

PLANNING PANEL

5 MARCH 2008

AGENDA

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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

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.

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1 4/07/2505/0

ERECTION OF FOUR BEDROOMED DETACHED HOUSE
PLOT 6, LAND ADJACENT TO, RAILWAY COTTAGES,
MORESBY PARKS, WHITEHAVEN, CUMBRIA.
MR N ARMSTRONG

Parish Moresby

- No comments received.

Outline planning permission for 19 No dwellings was approved on this site adjacent to Railway Cottages, Moresby Parks in January 2005 (4/04/2782/001 refers). Members will recall visiting the site in August 2007.

This application seeks consent for the erection of a detached dwelling on plot 6 situated in the north western corner of the site. The proposed dwelling takes the form of a five bedroomed detached house with integral garage and a games room incorporated into the roof space.

Proposed external finishes comprise facing brick and grey concrete roof tiles.

No objections have been received from statutory consultees.

Three letters of objection have been received from neighbouring property owners to the west. The grounds for objection can be summarised as follows:-

1. The agreed drainage system for the field has not yet been completed and tested, ie the French drain has not been installed and, as such, full plans for this dwelling cannot yet be considered.
2. The temporary field drain was never extended to the north end of the field and has been covered over allowing water to collect at various areas around the development and not drain away as intended.
3. The field has been levelled out to a height that exceeds the rear boundary wall of Railway Cottages. Concerned that this will compromise the approved drainage system and is allowing excess rainwater to flow through these walls and into the gardens of Railway Cottages.
4. What provision has been put in place to prevent this infill from moving, slipping or generally resting against boundary walls? If new retaining walls are to be installed how will this affect drainage and how will the void between the walls be

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maintained/drained?

5. Concerns regarding the sources and nature of infill materials.

Whilst the site has a long standing history of flooding it is important that new development does not exacerbate the problem further. Following lengthy consultations between the developer and the Council a drainage scheme has been agreed which includes the use of oversized pipes throughout the site together with the installation of a French drain along the perimeter with Railway Cottages.

The Council commissioned an independent survey of the site to determine if works have been carried out in accordance with approved details. The results of this report concluded that the French perimeter drain had not been installed deep enough. This has since been re-laid to a greater depth.

In terms of site infill materials, soil samples were taken from the site and following consultation with the Environment Agency and the Council's Environmental Health department the test results indicated relatively low levels of organic substances that should not adversely affect the health of future residents.

The principle of developing this site for residential purposes has already been established with the granting of outline permission in 2004. This proposal adequately achieves the required separation distances, general standards of amenity and car parking as required by Policy HSG 8 and, as such, is favourably recommended.

Recommendation

Approve (commence within 3 years)

2. Permission in respect of site layout shall relate solely to the amended plan (drawing no NA100-03 Rev B) received by the Local Planning Authority on 10 September 2007.
3. Permission in respect of elevational treatments shall relate solely to the amended plans (drawing nos NA100-01 Rev A and NA100-02 Rev A) received by the Local Planning Authority on 30 August 2007.
4. Prior to the dwelling being occupied the French perimeter drain shown on drawing nos 800-1 and L304/001/A received on 9 February 2007 under Local Planning Authority Ref 4/04/2782/001 shall be completed and brought into full operational use.
5. Before development of the building plot commences the access road and footways serving the plot shall be defined by kerbs and subbase construction.

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6. The dwelling hereby approved shall not be occupied until the estate road, including footways and cycleways, serving the dwelling 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.
7. Access gates, if provided, shall be hung to open inwards only away from the highway.
8. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwelling is occupied.
9. 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.
10. The site shall be drained on a separate system, with only foul drainage connected into the sewer.

The reasons for the above conditions are:-

For the avoidance of doubt.

In the interests of highway safety.

In the interests of highway safety and environmental management.

To ensure a satisfactory drainage system.

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.

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2 4/07/2643/0

OUTLINE APPLICATION FOR HOUSING DEVELOPMENT
MORESBY PARKS AUTOS LTD,
LAND ADJACENT TO FELL VIEW, MORESBY PARKS ROAD,
MORESBY PARKS, WHITEHAVEN, CUMBRIA.
MR A FURNESS

Parish Moresby

- No objection in principle to this infill development on a brownfield site in a residential area but have concerns relating to the following areas:-

1. The site is an old fuel filling station and a proper clean up and decommissioning operation is necessary before dwellings are built.
2. The development is in the area of current drainage and sewage problems. The Parish Council would not wish the problems to be made worse if the present system cannot cope.
3. The Parish Council are concerned that the development would result in yet another junction with Moresby Parks Road. The Highways Authority would need to be satisfied that this would not result in an unacceptable safety risk and that there would be sufficient off-street parking.

Outline planning permission is sought for a residential development on this 0.15 hectare site fronting Moresby Parks Road. At present the site is occupied by a car sales and workshop garage (Moresby Parks Autos).

An indicative site layout has now been submitted demonstrating how the development can achieve the required separation distances specified by Policy HSG 8 of the adopted Copeland Local Plan 2001-2016. This indicates a terrace of four dwellings to the front of the site facing Moresby Parks Road and a terrace of three dwellings to the rear. Vehicular access to the site would be via the existing side road off Moresby Parks Road.

No objections have been received from statutory consultees subject to conditions being attached to any subsequent grant of planning permission.

A single letter has been received on behalf of the adjoining property owners to the north, 2 Fell View. They raise no objections to the development in principle so long as their property and its gardens are not overlooked and there is no impact on property value.

As originally submitted a terrace of 8 dwellings was proposed at a right angle to the site frontage. This was considered unacceptable

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given that required separation distances could not be achieved and, in addition, the rear private gardens of adjacent dwellings would have been directly overlooked. As indicated in the report, an amended plan has since been received.

Following consultation on the amended plan a further letter has been received on behalf of the owners of 2 Fell View confirming that their concerns remain the same but they feel that the revised plans are better, having taken the buildings away from the adjoining boundary and gardens.

Policy HSG 4 states that within the defined limits of settlements prescribed by Policy DEV 4 proposals for housing redevelopment involving existing buildings or previously developed land will be permitted in accordance with the provisions Table HS8 and subject to the requirements of other plan policies, in particular Policies HSG 8 and DEV 6 which relate to design.

Situated within the settlement boundary for Moresby Parks as identified in the Local Plan, it is considered that the redevelopment of this garage site for residential purposes is acceptable in land use terms in accordance with Policy HSG 4.

Recommendation

Approve in Outline (commence within 3 years)

3. The dwellings shall be sited strictly in accordance with the amended plan (Drawing No. W0.11.108.07) received by the Local Planning Authority on 28 November 2007.
4. Prior to development commencing the side access road shall be widened to give a minimum carriageway width of 4.8m and a 1.8m frontage footway to the road connecting the site entrance to the footway on the C4006. The existing street lighting columns on the side road shall be relocated onto the new footway. All of these roadworks will need to be to the full adoption standards of the Highways Authority and completed before any of the dwellings are occupied.

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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 should 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. If remediation measures are necessary they shall be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.
6. The site shall be drained on a separate system, with only foul drainage connected into the foul sewer.

Reasons for the above conditions:-

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

For the avoidance of doubt

In the interests of highway safety

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

To ensure a satisfactory drainage scheme

Reason for decision:-

An acceptable form of residential development on this brownfield site within the settlement boundary for Moresby Parks in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016

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3 4/07/2728/0

THREE DETACHED DWELLINGS
FLEATHAM HOUSE, ST BEES, CUMBRIA.
FLEATHAM HOUSE

Parish St Bees

- Have strong objections.

Fleatham House is situated within the St Bees conservation area and is a key part of the landscape of the area. It contains the only wooded area of its type in St Bees and this is greatly valued by the local community. The Copeland Local Plan contains a number of Policies (ENV 10, 26, and 27) which are designed to protect conservation areas from inappropriate development and the Parish Council believes that this application should be refused in accordance with these policies.

The proposed development will cause damage to the trees on the site both during construction and in the longer term and will fundamentally change the character and appearance of the area. It cannot be said that the development will enhance the area in any way. Some trees will be affected during construction and previous experience suggests that there would be a series of applications for pruning/felling of trees as their growth becomes inconvenient for the new property owners. The damage to the trees will be permanent and replanting some trees in other places will not compensate for the loss of long-established woodland. When an application was made in 2006 for development on this site it was refused because of the unacceptable impact on the trees as recommended by CBC's Landscape Officer. The Parish Council believes that little has changed since then and Mr Mellor's advice in his memo of 11 December 2007 suggests that he has not changed his view.

The Parish Council is also very concerned about the effect which further development will have on the surface drainage system. In the last two or three years there have been serious flooding problems in the village during periods of heavy rain. Cumbria Highways has recently carried out a full drainage survey to identify the cause of the problems and the Parish Council received a detailed report from the Highways Engineer on the results of the survey. The conclusion of the survey report is that the drainage system is unable to cope with the demands now being placed upon it. It was constructed many years ago when the village was much smaller and new developments over the years mean that the capacity of the drains is no longer sufficient. The cost of the remedial work will be very substantial and it is unlikely that all the work required can be funded in the near future. In the circumstances it seems entirely inappropriate to allow further development which will only add to the demands placed on the drainage system.

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The Parish Council understands that our Ward Councillor is calling for a further site visit to look at the situation in the light of the amended plans. The Parish Council supports this request and would welcome a further opportunity to discuss the plans with members of the Planning Panel before a decision is made.

This application was withdrawn from the last Planning Panel agenda at the request of the applicant to afford the opportunity to submit amended plans. An amended plan has since been submitted for consideration which deletes one house (Plot 1) from the scheme. The proposal is now for the erection of three detached dwellings on the site.

Members will have also had the opportunity to benefit from a site visit which was agreed at the Planning Panel on 9 January 2008 to appraise the issues the application raises, particularly in terms of the potential impact on the protected trees and the Conservation Area. This took place on Wednesday, 22 January 2008.

