

**STOPPING UP ORDER – THE CLOCKTOWER, MARKET SQUARE, MILLOM –
APPLICATION NUMBER 4/06/2482/0**

Lead Officer: Tony Pomfret – Development Services Manager & Martin
Jepson – Head of Legal & Democratic Services

To inform Members of the current situation with regard to the above Stopping-Up Order
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Recommendation: That the amended plan submitted be approved but that no further action currently be taken by the Council with regard to the Stopping-Up Order.

Resource Implications: Nil.

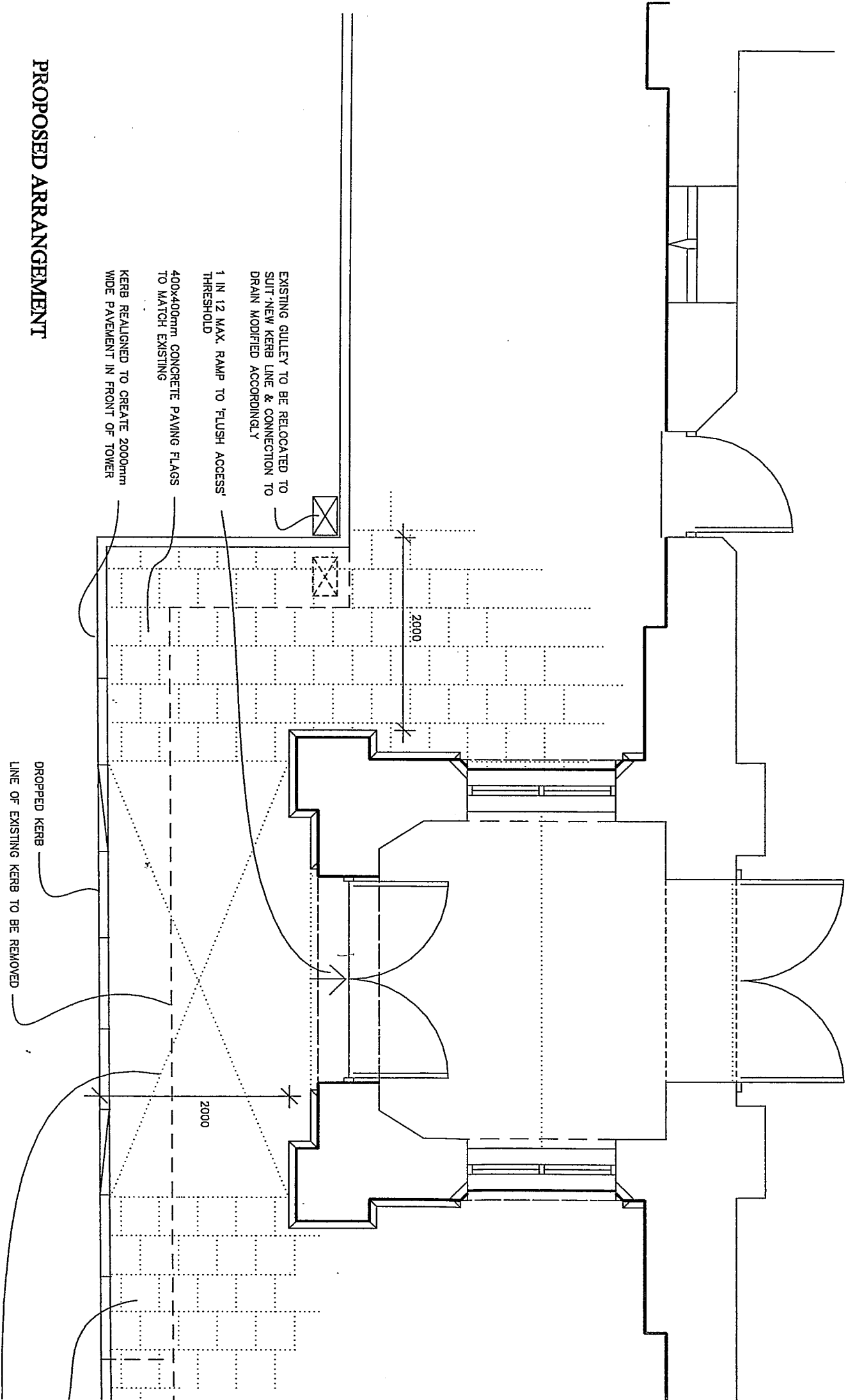
1.0 SUPPORTING INFORMATION

- 1.1 A planning application was received in July 2006 for the conversion of former shop and office premises into a civil wedding ceremonial area and related function suite at the Clocktower building in Market Square, Millom (4/06/2482/0 refers). Following a site visit by Members planning permission was subsequently granted on 13 September 2006 subject to the following conditions:-
 2. "Notwithstanding the submitted details, further drawings detailing the proposed enclosure of the archways beneath the clocktower shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved becomes operational. Works shall be carried out strictly in accordance with the approved drawings."
 3. "Before the works referred to in condition 2 above are commenced the Stopping-Up Order and associated diversion of the affected section of the highway shall be applied for and secured under the provisions of Section 257 of the Town and Country Planning Act 1990."
- 1.2 On 8 December 2006 the Council made the Copeland Borough Council (The Clock Tower, Market Square, Millom) Stopping Up Order 2006. The Order proposed stopping up part of the footpath outside the Clocktower, Millom.
- 1.3 There is a statutory requirement to advertise such an Order. If there are no objections then the Council themselves can confirm the Order. If there are objections then the Secretary of State would have to approve any confirmation by way of H M Planning Inspectorate.
- 1.4 At the end of the consultation period, the Council had received a total of 6 objections, one of which was from Cumbria County Council's Highways Department. Following discussions with various parties, an amended plan to the original application was then submitted in an effort to overcome the objections received, which also was submitted to comply with condition 2 of the planning consent (1.1 above). A copy of this drawing is attached to this report.

- 1.5 In the event, although the Highways department has now removed its objection, two of the original objectors – Millom Retail & Exhibition Centre Ltd and Miss C M Burrow – have repeated their objections. Because of these objections the Council cannot confirm the Order itself. If the Order were to be confirmed it would need to be referred to The Planning Inspectorate for determination. This would involve the holding of an Inquiry or, if the Inspectorate were of the opinion that this was a minor issue, they could consider the matter by way of written representations.
- 1.6 Whatever method is chosen, if the Order was to be referred to the Inspectorate it would involve the Council incurring costs – for example, staff time, advertising, booking of rooms, possibly taking on consultants, and possibly – if the matter were to go to Inquiry – an award of costs against the Council if it was found to have acted unreasonably. To cover these costs, the Council is able to require the person seeking an Order to agree to reimburse the Council for its costs.
- 1.7 Your Officers' recommendation in this case is that the matter only be referred to the Planning Inspectorate once the applicants have formally confirmed that they are willing to meet the Council's cost in pursuing confirmation on their behalf (the Council has no separate budget to meet such costs).
- 1.8 With regard to the amended plan, from a planning point of view this is considered acceptable. However, even with this approved by Members, in accordance with the conditions of the planning permission dated 13 September 2006, the works cannot take place until the Stopping-Up Order has been confirmed.

Contact Officer: Simon Blacker – Planning Officer

Background Papers: Planning Application 4/06/2482/0F1
Papers on Stopping Up file ref: DEP33



PROPOSED ARRANGEMENT

EXISTING ARRANGEMENT

