Development Panel
Will meet on
Tuesday 16 October 2012
at
1.00 pm
in
The Oval Centre, Salterbeck Drive, Workington

Membership:

Councillor Peter Bales (Chairman)
Councillor John (Binky) Armstrong
Councillor Bill Bacon
Councillor John Crouch
Councillor Bill Finlay
Councillor Joe Holliday
Councillor William Jefferson
Councillor Jim Lister
Councillor Ron Munby
Councillor Sam Standage
Councillor Joan Wright
Councillor Carole Armstrong
Councillor Nicky Cockburn
Councillor Len Davies
Councillor Chris Garrard
Councillor Margaret Jackson
Councillor Peter Kendall
Councillor Billy Miskelly
Councillor Margaret Snaith
Councillor Martin Wood

Members of the public are welcome to attend the meeting. If you have any questions or queries simply contact Paula McKenzie on 01900 702557.

Agenda
1. Apologies for absence
2. Declaration of Interest

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

4. 2-2012-0411 Development Panel - Residential Development - Main Road, High Harrington (Pages 1 - 20)

5. 2-2012-0483 - Development Panel - Residential Development - Main Road, High Harrington (Pages 21 - 42)

6. 2-2012-0544 - Development Panel - Erection of turbine - Wellington Farm, Cockermouth (Pages 43 - 68)

7. 2-2012-0614 - Development Panel - Change of use to gym - Dobies Business Park, Workington (Pages 69 - 76)

8. 2-2011-0973 - Development Panel - Erection of wind turbine - Brayton Park, Aspatria (Pages 77 - 96)

9. 2-2012-0451 - Development Panel - Variation of condition in relation to occupancy - Cumberland Lodge, Winscales (Pages 97 - 108)

10. 2-2012-0575 - Development Panel - Change of use to four holiday lets - Stables, Cumberland Lodge, Winscales (Pages 109 - 118)

11. 2-2012-0429 - Development Panel - Erection of wind turbine - Homerigg Farm, Bullgill (Pages 119 - 132)

12. 2-2012-0599 - Development Panel - Conversion to 7 apartments - Carlton Ceramics and Cafe, Senhouse Street, Maryport (Pages 133 - 138)

13. 2-2012-0596 - Development Panel - Extension to provide disabled persons accommodation - 11 Thirlmere Avenue, Workington (Pages 139 - 142)

14. 2-2011-0802 - Development Panel - Appeal Decision - Lorton Road, Cockermouth (Pages 143 - 146)

15. 2-2012-0051 - Development Panel - Appeal Decision - Harrington Parks Farm, Harrington (Pages 147 - 150)

16. 2-2012-0292 - Development Panel - Appeal Decision - 1 Lorne Villas, Workington (Pages 151 - 152)

Chief Executive

Date of next meeting
Tuesday 13 November 2012
at 1.00 pm
The Wave - Maryport
Allerdale Borough Council

Planning Application

Reference No: 2/2012/0411
Received: 25 May 2012

Proposed Development: Outline application for residential development with matters of estate layout, scale, appearance and landscaping reserved.

Location: Land West of Main Road
High Harrington
Workington

Applicant: Miss Janet Carruthers
Story Homes

Drawing Numbers:
000247.90.9.SL.LP - Rev A - Site Location Plan (amendment received 29/6/2012)
224 STO_101 Rev C - Illustrative Development Framework (Access Only) (amendment received 19/7/2012)
224 STO_100 Rev B - Outline Plan (Access Only) (amendment received 29/6/2012)
SH102-1 - Topographic Survey
SH102-2 - Topographic Survey
SH103-3 - Topographic Survey
DR1 - Transport Statement
DR3 - Ecological Desk Study May 2012
DR3A - Extended Phase 1 Habitat Survey July 2012 (amendment received 5/7/2012)
DR4 - Odour Dispersion Modelling Statement February 2012
DR5 - Archaeological Desk Based Assessment and Geophysical Survey Ref Y034/11
DR7 - Noise Assessment Report
DR8 - Phase 1 Geo-Environmental Ground Investigation Ref 2584
DR9 - Flood Risk and Surface Water Drainage Assessment Ref NS/2584 May 2012
Stage 1 Road Safety Audit Ref CS/054342-01-16 July 2012 (amendment received 20/8/2012)
Stage 1 Road Safety Audit Technical Note Ref VACE/elc/ITM7095-003TN August 2012 (amendment received 20/8/2012)
EMAIL dated 27/9/2012 regarding - confirmation of proposed outline application with matters reserved. (amendment received 27/9/2012)

Constraints: Settlement Limit HS5
CZ1-CZ6
British Coal Area
Policies:

**Allerdale Local Plan, Adopted 1999 (Saved)**
- Policy CO22 - Protection of archaeological remains
- Policy E35 - Areas and features of nature conservation interests other than those of national and international conservation importance
- Policy EN1 - Minimising Travel
- Policy EN14 - Safeguarding Water Environment
- Policy EN25 - Protecting the open countryside
- Policy EN3 – Landscaping
- Policy EN32 - Protecting wildlife protected by law
- Policy EN37 - Protection of open land in urban areas
- Policy EN39 - Access for the disabled
- Policy H19 - Affordable housing outside the Lake District National Park
- Policy HS14 - Affordable/local needs housing on large sites
- Policy L1 - Provision of open space in housing development
- Policy CZ1-CZ5 – Development affecting the coastal zone.

**Allerdale Local Plan First Alteration, June 2006 (Saved)**
- Policy HS15 - Affordable/local needs housing outside settlements,
- Policy HS4 - New housing in open countryside
- Policy HS7 - Housing development on unallocated sites
- Policy HS8 - Housing design
- Policy HS9 - Infrastructure requirements for housing

**Cumbria and Lake District Joint Structure Plan 2001-2016 Adopted Plan April 2006 (Saved)**
- Policy ST4 - Major development proposals
- Policy ST5 - New development and key service centres outside the Lake District National Park
- Policy T30 - Transport assessments
- Policy TR11 - Provision for cyclists, Allerdale Local Plan, Adopted 1999 (Saved)
- Policy TR13 - Provision for pedestrians, Allerdale Local Plan, Adopted 1999 (Saved)

**National Planning Policy Framework March 2012**

*Achieving sustainable development*

**North West of England Plan Regional Spatial Strategy to 2021**

From a strategic point of view, the North West of England Regional Spatial Strategy is still currently part of the development plan and is a material planning consideration, although the Government has made clear their intentions that they may abolish at some point Regional Spatial Strategies and Saved Structure Plan Policies, following the enactment of the Localism Act 2011.
The Cumbria Community Strategy 2008–2028
Prepared by the Cumbria Strategic Partnership this strategy aims to create: safe; strong and inclusive communities; health and well being throughout life; a sustainable and prosperous economy; effective connections between people and places; and a world class environmental quality. The Community Strategy seeks to energise the county’s communities, health, economy, connections and environment over the next 10-20 years. It brings together aspirations and ambitions from a range of thematic and geographic strategies.

The Cumbria Strategic Partnership Sub-Regional Spatial Strategy (SRSpS)
This document sets out the spatial framework. This enables actions that affect specific areas and locations to serve the delivery of the Community Strategy, and it provides the sub-regional spatial framework for the preparation of Local Development Frameworks in Cumbria.

Relevant Planning History:
None

Representations:

Town Council – No objection
Natural England – No objection in principle subject to ‘standing advice’ to decide if ‘there is a reasonable likelihood of protected species being present on the site and whether survey and mitigation measures have been met’
Cumbria County Council – No objection subject to the Local Planning Authority’s satisfaction that the proposals constitute sustainable development in accordance with the NPPF and local and national strategic housing policies. Appropriate commuted sums are recommended via a Section 106 Legal Agreement regarding affordable housing, education supplement and highway improvements. An additional point agrees the conditioning of more extensive ecological survey. No response has been received to the amended more comprehensive ecological report.
Highway Authority – No objections in principle. The Highway Authority has responded within the comprehensive report of CCC recommending appropriate highway conditions and improvements. A Travel Plan and Travel Bond for future review is recommended. United Utilities – No objections in principle subject to their standing advice and disclaimers which can be provided as a ‘note to applicant’
Allerdale Housing Services. - A provision of affordable housing has been recommended in accordance with current Housing Needs Survey April 2012. Negotiations have discounted the need for one bedroom accommodation.
Allerdale Environmental Protection – Have responded to the
Phase 1 Desk Top Study for Contamination (no objection subject to safeguarding condition), Odour Assessment (no objection), Noise Assessment (no objection subject to mitigation by condition). No objection to the general issues with a recommended standard condition regarding a Construction Management Plan. **Allerdale Access Officer** – No objection regarding disabled access.

**Fire and Rescue Service** – No objection in principle

**County Archaeologist** – No objections

**Cumbria Wildlife Trust** - Objection regarding the lack of a full ecological survey. No response has been received to the amended more comprehensive ecological report.

The application has been advertised on site and in the local press. Adjoining landowners have been notified. A ninety-eight signature petition and sixteen individual letters of objection have been received. Four letters of support have been received.

**Proposal**

Outline application for residential development with matters reserved except for the point of access from the public highway. The site area measures 2.73 ha and an illustrated layout relate makes provision for up to approximately 75 units of varying house types. As development beyond the Settlement Limit as defined in the current Allerdale local Plan Adopted (1999) Saved, The application is considered a departure and therefore subject to Development panel decision.

**The Site**

The application site is located to the south east of High Harrington, adjacent to Main Road, and Whins Farm. The site is beyond but adjoining the existing Settlement Limit of Workington. The single point of vehicular access is proposed directly from its frontage onto Main Road (A597).

Currently the site largely comprises a single field of grassland and pasture currently in agricultural use. The site is bounded by existing residential development to the north east and north west and by a working farm to the south east. Agricultural land extends to the south and west with woodland surrounding a narrow beck and line of a dismantled railway beyond.

**Planning History**

The site has been subject to a Screening Opinion (SCR/2011/0042) to assess the potential for any significant environmental impact from residential development that would require a formal Environmental Impact Assessment (EIA). The
screening of the proposals and the characteristics of the site resulted in the decision that an EIA was not required.

**Policy Context.**

As development beyond the Settlement Limit as defined in the current Allerdale local Plan Adopted (1999) Saved, The application is considered a departure and therefore subject to Development panel decision. Relevant local and national policy guidance is detailed below. The National Planning Policy Framework was published in March 2012 and the guidance must now be afforded significant weight.

The relevant policies of the Allerdale Local Plan are considered to be in general conformity with the National Planning Policy Framework and can continue to carry some weight in the determination of applications.

**National Planning Policy Framework (NPPF)**

Planning Policy Statements have now been replaced by the planning guidance within the National Planning Policy Framework (NPPF), published March 2012.

The NPPF advises the purpose of the planning system is to contribute to the achievement of sustainable development which has 3 dimensions.

“These dimensions give rise to the need for the planning system to perform a number of roles:

- **‘an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.

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The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts, should be refused unless other material considerations indicate otherwise. The NPPF does however provide considerable emphasis in the need to have an up-to-date plan in place and the weight that should be given to out-of-date plans.

At the heart of the NPPF is a presumption in favour of sustainable development. When considering planning applications this means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted”.

Five Year land Supply

A key objective of the NPPF is to deliver a wide choice of high quality homes.

Local planning authorities are required to identify a supply of specific deliverable sites sufficient to provide five years supply of housing against the identified housing requirement. Where there is a record of under delivery of housing, LPA’s need to provide a buffer of an additional 20% to provide a realistic prospect of achieving the planning supply and to ensure choice and competition in the market for land.

Notwithstanding recent planning permissions at Stainburn and Clifton, and including the recent appeal decision relating to ‘The Fitz’ at Cockermouth. Allerdale does not have a 5 year supply of housing land. This is based on the requirements of Policy L4 of the North West of England Plan Regional Spatial Strategy to 2021 (RSS) which, at present, remains part of the Development Plan. Based on past delivery rates it is also necessary to take into account the need to provide an additional buffer of 20% as required by the NPPF.

Principle of Development

Historically on sites elsewhere, previous refusals of planning permission relied heavily on Policy HS4 of the Allerdale Local Plan (First Alteration) which restricts development outside the defined development limits. Whilst it is acknowledged the application site is
outside the development limits for Workington as currently defined, in the absence of a five year land supply and having regard to the provision of the NPPF. Policy HS4 cannot now be relied on to resist applications for residential development outside defined development limits. This was confirmed by the Inspector in the recent ‘Fitz’ appeal decision at Cockermouth.

It is therefore necessary to consider whether the proposal represents an appropriate and sustainable form of development.

Harrington forms part of Workington which is the Main Service Centre for the Allerdale B.C. area. The Cumbria and Lake District Joint Structure Plan 2001-2016 also defines Workington as as a ‘Key Service Centre’ in the saved and extended JSP Policy ST5.

Whilst the site is outside the current development limits, it is considered that as the site represents a logical extension of development of Harrington that it would not adversely impact on the character of the wider landscape.

It is therefore considered the proposals does not give rise to any fundamental conflict with the provisions of Local Plan Policy EN25 which seeks to safeguard against development that results in unacceptable harm to the landscape.

Likewise the proposal is not considered to be at odds with the NPPF which seeks recognition for the intrinsic character and beauty of the countryside.

Consideration of Alternative Sites

The application site lies outside the settlement boundary, and is undeveloped, or ‘greenfield’ land. Saved policy HS7 of the Allerdale Local Plan, First Alteration June 2006 seeks the sequential release of housing land, and will seek the development of appropriate previously developed land before approving the development of greenfield sites.

The NPPF however makes it clear “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”

Given the current lack of a five year land supply the presumption in favour of sustainable development must apply and policy HS7 cannot therefore be relied on to resist the development of ‘greenfield’ sites in favour of previously developed land. The development of this site must therefore be considered on its own merits having regard to the presumption in favour of sustainable development.
Prematurity

The question of ‘prematurity’ was addressed by the Inspector in relation to the recent ‘Fitz’ appeal decision at Cockermouth. In her decision letter the Inspector stated:

‘Whilst it is the Council’s position, which is supported by other objections, that the proposed development would undermine the development plan process, the Local Development Framework (LDF) has not even reached draft stage, so there is no plan to be undermined and thus the approach in paragraph 216 of the Framework is not engaged. The Planning System: General Principles sets out a similar approach. Clearly, allowing such a development would, if implemented, have an impact on the spatial distribution of housing. However, the Framework establishes, at paragraph 14, the approach to take where existing plans are out-of-date as already set out above. In this case, the Council’s approach of putting everything on hold until some undetermined future date is undermining the achievement of housing provision for which there is a well established need’…..

Although the Council are now consulting on the ‘preferred options’ for the Local Plan Core Strategy the draft plan has not yet been submitted to the Secretary of State and the ‘preferred options’ can be given very little, if any, weight in the consideration of planning applications. In view of the Inspectors conclusions detailed above it is considered a reasons for refusal on the grounds of prematurity cannot be sustained.

The site is not allocated in the saved Allerdale Local Plan for any particular use, and is outside but adjacent to the current defined settlement limits of Workington. It lies within the Coastal Zone as defined in the Saved Allerdale Local Plan, and is included in Allerdale Borough Council’s Strategic Housing Land Availability Assessment (SHLAA).

Access

The proposed vehicular access from Main Road is sited as to achieve the necessary visibility splays and designed to serve an appropriate estate road for a development of this type. Despite objection regarding highway safety and local traffic conditions, the Highway Authority has responded as part of a comprehensive assessment by the County Council and raises no objections subject to conditions and highway improvements and traffic calming along Main Road. Pedestrian access through the site is proposed along the estate road with a public right of way through the site retained to provide further pedestrian connectivity. The public right of way is to be improved and diverted which will be
subject to a Diversion Order at a later stage. The principle of this diversion is acceptable.

Residential Amenity

A number of properties on Main Road, Springfield Ave and Kiln Green Ave have rear elevations and gardens facing the proposed site. Despite some objection from adjacent residents the illustrative layout and separation distances appear to avoid any un-neighbourliness. The means of enclosure and the choice and distribution of house types subject to a Reserved matters application will address any possible issues of impact upon residential amenity.

Section 106 Legal Agreement.

With regard to the number of dwellings proposed and the characteristics of the infrastructure and servicing of the site, a Section 106 Legal Agreement (Section 106) is required to secure a number of matters as follows.

Affordable Housing

Policy H19 of the Structure Plan dictates the need for 20% affordable housing to meet proven local need where 10 or more dwellings are proposed in urban areas.

Allerdale Housing Services has recommended a proportion of affordable housing including house type and tenure in accordance with the most up to date Housing Needs Survey April 2012. The required 20% of the total units proposed amounts to 15 dwellings of varying house types for social rent. After some discussion it has been resolved that the requirement for one bedroom accommodation is not appropriate for a residential development such as this with regard to the suburban location and lower density site layout. It is considered that a more strategic approach is required to provide for any growing need for this type of one bedroom accommodation. The applicant has agreed in principle to the provision of affordable housing for social rent which can be secured by means of a Section 106.

Education Supplement

Cumbria County Council has recognised the increase in pupil numbers that will have an impact upon the school attendance at the nearby Beckstone Primary School where capacity will be exceeded. A commuted financial sum is to be negotiated as a contribution to either provide additional classroom space or provide alternative transport provision to other nearby schools. The applicant has agreed in principle to the requirement for this
commuted sum (to be negotiated) which can be secured by means of a Section 106.

Highway Improvements/Travel Bond

The Highway Authority has conditioned a number of issues regarding highway safety and traffic calming measures on Main Road and in the vicinity; including improvement to the existing public right of way through the site. Such highway improvements are to be secured via a Section 106.

In order to assess and monitor the impact of traffic following the development of the site, a Travel Plan is also required by condition that will require regular monitoring and update. In that respect a commuted financial sum is required via a Section 106 to secure such a review.

Locally Equipped Area for Play/Open Space

With respect to Policy L1 of The Allerdale Local Plan Adopted 1999 (Saved), the development has exceeded the threshold in number of dwellings that demands the need for a locally equipped area for play. This can be conditioned at this stage and its implementation and maintenance secured by a Section 106.

Drainage Attenuation

The surface water drainage proposed requires attenuation within the site to manage and control discharge. Such attenuation tanks and associated equipment will require ongoing maintenance. This can be conditioned for further details and secured via a Section 106.

Odour/Noise

An odour assessment has been provided by the applicant regarding the possible nuisance from the nearby slurry pit at Whins Farm adjacent to the site. A separation distance of 40 metres between the nearest housing plot boundary and the source of odour has been judged by Allerdale Environmental Protection to be acceptable.

A noise assessment has also been provided that concludes that traffic noise from the adjacent Main Road (A597) and disturbance from general farm activity is not unreasonably harmful to residential amenity. The report concluded that the seven of the nearest plots adjacent to the Main Road require some attenuation due to possible excessive noise levels. Standard double glazing is considered appropriate but with the provision of an acoustic means of enclosure.
As a safeguarding measure in the interest of visual and general residential amenity including noise and odour, it is proposed that appropriate means of enclosure including landscaping be implemented to form a barrier between the development, the road and the farm buildings.

Ecology/Archaeology

An ecological report has been provided and subsequently amended in response to the concerns of Cumbria Wildlife Trust and Cumbria County Council. This extended report now fully examines the site identifying the potential habitats of coniferous woodland, scrub, hedgerow, improved grassland, ditch, stone wall and adjacent land. Specific species including breeding birds, red squirrels, reptiles, bats and badgers have been discussed with regards to these habitats. The report concludes that the site is of low value wildlife habitat with only common species of flora including hawthorn and nettle. In that respect there is no significant loss of habitat with provision of such habitat in the wider area. Any nesting birds or squirrel drays discovered during vegetation clearance prior to development of the site can be managed under the provisions of the Wildlife and Countryside Act without a planning condition. As a measure to promote biodiversity, a note to applicant regarding bat and bird boxes incorporated into the development is considered appropriate in line with the ecologist’s report.

The County Archaeologist has reported no objections in response to the Archaeological Report submitted by the applicant.

Contamination

A Phase 1 Desk Top Study regarding past contamination has been submitted. This has concluded no significant findings. Allerdale Environmental Protection has no objections with an appropriate safeguarding condition regarding any contamination that may be found during construction.

Drainage.

A qualified drainage report has been provided in consultation with United Utilities. Foul water drainage is proposed to the main sewer. Of more interest is that of surface water drainage which has been comprehensively dealt with within the drainage report. Surface water is proposed via a channel to the nearby watercourse. The run off is to be managed with attenuation tanks within the site; with the discharge rates compatible with that existing on this greenfield site minimising impact upon the nearby watercourse. The report concludes no adverse impact upon local drainage conditions is expected and the details and maintenance
of the attenuation system can be conditioned and secured for the future via a Section 106. The report confirms that there is no flood risk and the site is not in a designated flood zone.

United Utilities has responded with no objections in principle. They have recommended conditions regarding surface water drainage and with additional comments that are more appropriate as a 'note to applicant'.

Reserved Matters

This outline application considers the principle of development and the point of access only. In that respect the Reserved Matters of layout, design and appearance and landscaping are for further consideration at a later stage. However, the illustrative layout clearly demonstrates that a satisfactory standard of development can be achieved.

Representations

The responses from statutory consultees have been fully addressed above.

Representations from the general public has been received. The ninety-eight signature petition and sixteen letters of objection comment upon highway safety, loss of residential amenity, loss of wildlife habitat, sequential test for other previously developed sites, school capacity and drainage. These issues have been discussed within the body of the report and the objections are not considered valid reasons for refusal. Four letters of support have been received accepting the development as contributing to the housing supply and sustainability of Harrington.

Summary

As a well related edge of settlement site, the proposed development is considered sustainable and acceptable in compliance with current local and national policy guidelines. The dwellings will contribute significantly and strategically to the shortfall in the future housing supply for the area and can be supported. The development is considered to have no significant impact upon visual and residential amenity of the locality and the open countryside and landscape character is not unreasonably harmed.

Financial Implications

There are financial implications to the Council regarding the new homes bonus scheme with financial commitments for the applicant/developer regarding the commuted sums to secure the
obligations within the Section 106 Agreement.

Benefits to others include the Highway Authority for infrastructure improvements with wider community benefit, local affordable housing providing discounted housing provision for local people. Furthermore CCC will gain from the commuted education sum as will the local community.

Recommendation

On balance the proposals are acceptable and can be approved in accordance with current Local Plan policies screened alongside the objectives of the National Planning Policy Framework March 2012. The outline approval will be subject to a Section 106 Agreement with regard to the matters described above of affordable housing, education supplement, highway improvements, travel bond, locally equipped area for play and surface water drainage attenuation.

Recommendation: Approved

Conditions/Reasons:

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)  
   224 STO_101 Rev C - Illustrative Development Framework (amendment received 19/7/2012)  
   224 STO_100 Rev B - Outline Plan (amendment received 29/6/2012)  
   SH102-1 - Topographic Survey  
   SH102-2 - Topographic Survey  
   SH103-3 - Topographic Survey  
   DR1 - Transport Statement May 2012  
   DR3 - Ecological Desk Study May 2012  
   DR3A - Extended Phase 1 Habitat Survey July 2012  
   (amendment received 5/7/2012)  
   DR4 - Odour Dispersion Modelling Statement February 2012  
   DR5 - Archaeological Desk Based Assessment and Geophysical Survey Ref Y034/11  
   DR7 - Noise Assessment Report
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.
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.
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).