Full permission is now sought, via the amended scheme, for the erection of three detached dwellings on the existing tree lined and sloping lawned area which forms part of the grand entrance to this country hotel/restuarant in St Bees. The site is within St Bees Conservation Area and is substantially wooded, the trees being the subject of a Tree Preservation Order (TPO).

The three plots are located in a linear form on the north side of the drive with the individual houses fronting onto the driveway and vehicular access to each taken from it. Each detached property comprises a large four bedroom two storey dwelling incorporating traditional elements of design in keeping with Fleatham House, which is Victorian. These include sandstone clad walls and features with natural slate roofs, timber doors and windows.

Previous planning history relating to this site is relevant. A full application to erect seven detached dwellings within the grounds, which was amended to four, was withdrawn in December 2005 (4/04/2223/0F1 refers). Individual applications for four detached dwellings were then refused, contrary to officer recommendation, in 2006 (4/05/2906/0F1, 4/05/2906/0F1, 4/05/2907/0F1 and 4/05/2909/0F1 refer) for the following reason:-

"The proposed development would adversely impact on the existing and future well being of trees protected by a Tree Preservation Order and the St Bees Conservation Area generally, at variance with Policies ENV 10, ENV 26 and ENV 27 of the adopted Copeland Local Plan 2001-2016."

Thirteen letters of objection have been received from local residents who express concern on the following collective grounds:-

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1. Impact on village in terms of infrastructure and drainage. The existing system is already struggling to cope with the current level of surface water run off, the proposed development will increase this.
2. Question the need and demand for large executive type dwellings.
3. Development of the grounds would destroy the character of this impressive house.
4. Further development will only detract from the current desirability of the area and put undue stress on local facilities especially the school.
5. Will add to the traffic problem in the area and the existing access is dangerous.
6. Adverse affect of building on the protected trees particularly ground works.
7. Building of houses should only take place where it preserves or enhances the area - neither apply. If permission were granted it would open the floodgates to other applications.
8. Will affect the habitat of the local red squirrel.
9. Lead to the loss of the last wooded area in the village.
10. Proposal will not allow for the future growth of the trees.
11. In addition the resident of the dwelling opposite the former plot 1, whilst they view the amended scheme with relief, they do still wish to raise the following concerns:-
 - the dwelling on plot 2, particularly due to its elevated position and little ground cover, will affect their privacy
 - the road runs a few feet from their back wall and the extra influx of vehicles, especially during construction, may lead to severe damage
 - the road is in poor repair affected by root growth of adjacent protected trees; any improvement to the road is therefore likely to damage the trees
 - will remove the habitat for rooks and crows

A letter of objection has also been received from the local Ward Councillor, a copy of which is appended to this report.

The objections raised in respect of infrastructure are matters which have been addressed already via the local plan process. The question

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of need is also not a material planning consideration.

As regards access the Highway Authority raise concerns that the layout shows no improvement to the existing access arrangements which they consider could be detrimental to highway safety causing manoeuvring difficulties. It is considered improvements here however would have a detrimental affect on the character and appearance of the Conservation Area and would not be sanctioned.

The concerns raised by the immediate neighbour are relevant in respect of Plot 2 as it is inevitable there will be some affect on neighbouring privacy by the presence of a house opposite. However, the required separation distance of 21 metres minimum between facing elevations of dwellings which contain habitable windows required by Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 is satisfied here with the nearest distance measuring 21 metres from the front elevation to the site boundary where it adjoins neighbouring plots on The Crofts.

In addition to the above, the key issues this application raises is the potential impact of the proposal on the existing protected trees and the Conservation Area generally. The amended scheme with the removal of plot 1 does represent a considerable improvement over the original submission reducing the intrusive visual impact from hard development on the conservation area, and in particular the open sweeping character of the historic entrance to this country house. Previously any development here has been resisted because of its potential adverse impact on the character and appearance of the Conservation Area.

As regards the trees the arboricultural report submitted with the application submits that the general quality of the trees within the site is average to poor, that the sycamores have become invasive and elm disease is present and proposes a long term management plan which is included with the submission to ensure future tree cover. However, it does identify that the trees do have some amenity value and states that proposals for development should consider carefully any potential impact on the trees and that removal and replacement is phased to ensure continuity of cover. The root protection areas of the existing trees on the site, which are considered of critical importance when assessing proximity and impact of development on trees, have been depicted on the layout and demonstrate that the development could be accommodated with minimal impact. The trees that have been identified for removal are ones that could be justified on the grounds of good arboricultural management and these have been kept to a minimum. A total of fourteen replacement trees are recommended to replace those likely to be lost. The tree survey and management plan has been assessed by the Council's Landscape Officer. His view, taking into account the amendment, is that the overall tree cover still remains an integral part of the tree population and landscape amenity value of St Bees and considers that the development on this site will inevitably lead to the loss of

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further trees and should be refused. He is also concerned that any remaining trees will be affected by post development tree works applications and enquires how this can be mitigated against.

It is considered that the amended submission represents an acceptable form of development that can be achieved with minimal adverse impact in the conservation area and incorporates generally a good standard of local vernacular house design and layout. The accompanying arboricultural report demonstrates that whilst it is inevitable there will be some tree loss this will be minimal and will only affect already identified poor specimens. Furthermore, it is argued that the application would provide the opportunity to enhance the tree cover here by securing and encouraging the proper long term management of the trees within the grounds as well as strengthening and improving planting elsewhere in the grounds. Notwithstanding the Landscape Officer's comments I am of the opinion, therefore, that this proposal accords with Policies ENV 26 and ENV 10 of the adopted Copeland Local Plan 2001-2016 which support small scale housing development in such a sensitive location where the protection of trees is paramount.

Recommendation

Approve (commence within 3 years)

2. The layout and number of dwellings shall be strictly in accordance with the amended plan, drawing number 06/12/550-01a), received by the Local Planning Authority on 4 February 2008.
3. The setting out of each house on the plots shall be agreed with the Local Planning Authority on site before development commences.
4. A minimum separation distance of 1.0 metre shall be provided between the root protection area of any tree and any hard development including vehicular access drives/parking areas, walkways and walls.
5. Notwithstanding the submitted plan, a scheme incorporating additional planting to improve and strengthen the TPO within the grounds of Fleatham House along with a schedule of maintenance shall be submitted to and approved by the Local Planning Authority before development commences. Planting shall be implemented in accordance with the scheme.
6. If within a period of two years from the completion of the development any retained or newly planted tree is uprooted, destroyed, or dies, another tree shall be planted at the same place. That tree shall be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

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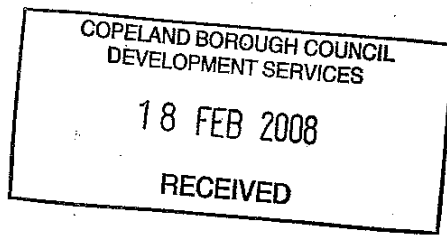
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7. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extension shall be carried out to the dwellings, nor shall any building, enclosure, domestic fuel container, pool or hardstanding be constructed within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.
 8. Adequate protection measures for the retained trees during the course of development, including the erection of fencing and the installation of weight bearing root barrier membranes and appropriate ventilation/irrigation systems shall be undertaken in accordance with British Standard BS 5837. Details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
 9. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
 10. The passing places created shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before construction of the dwellings commence.
 11. The access drives and parking areas shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwellings are occupied.
 12. Public Footpath No 423004 which runs along the southern boundary of the site 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 ensure adequate protection is afforded to the trees on the site which are subject to a Tree Preservation Order



Calder Park
Calderbridge
Seascale
CA20 1DN

18 February 2008

Dear Ms Morrison

Re: Application 4/07/2728/OFI
Building in the Ground of Fleatham House, St Bees.

Further to the resubmission of the above application; I am formally objecting to this application and would request that you add my letter to the planning agenda. I would also appreciate the opportunity to address the Planning Panel at the meeting when they determine the application.

Whilst I appreciate the layout of the proposed development has altered, the policies and principles remain the same, namely, ENV10, ENV26 and ENV27. These are Copeland Council's policies which the Planning Officer cited as reasons to refuse the last application. (This application was withdrawn by the Applicant). They are also the policies the committee considered before refusing the first application.

These policies are in place to afford protection of the landscape in areas where there are tree preservation orders or conservation areas.

A large number of St Bees residents have made representation to both myself as Ward Councillor and also to the Parish Council asking that we pass on their concerns to protect one of the last unspoilt areas of St Bees.

Extracts taken from the promotion web site for Fleatham House state:

- *Situated in private woodland looking out to St Bees cliffs on the West Cumbrian coast.*
- *If you are looking for bed and breakfast accommodation in a beautiful, peaceful and scenic location, close to the English Lake District, please look no further than Fleatham House.*
- *Fleatham House has provided exclusive accommodation for politicians and the business community for almost half a century.*

- *The two double rooms are to the front of the house overlooking the gardens and St Bees Head. All other rooms either overlook the wooded gardens or open countryside.*
- *Fleatham House is set in several acres of gardens, which you are free to roam, the only sound to disturb you is that of the birds. During the Spring and Summer months the gardens come alive with colour both from the trees and the borders.*

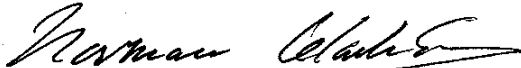
I am sure that I do not need to point out the obvious, that this application would destroy the peace and tranquillity of this area which people rely on our policies to protect.

If the Planning Officers recommendation is to approve this application, then I strongly request another site visit for the benefit of the Planning Committee, the Parish Council and myself, without which it is unlikely to expect any sort of agreement on such a controversial site, particularly in the light of past reports from Mr Richard Mellor (Copeland Borough Council's Landscape Officer) which condemned any sort of development on this site.

Therefore, as Ward Councillor, I am formally requesting a site visit.

I thank you for your consideration of our objections.

