

**PLANNING PANEL**

**2 MAY 2007**

**AGENDA**

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## **STANDARD CONDITIONS**

In order to save space standard conditions applied to all outline, full and reserved matters consents have been omitted, although the numbering of the conditions takes them into account. The standard conditions are as follows:-

### **Outline Consent**

1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.
2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-
  - (a) the expiration of THREE years from the date 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.

### **Reserved Matters Consent**

The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

### **Full Consent**

The development hereby permitted shall be commenced within THREE years from the date hereof.

## RELEVANT INFORMATION

The planning applications referred to in this agenda together with responses from consultations and all other representations received are available for inspection with the exception of certain matters relating to the personal circumstances of the applicant or objector or otherwise considered confidential in accordance with Local Government (Access to Information) Act 1985.

In considering the applications the following policy documents will, where relevant, be taken into account:-

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

Department for Communities and Local Government (DCLG) Circulars:-

In particular:

22/80	Development Control, Policy and Practice
15/88	Environmental Assessment
15/92	Publicity for Planning Applications
11/95	The Use of Conditions in Planning Permissions
01/06	Guidance on Changes to the Development Control System

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

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### **2. Schedule of Applications - Delegated Matters**

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1 4/06/2686/0

SUPERSTORE WITH PETROL FILLING STATION, PARKING,  
SERVICING AND ASSOCIATED FACILITIES  
LAND AT THE GINNS/COACH ROAD, & PRESTON STREET,  
WHITEHAVEN, CUMBRIA.  
ASDA STORE LTD. & MORBAINE LTD.

Parish Whitehaven

THE SITE

The development site is located approximately 300 metres to the south of Whitehaven Town Centre at the junction of Coach Road with The Ginns/Preston Street. The site is roughly triangular in shape and extends to 3.0 hectares. The application site comprises vacant land, the Council's former depot, a number of operational industrial sites and a number of terraced houses. It is located within an area characterised by large format retail premises, (Iceland, Focus, Netto etc), community uses and residential areas beyond. The site's western boundary is defined by Preston Street, the southern boundary by Coach Road and the eastern and northern boundaries by a public footpath and cycleway.

The site slopes generally away from the Preston Street/The Ginns frontage towards the east and south of the site.

THE PROPOSAL

There has been a previous outline application on this site, which is being held in abeyance in favour of this full application. This application is for a superstore with petrol filling station, parking, servicing and associated facilities. The application is accompanied by the following supporting information:-

- Design and Access Statement
- Retail Assessment
- Regeneration Report
- Geo-Environmental Desk-based Assessment
- Flood Risk Assessment
- Archaeological Assessment
- Public Consultation Report

All of the above are available for inspection in the Development Control office.

DESIGN AND ACCESS STATEMENT

The development comprises 3716 sq m (40,000 sq ft) of retail floor space, 2568 sq m of storage, 435 sq m of offices and 322 sq m classed as "other" development. The retail space will be split 50:50 between

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food and non-food goods, of which 19% of the total sales floor space will be for clothing/footwear. A petrol filling station is proposed within the development, at the northern part of the site.

Pedestrian and vehicular access to the site will be gained from Preston Street. This will serve the store and the petrol station. Additionally pedestrian and cycle access will be made available directly from the cycle path to the east and north of the site. Service access is proposed from Coach Road.

The application is supported by a Design and Access Statement which analyses the site features and notes that currently the site provides a poor entrance to the town centre. It recommends a major opportunity for a gateway development on this site with an attractive frontage on this route into the town centre. The store has been orientated to sit along the western boundary immediately adjacent to The Ginns, with its predominantly glazed restaurant facilities provided at the junction of The Ginns and Coach Road. The storage area is located to the east of Coach Road which is a less prominent frontage and the area is screened by landscaping and a feature wall. The petrol filling station is located to the north of the store and is softened by landscaping and by being at a lower level than the adjacent road system. The accommodation "will be incorporated within a contemporary design that is a response to constraints and feed back. The design reflects a crisp, modern and striking addition to the townscape". A part glazed stair tower dominates the south west corner creating interest along the gateway elevation and punctuates the urban grain which the elevation seeks to both continue and generate.

The building is to form a prominent key feature development and as a result reflects this in the scale of the building, while trying to keep the overall profile down. The elevation to the corner of The Ginns/Coach Road has been increased in height to be more in keeping with future potential office developments in this area and to provide a feature to this "gateway" into Whitehaven town centre. A low sky line silhouette has been kept to a minimum by setting the building lower into the site with vertical elements punctuating beyond the main body of the roof line. The petrol station consists of a small control room with a canopy. A recycle centre is sited in a landscaped area with a masonry wall to three sides to a height of approximately 2.4m to reduce the visual impact. Soft landscaping is proposed around the site perimeter, access and lower car park. High quality landscaping has been provided to The Ginns/Preston Street and Coach Road to enhance the architecture and add to the prominent frontages. Landscaping will be reinstated as part of the Flatt Walks junction improvement. The lower car park will act as flood plain to accommodate high rainfall and reduce flood risk. There is the potential to create a small wild flower meadow or natural habitat.

The building is to be of high quality and design, reflected in the canopy, key architectural fin walls, feature barrel vaulted roof, transparent planes (creating active frontages) and use of feature

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materials (red stone etc). The barrel vault will be finished in a dark colour to reflect the colour of the local used roofing material. The stair tower dominates the south east corner creating a focal point. Along this corner to encourage visual interaction, a glazed faceted wall has been introduced. Externally materials match the surrounding red brick, stone, render and metal cladding, with feature stair tower, canopies, fin wall, feature stone, service yard walls and cladding. The timber cladding reflects the nautical tall ships which Whitehaven is famous for.

## RETAIL ASSESSMENT

A Retail Assessment has been prepared by the developer in support of the application. The Council has sought expert advice in assessing this report from a leading retail consultant. The Retail Assessment seeks to address the issues set out in Planning Policy Statement 6 (PPS 6). It addresses the planning policy context in terms of the Copeland Local Plan and the West Cumbria Retail Review 2003. It also assesses both the projected convenience goods (the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionery) sales and comparison goods (the provision of items not obtained on a frequent basis, including clothing, footwear, household and recreational goods) sales in terms of both quantitative and qualitative need, having regard to population projections.

The report concludes (in terms of quantitative need) that there is some latent capacity for additional convenience goods floorspace in Whitehaven arising from current under-provision in the town. Additionally, expenditure growth over the next five years (around £11.8m) creates favourable conditions for additional convenience goods floorspace. However, it is inevitable that some trade would be diverted from existing convenience shopping in Whitehaven, when considered cumulatively with the committed replacement Tesco store. In terms of comparison goods, the report concludes that there is a demonstrable quantitative need for the additional comparison goods floorspace proposed, taking into account the additional floorspace arising from Tesco commitment.

The report concludes (in terms of qualitative need) that the development of the store for food retailing will lead to a far better distribution of main food stores in the town, with Tesco at the northern edge of the town centre, Morrisons reasonably central and the new Asda located at the southern edge of the town centre. This will provide improved accessibility to main food shopping facilities for Whitehaven residents, especially those in the Pow Beck Valley and other residential areas in the southern part of Whitehaven. Furthermore, having regard to the demographic profile of the town, which includes wards that have a low socio-economic profile and some which also have high levels of deprivation, Asda's representation in the town can be expected to result in a clear qualitative improvement in shopping provision. The less affluent residents of the town particularly will benefit from Asda's competitive pricing of both

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convenience and comparison goods, giving them greater consumer choice.

REGENERATION REPORT

A Regeneration Report has been submitted to support the application. It sets out relevant planning policy at national and local levels and describes how the proposal complements local regeneration objectives within the West Cumbria Strategic Forum, West Lakes Renaissance programme, Whitehaven Regeneration Programme, Broadway Malyan Report, Town Centre Framework, Pow Beck Valley Masterplan and Council Housing Transfer.

The report seeks to address a number of important issues including town centre strategy, town centre linkages, car parking, employment, infrastructure, deprivation and social inclusion and funding. Discussions have been on-going and this report has been supplemented with additional information received from the applicant.

TRANSPORT ASSESSMENT

The application is also supported by a Transport Assessment which has been assessed by the Highway Authority. The Assessment includes information on traffic generation and development traffic effects and mitigation measures in the form of junction improvements. The Assessment also reports on public transport accessibility, pedestrian and cycle accessibility and car parking.

The report concludes that the site is within easy walking distance of a wide surrounding catchment area. The development will provide new refuge islands on Preston Street, The Ginns, Meadow View and Coach Road and dropped crossing street points at these and other locations. Preston Street and The Ginns is well served by bus routes with services passing the site every few minutes. The development will provide improvements to bus laybys and provide bus shelters with seating and lighting. The site will be accessed directly from the adjoining cycle route and secure and covered cycle parking facilities will be provided on site.

Mini roundabouts will be provided at the main entrance to the store and petrol station on Preston Street, the junction of Coach Road and The Ginns and the Back Corkickle/Coach Road/Flatt Walks junction.

A contribution will be made to enable a traffic calmed school entrance to be provided on Coach Road if the existing traffic calming measures are removed as planned as part of the Pow Beck Regeneration Scheme.

A total of 479 car parking spaces are proposed (364 in upper car park, and 115 in lower car park). The upper park includes 24 disabled spaces and 17 parent and child.

GEO-ENVIRONMENTAL DESK-BASED ASSESSMENT



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A desk report has been carried out to highlight any potential ground risks associated with this site. The report assesses the underlying geology and hydrogeology, previous uses of the site and potential contamination, as well as impacts from previous mining activity. The report has been assessed by the Environmental Health Officer.

FLOOD RISK ASSESSMENT

A flood risk assessment has been undertaken which considers levels on the site, existing culverts and watercourses, reference to PPG 25 recommendations for minimum standards for the protection of development against flooding and correspondence with the Environment Agency. This Assessment has been considered by the Environment Agency and the Council's Engineer. Planning conditions are recommended.