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 dwellinghouses 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 dwellinghouse 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.
Allerdale Borough Council

Planning Application

Reference No: 2/2012/0483
Received: 25 June 2012

Proposed Development: Outline application for the development of up to 80 dwellings including a mix of 2, 3 and 4 bedroom properties

Location: Land at Main Road
High Harrington
Workington

Applicant: Thomas Armstrong (Construction) Ltd

Drawing Numbers: 12/01/749-01 - Site Location Plan
12/01/749-02 - Indicative Master Plan (Access only)

Supporting Information

Statement of Community Involvement June 2012
Sustainability Appraisal July 2012
Interim Residential Travel Plan August 2012
Amended interim Residential Travel Plan received 21 August 2012
Transport Assessment August 2012
Amended Ransport Assessment Appendix A received 21 August 2012
Foul Water and Utilities Assessment June 2012
Phase 1: Desk Top Study Report
Ecological Scoping Survey
Reptile Survey 2012
Flood Risk Assessment June 2012
Impact of Road Traffic Noise May 2012
Archaeological Desk Based Assessment 11/06/2012
Planning Supporting Statement June 2012

Constraints: Settlement Limit HS5
British Coal Area
Adv Control Exclusion - Workington

Policies:

Allerdale Local Plan, Adopted 1999 (Saved)

Policy CO22 - Protection of archaeological remains
Policy E35 - Areas and features of nature conservation interests other than those of national and international conservation importance
Policy EN1 - Minimising travel
Policy EN14 - Safeguarding water environment
Policy EN5 - Pollution control
Policy EN6 - Location of potentially polluting development
Policy EN7 - Location of pollution sensitive development
Policy EN25 - Protecting the open countryside
Policy EN3 - Landscaping
Policy EN32 - Protecting wildlife protected by law
Policy EN37 - Protection of open land in urban areas
Policy EN39 - Access for the disabled
Policy EN9 - Contaminated/Derelict land
Policy HS14 - Affordable/local needs housing on large sites
Policy HS15 - Affordable/local needs housing outside settlements
Policy L1 - Provision of open space in housing development
Policy TR11 - Provision for cyclists
Policy TR13 - Provision for pedestrians

**Allerdale Local Plan First Alteration, June 2006 (Saved)**

Policy HS4 - New housing in open countryside
Policy HS7 - Housing development on unallocated sites
Policy HS9 - Infrastructure requirements for housing

**Cumbria and Lake District Joint Structure Plan 2001-2016 (Saved)**

Policy ST4 - Major development proposals
Policy ST5 - New development and key service centres outside the Lake District National Park
Policy T30 - Transport assessments
Policy H19 - Affordable housing outside the Lake District National Park
Policy E35 – Areas and features of nature conservation interest other than those of national and international conservation importance

**North West of England Plan Regional Spatial Strategy to 2021**

From a strategic point of view, the North West of England Regional Spatial Strategy is still currently part of the development plan and is a material planning consideration, although the Government has made clear their intentions that they may abolish at some point Regional Spatial Strategies and Saved Structure Plan Policies, following the enactment of the Localism Act 2011.

**The Cumbria Community Strategy 2008–2028**
Prepared by the Cumbria Strategic Partnership this strategy aims to create: safe; strong and inclusive communities; health and well being throughout life; a sustainable and prosperous economy; effective connections between people and places; and a world class environmental quality. The Community Strategy seeks to energise the county’s communities, health, economy, connections and environment over the next 10-20 years. It brings together aspirations and ambitions from a range of thematic and geographic strategies.

The Cumbria Strategic Partnership Sub-Regional Spatial Strategy (SRSpS)

This document sets out the spatial framework. This enables actions that affect specific areas and locations to serve the delivery of the Community Strategy, and it provides the sub-regional spatial framework for the preparation of Local Development Frameworks in Cumbria.

Relevant Planning History: Screening opinion. No EIA required, letter dated 3 February 2012 (SCR/2012/0001).

Representations: Workington Town Council - No objections

Cumbria County Council Planning - The scheme has been considered at the 29 August 2012 Cumbria County Council Development Control and Regulation Committee (DC&R). DC&R resolved that:

• No objection is raised to the strategic principles of the development, provided that the Local Planning Authority:
  i. is satisfied that there are no preferable and deliverable brownfield sites elsewhere in Workington that could be used as an alternative development site;
  ii. is satisfied that this site would not take them significantly in excess of their 5-year supply, taking account the distribution of development across the Borough and whether it would meet local needs, and the other sites which are in the pipeline, either with planning permission or current planning applications;
  iii. is satisfied with the type and level of affordable housing proposed;
  iv. ensures that a detailed ecological assessment is carried out prior to determination;
  v. is satisfied that the development reflects and protects the character of the site and its surroundings; that the density and siting of any houses is appropriate to the location; and measures to mitigate any adverse impacts are put in place;
  vi. ensures that information is provided on the presence/absence of any heritage assets located at the site and how their significance will be affected by the development proposal.
A financial contribution should be sought via a S106 agreement for either an extension to Beckstone School should it found to be practical in order to provide additional education facilities, or failing that option for the transportation of the pupil yield, and taking account of the cumulative effects of the other recent planning application 02/2012/0411.

No objection is raised to the strategic principles of the development

**Cumbria Highways** - No objection to the proposal subject to appropriate highway conditions.

**Highways Agency** - No objections.

**Environment Agency** - No objections to Flood Risk Assessment subject to planning conditions.

**United Utilities** - No objections.

**Natural England** - The Local Planning Authority should consider the impact of the development on protected species.

**Cumbria Wildlife Trust** - No representations received.

**Fire Officer** - No objections at this outline stage.

**The Coal Authority** - No representations received.

**County Archaeologist** - No objections subject to planning conditions.

**Cumbria Constabulary** - No representations received.

**Allerdale Housing Needs Team** - The most recent Workington Survey was carried out in April 2012.

**Allerdale BC Drainage Officer** - No representations received.

**Environmental Protection** - No objections subject to planning conditions.

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

19 letters/emails of objection have been received to date addressing the following concerns:

- Highway safety, traffic volume, congestion, traffic speed and car parking;
- Insufficient capacity of surface sewerage system
• Lack of facilities in nearby locality and the local Beckstone School is full;
• Heavy goods vehicles using the A597 route and large vehicles encroach nearby pedestrian footways;
• Surface water flooding concerns;
• Old overhead cables;
• Loss of wildlife and birds (including nesting barn owls, common buzzards) which use the land for foraging;
• Loss of green field area;
• Harrington does not require affordable housing;
• Loss of wildlife and hedgerows (lizards and burrowing animals);
• Existing houses will be devalued;
• Lack of footpaths;
• Increased traffic noise;
• Entrance in a dangerous position.

Report

Proposal

Outline planning permission is sought for a residential development including a mix of 2, 3 and 4 bedroom properties. The application is in an outline scheme with the vehicular access to be agreed at this stage with all other matters including appearance, landscaping, layout and scale reserved for future determination.

Site Characteristics

The application site currently comprises undulating agricultural land, and access is gained via an agricultural gated entry point off Main Road. The site is in proximity to existing residential areas, and is enclosed by development on three sides (east, south and western boundaries). The northern boundary adjoins a former rail line and further agricultural fields beyond. To the east, the site is separated and screened from existing housing on Northfield Avenue by trees, an embankment and a disused railway line, which forms a public right of way. The southern boundary of the site is formed by Main Road (A597), which provides the main link from High Harrington to the A595. Across from the site, there are a number of detached and semi-detached properties fronting Main Road, and existing residential development located on Castle Close and Little Croft.

There is a bus stop located on Main Road approximately 5 minutes walk south west of the site with half hourly services running to the local centre of Harrington, Workington, Maryport, Whitehaven and beyond.
The application indicates a new access to the site off Main Road at a position 40m west of Little Croft. Access will be taken via a proposed priority junction on the A597 Main Road. The proposed access would be 10m in width at the entrance reducing to 5.5m in width throughout the development. The indicative site layout would incorporate two car parking spaces per dwelling with private off road parking for each dwelling, including driveways and integral free standing garages.

The site has a gross area of 3.177 hectares. Based on the delivery of the site the proposed density ratio is 25 dwellings per hectare. Affordable dwellings are to be provided at 20% which equates to 16 units.

The indicative housing layout is only provided to show that the site can be developed in layout terms in an acceptable manner.

Consideration of Planning Issues

In assessing this outline application the following matters need to be assessed:

- Whether the proposed development accords with the provision of local, regional and national planning policy to include the recently published National Planning Policy Framework;
- The principle of housing development in this locality and whether the Council is satisfied that that there are no preferable and deliverable brownfield sites elsewhere in Workington that could be used as an alternative development site;
- Whether development of the site would result in an excess of the identified 5-year housing supply quota, taking account the distribution of development across the Borough and whether it would meet local needs, and the other sites which are in the pipeline, either with planning permission or current planning applications;
- The type and level of affordable housing proposed;
- That matters of ecology and archaeology are satisfactorily resolved;
- That the development reflects and protects the character of the site and its surroundings;
- That the density and siting of any houses is appropriate to the location and the number, type and tenure of housing indicatively shown, meet the findings of the Workington housing need survey.
- That any measures to mitigate any adverse impacts are put in place; and
- That the vehicular access is suitable from Main Road.

National Planning Policy Framework (NPPF)
Planning Policy Statements have now been replaced by the planning guidance within the National Planning Policy Framework (NPPF), published March 2012.

The NPPF advises the purpose of the planning system is to contribute to the achievement of sustainable development which has 3 dimensions.

“These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.

The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts, should be refused unless other material considerations indicate otherwise. The NPPF does however provide considerable emphasis in the need to have an up-to-date plan in place and the weight that should be given to out-of-date plans.

At the heart of the NPPF is a **presumption in favour of sustainable development**. When considering planning applications this means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or
- specific policies in this Framework indicate development should be restricted”.

Five Year land Supply

A key objective of the NPPF is to deliver a wide choice of high quality homes.

Local planning authorities are required to identify a supply of specific deliverable sites sufficient to provide five years supply of housing against the identified housing requirement. Where there is a record of under delivery of housing, LPA’s need to provide a buffer of an additional 20% to provide a realistic prospect of achieving the planning supply and to ensure choice and competition in the market for land.

Notwithstanding recent planning permissions at Stainburn and Clifton, and including the recent appeal decision relating to ‘The Fitz’ at Cockermouth. Allerdale does not have a 5 year supply of housing land. This is based on the requirements of Policy L4 of the North West of England Plan Regional Spatial Strategy to 2021 (RSS) which, at present, remains part of the Development Plan. Based on past delivery rates it is also necessary to take into account the need to provide an additional buffer of 20% as required by the NPPF.

Principle of Development

Historically on sites elsewhere, previous refusals of planning permission relied heavily on Policy HS4 of the Allerdale Local Plan (First Alteration) which restricts development outside the defined development limits. Whilst it is acknowledged the application site is outside the development limits for Workington as currently defined, in the absence of a five year land supply and having regard to the provision of the NPPF, Policy HS4 cannot now be relied on to resist applications for residential development outside defined development limits. This was confirmed by the Inspector in the recent ‘Fitz’ appeal decision at Cockermouth.

It is therefore necessary to consider whether the proposal represents an appropriate and sustainable form of development.

Harrington forms part of Workington which is the Main Service Centre for the Allerdale BC area. The Cumbria and Lake District Joint Structure Plan 2001- 2016 also defines Workington as as a ‘Key Service Centre’ in the saved and extended JSP Policy ST5.

Whilst the site is outside the current development limits, it is considered that as the site represents a logical extension of development of Harrington that it would not adversely impact on
the character of the wider landscape.

It is therefore considered the proposals does not give rise to any fundamental conflict with the provisions of Local Plan Policy EN25 which seeks to safeguard against development that results in unacceptable harm to the landscape.

Likewise the proposal is not considered to be at odds with the NPPF which seeks recognition for the intrinsic character and beauty of the countryside.

**Consideration of Alternative Sites**

The application site lies outside the settlement boundary, and is undeveloped, or ‘greenfield’ land. Saved policy HS7 of the Allerdale Local Plan, First Alteration June 2006 seeks the sequential release of housing land, and will seek the development of appropriate previously developed land before approving the development of greenfield sites.

The NPPF however makes it clear “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”

Given the current lack of a five year land supply the presumption in favour of sustainable development must apply and policy HS7 cannot therefore be relied on to resist the development of ‘greenfield’ sites in favour of previously developed land. The development of this site must therefore be considered on its own merits having regard to the presumption in favour of sustainable development.

**Prematurity**

The question of ‘prematurity’ was addressed by the Inspector in relation to the recent ‘Fitz’ appeal decision at Cockermouth. In her decision letter the Inspector stated:

‘Whilst it is the Council’s position, which is supported by other objections, that the proposed development would undermine the development plan process, the Local Development Framework (LDF) has not even reached draft stage, so there is no plan to be undermined and thus the approach in paragraph 216 of the Framework is not engaged. The Planning System: General Principles sets out a similar approach. Clearly, allowing such a development would, if implemented, have an impact on the spatial distribution of housing. However, the Framework establishes, at paragraph 14, the approach to take where existing plans are out-of-date as already set out above. In this case, the Council’s
approach of putting everything on hold until some undetermined future date is undermining the achievement of housing provision for which there is a well established need’……

Although the Council are now consulting on the ‘preferred options’ for the Local Plan Core Strategy the draft plan has not yet been submitted to the Secretary of State and the ‘preferred options’ can be given very little, if any, weight in the consideration of planning applications. In view of the Inspectors conclusions detailed above it is considered a reasons for refusal on the grounds of prematurity cannot be sustained.

The site is not allocated in the saved Allerdale Local Plan for any particular use, and is outside but adjacent to the current defined settlement limits of Workington. It lies within the Coastal Zone as defined in the Saved Allerdale Local Plan, and is included in Allerdale Borough Council’s Strategic Housing Land Availability Assessment (SHLAA).

**Design, Layout and Materials**

The report now addresses planning matters relating to the housing proposal itself. The design, layout, materials and public open space and play areas of the development are shown indicatively on the plan and full detail design can be secured by planning condition as reserved matters.

The applicant has indicatively shown that the existing trees and vegetation to the eastern boundary of the site would be retained. The site would undergo significant new hard and soft landscaping to include new vehicular routes, footpaths and parking spaces. Indicative plans show soft landscaping would include tree planting, plus Public Open Space (POS).

Local Plan 1st Alt saved Policy HS8 seeks that new development is well related to existing development. The indicative proposed housing layout, house designs and public open space and play area details are considered to be satisfactory at this stage.

The site is considered to be within a sustainable location and the indicative layout proposed is considered to develop the site efficiently. It is concluded that sustainability objectives would not be undermined by the development of housing in this location.

**Housing Type and Tenure**

The indicative proposed scheme comprises a development of predominantly family homes (2, 3 and 4 bedroom homes). The applicant has confirmed that the affordable element of the scheme is for 100% affordable rent.
Affordable Housing

Allerdale Housing Services has recommended a proportion of affordable housing including house type and tenure in accordance with the most up to date Housing Needs Survey April 2012. The required 20% of the total units proposed amounts to 16 dwellings of varying house types for social rent. After some discussion it has been resolved that the requirement for one bedroom accommodation is not appropriate for a residential development such as this with regard to the suburban location and a lower density site layout. It is considered that a more strategic approach is required to provide for any growing need for this type of 1 bedroom accommodation. The applicant has agreed in principle to the provision of affordable housing for social rent which can be secured by means of a Section 106.

Landscaping

A landscaping scheme can be secured by planning condition as a reserved matter.

Nature Conservation and Biodiversity

The existing site is managed principally as agricultural grazing. The submitted Ecological Scoping Survey 2012 has identified the following:

Great crested newts - Records obtained from Cumbria Biodiversity Data Centre do not include any records of great crested newts from within 2km of the site. A single pond exists within 500m of the site at Harrington Reservoir Local Nature Reserve. A Habitat Suitability Index (HIS) score has been completed for this pond. The HIS for great crested newts is a measure of habitat suitability. It is not a substitute for newt surveys however the report advises the potential for great crested newts to occur on site is considered to be negligible.

Breeding Birds - The Ecological Scoping Survey advises that the risk of breeding birds affected by the proposed works is low, nevertheless, due to the presence of hedgerows, rough grass and scrub and other vegetation on the site, nesting birds could present a constraint to any vegetation clearance undertaken during the nesting bird season. Vegetation would need to be removed outside these months. If vegetation was required to be removed during the nesting season, it should first be surveyed by a suitably experienced ecologist.

Badgers - The site offers no potential for badger setts. It is considered that there is no risk that individual badgers will be
disturbed by the proposed works.

**Bats** - No built structures exist within the site boundary. No large mature trees exist in the site or on the site boundary. The potential for roosting bats to occur on the site is considered to be nil. Individual bats may forage and commute across the site, but considering the fact that the hedge dividing the site is low, fragmented and disconnected from other distinct habitat features it is considered to be highly unlikely to be used as a significant foraging or commuting route. The risk of affecting a significant foraging or commuting route is considered to be negligible.

**Otters** - Records obtained from Cumbria Biodiversity Data Centre do not include any records of otter within 2km of the site. A single pond exists within 500m of the site and a number of small watercourses exist in the vicinity. The habitat on the site is unsuitable for otter holts or couches and it is considered highly unlikely that otters will use the site for any other purpose. The potential for otters to occur on the site is considered to be nil.

**Red Squirrels** - Records obtained from the Cumbria Biodiversity Data Centre include 31 records of red squirrels within 2km of the site. The habitat on site is broadly unsuitable for red squirrels. The scrub and amenity planting bounding the east of the site offers some potential for squirrels to move through the area, but the foraging resource is limited and the suitable habitat is not extensive. The field is exclusively arable and therefore offers no suitable habitat for red squirrels. Red squirrels may move along the edge of the site but the habitat suitable for this is beyond the site boundary and will therefore not be physically affected. It is considered that the site as a whole offers negligible potential for red squirrels. The risk of red squirrels being affected by the proposed works is negligible.

**Reptiles** - Records obtained from Cumbria Biodiversity Data centre include 1 record of slow worm (Anguise fragilis). This record is from 1983 but come from the High Harrington area.

**Common Lizard (Zootoca vivipara)** - A reptile survey has been submitted and no reptiles have been found on site. A mitigation strategy is proposed in that if work do not commence before March 2014 a further reptile/likely absence survey will be required to be conducted; this can be secured by planning condition. Furthermore the requirement for a solid fence to be erected along the eastern boundary of the site; to prevent future residents of the proposed dwellings accessing the habitat lining the footpath can be secured by planning condition.

It is Officer’s opinion that matters with regard to the protection of species protected by law; this has been suitably addressed in
Historic Environment Issues

The submitted geographical survey has identified some features of possible archaeological interest surviving within the site; that may relate to the nearby prehistoric remains. It is recommended that a planning condition can secure an archaeological evaluation and where necessary a scheme of archaeological recording of the site, to be undertaken in advance of the development.

Cumbria Highways

No objection subject to planning conditions. Given the size of the development, it is considered that securing the Travel Plan through a condition will be sufficient, and a developer contribution through a Section 106 Agreement is not be required.

Transport Assessment

The Transport Assessment including accident statistics are deemed to be acceptable.

Noise Assessment

Environmental Protection have no objections subject to planning conditions regarding window design and the provision of acoustic fencing.

Foul Sewage Disposal

Foul sewage will be disposed of to the mains sewerage system. United Utilities have accepted this proposal.

Surface Water Disposal

Surface water drainage details can be secured by condition and on this basis the proposal is considered to be acceptable in relation to local and national policy.

Local Facilities

Cumbria County Council has recognised the increase in pupil numbers that will have an impact upon the school attendance at the nearby Beckstone Primary School. A commuted sum will be required by the County Council as an appropriate contribution to either provide additional classroom space or provide alternative transport provision to other nearby schools. The applicant has agreed in principle to the requirement for a commuted sum (to be negotiated) which can be secured by means of a Section 106.
With all matters considered it is Officer opinion that the scheme seeks to promote sustainable development objectives as set out in the NPPF.

Other Issues

Neighbour concerns relating to noise and disturbance during the construction phase can be appropriately dealt with by a condition securing construction management procedures.

Neighbour concerns relating to house values and loss of view are not a material planning consideration.

With regard to overlooking and loss of view, it is officer opinion that the indicative scheme has adequately shown that it is likely that acceptable separation distances to accommodate the amenity of existing and possible future residents can be achieved and in any event the detailed design will be secured as reserved matters for approval.

Local Financial Implications

The Localism Act provides that local financial considerations may be a material consideration to a planning application. Where financial matters are considered, it is necessary to clarify how financial considerations have impacted on the decision, and why.

The provision of the public open space and local equipped area for play will have a wider benefit for the community.

The provision of 16 affordable homes will provide a benefit to the occupiers of the estate as well as the wider Workington area community.

Were the application to be approved and the dwellings occupied, the development would also attract ‘New Homes Bonus’, where the government will make a payment to the Council to the same value as the council tax raised for net additional new homes and empty properties brought back into use, (with an additional amount for affordable homes), for the following six years.

Conclusion

The proposed housing site is outside the Harrington settlement boundary however having regard to the NPPF, Policy HS4 of the Allerdale Local Plan First Alteration June 2006, which seeks to limit development outside development limits, cannot be relied on in the absence of a five year (+ 20%) supply of housing land.
The NPPF promotes the delivery of a sustainable housing development. Although this is a greenfield site, it is considered to be well related to it, with sufficient infrastructure and facilities existing in the locality and proposed as part of the scheme. Furthermore, Harrington forms part of Workington which is defined as the ‘Main Settlement’ in the Allerdale Local Plan 1999 saved and a ‘Key Service Centre’ in the Cumbria and Lake District Joint Structure Plan 2001-2016 saved.

The site is in walking distance of Beckstone Primary School, local facilities and bus routes. The scheme also provides enhanced community provision to include a play area, public open to promote the sustainability of the site. The site is also well related to employment areas and West Lakes College with good links to strategic highway networks.

It is officer opinion that the development reflects and protects the character of the site and Cumbria Highways have confirmed that the proposed vehicular access arrangements are satisfactory.

Planning matters relating to ecology, archaeology and foul and surface water disposal have been satisfactorily addressed at this stage.

A strategic housing development of this scale is considered to be appropriate to Workington and for the reasons outlined above, the proposed housing development on this site subject to planning conditions and planning obligations to secure open space/ play provision and affordable housing units, are considered to be acceptable.

The development of the site would contribute to the ongoing sustainability of Workington as the major settlement within the Allerdale BC plan.