Yours sincerely,



Councillor Norman Clarkson
St Bees Ward Councillor,

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To strengthen and improve the Tree Preservation Order at Fleatham
In the interests of highway safety

To ensure public footpath 423004 remains unobstructed at all
times

Reason for decision:-

The proposal represents a satisfactory form of housing
development for this sensitive wooded site, which is subject to a
Tree Preservation Order and within the St Bees Conservation Area
in accordance with Policies HSG 4, ENV 10 and ENV 25 of the
adopted Copeland Local Plan 2001-2016

4 4/07/2751/0

RESERVED MATTERS FOR DWELLING
PLOT 2, WINSTON COURT, MORESBY PARKS, WHITEHAVEN,
CUMBRIA.
MR AND MRS G ROSS

Parish Moresby

- No comments received.

Outline planning permission for 19 no. dwellings was approved on this
site adjacent to Railway Cottages, Moresby Parks in January 2005
(4/04/2782/001 refers). This application seeks consent for the
detailed design of a dwelling on Plot 2 to the east of this site.

The proposed dwelling takes the form of a detached two storey five
bedroomed house with integral garage, rear sunroom and living
accommodation incorporated into the roof space. At its highest point
the proposed house will be 1.2m higher than that of the already
constructed detached house on the adjoining Plot 3.

Proposed external finishes comprise red/brown facing brick, grey
concrete roof tiles and white UPVC windows.

No objections have been raised in response to statutory consultation
procedures.

Four letters of objection have been received from property owners to
the west of the development site. The grounds for objection can be
summarised as follows:-

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1. The drains of the estate are not in proper working order and the French drain has been installed incorrectly as the pipe falls the wrong way and is not connected to any pipework.
2. When it rains heavily, contaminated brown sludge runs off the building site onto neighbouring properties.
3. The site layout plan shows plot 2 being opposite 1 & 2 Railway Cottages where in reality it is opposite 3 Railway Cottages. The map used is out of date and does not show surrounding properties.
4. The plan 2007.244.01 does not show physical positioning information of where the dwelling is supposed to be within the plot or any reference point on the development.
5. Drawing 2007.244.02 does not show a physical height.
6. There are no cross sectional drawings.
7. The design and access statement states that the junction with the main road has very good visibility in both directions. This statement is untrue as the view to the north is obscured by the 2 metre high fence of plot 3, which is installed incorrectly.
8. Without the correct information true impact cannot be established.

Whilst the site has a longstanding history of flooding it is important that new development does not exacerbate the problem further. Following lengthy consultations between the developer and the Council a drainage scheme has been agreed which includes the use of oversized pipes throughout the site together with the installation of a French drain along the perimeter with Railway Cottages.

The Council commissioned an independent survey of the site to determine if works have been carried out in accordance with approved details. The results of this report concluded that the French perimeter drain had not been installed deep enough. This has since been re-laid to a greater depth.

Following a detailed site appraisal the Highway Control Officer for Cumbria Highways has confirmed that the timber fence erected along the Moresby Parks Road frontage to the rear of Plot 3 does not, in fact, impede the visibility splays to the adjacent road junctions.

The principle of developing this site for residential purposes has already been established with the granting of outline consent in 2004. This proposal adequately achieves the required separation distances, general standards of amenity and car parking as required by Policy HSC 8 and, as such, is favourably recommended.

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Recommendation

Approve Reserved Matters

2. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.
3. Prior to the dwelling being occupied the French perimeter drain shown on Drawing Nos. 800-1 and L304/001/A received on 9 February 2007 under Local Planning Authority reference 4/04/2782/001 shall be completed and brought into full operational use.

Reasons for the above conditions:-

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

To ensure a satisfactory drainage scheme

Reason for decision:-

An acceptable design solution for a detached dwelling on this approved housing site in accordance with Policy HSG 8 of the adopted Copeland Local Plan 2001-2016

Please note:-

The applicant should note that the surfacing within the service strip shall be the same as the footways on the estate. Furthermore, any visibility splays crossing the site shall be protected and any retaining wall supporting the highway shall be designed and built in accordance with the "County Council's Technical Approval Procedure for Developers Structures".

5 4/07/2752/0

ERECTION OF 2 STOREY DETACHED DWELLING HOUSE &
ROOF ROOM & DETACHED SINGLE GARAGE
2, FELL VIEW DRIVE, EGREMONT, CUMBRIA.
MR T & MRS P BELL

MAIN AGENDA

Parish Egremont

- Councillors object to this application as they feel that it is an over intensive development for this area. They have serious concerns with the access onto a very busy road. During the spring and summer terms the corner of 2 Fell view Drive is the meeting place for the Bookwell School "walking bus" and they travel to school (along the Main Road), picking up children en route from various areas to school. Councillors recommend a site visit before a final decision is made.

Planning permission is sought for a single dwelling on land to the rear of 2 Fell View Drive, Egremont. A previous outline application for a dwelling on this site was withdrawn in August 2007 (4/07/2465/0 refers) as it was not demonstrated by the information submitted how a dwelling could be satisfactorily accommodated.

In order for Members to fully appraise the relevant planning issues, and in accordance with the Town Council's request, a site visit took place on Wednesday, 20 February 2008.

The piece of land that would be separated off to form the development site would be an approximately triangular area of land comprising some 227 sq m.

The proposed dwelling would provide a lounge and kitchen/dining room on the ground floor, two bedrooms and a bathroom on the first floor, and a study room in the roof space. The dwelling would be finished in brown facing brick with stone quoins and grey roof tiles. A detached garage is also proposed which would be located at the rear of the site.

Three letters of objection have been received from adjoining residents whose concerns are as follows:-

1. The proposed garage would affect light to a neighbouring property.
2. The site plan does not show the adjoining property in its correct location.
3. There is possibly a private sewer under the proposed site.
4. The boundary fence is not located as shown on the site plan.
5. The proposed dwelling is larger in height than the adjoining properties.
6. Privacy of the adjoining property would be affected due to the study window.

The site plan has been amended since the previous outline application

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so that the separation distances stated in HSG 8 of the Copeland Local Plan 2001-2016 can be met, subject to the conservatory to the rear of 2 Fell View Drive being removed as indicated on the submitted plan.

Notwithstanding this, the proposal for an additional dwelling to the rear of the applicant's existing dwelling will result in the loss of amenity to their property. The curtilage that will be left for the existing dwelling will be out of proportion with the existing large detached house, even with the removal of the conservatory. Whilst the basic housing design standards in Policy HSG 8 have been met other issues remain.

The boundary between the existing and proposed dwellings would be only 2 metres distant from the nearest point of the existing house, this boundary to be defined by a timber fence 1.0 - 1.5 metres in height. The proposed detached garage would be 3 metres from the rear elevation of the existing house. The new dwelling would be overlooked by rear bedroom windows in both the applicant's existing house and the neighbouring house (4 Fell View Drive). It should also be noted that the permitted development rights of the applicant's existing house could not be removed as part of this application.

Policy HSG 8 aims to set the minimum standards but it should be noted that just meeting these does not always result in an acceptable proposal. In this case it is viewed that the site as a whole is not capable of being occupied by two dwellings.

In addition to this, the plot fronts onto Queens Drive from which an independent vehicular access would be formed. Cumbria Highways have raised no objection to this. However, in my opinion an additional access at this location would be of detriment to highway safety. Also, the use of the path and green verge outside of the site as a meeting place for local residents/children on school journeys is a material planning consideration.

In considering this proposal, criteria 1, 2 and 9 of Policy DEV 6 are relevant and state that:-

"Planning permission will only be granted for development which:-

1. Shows a high standard of design and choice of materials where building scale, density and proportion, landscaping and overall layout contribute to creating or maintaining a strong sense of place.
2. Provides a safe and convenience access, egress and internal circulation for all users paying particular attention to public transport, walking, cycling and the needs of people with impaired mobility.
3. By design and choice of location creates or maintains reasonable standards of general amenity..."

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In my opinion the proposed development does not satisfy the above criteria. As such it is recommended for refusal.

Recommendation

Refuse

The proposal represents an overintensive form of development which fails to achieve an acceptable level of residential amenity due to its close proximity to No. 2 Fell View Drive in particular, the first floor rear bedroom windows of which directly overlook the proposed new residential curtilage resulting in an unacceptable loss of privacy. Moreover, the proposed means of vehicular access over the adjacent footway and roadside verge is considered to represent an unacceptable risk to pedestrian safety given that vehicles egressing the site would emerge "blind" onto this footway due to the presence of high hedgerows either side which extend beyond the plot boundaries. For these reasons the proposed development is at variance with Policy DEV 6 "Sustainability in Design" of the adopted Copeland Local Plan 2001-2016.

6 4/07/2759/0

ERECTION OF NEW CLUBHOUSE, COMMUNITY FACILITY & WIND TURBINE; DEMOLITION OF EXISTING CLUBHOUSE THE COUNTY GROUND, COACH ROAD, WHITEHAVEN, CUMBRIA.
MR P ROBSON

Parish Whitehaven

A full planning application has been submitted for the development of a replacement clubhouse and community facility, with a small wind turbine, at the County Ground off Coach Road. A similar application (4/06/2847/0F1) was submitted in late 2006 but was withdrawn in order to resolve access problems. The current application is a resubmission of that earlier application with new access proposals. The proposed site of the new facilities is located to the south of Whitehaven, approximately 1 km from the town centre with vehicular access off Coach Road.

The application is supported by a Design and Access Statement and a flood risk assessment. A wide range of consultations have been sought; the development has been advertised in the local press and a site notice has been displayed at the Coach Road access point.

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The proposal involves changing facilities and associated administration and support areas at ground floor level with two separate community facilities on the first floor. This will include a public bar for approximately 72 persons and a multi-use room for about 200 persons. Outdoor terraces are also provided for spectators (up to 80) and other events. The main community room will form a hub for community events and activities. There is a small service yard to the rear of the building. The existing car park will be extended from its 59 spaces to provide 70 spaces, including designated spaces for disabled persons.