ARCHAEOLOGICAL ASSESSMENT

An Archaeological desk based Assessment has been submitted. It consists of consultations with Cumbria Sites and Monuments Record, examination of records held at the County Records Office in Whitehaven and a request for information from the National Monument Records. In all 23 sites of archaeological significance were identified within the study area, none of which were statutory designates sites. The County Archaeologist has made recommendations with regard to the report.

PUBLIC CONSULTATION REPORT

The applicant has submitted a report following a public exhibition held in Whitehaven on 9 and 10 February 2006. The exhibition was attended by about 1000 residents and a questionnaire survey was undertaken by the developer. 294 of the 304 replies received were supportive of the proposals, with the remaining 10 objecting primarily on highway grounds. The report showed that the vast majority shop for food at Tesco or Morrisons and that there is a high degree of leakage for clothes shopping to Workington and Carlisle.

POLICY CONSIDERATIONS

National Policies

- PPS 1 Delivering Sustainable Development
- PPS 6 Planning for Town Centres
- PPG 13 Transport
- PPG 16 Archaeology & Planning
- PPG 25 Flood Risk

Regional Policies

- RPG 13 Regional Planning for the North West

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Structure Plan

The Joint Cumbria and Lake District Structure Plan 2001-2016 was adopted in April 2006.

The main Structure Plan policies are:

Locational issues:

- ST3 Principles applying to all new development
- ST5 New development and key service centres outside the Lake District National Park
- ST10 Furness and West Cumbria

Retail Issues

- ST3 Principles applying to all new households
- L52 Town Centres
- L54 Retail, leisure and office development

Employment issues

- EM13 Employment Land Provision
- EM14 Development of employment land for other purposes

Transport Issues

- T30 Transport Assessments
- ST3 Principles applying to all new development

Local Plan

The Copeland Local Plan 2001-2016 was adopted by the Council in June 2006.

The main Local Plan policies relevant to this application are:

- DEV1 Sustainable Development and Regeneration
- DEV2 Key Service Areas
- TCN2 Town Centre Uses within Key Service Centres
- DEV6 Sustainability in Design
- DEV7 Planning Conditions and Obligations
- DEV8 Major Development
- EMP3 Employment Opportunity Sites
- EMP5 Employment Use in Key Service and Local Centres
- TCN1 Promoting Vitality and Viability of Town Centres
- TCN3 Town Centre Improvements
- TCN9 Whitehaven Town Centre Strategy
- ENV12 Landscaping
- ENV16 Flooding
- ENV17 Derelict Land

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ENV18 Contaminated Land  
ENV22 Light Pollution  
ENV36 Development Affecting Sites of Local Archaeological or  
Historic Importance  
ENV37 Site of Potential Archaeological Importance  
TSP4 Measures to Improve Public Transport  
TSP5 Cycleways, Footpaths and Bridleways  
TSP6 General Development Requirements  
TSP7 Transport Assessments and Travel Plans  
TSP8 Parking Requirements  
SCV1 Connections to Public Sewers  
SVC4 Land Drainage

CONSULTATION RESPONSES

The development will impact on a wide area and therefore a number of Site Notices were displayed around the site. The application has also been advertised in the local press and there have been a number of articles on the development in the local newspaper over the last few months. The applicant arranged a public exhibition to explain the proposals to local residents and organised a questionnaire survey. A wide range of consultations has been sought and the results are reported below.

Cumbria County Council

The County Council have not commented on this application from a strategic planning perspective. They have asked that their comments on the previous application be considered in respect of the current proposal.

The County's comments on the previous outline application were:

"That no strategic objection to the application be raised subject to Copeland Borough Council taking account of the matters set out in the report considered at the meeting of 30 March 2006".

The County recommends that in accordance with PPS6 Copeland Council should require the applicants to demonstrate the five key tests, but also consider relevant local issues and other material considerations such as regeneration.

County Archaeologist

The site should be subject to a programme of archaeological investigation and it is recommended that this work should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a negative condition in any planning consent.

Highway Authority (Cumbria County Council)

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A number of detailed comments have been made, some of which have been incorporated into amended plans. Subject to the above, consideration should be given to the use of conditions as recommended. Consideration should also be given to securing a Travel Plan via a Section 106 Agreement in accordance with the DoT's publication "Using the Planning Process to Secure Travel Plans - Best Practice Guidance for Local Authorities, Developers and Occupiers" as an alternative to imposing conditions.

Allerdale Borough Council (adjoining Local Planning Authority)

No reply received.

United Utilities

The development should be served on a separate system, with only foul drainage connected into the foul sewer. There are several public sewers that cross the site and United Utilities will not permit building over them. They require an access strip of no less than 6 metres wide, measuring 3m either side of the centre line of the sewer. If diversions are needed these will be at the applicant's expense. Water mains may require re-laying or protection. The development is shown to be adjacent to/include electricity underground cables. The cost of the relocation of services will be the responsibility of the developer.

Environment Agency

The Environment Agency has commented in respect of flood risk, potential land contamination and environmental protection. Pow Beck, which crosses the site in culvert, is now classed as a main river and, as such, the prior consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the outer culvert walls. The Agency recommends that the Council ensure that the existing flooding problem on Coach Road is addressed and is not exacerbated by any development proposals. The Agency recommends conditions in respect of land contamination and environmental protection issues.

Environmental Health

Environmental Health have raised issues of contaminated land (which can be dealt with by condition) and land drainage issues. They support the views of the Environment Agency in respect of both surface water drainage and land contamination.

West Lakes Renaissance

WLR have made detailed comments with regard to design, highways, flood prevention and car parking. The applicant has taken some of these matters on board and has provided amended plans.

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REPRESENTATIONS:

Three individual letters of support have been received from local residents together with one letter of objection, commenting on the adverse impact on the town centre.

Whitehaven Heritage Action Group

Proposals are welcomed as a catalyst to further new work around that presently poorly roaded and under invested area. If it keeps shoppers in Whitehaven, even better.

Peacock and Smith (on behalf of Morrisons)

An objection has been submitted on behalf of Morrisons, which requests that the application be refused. The consultants claim that the application fails the test of need and no evidence has been provided to demonstrate that the proposal could not be disaggregated to fit on a more sequentially preferred site. Furthermore, the proposal will reduce linked trips to the town centre from the edge-of-centre Morrisons and Tesco and may have a detrimental impact on Whitehaven's non-food retail function in the longer term.

REPORT

This is a complex application and has been subject to a range of consultations and additional information requests from the applicant. The Council has also sought obtained advice from a retail consultant in respect of the applicant's Retail Assessment.

The main issues in assessing the application include:

- Highway access and impact of the development on the adjoining road network
- Surface water drainage and flood mitigation
- Land contamination
- Design Issues
- Retail impact
- Regeneration benefits

Highway Access and Impact of the Development on the adjoining Road Network

In order to serve the development in terms of customer car parking, access to the store, petrol filling station and service areas, the applicant has had detailed discussions with the Highway Authority over a lengthy period both before and after the submission of the planning application.

The Transport Assessment has been produced as a result of these discussions and it assesses the traffic and highway implications of the proposed development. Traffic flow projections have been

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produced. Accessibility by other modes of transport and the parking facilities to be provided on site are also considered. The report concludes that the site is within easy walking distance of a wide surrounding catchment area. The site has good public transport connections with frequent services. The site is adjacent to the Whitehaven cycle network and will provide direct connections between the network and the site. The cycleway will be improved by the developer and a cycle crossing facility will be provided on Coach Road as part of the development. Secure and covered cycle parking facilities will be provided within the car park. The existing bus stops will be upgraded by the developer with the provision of shelters with seating and illumination and raised boarding points. The store will have car parking arrangements in excess of PPG13 standards, with spare capacity to allow shared trips to be made with the town centre and the car park will be managed to encourage this shared usage.

New access arrangements for the development as well as improvements to the external highway network will be required, at the developer's expense. The proposed highway alterations will include:

A single customer access point on Preston Street via a mini roundabout with a pedestrian refuge island in the site access arm of the junction. The bus laybys to the south of Cart Road will be upgraded to current standards.

Mini roundabouts at the junction of Coach Road and The Ginns with pedestrian refuge islands on The Ginns and Coach Road. A contribution will also be made towards future further improvements to this junction pending land acquisition as part of the Pow Beck Scheme.

A service access on Coach Road will be created which will afford easy conversion to a mini roundabout when the Pow Beck Spine Road is constructed.

Roundabout, to replace traffic lights, at junction of Back Corkickle/Coach Road/Flatt Walk junction.

The store operator will need to agree a Travel Plan before development commences.

The above highway works will be covered by conditions and by the use of a Section 106 Agreement

#### Surface Water Drainage and Flood Mitigation Measures

Advice has been received from the Environment Agency and the Council's Engineer in respect of surface water treatment. Conditions will require the submission of full details before any works commence. Those details should ensure that the development does not exacerbate the existing flooding problems on Coach Road. Impermeable

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materials should be used as far as possible for car park and path surfaces. These requirements can be controlled by conditions.

Land Contamination

Advice has been received from the Environment Agency and the Council's Environmental Health Officer in respect of potential land contamination based upon the Geo-Environmental Desk Study report submitted as part of the application. The requirements of the consultees can be covered by planning conditions.

Design Issues

The Design and Access Statement sets out a site analysis and how the design of the development has evolved. The accommodation will be incorporated within a contemporary design and reflects a crisp, modern and striking addition to the townscape.

The building is to form a prominent feature development and as a result reflects this in the scale of the building, while trying to keep the overall profile down. The elevation to the corner of The Ginns/Coach Road has been increased in height to be more in keeping with future potential office developments in this area and to provide a feature to this "gateway" into Whitehaven town centre. The store is located to the south west corner which faces onto industrial units. There is pedestrian interaction along this boundary. A part glazed stair tower dominates the south west corner creating interest along the gateway elevation and punctuates the urban grain which the elevation seeks to both continue and generate. The cafe is located on the south west corner generating activity at the junction of The Ginns and Coach Road and providing potential street life/interaction/cafe culture.