**Recommendation:** Approve 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/ Reasons:**

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, and the environment 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, and the environment 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, and the environment 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.
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, and the environment 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 dwellinghouses 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 dwellinghouse 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.
Allerdale Borough Council

Planning Application

Reference No: 2/2012/0544
Received: 09 July 2012

Proposed Development:
Single wind turbine with hub height of 55.6 metres and blade tip height of 79.6 metres and associated metering units.

Location:
Land At Wellington Farm Lamplugh Road Cockermouth

Applicant:
Mr J & M Stamper
J & M Stamper & Sons

Drawing Numbers:
T52-PLAN-LAY - Site Layout
T52-PLAN-LOC-1 - Site Location (1 of 2)
T52-PLAN-LOC-2 - Site Location (1 of 2)
T-SPEC-DETAIL1 - Switch Room and HV Metering Unit Detail
T-SPEC-DETAIL2 - E48 Wind Turbine Detail

Constraints:
Radon Assessment

Policies:
National Planning Policy Framework

North West Regional Spatial strategy (RSS)
Policy DP7 - Promote environmental quality
Policy EM17 - Renewable Energy Policy

Cumbria and Lake District Joint Structure plan
Policy E38 - Historic environment
Policy R44 - Renewable energy outside the Lake District National Park and AONBs.

Allerdale Local Plan (Saved)
Policy CO13 - The setting of a Conservation Area, Allerdale Local Plan, Adopted 1999 (Saved)
Policy CO18 - Setting of a Listed building, Allerdale Local Plan, Adopted 1999 (Saved)
Policy EM17 - Renewable Energy
Policy EN6 – Location of potentially poluting developement Allerdale Local Plan, Adopted 1999 (Saved)
Policy EN10 - Restoration, after uses cease, Allerdale Local Plan,
Adopted 1999 (Saved)
**Policy EN19** - Landscape Protection, Allerdale Local Plan, Adopted 1999 (Saved)
**Policy EN24** - Protecting Historic Parks and gardens, Allerdale Local Plan, Adopted 1999 (Saved)
**Policy EN25** - Protecting the open countryside, Allerdale Local Plan, Adopted 1999 (Saved)
**Policy EN32** - Protecting wildlife protected by law, Allerdale Local Plan, Adopted 1999 (Saved)

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.

Representations:
**Cockermouth Town Council** - recommend refusal;
- The proposal is to be built 750m from the residents of the Dubbs Eaglesfield. It is considered too close to the national park and there are enough windmills.

**Brigham Parish** - Refuse. There is significant objection against this application on the grounds of;
- It adds to the cumulative impact of turbines.
- Unrepresentative photomontage within a dip when viewed from Brigham.
- The views from High Rigg, Leafy close and Hotchberry road should be accounted for in the visual assessment rather than the few at the site.
- Loss of visual amenity of views from the village towards the fells
- Proximity of the site to the National park.
- This is the first time Brigham parish have objected to a turbine.

**Greysouthen Parish** - object on the grounds of;
- visual amenity and visual impact.
- Potential cumulative impact of wind farms on tourism.
- The large scale of the turbine is out of scale with the surrounding landscape and is excessive to meet the needs of the farm.
- Harmful cumulative impact with existing windfarms (reference to the dismissed appeal at Broughton Lodge)
- Less than 1 mile from the National park
- Precedent for additional wind turbine proposals.
- The number of turbines in Allerdale has reached a tipping point

Dean Parish No reply to date.

Broughton Parish no reply to date.

Papcastle Parish recommend refusal;

- Large turbine on the edge of the National Park and Cockermouths gem town.
- Damage to tourism
- Precedent
- A farm does not require a 500kw supply.
- The turbine and its visual impact would be visible to most properties in Papcastle.
- The turbine would be visible from neighbouring parishes.
- If subsidies are withdrawn and the economic situation becomes worse it will not be cost effective.
- Cumulative impact with existing turbines will spoil the countryside.
- Precedent for future turbine applications.
- “Allerdale- a great place to live, work and visit “will have a hollow ring.

Embleton Parish No reply to date

Blindcrake Parish No reply to date

Lake District Special Planning Board No objections. Whilst there are minor adverse effects on the settings we believe the effects on the special qualities of the National Park are not sufficient enough to trigger an objection

Highways Agency No objections

Fire officer No reply to date

Cumbria Tourism - Cumbria Tourism is aware of several member tourism businesses in the vicinity of the wind farm and is concerned on the visual harm and consequent economic impacts that may arise if allowed. this is due to its scale, visible location and the cumulative impacts that it could have with other masts and
Cumbria tourism would suggest the applicants undertake an assessment of the potential damage to tourism interests in the area before any consent is granted. Cockermouth is increasingly attractive to visitors because of its heritage, townscape, food and drink and its proximity to the national park. It would be disappointing if the installation of wind turbines in the vicinity of the town were to erode this.

**Civil Aviation Authority** - Consultations for wind energy related development is exceeding the resource available to respond within LPA timeframes. Should consult with NATS and MoD and relevant aerodromes. The CAA has no responsibility for safeguarding sites other than within its own property.

**MoD** - No reply to date

**Environment Agency** – No comments

**County Council Highways**
No objection subject to conditions relating to a construction method statement and traffic management plan.

**County Council**- consider the proposal does not constitute a category 1 application and therefore do not wish to comment from a strategic perspective. The proposal should be determined in accordance with Development plan policies.

**Natural England** – the application is sited 1.3km distance from the River Derwent and tributaries SSSI However given the nature and scale of the proposal it is unlikely to adversely affected by this site and therefore is not a constraint
If protected species are present, the LPA should request survey information prior to its determination
Recommend consultation with the national park and AONB/ Heritage coast partnership
The site is within close proximity of dubs Moss Wildlife site which is a Cumbria Wildlife Trust Nature reserve.
The council should be satisfied sufficient information has been provided to demonstrate any impact on this site prior to its determination.

**Environmental Health** No objections subject to conditions.

**County Archaeologist** – No objections.

**RSPB** – No evidence has been provided on a bird desk based
survey which is considered essential to enable to assessment of
the sensitivity of the bird population in the locality to windfarm
developments and whether a site base survey is needed.
Comments on submitted desk top bird survey evidence awaited

**Cumbria Wildlife Trust** – seek clarification on the site.

**Arquiva** No reply to date

**County Archaeologist** No reply to date

**Stobart Air (Carlisle airport)** No objections

**Friends of the Lake District** Refer to the NPPF’s importance of
recognising the beauty of the countryside as a Core planning
Principle and the need to conserve the landscape of the National
Park. Also refer to Policy EM1 of the RSS and structure plan policy
E37 which are relevant.

Under its landscape Sub type 5c Rolling lowland the Cumbria
character guidance and toolkit it states “Energy infrastructure,
including large scale wind energy generation, pylons and
substations should be carefully sited and designed to prevent this
sub type becoming a wind energy landscape. prominent locations
should be avoided and appropriate mitigation should be included
to minimise adverse effects “

The site is close to Cockermouth and the boundary of the national
park with viewpoints from Fellbarrow and Watch Hill which is on
the Allerdale Ramble (within 6km of the site). The Cumbria SPD
suggests turbines will be prominent key element in the landscape
at this distance and although this document is orientated to
turbines of 95m it is also appropriate for the size of the applicants
turbine.

A large number of local people and visitors will be affected by the
proposal.
Given the above criteria they consider the turbine should be
refused.

The application has been advertised by site notice and neighbour
letter.

64 letters of objection have been received to the proposal. The
grounds of objection are based on the following:

- The distance from the Dubbs Moss is inaccurate.
- Detrimental impact on the visual amenity of its site and
  surroundings
• The carbon footprint of the production and construction of the turbines exceeds its savings
• The 261ft high turbine is out of scale with the site and surroundings
• The turbine appears large to reduce the applicant’s carbon footprint –is its main purpose the generation of electricity for the grid.
• Cumulative visual impact with other turbines (reference to dismissed appeal at Broughton Lodge)
• Defining and dominant feature in the landscape.
• The site is less than 1 mile from the Lake District National Park and the turbine will be highly visible from the western fells.
• Adverse impact on tourism and its role in the local economy
• Precedent for additional turbines.
• Number of turbines in Allerdale has reached a tipping point
• Potential air safety hazard.
• Proposal is half the size of Blackpool tower.
• Existing shed on the summit of Harrot Hill is an eyesore.
• Contrary to principles of the National Planning Policy Framework which seeks to protect the natural landscape.
• Detrimental visual impact on Papcastle, Cockermouth, Brigham and Gt Broughton.
• Detrimental impact on the views of Scotland from the Lakeland fells.
• Overbearing impact on Cockermouth and local villages.
• Preferable sites on industrial brownfield sites.
• Need to protect the countryside.
• Very prominent –visible fro miles in an unspoilt environment.
• The moving blades will increase its prominence.
• Devaluation of property.
• Noise disturbance (including livestock)
• The applicant does not live in the area.
• Harmful impact on Dubbs Moss nature reserve-disturbance to birds/wildlife and their habitat-badgers, red squirrels, buzzards, barn owls, Tawny owls, peregrine falcons, geese , bats, pluvers and curlew.
• The proposed turbine type has had blade failure –flying parts may injure or kill reference to accidents at Huddersfield and Ardrossan –need of 2km safeguarding distance.
• The turbine does not affect the visual amenity of the landowners.
• Proposal would tower over Dubbs cottage and would be directly in front of Dubbs farm (740m).
• Industrialisation of landscape.
• Submitted assessments are not impartial/poor viewpoints –
none from Papcastle.

- Recent medical article suggests 1.5km buffer between turbines and homes to safeguard human health (Amplitude modulation)
- Size of turbine exceeds needs of farm.
- Potential pollution run off to River Derwent.
- The turbine will be higher than Harrot Hill which will be visible from surrounding settlements and the major highway network.
- Beyond the construction phase there are no employment benefits.
- Inaccuracies – references to Harrington, off shore turbines, significant effects within 1km ex tent of views risk of shadow flicker, conclusion that the landscape has the capacity for 3-9 turbines.
- Owner of scales farm (advises of his intention to reoccupy and will experience moderate to substantial magnitude of visual change.
- Wind power is not a reliable source of power.
- Cumbria has more than its fair share of turbines.
- Object to subsidy through electricity bills.
- The turbine would be 56m above the height of Harrot hill with a massive rotor diameter of 48m on the skyline.
- Detrimental impact on radar.

FORCE also lodged an objection and recommend refusal on the grounds of;

**Size and scale of the turbine**
- The proposal is at the top end of the medium scale with no evidence being provided to verify whether the turbine will supply the landowner’s premises i.e. no local benefit.

- The proposed turbine can generate 800kw. It is assumed the reduced 500kw is for tariff purposes- can the output be achieved by a smaller turbine? As a larger than needed turbine it does not take into account the landscape characteristics. There is no guarantee Ofgem will support a derated turbine.

**Local/Amenity impact**
- Although there is a 844m gap, there would be a substantial impact on Dubbs Farm with clear views and would be dominating and intrusive to its occupiers.
- Scales farm is presently unoccupied and the turbine and the moderate to substantial magnitude of change may result in the devaluation of this property.
- The views from Waterloo are also considered to be major/substantial and therefore significant.
- Outline the necessity for a full noise survey.
- Also consider the proposal would have a greater visual impact than moderate when viewed from Eaglesfield and any screening by vegetation would only be seasonal.
- The turbine would also be seen by all parts of Cockermouth gem town plus residents at Violet bank caravan park, Hundith Hill affecting the town’s status as the gateway to the Lake District.
- The proposal would also affect the high number of listed buildings in the towns Conservation Area. Walkers would see the site from the path from Eaglesfield to Moorlands close and Cockermouth toward Harrot Hill (800-900m)

Landscape and Cumulative impact
- The landscape is classed as category 5 as Lowland and 5c as rolling lowland, adjoining Broad valley, rolling fringe, upland valley, high Fell fringe landscapes.
- They consider the contour or the site on the slope of a hill would negatively affect the landscape including the National park (which has a high sensitivity to change. Although slightly below the Cumbria SPD guidance criteria for large turbines (by 15m) it is considered its principles are applicable to the current scheme.

- Reference is made to the Inspectors decision on the dismissed appeal at Broughton lodge
  “In this regard Broughton Lodge occupies a location where the proposed wind turbines would combine with others in the locality and tip the balance from a landscape with windfarms to a landscape with wind turbines as a defining and dominant element”
  The Wind Energy in Cumbria SPD states
  “Cumulative effect is a complex issue that will be increasingly relevant to the assessment of wind energy schemes. As there are already a number of wind energy developments across Cumbria it is likely that increasing significance will be attached to cumulative effects in the future.”
  Force refer to the sections of the SPD which refer to the refusal of schemes on cumulative grounds when its impact is unacceptable and the need to account for proposed consent or operational schemes in the locality.
  They refer to previous and future turbine proposals elsewhere in the Borough, plus those offshore and consider cumulative impact should be given serious consideration.

Habitats
- Little weight has been given to Dubbs moss which has an advertised nature trail within 240m of the site they dispute the submitted evidence that it is not of importance to protected bird species and also consider there is the need for additional assessment for bats.
- Also contest whether the wildlife assessment was undertaken in an impartial and unbiased basis.
- They conclude it is unsuitable in size and scale with adverse
impact on wider area of the borough with cumulative impacts, plus it would pose a risk to birds. FORCE therefore concludes the proposal should be refused.

Westnewton Action Group also object on the grounds of;

- The objection contests the statements of the applicant relating to global warming, climate change and greenhouse gases and does not form reasons for the approval of the application.
- The wind is free, but the industry is expensive.

- In reference to targets, Mrs Justice Lang on a recent turbine case states “their right to preserve the landscape was more important than the Governments renewable energy targets and that “Lower carbon emissions did not take primacy over the concerns of the people”

- The objection letter also refers to the NPPF outlining the reference to “contribute to conserving and enhancing the natural environment” and also “support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside”.

- They also outline there is the need to adopt a positive strategy to promote energy from renewable development. Reference is also made to “while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

- Para 98 of the NPPF states the need to approve applications “if its impacts can be made acceptable” However the proposal does not comply with policy EN25.

- Consider the effects of wind turbines are now completely unacceptable, with local responses of objection to the proposal The 260ft turbine will be clearly visible from the National park with little screening from trees or hedgerows.

- Cumulative impact cannot be described as insignificant which is a gross understatement The cumulative references that the sites lowland ridge and valley landscape has a moderate capacity for a group of 3-5 turbines and exceptionally 6-9 turbines is out of date due to the number of turbines installed since the introduction of the County’s “Wind energy in Cumbria” SPD.

- The 5 receptors affected by visual impact and the reference to Cockermouth being barely glimpsed are inaccurate. And the 3.7%
of the study area being affected by cumulative impact has not been qualified. Also the power supply figures from turbines and their operating capacity are inaccurate.

- The submitted bat assessment is inadequate.

- The letter considers the cumulative impact is inadequate (reference to Broughton Lodge appeal decision) and that the tipping point between a rural or industrial landscape has been reached. Cumulative impacts would be experienced from both static viewpoints and in sequence when travelling referring the Companion Guide to PPS22 which outlines “Cumulative effects may arise where two or more of the same type of renewable energy developments are visible from the same location or a visible shortly after each other along the same journey. Hence it should not be assumed that, just because no sites are visible from the proposed site, the proposal will not create any cumulative effects.” This is supported in the SPD document. The Group consider turbines have already begun to “dominate” and “define” the landscape, industrialising rural landscapes and becoming the “defining and dominant element”

- Reference is also made to PPS7 -Sustainable development in Rural areas which supports the diversification schemes that help sustain agricultural enterprise and are consistent in scale with their rural surroundings. Question whether the turbine is to feed onsite demand or feed directly into the national grid. If for a farming need would a smaller turbine be more appropriate. Consider there are more appropriate and less sensitive sites elsewhere for this type of development which would also not make new demands on the environment. The proposal is contrary to policy R44 of the structure plan as it would have a very significant adverse impact on the landscape, physically creating impacts rather than reducing impacts.

- A precedent has been set by the Broughton Lodge appeal decision plus a high court hearing for a dismissed appeal wind farm decision for a windfarm at Norfolk and also a letter from the secretary of State for energy to Sir Alan Beith Mp which refers to “meeting our energy goals is no excuse for building windfarms in the wrong places” and that “local people and their councils should not be bullied into accepting proposals they do not want” and “without having their views overturned at appeal”.

An individual letter was also received from the leader of the County council
He states that the application should be determined on the grounds of “material planning considerations”
He highlights that the County Council approved a motion calling on the Government and the Secretary of State to halt further installation of turbines in Cumbria for fear that the plethora of windfarms would desecrate the scenic views and the peace and beauty of our rural landscape which attracts millions of visitors each year.

He also refers to;
1. The scheme also includes the construction of an access road, concrete foundations, crane pads, substations and grid connections and there stating it has a “small impact is an understatement” and should be accompanied by a thorough EIA
2. Wind farm may disrupt the hydrology of the area –this needs to be investigated.
3. Low frequency vibrations (“wind turbine syndrome or vibro acoustic disease) may cause health problems.
4. The gigantic scale of the turbine and it prominent location will have a detrimental cumulative impact

**Report**

**Proposal**

The proposal is for a single Erercon E48 turbine (max 400Kw output), The three bladed turbine would be 55.6m to hub height supporting a 48m diameter rotor up to 79.6m to tip height and its galvanised steel tower would be finished in a pale grey matt finish.

The turbine’s circular foundation base would be 16m in diameter. A small switch room and HV metering cabin building measuring 2.95m in length, 3.05m wide and 2.44m height to eaves level (with a shallow sloping roof) Two small container units will be sited at the base to house the switch gear. Connections to the national Grid will be via underground ducting along the access road. United utilities have confirmed a grid connection for the turbine.

Access to the site will be via the road to the applicant’s farmyard from the A66 Cockermouth roundabout junction. A temporary 4m wide track within the field (utilising temporary ground panels) from an existing track from the farmyard will be implemented for both construction and decommissioning purposes. The panels will be removed after construction.

The application has been supported by an access and design statement, landscape and visual impact assessments, environmental noise assessment, cultural heritage assessment; phase 1 habitat survey and planning statement.

In response to the representations the applicant has confirmed
that the turbines output would be to the grid only and not the farm. It indicates that it will reduce the applicant’s carbon footprint and that any environmental harm will be outweighed by the projects benefits.

Site

The site location plan defines the footprint of the turbine within an agricultural grazing field approx 0.43km west of Wellington Farm complex which is sited in open countryside to the SW of Cockermouth.

The surrounding fields are generally open with hedgerows, although a shelter belt of mature woodland borders the western boundary of the applicant’s farm and a separate area of woodland (Dubbs Moss) designated as a Local nature reserve is sited 175m to the south of the turbine.

The turbine occupies an elevated and skyline position on a southward slope of Harrot Hill. An existing agricultural shed is located on the summit of the hill. The topography of Harrot Hill will partially screen the turbine from parts of Cockermouth and the western approach to the A66 roundabout. However the landscape topography has open views towards to National park (1.5km from the site) and its associated fells.

The nearest residential properties at Wellington Farm are within the ownership of the applicant. The nearest non related independent dwelling to the site is Dubbs Farm (0.78km) and The boundary of Cockermouth’s settlement which is contained by the A66 highway is approx 1km from the site.

The turbine is also located 1.93km from Papcastle, 1.4km from Eaglesfield 1km from Brigham and 3.14km from Gt Broughton.

Assessment

Policy

National planning guidance is generally supportive of renewable energy production. Renewable energy targets are now binding through the Climate Change Act 2008.

The National Planning Policy Framework has a two of its core principles:

- To take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and
supporting thriving rural communities within it;

- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);

When determining planning applications for renewable energy development, local planning authorities should:

- Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application if its impacts are (or can be made) acceptable.

At the regional level, RSS Policy EM17 encourages the installation of renewable energy generation, where certain criteria are met. The courts have determined that the government’s intention to abolish RSS through the Localism Bill remains a material consideration.

Saved policy R44 of the Joint Structure Plan states that outside the Lake District and AONB, proposals for renewable energy, including any ancillary infrastructure or buildings, will be favourably considered subject to a number of criteria relating to landscape character, biodiversity and natural and built heritage, local amenity, local economy, highways or telecommunications. Specifically for wind turbines, the policy indicates that measures should be included to secure satisfactory removal of structures/related infrastructure and remediation of land following cessation of operation of the installation. The County Council has also produced the Cumbria Wind Energy Supplementary Planning Document.

Policy EN25 of the Allerdale Local Plan restricts development within the open countryside to that which is 'essential' to meet a local need. No Allerdale Borough Council policies specifically relating to renewable energy have been 'saved'. However, the NPPF does not place a specific restriction on schemes for renewable energy within the open countryside. Such schemes will often need to be located where there is the resource and where economically feasible.

 Needs/Benefits

The needs and benefits of the proposal are important elements in
the overall planning balance. The NPPF continues to give support to all forms of renewable energy development.

The increased development of renewable energy resources is vital to facilitating the delivery of the Government’s commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to the Government’s overall strategy on sustainability and renewable energy development, as emphasized in the Energy White Paper (2007), The UK Renewable Energy Strategy (2009) the UK Energy Road Map (2011) and a significant number of other policies and commitments. The NPPF continues to give support to all forms of renewable energy development.

In order to mitigate the effects of climate change, the North West Regional Spatial Strategy (NWRSS) policy EM17 encourages the use of renewable energy development in order to achieve 15% of the electricity supplied within the Region from renewable energy sources by 2015, rising to 20% by 2020. The RSS includes indicative generation targets and for Cumbria, these are:

2010 – 237.3MW  
2015 – 284.8MW  
2020 – 292.4 MW

The Courts have determined that the government’s intention to abolish Regional Spatial Strategies is a material consideration. However, in the context of renewable energy development, this intention is not considered to carry significant weight, given the binding legal targets relating to carbon and greenhouse gas emissions within the Climate Change Act.

The Cumbria Renewable Energy and Deployment Study (August 2011) confirmed that the capacity of operational or consented renewable energy schemes within Cumbria totalled 285.36MW. This figure is not directly comparable to the RSS targets because the RSS specified electricity generation only; whilst the Cumbria Renewable Energy and Deployment Study considered renewable energy schemes for both power and heat. The UK Renewable Energy Strategy recognises the importance of both electricity and heat from renewable sources and seeks around 35% of electricity and heat to come from renewable and low carbon (non nuclear) sources by 2020. Of the overall figure deployed or consented within Cumbria, 70% is located within the district of Allerdale.

As such, the consented/installed capacity for power and heat from renewable energy development is considered to be substantial and to make a positive contribution to addressing climate change.

Regardless of these figures, the imperative for further renewable
energy within national policy and strategy is clear. Therefore, the weight to be attached to the deployment of renewable energy is not considered to have diminished.

Whilst this scheme would make only a small contribution towards regional and national targets for the production of energy from renewable sources, it remains valuable, thus contributing to meeting the objectives of the Climate Change Act. Whilst the local economic benefits cannot be precisely quantified there would be some in terms of the economic benefits to this local business. Achieving the binding national targets for the proportion of energy from renewable sources and the reductions sought in greenhouse gases can only be done by an accumulation of local projects of varying scale. Thus, based solely on national performance, a need for developments of this type exists. These are material considerations that weigh significantly in the planning balance.