The application also seeks permission for a small scale wind turbine at the south eastern corner of the site, close to the C2C cycle route and the underpass under the railway. The turbine is proposed to be 6.5m high, with 1.5m long blades. It is intended that the turbine will reduce reliance on traditional sources of energy and will reduce the running costs of the facility.

The development is located in flood zone 2 and the Environment Agency objected to the development in the absence of a dedicated flood risk assessment and possible contamination. A detailed flood risk assessment for the development has now been submitted and is awaiting a response from the Environment Agency, but in the meantime they are maintaining their objection.

United Utilities objected to the development as there is a water main under the proposed building and they will not permit building over it. Discussions have taken place between the agent and United Utilities and it has been agreed that the main will be relocated. The drainage can be controlled by condition.

The C2C cycleway runs along this route and the County's Cycling Development Officer has requested that this section of the cycleway should become a dedicated cycle track and therefore becomes a right of way.

The main Local Plan policies relevant to this application are:-

DEV1	Sustainable Development and Regeneration
DEV6	Sustainability in Design
TSP6	General Development Requirements
TSP8	Parking Requirements
SVC1	Connections to Public Sewers
SVC4	Land Drainage
ENV9	Areas of Local Landscape Importance
ENV16	Flooding
SVC13	Protection of Open Spaces and Facilities
TSP5	Cycleways, Footways and Bridleways
EGY1	Renewable Energy
EGY2	Wind Energy

The Copeland Local Plan designates this area as urban greenscape

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protection for both recreation/amenity and landscape importance. Policy SVC 14 refers to outdoor recreation and leisure and states that proposals for new or expanded outdoor recreation and leisure facilities will be permitted subject to the requirements of other plan policies and subject to criteria including landscape, wildlife or conservation importance; residential amenity and traffic conditions. These criteria are met by the development proposals. Policies EGY 1 and EGY 2 relate to the wind turbine and are supportive of this small scale turbine in the location identified.

A Study (The Pow Beck Valley and Coastal Fringe Feasibility Study) for the regeneration of the Pow Beck area was undertaken by consultants, BDP, on behalf of the Council in 2003. The study identified the potential for Pow Beck Valley to have new improved sports facilities and employment uses accessed via a new road. White Young Green were commissioned by West Lakes Renaissance in 2005 to prepare a more detailed development plan (Pow Beck Valley Development Plan) to identify an inspirational and deliverable plan to secure sustainable development in the Pow Beck Valley. This plan established a vision for the area founded on the practical and physical circumstances of the proposed development area in consultation with key stakeholders. The proposals are consistent with this report.

A Pow Beck Valley Development Brief, Supplementary Planning Document (SPD) has been adopted by the Council. The proposals accord with the SPD in terms of land use and design considerations. The SPD proposes a spine road to serve the Pow Beck development as a whole and the proposed development would not adversely affect this objective, although in the short term the access must be from Coach Road via the cycle path. The SPD envisages that the cycle path will ultimately become cycle only. This can only be implemented when the spine road and a link road to the site has been constructed. The joint use of the cycle path for vehicular traffic will need to continue in the short term.

The proposals will be a significant enhancement to the built environment in the Pow Beck Valley and will make a substantial contribution of the regeneration plans for the area. It will also be a welcome improvement to the facilities of the football club, enabling it to progress through the leagues. The proposals include community facilities which will be available for local groups to hire and for functions etc.

The access problems experienced by the previous application have been resolved by an agreement to acquire additional land from Network Rail in order to widen the whole length of the access from Coach Road to the football field. It is recommended that the surface of this route be suitably marked to delineate the cycle/foot path.

The design of the new facilities is appropriate for this location and the car parking proposals meet the standards set out in the Local

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Plan.

In the light of the outstanding objections from the Environment Agency, the application is recommended for refusal.

Recommendation

Refuse

The application site lies in an area of medium flood risk as defined in Planning Policy Statement 25 (PPS 25), Table D1 and the applicant has failed to demonstrate the flood risks resulting from the proposed development and the alleviation measures required to mitigate against the risk.

The information provided with the application states that the site comprises ash overlaying clay sub soils. In the absence of a desk study and site investigation the drainage proposals are unacceptable.

7 4/07/2761/0

FOUR DETACHED DORMER BUNGALOWS WITH INTEGRAL GARAGES
LAND ADJACENT TO, CROSS HOUSE FARM, MILLOM, CUMBRIA.
MR D SIMPSON

Parish Millom

- Object strongly due to the fact that the development contravenes the local plan and planning regulations. Also concerns regarding flooding in the area. Already refused twice.

At the last meeting Panel Members were minded to refuse this planning application contrary to Officer recommendation. In accordance with the Council's Planning Code of Conduct this is now brought back to the Panel for a final decision.

This application comprises a resubmission for the erection of four detached dormer bungalows at Cross House, Millom. The site is part of a former agricultural holding comprising 0.17 ha in area situated on the western edge of the town, adjacent to existing residential properties. Vehicular access is proposed from the adjacent A5093 road along what was originally the agricultural access to the former farmyard. The application is retrospective as all of the bungalows are substantially erected up to roof timber level.

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The planning history relating to the site is relevant to this latest proposal and is as follows:-

1. 4/02/1363/001 Outline application for one detached dwelling - withdrawn.
2. 4/03/0353/001 Outline for a detached dormer bungalow and demolition of existing barn range - refused on the grounds of it constituting back land development and effect on neighbouring amenity.
3. 4/04/2442/001 Outline for residential dwellings - withdrawn. The plans could not be properly appraised without siting and design details i.e. submission of a full application.
4. 4/04/2831/0F1 Four residential dwellings (full application) - approved subject to conditions. This was considered an appropriate form of development under the Council's Interim Housing Policy and addressed the previous reason for refusal.
5. 4/05/2746/0F1 Revised residential development scheme to increase the number of dwellings from 4 to 5 - withdrawn. This was at variance with the then Council's Interim Housing Policy which only supported the development of a maximum of 4 residential dwellings on site.
6. 4/06/2157/0F1 Revised layout for 4 detached houses - withdrawn following a recommendation to the Planning Panel for refusal on the grounds the development failed to comply with Policy HSG 8 of the 2nd deposit version of the Copeland Local Plan as regards minimum separation distances and potential for overlooking and loss of privacy to neighbouring residents. As building work had commenced on site which did not accord with the approval granted in 2004 (item 4 refers) enforcement action was authorised which resulted in the submission of the application below (item 7 refers).
7. 4/07/2199/0F1 4 detached dormer bungalows with integral garages - refused contrary to officer recommendation - the recommendation to approve was on the basis that it was considered the alterations to the dwelling types significantly addressed the previous concerns and were considered acceptable house designs - a view which was not shared by the Planning Panel.

The previous application for this development (item 7 above) was refused in July last year, contrary to officer recommendation, for the following reason:-

"The development, as substantially constructed, fails to meet the separation distances and general amenity standards required by Policies HSG 8 and DEV 6 of the adopted Copeland Local Plan 2001-2016 and, as such, is deemed to be an unacceptable form of

development resulting in a lowering of residential amenity standards for neighbouring residents."

This proposal incorporates the following specific amendments to that application:-

1. Realignment of the access road away from 2 Cross House Cottages and the domestic garage belonging to the property. It is now shown as being 4.0 metres over to the west, away from the front corner of this property (previously it was some 3.0 metres here) decreasing to 3.0 metres at the rear corner as opposed to some 1.9 metres here as previously proposed and maintaining this distance to the garage.
2. A footway along the eastern length of the access road (side nearest 2 Cross House Cottages) of some 1.2 metres in width incorporated within the area specified in 1. i.e. the previously shown area of undeveloped space between the edge of the road and boundary with 2 Cross House Cottages.
3. Internal alterations to plot 4.

In addition, all the alterations submitted in the 4/07/2199/0F1 application remain. These include:-

Plot 1

- i) The removal of the external stone cladding to the north side elevation to increase the separation distance to the side boundary here to between 0.9 metres and 1.1 metres. This is considered acceptable and still provides sufficient access and maintenance space in accordance with Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 which requires at least 1.0 metre separation distance in such locations.
- ii) The distance from the rear of the property to the rear boundary wall measures between 5.8 metres and 6.4 metres. Beyond this is neighbouring garden land. This is considered acceptable as there is no separation distance requirement between elevations with habitable rooms and garden land and in this instance there is no considered significant adverse affect on neighbouring amenity.

Plot 2

- i) The separation distance between the rear southern corner of this dwelling at its nearest point to the neighbouring property of No. 17 Mountbatten Way measures 10.8 metres. Policy HSG 8 of the local plan states that a minimum of 12.0 metres should be provided. However, this represents an increase in distance of 0.6 metres over what was previously approved in the 2004 application, which measured a distance of 10.2 metres at this pinch point. Whilst this is short of the policy requirement it has to be taken

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into account that the dwelling does not run parallel to Mountbatten Way but is angled away from it. Hence this measurement refers specifically to the shortest distance which actually increases at the front corner of the dwelling to in excess of 12 metres, measuring 14.4 metres, which is considered acceptable.

Plot 3

- i) The position of this dwelling at an angle is clearly in breach of the previous approval which permitted the erection of the dwelling at right angles, in tandem with neighbouring plot 4. This arguably is the most contentious issue the application presents as it brings the rear elevation which contains habitable room windows, as opposed to a side elevation which was a blank gable, physically closer to Nos. 27, 29, 31 and 33, Mountbatten Way as previously it faced away from these dwellings. In terms of rooms the rear elevation contains a bedroom window and a glazed kitchen/utility room door. The kitchen/diner is positioned at this end of the property with the patio doors leading from it relocated to the side elevation in order to mitigate any potential for overlooking. The separation distances here between the dwelling and the properties on Mountbatten Way measure 20 metres at the nearest point on the south western corner increasing to 22 metres on the south eastern corner. Policy HSG 8 requires that the minimum separation distance here be 21 metres. In view of the fact the distance proposed is only 1.0 metres less at the south western part of the dwelling and that any potential for overlooking at this point has been eradicated by the removal of patio doors then this is considered acceptable from an amenity point of view with the resultant minimal impact from direct overlooking on the neighbouring properties.
- ii) The living room outlook is onto the gable wall of neighbouring plot 4 - this is not considered to have a significant affect on amenity of the property. The dwelling is angled and therefore positioned so that any direct overlooking is negligible.