The building is to be of high quality and design, which is reflected in the canopy, key architecture fin walls, feature barrel roof, access points into the site, transparent planes and use of key feature materials. Externally the materials match the surrounding red brick, stone render and cladding with feature stair tower, canopies, fin wall, feature stone, service yard walls and cladding.

Soft landscaping is maintained to the site perimeter, site access and lower parking areas. The upgraded junction of Coach Road/Flatt Walks will be re-landscaped. The landscaping will be under a long term maintenance contract. High quality landscaping buffers have been provided to The Ginns and Coach Road to enhance the architecture and add to the prominent frontages.

Paving is to be provided to the main pedestrian arterial routes within the site and the Preston Street footpath adjacent to the site will be widened to 3 metres.

Retail Impact

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A Retail Assessment has been submitted by the applicant and this has been appraised by the Council's specialist retail consultants, Savills.

The planning framework for considering major retail proposals is set out in Planning Policy Statement 6 (PPS 6). In the context of development control, planning authorities should require applications to demonstrate:

- (a) the need for development
- (b) that the development is of an appropriate scale
- (c) that there are no more central sites for the development
- (d) that there are no unacceptable impacts on existing centres,  
and
- (e) that locations are accessible

Savills have considered need against the findings of the West Cumbria Retail Review prepared by Roger Tym and Partners in 2003, but note that some of the data assumptions in that report are now outdated. Savills have assessed the impact of convenience goods (the provision of everyday essential items) and comparison goods (the provision of items not obtained on a frequent basis, including clothing, footwear, household and recreational goods) separately.

A quantitative assessment of need has been undertaken for both comparison and convenience goods. Initial assessment has concluded that there was not sufficient capacity to support the scale of convenience goods floor space, due principally to the stagnant population of the district. Records held by the local authority suggest that in recent years population has increased and it is an objective of the Council to promote further development to sustain population growth. Accordingly, a revised projection has been undertaken on this basis. It suggests there is likely to be some additional growth in convenience goods spending. However, this is still insufficient evidence to support the Asda proposal as well as the recently approved Tesco store and still enable other stores to record company average turnovers. The Morbaine assessment shows that by 2011 all stores (both out of centre and Tesco/Morrison) record turnovers below the company average. Adopting the "Golden Scenario" the Tesco and Morrison's store could achieve company average turnovers by 2018 and all stores (including out of centre stores) could achieve company average turnovers by 2020.

There is potential that the level of growth planned for the region might not only increase the resident population but also the average spend per head for both convenience and comparison goods. An allowance for growth has already been made to the figures adopted in the West Cumbria Retail Review and the updated expenditure report used by



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Morbaine in its most recent assessment, in line with the advice in Map Info Information Brief 05/02. There is further potential that spend per head might increase (due to increased economic activity) as a result of the various initiatives being implemented by the Local Authority. If achieved this would have the effect of increasing the available convenience and comparison goods spend. This will have the effect of improving the case for a qualitative need for additional convenience goods floorspace.

The various reports submitted by Morbaine have sought to highlight the potential qualitative improvements provided by the store. These principally include the significant comparison goods offer provided by Asda as well as the store's proximity to one of the more deprived area of the district. PPS6 recognises that need can be proven both in quantitative and qualitative terms. If the growth ambitions of the West Cumbria Master Plan are secured the qualitative case for the proposal improves but not to the extent that the proposal can be supported in the design year without there being some trade diversion from existing stores. Nevertheless, the proposal will secure a net improvement in the range of both convenience and comparison goods that may result in increased customer choice that might be considered a sufficient justification to demonstrate need. Accordingly combining the conclusions of the quantitative and qualitative assessment, in the context of the growth envisaged in the emerging West Cumbria Strategic Forum's Master Plan, the Council may consider that there is sufficiently strong justification for this store.

In terms of the convenience goods retail impact assessment it is likely that the proposal will divert trade from the town's existing principal superstores. Nevertheless, as these are modern stores the level of impact is not likely to be sufficiently severe as to result in them closing or significantly reducing the range of goods stocked that might undermine the public's access to convenience shopping. The underperformance of the discount store market being located out of centre is not a material planning consideration.

In relation to comparison goods again it is likely that the Asda store will compete directly with the extended Tesco store as well as some of the other discount fashion stores within the Whitehaven town centre. Nevertheless, it is considered that there is potential capacity for the scale of floor space proposed and so no adverse impact is anticipated. The levels of impact recorded might be mitigated if the region is able to secure the projected levels of growth not only in terms of the catchment population but also the average spend for both convenience and comparison goods.

Based upon the submission made by Morbaine, together with the absence of proposals for additional extensions to either the Morrison's or Tesco stores, it is concluded that there are no sequentially available sites within the town centre. The sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up to date

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development plan document. In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered.

A range of regeneration benefits have been identified that arise from the proposal. Whilst the site is classed as an out of centre location it is clearly close to the town centre. Potential improvements to a range of junctions, enhancements to the town centre and to the pedestrian and cycle routes between the town centre and the store together with joint car parking arrangements may significantly enhance the site's accessibility and its integration with other facilities within the town centre.

Whilst a quantitative need for the convenience goods floorspace has not been proven by the design year (enabling stores to maintain their current turnovers) there are other qualitative factors that the Council may consider justify the proposal. The West Cumbria Master Plan suggests significant growth in the region (both in terms of population and employment potential).

#### Regeneration Benefits

The applicant sets out a series of benefits in the submitted Regeneration Report. Since then, and as the application has proceeded, discussions have continued between your offices and the applicant to improve this offer to ensure that the development package will be beneficial to the town centre.

The regeneration benefits to the town will include:-

- Physical transformation of brown field site
- Creation of new "gateway" southern entrance to the town centre
- Provision of new store close to areas of deprivation in south Whitehaven
- Creation of 350 jobs in the store and 150 construction jobs (the developers have stated that they will use reasonable endeavours to recruit from the local area)
- Catalyst to community regeneration in southern Whitehaven and physical regeneration at Pow Beck and along Preston Street, leading into the town centre
- Increase in comparison retailing will help to retain shoppers in Whitehaven, to the benefit of the town centre
- Operation of a subsidised joint ticketing system to encourage Asda's shoppers to use the Town Centre shops every time they visit the proposed new store

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- Improved road junctions at Preston Street/The Ginns/Coach Road and Coach Road/Back Corkickle/Flatt Walks and reinstatement of landscape feature (via a Section 106 Agreement).
- Provision of bus shelters with seating and lighting
- Improvement of the adjoining footpath/cycleway and provision of cycle crossing on Coach Road
- Widening of the Preston Street footpath along the site boundary
- Financial payments (via a Section 106 Agreement) for the construction of future improvements to The Ginns/Coach Road junction and a more comprehensive junction arrangement at the service yard access on Coach Road
- Traffic calming measures outside school on Coach Road (via a Section 106 Agreement)
- Asda are keen to play a full and active part alongside other town centre businesses, the Council and other bodies in promoting Whitehaven and have made a commitment to sponsor, via a Section 106 Agreement, town centre promotion, enhancements and improved linkages to the town centre as part of a package of regeneration works, the value to be in the region of £1 million. This is to mitigate any impact on existing town centre uses, due to the peripheral nature of the site.
- Asda are prepared to actively support local employment, suppliers and contractors and will establish procedures through a Section 106 Agreement.

Conclusion

Whilst the site of this development lies within the town centre inset plan in the Copeland Local Plan, it is located outside the town centre, approximately 350m to the south of the town centre boundary. The site is allocated within Policy EMP3 (Employment Opportunity Sites WEOS5).

Savills suggest that whilst a quantitative need for the convenience goods floorspace has not been proven by the design year (enabling existing stores to maintain their current turnovers) there are other qualitative factors that the Council may consider justify the proposal. Also PPG6 states that the underperformance of the out of town discount stores is not a material planning consideration.

PPG6 states that as well as the five tests set out above, local planning authorities should also consider relevant local issues and other material considerations. These considerations may include:-

- physical regeneration

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- employment
- economic growth
- social inclusion

Your officers have assessed the proposal against these factors. The development will transform a 3 hectare, largely derelict site on an important route and will provide a gateway feature leading into the town centre from the south. It will also act as a catalyst to further physical regeneration along Preston Street and in Pow Beck, areas identified for redevelopment in the Local Plan. The contribution from the developer will also be used to improve linkages between the site and the town centre and for town centre improvements and promotion.

The developer will create 150 construction jobs and 350 permanent jobs in the store. Many of these jobs will be available for people living in the deprived wards of south Whitehaven and the developer has given an undertaking to use reasonable endeavours to recruit from the local area.

The West Cumbria Master Plan forecasts and plans for significant growth in the district, both in terms of population and employment potential, and provides a growth strategy for the Council to pursue. It is important that planning contributes to the delivery of the growth that the masterplan seeks and does not continue to reflect the decline suffered by the area in the 1990's and early 2000's. In order to provide enhanced facilities for the projected population growth and to retain and rebuild its competitive position with Workington it is considered beneficial to support the development.

Sandwith Ward which adjoins the application site has particularly high levels of unemployment (three times the national level) and is in the top 3% nationally of most deprived areas as identified by the English Indices of Deprivation. The Asda store will be well sited to serve this population within reasonable walking distance or easily accessible by public transport. The availability of employment opportunities will be a significant contribution to local deprivation and the promotion of social inclusion. The development will be a welcome contribution to the community regeneration of this area.

The last three years has seen steady growth in Copeland which reverses the trend of the previous 10 years upon which the Roger Tym West Cumbria Retail Study was based. When this trend, the further growth planned by the West Cumbria Masterplan and the regenerative benefits potentially offered by the proposal are taken into account, the Council may consider that on balance the proposal is acceptable.