**Landscape Impact**

The applicant has submitted an assessment on landscape impacts with some supporting information has been provided with the application by way of photomontages and wireframes.

No national landscape designations directly apply to the site.

The site is located within landscape classification 5 Lowland and sub type 5c Rolling Lowland. However it is also sited close to the landscape classifications 8 Main valleys and sub type 8a Broad valleys. To the SE on the edge and within the national park there are the additional landscape classifications of 12 higher limestone and sub type rolling fringe which adjoins (h) upland valley and (j) high fell fringe.

The applicant has assessed the proposal in the context of the landscape sensitivities and characteristics outlined in the wind energy in Cumbria SPD.

The site is located on an elevated southern slope overlooking an undulating area of landscape at the base of the Lakeland fells to the SE of the site. The applicants report acknowledges the proximity of the National park boundary and that it will affect its setting to some degree as it will be visible from public roads, footpaths and properties within it.

However the report contests it would not be significant referring to the screening direction which stated

"Whilst there would be some views of the turbine from parts of the National park to the east of the town, the potential visual impact would be limited by the presence of the built up form of the"
settlement within the foreground. Although there would be some views of the turbine from the western part of the national park, visibility in the surrounding area is limited by the nature of the local landform.”

The applicants report refers to the boundary of the locally important landscape area (officers highlight that its respective policy EN23 was not a saved policy and therefore is no longer a material planning consideration).

The historic park “The Fitz” is sited approx 1.1km from the site, but any impact would be low.

The applicants landscape report advises that the site's Landscape Character 5d, is assessed as having a moderate sensitivity and capacity to accommodate wind energy development (3 – 5 turbines), exceptionally a large group (6 – 9).

In summary the applicant considers the proposal will have a moderate impact on the magnitude of change of the study area. The landscape sensitivity is medium for the Rolling lowland and medium/high for the Broad valley resulting in the overall landscape impact being medium. The magnitude of change on the national park would be slight, but its landscape sensitivity is high, resulting in a moderate landscape impact.

The council had an independent assessment of the submission by a landscape consultant. The single turbine will be viewed alongside existing turbines in the locality, as well as possibly other which have been approved but to date have yet to be implemented.

The consultant considers the applicant’s methodology statements guidance criteria have been superseded by more recent subsequent guidance. The consultant refers to the applicants claim that the GLVIA has a non specific methodology, therefore the method adopted was for the specific turbine and the receiving environment and does not warrant a full LVIA as required under an EIA and alternatively uses professional judgement and public perception.

The council’s consultant advises that the landscape guidelines (2002) recommend the development of thresholds to standardise the conclusions of the assessment as “effects can be negative (adverse) or positive (beneficial); direct or indirect, secondary or cumulative and the either permanent or temporary (short medium or long term) they can arise at different scales (local, regional or national) and have different levels of significance (local, regional or national).
The consultant considers little attempt has been developed thresholds of significance, with selectivity in the application of turbine related guidance and confusion in its terminology. There is no any assessment of effects in terms of elements, character and characteristics has not been stated.

The applicant's statement that landscape and visual impact of a development of the proposed scale is negligible beyond 3km conflicts with the guidance of the Cumbria SPD.

Although the SPD relates to turbines of 90m in height it states differing visual impact categories of upto 2km, 2-5km, 5-15km and 15-30km. There is little evidence on the applicants choice of the applications 3km study area given the size and location of the proposal.

The consultant refers to the applicants comments arising from the Secretary of State's comments on the screening direction which stated “whilst there would be some views of the proposed turbine from parts of the national park to the east of the town, the potential visual impact would be limited by the presence of the built up form of the settlement within the foreground”. Although there would be some views of the turbine from the western parts of the national park, visibility in the surrounding area is limited by the nature of the local landform. However no account has been taken of the views from the National Park to the south.

The landscape sensitivity evidence is seen as unclear and they consider no reliance can be made on the landscape sensitivity within the report.

It is also considered that the submitted magnitude of landscape change to the broad valleys landscape category is inaccurate as it would be moderate to substantially adverse.

**Cumulative Impact**

There are is man-made structures within the immediate vicinity of the site.

Existing wind turbine development in the surrounding area includes:
6 x turbines (100m to tip) at Tallentire – 6.3km to North
3 x turbines (115m to hub) at Flimby – 7.3km to west
11 x turbines (90m to tip) at Winscales 6.4km to west
Wharrels Hill, Bothel 10.7km to North

The site of the dismissed appeal at Broughton Lodge is located
4.25km to the west of the site.

The applicant's assessment refers to extension, combined and sequential effects as part of its cumulative appraisal. The combined effects (i.e. where the turbine would be seen with other existing turbines) were classed as minor to moderate and therefore not significant.

Sequentially it was considered the proposal would only add a slight increase to the sequential cumulative impact (3.7% in the study area) which would be minor/moderate.

The council's consultant considers the applicants cumulative impact is not in accordance with the Scottish Natural Heritage document. No details have been referred to between schemes built, built or within the planning process. The applicants subsequent appendix document on potential impacts only includes constructed and some consented schemes.

The consultant considers that cumulative impacts would arise but these have not been identified.

Officers highlight that the former dismissed appeal at Broughton Lodge focused on the cumulative impact when seen in association with the approved and implemented turbines at Flimby and Tallentire, but also attached weight on the sequential impact of turbines along the main transport corridors. Given the proximity and prominence of the current site to the A66 and the A595 it is considered this would also be a relevant material planning consideration on the current scheme. Officers consider Insufficient evidence has been provided on this issue.

**Visual Impact**

The applicants supporting evidence has assessed the receptors and the landscape and visual effects of the proposed turbine. The applicant refers to the ZTV map submitted with the application, this map indicates the turbine will be seen 3km to the south and south west, 6km to the south east and 7km to the north, north east and north west east.

This document refers to the Wind Energy in Cumbria SPD document which that the prominence of a wind farm in the landscape up to a distance of 2km, relatively prominent from 2-5km and only prominent in clear visibility As part of the landscape from 5-15km. Account also has to be made of the orientation of buildings, local topography and screening can affect the visibility of the structure.
The applicant advises the 3km distance was to cover all properties and transport routes that may experience significant effects.

The applicants visual impact conclusions can be summarised as follows:

- The closest houses (excluding the applicant's properties at Wellington farm) are a cluster of dwellings at Dubbs farm 780m from the site. It is anticipated they would have a moderate to substantial magnitude of change. However views from the properties windows would be at oblique angles and partially obscured by buildings and trees resulting in a major/moderate change which would be significant.
- The views from Eaglesfield properties 1.4km would be moderate and not significant with most properties impact being lessened by the local topography and the orientation of the dwellings.
- Views from the Brigham road due to undulating landform and mature trees would be intermittent resulting in any visual effects being moderate.
- Scales farm (700m from the site) is presently unoccupied. However the applicant considers it would experience major/moderate impacts which would be significant.
- Road users would experience a moderate effect. Views from residents on the eastern edge of Brigham village 1.1km would have a moderate effect.
- Fitz park would not be able to see the turbine due to intervening trees – moderate impact.
- Similarly Parklands housing estate in Cockermouth approx 1km from the site would be screened by woodland on the A66 and therefore any impact would be moderate.
- Views from the Lakeland business park and the auction mart would have filtered/obscured views with only slight impact.
- Visual effects from Holmewood paddock care home, Mitchell's auction and the Shepherds Hotel (on the roundabout) would be moderate.
- Similar moderate impacts would be experienced from properties on the south east urban fringe of Cockermouth and green bank Farm.
- Views from Moorland Close / Waterloo (1.2km will be moderate to substantial i.e. significant although some screening may arise from vegetation and landform.
- Moderate impacts will also be encountered at Hundith hill and Southwaite bridge.
- The statement considers views from the A66 and A595 and A5086 (due to oblique views and tree screening) would be transient and would be of medium impact and therefore insignificant.
- Any views experienced from nearby footpaths would also be medium in their impact, (except for the footpath to The Dubbs dairy farm which would be moderate to substantial) and therefore
The applicant's evidence on visual impact was also independently assessed by the council’s consultant. The consultant refers to the applicant’s comments that the turbine would be clearly visible from many viewpoints particularly from receptors on higher ground. The Cumbria wind energy document states:

“The general perception of a windfarm in an open landscape is likely to be a prominent feature up to a distance of 2km, relatively prominent from 2-5km, only prominent in clear visibility and perceived as part of the wider landscape from 5-15km and perceived as a minor element in the landscape in very clear visibility from 15-30km”

The consultant therefore questions the applicants 3km radius especially as significant effects could still occur beyond this distance if the sensitivity of the receptor was high. The reports downgraded medium sensitivities contradict the high sensitivities resulting in moderate impact and therefore (No significant impact). If applied correctly this would result in moderate –substantial impact which would be significant. this practice has also been applied to the public rights of way evidence. No assessment has been taken on areas of open access which would have a high sensitivity.

The summary of council’s consultant was that the applicant’s landscape and visual impacts cannot be relied upon.

Heritage Assessment

The applicants evidence also includes a heritage assessment including any impacts of the development on Ancient schedule monuments e.g. Romano British farmstead Fitz woods (1.2km from the site), listed buildings and historic landscapes and Cockermouth Conservation area.

The study concludes most of the historic assets are within the historic settlements of Cockermouth and Papcastle and their respective settings should not be adversely affected by the proposal. Twenty two sites were identified within the immediate environs of the site would have negligible impacts on settings, with no site being directly affected by the development.

Officers concur that there would be no direct impact on any designated historic site.

It is also accepted that given separation distances there would not be any significant impact on settings of the surveys identified sensitive historic designations.
Papcastles Conservation Area has been overlooked in the assessment which has a clear southern outlook and vista to the turbine. It did however refer to listed buildings in the village. The views of the Conservation area officer will be reported at the panel meeting to verify the importance of the vista to the setting of the Conservation Area. Officers are aware that the separation distance was less in the dismissed at the Westnewton windfarm appeal which also occupied a more elevated site above its Conservation Area.

Biodiversity

The site is located 150m from an area of woodland Dubbs Moss which is one of Cumbria Wildlife Trusts nature reserves. The proposed turbine has been sited approx. 71m from field hedges in accordance with Natural England advice on bats.

The applicant has submitted a revised extended Phase 1 habitat survey.

The applicant has assessed the site in the context of badgers, bats, squirrels and birds. It included a desk study to identify several non statutory sites within 2km of the site through the Cumbria Biodiversity centre.

The assessment concludes the field site is unlikely to affect badgers or habitat for red squirrels. The separation distance from the hedgerow addresses any habitat and foraging issues relating to bats. (exceeding a 50m separation strip) The response of Natural England seeks compliance with their standing advice.

The RSPB had requested further evidence relating to birds.

The applicant responded through an extended survey advising there are ten red listed species of conservation concern in the parish of Cockermouth. Some species (Spotted flycatcher, Starling and Song thrush if present are likely to use the woodland to the south (180m to the south). The site characteristics are unsuitable for Lapwings. Linnet and house sparrow may use the hedgerows, but given its separation distance is unlikely to have any impact. Of sixteen amber species some can be discounted Mallard (No open water) oystercatcher, Snipe and Curlew due to their habitat preferences. Barn owls have been recorded three times in Cockermouth but the grazed land is sub optimal for this species and therefore is unlikely to have any impact. Species such as Willow Warbler, Dunnock and Whitethroat may use the hedgerow but the applicant reemphasises the separation distance.

Overall no mitigation measures are recommended although
workers are to be made aware of possible nests in the hedgerow during breeding season.

Advice on the Barn Owl Trust website is that there is currently no evidence to suggest that wind turbines in the UK are having any effect on Barn Owls. The main reason that Barn Owls are unlikely to be affected is due to the way they forage. As hearing is the primary sense utilised, Barn Owls must fly at comparatively low altitudes in order to hear their prey, typically not more than three metres above the ground. Most wind turbine blades have a ground clearance well in excess of this. Additionally, a wind turbine does not act like a propeller. Whereas a propeller accelerates air and actually 'pulls in' objects in front of it, a wind turbine slows the air down.

The comments of the RSPB are awaited to the additional survey evidence and will be reported to the Panel.

Based on this information and the advice of consultees, it is considered that (subject to the views of Cumbria wildlife trust and the RSPB on the additional bird evidence) the proposal is unlikely to significantly harm wildlife species or habitats.

**Noise**

The applicant's evidence included a noise report.

Noise is an environmental concern, especially as the applicant’s submitted evidence indicates the turbine type will be derated to operate at only part of its overall capacity to be limited at 400kw. This would in itself require Of gems approval.

ETSU – R – 97 *The assessment and rating of noise from wind turbines*, is the standard guidance document relating to wind turbines. This indicates that noise from wind turbines should be limited to:

- 5dB(A) above background noise level for both day and night time
- In low noise environments, daytime noise level should be limited to an absolute level within the range of 35-40dB (A)
- The fixed limit for night-time is 43 dB (A)
- Day and night time levels of 45 dB (A) for any related property
- For single turbines or large separation distances, simplified limit of 35dB (A) up to wind speeds of 10m/s should not require background noise measurements.

The nearest noise sensitivity properties at Wellington farm are within the applicant’s ownership.
Officers acknowledge the objectors concerns on the applicant not using the turbine to its maximum potential and whether the applicants target energy output could be fulfilled by a smaller sized turbine. However the derating process by Ofgem is a separate matter i.e. not a material planning consideration and it is for members to assess (irrespective of output) whether the size of the turbine proposed would be visual harmful to its local environment. However the need to control the generation capacity of the turbine is considered essential to ensure compliance with any planning noise level conditions. The applicant has provided evidence of a planning condition adopted in Aberdeen to control this issue and monitoring future output.

Environmental Health has confirmed no objection to the proposal subject to conditions. A condition is recommended that noise from the wind turbine be limited to the ETSU guidelines for the nearest noise sensitive property.

**Aviation / Electromagnetic interference**

The CAA has raised no objections to the proposal. As such, the scheme is considered acceptable in terms of aviation safety and radar. These organisations have requested notification of approval of the scheme and erection of the structures, plus aviation safeguarding lighting details. This can be a condition of the permission.

Given that the precise implications of the wind turbine in respect to reception is not known, a precautionary condition is suggested requiring a formal procedure for dealing with any complaints made in respect of interference, should a complaint be made.

**Highway/Traffic Impact**

The Highways Authority has raised no objection subject to conditions requiring the road to be kept clear of mud during the construction phase and that a Traffic Management Plan is submitted for approval. The site is clear. In terms of topple distance from any public highway.

On the advice of the Highways Authority, the highway implications of the proposal are considered to be acceptable.

**Objections**

It is considered that the majority of objections have been addressed as part of the above assessment. The remaining issues are considered here:

- The Wind Turbines (Minimum Distance from Residential
Premises) Bill’ has not yet had a second reading in the House of Lords and is yet to be considered in the commons. As a proposed bill, this cannot be given any significant weight in the determination of this current application.

- At the current time there is no national planning advice that indicates that there is health issues associated with turbines. Noise can be a factor and this has been considered above.
- A screening opinion has been conducted by the Council for the proposal which determined that the proposal was not EIA development.
- Allerdale has approved more wind turbine development than any other part of Cumbria but this is not in itself justifiable grounds to refuse further development, there must be material planning grounds.
- The guidance relating to turbines suggests that the supporting evidence such as photomontages and ZVI’s should be commensurate with the scale of the development.
- Hydrology- further evidence is being sought on this issue details to be reported to panel
- Tourism- This criteria is difficult to substantiate due to the lack of detailed background evidence (A ground of refusal on the Hellrigg refusal decision was duly omitted at the appeal inquiry due to the lack of documented supporting evidence to defend it.)

Conclusion

As with all turbine schemes there is a need to balance the harmful environmental effects of the proposal, against the benefits arising from the promotion of renewable energy development.

The council landscape consultant is of the conclusion that reliance cannot be placed on the summary and conclusions within the applicants supporting reports which consistently underestimates the landscape and visual impacts of the scheme.

Officers consider that in assessing the merits of any turbine proposal a satisfactory baseline of evidence needs to be submitted in accordance with current guidance to facilitate members in assessing the merits of any proposal. Based on the consultant’s response it appears that the standard of the submission is inaccurate and incomplete with current guidance. This hinders the ability to evaluate the landscape and visual impact of the scheme (including cumulative impact) In the absence of such evidence it is considered that the environmental harm identified is not outweighed by the benefits in this instance.
It is therefore considered the proposal should be refused on the basis of inadequate evidence being available to fully assess the proposal.

(This does not prejudice members views should the outstanding landscaping and visual impact evidence be submitted at a later stage in any subsequent proposal.)

Additional evidence relating to impact on conservation, birds and hydrology will be reported at the panel meeting.

**Recommendation:** Refused

**Conditions/Reasons:**

1. The Local Planning Authority consider that insufficient evidence has 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 consider insufficient evidence has 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)
Allerdale Borough Council

Planning Application

Reference No: 2/2012/0614
Received: 07 August 2012
Proposed Development: Change of use from car showroom to D2 assembly and leisure for use as a fitness studio
Location: Former Peugeot Showroom
Dobies Business Park
Lillyhall
Workington
Applicant: Mr Lee Butterworth

Drawing Numbers: LB/KT/12/02 - Site Location Plan, Proposed Plans and Elevations

Constraints: Vacant land & Buildings
British Coal Area
Adv Control Exclusion - Winscales

Policies: National Planning Policy Framework

Allerdale Local Plan, Adopted 1999 (Saved)
Policy L3 - New leisure/community facilities
Policy WKEM6 - Local Employment allocations, Lillyhall Estate

Cumbria and Lake District Joint Structure Plan 2001-2016 (Saved)
Policy EM13 - Employment land provision
Policy EM14 - Development of employment land for other purposes

Relevant Planning History:

On site:

2/2011/0758 – Change of use of car showroom to office accommodation.

Other:

The applicant has 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 is 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).

Representations:

**Winscales Parish Council** – No objections.

**Environmental Health** – No comments received. Verbally commented on possible concerns with the internal layout, relating to access to and control of the ancillary sunbeds. Consultation is ongoing and Members will be updated.

**Sports England** – Do not wish to comment on the application.

**Fire Officer** – No comments received.

**Highways Authority** – No objections.

The application has been advertised on site and adjoining owners have been notified. One letter of representation has been received questioning why work has commenced on changing the use of this unit before an application has been submitted.

Report

**Site**

The application site consists of vacant premises, last used as a car showroom. The building is located on an existing industrial estate with access, parking provision and landscaping already completed. The immediately surrounding uses are primarily car sales showrooms and ancillary repair garages and sales offices. The existing building is of modern design and is sited adjacent to similar buildings.

The application site is located on the Dobies Business Park, Lillyhall Industrial Estate, to the west of the A595, accessed off A596.

**Proposal**

Planning permission is sought to change the use of the unit into a fitness studio/gym, falling into Class D2 of the Use Classes Order. The proposal indicates use of both the ground and first floor of the building for the gym and ancillary uses, including a workshop, training room store and two sunbed facilities (1000sqm). The first floor is not proposed to be used immediately, but will allow for future expansion.

The premises has the benefit of level access and 40 parking spaces.
Planning Policy

The National Planning Policy Framework sets out the government’s national planning policy for economic development. The policy promotes the viability and vitality of town centres through the application of the sequential test for defined town centre uses, including leisure. Where applications are submitted for town centre uses (such as health and fitness centres and other D2 uses) not in an existing centre, the applicant must demonstrate that it could not be located within the town centre, or edge of centre locations. This should include a list of sites which have been assessed for their suitability, availability and viability.

At the heart of the NPPF is a presumption in favour of sustainable development.

The newly published NPPF specifies that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework. However, the policies contained in the NPPF are material considerations which local planning authorities should take into account.

For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework, for Allerdale, this gives full weight to policies contained within the Joint Structure Plan. For Allerdale Local Plan policies, due weight should be given to relevant policies according to their degree of consistency with the NPPF.

Policy L3 of the Allerdale Local Plan considers the expansion or development of new leisure or community facilities are of benefit to the community and should be encouraged, providing such proposals accord with other policies in the Local Plan.

Policy RG8 of the Local Plan supports applications for cultural, leisure and entertainment facilities within the town centre, encouraging activities other than shopping, subject to criteria outlined in Policy RG7 which seeks to avoid ‘dead’ frontages in the primary shopping area.

Policy WKEM6 allocates land for local employment purposes including business, general industrial, and storage and distribution. The accompanying text outlines how the development of such employment sites for other purposes will be discouraged, to ensure that Lillyhall remains the prime area for employment development in Allerdale, but that each proposal will be treated on its merits.

It is considered that these local plan policies are largely consistent
with the advice contained within the NPPF and can continue to carry some weight in the determination of applications.

Policy EM13 of the Cumbria and Lake District Joint Structure Plan sets out the need to ensure an adequate supply of land and premises for a variety of business uses in the most appropriate locations.

Policy EM14 of the Cumbria and Lake District Joint Structure Plan states that the development of existing employment sites, premises and land allocations for non-employment uses will be considered where it can be demonstrated that the site or premises is likely to remain unsuitable for employment purposes, or the retention of the site is not needed to meet the requirements of Policy EM13.

Assessment

The proposal to locate the fitness studio on the Lillyhall estate raises two main issues. Firstly, Lillyhall is considered the main large scale strategic employment site in Allerdale, with its central location and good transport links. Such sites should be retained for employment and business uses in order to provide a range of opportunities for developers, and not normally used for other purposes.

Secondly, national planning guidance directs proposals for what are defines as town centre uses, which includes gyms and other such leisure facilities, towards town centre locations where they contribute to the vitality and viability of the town. If no suitable site can be found within the town centre, edge of centre locations should be considered through a sequential test assessing suitability, availability and viability. Lillyhall is an out of centre location, and should therefore be considered only after all town centre and edge of centre locations have been discounted.

In relation to the first point, as indicated above, the principle of locating a gym out of the town centre at the Lillyhall Industrial Estate has previously been accepted under application 2/2011 0692. As part of this proposal, no concerns were raised with the loss of the allocated employment site. Although a leisure facility, the proposal will provide some employment. The applicant’s agent indicates that the existing premises have been vacant for two years, indicating a lack of demand.

With regards to the second point, the same evidence has been submitted with the current application that was submitted with the previously approved application in relation to the consideration of sequentially preferable sites. It has previously been accepted that this information demonstrates that alternative sites have been considered but discounted because of size and/or prohibitive cost.
Enquiries have been submitted to the West Cumbria Development Agency and discussions undertaken with the Town Centre Manager.

Also for consideration is that this proposal has to be balanced on the merits of the locational requirements of the proposed business and market needs/requirements. The application sets out the locational requirements of the business model of this particular enterprise. It is the intention that the gym will attract customers from the employers in the immediate locality, with local employees using the facilities before and after work and at lunch times. With more than 1000 employees on the surrounding Lillyhall Industrial Estate, it is anticipated that the facility will attract local custom, reducing the need for additional traffic journeys to gyms located within the town centre. As part of the previously approved application, the applicant has made the effort to contact local businesses, and ten letters of interest/support from these businesses were submitted with that application. The applicant has outlined his intention to operate a health and fitness programme in the workplace. In considering the merits of the proposal therefore, whilst the NPPF directs leisure facilities to the town centre in the first instance, it also has as a central theme, the presumption in favour of sustainable development. Given the evidence provided in relation to the potential for local custom, there are considered to be merits to the proposal, in terms of encouraging more sustainable patterns of travel in this instance.

