).

5. No development approved by this permission shall commence until all necessary site investigation works within the site boundary have been carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations should be agreed with the Local Planning Authority prior to their commencement.
Reason: To ensure the satisfactory remediation of the site and minimise risk to public health, in compliance with Policy EN9 of the Allerdale Local Plan, Adopted 1999 (Saved).

6. Where land affected by contamination is found which poses unacceptable risks to human health, controlled waters or the wider environment, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred
option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.
Reason: To ensure the satisfactory remediation of the site and minimise risk to public health, in compliance with Policy EN9 of the Allerdale Local Plan, Adopted 1999 (Saved).

7. Should a remediation scheme be required, the approved strategy shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.
Reason: To ensure the satisfactory remediation of the site and minimise risk to public health, in compliance with Policy EN9 of the Allerdale Local Plan, Adopted 1999 (Saved).

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use. All work shall be undertaken in accordance with current UK guidance, particularly CLR11.
Reason: To ensure the satisfactory remediation of the site and minimise risk to public health, in compliance with Policy EN9 of the Allerdale Local Plan, Adopted 1999 (Saved).

9. Prior to development on site, details of glazing units shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any approved dwellings and maintained to the satisfaction of the Local Planning Authority thereafter. Prior to development on site, all habitable rooms facing the Main Road, Harrington shall be fitted with acoustic trickle vents and shall be installed prior to the occupation of the dwellings and shall be maintained to the satisfaction of the Local Planning Authority thereafter.
Reason: In the interest of residential amenity in compliance with saved Policy EN7 of the Allerdale Local Plan June 1999.

10. Prior to development on site, details of the specification of acoustic fencing, to be installed alongside the roadside boundary, shall be submitted to the Local Planning Authority and shall be installed prior to the occupation of any dwelling on site and shall be maintained to the satisfaction of the Local Planning Authority thereafter.
Reason: In the interest of residential amenity in compliance with saved Policy EN7 of the Allerdale Local Plan June 1999.
11. 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.

12. Prior to the commencement of works, details of the surface water drainage works, including any attenuation measures to demonstrate no greater run off rate than the existing greenfield site (plus 20% to allow for climate change) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any of the dwelling/houses hereby approved. Reason: To ensure a satisfactory means of surface water drainage and minimise the risk of flooding, in compliance with Policy EN14 of the Allerdale Local Plan, Adopted 1999 (Saved) and Policy HS9 of the Allerdale Local Plan, First Alterations June 2006 (Saved).

13. No residential development shall commence until full details of the layout of the Locally Equipped Area of Play have been submitted to and approved in writing by the Local Planning Authority. The Locally Equipped Area of Play shall be fully implemented prior to the occupation of the 16th dwelling/house on the site.
Reason: To ensure the satisfactory provision of open space in accordance with Policy L1 of the Allerdale Local Plan, Adopted 1999 (Saved) and Policy HS8 of the Allerdale Local Plan, First Alterations June 2006 (Saved).

14. Prior to the occupation of the first dwelling, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes including targets and the appointment of a Travel Plan Co-ordinator. The Travel Plan shall be the subject of annual review for a period of five years following the occupation of the first dwelling.
Reason: To aid in the delivery of sustainable transport objectives and Structure Plan Policy T31.

15. Measures to protect species by law and enhance habitats shall be carried out in accordance with the recommendations set out in the Reptile Survey 2012 relating to the Common Lizard (Zootoca vivipara) as set out in para 9.1.2., and with regard to breeding birds the Ecological Scoping Survey report 2012. Reason: In order to protect species protected by law in accordance with saved Policy EN32 of the Allerdale Local Plan.
16. A cycle way/footway fronting the entire frontage of the development measuring at least 2.5 metres in width, linking the site to Moorclose Cycle way to be in place prior to any dwelling being occupied. Details of the aforementioned cycle/footway to be agreed by the Local Planning Authority, prior to any works commencing on site.

Reason: To aid the delivery of sustainable transport objectives and in the interests of highway safety.

17. The carriageways, footways, footpaths, cycleways etc, shall be designed, constructed, drained 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 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 complete.