Plot 4

- i) This dwelling has been redesigned to address overlooking issues in relation to plot 1 opposite. The separation distance between the two front elevations of these is 15.5 metres at the closest point, previously it was 17.5 metres. To reduce impact the internal layout of this property has been altered so that the bay window at the front has been removed and the room directly facing plot 1 is now a kitchen as opposed to a living room.

27 letters of objection have been received, the majority from local residents adjoining the site, but it should be noted that a number of these are duplicate letters. The grounds for objection relevant to

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this submission can be summarised as follows:-

1. This application shows only minor modifications with no significant change.
2. Developer should not be allowed to submit yet another application. The dwellings cannot be altered significantly as they are already built.
3. It is back land development - permission was refused for a dormer bungalow in May 2003 for this reason and this is still valid now.
4. Some of the information on the plans is inaccurate, i.e. the visibility splay.
5. Existing access is for agricultural use only.
6. Poor standard of design - the dwellings do not meet the required separation distances with creation of overlooking problems.
7. Dwelling on plot 3 is too close and impedes privacy.
8. Dwelling on plot 1 directly looks into the kitchen window of plot 4.
9. Plot 4 is only 12 metres from the neighbour's septic tank and should be 15 metres.
10. Drainage - Flooding is a problem and has been exacerbated since the development was constructed.
11. The boundary fence erected has had no effect.
12. Parking for residents of 1 Cross House Cottages is adversely affected by the proposed access road and particularly the access to the garage.
13. 1 metre exists around the site which belongs to the former owner - the development should take account of this.
14. Health and safety risks from the existing unauthorised development.
15. Density is only 23.53 ha and does not meet the guidance in PPS 3.
16. Loss of wildlife habitat.

There are also two letters of objection attached to this report which the writers have specifically requested be included with the agenda report.

In response to the concerns the following comments are provided:-

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- (a) The only change in respect of this application relates to the realignment of the access road further to the west and the inclusion of a footway.
- (b) The Council cannot decline to deal with repeat applications unless a similar application has been dismissed at appeal or on call in by the Secretary of State within two years and if there has been no significant change in the development plan or other material considerations, or there has been no appeal to the Secretary of State on at least two refusals in the previous two years. Neither circumstance applies in this instance as there has only been one previous refusal within the last two years.
- (c) For clarification the term back land has no statutory recognition under the Town and Country Planning legislation. The publication "Development Control Practice" refers to it as planning jargon for unbuilt land between/at the rear of existing development frontages which may have no suitable access. Development of such land often raises problems of loss of amenity to surrounding residents or difficulties of securing a satisfactory access. Whilst the 2003 application was refused on these grounds, and specifically because it was considered to adversely affect neighbouring amenity, this application cannot be considered in the same light as it constitutes a scheme of small scale residential development served by a new access arrangement with parking and access provided for each individual plot.
- (d) Permission is sought for the new access arrangement as part of this application and the Highway Authority, in their consultation response, confirm that the junction and parking details shown are satisfactory.
- (e) Design issues have already been addressed in the report.
- (f) It is proposed that foul drainage will go into the foul sewer. Surface water, however, will be discharged to an existing culvert adjacent to plot 3. Should the application be approved then an attenuation tank could be conditioned to restrict surface water run-off. Any easements though are civil matters to be resolved outwith the control of the Planning Acts, similarly for issues raised regarding the septic tank. The same applies regarding any rights to park in front of the existing domestic garage which has access from the lane although the realignment of the road away from the garage as proposed by this application will improve the situation.
- (g) It is noted that the boundary fence erected has had minimal effect in terms of screening the development.
- (h) The application does recognise that there is part ownership of the site. An applicant does not necessarily have to own or have

MAIN AGENDA

control over the land for which permission is being sought.

- (i) Health and safety risks arising from the partly constructed site are not material planning considerations.
- (j) Density of the development is low. Planning Policy Statement (PPS 3) and the adopted Copeland Local Plan advocates that it should be much higher - between 30-50 dwellings per ha. However, the density is considered acceptable in this location given the constraints of the access.
- (k) There will be an inevitable loss of habitat that comes with the development of any green field site. However, the principle of housing development on this land has already been established by virtue of the 2004 consent.

The changes proposed by this application do represent a further improvement over and above the previous submission. The access road would now be positioned further away from Cross House Cottages with the inclusion of a footway to which the Highway Authority raise no objection. Whilst the actions of the developer in erecting the dwellings without permission are not to be condoned and although substantially constructed this should have no bearing on the decision. It has to be taken into account that the changes overall to the dwellings have significantly addressed the previous amenity concerns to the extent that the dwellings are now viewed as acceptable from a design point of view and comply with Policy HSG 4 of the Local Plan. Although the separation distances proposed are not strictly in accordance with Policy HSG 8, given the circumstances they are considered to be acceptable. In my opinion the proposals put forward now constitute an acceptable scheme to secure the satisfactory completion of this development.

However, should Members reaffirm their previous resolution that the application should be refused, authorisation is also sought for the commencement of enforcement action to secure the removal of the unauthorised development.

Recommendation

Approve (commence within 3 years)

- 2. Notwithstanding the submitted plan, the gradient of the private road shall be 1 in 20 for the first 10 metres only.
- 3. Occupation of the dwellings shall not take place until the access has been formed with a 6.5 metre radius kerb to give a minimum carriageway width of 4.5 metres and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.

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4. The site shall be drained on a separate system with foul drainage only being connected into the foul sewer.
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 and the approved works subsequently carried out prior to any of the dwellings hereby approved being occupied.
6. Details of on-site attenuation to be implemented by the developer to aid surface water drainage shall be submitted to the Local Planning Authority for approval. Any approved works shall be implemented prior to any of the dwellings hereby approved being occupied and shall be maintained operational thereafter.
7. Modification works to each dwelling shall be carried out strictly in accordance with the floor plan and elevational drawings received by the Local Planning Authority on 17 December 2007 before the dwelling is brought into residential occupation.
8. Notwithstanding the submitted plan, details of a new boundary fence to the rear of the site shall be submitted to and approved in writing by the Local Planning Authority before further development commences. The fence so approved shall be erected before the dwellings are occupied and so maintained thereafter.
9. The glazed utility/dining room door to the dwelling on plot 3 shall be fitted with translucent glass, and so maintained thereafter.
10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no additional door or window openings, including dormer windows, other than those expressly authorised by this permission, shall be constructed without the prior written consent of the Local Planning Authority.
11. Notwithstanding the provisions of Part 2 of Schedule 2 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 fences, gates or walls shall be erected within the curtilage of any dwelling without the prior written consent of the Local Planning Authority.

The reasons for the above conditions are:-

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

9th January 2008

Mr T. Pomfret
Copeland Borough Council
The Copeland Centre,
Catherine Street
Whitehaven
Cumbria
CA28 7SJ

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

22 JAN 2008

RECEIVED

Dear Mr Pomfret

**Re: Development of Land Adjacent to Crosshouse Farm, Millom, Cumbria
Four Detached Dormer Bungalows with Integral Garages
Mr D Simpson Application No: 4/ 07/ 2761/ 0**

I am writing, yet again, to request that you take into account the following objection to the above-mentioned Planning Application. Whilst I do not live in the vicinity of the Crosshouse Farm Development, I express grave concerns for my neighbours and cannot remain silent in the face of the injustice that continues to blight the lives of decent honest people. It is time for the Planning Department to desist from this dissembling and comply with the decision reached by the majority vote of elected members. Enforcement action should be taken expeditiously to compel the developer to dismantle this unauthorised development. Are the views of the people's democratically elected representatives to be treated with such contemptuous disdain? Or has the "apparent gun to the head", held by the developer, actually materialised?

This is the final opportunity to refuse this application and impose closure on this matter. Similar plans should not be submitted more than twice after formal refusal. There have been no substantial changes to the previous plan, which was refused by the Planning Panel in August 2007 or since the numerous sets of plans submitted prior to this date. It is physically impossible to alter the separation distances, as the construction is already so far advanced! This is a 'similar' application as defined in S. 70A (8) of the Town and Country Planning Act 1990. It is a 'similar' application if the planning authority thinks that the development and the land to which the application relates are the same or substantially the same. May I draw the Panel's attention to S. 43 of the Planning and Compulsory Purchase Act 2004 (outlined in a consultation paper, issued from the Office of the Deputy Prime Minister in November 2004) giving planning authorities new powers to decline applications. Sub-section (1) replacing S. 70A of the Town and Country Planning Act 1990 with new SS. 70A and 70B states:

- (1) A Planning Authority may decline to determine a relevant application if –
- (a) any of the conditions in subsections (2) to (4) is satisfied, and
 - (b) the authority think there have been no significant changes in the relevant considerations since the relevant event.

The condition under subsection (4) applies to this application.

- (4) The condition that –
- (a) in the period the local planning authority have refused more than one similar application, and
 - (b) there has been no appeal to the Secretary of state against any such refusal.

According to the consultation paper the purpose of the new powers is to inhibit the use of repeated applications, being submitted over time, with the intention of reducing opposition to undesirable developments. The number of plans that the developer has put before the panel strongly suggests this intent despite the fact there has been only one formal vote on the matter. As the submission of only "similar" plans, is now only materially possible, the Planning Authority should use the powers at its discretion to decline further applications.