Indeed the Council may take the view that if the masterplan growth is to be achieved it is important to plan accordingly for enhanced facilities as this in itself will play a part in stimulating that growth. To plan for anything else may act as a brake to the desired growth agreed by local and regional partners.

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On the basis of the conclusion of the Council's retail consultant and the additional local and regeneration benefits set out above, Members may consider that, on balance, the proposal is acceptable and should be approved.

Given the scale of the development and its out of town centre location the application would need to be referred to the Government Office North West, should the Panel wish to grant permission.

Should the application be approved it is recommended that this be subject to a Section 106 Agreement covering the following:

- Highway works including traffic calming
- Financial contribution towards future road improvements
- Financial contribution towards town centre promotion, enhancements, improvements to links between site and town centre
- Joint car parking arrangements and financial contribution
- Provision of bus lay bys and bus shelters with seating and lighting
- Upgrading of cycle track

Recommendation

-

The application be referred to the Secretary of State with a recommendation that the Council is minded to approve, subject to the following conditions and the securing of a Section 106 Agreement:-

2. This permission relates only to the following plans, documents and letters, as amended on the respective dates:-

Plans:

- Location plan received 4 October 2006
- Site layout plan 7012/107F received 15 February 2007
- Context elevations 7012/105E received 22 January 2007
- Elevations 7012/106F received 22 January 2007
- Internal layout 7012/103E received 4 October 2006
- Petrol filling station elevations 7012/104B received 22 January 2007
- Site survey 4853/1 received 4 October 2006
- Highway Plans 040302/05/B, /09,/10,/11,/12 and /14 received 4 October 2006
- Pow Beck Culvert Nos 33260/01/01 - 33260/01/05 received 4 October 2006
- Lighting schedule 141-1523-01-B received 4 October 2006

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Artist perspectives:

Aerial view received 4 October 2006  
View from Coach Road and rear of store received 10 November 2006  
View from proposed mini roundabout on Preston Street received 10 November 2006

Documents:

Regeneration Report by Morbaine Limited received 4 October 2006  
Retail Assessment by Morbaine Limited received 4 October 2006  
Transport Assessment by Turner Lowe Associates received 4 October 2006  
Geo-Environmental Desk Study by DTS Raeburn Limited received 4 October 2006  
Archaeological Report by Oxford Archaeological North Limited received 4 October 2006  
Flood Risk Assessment by Chris Dartnell received 4 October 2006  
Design and Assess Statement by The Harris Partnership received 4 October 2006  
Public Consultation Report by The James Harbison Company received 4 October 2006

Letters from Morbain:

Received 22 January 2007 regarding regeneration contributions  
Received 22 January 2007 regarding revised plans, highway works and car parking  
Received 23 January 2007 regarding water tank and cycle shelter  
Received 12 February 2007 regarding Asda's employment policies

3. Net floorspace for the sale of convenience goods shall not exceed 1,858 sq m unless otherwise agreed in writing with the Local Planning Authority
4. No additional retail floorspace shall be created within the development hereby approved without the prior written approval of the Local Planning Authority.
5. Notwithstanding the approved drawings, no development shall take place until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. The carriageway, footway, footpaths, cycleways etc shall be designed, constructed and 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.

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7. The development shall not open for business until such time as the following have been completed in accordance with details that form part of an agreement with the Highway Authority under Section 278 of the Highways Act 1980, unless otherwise agreed in writing with the Local Planning Authority:-
- (a) new roundabouts to Preston Street/Cart Road/The Ginns, Coach Road/The Ginns and Coach Road/Flatt Walks/Back Corkickle
  - (b) the service area access/Coach Road junction, (plus contribution for the future conversion to a roundabout should the food store be completed before the Pow Beck Spine Road is created)
  - (c) realignment/improvement works on Preston Street, The Ginns and Coach Road
  - (d) improvement works to Coach Road, including reconstruction, cycle crossing, pedestrian crossing, traffic calming, securing of land for future works on Coach Road (either as part of the Pow Beck Valley Regeneration Scheme or future highway scheme) and change of priority of the Station Road/Coach Road junction.
  - (e) New bus lay-bys and associated works including seating and shelters.
  - (f) Widening and resurfacing of the frontage footways to Preston Street, The Ginns and Coach Road.
  - (g) Traffic Regulation Orders and licences.
8. No development approved by this permission shall be commenced until the access and parking arrangements have been constructed, drained and lit in accordance with the approved details. Any such access and/or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.
9. The lighting units shall be erected so that no direct rays of light from the source of illumination shall be visible to the drivers of vehicles using the highway, and shall be maintained in that respect thereafter.

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10. No development approved by this permission shall be commenced until such details of the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate some form of sustainable drainage system (SuDS) (Building Regulations Approved Document H (DTLR 2002) as part of the development. Any approved works shall be implemented prior to the store and petrol station commencing trading and shall be maintained operational thereafter.
  11. No development approved by this permission shall be commenced until full details to prevent surface water discharging onto or off the highway have been submitted to and approved in writing by the Local Planning Authority. Any approved works shall be implemented prior to the store and petrol station commencing trading and shall be maintained operational thereafter.
  12. No development approved by this permission shall be commenced until a Safety Audit and Designer's Response has been submitted to and approved in writing by the Local Planning Authority.
  13. The development approved by this permission shall not open for business until such time as a Travel Plan for staff has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented on occupation of the store.
  14. The development approved by this permission shall not open for business until a suitable qualified and experienced person or organisation has been appointed by the store operator to act as a Travel Plan Co-ordinator. The position of Travel Plan Co-ordinator shall be maintained for a period of at least five years from the opening of the store.
  15. Within six months of the development opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a revised Travel Plan based upon staff/customer surveys which will 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 twelve months of the development (or any part thereof) opening for business.
  16. Annual reports 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.
  17. Levels on the development site should be such that surface water and rainfall falling on the site does not drain onto Coach Road.



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18. The site shall be drained on a separate system with only foul drainage connected into the foul sewer.
  19. No building or structure shall be constructed over United Utilities sewers and an access strip of 6 metres wide, measuring 3 metres either side of the centre line of the sewer, will be required for maintenance or replacement.
  20. No development approved by this planning permission shall be commenced until:
    - (a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information; and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
    - (b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

a risk assessment to be undertaken relating to groundwater and surface water associated on and off the site that may be affected, and refinement of the Conceptual Model and the development of a Method Statement detailing the remediation requirements
    - (c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
    - (d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority prior to that remediation being carried out on the site.
  21. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the car parking area, service areas and petrol filling station shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor

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22. No development approved by this permission shall be commenced until a scheme for the storage, handling, loading and unloading of fuels, oils, or effluents has been submitted to and approved in writing by the Local Planning Authority.
23. No development approved by this permission shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
24. No development approved by this planning permission shall be commenced until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:
  - (a) details of all boundary treatments, including planting and the exact locations, heights and materials of all fences and/or screen and retaining walls
  - (b) details of materials to be used in all hard surfacing
  - (c) planting details including species, heights, location and spacing
  - (d) timetable for carrying out the scheme

The approved scheme shall be implemented within the first planting season following the commencement of occupation of the site
25. Before development commences a scheme of landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.
26. Hours of construction working shall be limited to between the hours of 8.00am and 6.00pm on weekdays, between 8.00am and 1.00pm on Saturdays, with no working on Sundays or Bank Holiday.
27. No development approved by this permission shall be commenced until full details of wheel washing facilities for construction vehicles are submitted to and approved in writing by the Local Planning Authority and such scheme shall be implemented before construction works commence.

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The reasons for the above conditions are:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

For the avoidance of doubt

In the interests of visual amenity

The Local Planning Authority wishes to retain control over the amount of floorspace for the sale of convenience goods together with the retail floorspace to be provided in order to safeguard the vitality and viability of the town centre primary shopping area

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

To support Local Transport Plan Policies: LD5, LD7 and LD8

To ensure that the highway network can accommodate the traffic associated with the development

To support Local Transport Plan Policies: LD5, LD6, LD7

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

To support Local Transport Policies LD5, LD7, LD8 and Structure Plan Policy T32

In the interests of highway safety

To support Local Transport Policies: LD7, LD8

In the interests of highway safety and environmental management

To support Local Transport Plan Policies: LD7, LD8

To aid in the delivery of sustainable transport objectives

To support Local Transport Plan Policy: LD4 and Structure Plan Policy T31

To prevent the increase of flooding levels on Coach Road

To prevent pollution of the water environment

To prevent discharge of contaminated drainage or accidental spillages to underground strata or surface waters

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To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal

To allow for the maintenance or replacement of sewers

To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters

To prevent pollution of Pow Beck

To afford reasonable opportunity for the examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains

In order to enhance the appearance of the development and minimise the impact of the development in the locality

In order to ensure that any possible nuisance arising from the construction works is minimised

Reason for decision:-

Taking account of the critical review provided by the retail consultants on behalf of the Council the proposed development is deemed worthy of support. Significant benefits will accrue in terms of enhancing shopping provision in Whitehaven whilst also making a major contribution to physical regeneration and economic development. In addition, 150 construction jobs will be created and 350 new jobs in the store.

Notes:

All highway costs associated with the works identified shall be met by the developer.

The developer will need to enter into (Highways Act 1980) Section 278/38 Agreements to cover the highway improvement works.

Stopping up Orders will be required for various sections of existing public highway under the Town & Country Planning Act prior to works commencing on site.

The required Travel Plan should be prepared in accordance with the DoT's publication "Using the Planning Process to Secure Travel Plans - Best Practice Guidance for Local Authorities, Developers and Occupiers".

Any "controlled waste" removed from the site must go to a suitably licensed or exempted site using appropriately registered waste carriers.

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The applicant's attention is drawn to the contents of the letter dated 7 November 2006 from United Utilities.

The applicant's attention is drawn to the opportunities for recycling rainwater for use in flushing toilets and for alternative means of energy production, such as geothermal heating and solar panels.