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

18. The development shall not commence until the visibility splay shown on the indicative masterplan (70m x 2.4 x 90m) is provided. The splay should provide clear visibility down the centre of the access road and the nearside channel line of the major road 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 be grown within the visibility splay which obstructs the visibility splay. The visibility splay shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interest of highway safety.

2-2012-0544 - Development Panel - Erection of turbine - Wellington Farm, Cockermouth

The application:
Single wind turbine with hub height of 55.6 metres and blade tip height of 79.6 metres and associated metering units, Land at Wellington Farm, Lamplugh Road, Cockermouth.

The Principal Planning Officer recommended refusal.

Members were advised of the relevant planning history - A screening opinion SCR/2011/0040 was issued by the Local Planning Authority for the proposed turbine on a site north of the current proposal near the summit of the hill, which concluded it constituted EIA development by virtue of its potential impact on the Lake District National Park. However a screening direction by the Secretary of
State overturned this decision advising that he did not consider it constituted EIA development.

Another screening opinion for the current proposal SCR/2012/0020 also determined it was EIA development, referring to the proximity to the National Park and potential cumulative impact. This decision was also overturned in a subsequent screening decision by the secretary of state who remained of the opinion that it did not constitute EIA development.

Members were advised of 64 letters of objection.

Members were informed of 5 further letters of objection and Natural England reconfirmed their original comments and considered the amendments were unlikely to have significant different impacts than the original proposal that appeared on the late list.

Councillor R Munby moved refusal with an additional reason for refusal. This was seconded by Councillor C Armstrong.

Councillor M Wood moved deferral. This was seconded by Councillor P Kendall.

A vote was taken, 2 in favour of deferral, 17 against and 0 abstentions.

The motion in favour of deferral was lost.

A vote was taken, 17 in favour of refusal with an additional reason for refusal, 2 against and 0 abstentions.

The motion in favour of refusal with an additional reason for refusal was carried.

The decision:
Refused with an additional reason for refusal.

Reasons:
1. The Local Planning Authority considered that insufficient evidence had been submitted to demonstrate the individual and cumulative impact of the proposed turbine of the landscape character of the site and its surroundings in the open countryside, contrary to policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (saved).

2. The Local Planning Authority considered insufficient evidence had been submitted to demonstrate the individual and cumulative visual impacts of the development to sensitive receptors of the site and its surroundings contrary to Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Saved).

3. The Local Planning Authority considered insufficient evidence had been submitted within the application to demonstrate that the scale and size of the proposed turbine constitutes the least visual environmentally harmful option of providing any 500kw turbine at the site, to the detriment of the
surrounding landscape and the visual amenity of its receptors contrary to Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (saved).

295 2-2012-0614 - Development Panel - Change of use to gym - Dobies Business Park, Workington

Councillor M Snaith left the meeting for the following applications.

The application:
Change of use from car showroom to D2 assembly and leisure for use as a fitness studio, Former Peugeot Showroom, Dobies Business Park, Lillyhall, Workington.

The Senior Planning Officer recommended approval.

Members were advised of the relevant planning history – 2/2011/0758 – Change of use of car showroom to office accommodation.

The applicant had previously gained planning permission for a gym on the Lillyhall Industrial Estate at Unit 6B Blackwood Road – planning ref. 2/2011/0692.

This planning approval was subject to a subsequent legal agreement signed by the applicant and owner of the site at 6B Blackwood Road which states that this permission will not be invoked.

A further application for a gym at Unit 2 Joseph Noble Road was subsequently withdrawn (2/2012/0251).

Members were advised of 13 emails/letters of objection and a petition of 266 signatures in objection.

Members were informed of Environmental Health’s response that appeared on the late list.

The Senior Planner advised that the use of the gym was understood to have commenced and that therefore the change of use would be considered retrospective.

Councillor B Finlay moved approval. This was seconded by Councillor J Crouch.

A vote was taken, 18 in favour of approval, 0 against and 0 abstentions.

The motion in favour of approval was carried.

The decision:
Approved.

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

2. The development hereby permitted shall be carried out in accordance with the following plans:
   LB/KT/12/02 - Site Location Plan, floor plans and elevations
   Reason: In order to ensure a satisfactory standard of development.