In addition, the applicant has justified the size of premises and the need for level ground floor access in order to encourage use of the facilities by disabled people and those requiring rehabilitation. The applicant is aiming for the facility to be compliant with the Inclusive Fitness Initiative, an accreditation scheme which exists within the industry, and the applicant has made contact with physiotherapists and occupational therapists.
In this instance the applicant has clearly outlined the locational requirements for this particular enterprise, whilst demonstrating that alternative sites have been considered.

The proposal represents an economic use of vacant premises, which will not exert a significant impact on the Lillyhall Industrial Estate, nor the vitality of the town centre overall. Whilst planning policies aim to locate such facilities within the town centre, the applicant has provided satisfactory reasons why the business is to be sited in this particular location. There is sufficient parking for a number of vehicles within the curtilage of the site, and with which the Highways Authority is satisfied. There are no noise or amenity issues associated with the application.

The scheme could be considered to accord with Council priorities to support health and wellbeing in the district.

**Local Financial Implications**

There are no financial implications arising from the proposal.

**Conclusion**

On balance the application can be recommended for approval, although, given the reasons for it’s siting in this location, it is appropriate to restrict the permission to use as a gym/fitness facility and for no other uses which fall within the D2 Use Class which could potentially be located elsewhere. On this basis the proposal will not set a precedent for other non-employment/business uses on the Lillyhall estate.
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. 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
Allerdale Borough Council

Planning Application

Reference No: 2/2011/0973
Received: 09 December 2011

Proposed Development:
Installation of a single 500kw wind turbine together with associated control equipment resubmission of planning application 2/2010/0370

Location:
Brayton Park
Brayton
Aspatria
Wigton

Applicant:
Mr Malcolm Ashworth
Distributed Generation Ltd

Drawing Numbers:
SL1 - Site Location Plan
DGblockplan04Dec2011B - Location and Access Plan, Turbine Elevations

Constraints: British Coal Area

Policies:

Allerdale Local Plan, Adopted 1999 (Saved)
Policy EN5 - Pollution Control
Policy EN6 - Location of potentially polluting development
Policy EN10 - Restoration, after uses cease
Policy EN19 - Landscape Protection
Policy EN25 - Protecting the open countryside
Policy EN32 - Protecting wildlife protected by law

Cumbria and Lake District Joint Structure Plan 2001-2016 (Saved)
Policy R44 - Renewable energy outside the Lake District National Park and AONBs
Policy E35 - Areas and features of nature conservation interests other than those of national and international conservation importance
Policy E37 - Landscape character

North West Regional Spatial Strategy to 2021
Policy DP1 - Spatial principles
Policy DP9 - Reduce emissions and adapt to climate change
Policy EM17 - Renewable Energy

National Planning Policy Framework
Cumbria Wind Energy Supplementary Planning Document
July 2007

Relevant Planning History:

2/2010/0370 – Wind Turbine 62m to tip - Approved

Representations:

Aspatria Town Council – Recommend that the application is refused as per the grounds of the original objection which outlined the following concerns:

- Visual impact
- Cumulative effect
- Degradation of the whole beauty of the county of Cumbria which is regarded as a special area for its landscape and views
- The turbines would affect the application for holiday chalets which they support and would conflict with tourism
- The computer simulations do not give the full impact of the proposal
- Potential to set a precedent.

Allhallows Parish Council – No response to date

Cumbria Highways – No objections.

United Utilities – No objections.

CAA – No objections

RSPB – No objections

NATS – No safeguarding objection.

County Archaeologist – No objections.

Fire Officer – No objections.

Ministry of Defence – No objections subject to aviation lighting being fitted to the equipment.

Environmental Health – No objections subject to an appropriate condition to control noise.

Natural England – The proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. The LPA should assess the application against the standing advice related to protected species.

In terms of the standing advice for protected species Natural
England has assessed the submitted report against the advice for bats and they concluded that the findings of the report should be accepted.

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

There have been 9 letters of objection 5 being from the operators of the adjoining leisure facility which relate to:

- Unsuitability of the site
- Potential to affect other peoples property if the turbine fell over
- The wind speed data is from the 1970’s 80’s and does not take into account of the topography of the site
- Proximity to the wood would act as a windbreak, decrease wind speed and cause turbulence
- The age of the turbine and affects of the turbulence could affect the stability of the turbine
- Increase in size of turbine
- No connection to the national grid planning permission should not be granted without the relevant permission to connect to the grid
- The applicants would not be affected as they do not live within the borough
- Larger capacity of turbine
- Diesel generators would be used when wind turbines are not in use
- Visual impacts even greater than the turbine allowed at appeal
- The only similarity with the turbines is the height of 62m
- The blades would be larger in diameter
- Extra blade to that approved
- The turbine would be larger in girth
- The turbine would be dominant when viewed from Aspatria
- Potential to affect bats/birds
- The tranquillity of the area would be affected
- Potential affects on the new golf course
- Potential affects on Lakeside Inn
- May make the proposed golf course unviable
- Potential to affect horses
- Affect on holiday let business
- Withdrawal of funding for holiday park development
- Screening of the development would incur costs
- No indication of route to connect to the national grid
- Hoseasons indicate that a wind turbine may affect the holiday let and potentially reduce the income from the property
- The development is for financial gain of the developer and
• Proliferation of turbines
• Similar in scale to commercial turbines
• Sets a precedent for further wind turbines
• Cumulative impacts

A letter and an email from Cumbria Tourism (CT) has provided generalised comments relating to wind development and comments relating to large wind farms. The CT response comments that Mr Ward has had concerns with on the holiday let advertised with Hoseasons and the potential reduction in income and level of interest in the holiday let. Mr Ward has also outlined his concerns to CT relating to the future holiday park/golf course and on this basis CT would have concerns relating to a wind turbine in this location and would advise caution and suggest that the application should be resisted until the applicant is able to demonstrate clearly that there will be no harmful affects on the visitor economy.

Report

Introduction

Members may recollect this application was deferred to enable the applicant to provide further details in relation to the tourism and health and safety concerns. The health and safety concerns relate to topple and structural information which may result from the affects of turbulence created by the woodland. The applicant has provided a supporting statement addressing these issues which is appended to this report.

The application is a resubmission to a previously approved wind turbine. This proposal seeks permission for the erection of a single wind turbine of a different design to that approved on land adjacent to Jim Peet feed mill at Brayton Park, Aspatria.

Site History

Planning application 2/2010/0370 for a single two bladed wind turbine was presented before members of the development panel on 9 November 2012; members were minded to refuse the application contrary to officer’s recommendation. Members recommended that the application was refused due to the potential affects of the development in terms of its siting, scale, noise and flicker, being harmful to the existing and approved tourist development at Brayton Park, Aspatria. An appeal was submitted by the applicant, which allowed the development subject to conditions.

Policy Considerations
Renewable energy developments are supported by the National Planning Policy Framework (NPPF) which outlines that there should be a presumption in favour of sustainable development under paragraph 14. Under Chapter 10 of the NPPF it outlines there is a presumption to approve applications for renewable energy proposals unless material considerations indicate otherwise (paragraph 98).

The NPPF states that the delivery of low carbon energy and associated infrastructure is central to the economic, social and environmental dimensions of sustainable development. In determining planning applications, LPA’s should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
- approve the application if its impacts are (or can be made) acceptable

The NPPF is considered to support policy R44 of the Cumbria and Lake District Joint Structure Plan. Saved Policy R44 of the Joint Structure Plan states that outside the Lake District and AONB, proposals for renewable energy, including any ancillary infrastructure or buildings, will be favourably considered subject to a number of criteria relating to landscape character, biodiversity and natural and built heritage, local amenity, local economy, highways or telecommunications.

As the property is not located within any special landscape designations (including local) the proposal would be in compliance with Policy EN25 of the Local Plan when read in conjunction with the NPPF chapters 109, 110 and 115. The Cumbria and Lake District Joint Structure Plan, under Policy E37, stipulates that development should be compatible with the distinctive characteristics and features of the landscape, requiring future proposals to be assessed in terms of relevance, visual intrusion, scale in relation to the landscape and remoteness and tranquillity.

The objectives of Policy EN6 of the Allerdale Local Plan seek to safeguard sensitive development from pollution generating proposals which would concur with the objectives of the NPPF.

The proposal as a whole is considered to be in line with the NPPF.

Overall (as reflected in the policies) the merits of the proposed development relate to balancing whether the economic, social and environmental benefits of the proposed renewable energy
development outweigh any environmental impact of the proposed turbines.

Financial Implications

There would be no financial implications associated with this development.

Need for and Environmental Impact Assessment

A screening opinion was undertaken 20 January 2012 and identified that an Environmental Impact Assessment is not required. The screening opinion indicated that reference should be made to ‘Cumbria Wind Energy: Supplementary Planning Document’ which details the issues to be addressed. The application is accompanied by various supporting documentation.

Needs/Benefits

The needs and benefits of the proposal are important elements in the overall planning balance. The NPPF continues to give support to all forms of renewable energy development.

The increased development of renewable energy resources is vital to facilitating the delivery of the Government’s commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to the Government’s overall strategy on sustainability and renewable energy development, as emphasized in the Energy White Paper (2007), The UK Renewable Energy Strategy (2009) the UK Energy Road Map (2011) and a significant number of other policies and commitments. The NPPF continues to give support to all forms of renewable energy development.

In order to mitigate the effects of climate change, the North West Regional Spatial Strategy (NWRSS) policy EM17 encourages the use of renewable energy development in order to achieve 15% of the electricity supplied within the Region from renewable energy sources by 2015, rising to 20% by 2020. The RSS includes indicative generation targets and for Cumbria, these are:

- 2010 – 237.3MW
- 2015 – 284.8MW
- 2020 – 292.4 MW

The Courts have determined that the government’s intention to abolish Regional Spatial Strategies is a material consideration. However, in the context of renewable energy development, this intention is not considered to carry significant weight, given the binding legal targets relating to carbon and greenhouse gas
emissions within the Climate Change Act.

The Cumbria Renewable Energy and Deployment Study (August 2011) confirmed that the capacity of operational or consented renewable energy schemes within Cumbria totalled 285.36MW. This figure is not directly comparable to the RSS targets because the RSS specified electricity generation only; whilst the Cumbria Renewable Energy and Deployment Study considered renewable energy schemes for both power and heat. The UK Renewable Energy Strategy recognises the importance of both electricity and heat from renewable sources and seeks around 35% of electricity and heat to come from renewable and low carbon (non nuclear) sources by 2020. Of the overall figure deployed or consented within Cumbria, 70% is located within the district of Allerdale.

As such, the consented/installed capacity for power and heat from renewable energy development is considered to be substantial and to make a positive contribution to addressing climate change.

Regardless of these figures, the imperative for further renewable energy within national policy and strategy is clear. Therefore, the weight to be attached to the deployment of renewable energy is not considered to have diminished.

Whilst this scheme would make only a small contribution towards regional and national targets for the production of energy from renewable sources, it remains valuable, thus contributing to meeting the objectives of the Climate Change Act. Whilst the local economic benefits cannot be precisely quantified there would be some in terms of the economic benefits to this local business. Achieving the binding national targets for the proportion of energy from renewable sources and the reductions sought in greenhouse gases can only be done by an accumulation of local projects of varying scale. Thus, based solely on national performance, a need for developments of this type exists. These are material considerations that weigh significantly in the planning balance.

Site and Surroundings

The site is within an area of little use and currently characterised by rough scrub. A bund runs to the west of the site which is lightly vegetated and to the east of the site is a concrete hard standing and the associated feed mill.

The Proposal

The site is located within an area of open countryside with the nearest settlements being Aspatria 1.87km from the proposal, Baggrow 1.05km and Blennerhasset being 1.5km from the proposal. The proposal is located approximately 7km from the
boundary of the National Park and 8km from the Area of Outstanding Natural Beauty (AONB).

The turbine is considered to be a medium sized wind turbine in terms of modern wind turbine design. The turbine would be a three bladed with a hub height of 40m with a 40m rotor diameter giving a total height to blade tip of 60m. The previous approval was for a two bladed turbine 50m in height to the hub; the diameter of the blade was 24m giving a total height to blade tip of 62m. There would not be any increase in height above the previously approved application.

Officers consider that the amended design, increase in rotor diameter and additional blade would not lead to significant harm to the landscape or have any significant impacts to the site and surroundings above that already approved.

The blades would be constructed of glass reinforced polyester composite which is commonplace in turbine blade construction. The colour of the turbine would be either grey or white which can be controlled by condition in order to achieve a satisfactory finish to minimise the visual appearance of the development.

The design of the turbine does not require any form of construction compound, special access, sub station or any temporary structures. The turbine would connect into the national grid by way of a new connection with low level poles. This is the responsibility of the applicant and would be done in connection with United Utilities. Once connected to the national grid there will no longer be a requirement for diesel generators.

Officers are of the opinion that there is sufficient information within the supporting design and access statement to assess the proposal; photomontages have been provided which show the impacts from various vantage points in the immediate area.

The turbine design has been selected to meet the power needs of the operational feed mill which is currently operating off grid with power supplied by a 500kw diesel generator. A wind assessment has identified that there are winds of a sufficient speed to achieve a satisfactory power output for the needs of the mill. This proposal seeks to significantly reduce the CO2 emissions associated with the use of the site by producing green energy.

**Access and Highways Considerations**

The application site is located off an unclassified road approximately linking the A596 and the B5299. The proposal would be located approximately 120m from the adjoining highway, which is an unclassified road and 750m from the A596 which is the
main highway between Aspatria and Wigton.

The access into the site would be by way of the existing access into the Jim Peet site which already can accommodate large heavy goods vehicles. The turbine would not need any oversized vehicles or special cranes/equipment to install the turbine therefore the existing access onto the highway is acceptable.

The proposal is considered not to affect users of the highway and no objections have been received from the Highways Authority.

There are no public rights of way crossing the site, the nearest public right of way is in excess of 1km from the site.

**Noise**

It is considered that the proposal is sufficiently away from dwellings to avoid any disturbance from noise. The nearest residential property that is not associated with the proposal is approximately 550m (The Old Smithy) from the proposed site and would not be significantly affected by the proposal.

An assessment of the potential noise impacts accompanies the application. In terms of noise from the operational wind turbine it is concluded that the noise level would be lower than the recommended noise levels that would cause disturbance to residential properties and the new turbine design has lower noise levels than that previously approved. The Council’s Environmental Health department has recommended a condition is attached to any approval to control noise levels from the development.

**Shadow Flicker**

In terms of shadow flicker, the standard assessment would be that properties within 10 rotor diameters of the turbine could potentially be affected by shadow flicker. In this case the rotor diameter is 40m therefore as there are no residential properties within 400m the affects of shadow flicker would not cause harm to surrounding properties.

**Wildlife**

The previous application was not refused on wildlife issues; however the applicant has provided further evidence that the development is unlikely to have significant affects on the development. An appropriately qualified ecologist has undertaken a desk based assessment in relation to the proposed development. The report indicates that the site is of relatively poor ecological value and a full bird survey would not be required; however, would recommend that a bat survey is undertaken.
The report highlights that certain birds may be affected by wind turbines; it indicates that buzzards can have their activity influenced by wind turbines; however, a single turbine of this scale on a site of modest ecological value may not have any significant influence. Although buzzards are known to be found within the area the scale of the development is not considered to be of a significant enough risk to warrant refusal of the application.

The application is supported by a report undertaken by an appropriately qualified person and relates to bats and barn owls. There have been some observations of bats foraging within the area; however it is regarded as being low. Small numbers of common and soprano pipistrelles have been identified commuting over the bund, foraging at canopy height (10m) and along the lane to the mill exit.

The bat survey recorded the foraging activities at approximately 3 to 6m and as the lowest blade height would be 20m also the foraging activities on the lane are sufficiently away from the development not to be affected and outside the guidance provided by Natural England. The survey has not detected any Noctule bats at the site which account for the highest number of bat fatalities from wind farms.

A barn owl was observed flying at 1-2m above the ground level. The report concludes that it is not anticipated that a single turbine would pose a significant risk to barn owls. The barn owl trust indicates that there is currently no evidence that wind turbines in the UK are having an affect on barn owls. The Trust also outline that barn owls are unlikely to be affected by wind turbines due to the way they forage at comparatively low altitudes and most wind turbines would have ground clearance in excess of this. In this case it is considered that there is sufficient ground clearance from the blade sweep not to affect foraging barn owls.

As no consultees have raised any particular issues with regards to protected species, the proposal is considered to be acceptable with regards to Policy EN32 of the Local Plan and the relevant parts of the Habitats Directive. Officers consider that the development would not have a significant adverse affect on any of the above species.

**Effects on TV receptors**

The BBC windfarm tool is applicable to windfarms not single wind turbines also the tool is applicable to turbines of a greater height and electricity output (generally sites of 3MW compared to this turbine of 300kw). The applicant contests that the online tool would not provide an accurate reflection of the potential interference with
television reception. Officers cannot place great emphasis on the BBC online tool due to the significant differences in the size and capacity of this development. It is considered that safeguarding television reception can be controlled by condition to ensure appropriate mitigation of any interference caused by the development.

Tourism

The site is located approximately 550m from an approved application for a golf course and holiday chalet development at Home Farm, Brayton Park, Aspatria. It is considered that the wind turbine is of a sufficient distance from the chalets not to affect the amenities of potential occupiers. In terms of effects on the proposed new golf course the wind turbine is of a sufficient distance from the proposal not to cause shadow flicker on the course, noise disturbance or have significant visual implications.

The issue of impact on local economy and tourism potential was raised in the objections and indeed constituted a ground of refusal on the turbine application at Parkhead, Silloth. However, the Inspector’s appeal decision highlighted that the Council had little empirical evidence, and whether research was submitted indicating any impact on tourism and the local economy would be insignificant. However, crucial to the impact on tourism issues relates to whether it has any harmful landscape or visual impact, i.e. only if this environmental harm occurred would it deter visitors.

Although Hoseasons have commented on the individual holiday let they do not comment on the lodge/golf development. In the response submitted by Cumbria Tourism no evidence has been submitted for individual turbines and the evidence gathered in research on wind turbines undertaken in 2005 was based on the proposed Whinash windfarm (adjacent to the Lake District National Park) which consisted of 27 turbines 115m in height rather than a medium scaled individual turbine. Of that survey 74% indicated that the proposed windfarm would not make a difference to them visiting the Lake District or Cumbria. The inspector of the Whinash public inquiry concluded “On balance, I see no justification to contemplate adverse effects on tourism and the rural economy.”

The inspector for the previous appeal on the site commented on tourism related issues within his report and stated,

“On a more general analysis, the Council says that the proposed turbine would jeopardise the success of the Brayton Park tourism site, which is expected to become a major source of employment in the area and which would make a significant contribution to the local economy. They say that the proposed turbine would adversely affect
patrons' enjoyment of the facilities, so they would choose to go elsewhere. There is no evidence to suggest that the presence of even large wind turbine developments has had an adverse impact on tourism. The Guide even lists tourism potential as being one of the economic advantages of renewable energy projects and refers to a visitor centre at a wind farm at Swaffham in Norfolk as an example. The proposed single turbine is most unlikely to be a visitor attraction in its own right, but I see no reason to suppose that it would put people off visiting the area."

The inspector also commented on the appeal that the proposal would not be detrimental to horses as the track is not part of a national trail or Ride UK route and The British Horse Society’s advice is that a minimum separation distance of 200m from the turbine to the route would be required, this scheme is more than 200m from the tracks.

Bearing in mind that a wind turbine of a similar height has approval on the site and the inspector’s comments relating to tourism, officers consider that the impact of this development on tourism is not sufficient to warrant refusal of the application.

**Landscape and Visual Impact**

An independent landscape assessment has been undertaken on the original proposal that identified there would be localised landscape impacts in particular within 1km from the proposal. The findings of the original landscape assessment are considered to be still relevant to this proposal. 

The report also indicated that the impact on the landscape character would have an adverse impact of low to medium significance. The significance is based on minor/moderate impact on the landscape character and a medium impact on the immediate landscape character within the site context up to 1km from the proposal.

The applicant has provided photomontage evidence that the wind turbine would be seen from certain vantage points but it is considered that the proposal would not have a wider significant impact on the landscape. There is screening to the highway to the front of the site and some screening provided by an area of woodland to the west of the proposal. The mature hedges and trees would provide some screening of the proposal from surrounding highways and residential properties.

In terms of visual impact, the baseline for the survey has been up to a 5km radius from the site. The original assessment identified that the magnitude of the impact would be moderate as would the
visual receptor sensitivities and the inclusion of the wind turbine into the landscape would have an adverse visual impact of low to medium significance.

The cumulative impact was also been independently assessed and the impact was considered to be low; this is based on the fact that the nearest windfarm development is at Wharrels Hill some 5.5km from the site.

In terms of cumulative impact, officers are of the opinion that this scheme for a single wind turbine and would not add significantly in terms of cumulative impact. The scheme for Westnewton is for a windfarm of three turbines of three blades measuring 107m in height which is greater in height by 45m than this proposal and covering a larger spatial area. The Westnewton turbine is approx. 3.8km from the site. For similar reasons to Wharrels Hill, the differences in number, height and design would distinguish the two developments and provide a contrast, reducing the linkage and therefore the cumulative impact.

The overall conclusion based on the information provided within the application and the independent findings of the cumulative, landscape and visual assessments is the introduction of one wind turbine at Brayton Park would not have a significant adverse impact. There may be some long distance views gained from the surrounding area as well as the localised views, however, due to the size of the turbine and distance from the boundaries, the turbine would not cause significant visual harm to the wider landscape, or the National Park or AONB designations.

It is considered that the landscape and visual impact of the proposal would not be significant enough to warrant refusal of the application.

**Structural stability concerns**

The site is located a satisfactory topple distance from public highways (Hence no objections from the highway authority.)

Although the turbine is within topple distance of the shed this is a health and safety matter for the applicant. Indeed the Voridian turbine allowed on appeal within the confines of the chemical works at Siddick is within toppling distance of both an office block and industrial plant.

The applicants supporting evidence indicates that this structural stability issue is inherent in the design of the turbine itself which will be regularly monitored. The applicant advises that the turbine concerned has an excellent track record in terms of reliability.
Other Issues

The Ministry of Defence has no objections to the proposal and state that the turbine will not adversely affect defence interests.

The boundaries to the property are mature hedgerows and open countryside with some areas of trees and deciduous woodland. There are no national or local landscape designations affecting the site.

In relation to the comments regarding setting a precedent and being part of a larger scheme for the area, each application site would be looked at on its own merits.