The applicant's attention is drawn to the potential to reduce possible flood damage by the careful use of tiles or equivalent in the store and placement of electricity sockets above ground level.

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2 4/07/2016/0

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT

(42 DWELLINGS)

LAND AT, ST GEORGES ROAD, MILLOM, CUMBRIA.

MILLOM PROPERTIES

Parish

Millom

- Have serious concerns over width of entrance to site and access and egress at busy junction of main road. Carpet shop nearby has deliveries daily, wagon would cause potential hazard. Lack of visibility left and right leaving site. Concerns over landslide of steep bank by footpath. Only main road into Millom, would cause serious congestion with potentially 42+ cars entering and leaving the site. Millom Town Council would therefore like to object to this planning application.

Outline planning permission is sought for a residential development of 42 dwellings on land at St George's Road, Millom. This site has previously been granted full planning permission in May 2005 for 26 dwellings but this has not been implemented (4/05/2054/0 refers).

This application seeks an increase in the number of dwellings in comparison to the previous approval, going from 26 to 42. The site is measured at 0.97 hectares and the current application represents a density of 43 dwellings per hectare, whereas previously the 2005 application was 27 dwellings per hectare.

No details have been submitted with regard to house types as the application only seeks to establish the principle of this number of dwellings on the site at this stage. However, a site layout plan has been submitted showing how the proposed number of houses can be accommodated on the site whilst meeting the housing design standards in terms of separation distances stated in Policy HSG 8 of the

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adopted Copeland Local Plan 2001-2016.

Four letters of objection have been received from residents of Millom whose concerns can be summarised as follows:-

1. That the main road is very busy and extra vehicles will cause congestion.
2. That the access is poor.
3. That the number of houses will not fit on the site in accordance with the housing design standards.
4. That the density is excessive and out of proportion with the town.
5. That the site will flood.
6. That the site will be polluted.
7. That there have been a number of concerns regarding another housing estate in Millom where roads have not been brought up to adoptable standards.

In response to these concerns I would comment firstly that the plan submitted shows that the proposal meets the criteria of Local Plan Policy HSG 8, as mentioned above. The site is located in a Flood Zone 1 which is the lowest category of risk as designated by the Environment Agency. This classification does not require a Flood Risk Assessment to be submitted with this application. The potential for pollution on this previously developed site can be controlled by way of conditions of any approval.

With regard to access and the junction with St George's Road, at the request of Cumbria Highways, the applicants have submitted a Stage 1 Road Safety Audit. The Highways Authority is now satisfied and have raised no objections to the proposal, subject to conditions.

Regarding the concerns about the density of the site, the reasoned justification for Policy HSG 2 of the adopted Copeland Local Plan states:-

"The Council is committed to avoiding the inefficient use of land for housing and expects that most housing sites will be developed within the range of 30 - 50 dwellings per hectare. Densities below 30 dph will only be permitted where clearly defined site specific circumstances indicate lower density to be desirable."

The proposed development is acceptable in terms of this density target at 43 dph.

With regard to the issues raised about previous developments in

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Millom, it should be noted that this is not a material planning consideration in respect of the application now under consideration.

In summary, the proposal is considered to represent an acceptable density on a previously developed site within the settlement boundary for Millom and, as such, is recommended for approval in accordance with Policy HSG 4 of the adopted Copeland Plan 2001-2016.

Recommendation

Approve in Outline (commence within 3 years)

3. Permission in respect of site layout shall relate solely to amended drawing No 3084-01E received by the Local Planning Authority on 29 January 2007.
4. The site shall be drained on a separate system, with foul drainage only connected into the foul sewer.
5. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. The desk study should include sufficient documentary research to enable a thorough understanding of the history of the site, including past and present uses. If the desk study identifies potential contamination a detailed site investigation shall be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. A scheme of remediation to remove or contain any contamination found shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of remediation shall be implemented prior to development being commenced on site.
6. Before development is commenced full detailed drawings of the proposed repositioning of the church gate pillar and any modifications to the church yard boundary wall shall be submitted to and approved in writing by the Local Planning Authority. The modifications shall be undertaken strictly in accordance with the approved plans before any dwelling is occupied.

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7. The development shall not commence until visibility splays providing clear visibility of 90m x 2.4m x 90m measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) related to permitted development, no structure, vehicle, or object of any kind shall be erected, parked or placed and no trees, bushes, or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility plays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
  8. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until the full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.
  9. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs, etc to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.
  10. No dwellings or buildings or structures shall be commenced until the access road, as approved, is defined by kerbs and sub base construction.
  11. 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.
  12. Access gates, if provided, shall be hung to open inwards only away from the highway.



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13. Details of all measures to be taken by the developers to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to development being completed and shall be maintained operational thereafter.
  14. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwellings are occupied.
  15. Full details of the highway surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

Reasons for conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

For the avoidance of doubt

To ensure a satisfactory drainage scheme

To ensure a safe form of development which poses no risk of pollution to water resources or human health

To protect the existing church yard wall and gate pillar within Millom Conservation Area

In the interests of highway safety

Reason for decision:-

An acceptable proposed increase in density on a previously approved housing site within Millom settlement boundary in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016.

Note:

1. If soakaways are to be used to drain the highway water then the adoptability of the roadworks could rest on the developer's compliance with Cumbria Highways adoption procedures. Failure could result in the roadworks remaining private.
2. Securing the junction visibility splays will need to be clarified by the applicant and suitably secured prior to any works commencing on site.

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3. The layout plan indicates the securing of a 3.0m wide strip for the footpath/cycleway. However, it makes no reference as to who will fund the required works. This needs to be clarified by the developer. Land dedication to secure this needs to be confirmed at the detailed design stage.
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3 4/07/2115/0

LOFT CONVERSION

26, MANESTY RISE, LOW MORESBY, WHITEHAVEN,  
CUMBRIA.

MR & MRS R ROWELL

Parish

Moresby

- No comments received.

At the last meeting Members resolved to carry out a site visit before determining this application. The site visit took place on Wednesday 18 April 2007.

In October 2006 an application to remove the existing hipped roof and construct a new gable end at this detached property on Manesty Rise was withdrawn following a recommendation for refusal (4/06/2646/0F1 refers). The reason for this recommendation was as follows:-

"By virtue of its size, design and siting within 2.5m of an adjoining property window, the proposed extension and alterations would have an adverse dominant affect on the neighbouring property in terms of loss of daylighting and visual amenity contrary to Policy HSG 20 of the adopted Copeland Local Plan 2001-2016."

This resubmission now seeks consent to extend the existing hipped roof and increase the height of the existing gable wall by 1.8m in order to accommodate a loft conversion. Internally this would provide a dressing room and en-suite bathroom in addition to the existing play area. Externally the extension would be finished to match the existing property.

The extension would be sited 2.1m from the adjoining property, with the top of the gable in line with the bottom of the adjoining bedroom window in order to minimise potential impact.

No objections have been received in response to statutory consultation procedures. However, objections have been received from the adjoining property owners to the south. The grounds for objection can be

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summarised as follows:-

1. The roof alterations will overshadow and severely restrict light to the objectors' bedroom. This is the only window in that room which is shallow in height and north facing, so does not benefit from direct sunlight.
2. No 26 has already been erected close to the boundary compared to other properties, thereby creating a narrow gap.
3. If the gable end is heightened the objectors will be left with a brick and dash wall just over 6 feet in front of their bedroom window. The guttering and roof tiles would be even closer.
4. The proposal will result in a narrow area retaining dampness due to the lack of light and air.

In my opinion this revised scheme represents an acceptable domestic extension which materially addresses the previous grounds for refusal and, as such, is recommended favourably.

Recommendation

Approve (commence within 3 years)

2. Development shall be carried out strictly in accordance with the amended plan received by the Local Planning Authority on 13 March 2007.

Reasons for conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

For the avoidance of doubt.

Reason for decision:-

An acceptable domestic extension in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

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4 4/07/2140/0

REPLACEMENT OF PLOT 14 WITH 4 NO. APARTMENTS (2  
STOREY IN HEIGHT) AND PROVISION OF PUBLIC CAR  
PARK (17 SPACES PUBLIC, 3 FOR ADJACENT  
APARTMENTS)  
LAND ADJACENT TO PLOT 14 &, PUBLIC CAR PARK,  
FAIRLADIES, ST BEES, CUMBRIA.  
STORY HOMES

Parish

St Bees

- Raise no objection to the change in car park design which is the result of engineering difficulties.

The footpath has steps - it should be designed to enable use by disabled people and those with prams and pushchairs.

The Parish Council are concerned about the proposal for 4 apartments. Although there are apartments on other parts of the development this part of the estate consists entirely of family houses. The proposed apartments will be bigger than neighbouring houses and will appear overbearing and are built on a different building line. They would not be in keeping with neighbouring properties in terms of scale and appearance and thus not in line with national planning policy. The plans originally approved a dwelling in keeping with neighbouring houses in terms of size and appearance. Suggest that the Planning Panel visit the site to see the situation for themselves.

Permission is sought to erect a two storey block of 4 apartments on one of the last remaining undeveloped plots on this housing estate in St Bees. Consent was originally granted as part of Phase 1 of the development for a two storey 4 bed roomed house on this plot (4/02/1405/0R1 refers). The original outline and the above reserved matters application also granted approval for a 20 space public car park adjoining this plot with vehicular access from the estate road and a public footpath link to the Main Street. As part of this application approval is also sought for a 20 space car park, albeit a different layout, with 3 of the spaces dedicated for the proposed apartments. Details of the footpath link have also been provided which is in the same location as previously approved.

The proposed apartment block takes the form of two, two storey dwellings physically linked by a two storey slightly lower section containing the stairwell in between. It will provide two 2 bed apartments on the ground floor with the same above. The first floor apartments each feature a rear patio door from the lounge, which open inward with railings in front to form a "Juliet balcony". Proposed external finishes of red/brown brick and grey tiles will match those already in existence on the estate.