In the light of the similarity to the previous application the same reasons for refusal stand. I will repeat my initial objections to the granting of planning permission. Despite the civil matters that have arisen there remain, independent relevant material planning matters to be addressed by Copeland Council Planning Department's Officers. On planning grounds, as outlined in the Town and Country Planning Act 1990, there are strong material considerations for not approving this site and consequently requiring the entire.

development to be dismantled. This is not "punishing the developer" it is enforcing the law. It is utterly insufficient to state that the behaviour of the developers is "deplorable" and allow it to proceed regardless.

This development should never have been agreed in the first place in accordance with HSG3 4.3.5 pg. 75 Copeland Plan. It is a Greenfield site with a shared drive as the only access to the main road. It is a Backland Development or infill site:

"--- the term infilling relates to filling a site in an otherwise built up frontage with direct road access. Backland development which would involve joint access arrangements will not be sanctioned because privacy and overlooking problems can arise". This site has caused loss of amenity to existing and potential future residents.

Accepting that the development was approved and that approval cannot now be reneged upon on the above grounds, it has not been built to the agreed Planning Permission and violates the regulations laid down in the Copeland Plan. Consequently the development is illegal and should therefore be dismantled.

Please take into account Mrs Campbell's measurements of the actual separation distances, which she has proved to be blatantly contradictory to the Housing Design Standards outlined in HSG8 (in addition to the Policy Dev 7) of the Copeland Plan. These separation distances are mandatory minimum distances, rendering the feeble excuses in the Planning Schedule of 25 July 2007, irrelevant. Even if they are "slightly out" it is no excuse. These are minimum distances.

HSG8. Point 2 pg 80. Copeland Plan:

- Detached and end group dwellings retain at least 1.0 m clear between walls and side boundaries
- A minimum of 21.0 m is retained between face elevations of dwellings containing windows of habitable rooms.
- A minimum of 12.0 m is retained between face elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation.

There are also health and safety risks. Health and Safety are firm grounds for demolition. The development construction site is within 12 metres of the Crosshouse Cottages' septic tank. In April 2006 I wrote to the Chair Cllr. Janet Kendal Johnson stating that a Stopping Order needed to be imposed with a view to dismantling the site. This was ignored and the developer was permitted to continuously submit plans that were physically and mathematically impossible to realise on the land size available.

The buildings design does not comply with Construction (Design Management) Regulations 2007. In fact it marks the height of architectural incompetence. The destruction of the land drains means the houses are liable to flooding. Rain water and waste water from Crosshouse and Crosshouse cottages can no longer drain into the field, causing the houses in the development to flood. It is thoroughly immoral to allow development on land that floods, in particularly where the development has caused the flooding. In a pathetic attempt to skirt round the spatial distances rule regarding facing windows, one house has had the kitchen window removed. This is not safe. Damp has rotted the rafters and roof trusses. The brickwork is saturated and covered with mould. As bricks are porous the mould will have penetrated the structure internally. After the buildings are rendered and plastered the damp is bound to diffuse throughout the property spreading mould into the plasterwork. In short, the buildings are unfit for human habitation and are not worthy of being signed off with a building certificate.

I find the relationship between Planning and Building Control rather baffling. I understand for administrative purposes and professional specialisation they involve separate personnel and procedures. However, for the purpose of the CDM 2007 they should be working together to integrate Health and Safety into the management of the project to improve the planning and management of development projects at the outset, identifying hazards early on so that they can be eliminated at the design or planning stage. The purpose of avoidance of unnecessary bureaucracy is clearly not working, as planning officers are passing the health and safety aspect over to building control. The system is not working, as design faults, drainage and environmental factors were not considered at the planning stage. If the planning matters had been taken into consideration in the first place the civil issues and the expenses in legal fees to the people concerned need not have arisen. I consider it to be in extremely bad faith for the Planning Department to continuously dismiss responsibility for its decisions, by leaving disputes between Developers and residents

"civil matters". What are the purposes of development control and the appointment of Planning Officers?

The determination of planning applications invariably involves the weighing of conflicting interests. The interests of the applicant have to be weighed against the broader objectives of the planning system, which is designed to safeguard the needs of the general public. Failure to do so could lead to judicial review. I do not believe that any 'Reasonable Planning Authority' can pass this Planning Permission under the *Wednesbury* principle.

Failure to regard spatial distances and the loss of amenities to the neighbouring residents constitutes a violation of their human rights under Article 8 and the First Protocol of the Human Rights Act 1998. This is respectively the right to privacy and family life and the proprietary right to enjoyment of home life without interference. The Human Rights Act obliges the local authority decision makers to hold in the forefront of their mind the human rights of the person(s) impacted by the decision. I hope their concerns will be in the forefront of your mind when make your final decision. For the purpose of the Act decisions made by planning authorities are included.

I am also of the opinion, whilst generally it is not recognised by the Courts for a Planning Authority to have a duty of care at common law, and therefore not liable to neighbouring landowners for granting planning permission for developments that adversely affect the complainants interests, safety to a person or property may be a material consideration as in *Lam v. Brennan* (197) 3 PLR 22. The Council could be liable for the loss of amenities to the residents of Crosshouse and Crosshouse Cottages, namely the destruction of the land drains, over which the footings of the buildings in the development were placed. Mrs Campbell has also had her access to her garage impeded. Her garage and garden are subject to flooding due to the destruction of the land drains. There is a health and safety risk due to the development being placed within the 15 metres minimum allowed for the septic tank. Additionally these residents and the occupants of the properties on Mountbatten Way have lost their privacy. Allowing this development to continue is likely to be costly to Copeland Council, as the residents have expressed that they are prepared to take legal action. At the very least it is bad publicity.

I add that I like the Crosshouse residents am not anti-development, but want to see reasonable development, which meets the needs of the community and truly takes into account our wishes. These wishes involve respect for our property, our privacy and our human rights. These are the fundamental principles that are the foundation stones on which our civilisation rests. Considering the extreme severity of the Developer's failure to follow the plan and the loss of amenities suffered by the neighbouring residents it is proportionate, in my view, for the Planning Authority to demand that the entire development is demolished.

Finally should this development be granted approval it gives the green light to future developers, to build what they want, how they want regardless of the Copeland Plan, Construction and Design Regulations or in compliance with the Town and Country Planning Act. The Planning Department will lose all credibility and the consequences for Millom and the wider Copeland community will be devastating.

"The integrity of the development control process depends on the planning authority's readiness to take effective action when it is essential. Public acceptance of the development control process is quickly undermined if unauthorised development, which is unacceptable on planning merits, is allowed to proceed without any apparent attempt by the LPA to intervene before serious harm results from it". PPG 18 (1991)

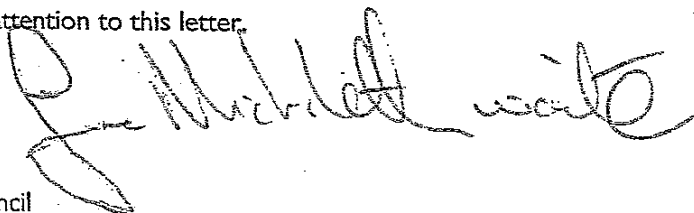
I would like to thank the elected members of the panel for voting against approval of this planning permission in August 2007. It is a mark of good judgment and showed immense personal integrity. I respectfully request that they continue with their opposition and vote against the approval of this development.

I thank you for your attention to this letter.

Yours sincerely

Jane Micklethwaite

cc Millom Town Council



Cross House
Millom
Cumbria
LA18 5BY

Tel: 01229 772546

Your ref. 4/07/2761/0*001*1

22nd January, 2008

Mr T. Pomfret
Principal Planning Officer
Copeland Borough Council
The Copeland Centre
Catherine Street
WHITEHAVEN, Cumbria
CA28 7SJ

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

23 JAN 2008

RECEIVED

Dear Sir,

Four detached dormer bungalows
Land situate at Cross House, Millom

Thank you for your letter dated 9th January concerning the timing of this resubmission of the retrospective planning application for the above site and we note your comments concerning repeated applications. A copy is attached.

We must say we are surprised that the Council accepted this resubmission and we note the Council's contention that it has no power to decline its acceptance. We would have thought that, after the recommendation to refuse in May 2006, and the refusals subsequent to the Planning Panel meetings last July and August, there would have been ample reason to recommend that the applicant apply to test the decision by referring the matter to the Planning Inspectorate. It would seem, however, that from October until December 2007, the applicant was engaged in pre-submission discussions with Mr Blacker. As Mr Blacker has, shall we say, an intimate knowledge of this particular application, its problems and pitfalls, and having visited the site on several occasions, we would have thought it incumbent upon him to have said, to the applicant that, as this application was rejected by the Planning Panel on two separate occasions, and after several site visits by the Panel, the application, in its current state, was unlikely to succeed. Furthermore he should have explained, in simple terms that the applicant could understand, the reasons for the refusal. The idea that the applicant was unaware of the reasons for refusal is nonsense. Attending the meeting on the 22nd August was a member of staff from the applicant's solicitor who was taking full note of the proceedings. Similarly the suggestion by the applicant that the Panel members were not fully aware of the numerous shortcomings and flagrant disregard of planning policies that the proposal contained is ridiculous. Panel members were required to give an explanation of their decision before the Legal Officer and in full and open meeting. If this information was not communicated to the applicant, the applicant could have asked for a fuller explanation from the Council. We would maintain, however,

that the wording of the refusal is quite plain: "The development, as substantially constructed, fails to meet the separation distances and general amenity standards required by Policies HSG 8 and DEV 6 of the adopted Copeland Local Plan 2001-2016 and, as such, is deemed to be an unacceptable form of development resulting in a lowering of residential amenity standards for neighbouring residents." It is therefore clear that, unless a substantial deconstruction occurs, residential amenity standards for neighbouring residents cannot be improved, and so the refusal must stand. This resubmission, containing as it does no new detail, should need no further consideration and should be rejected outright.