The planning inspector concluded on the previous approval,

“the proposed wind turbine would not have any unacceptable effects of sufficient weight to warrant refusal of planning permission. The benefits it would have for the feed mill business would make a positive contribution to the local economy by safeguarding jobs there. The wider social, economic and environmental benefits of renewable energy projects generally, outweigh the harm to the local landscape attributable to the low to moderate visual impact of the turbine. It is therefore acceptable.”

Conclusion

Bearing in mind the current extant approval for a wind turbine on this site and the fact that the turbine would be no greater in height than that approved, the alteration in design is not considered sufficient to warrant refusal of the application.

It is considered the need for the development outweighs any landscape implications also, bearing in mind national planning policy approval is recommended.

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. The development hereby permitted shall be carried out in accordance with the following plans:
   SL1 - Site Location Plan
   DGblockplan04Dec2011B - Turbine Elevations, Location
and Access Plan
Reason: In order to ensure a satisfactory standard of development.

3. This permission shall remain valid for a period of 25 years from the date that electricity from the development is first generated. 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.

4. If any turbine ceases to be operational for a continuous period of 6 months unless an extension of time is agreed in writing with the Local Planning Authority 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 3 above.
Reason: In order that the impact of the development is removed if electricity ceases to be produced.

5. Before erection of any of the wind turbine, 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.
Reason: In order to minimise visual impact.

6. 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.

7. No development shall take place until a scheme of aviation obstruction lighting has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.
Reason: In the interests of air safety.

8. The LA90 (10 minutes) specific noise levels due to the
operation of the turbine, shall not exceed 35dB(A) up to wind speeds of 10m/s at 10 metre height. This will be assessed and measured 3.5 metres from the facade of the nearest noise sensitive use, namely The Old Smithy, Home Farm, Brayton, Aspatria, CA7 3SX
Reason: To safeguard local residents from noise and disturbance.

9. 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).

Notes to Applicant:

Comments provided by Distgen on Members reason for deferral

Tourism:

DistGen acknowledges the opportunity to respond to the CTB's E-Mail & Letter (dated 7th&10th Sep12).
In the above communications, the CTB refer to 'large turbine development', and they also state that they are 'not against the principle of wind turbine development', but are concerned about the possible affect on the nearby holiday lodges proposal and potential jobs associated with it.

In the Planning Inspector's specific review of tourism here (within the application 2/2010/0370 which was approved for a turbine of a similar scale and at this site), he determined that no evidence exists to support a claim that a single wind turbine is an adverse impact on tourism:

Planning Inspector's comment: "On a more general analysis, the Council says that the proposed turbine would jeopardise the success of the Brayton Park tourism site, which is expected to become a major source of employment in the area and which would make a significant contribution to the local economy. They say that the proposed turbine would adversely affect patrons’ enjoyment of the facilities, so they would choose to go elsewhere. There is no evidence to suggest that the presence of even large wind turbine developments has had an adverse impact on tourism. The Guide (PPS22) even lists tourism potential as being one of the economic advantages of renewable energy projects and refers to a visitor centre at a wind farm at Swaffham in Norfolk as an example. The proposed single turbine is most unlikely to be a visitor attraction in its own right, but I see no reason to suppose that it would put people off visiting the area."
For the current application (2/2011/0973), where the turbine is no higher (62m), the Allerdale Planning Officer’s Report to Development Committee on the 11th Sept 12 made the following comment:

'Bearing in mind that a wind turbine of a similar height has approval on the site and the inspector’s comments (above) relating to tourism, officers consider that the impact of this development on tourism is not sufficient to warrant refusal of the application.'

In making these determinations, and from within the same Officers Report (11/09/12), it was also reported that:

- It is considered that the wind turbine is of a sufficient distance from the chalets not to affect the amenities of potential occupiers.
- In terms of effects on the proposed new golf course the wind turbine is of a sufficient distance from the proposal not to cause shadow flicker on the course, noise disturbance or have significant visual implications.
- The issue of impact on local economy and tourism potential was raised in the objections and indeed constituted a ground of refusal on the turbine application at Parkhead, Silloth. However, the Inspector’s appeal decision highlighted that the Council had little empirical evidence, and whether research was submitted indicating any impact on tourism and the local economy would be insignificant. However, crucial to the impact on tourism issues relates to whether it has any harmful landscape or visual impact, i.e. only if this environmental harm occurred would it deter visitors.
- In the response submitted by Cumbria Tourism no evidence has been submitted for individual turbines and the evidence gathered in research on wind turbines undertaken in 2005 was based on the proposed Whinash windfarm (adjacent to the Lake District National Park) which consisted of 27 turbines 115m in height rather than a medium scaled individual turbine. Of that survey 74% indicated that the proposed windfarm would not make a difference to them visiting the Lake District or Cumbria. The inspector of the Whinash public inquiry concluded “On balance, I see no justification to contemplate adverse effects on tourism and the rural economy.”

Conclusions from Officer’s Report (2/2011/0973 - 11/09/12):

- The planning inspector concluded on the previous approval, “the proposed wind turbine would not have any unacceptable effects of sufficient weight to warrant refusal of planning permission. The benefits it would have for the feed mill business would make a positive contribution to the local economy by safeguarding jobs there. The wider social, economic and environmental benefits of renewable energy projects generally, outweigh the harm to the local landscape attributable to the low to moderate visual impact of the turbine. It is therefore acceptable.”
- Bearing in mind the current extant approval for a wind turbine on this site and the fact that the turbine would be no greater in height than that approved, the alteration in design is not considered sufficient to warrant refusal of the application. It is considered the need for the development outweighs any landscape implications also, bearing in mind national planning policy approval is recommended.
Discussion: Would the CTB support a tourism venture which incorporates ECO-friendly initiatives?

DistGen believes that the CTB would support a development of this kind which conversely, does not need to be viewed and portrayed in the negative way that has occurred with regard to Brayton Park/Mill and in such circumstances, we believe, the CTB would not be adverse to a wind turbine? In this, we respectfully offer the following speculative scenario:

DistGen has already offered to work with the adjacent holiday/golfing enterprise and still holds the view that the holiday lodge proposal would not be adversely affected and could in fact benefit directly from a turbine installation where:

- an ethical ECO-friendly approach could be embraced by the Holiday Village which would be enhanced by association with the turbine as part of a green technology theme to attract visitors - we could work together to provide visitor information ie. including an educational programme on renewables.
- if an ECO theme where to be adopted, the Park scheme may then be more viable in terms of seeking funding (where banks (since 2008) have been reluctant to lend to businesses, particularly those often regarded as high risk perhaps including those from within the tourist industry(?)) – in this there might be improved opportunities with progressive 'green' banks (such as Triodos?) if a greener approach were to be adopted here?
- the Holiday Parks own renewable obligation(?) (10% of its energy to be sourced from renewables) could potentially be met in part by WT energy generation. Collaboration with us could mean that there is no need for a turbine to be built on the Park, and this might also mean that no additional investment costs would be incurred by the Park venture.
- the Park's overheads could reduce if cheaper electricity where to be derived from a turbine proposal of this kind, where export rates generally/nationally are circa 6p/kwh and well below supply company tariffs.

We would also refer to our earlier response to the CTB as relevant, dated 2nd Feb 12 and attached for inclusion within this submission, (ie. in response to Mr Greenwood of CTB’s letter dated 24/1/12).

DistGen concur’s with the above views and comments regarding Tourism made by both Planning Inspector and by Allerdale’s Planning Officer and additionally offers the following views/excerpts which remain pertinent to the App:

- is for a single medium-scale turbine – and so is not a Large Scale development.
- is recognised (within NPPF) that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (substantiating that Brayton Mill is a small scheme).
- is in an industrial setting and is not within an AONB or National Park nor is it within a Local Special Landscape designation - impact here is deemed to be low in context.
- aligns with Local, Regional and National (NPPF) guidelines – ie. Compliance, where, in NPPF there is a mandate of presumption to approve applications for renewable energy proposals...
- is the same height (tip ht=62m) as the already approved turbine ie. planning ref: 2/2010/0370.
will enable the off-grid diesel generator electricity supply to be replaced and thus reduce the carbon emissions emanating from this site as a direct consequence.

supports an existing and established (15yrs) local business which serves both local farmers and beyond – which in itself deserves the support of its local authority and as per local policy.

helps to safeguard existing jobs (6 F/time & 6 P/time*) associated with the Mill operations which are at risk from a total dependency on fossil fuel (diesel generators) for electricity, where a turbine will assist in expansion possibilities for the Mill which in turn would increase the potential number of job opportunities there (possibly 4+ over next 5yrs*) *JPA.

Officers consider that the amended design, increase in rotor diameter and additional blade would not lead to significant harm to the landscape or have any significant impacts to the site and surroundings above that already approved.

Officers are of the opinion that there is sufficient information within the supporting design and access statement to assess the proposal.

Wildlife. Officers, following consultations in line with Policy EN32, consider that the development would not have a significant adverse affect on the protected species (specifically bats, barn owls & buzzards) identified hereabouts.

**DistGen - WT Stability:**

With any turbine, it's in-service performance will be the result of a combination of factors from its inherent design to the environment in which it is located. Design criteria including localised effects of height, wind shear, wind speed, topography (inc. turbulence) have a net consequence upon its reliability and ultimately, upon its life span.  
A practical approach must therefore be adopted in terms of safeguarding the turbine within its surroundings, where a careful monitoring regime within a regular maintenance programme includes for regular inspection of structural elements to protect against failure.  
In this way, individual components are monitored, where some are routinely replaced to maintain the integrity of the turbine throughout its working life.  
From the geographic data, the Brayton Mill site does not pose particularly challenging conditions for the operational intent, where the 2nd user V39 turbine selected has an excellent track record in terms of reliability, and in our opinion, is well suited to this location.
Allerdale Borough Council

Planning Application

Reference No: 2/2012/0451
Received: 28 May 2012
Proposed Development: Variation of condition 1 of planning approval 2/2003/0832 to remove the occupancy restriction relating to the Manager’s house (the detached dwelling)
Location: Cumberland Lodge
            Winscales
            Workington
Applicant: Mr G Campbell

Drawing Numbers: Site Location Plan

Constraints: British Coal Area

Policies: National Planning Policy Framework

Allerdale Local Plan
Policy EN25 - Protecting the open countryside, Allerdale Local Plan, Adopted 1999 (Saved)

Allerdale Local Plan – First Alteration
Policy HS4 - New housing in open countryside, Allerdale Local Plan First Alteration, June 2006 (Saved)

Concurrent applications: 2/2012/0575 – Change of use of existing stable block to holiday lets (Phase 1, four units).

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.
2/2000/0038 – Outline application for a proposed hotel and horse racing stables development including manager’s house and accommodation for stable hands, approved 12 May 2000.


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

2/2008/0098 – Change of use of an approved hotel site to caravan site (100 caravans) – refused 3rd November 2008.


The application has been advertised by press advert and site notice. No representations have been received to date.

Report

Proposal

The application seeks variation of condition 1 of planning approval 2/2003/0832 for removal of the occupancy condition insofar as it relates to the Manager’s house, Cumberland Lodge. The Manager’s house is the large detached dwelling towards the rear of the site.

The original condition stated:

The occupation of the manager’s house and gatehouse hereby permitted shall be limited to persons solely or mainly employed at the stable block hereby permitted (including the dependents of such persons residing with them).

Reason: The site is located outside the Workington settlement limits defined within the Allerdale Local Plan and is in an area of open countryside where residential development would not normally be permitted but for special circumstances.
The varied condition would state:

The occupation of the ‘Gatehouse’ only, approved under application 2/2003/0832, (the first floor flat within the stables) shall be limited to persons solely or mainly employed at the stable block hereby permitted (including the dependents of such persons residing with them or a widow or widower of such a person).

Reason: The site is located outside the Workington settlement limits defined within the Allerdale Local Plan and is in an area of open countryside where residential development would not normally be permitted but for special circumstances.

The application would remove any control over who occupies the detached dwelling at Cumberland Lodge, whereas to date, it has been tied to someone working at the related stabling business. Effectively, this would create an open market dwelling within the open countryside.

An application is also being considered for a partial change of use of the existing stable block to four holiday lets. This is indicated as phase 1 and it is understood that four further holiday lets may be sought.

Site

The application site relates to an established development of commercial stables and gallops originally intended for training racehorses, along with a detached dwelling and second integral dwelling unit within the stables. The development is known as Cumberland Lodge. The site is located just off the A596 (T) within open countryside to the east of Workington. The development is accessed off a long and gated entrance and is set back from the trunk road by approx. 250 metres. It is understood that the development was completed in 2005.

The detached dwelling to which the application relates is a large, five bedroom property, and is of a relatively grand scale and appearance, located towards the rear of the site. It has a render finish and tiled roof and contains integral garaging.

A second residential unit is located on site within the stables (the ‘Gatehouse’). The stables themselves can accommodate up to 50 horses. The gallops are positioned to the southwest of the stables.

A third residential unit is understood to exist within the stables building. This third unit does not benefit from planning permission and has been investigated. No enforcement action has been taken to date. No lawful development certificate has been applied for.
Policy

Planning Policy Statements have now been replaced by the planning guidance within the National Planning Policy Framework (NPPF), published March 2012. At the heart of the NPPF is a presumption in favour of sustainable development.

The newly published NPPF specifies that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework. However, the policies contained in the NPPF are material considerations which local planning authorities should take into account.

For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework, for Allerdale, this gives full weight to policies contained within the Joint Structure Plan. For Allerdale Local Plan policies, due weight should be given to relevant policies according to their degree of consistency with the NPPF.

The National Planning Policy Framework has replaced the relevant guidance within PPS7 on new dwellings within the open countryside. It retains the requirement for Local Planning Authorities to avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. As such, it is considered that policy HS4 of the Allerdale Local Plan First Alteration, which seeks to control new housing in the open countryside to that which is essential, remains generally consistent with the NPPF. The NPPF makes no detailed comment on the use of occupancy conditions or the relevant considerations, where removal is sought. However, such conditions remain the only mechanism to control future occupancy of those dwellings approved for essential workers.

Relevant Background

The original development for the stables, gallops and dwellings was considered under the advice of PPG7 and its successor PPS7 which made clear that isolated new houses within the open countryside required special justification to obtain planning permission. One of the few circumstances in which isolated residential development may be justified, is when accommodation is required to enable agricultural, forestry and certain other full time workers, to live at, or in the immediate vicinity of their place of work. PPS7 further advised on the use of occupancy conditions to ensure that any dwelling permitted remains available for meeting
the identified need for as long as it exists. The occupancy restriction now existing on the detached dwelling at Cumberland Lodge is a result of this advice.

When considering applications for the removal of occupancy conditions, the test is whether sufficient evidence has been provided to demonstrate that the functional need for a dwelling for an essential worker at the enterprise concerned, no longer exists.

Numerous planning approvals have been granted in relation to this site. It is understood that the full application ref. 2/2003/0832 was subsequently implemented, and completed in 2005. However, consent for stable development was originally granted in 1997 (28 stables) along with a single residential worker’s flat. The principle of a second residential unit was accepted by the Local Planning Authority under a separate application in 1999. In subsequent applications, the number of stables forming part of the proposal increased to 50, after the principle of two residential units on site had already been accepted by the Local Planning Authority.

The 1999 application which accepted that there was a functional need at the premises for a second dwelling was accompanied by a report prepared by ADAS’s Equine Unit. The report was prepared on the basis of a racehorse training establishment and a racehorse breeding enterprise. The assessment was based on an average number of bloodstock at the property of between 23-31 (it was expected that a further application was to be submitted to increase stable accommodation to 34 with 82% occupancy, plus two broodmares and 3-6 youngstock). The consultant determined that there was an 'essential' need for at least two suitably experienced and responsible persons to be accommodated on site, (one of which would normally be the trainer) based on the bloodstock units involved and the appropriate level of welfare and management required. A further response from ADAS confirmed that the functional requirement for two suitably skilled persons would remain in the absence of the broodmare enterprise (which at the time did not benefit from planning permission).

Planning application 2/2011/0362 for removal of the occupancy condition relating to the detached Manager’s dwelling at Cumberland Lodge was refused last year on the following grounds:

Insufficient information has been submitted with the application to adequately demonstrate that the functional need for a second dwelling at the enterprise concerned, no longer exists. The proposal would result in the creation of an unrestricted property within the open countryside, contrary to saved policy EN25 of the Allerdale Local Plan, saved policy HS4 of the Allerdale Local Plan First
Alteration, and the advice contained within PPS7 – Sustainable development within Rural Areas.

In relation to the appropriate test, the assessment for this previous application reached the following conclusions:

- the commercial enterprise for stabling and training horses remains operational, although occupancy figures are not at their maximum. Nevertheless, the enterprise retains stables for 50 horses, gallops and an associated landholding, which would suggest all the necessary components for a successful equine business.
- Some limited information has been provided on occupancy levels (16 horses at present, 12 horses stabled over the last 4 years on average). Whilst the suggested occupancy levels appear low at approximately 25%, the potential remains for the business to develop further, albeit the agent’s comments in respect to the current economic climate were noted.
- The application forms suggest that the development was only completed in 2005, it is not clear if this relates to the housing or the stables. If this relates to the stables, it would suggest that the business has only been operational for as little as six years and therefore to develop the business to its full potential may take longer, particularly in the current economic climate.
- No information has been provided to indicate that the enterprise is having trading difficulties or that the enterprise is not viable or has no potential for growth.
- It is considered that insufficient evidence has been provided to demonstrate that the functional need for the second dwelling at the enterprise concerned, no longer exists.

Assessment

The Supporting Statement submitted with the current planning application and provided to justify the removal of the occupancy condition relating to the detached dwelling at Cumberland Lodge is summarised as follows:

- The applicant does not intend to dispose of the property if the application is successful.
- The essential need for two dwellings (application 2/2003/0832) was based on the stabling and training or racehorses. To function as a business dedicated to racehorses, a suitably qualified trainer was required to live on site in order to satisfy licensing requirements of the British Horseracing Authority.
- The business has not had the benefit of a licensed trainer since the beginning of the year.
The business commenced trading in September 2006, since that time, the maximum number of racehorses stabled was 20, with the average number being 12.

Accounts provided to the Local Planning Authority demonstrate that the business has made a significant loss each year until it ceased to trade at the beginning of the year.

The business has been marketed for almost 12 months with little interest being shown. The applicant does not wish to sell, but is seeking to diversify the business, subject of a separate application. Some stabling continues, within the southern half of the block only.

Despite the best endeavours of the owner, the business has failed and can no longer occur. Limited stabling does now occur but these do not require the same level of care and supervision as racehorses therefore the functional need for two dwellings no longer exists.

The diversification proposals put forward under separate application halves the stabling capacity and it follows that it halves the essential number of dwellings required.

Should the change of use of the stables be deemed unacceptable, the need for the two dwellings is still not essential given the changed circumstances at the site.

It is understood that the racehorse stabling and training business for which the complex was constructed is no longer operating. The current application has been supported by additional financial information demonstrating that the business has made losses from the year ending March 2007 to the year ending March 2010 and that the stables have never operated at capacity. No financial information has been provided for year ends 2011 and 2012.

It is considered that for any new business, losses might be anticipated in the first few years as the business becomes established and requires substantial investment. For a specialised business such as racehorse training, which requires the building up of a client base and a successful reputation, this time period could potentially be longer. The information provided indicates that the business has only operated from September 2006 to the end of 2011, which does not seem a significant period of time, given the level of investment that would have been required to construct the premises in the first instance. It is accepted that the current economic climate will not have been of benefit to the business.

Under normal circumstances, the Local Planning Authority would require the appropriate marketing of the property to demonstrate that there was no interest in continuing the approved land based equine activity, which would in turn justify retention of the occupancy condition for the related dwellings. Whilst the applicant has undertaken some marketing of the property (the house,
stables and land), the details of this marketing have not been agreed with the Local Planning Authority in terms of whether the marketing price was realistic, the necessary duration of the marketing or whether the method of marketing was appropriate (i.e. such a business may require marketing with a specialist agent).

As such, there are concerns that the business retains the components for a potentially successful equine business, but that the investment necessary to achieve this to date has been underestimated and that the appropriate marketing has not been agreed to ascertain whether any other party would be interested in continuing with the venture.

Instead, the applicant maintains an intention to remain at the site and a concurrent application seeks to diversify the use of the stables, by partial conversion to holiday lets. In the meantime, it is understood that the remaining stables are being used for stabling/livery not associated with racehorses. The merits of this diversification have been considered under application 2/2012/0451 and are generally considered to be acceptable in relation to policy and are recommended for approval.

Essentially, approving the current application for removal of the occupancy condition insofar as it relates to the detached manager’s dwelling will create an unrestricted dwelling within the open countryside. Whilst the change of use of part of the stables to holiday lets may be granted, it may not be implemented. Should this be the case, then the stables could continue to operate with a capacity for 50 horses (racehorses or otherwise), thereby retaining the originally identified need for two essential workers and justifying the retention of the occupancy condition.

As such, the requirement for a legal agreement restricting the number of horses accommodated at the premises to approx. 25 or half of that existing (as well as a concurrent application demonstrating an alternative and viable use for part of the stables) has been discussed with the applicant. The legal agreement would ensure that should the change of use application not be implemented, it would not be possible for current or subsequent owners at the site to accommodate a level of horses that would exceed one essential on site worker.

The applicant agent has indicated willingness to enter into this legal agreement.

There remain a number of concerns with this site, as discussed above, in particular, (a) that the relevant marketing of the premises to establish whether any third party may wish to continue with this land based business in its current form, along with the
restricted occupancy properties, has not been undertaken satisfactorily and (b) that the business has not yet operated for a sufficient period of time to accept that it is unviable. However, this must be balanced against the current owner’s desire to stay at the premises and develop an alternative venture.

It is considered that the approval of this application with an appropriate legal agreement restricting the number of horses at the stables would safeguard against the continued use of the site for a number of horses that would genuinely need two essential on site workers. The partial change of use of the stables to holiday accommodation would offer a possible diversification to a currently unprofitable business. To a degree, this would seem to be in the spirit of the NPPF, which contains the presumption in favour of sustainable development and which promotes the development and diversification of agricultural and other land-based rural businesses; albeit at the same time, the approval would effectively result in a unrestricted dwelling within the open countryside, which the NPPF seeks to restrict.

The stabling complex and associated dwellings are now built and evidence provided suggests that the business has been unsuccessful to date. Taking into consideration the applicant’s desire to stay at the premises, the concurrent application for a change of use, and the need to find a viable ongoing use of the site as a whole, on balance, the proposal is considered to be acceptable, subject to the legal agreement discussed above.

**Conclusion**

The approval of the proposal will effectively create an unrestricted open market dwelling within the open countryside, contrary to local and national policy. (The application has been advertised as a departure) Whilst there are concerns expressed above relating to whether the potential continuation of the equine business as originally intended has been fully exhausted, this has to be balanced by the applicant’s desire to continue at the premises and diversify the use. On balance, approval is recommended, subject to a legal agreement restricting the number of horses on site to reflect one essential worker rather than two (approx. 25). (As the development is retrospective should members be of the alternative opinion that the proposal should be refused, they will need to consider the expediency of implementing enforcement proceedings)

**Recommendation:** Approval subject to receipt of a unilateral undertaking restricting the number of horses to be accommodated on site.