In terms of vehicular access five parking bays are provided within

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the curtilage at the front of the plot and a further three within the proposed public car park next door. The Highway Authority have commented on the arrangement of the frontage bays adjacent to a through public route with their preference being a parking court design. They also consider that the provision of steps on the footpath link would be a barrier for disabled people and advise the construction of a rampway either instead or alongside. The applicants, in response, wish to confirm that the parking bays in front are essentially private drives for residents parking similar in layout to the other approved apartments on site and adjacent housing. I concur with these comments. They point out that the previous approved schemes incorporated steps on the footpath. Due to the steep gradients involved it is not considered that a ramp would be practical here.

The proposal has raised considerable local concern. In addition to the Parish Council comments, six letters of objection have been received from residents of the estate who either immediately neighbour the site or are in close proximity. They object on the following collective grounds:-

1. Layout and design. It is not integrated and does not complement the neighbouring building and the local area in terms of scale, density, layout and access. It moves significantly away from the building line and does not provide family accommodation and would be at odds with the neighbouring buildings. An apartment block stuck at the end of an attractive street will do very little to enhance the appearance of the locality. This is contrary to national planning Policy PPS 3 on Housing.
2. Traffic. The car park and apartments will lead to a further increase in vehicular movements which could create safety problems and lead to parking on the roads and pavements. There are 14 children on this part of the estate all under the age of 11 years. They use the street in this location to play out on and at present it provides a relatively safe environment. An increase in traffic will change this and affect their safety. Another dwelling should be encouraged which will offer more opportunities for families. In this part of the estate none of the properties have changed hands, family values are upheld and it offers a pleasant environment - at a loss to understand what benefit an apartment block will bring. One objector requests that if permission is granted it be subject to traffic calming measures being introduced.

The residents of the dwelling which immediately adjoins the application site have particular concerns about the effect of the proposal on daylight/sunlight reaching their property. A copy of their letter is attached which details this and includes some mock up photographs by way of illustration.

In response to the concerns raised I would offer the following

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comments:

1. Layout and Design. The proposal is considered acceptable in design terms in accordance with national policies. Planning Policy Statement 3 on Housing encourages a mix and variety of house types and increased densities. Whilst it does introduce a different type of dwelling, and at a higher density, set further back into the site than the neighbouring properties, it is nevertheless considered appropriate in this location. It should be noted that the building line on this estate is not rigidly set out. Although the apartment block will be higher than the neighbouring dwelling by some 1.1 metres between the highest points and on a larger footprint it still sits well within the estate as a whole.
2. Traffic. It is noted that local children use this area of the estate to play out on. However, the estate was designed with the provision of a car park of this scale and in this location incorporated into Phase 1 together with a dwelling on plot 14. This application therefore only introduces an extra 3 residential units, the additional traffic generation from which is considered acceptable.
3. Reduction of daylight to neighbouring property. It is accepted that there will inevitably be some impact on the immediate neighbouring property and a decrease in natural daylighting from the north. This is well illustrated by the objectors' submitted photographs attached. What has to be assessed in planning terms, however, is whether this loss is so significant that it would have an adverse affect on the amenity of the objectors' property. In my opinion the loss of daylight and resultant impact on this property is not so significant to justify refusing the proposal, particularly as the property currently benefits from an open aspect to the south and west.

On balance, taking the above into account, the proposal to erect a two storey block of four apartments on this plot, construct a car park adjacent and associated footpath link is considered acceptable from a planning point of view in accordance with the housing policies of the adopted Copeland Local Plan 2001-2016 and national policy guidance contained in PPS3.

Recommendation

Approve (commence within 3 years)

MAIN AGENDA

2. The car park and link footpath shall be constructed, drained and lit to a standard suitable for adoption. No development shall commence until a full specification has been submitted to and approved in writing by the Local Planning Authority. The car park and footpath shall be constructed in accordance with the approved details and become operational before the apartment block is occupied and shall remain operational thereafter.
3. Notwithstanding the submitted car park layout, a minimum of two fully accessible spaces shall be provided, details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
4. The access drives/car parking bays serving the apartment block shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the apartments are occupied.
5. The site shall be drained on a separate system with foul drainage only being connected into the foul sewer.
6. No development shall take place until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.
7. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details for it's implementation. Development shall be carried out in accordance with the approved schedule.

Reasons for the above conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

In the interests of highway safety

To ensure a satisfactory drainage scheme

To ensure a satisfactory landscaping scheme

Reason for decision:-

This proposal represents an acceptable form of residential development in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

4/07/2140

(Hm)



Mr & Mrs I Clarke  
27 Fairladies  
St Bees  
Cumbria  
CA27 0AR

Dear Sir/Madam,

**Replacement of Plot 14 with 4 N<sup>o</sup> Apartments And Provision Of Public Car Park.**

**Grid Ref: - 297166 511488**

With reference to a letter received from Copeland Borough Council dated 13<sup>th</sup> March 2007 setting out details of the above application we have inspected the relevant plans in some detail and wish to make the following representation to the Parish Council.

In making this representation we have considered the Council's own guidelines as well as Planning Policy Guidance Notes (PPGs) and the more recent Government Planning Policy Statement 3 (PPS3), published in November 2006.

We have 2 specific points to make on the proposed application, both these points constitute "*material factors*" to the application which the Council "*shall have regard*" in accordance with the Town and Country Planning Act 1990, Section 70.

**Material Factor 1**

Planning Policy Statement 3 (PPS3): Housing, National Planning Policies, Section 16, states the following: -

***Matters to consider when assessing design quality include the extent to which the proposed development: -***

***- Is well integrated with, and compliments, the neighbouring buildings, and the local area more generally in terms of scale, density, layout and access.***

It is a material fact that the proposed layout and design is not integrated with and does not compliment the neighbouring buildings and the local area in terms of scale density, layout and access.

The proposed development moves significantly away from the current building line, does not provide family accommodation and the scale of the single block of 4 apartments would be at odds with the neighbouring buildings. Indeed, on this part of the Fairladies development (Phase 1) this proposed change would be unique and completely at odds with the neighbouring buildings.

We own one of the neighbouring buildings and are also considered by the Borough Council to be neighbouring and to be affected by the proposed change in development as we have received a letter on the matter from them.



The **existing planning permission** for this plot **does satisfy the above requirements** because it permits a family house and bungalow to be built, to be along the existing building line and to be of the same density and layout as the rest of this phase 1 development of Fairladies. Having considered the application in terms of the Planning Policy Statement 3 (Nov 2006) the proposed application should be refused.

## **Material Factor 2**

Daylight/Sunlight.

Because the proposed redevelopment deviates from the existing layout of neighbouring buildings (as set out above) the current daylight/sunlight to the rear of our property will be significantly reduced. The existing planning permission allows for a neighbouring property to be built **in line** with our property and would not impact our daylight/sunlight. The proposed development deviates wholly from this layout and will actually reduce significantly the natural light immediately adjacent to our garden and decking area. From the plans provided we have had the following representative photos professionally drawn up which represent: -

1. the current aspect at the rear of our property taking in to account the current approved planning application for the adjacent plot (Figure 1)
2. the aspect to the rear of our property with the proposed development in place (Figure 2)

These photos can be seen at Appendix A to this document.

As can be seen, the change in layout is radically different and its impact on our property is significant in terms of available daylight.

## **Summary**

We have, in this representation, been objective and referred only to the material factors which should be considered by the Council in determining its response to the proposed amended application.

We wish these factors to be taken into account by the Parish Council and ask that the Parish Council reject the proposed application.

Yours faithfully,

*Ian Crake. D. Clarke*

*P.S. we would like to attend the planning meeting, where these items will be discussed.*

## Appendix A

Figure 1



Figure 1. (Above) Current day light to rear aspect of 27 Fairladies, St Bees.  
NOTE: - Will be similar on completion of buildings subject to current planning approval due to current permission requiring building to be 'in line' with existing properties.

Figure 2

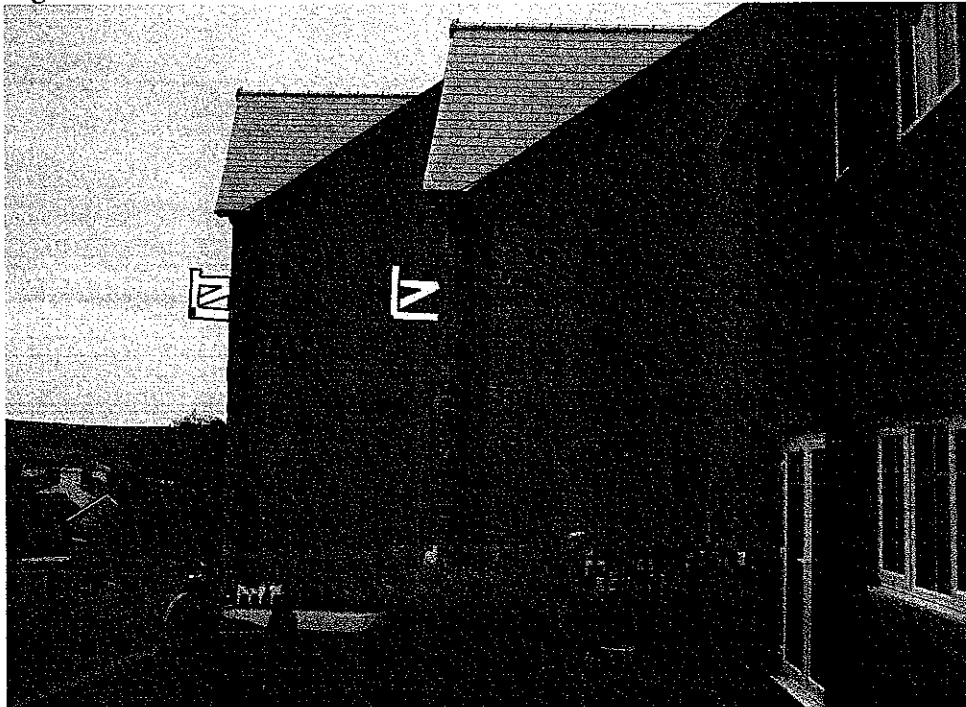


Figure 2. (Above) Mock up of day light to rear aspect of 27 Fairladies, St Bees based upon revised planning application including 4 apartments. Yellow features represent proposed balconies.