The applicant's agent has stated that the reasons for resubmission being "...problems associated with planning issues arising during building & the refusal at the initial planning application." It is quite clear that Officer recommendation for this initial planning application (4/06/2157/0) was for refusal. This was to be put to the meeting on 24th May 2006. If you need to be reminded this recommendation reads as follows: "...the development as built does not accord with the requirements of Policy HSG 8 of the Copeland Local Plan 2001-2016 insofar as required separation distances between dwellings have not been achieved, thereby resulting in potential overlooking and loss of privacy problems for existing off-site and future on-site residents." This is quite clear. The Panel also had the benefit of their own evidence gathered at a site meeting held between the April and May meetings. The Officer recommendation summarised that the development resulted in "...a general reduction in residential amenity...". This application was not allowed to be put before the Planning Panel as the application was withdrawn two days before the meeting. This was obviously because authorisation was also to be confirmed at this meeting to initiate appropriate enforcement action against the builder who were continuing construction work on site despite requests from Council officers to desist.

There have been numerous amended and modified plans. No amount of tinkering with the paper plans produced for the resubmission in March 2007 (4/2007/2199) can or will produce a justifiable scheme based on the development as it now, being partially constructed, stands. Incidentally the agent, in this submission, used practically the same words as contained in the current proposal: "This is a new submission following problems associated with planning issues arising during the construction process." The applicant seems to imply that the problems referred to are inherent in LPA policies, not with the builder's ignorance or wilful disregard of such policies. In this new submission the agent claims that resubmission is appropriate because, in his view, "...the reasons for refusal were not quantified in terms of which plots were contentious & therefore a resubmission with additional data is the correct response". This is utter nonsense. The Agenda contained full information as to the disregard of Policy in respect of minimum separation distances. The matter was explained fully to Panel Members by Mr Pomfret. It is not a matter of "...which plots were contentious..." the problems exist because of the relationship between the buildings on site and with buildings and gardens of neighbouring properties adjacent to the site. The refusal relates to the whole site as it stands now. The agent attempts to resolve these problems of inadequate separation distances by saying that the buildings are "angled" or by saying that "...the rule does not apply as a stringent rule." What is his definition of a "stringent rule" we wonder? There exist either rules or not rules. Degrees of "ruleness" do not exist as far as we know? The agent admits the lack of separation between Plots 2 and 3, but explains that is how they do things "...within Barrow-in-Furness Borough Council's sphere of influence..." whatever that may mean.

The proposal promises "...additional detail to support the reapplication." We find in the application no such further detail. The reasons for refusal were quite clearly stated by the Panel. Indeed, as part of the process, each member was required to state his or her reasons, and these were recorded along with the name of the Panel Member. As stated above, it is interesting to note that a record of the meeting was also made by an employee of the solicitor acting for the applicant. To reiterate, if there remained any shadow of doubt in the mind of the applicant as to the reasons for refusal why was this not made plain at the meeting or meetings held with Mr Blacker referred to above? The deficiencies of the scheme were clearly outlined in the Agendas for the meetings and presented at the meeting by Mr Pomfret. The Panel Members had ample opportunity to form their own judgement of the merits of the application during their site visits. I am quite sure that there exists no uncertainty in anyone's mind why the development, in its present form, was refused. The fact that this refusal is not accepted by the applicant cannot and should not be used as an argument to justify approval of this resubmission in its present form.

The latest plans (4/07/2761) are, in no substantial or substantive respects, any different to those already submitted and refused by the Planning Panel last July and August. It would appear that the certain internal dividing walls indicated on the plan are to be constructed of building blocks in place of the more cheaper option of stud partitioning. It is suggested that such construction will prevent the removal or repositioning of these walls. This detail appeared in a previous plan and as we all know, means nothing. Internal arrangements, such as the positioning of walls and usage of rooms are matters for the occupants of the dwellings to decide and cannot be controlled by reference to any planning policy. Similarly using building blocks to stop up windows will pose no obstacle to their reopening as an when future occupants desire. To reinforce the point - these details appeared on the previous plans, the plans were rejected and cannot be used to justify resubmission. In essential respects, we would reiterate, these plans are exactly the same as those rejected, not once, but twice last year. The buildings are in exactly the same position posing the same problems of inadequate separation distances that cannot be overcome. The buildings themselves, as we have pointed out before, and is acknowledged by Planning Officers, are larger than those for which approval was obtained (4/04/2831) in March 2005. This fact, together with the fact that the area of the site was misrepresented in previous applications, leads to the conclusion that the development, as built, is ill-conceived and would offer a poor quality of life, not only, for its future occupants, but for their neighbours. This was acknowledged in the Officer recommendation quoted above. The plans as submitted lower the general amenity of the neighbourhood and we can see no way in which the site, as built, can be in any way improved. Nothing has changed in this resubmission.

We notice, what is without doubt, a purely "cosmetic" detail, and added to this resubmission possibly in an attempt to justify the plans existence, the addition of a line drawn on one of the plans to indicate "footpath." Again we would comment on the naiveté of the agent responsible for the plans. From a merely administrative point-of-view the plans are haphazard, several plans appear to differ in significant detail but purport to relate to the same area. It is impossible to know which plan is definitive, this will become a source of future dispute. The plans are often indifferently titled, not dated or numbered, and offer no summary of the various amendments or modifications they are supposed to incorporate. They appear to be photocopies of photocopies and as such it is becoming increasingly

difficult to extract any significant and meaningful information. One of the latest plans indicates a line with the legend "pathway." This line is meaningless and does not alter in any substantive way the application from that which was refused last year. As demonstrated in previous letters, the Planning Officers are fully aware of the problems of access to this site. In particular the significant difference in levels of the access from the A5095 and No. 2 Cross House Cottages.

We will attempt to summarise our comments on this proposal which have been made extensively and repeatedly to previous applications:

Site location

The former paddock on which buildings are now constructed formed part of a farm long since defunct, with the various parcels of land now in several ownerships. The site is at the edge of the Millom settlement boundary. It was recognised by local councillors as an important site, being at the entrance into the town, and should be developed sympathetically. The demolition of the traditional, stone-built stable range was in itself disappointing. A previous Planning Officer recommended that Local Plans Section draft a brief, but no evidence that this was ever carried out can be found. The developer, in the Design & Access statement, fails to mention this. Mention is made of the existing terrace houses (Mountbatten Way), the rear of which can partially be seen from the road, but this is at some distance. The main character of this area is, as we have said, Cross House, which is a large building dating from the 1860s, and the two smaller buildings, Cross House Cottages, possibly built earlier, all of which front the main road. Opposite and adjacent to the site is open farm land. There is no evidence that the design and layout of these new buildings adequately serve to improve or enhance the neighbourhood. If CBC is serious about regeneration of the area, and such regeneration is based in any way on attracting visitors to the town, this scheme does nothing to promote such attraction. Indeed we would consider that little consideration has been given to design features and certainly no thought whatever to layout of the scheme. We can find no evidence in these plans, or indeed any submissions to date, any sensitivity to design of the dwellings, or that any attempt has been made to respect the character of the area or lessen the cumulative impact. These designs are bought "off-the-peg" and are very different from the buildings for which approval was obtained. As to layout, the builder placed a peg in one corner, misjudging in the process the one metre from the boundary that should have been allowed, and commenced from that point. We would also mention an incidental point, and one that seems to feature very low on any list of priorities, and often dismissed as immaterial, the destruction of useful wildlife habitat.

You will by now be aware that the site can be described as "backland", however you chose to define the word or even deny the word has any meaning or relevance to local planning issues. Examination of the facts will prove the point. The site as we have described is situated behind the Cottages, bordered on three sides by gardens, the remaining side forming the edge of the Millom settlement boundary. Access to the site, of which we are to say more, is a joint shared private access, existing to serve the residents of the Cottages; and to provide access to the garage belong to No. 2, and the only means of entry and egress to the rear of the Cottages. The site was described in an Officer recommendation (in respect of application 4/03/0353) as "backland." If we may be allowed to quote this recommendation: "The proposal was considered to be contrary to Policy HSG 4 of the adopted Copeland Local Plan 2001 by virtue of its backland location and the likely detrimental effect on neighbouring

properties." If you chose to deny that it can be described as "backland" to circumvent this policy, as the Officer recommendation did in 2005 (4/04/2831) to become "...an acceptable form of infill housing development..." evidence from the many Officers of the Planning Department who have visited the site, the latest being 18th January 2008, should confirm the situation of the land. The site has not moved! However you choose to describe the site the land is to the rear of existing properties, bordered by houses and gardens, and served by a shared, private access. These conditions can only exacerbate problems of overlooking, loss of privacy, poor means of access, and inadequate separation distances causing a cramped and inconvenient layout, that such sites engender. Many, if not most, LPAs are unwilling to consider any development of such sites, we must ask why CBC is an exception. These problems do not go away merely by redefining the site as "infill". Similarly, the appellation "an existing development" can only be justified by the illogical reasoning that the dwellings were, in some sense, pre-existing. The argument is therefore reduced to a tautology. It has been suggested that, as the builder has gained approval to build four dwellings on the site, it gives carte blanche as it were to do whatever he likes, the LPA will then accord policy to the reality. As we have shown in previous correspondence such approval was gained by certain misrepresentations to the LPA, such as the area of the size, omission of detail from submitted plans, details of ownership of the site, and so on. Such material considerations render this approval questionable. We would cite for example the presence of the soakaway pipe from the septic tank. This detail has never been included on any plan to date. This soakaway is within the minimum distance required under Building Regulations. Only with reluctance has the application included such details on plans as the garage, garden buildings, gateways, and external doors to buildings. It is also interesting to examine the list of conditions, 13 in number, attached to the approval dated 2nd March 2005 (4/04/2831). Perhaps Planning Officers would like to check this list to ascertain exactly how many of these conditions have been adhered to by the builder. In particular we would draw your attention to conditions number 5 and 6 concerning the precise nature of the design of house to be built, and condition number 9 concerning the submission and approval of a surface water drainage system prior to work commencing on site. Why did the Council not enforce these conditions when they had ample notice and warning of the builder's actions?