**Conditions/**

1. The occupation of the ‘Gatehouse’ only, approved under
Reasons: application 2/2003/0832, (the first floor flat within the stables) shall be limited to persons solely or mainly employed at the stable block hereby permitted (including the dependents of such persons residing with them or a widow or widower of such a person).
Reason: The site is located outside the Workington settlement limits defined within the Allerdale Local Plan and is in an area of open countryside where residential development would not normally be permitted but for special circumstances.

Notes to Applicant:
Allerdale Borough Council

Planning Application

Reference No: 2/2012/0575
Received: 28 May 2012
Proposed Development: Change of use of stable block to holiday lets (Phase 1 - four units)
Location: Cumberland Lodge
Winscales
Workington
Applicant: Mr G Campbell

Drawing Numbers: PLAN 001 - Location Plan
PLAN 002 - Site Plan
GC1 - Proposed Block Plan
GC2 - Proposed Scheme Layout
GC3 - Floor Plan

Constraints: British Coal Area

Policies: National Planning Policy Framework

Allerdale Local Plan
Policy EN5 - Pollution Control, Allerdale Local Plan, Adopted 1999 (Saved)
Policy EN6 - Location of potentially polluting development, Allerdale Local Plan, Adopted 1999 (Saved)
Policy EN7 - Location of pollution sensitive development, Allerdale Local Plan, Adopted 1999 (Saved)
Policy TR11 - Provision for cyclists, Allerdale Local Plan, Adopted 1999 (Saved)
Policy TR13 - Provision for pedestrians, Allerdale Local Plan, Adopted 1999 (Saved)
Policy TR9 - Access for disabled people, Allerdale Local Plan, Adopted 1999 (Saved)

Allerdale Local Plan First Alteration
Policy TM7(a) - Provision of holiday accommodation outside development limits, Allerdale Local Plan First Alteration, June 2006 (Saved)

Concurrent application: 2/2012/0451 – Variation of condition 1 of planning approval
2/2003/0832 for removal of the occupancy condition insofar as it
relates to the Manager’s dwelling, Cumberland Lodge.

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.

2/2000/0038 – Outline application for a proposed hotel and horse racing stables development including manager’s house and accommodation for stable hands, approved 12 May 2000.


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

2/2008/0098 – Change of use of an approved hotel site to caravan site (100 caravans) – refused 3rd November 2008.


Representations:

Parish Council – Winscales Parish Council has raised no objection to the proposal.

Environmental Health – No objection

United Utilities – No objection

Highways Agency – No objection

Fire Officer - No comments received

The application has been advertised by site notice and neighbour letter. No representations have been received to date.
Report

Proposal

The application seeks the change of use of part of the existing stable block at the Cumberland Lodge, Winscales to four holiday lets.

The application relates to part of the northerly block of stables. The plans indicate that four holiday lets would form ‘phase 1’ and that a further phase in the future would convert the remainder of the northern block to a further four holiday lets.

The plans indicate the provision of a parking area (10 plus 3 disabled parking bays) with landscape planting. A decorative screen fence is proposed across the internal courtyard of the stable block to delineate the external space allocated for users of the holiday lets and the area to remain associated with the stables.

Communal facilities are indicated (games, café, TV) as well as laundry and storage room.

An application is also being considered for the removal of the occupancy condition relating to the ‘Manager’s dwelling’, the detached dwelling at Cumberland Lodge, under application 2/2012/0451. The occupancy condition ties the occupation of this dwelling to someone working at the stables.

Site

The application site relates to part of the stables within an established development of commercial stables and gallops, originally intended for training racehorses, along with a detached dwelling and second integral dwelling unit within the stables. The development is known as Cumberland Lodge. The site is located just off the (T) A596 within open countryside to the east of Workington. The development is accessed off a long and gated entrance and is set back from the trunk road by approx. 250 metres. It is understood that the development was completed in 2005.

A second related residential unit (with restricted occupancy) is located on site within the stables, which are positioned to the front of the detached house. The stables themselves can accommodate up to 50 horses. The gallops are positioned to the southwest of the stables.

A third residential unit is understood to exist within the stables building. This third unit did not benefit from planning permission and has been investigated. No enforcement action has been taken to date. No lawful development certificate has been applied for.
The existing stables are of solid construction, mainly single storey, with two storey elements (gatehouse features). The stables form a courtyard arrangement, with internal grassed area. Each stable contains a door and window feature.

Policy

Planning Policy Statements have now been replaced by the planning guidance within the National Planning Policy Framework (NPPF), published March 2012. At the heart of the NPPF is a presumption in favour of sustainable development.

The newly published NPPF specifies that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework. However, the policies contained in the NPPF are material considerations which local planning authorities should take into account.

For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework, for Allerdale, this gives full weight to policies contained within the Joint Structure Plan. For Allerdale Local Plan policies, due weight should be given to relevant policies according to their degree of consistency with the NPPF.

In relation to tourist related development within rural areas, the NPPF advises that LPA’s should, ‘support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres’.

Policy TM7a of the Allerdale Local Plan First Alteration is supportive of the conversion of buildings for holiday accommodation, subject to certain criteria. This policy is considered to be generally compliant with the advice of the NPPF and therefore it is considered that it can continue to carry some weight in the determination of applications.

Assessment

The Supporting Statement submitted with the application for the change of use of part of the stables is summarised as follows:

- Part of the stables built for training racehorses will be converted for holiday lets, part will remain for stables,
which, combined with the gallops will provide the potential for a new business.

- Guests staying at the holiday lets could bring their own horse and stable it, riding it at the gallops, or they could hire a horse and ride it on the land, with the opportunity for training.
- The opportunity for diversification to tourism with the potential to bring or hire horses and use the gallops is considered to be unique, which could appeal to many.
- The diversification of the previous business would be sustainable growth in accordance with national guidance.
- This type of development can only happen in a rural setting, it respects the character of the countryside.
- Given the existing stabling use, the proposal will have limited impact on the highway.
- It is not in the applicant’s interests to allow practices at the remaining stables to cause nuisance to future occupiers of the holiday lets.

It is understood that the racehorse stabling and training business for which the complex was constructed is no longer operating. The concurrent application for removal of the occupancy condition relating to the ‘Managers’ dwelling has considered issues relating to the existing racehorse training business.

The supporting information for both applications makes reference to the applicant’s intention to remain at the site and that the proposed change of use will provide for a diversification of the business.

The existing stables are located within open countryside. Policy TM7a of the Local Plan (First Alteration) supports the conversion of existing buildings to holiday accommodation subject to certain criteria:

(1) In the case of conversion, the building is of permanent, substantial and traditional construction

The stables are of permanent and substantial construction, built in 2005. A structural inspection is not considered necessary. As such, no significant concerns are raised in relation to part (1). No significant external alternations are proposed and therefore the existing ‘stable’ design of the buildings will be retained.

(2) The location, scale, design and number of units proposed is compatible with the character of the locality, with the capacity of local infrastructure and in the case of conversions, with the character of the building.
New holiday accommodation in the form of holiday lodges has been refused at this location and dismissed at appeal. The grounds on which the appeal decision turned related to the impact of holiday lodges on landscape character and the unsustainable nature of the location.

The proposal relates to the conversion of existing buildings and not new build, therefore concerns regarding landscape impact from this previous appeal would not be relevant.

The conversion of part of the stables to four holiday lets (potentially increasing by a further four in Phase 2), is considered to be an appropriate scale of holiday development and the number of units proposed is considered reasonable for the size of the stables complex.

The previous appeal related to a substantial number of new build holiday lodges (100 statics/chalets), and the identified social/economic benefits associated with that scheme were not considered to outweigh the other sustainability issues identified, such as the landscape harm and the reliance of visitors on their private cars.

In this instance, the proposal is for only small scale tourist accommodation. There will be limited impact on landscape character as a result of the scheme and whilst there is likely to be a reliance on the private car, this will be for a small number of units only. A diversification of the existing business would have differing social and economic benefits to the appeal case and in this instance, the potential social/economic benefits associated with the diversification are considered to outweigh other sustainability issues, principally relating to reliance on the private car.

As such, the level of tourist related accommodation is considered to be of a scale compatible with the site and the locality and would be generally in accordance with the guidance within the NPPF for ‘sustainable rural tourism’.

As indicated above, the conversion is considered to retain the character of the existing building.

In relation to highways matters, no response has been received from the Highways Agency, the appropriate authority given the access off the A595 trunk road. However, the proposal has been discussed verbally. Given that the four holiday lets will provide a substitute for part of the stables, it is considered unlikely that the proposal would result in any material change in the number of vehicle movements that
could be generated from the lawful use of the site.

In terms of drainage, the provision of holiday lets will generate an increased requirement for foul drainage disposal. Limited information is provided in this respect other than reference to an existing wastewater treatment plant, the capacity of which is not provided. As such, it is considered appropriate to condition this aspect of the scheme, should planning approval be forthcoming.

The Council’s Environmental Protection Officer’s have raised no concerns with the proposal in terms of amenity and the compatibility of the uses (holiday lets and continued stabling). On site, the presence of the gatehouse features where horses are not stabled would provide a physical buffer that ensures the stables do not directly adjoin existing stables. This provided with the screening and the advice from Environmental Protection, is considered sufficient to accept the compatibility of the uses.

Should the application be approved, conditions to control landscaping, parking and the screen fencing are also considered appropriate.

Conclusion

The principle of converting part of the existing stables complex for a small number of holiday lets is considered to be generally compatible with local and national planning policy.

Both this and the application for removal of the occupancy condition relating to the detached dwelling at Cumberland Lodge, known as the ‘Manager’s dwelling’ have been brought forward for determination together given that the implications of implementing this change of use proposal (should it be approved), would be that the essential need for two workers at the stables would be reduced.

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. The development hereby permitted shall be carried out in accordance with the following plans:
   PLAN 001 - Location Plan
PLAN 002 - Site Plan  
GC1 - Proposed Block Plan  
GC2 - Proposed Scheme Layout  
GC3 - Floor Plan  
Reason: In order to ensure a satisfactory standard of development.

3. Prior to the development commencing, details of the foul drainage works 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 holiday lets hereby approved. 
Reason: To ensure a satisfactory means of foul water drainage, in compliance with Policy EN5 of the Allerdale Local Plan, Adopted 1999 (Saved).

4. No part of the development hereby permitted shall be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority. 
Reason: In order to enhance the appearance of the development and minimise the impact of the development in the locality.

5. 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 holiday lets being brought into use. 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.

6. The conversion hereby approved shall be used for holiday let accommodation and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order
1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Reason: The Local Planning Authority would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity.

7. The conversion hereby approved shall not be used at any time as the sole or principal residence by any occupants. Reason: The Local Planning Authority would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity.

8. The conversion hereby approved shall not be used as a second home by any person. Reason: The Local Planning Authority would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity.

9. A bound register of all occupants of the holiday accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority within 10 days of a request. The register shall comprise consecutively numbered pages which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation. Reason: In order to ensure that the Local Planning Authority can carefully examine the use of the building as holiday accommodation.

Notes to Applicant:
Allerdale Borough Council

Planning Application

Reference No: 2/2012/0429
Received: 18 May 2012

Proposed Development: Construction of a 20kw wind turbine with an overall blade tip height of 27.1m
Location: Homerigg Farm
Bullgill
Maryport

Applicant: Mr William Skelton

Drawing Numbers:
001 - Site Location Plan
002 - Block Plan
003 - Elevations

Constraints: British Coal Area

Policies:

Allerdale Local Plan, Adopted 1999 (Saved)
Policy EN6 - Location of potentially polluting development
Policy EN10 - Restoration, after uses cease
Policy EN19 - Landscape Protection
Policy EN25 - Protecting the open countryside
Policy EN32 - Protecting wildlife protected by law

Cumbria and Lake District Joint Structure Plan, April 2006
Policy E35 - Areas and features of nature conservation interests other than those of national and international conservation importance
Policy E37 - Landscape character
Policy R44 - Renewable energy outside the Lake District National Park and AONBs

North West Regional Spatial Strategy to 2021
Policy DP1 - Spatial principles
Policy DP9 - Reduce emissions and adapt to climate change
Policy EM17 - Renewable Energy

National Planning Policy Framework

Cumbria Wind Energy Supplementary Planning Document
July 2007

Relevant Planning History:
2/2011/0917 – Approval of 27m high turbine

Representations:
Parish Council – Indicate that it was unhelpful for the applicant to have submitted two separate planning applications for these turbines and expressed concerns that more turbine applications may be submitted in this manner in the future.

The Parish is of the opinion that one turbine is efficient for the applicant's personal needs and therefore thinks that the planning application should not be considered by the Local Planning Authority until the existing turbine has been assessed for noise pollution.

Environmental Health – No objections subject to a condition regarding noise.

MOD – No objections

Natural England – The proposal does not appear to affect any statutory protected sites or landscapes, or have significant impacts on conservation of soils, nor is the site EIA development. Refer LPA to consider standing advice.

Electricity North West – The development is shown to be adjacent to or affect their apparatus and must ensure that the development does not encroach over either the land or ancillary rights of access or cable easements. If planning permission is granted the applicant should verify details be contacting Electricity North West.

The development is within close proximity to 11kv overhead lines and there are National Grid overhead lines in the vicinity.

CAA – No comments

County Archaeologist – No recommendations or comments

NATS - No safeguarding objections

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

There has been one letter of support and four letters of objection.

The objections relate to the following points:

One turbine was supposedly for their own use and they are
astonished that they are now in need of a further turbine in direct line of their home and consider the development to be too many.

A single wind turbine was approved 6 months ago and the application emphasised it was only for a single turbine so there would be no cumulative impact on the environment. They believe that this development would have a cumulative impact with other turbines within Allerdale.

The application should be accompanied by a full cumulative assessment.

Concerns that further applications would follow and create a wind farm by the back door.

The first wind turbine has been erected and already causes a negative visual impact, especially from the lower end of the village.

Potential noise impacts.

Use of outdated policy.

Need is not properly justified considering the last application was for the supply of the farm.

Report

Introduction

The proposal is for the erection of a wind turbine to the north east of a farming unit located within the open countryside. The farm is in a remote location with no immediate properties adjoining the site. The nearest settlement would be that of Bullgill which is to the north east of the proposed site.

Policy Considerations

Renewable energy developments are supported by the National Planning Policy Framework (NPPF) which outlines that there should be a presumption in favour of sustainable development under paragraph 14. Under Chapter 10 of the NPPF it outlines there is a presumption to approve applications for renewable energy proposals unless material considerations indicate otherwise (paragraph 98).

The NPPF states that the delivery of low carbon energy and associated infrastructure is central to the economic social and environmental dimensions of sustainable development. In determining planning applications, LPA’s should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon
energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- approve the application if its impacts are (or can be made) acceptable

The NPPF is considered to support policy R44 of the Cumbria and Lake District Joint Structure Plan. Saved Policy R44 of the Joint Structure Plan states that outside the Lake District and AONB, proposals for renewable energy, including any ancillary infrastructure or buildings, will be favourably considered subject to a number of criteria relating to landscape character, biodiversity and natural and built heritage, local amenity, local economy, highways or telecommunications.

As the property is not located within any special landscape designations (including local) the proposal would be in compliance with Policy EN25 of the Local Plan when read in conjunction with the NPPF chapters 109, 110 and 115. The Cumbria and Lake District Joint Structure Plan, under Policy E37, stipulates that development should be compatible with the distinctive characteristics and features of the landscape, requiring future proposals to be assessed in terms of relevance, visual intrusion, scale in relation to the landscape and remoteness and tranquillity.

The objectives of Policy EN6 of the Allerdale Local Plan seek to safeguard sensitive development from pollution generating proposals which would concur with the objectives of the NPPF.

The proposal as a whole is considered to be in line with the NPPF.

Overall (as reflected in the policies) the merits of the proposed development relate to balancing whether the economic, social and environmental benefits of the proposed renewable energy development outweigh any environmental impact of the proposed turbines.

Financial Implications

There would be no financial implications associated with this development.

Requirement for EIA

Local Planning Authority have issued a screening opinion that the proposed development does not constitute EIA development and an EIA is not required to be submitted with an application for planning permission.

Officers are of the opinion that there is sufficient information within
the supporting design and access statement to assess the proposal.

**Needs/Benefits**

The needs and benefits of the proposal are important elements in the overall planning balance. The NPPF continues to give support to all forms of renewable energy development.

The increased development of renewable energy resources is vital to facilitating the delivery of the Government’s commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to the Government’s overall strategy on sustainability and renewable energy development, as emphasized in the Energy White Paper (2007), The UK Renewable Energy Strategy (2009) the UK Energy Road Map (2011) and a significant number of other policies and commitments. The NPPF continues to give support to all forms of renewable energy development.

In order to mitigate the effects of climate change, the North West Regional Spatial Strategy (NWRSS) policy EM17 encourages the use of renewable energy development in order to achieve 15% of the electricity supplied within the Region from renewable energy sources by 2015, rising to 20% by 2020. The RSS includes indicative generation targets and for Cumbria, these are:

- 2010 – 237.3MW
- 2015 – 284.8MW
- 2020 – 292.4 MW

The Courts have determined that the government’s intention to abolish Regional Spatial Strategies is a material consideration. However, in the context of renewable energy development, this intention is not considered to carry significant weight, given the binding legal targets relating to carbon and greenhouse gas emissions within the Climate Change Act.

The Cumbria Renewable Energy and Deployment Study (August 2011) confirmed that the capacity of operational or consented renewable energy schemes within Cumbria totalled 285.36MW. This figure is not directly comparable to the RSS targets because the RSS specified electricity generation only; whilst the Cumbria Renewable Energy and Deployment Study considered renewable energy schemes for both power and heat. The UK Renewable Energy Strategy recognises the importance of both electricity and heat from renewable sources and seeks around 35% of electricity and heat to come from renewable and low carbon (non nuclear) sources by 2020. Of the overall figure deployed or consented within Cumbria, 70% is located within the district of Allerdale.
As such, the consented/installled capacity for power and heat from renewable energy development is considered to be substantial and to make a positive contribution to addressing climate change.

Regardless of these figures, the imperative for further renewable energy within national policy and strategy is clear. Therefore, the weight to be attached to the deployment of renewable energy is not considered to have diminished.

Whilst this scheme would make only a small contribution towards regional and national targets for the production of energy from renewable sources, it remains valuable, thus contributing to meeting the objectives of the Climate Change Act. Whilst the local economic benefits cannot be precisely quantified there would be some in terms of the economic benefits to this local business. Achieving the binding national targets for the proportion of energy from renewable sources and the reductions sought in greenhouse gases can only be done by an accumulation of local projects of varying scale. Thus, based solely on national performance, a need for developments of this type exists. These are material considerations that weigh significantly in the planning balance.

Site History

Application 2/2011/0917 for a single wind turbine of the same design and height as this proposal was approved 24 January 2012.

The proposal

The turbine would be approximately 135m to the north east of the farmhouse and is approximately 120m from the nearest farm buildings. The farm itself is located on rising land from the river situated to the north of the site. It was considered appropriate to locate the wind turbine further away from buildings in order to get the most efficiency out of its placing. In order to achieve enough wind and of a sufficient quality the wind turbine needs to be located in a position away from obstacles such as trees and buildings as the flow of air is interrupted by static objects.

The proposal is for a C & F CF20 wind turbine with a peak output of 20kW. The turbine would be a three bladed turbine measuring 20.58m in height to the hub with a blade diameter of 13.1m; a total height from the ground to the tip of the blade is approximately 27.13m.

The height and three bladed design is considered acceptable and has been approved on this site and elsewhere within the Borough.
The turbine would be set into reinforced concrete foundations measuring 5.5m². The turbine would connect into the national grid by way of a new connection this is the responsibility of the applicant and would be done in connection with United Utilities.

**Site and surroundings**

The application site is located off the road running from Crosby Villa to Tallentire. The site is located approximately 5.8km from the boundary of the Lake District National Park approx. 2.03km from the Solway Coast Area of Outstanding Natural Beauty and 1.15km from the buffer to the Hadrian's Wall World Heritage Site.

The surrounding area is rural in nature, with a number of interspersed single dwellings or farms and small clusters of dwellings and small villages; Bullgill 473m to the north east, Crosby Villa is 922m to the north, Crosby is 1.37km to the north west, Gilcrux is 1.88km to the south east and Dearham is 2.13km to the south west.

The application site is located off an unclassified road to the south of Bullgill and is just over 1km from the A596 at Crosby Villa.

The site is in agricultural use, and would be accessed via an existing access track to the farm from the public highway by land within control of the applicant. Due to the scale of the turbine there is no requirement for a new access to be formed across the field.

**Protected areas**

The site is located approximately 1.6km to the west of Birkby Colliery which is a Scheduled Ancient Monument considering the distance from this feature and the scale of the proposal the development is not considered to have a significant affect on the setting of this protected site. No objections have been received from the County Archaeologist.

**Noise and shadow flicker**

The council's environmental health department have examined the proposal and have concluded that the turbine would not lead to significant noise emissions and it is considered that any noise arising from the development can be controlled by a condition attached to any approval.

In terms of shadow flicker, the standard assessment would be that properties within 10 rotor diameters of the turbine could potentially be affected by shadow flicker. In this case the rotor diameter is 13.1m therefore as there are no residential properties within 131m
the affects of shadow flicker would not cause harm to surrounding properties.

It is considered that the proposal is sufficiently away from dwellings to avoid any disturbance from noise or shadow flicker. The nearest residential property that is not associated with the proposal is approximately 477m from the proposed site and would not be significantly affected by the proposal.

Highway considerations

The proposal would be located approximately 500m from the nearest public road and is therefore considered not to affect users of the highway and no objections have been received from the highway authority.

Locality and visual considerations

Officers have assessed the submitted evidence and although the applicant has provided limited comments on the landscape implications of the proposal, officers are of the opinion that a judgement can be made without a full landscape and cumulative impact assessment.

The boundaries to the wider property are mature hedgerows and open countryside, in the immediate of the proposed turbine are post and wire fences. There are no landscape designations affecting the site.

Visually the turbine would be seen from limited vantage points directly surrounding the site from public rights of way and the public highway. There would be some distant views but due to the scale of the turbine the proposal is not considered to significantly affect the landscape.

Although the wind turbine would be seen from certain vantage points within the locality, officers consider the development would not have a wider significant impact on the landscape.

It is considered that the overall visual impacts of the proposal would not be significant enough to warrant refusal.

Cumulative Impacts

Existing turbine development in the locality includes four large scale turbines at Hellrigg (Parkhead Farm, Silloth) 13.6km north, four smaller scale turbines at Langrigg 10.86km to the north east, and a single small turbine on the same site at Bullgill 120m to the north east. An approved scheme for three large scale turbines has been approved at Warwick Hall, Westnewton 5.97km north east,
construction yet to commence and Tallentire Hill which approved six large scale wind turbines 2.4km to the south, construction has recently commenced. Bothel wind farm is approximately 7.9km to the east. As such, there would be the potential for cumulative impact in combination with the existing man made development on the visual amenities of the area and the landscape character, albeit, the significance of these effects would be affected by landform, natural screening etc.