MAIN AGENDA

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5 4/07/2146/0

2 NO. DWELLINGS - SEMI DETACHED  
LINGLA BANK, FRIZINGTON, CUMBRIA.  
SHARJON HOMES

Parish Arlecdon and Frizington

- No comments received.

At the last meeting Members resolved to carry out a site visit before determining this application. The site visit took place on Wednesday, 18 April 2007.

Outline planning permission for the erection of residential dwelling(s) was granted in May 2005 (4/05/2248/o refers). This application seeks full planning permission for the erection of a pair of semi-detached properties on this former Council owned garage site. The site is bounded by an existing pair of semi detached properties to the north and a derelict detached sandstone building to the south.

As originally submitted the three bedroomed semi-detached houses with integral garages would have been set back 9.0m from the carriageway edge and 1.5m from the adjoining site boundaries. In response to representations received from the neighbouring residents an amended plan has now been received showing the proposed new development pulled forward so that the front elevations align with the front of the objector's property.

No objections have been received in response to statutory consultation procedures. However, a single letter has been received from the adjoining property owners to the north. Whilst they are not against the residential development in principle the following concerns have been raised:-

1. There has been a problem with low water pressure at Lingla Bank. Further residential properties will clearly add to this problem.
2. The objector's property will suffer a reduction in light as the buildings are out of line with Nos 10 and 12. house whilst still
3. The properties are clearly designed to maximise profit with minimum concern for neighbours. This development, with or without conservatories, is too big for the site and threatens the objector's boundary wall.

In response to the concerns raised I would comment as follows:-

1. No objections have been received in response to statutory consultation procedures.

MAIN AGENDA

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2. As stated above, an amended plan has now been received aligning the front of the new development with the front of the objector's house whilst still facilitating car parking spaces in front of the proposed new houses.
  3. The principle for developing this site for residential purposes was established by the grant of outline planning permission in May 2005. In my opinion, the proposal is considered to be an acceptable form of development on this residential infill site in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. The dwelling shall be sited strictly in accordance with the amended plan received by the Local Planning Authority on 23 April 2007.
3. Access gates, if provided, shall be hung to open inwards only away from the highway.
4. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwellings are occupied.
5. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
6. Notwithstanding the submitted details received by the Local Planning Authority on 1 March 2007 full details of the proposed external finishes shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The dwellings shall be finished strictly in accordance with the approved details.

Reasons for the above conditions:-

In compliance with Section 51 of the Compulsory Purchase Act 2004.

For the avoidance of doubt

In the interests of highway safety

MAIN AGENDA

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To retain control over the appearance of the building in the interests of amenity.

Reason for decision:-

An acceptable form of residential infill development in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

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6 4/07/2149/0

DEMOLITION OF EXISTING EXTENSION AND CONSTRUCTION OF NEW EXTENSION TO PROVIDE ADDITIONAL LIVING AREA AND STORAGE WITH BEDROOM AND STUDY OVER BEULAH NOOK, GRINDAL PLACE, ST BEES, CUMBRIA.  
MRS K WATT

Parish

St Bees

- The Parish Council supports the proposal to develop this property. The building is currently in a very poor state of repair and something of an eyesore. Although no off-street parking is proposed because of the limitations of the site, the Parish Council believe it is an appropriate development.

At the last meeting Members resolved to carry out a site visit before determining this application. The site visit took place on Wednesday 18 April 2007.

An application for the demolition of an existing extension and construction of new extension to provide additional living accommodation and a garage was withdrawn in July 2006 following concerns raised by the Highways Authority (4/06/2418/0F1 refers).

This revised application seeks consent to demolish an existing sub standard extension and construct a new two storey extension to this detached property fronting onto High House Road, St Bees.

Measuring 8.4m x 6.6m the proposed extension would be set back a minimum of 1.0m from the boundary fronting High House Road. The existing extension abuts the boundary.

The new extension would provide additional living accommodation and a store/workshop at ground floor level with a bathroom, bedroom and study above.

MAIN AGENDA

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Proposed external finishes comprise wet dashed rendered blockwork and a slate roof to match the existing dwelling.

No objections have been received from statutory consultees subject to conditions being attached to any subsequent approval.

A single letter of objection has been received from the adjoining property owner to the east. The grounds for objection can be summarised as follows:-

1. The proposed windows would be a gross infringement on the objector's privacy both in the garden and inside the house. They question whether roof lights could be used or a reverse of the interior layout be considered.
2. The building never obtained planning permission and is unoccupied therefore the objectors are not presently overlooked.
3. The applicant will need access from the objectors' land in order to carry out works.
4. There is no parking associated with this house which will cause more congestion.
5. The road is soon to suffer an increase in traffic due to the new development at Fleatham Farm, the access to which will be directly opposite Beulah Nook. This will make road parking in the vicinity even more of a hazard.

It is worth noting that the objectors' property is sited some 34m away from the application site.

In my opinion the proposal represents an acceptable form of development which will result in the vast improvement of a dilapidated building situated within this prominent Conservation Area setting.

Recommendation

Approve (commence within 3 years)

2. There shall be no vehicular access to or egress from the site onto the public highway unless otherwise agreed in writing by the Local Planning Authority.
3. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

MAIN AGENDA

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Reasons for above conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

In the interests of highway safety and environmental management.

Reason for decision:-

Acceptable domestic alterations and extensions in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

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7 4/07/2151/0

CREATION OF NEW ALL WEATHER PITCH WITH FENCING,  
FLOODLIGHTING ACCESS AND PARKING  
ST BENEDICTS RUFC, NEWLANDS AVENUE, MIREHOUSE,  
WHITEHAVEN, CUMBRIA.  
ST BENEDICTS RUFC

Parish

Whitehaven

Planning permission is sought for the creation of an all-weather sports pitch with associated fencing, floodlighting and parking on an area of waste ground adjacent to the existing clubhouse at St Benedict's RUFC, Mirehouse.

The artificial grassed pitch measuring 61m x 42.5m would be used by the rugby club for training purposes, by local schools and other local clubs and would also be available to the local community as a multi-use games area.

The pitch itself will be bounded by 5.0m high green coloured weldmesh ball stop fencing. A boundary fence surrounding the entire site is also proposed.

Four 10m high floodlighting columns are also proposed which will have baffles/cowlings fitted to reduce light spillage. It is envisaged that the floodlights would not be used after 10.00pm at night.

As originally submitted the scheme proposed a new vehicular access onto Newlands Avenue. However, following concerns from the Highways Authority this has since been amended in order to utilise the existing access.

Two letters of objection have been received from local residents.

MAIN AGENDA

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Whilst both are not opposed to the redevelopment of this area in principle, the following objections have been raised:-

1. The pitch will be sited 5 metres away from No 16 Burnmoor Avenue, whereas it is twice that distance away from other neighbours. There is no reason why it cannot be moved further south.
2. The pitch will be an intrusion to the objector's personal space.
3. The fence running round the pitch would be very close to the objector's back garden.
4. A 5 metre high fence is not necessary; why not adopt the same fencing that is installed on the adjacent football pitch.
5. Adverse impact on outlook/loss of view.
6. The floodlights would disturb privacy if allowed to be left on until 10pm.
7. The area regularly floods and the proposal would exacerbate this.
8. The proposed times of use until 10pm would result in excess noise.
9. The proposal would have a detrimental effect on property values.

In response to these concerns I would firstly comment that at its closest point the pitch would be sited 18.0m away from the rear of the nearest property. Issues relating to property values and loss of outlook/view are not material planning considerations and therefore cannot be taken into account. No objections have been received from the Environment Agency and United Utilities with regards to flooding and/or drainage as the proposal is deemed to be water compatible.

Policy SVC 14 of the adopted Copeland Local Plan 2001-2016 supports proposals for new or expanded outdoor recreation and leisure facilities provided that the development would not:

1. be detrimental to the appearance of the local countryside or result in the loss of or harm to an area of landscape, wildlife or conservation importance
2. adversely affect the living conditions of local residents or those likely occupiers of land allocated for residential development in the plan
3. create unacceptable traffic conditions in the vicinity of the site.

In my opinion this proposal to create a new all weather sports pitch in association with the existing RUFC facilities represents an acceptable form of development on this area of waste ground in



MAIN AGENDA

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accordance with Policy SVC 14.

Recommendation

Approve (commence within 3 years)

2. Permission in respect of site layout shall relate solely to the amended plan received by the Local Planning Authority on 16 April 2007.
3. The floodlights shall not be illuminated after 10.00pm on any day unless otherwise agreed in writing by the Local Planning Authority.
4. Full details of the proposed boundary fence shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The fence shall be erected strictly in accordance with the approved drawings.
5. Notwithstanding the submitted details received by the Local Planning Authority on 6 March 2007 all four floodlights hereby approved shall be fitted with baffles/cowlings.

The reasons for the above conditions are:-

In compliance with Section 51 of the planning and Compulsory Purchase Act 2004.

For the avoidance of doubt.

To safeguard the amenities of the locality.

To safeguard the privacy and amenity interests of adjoining residents.

Reason for decision:-

An acceptable new sporting facility in accordance with Policy SVC 14 of the adopted Copeland Local Plan 2001-2016.

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MAIN AGENDA

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8 4/07/2163/0

23 NO APARTMENTS IN THREE BLOCKS  
FORMER KANGOL FACTORY SITE, FRIZINGTON ROAD,  
FRIZINGTON, CUMBRIA.  
ORM DEVELOPMENTS LTD

Parish Arlecdon and Frizington

- No comments received.