3. The application site shall be used as a gym/fitness facility only, and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
   Reason: The Local Planning Authority wishes to re-assess any change of use and to maintain control over any future alternative land uses at this industrial estate’s out of town location.

Notes to Applicant:
   Mining Advisory Note

296  2-2011-0973 - Development Panel - Erection of wind turbine - Brayton Park, Aspatria

The application:
   Installation of a single 500kw wind turbine together with associated control equipment resubmission of planning application 2/2010/0370, Brayton Park, Brayton, Aspatria, Wigton.

   The Principal Planning Officer recommended approval.

   Members were advised of the relevant planning history - 2/2010/0370 – Wind Turbine 62m to tip. Approved.

   Members were advised of 9 letters of objection.

   Members were informed of further representation that appeared on the late list.

Councillor M Wood moved approval. This was seconded by Councillor M Jackson.

Councillor J Lister moved refusal. This was seconded by Councillor B Finlay.

Following debate both motions where withdrawn.

Councillor J Holiday moved deferral. This was seconded by Councillor C Armstrong.

Councillor J Armstrong moved Refusal. This was seconded by Councillor N Cockburn.

A vote was taken, 10 in favour of refusal, 8 against and 0 abstentions.
The motion in favour of refusal was carried.

**The decision:**
Refused.

**Reason:**
1. The Local planning Authority considered the proposed turbine, by virtue of its greater scale and design to the former allowed turbine under 2/2010/0370, would constitute a prominent and unsympathetic feature in the surrounding open countryside to the detriment of the visual amenity of its surroundings and its associated sensitive receptors contrary to Policy EN25 and EN19 of the Allerdale Local Plan (saved) and Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016(saved).

2-2012-0451 - Development Panel - Variation of condition in relation to occupancy - Cumberland Lodge, Winscales

**The application:**
Variation of condition 1 of planning approval 2/2003/0832 to remove the occupancy restriction relating to the Managers house (the detached dwelling), Cumberland Lodge, Winscales, Workington.

The Senior Planning Officer recommended approval subject to receipt of a unilateral undertaking restricting the number of horses to be accommodated on site.

Members were advised of the relevant planning history - 2/2012/0575 - Change of use of existing stable block to holiday lets (Phase 1, four units).

2/1997/0895 - Stables (28) and a trainer’s flat.

2/1999/0213 - Outline application for a dwelling. Withdrawn.

2/1999/0475 - Outline application for a dwelling.


2/2006/1240 - Erection of hotel, as amended by letter and plan received on 19 February 2007 – 21\textsuperscript{st} February 2007.

2/2008/0098 - Change of use of an approved hotel site to caravan site (100 caravans). Refused 3\textsuperscript{rd} November 2008.

2/2009/0011 - Change of use of a lawful hotel site to erect 49 lodges and associated works. Refused 13\textsuperscript{th} March 2009.

2/2011/0362 - Variation of condition 1 on planning approval 2/2003/0832 for the removal of occupancy condition insofar as it relates to the manager's dwelling. Refused 12\textsuperscript{th} August 2011.

Councillor J Holliday moved approval. This was seconded by Councillor J Wright.

Councillor M Jackson moved refusal. This was seconded by Councillor S Standage.
A vote was taken, 9 in favour of refusal, 6 against and 3 abstentions.

The motion in favour of refusal was carried.

The Panel unanimously agreed to withhold enforcement action if marketing commences.

\textbf{The decision:}
Refused.

\textbf{Reasons:}
1. The application failed to demonstrate that the restrictive condition attached to the property had become redundant, in particular, that the property had been adequately marketed to demonstrate that the restrictive condition was no longer required. Therefore, the proposal would result in an unrestricted, non-essential dwelling within the open countryside, contrary to saved policy EN25 of the Allerdale Local Plan and saved policy HS4 of the Allerdale Local Plan, First Alteration.

\textbf{2-2012-0575 - Development Panel - Change of use to four holiday lets - Stables, Cumberland Lodge, Winscales}

\textbf{The application:}
Change of use of stable block to holiday lets (Phase 1 – four units), Cumberland Lodge, Winscales, Workington.