Cumulatively, the proposal has the potential to contribute to a line of turbine development extending from the permitted windfarm scheme at Westnewton to the constructed windfarm scheme at Parkhead Farm, Silloth, to the east of the AONB boundary. This possible line of turbine development has the potential to impact on the setting of the AONB and on views from within it, noting that the AONB is characterised by its openness and wildness. However, given the comments above relating to the scale of the proposed turbine and the separation distance, it is not considered that this scheme would add significantly to any cumulative impact on the Solway Coast AONB, sufficiently to conclude that the proposal is of more than local importance in terms of landscape and visual amenity.

The proposal also has the potential to have cumulative affects with the wind farm at Tallentire particularly when viewed from the nearby public rights of way; however, considering the scale and location it is not considered to significantly add cumulatively when viewed with this site.

Given the scale of the turbine, the proximity to designated sites and cumulative effect of the proposal with other turbines and man made features, it is not considered to have a negative effect on the surrounding landscape to warrant refusal of the application on this ground.

**Residential Amenity**

Although the nearest residential property is approximately 477m away, the orientation of the dwelling means that the turbine would not be visible from within the main habitable areas of this dwelling. Bearing in mind the size of the turbine at this distance from the development it would not be considered to cause any significant affects on residential amenity.

Due to the orientation and distances from the nearest residential properties the development is not considered to have any overbearing affects on any occupiers of these properties.

**Access and Highways Considerations**
The proposal would be located approximately 395m from the adjoining highway and is therefore considered not to affect users of the highway and no objections have been received from the highway authority.

The turbine would not need any oversized vehicles or special cranes/equipment to install the turbine therefore the existing access onto the highway is acceptable.

**Wildlife**

The applicant has placed the turbine in excess of 50m from hedgerows in order to minimise the impacts on bats.

Due to the site being in beneficial agricultural use the site has limited potential to contain any valuable wildlife habitats. When considering the proposal against Natural England’s standing advice the application site does not raise any concerns relating to affects on any wildlife or important habitats.

The ground works in associated with the turbine and access would be limited and is unlikely to cause significant harm to any habitats, due to the nature of the limited works.

**Conclusions**

It is considered that the need for the development outweighs any landscape implications also bearing in mind national policy there would not be any significant impacts to warrant refusal and approval is recommended.

**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. 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 background noise level at wind speeds not exceeding 12m/s, whichever is the greater.

Reason: In the interest of amenity and in accordance with Policy EN6 of the Allerdale Local Plan Adopted 1999 (Saved).

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 complainants property. The results of the independent consultant’s assessment shall be provided in writing to the Local Planning Authority within three months of the date of notification of the complaint. If a breach of Condition 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.
Allerdale Borough Council

Planning Application

Reference No: 2/2012/0599
Received: 2 August 2012
Proposed Development: Conversion of first and second floors to 7 apartments consisting of 3 two bedroom and 4 one bedroom units
Location: Carlton Ceramics and Cafe
24 Senhouse Street
Maryport
Applicant: Mr Steve Wood

Drawing Numbers:
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 2012

Constraints:
Settlement Limit HS5
Conservation Area: MARYPORT
ASCA Area
Adv Control Exclusion - Maryport
British Coal Area
Special Protection Areas

Policies:
Allerdale Local Plan, Adopted 1999 (Saved)
Policy CO2 - Design of alterations in Conservation Areas
Policy CO8 - Use of upper floors in Conservation Area
Policy CO13 - The setting of a Conservation Area
Policy HS5 - New housing in settlements

Allerdale Local Plan First Alteration, June 2006 (Saved)
Policy HS8 - Housing design
Policy HS9 - Infrastructure requirements for housing

National Planning Policy Framework

Relevant Planning History:
2/2007/1202 Proposed conversion of former cinema to chinaware decoration business, tearoom, retail shop and 'paint your own' centre – Approved.
Representations:

Parish/Town Council – Objections on the grounds of parking availability and the buildings fitness for purpose.

Cumbria Highways – No highway objections to the proposal in principle, your authority should be mindful of the fact that there is no off road parking associated with the development.

Environmental Health – No objections.

Fire Officer – No reply to date.

Housing Services – No affordable housing required on this site.

United Utilities – No objections.

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

No representations have been received to date.

Report

Planning permission is sought for 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.

Site

The application site lies within the defined town centre of Maryport, within its Conservation Area. The property is located on the corner of Senhouse Street and High Street, which is a prominent corner visible from several view points within the area.

The property is three storey and currently has planning permission to be used as a ceramics manufacturing centre with associated retail and office use.

Proposal

The applicant seeks consent to convert the first and second floor of the building to provide 7 self contained apartments, 3 x 2 bed and 4 x 1 bed units.

The works will include internal works to fill in the open space void at first and second floor and the necessary works to create the apartments. Externally windows will be inserted in the rear elevation and the elevation facing onto High Street with some of the windows on both elevations fitted with Juliet balconies.

The existing elevation is currently smooth render, the base storey only will be altered on High Street to create lined out render.
No alterations are proposed to the front elevation and the ground floor of the building will be retained as commercial use.

Policy

At the heart of the National Planning Policy Framework (NNPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 23 of the NPPF says in trying to ensure the vitality of town centres you should recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

Assessment

The principle of creating housing at this site is considered acceptable and will assist in the ongoing use of the upper floors of the building in a town centre location.

Access to the apartments will be gained from the existing access on Senhouse Street and via the existing staircases.

The proposed alterations to the elevation on High Street are mostly to the extended blank element, with two small windows inserted above the existing windows adjacent. There are to be 8 windows installed which will be constructed in timber frame. The four windows at first floor level will be fitted with glass Juliet balconies. The floor plans show the window rebate will match those on existing windows.

The new façade along High Street which includes the insertion of windows and lined out base at ground floor gives the appearance of a solid chunky base which will look like many classical buildings. Planning and the Listed Building and Conservation Officer consider that this façade will enhance the appearance of the street and character of the conservation area, subject to appropriate rebates to the windows.

The rear elevation of the property which cannot viewed from the Highway is currently smooth render with double doors at ground floor that lead out into the private yard for the property and has few small windows openings. The proposal seeks to replace the existing openings on this elevation in different locations with 12 new windows, 6 at first floor level and 6 at second floor level with 8 of these having glass Juliet balconies. The windows on the rear elevation are to be alu-clad. No alterations are proposed at ground
The windows in the rear elevation will look out onto the courtyard associated with the property and the roofs of the commercial properties beyond this. This use of alu-clad windows (timber internally-aluminum externally) is considered appropriate on the rear elevation as it will not be visible from the public highway. The design and positioning of the windows are acceptable and will not result in an unacceptable loss to any existing buildings.

**Refuge**

The refuge bins for the building will be stored in the rear yard which has direct access onto Senhouse Street for collection.

**Highways/Parking**

The building is sited within the Town Centre, therefore there is limited parking available on street. The building is located close to public car parks down on the Harbour side. Officers are therefore satisfied that parking could be accommodated within the public car parks and therefore the application would not warrant a refusal on this ground.

The Highways Authority have raised no objections to the proposal.

**Drainage**

The foul sewerage and surface water will be disposed of via the main sewers. United Utilities raise no objections to this proposal.

**Local Financial Implications**

There will be benefits arising from the scheme through the New Homes Bonus scheme.

**Conclusion**

The proposal is considered acceptable and will secure the upper use of buildings within the town centre, while retaining the commercial frontage and use. It is considered that the proposed external alterations will enhance the appearance of the street and character of the Conservation Area.

The proposal complies with local and national policies and officers would recommend the application is approved.

**Recommendation:** Approved
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.
Allerdale Borough Council

Planning Application

Reference No: 2/2012/0596
Received: 06 August 2012
Proposed Development: Extension to provide disabled persons accommodation - Resubmission
Location: 11 Thirlmere Avenue
Workington
Applicant: Mr John Furness
Drawing Numbers: W0-12-05-12 - Rev B Proposed Plans

Constraints:
CZ1-CZ6
British Coal Area
Adv Control Exclusion - Workington
Settlement Limit HS5

Policies:
Allerdale Local Plan, Adopted 1999 (Saved)
Policy HS12 - Extensions to dwellings
National Planning Policy Framework 2012
Achieving sustainable development

Relevant Planning History: 2/2012/0449 Refused

Representations:
Town Council – No objection
Highway Authority – No objection
Environmental Protection – No objection subject to note to applicant regarding nearby mine workings

The application has been advertised on site and adjoining landowners have been notified. No representations have been received to date. (11/9/2012)

Report Policy

The relevant policies of the Allerdale Local Plan (HS12) are considered to be in general conformity with the National Planning Policy Framework and can continue to carry weight in the determination of applications.

Site History
The application is a resubmission to that refused (2/2012/0449) under delegated powers for the following reason.

The proposed development, by reason of its scale, rearward projection and proximity to the shared boundary with the adjoining residential property, is considered to have an adverse impact upon the residential and visual amenities of occupiers of this adjoining property, contrary to Policy HS12 of the Allerdale Local Plan Adopted 1999 (Saved) and advice contained within the National Planning Policy Framework.

In view of that decision the applicant has resubmitted the same scheme with a ‘call in’ for the attention of members.

Assessment

The proposals are identical to those recently refused and therefore the assessment and recommendation is as the previous application (2/2012/0449). The applicant has provided some additional detail illustrating the existing boundary fence at the site and its relationship with the projection and height of the proposed extension.

This is a householder application for a single storey rear extension to provide additional accommodation for a disabled person (bedroom and shower room).

The proposal relates to a two storey semi detached dwelling on a residential estate with similar dwellings opposite and adjacent. The property has an attached garage to the side, which is physically attached to the detached neighbour.

In view of that decision the applicant has resubmitted the same scheme with a ‘call in’ for the attention of members.

An existing lean-to single storey extension is noted on the rear of the dwelling. The proposals will extend the property yet further to the rear along the boundary of the adjacent dwelling resulting in a rear projection of the existing and proposed extensions totalling approx. 8 metres. A pitched roof of approx. 4.2 metres high is proposed, approx. 2.9m to eaves.

Near to this shared boundary, the neighbouring property has a ground floor habitable room window. The outlook from this window would be significantly harmed by the addition of a further rear extension at no. 11, resulting in an obtrusive 8m long blank wall and pitched roofing such close proximity and varying in height up to 4.2m. In this respect the extension will create a continuous structure forming an unreasonable sense of enclosure to the
adjacent semi-detached property.

As a footnote it is reported that informal consultation with the applicant’s Occupational Therapist from Cumbria County Council has established that the conversion of the existing garage at the property as an alternative could provide the required level of disabled accommodation. This however is not a material planning consideration regarding this application for the extension.

Recommendation

Although there is some sympathy regarding the need to create the required accommodation for the applicant, consideration of residential and visual amenity remains a material planning consideration. Similar single storey rear extensions with excessive rear projections have been refused by the Local Planning Authority on such grounds and dismissed at appeal (APP/G0908/D/11/2150823 and APP/G0908/D/102130146).

On balance therefore it is judged that the proposed extension is contrary to Policy HS12 having an unreasonable impact upon adjacent residential and visual amenity. As such, the proposals cannot be supported and are not in accordance with current Local Plan policies screened alongside the objectives of the National Planning Policy Framework.

There are no financial implications to the Council regarding this recommendation.

Recommendation: Refused

Conditions/Reasons:
The proposed development, by reason of its scale, rearward projection and proximity to the shared boundary with the adjoining residential property, is considered to have an adverse impact upon the residential and visual amenities of occupiers of this adjoining property, contrary to Policy HS12 of the Allerdale Local Plan Adopted 1999 (Saved) and advice contained within the National Planning Policy Framework.

Notes to Applicant:
Allerdale Borough Council
Planning Department

Appeal Decisions

Appeal Reference: APP/G0908/A/12/2173405
Planning Reference: 2/2011/0802

Proposed Development: Resubmission of application 2/2010/0647 for proposals to relocate existing tennis courts and car park to provide improved sports facilities and outline consent for the construction of 24 new dwellings including new vehicular access onto Lorton road

Appeal Site: Lorton road Cockermouth Cumbria
Applicant: Rockford Holdings Ltd
Type of Appeal: Written representations

Date of Committee: 27th January 2012

Officers’ Recommendation: Recommend refusal

Development Panel Decision: Refused on grounds of no provision local affordable residential dwellings contrary to policy H19 of the joint structure plan and insufficient evidence to demonstrate the future maintenance of the children’s play area areas of open space and the surface water drainage facilities

Inspector’s Decision: Appeal dismissed

Appeal decision details
The application site was the subject of a former application for the relocation of the tennis courts and car park together with the construction of 29 dwellinghouses including 10 affordable units.
The former application was refused both in terms of the principle of the development (being sited outside the designated settlement limits) and the physical details of the submitted outline housing scheme which included the reserved matters of access, layout scale and design. A subsequent appeal was dismissed but solely on design grounds.
The inspector made reference to the planning history of the site and the fact that the former grounds of refusal and indeed the grounds for the dismissal of the former appeal did not refer to the provision of local affordable housing.
The Inspector considered the case before him was materially different with all the proposed 24 units in the resubmission constituting private market dwellings i.e. no affordable units.
The Inspector attached weight to policy H19 of the Joint Structure plan which requires the provision of local affordable dwellinghouses on sites of 10 units or more which he
considered accords with the aims of the National Planning Policy Framework in the delivery of sustainable inclusive and mixed communities. The inspector accepted there was sufficient survey evidence that there was a proven need for local affordable housing.

The Inspector assessed both the appellants and the council’s viability assessments (which represented the appellant’s grounds for excluding local affordable housing provision on the resubmission). This assessment considered that the appellant’s spreadsheet lacked transparency and information to support their figures.

The council’s alternative assessment demonstrated 2 separate options that some affordable housing could be provided without harming the viability of the project (with 2 and 5 units being demonstrated in each respective scenario.)

The Inspector in analysing the comparative evidence in the absence of evidence attaches little weigh to the appellants claim of costs for: the disposal of spoil form the site, the added costs relating to the relocation of the tennis courts, the associated costs revenue from the land purchases for any upgrade the sport facilities, and providing a standard of affordable housing would not need to meet the code for sustainable code 3.

The Inspector concludes the details lack transparency and insufficient evidence had not been provided to demonstrate that local affordable housing could not be provided as part of the development.

The inspector also referred to the subject of the maintenance of the children’s play area, unadopted areas of open space and the surface water drainage facilities including any attenuation measures.

It was accepted by both the appellant and the council that there was the necessity for an obligation to address these issues, especially as some aspects involve land transfers. The inspector agreed that a planning obligation was necessary to make the development acceptable in planning terms.

The appellant had submitted 2 separate unilateral undertakings to seek to resolve these issues. However the inspector identified several legal flaws with both documents which resulted in them failing to secure the obligation objectives and therefore inadequate provision had been made for these facilities.

The inspector also commented that he also concurred with the former appeal decision that the principle of the development, albeit outside the settlement was acceptable which would assist in reducing the councils housing shortfall. He was also of the view that the amended design of the resubmission had overcome and addressed the design grounds of refusal on the original application. Although acknowledging the scheme had the potential to affect the amenity of neighbouring properties he considered this could be adequately mitigated against through planning conditions.

The Inspector considered the scheme retained a satisfactory level of off street parking provision for the proposed modified sport facilities.

**Conclusion**

The Inspector concluded that that some matters were in favour of the development, on balance the scheme would be outweighed by the lack of affordable housing and the lack
of details to secure the long term maintenance of the open space, children’s play space and surface water drainage and therefore did not represent sustainable development.

**Officer comments on the appeal decision.**

The refusal decision reinforces the important requirement for the provision of local affordable dwellinghouses on housing estate development proposals unless clear and transparent viability evidence can demonstrate that this cannot be achieved. (Especially in areas of high housing demand)

Officers will ensure that any such viability assessment is independently scrutinised in detail to qualify any scheme omitting local affordable housing provision.
Allerdale Borough Council
Planning Department

Appeal Decisions

Appeal Reference: APP/G0908/A/12/2174364
Planning Reference: 2/2012/0051

Proposed Development: Erection of a single turbine with a maximum blade tip height of 61m and associated infrastructure

Appeal Site: Land at Harrington parks farm, Coppershill, Harrington, Workington

Applicant: Windberry energy operations

Type of Appeal: Written representations

Date of Committee: 13th March 2012

Officers’ Recommendation: Recommend approval

Development Panel Decision: Refused on grounds of the turbine representing a prominent and incongruous feature in the landscape which would be oppressive and harmful to the visual amenity of nearby residents

Inspector’s Decision: Appeal allowed

**Appeal decision details**

The inspector confirmed that in his opinion the development was not EIA development. The inspector advises that on the day prior to his site visit an appeal decision was allowed for the erection of an 80m wind turbine at Goose green farm, Lowca (APP/Z0923/A/12/2169010) approx 2km south of the site (within Copeland).

The Inspector referred to; the details of the turbine, characteristics of the site, proximity to settlements and the nearest individual dwellings. He also observed the existing wind farm (7 turbines) at Lowca and a line of pylons to the west of the site.

The inspector also refers to the list of existing turbines around the perimeter of Workington including Winscales, Siddick/Oldside, Voridian, Flimby, Lowca and the dismissed appeal decision at Broughton Lodge decision.

The Inspector outlines the turbine is within the Ridge and valley landscape (type 5a) which generally has the moderate capacity to accommodate wind turbines (3-5) or exceptionally a large group (6-9). The inspector describes the site as a “working” landscape accommodating in places turbines, pylons, masts roads, railways farm sheds and remnants of mineral buildings. The guidance suggests that the greatest potential for
turbines would be on the flatter plains or broad ridges where large turbine group could relate to the medium to large scale of the landform without dominating the views. On this basis the inspector considers this guidance suggests this is a suitable site.

Weight was also attached to the proximity of the site to the existing windfarm at Lowca which alongside other man made features lessened the impact of the proposal. It was considered not to be incongruous to the local landform.

Therefore overall, although evident, the inspector considered the turbine would not be so prominent or incongruous as to significantly alter the character of the landscape, especially as combined with the Lowca appeal decision it would exceed a group of 6-9 turbines.

The Inspector refers to the 40 turbines within 10km of the site and the councils concerns on the saturation of turbines in the area. He considers the installation of one fairly modest turbine would not transform the landscape into a wind farm landscape and would only be 15m higher in level than the other existing turbines and would visually merge with the group. The distribution of the turbines around the town lessens their cumulative impact with separation distances between them. He agrees that it will appear divorced from some views, but would not fill a gap between existing turbines. Closer views along the A597 would be would have intervening buildings. He concluded that there will be no significant exacerbation of cumulative effects which would be “limited and fleeting”.

In terms of visual impact the inspector refers to 5 dwellings within 504-840m of the site which are the nearest sensitive receptors:

The nearest dwelling Foxpit would experience no significant impact.
The views from park House farmhouse and west Ghyll end farmhouse would be screened by farm buildings.
The terraced houses next to Harrington parks farm would be orientated away from the turbine obscuring any views.
Jubilee house’s view, 740m to the east of the turbine, will be partially screened by the landform topography. With the background of a transmission line, the size of the turbine and the separation distance will ameliorate it potential dominance.
The views from the properties at High close would have the backdrop of the existing turbines at Lowca and would be viewed as part of a group.

The inspector refers to the NPPF and its endorsement of the provision of renewable energy and current policy targets.
The inspector gave reference to the national planning policy framework endorsement to increase the provisions of renewable energy and the current renewable energy targets. Although acknowledging the extent to which Allerdale is contributing to the target and its capacity implications for future schemes, the fundamental test relates to the planning policy that apply to the site” The test entails a balance between the national and local endorsed imperative to increase the provision of energy from renewable sources and the significance of any adverse impacts identified”
The inspector considers the proposal complies with ETSU-R-97 noise levels, shadow flicker, aviation safety, tv reception, highway safety, heritage asset, ecological and topple distance guidance (subject to planning conditions)

Conclusion
The Inspector concluded that the turbine would not seriously affect the visual amenity of residents in the locality or exacerbate cumulative effects which would be limited and fleeting.
The turbine would not be so prominent or incongruous as to affect the character of the landscape and when combined with the Lowca windfarm would not exceed the guidance criteria in the SPD.
The limited damage would not outweigh the benefits under local and national policies for renewable development.

Officer comments on the appeal decision.
The inspector attached significant weight the landscape character classification and the capacity guidance specified in the County Councils “Wind energy in Cumbria” supplementary planning document.
The scale of the visual harm was lessened due to both the proximity of the proposal to the existing windfarm at Lowca i.e seen as an extension of an existing windfarm rather than a separate entity and the various man made development in the urban fringe.
A detailed assessment was undertaken of the nearest properties affected but by virtue of their separation distance, landform, topography and orientation were considered of little weight.
Allerdale Borough Council  
Planning Department  

Appeal Decisions

Appeal Reference: APP/G0908/D/12/2181127  
Planning Reference: 2/2012/0292  
Proposed Development: Removal of existing French doors and replace with uPVC sliding sash window. Remove and replace dining timber window with uPVC sliding sash window. Removal of existing timber door and replace with composite door.  
Appeal Site: 1 Lorne Villas, Workington, CA14 4BY  
Applicant: Mr James Southward  
Type of Appeal: Householder  
Date of Committee: N/A  
Officers’ Recommendation: For refusal  
Development Panel Decision: N/A  
Inspector’s Decision: Dismissed

Appeal decision details
The Inspector considered the main issue is whether the proposal would preserve or enhance the character or appearance of the Portland Square Conservation Area (in line with NPPF).
The inspector agrees with Council’s assessment the windows are an integral part of the period character of the terrace which itself makes a positive contribution to the Conservation Area.
He also agreed that sliding sash uPVC windows would appear heavy and rather crude in comparison to the detailing of the remaining timber sliding sashes fronting onto Carlton Road, and while the proposed replacement door would be of a more traditional design, the grained composite surface would jar with the painted finish of the adjacent door and windows. The Inspector considered that neither the windows nor the door would respect the distinctive historic character of the terrace.
Whilst acknowledging the use of uPVC is commonplace in many parts of the Conservation Area, including nearby properties and rear windows in neighbouring terrace, he considers the front and side elevations of the appellants terrace are a different proposition – “an element that needs to be protected and managed sensitively”.

Conclusion

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The inspector concluded that the proposal would not preserve or enhance the character or appearance of the Portland Square Conservation area. It would also, in consequence, conflict with the objectives of the NPPF and saved policy CO2 of the Allerdale Local Plan.

**Officer comments on the appeal decision**

The appeal decision demonstrates that the character and appearance of windows / doors continues to be a key consideration within the context of the NPPF. With reference to paragraph 5 of the appeal decision – (in the absence of detailed drawings) a judgement was made by the inspector regarding the proposed profiles of windows based on other examples in the area. This in no way suggest uPVC windows should be refuted in conservation areas, instead, decisions should continue to be made based on its individual merit, in particular, consideration to whether the proposal would preserve or enhance the character or appearance of the conservation area (in line with NPPF).