Outline planning permission for residential development on the former Kangol Factory site at Frizington was approved in November 2003 (4/03/1082/001 refers). Following a site visit by members in October 2005 a detailed application for 75 dwellings was approved in December 2005 (4/05/2163/0F1 refers). The approved scheme incorporates a single, u-shaped block of 22 no apartments.

This application seeks consent to revise the scheme at the far eastern end of the site to create 23 x 2 bedroomed apartments in three separate blocks. The three blocks will be centred around a car parking courtyard with designated parking and associated turning for 23 cars.

Like with the existing consent, the proposed apartment blocks have been purposely sited in order to allow retention of existing mature trees.

External finishes comprise facing brick and concrete roof tiles.

No objections have been received in response to neighbour notification procedures. However in response to statutory consultation procedures concerns have been received from the Highways Authority regarding the layout. An amended plan has since been received addressing the issues raised.

In my opinion this revised application represents an acceptable form of development on an approved housing site in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. None of the dwellings hereby approved shall be occupied unless and until the public car park comprising 17 spaces shown on Drawing No AL-001 Rev B received on 21 February 2007 under Local Planning Authority Ref 4/05/2163/0F1 has been constructed to adoption standards and brought into full operational use.

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3. Arrangement for the future maintenance of the public car park shall be submitted to and approved in writing by the Local Planning Authority before it is brought into full operational use.
  4. Permission in respect of site layout shall relate solely to the amended plan (drawing no AL-90-001 Revisions C) received by the Local Planning Authority on 13 April 2007.
  5. Before development is commenced a detailed site investigation shall be carried out to establish if the site contains contaminants, to assess the degree and nature of the contaminants present, and to determine its potential for the pollution of the water environment. The method and extent of this investigation shall be agreed in writing with the Local Planning Authority prior to the commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then proceed in strict accordance with the measures approved.
  6. Before development commences full details of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate some form of Sustainable Drainage System (SuDs). The approved scheme shall be implemented before any dwelling is occupied.
  7. The site shall be drained on a separate system, with only foul drainage connected into the foul sewer.
  8. Before development is commenced representative samples of the proposed external facing materials and roofing tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
  9. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed as part of the development.

MAIN AGENDA

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10. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs, etc to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.
  11. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed in writing by the Local Planning Authority.
  12. Access gates, if provided, shall be hung to open inwards only away from the highway.
  13. Details of all measures to be taken by the developers to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to developments being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
  14. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwellings are occupied.

The reasons for the above conditions are:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

To ensure continued availability of car parking facilities to serve the local residential and commercial properties.

For the avoidance of doubt.

To prevent pollution of the water environment.

To ensure the satisfactory provision of drainage facilities to serve the proposed development.

To safeguard the amenities of the locality.

In the interests of highway safety.

Reason for decision:-

An acceptable form of development on an approved housing site in accordance with Policy HSG 8 of the adopted Copeland Local Plan 2001-2016.

MAIN AGENDA

9 4/07/2165/0

CONVERSION OF REDUNDANT STONE BARNs TO THREE  
RESIDENTIAL UNITS  
MIDDLE GILL FARM, HOWGATE, WHITEHAVEN, CUMBRIA.  
MR D BOYES

Parish Moresby

- No comments received.

The buildings are in the process of becoming redundant for agricultural use as the current farmer prepares for retirement. They are traditional in form, being of sandstone construction under slate roofs, arranged around a courtyard. Unfortunately, the scale and form of the buildings render them unsuitable for modern farming practices and they are in danger of becoming dilapidated. A structural survey submitted with the application confirms that they are currently capable of conversion without any major rebuilding works. There is an ad hoc mixture of adjoining agricultural sheds which are run down and it is the intention to demolish these.

Details of the scheme show the large two storey barn to the west being converted to a spacious 4 bedroomed unit over three floors, the southern end of which forms part of the neighbouring three bedroomed unit. This then extends into the adjoining single storey byre. The third unit also comprises three bedrooms and is situated adjacent. It is proposed to join this building to a neighbouring byre situated at right angles to it via a conservatory style link. Use of the existing openings and retention and reinstatement of slate roofs and timber windows/doors and external sandstone walls/features is integral to the scheme. Adequate garden areas and parking is provided for each dwelling.

Vehicular access is via an existing metalled track directly from the A595 trunk road. Although access at this junction is currently substandard, pre-application advice was sought from the Highways Agency who intimated that there would be no objections subject to improvements to secure visibility being undertaken.

The detached farmhouse in which the farmer resides is situated opposite the barn group. Immediately adjacent, however, is a detached, former farmworkers' cottage which is in separate ownership. The owners of this cottage, whilst not objecting to the proposal, raise issues with the design of the conversion which are likely to have an impact on them. In particular, there are two external doors proposed on the north elevation of unit 3 serving the utility and kitchen areas which are directly opposite the side of their dwelling.

MAIN AGENDA  
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These could be relocated to the courtyard area to make them more accessible to the car parking area. They also express concern about the conservatory link which would overlook their terraced garden, stating that it would be an invasion of privacy to both parties. The rear/east elevation would also overlook their fence area but they state that they could continue their garden wall at this point to prevent overlooking.

The issues in respect of the doors are noted and the applicant has agreed that these can be relocated. A condition to ensure that the north elevation of the conservatory link is glazed with obscure glass would serve to retain privacy. The east elevation, however, is not considered to raise immediate privacy problems given there is garden land here attached to unit 3.

The relevant Policy against which this application should be assessed is HSG 17 of the adopted Copeland Local Plan 2001-2016, criterion 1 of which requires that it should be adequately demonstrated that employment, community or mixed uses are not viable before residential use can be considered. An estate agent's report submitted with the application confirms that the barns have been marketed for commercial use for the past nine months without any genuine response, although there has been interest for residential use. The agent considers there is very limited demand for commercial premises in such a rural setting, particularly when there is plenty of commercial space available in both the Whitehaven and Egremont areas and that a lot of this is available at subsidised rates. This report demonstrates that reasonable attempts have been made to market the barns for commercial use without success. In my opinion all the other policy criteria have been adequately met.

## Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plans, (Drawing Nos 6030-01A, 6030-02, and 6030-03A received by the Local Planning Authority on 24 April 2007.
3. Before development commences on site a risk assesment/method statement shall be undertaken in respect of access to/egress from the A595 trunk road during the construction phase and submitted to the Local Planning Authority. Any actions deemed necessary to ensure highway safety shall be fully implemented.
4. The roofs of the barns shall be finished in natural slate, a representative sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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5. All windows, including skylights (which shall be of the conservation type) and doors shall be of timber construction and dark stained.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no external alterations, including replacement windows, doors, skylights, and roof coverings, or painting or rendering shall be carried out to the converted barns, nor shall any building, enclosure, extension, porch, domestic fuel container, pool or hardstanding be constructed within the curtilage of the converted barns without the prior written consent of the Local Planning Authority.
7. Details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before development commences. The treatments shall be implemented before the units are occupied.
8. Glazing to the conservatory link on the north elevation of unit 3 shall be carried out using obscure glass.
9. Public Footpaths numbers 417001, 404004 and 417002 shall remain unobstructed at all times.

The reasons for the above conditions are:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

For the avoidance of doubt.

To safeguard the traditional appearance of the barns in the interests of amenity.

To retain control over the external appearance of the barns in the interests of amenity.

To safeguard the amenities of the locality.

To safeguard privacy interests of neighbours.

To maintain the public's right of way.

Reason for decision:-

An acceptable scheme to convert this group of traditional barns to residential use in accordance with Policy HSG 17 of the adopted Copeland Local Plan 2001-2016.

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10 4/07/2166/0

ERECTION OF THREE DWELLINGS  
THE GARDENS, FRIZINGTON, CUMBRIA.  
MICHAEL GLASS

Parish Arlecdon and Frizington

- No comments received.

In April 2002 outline planning permission was granted to erect two dwellings on this site to the rear of Main Street, Frizington (4/02/1379/0 refers). The vehicular access to the site was considered substandard and the planning permission was subject to a Section 106 Agreement restricting development to two dwellings. In August 2005 full planning permission was then granted for the erection of three detached dwellings following agreement with the Highways Authority that an additional dwelling could be accommodated subject to the inclusion of a communal turning area (4/05/2366/0F1 refers).

This application seeks consent to revise the dwelling types.

Each of the proposed dwellings are substantial, incorporating four bedrooms and attached double garages. All three dwellings are designed with hipped roofs and bay windows.

Proposed external finishes comprise natural stone bay windows, quoin stones, lintels and cills, self coloured wet dash render and grey concrete tiled roofs.

A 1.8m high timber fence is also proposed along the boundary with properties on Queens Crescent and Coronation Drive.

The houses are considered to be in proportion to the large plots. The low density development has resulted from the restriction upon dwelling numbers.

No objections have been received in response to statutory consultation procedures. However, a single letter of objection has been received from a neighbouring property owner. The grounds for objection can be summarised as follows:-

1. The site is located between a Council estate and a row of terraced houses. The proposed homes will therefore look out of place.



MAIN AGENDA

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2. Loss of view which will impact the sale of surrounding houses.
  3. The area has poor drainage. Any extra housing on this estate will have a marked increase on this problem.
  4. Construction traffic will have a large impact on the village especially on the surrounding narrow streets with limited access.
  5. Noise and disruption during building would impact on standard of life.
  6. The fences/hedges along the back gardens of Queens Crescent will have to be increased to prevent overlooking and for security reasons.

On balance, this revised scheme incorporating simpler architectural features is considered to represent an acceptable form of development in accordance with both Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan and, as such, is favourably recommended.

Recommendation

Approve (commence within 3 years)

2. The carriageways, footways and footpaths shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross-sections, shall be submitted to the Local Planning Authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. Any works approved shall be constructed before the dwellings are occupied.

Reasons for the above conditions:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason for decision:-

An acceptable form of development on an approved housing site in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.