The Senior Planning Officer recommended approval.

Members were advised of the relevant planning history - 2/1997/0895 – Stables (28) and a trainer’s flat.

2/1999/0213 - Outline application for a dwelling. Withdrawn.

2/1999/0475 - Outline application for a dwelling.


Councillor M Jackson moved deferral. This was seconded by Councillor M Wood.

Councillor J Holliday moved approval. This was seconded by Councillor L Davies.

A vote was taken, 6 in favour of approval, 8 against and 4 abstentions.

The motion in favour of approval was lost.

A Vote was taken, 9 in favour of deferral, 1 against and 8 abstentions.

The motion in favour of deferral was carried.

The decision: Deferred.

Reasons:
1. The application was deferred to allow the appropriate marketing of the property subject of application 2/2012/0451, which is interrelated to this application.
Councillor J Lister declared a Disclosable Pecuniary Interest and left the meeting for the rest of the applications.

The application:
Construction of a 20kw wind turbine with an overall blade tip height of 27.1m, Homerigg Farm, Bullgill, Maryport.

The Principal Planning Officer recommended approval.

Members were advised of the relevant planning history – 2/2011/0917. Approval of 27m high turbine.

Members were advised of one letter of support and four letters of objection.

Councillor N Cockburn moved refusal. This was seconded by Councillor R Munby.

Councillor M Wood moved approval. This was seconded by Councillor B Miskelly.

A vote was taken, 9 in favour of approval, 8 against and 0 abstentions.

The motion in favour of approval was carried.

The decision:
Approved.

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

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

3. This permission shall remain valid for a period of 25 years from the date that electricity from the development is first produced ('First Export Date'). The date of the first production of electricity shall be notified in writing to the Local Planning Authority within 28 days of the event occurring. Reason: To ensure that this site within open countryside is restored to an appropriate standard, in accordance with Policies EN25 and EN10 of the Allerdale Local Plan, Adopted 1999 (Saved).

4. Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbine.
and the associated above ground equipment and foundations to a
depth of at least one metre below ground. The approved scheme
shall be fully implemented within 6 months of the expiry of this
permission.
Reason: To ensure that this site within open countryside is restored to an
appropriate standard, in accordance with Policies EN25 and EN10 of the
Allerdale Local Plan, Adopted 1999 (Saved).

5. If any turbine hereby approved ceases to be operational for a
continuous period of at least 6 months unless an extension of time
is agreed in writing with the Local Planning Authority it shall be
removed and the land restored in accordance with a
decommissioning and site restoration scheme approved in writing
by the Local Planning Authority. The decommissioning and site
restoration scheme shall be submitted to the Local Planning
Authority within three months of the continuous six month
cessation period coming to an end. The land shall be restored in
accordance with the approved scheme within 6 months of the
scheme’s approval by the Local Planning Authority.
Reason: To ensure that this site within open countryside is restored to an
appropriate standard, in accordance with Policies EN25 and EN10 of the
Allerdale Local Plan, Adopted 1999 (Saved).

6. Within 6 months of the completion of the construction works, any
temporary working areas around the turbine shall be removed.
Reason: To ensure that this site within open countryside is restored to an
appropriate standard, in accordance with Policies EN25 and EN10 of the
Allerdale Local Plan, Adopted 1999 (Saved).

7. In the event that a written complaint is received relating to electro-
magnetic interference a written scheme shall be submitted to and
approved by the Local Planning Authority setting out a protocol for
the assessment of electro-magnetic interference, including remedial
measures. Operation of the turbine 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.

8. The following background noise levels shall not be exceeded when
the wind turbine is in operation:
a) Night time noise limits (11pm-7am) – The LA90 (10 minutes)
specific noise level shall not exceed 43dB (A) when assessed and
measured 3.5m from the façade of the nearest noise sensitive use,
namely “5 Station View, Bullgill, Maryport, CA15 6TP” (in existence
at the date of this permission) or 5dB above the night time LA90
background noise level at wind speeds not exceeding 12m/s,
whichever is the greater.
b) Day time noise limits (7am-11pm) – The LA90 (10 minutes)
specific noise level shall not exceed 40dB (A) when assessed and
measured 3.5m from the façade of the nearest noise sensitive use,
namely “5 Station View, Bullgill, Maryport, CA15 6TP” (in existence
at the date of this permission) or 5dB above the quiet day time LA90
9. In the event of a complaint being received in writing by the Local Planning Authority alleging noise nuisance at a residential property or properties due to the wind turbine, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to measure and assess the level of noise emissions from the wind turbine at the location of the complainant’s property. The results of the independent consultant's assessment shall be provided in writing to the Local Planning Authority within three months of the date of notification of the complaint. If a breach of Condition 8 was confirmed in the assessment the operation of the turbine will cease until the Local Planning Authority is satisfied the turbine can operate within the noise limits specified in Condition 8. The operator of the development shall be under no obligation to follow the procedure set out in this condition where the complaint relates to a residential property more than three kilometres from the wind turbine generator.
Reason: In the interest of amenity and in accordance with Policy EN6 of the Allerdale Local Plan Adopted 1999 (Saved).

Notes to Applicant:
The development is adjacent to operational Electricity North West land; the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. The applicant should verify details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be aware of the following documents produced by the Health and Safety Executive in connection with operations near electricity services:

HS(G)47 – Avoiding danger from underground services.
GS6 – Avoidance of danger from overhead electric lines.

The application:
Conversion of first and second floors to 7 apartments consisting of 3 two bedroom and 4 one bedroom units, Carlton Ceramics and Café, 24 Senhouse Street, Maryport.

The Principal Planning Officer recommended approval.

Members were advised of the relevant planning history - 2/2007/1202 Proposed conversion of former cinema to chinaware decoration business, tearoom, retail shop and 'paint your own' centre. Approved.
Councillor P Kendall moved deferral for a site visit. This was seconded by Councillor C Armstrong.

Councillor C Garrard moved approval. This was seconded by Councillor M Wood.

A vote was taken, 14 in favour of approval, 3 against and 0 abstentions.

The motion in favour of approval was carried.

**The decision:**
Approved.

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

2. The development hereby permitted shall be carried out solely in accordance with the following plans: 1 - Site Location Plan 120601-04 - Block Plan 120601-03 Edition C - Proposed Floor Plans and Elevations (amendment received 18 September 2012) Email received 14 September 2012
   Email received 25 September
   Reason: In order to comply with Section 51 and Section 91 of the Planning & Compulsory Purchase Act 2004.

**Notes to Applicant:**
A separate metered supply to each until will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

On receipt of planning approval, the applicant should contact United Utilities Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

United Utilities offer a sully supported mapping service at a modest cost for our water mains and sewerage assets. This is a service, which is constantly updated by our Property Searches Team (Tel No: 0870 7510101). It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development.

Please note, due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact Sue Lowe Planning.Liaison@uuplc.co.uk to discuss the matter further.

2-2012-0596 - Development Panel - Extension to provide disabled persons accommodation - 11 Thirlmere Avenue, Workington
The application:
Extension to provide disabled persons accommodation – Resubmission, 11 Thirlmere Avenue, Workington.

The Senior Planning Officer recommended refusal.

Members were advised of the relevant planning history – 2/2012/0449. Refused.

Members were informed of a letter received from the applicant’s doctor that appeared on the late list.

Councillor B Finlay moved refusal. This was seconded by Councillor M Jackson.

Councillor J Armstrong moved deferral for a site visit. This was seconded by Councillor S Standage.

A vote was taken, 15 in favour of deferral for a site visit, 2 against and 0 abstentions.

The motion in favour of deferral for a site visit was carried.

The decision:
Deferred for a site visit.

302 2-2011-0802 - Development Panel - Appeal Decision - Lorton Road, Cockermouth

Members noted the appeal decision.

303 2-2012-0051 - Development Panel - Appeal Decision - Harrington Parks Farm, Harrington

Members noted the appeal decision.

304 2-2012-0292 - Development Panel - Appeal Decision - 1 Lorne Villas, Workington

Members noted the appeal decision.

The meeting closed at 5.30 pm