Design and layout

As noted above, the site, as built does not accord with the scheme for which approval was obtained. There is little to recommend the design of the dwellings on paper. When we turn to the constructions in reality there is even more to deride. Ignoring the close proximity of the structures to each other, we would again reiterate their closeness to the boundaries. There is little in the way of adequate space around each dwelling. No space for gardens, rubbish bins, or even for hanging washing to dry. There can be little for future residents to enjoy in such cramped and inadequate space. Are they to remain indoors the entire time. Children especially should have adequate and safe space out-of-doors of which there is none. The separation distances between dwellings and between the dwellings on site and neighbouring properties remain the same and are inadequate and do not comply with Policy HSG 8. This fact has been recognised and acknowledged by all parties concerned. In this connection it is interesting to note a recent decision of the Planning Inspectorate in the case of a proposal refused by the Council. The Planning Inspector was of the opinion that the separation distances were mandatory, even if there were no objections from local residents affected by the proposal, even when there was

only a diagonal relationship between elevations, even where the windows concerned were on the first floor, even where there were two different boundary treatments of significant height. The Inspector maintained the Council was right to refuse the application. Why, we must ask, was the Council not prepared to refuse this application where there are so many objectors and the issue of privacy so fundamental. The Inspector maintained that, with regard to Policy HSG 8, "...the separation distances are expressed in minimum terms as opposed to optimal distances...". This is obviously a quite an important point at issue in the proposal now at hand.

Modifications to buildings

These dwellings are not to be "as designed." In pathetic and inadequate attempts to "overcome" builders' "mistakes" and wilful disregard of policy, modifications have been the subject of pre-submission discussions between Planning Officers and the applicant. In attempts to persuade the Planning Panel that these dwellings now form an "acceptable form of development," modifications are suggested. Modifications such as blocking up the only window in a kitchen (Plot 3), describing this room as a dining-room and enthusing over the relocated patio doors, now overlooking the adjacent field, providing the only means of ventilation, facing west, taking this full force of prevailing wind. Hardly a design feature for a kitchen. Similarly the door to the rear elevation is to be blocked. (This is shown to exist in the side view but not on the plan!). Another design feature is to turn the roof through 180 degrees of dwelling no. 4. As the timber trusses are already in place it is difficult to see how the dormer windows, now facing to the rear of the property are to be accommodated without severely restricting floor space in the bedrooms. Dwelling no. 3 is seemingly in the process of turning its back on its neighbours. It presents a blank end wall to the entrance to the site, not very inspiring or welcoming to visitors. It is proposed that modifications to the layout of internal walls be constructed in blockwork instead of stud-partitioning. This, as we all know, will not prevent internal modifications to layout and use of rooms over which the LPA has no means of control. It is unlikely that the fully constructed bay window of dwelling no. 4 will be removed. The removal of stone cladding to the edge of dwelling no. 1 to achieve a one metre separation distance to the boundary does not overcome the problem of the narrowness of access along the side of the dwelling for maintenance purposes either for the owner of the dwelling or the adjacent properties.

Inadequate provision to ensure privacy

There is no, and we cannot envisage any possible, solution to the problems of the loss of privacy and amenity afforded both to ourselves and future occupants of dwellings nos. 1 and 2. This fact has been continually repeated to Planning Officers. The new buildings are too close to the boundary wall of Cross House and pose significant visual and functional intrusion. We have demonstrated to Mr Pomfret this intrusiveness during his visit last July. The gardens of Cross House are on higher ground and the boundary wall (of cobble construction) is not high enough to prevent unrestricted views into bedrooms and kitchens of the dwellings on the site. Neither does existing shrubbery prevent such invasion of privacy. Erection of a suitably high fence (prohibited under a condition of approval on the previous recommendation) or the replanting of shrubbery is precluded as, owing to the close proximity of the buildings to the boundary, available light would be severely restricted and become a likely cause for future complaint. There is also the point to be made that our use of our garden and ground floor rooms are severely

compromised by the ability of future occupants of dwelling no. 1 unrestricted views into our property. The distance between our boundary wall and the constructed dwellings has been, and is constantly being incorrectly quoted, both during the PP site visits accompanied by Mr Blacker and also contained in the Officer recommendations in July and August 2007. No attempt to correct these figures has been made.

Drainage of the site and neighbouring properties

We have constantly and repeatedly advised the Planning Officers of the problems of drainage associated with this site. The latest evidence is with the Environmental Officer, Mr Bechelli, who I understand has contacted your Department. To try to summarise this complex issue, which it seems is beyond the grasp of Planning Officers, the rights to maintain land drains situated on this land are vested in neighbouring properties. If inadequate land drainage is not in existence and adequately maintained, this site, together with neighbouring properties are subject flooding and waterlogging. It is not a case of simply advising that an attenuation tank be provided. Where eventually is this water to go. Setting aside the issue of the builder's actions in the unlawful destruction of existing drainage, we would maintain that it is illegal to discharge any water so collected either into foul or surface water drainage owned or operated by the statutory undertaking. There are no provisions on these plans or indeed any of the others submitted to date to deal adequately with this problem. The Council have a duty to maintain the amenities of residents, both existing and any future resident purchasing a dwelling on this site. This duty was recognised in the refusal of permission and should continue to be recognised. Incidentally, Planning Officers may be interested in the opinion of Counsel which I quote, at length, below:

"I am prepared to say, at this stage, that the plans for the development, as disclosed by the planning applications before me, do suggest that the Defendant may face difficulty in coming up with plans for land drainage which allow for drainage, and, perhaps in particular, maintenance of those drains to be conducted as conveniently as before. It seems to me that the roadways for the development may present serious problems for the Defendant, at the very least. [...] I note, on this point, that the case of *Abingdon Corporation v. James* [1940] 1 Ch. 287, to which I have been referred by those instructing me, may prove awkward for the Defendant."

Driveway and parking on site

There is inadequate space available to provide proper means of access, suitable for the entry and egress of service vehicles. Neither is the site safe and convenient for drivers and pedestrians. This is especially apparent at the blind corner at the edge of dwelling no. 1. The road is particularly narrow at this point. Any large service vehicles, such as the refuse lorry, would find it particularly difficult to manoeuvre. The driveway of dwelling 4 does not comply with the 6 metre length recommended by the Highways Authority. Neither does the width of the carriageway accord with their recommendations, narrowing to 3.5 metres adjacent to the blind corner adjacent to dwelling no. 1.

Pathway and access arrangements

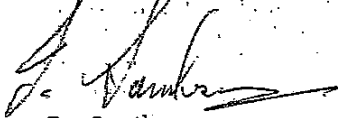
The indication by means of the label "pathway" on one of the plans is meaningless. The slope of the land from the A5095 into the site, together with the slope from west to east, and the requirement that this incline be adjusted to 1:20, prohibits any meaningful relation

of the plan to reality. Is it proposed that the level of the access to the site be raised against No. 2 Cross House Cottages? This would seem to be the idea. How can the discharge of water from the A5095 against the Cottage be prevented. Why is there a gap between the pathway and the wall and what is in this gap? Is it a void? Is it not dangerous to have a raised pathway without the benefit of railings? The pathway indicated poses problems of access into the coal store, vehicular access to the garden and garage belonging to No. 2. The pathway is non-existent where it would seem to be most required, the blind corner at the edge of Dwelling no. 1 and the garden wall, some 6 feet high at the edge of the Cottage property. This would seem extremely dangerous for all concerned, given the narrow width of the access to the site at this point. There is no detail in the submitted plans as to how the access to the site is to be arranged. There is no engineering or structural detail to this plan. The drawing submitted is childish in its simplicity, supposedly a cross-section but with no indication of the point at which the cross-section is taken. The cross-section indicates a DPC in Cottage no. 2 which is non-existent. It defines no arrangement for gutters, kerbs, drainage, camber, etc., etc. We would defy any structural or qualified highways engineer to make any sense of it at all. We are surprised that such a plan is acceptable to CBC Planning Department.

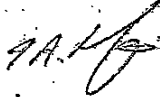
The reasons for the refusal, i.e. the lack of adequate separation distances between the buildings themselves and neighbouring properties cannot be changed, neither can there be any mitigation in the problems of privacy and general amenity standards. The proposal is a resubmission of the previous proposal, nothing substantial or substantive is altered or changed, therefore the outcome must be the same and the refusal must be repeated. The reasons for refusal given as contraventions of Policies HSG 8 and DEV 6 are not resolved.

We are sorry for such a lengthy letter, but we feel that this matter needs full discussion which can only be achieved if more facts are available. To this end we would appreciate this letter being appended to the Agenda and made available to members of the Planning Panel before the meeting on the 6th February.

Yours faithfully,



J. Sanderson



T.A. Lofts

MAIN AGENDA

For the avoidance of doubt and to secure compliance with the requirements of the planning consent

In the interests of highways safety

To ensure a satisfactory drainage system

To retain control over the appearance of the development in the interests of amenity

Reason for decision:-

An acceptable form of small scale housing development on a previously approved site in compliance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016

8 4/08/2014/0

DETACHED DWELLING
PLOT C, ROWLEE COTTAGE, NETHERTOWN, CUMBRIA.
MR T KENMARE

Parish Lowside Quarter

- No objections.

Permission is sought for a detached dwelling at Plot C, Rowlee Cottage, Nethertown.

A previous outline application for a dwelling on this site was granted in November 2003 (4/03/1278/0 refers), when there was previously a settlement boundary for Nethertown. A subsequent full planning application was withdrawn in December 2007 on Officer's advice.

The proposed dwelling would provide four bedroomed accommodation which, due to the topography of the site, would be three storeyed at the front, including an integral basement garage, and single storeyed at the rear.

The proposed external finishes comprise a mixture of render and facing brickwork with a grey tiled roof. Sufficient parking and turning space is provided at the front of the property.

A letter of objection has been received regarding the proposal from the owner of an adjoining dwelling whose concerns can be summarised

MAIN AGENDA

as:-

1. The development is three storey to the frontage.
2. The overall height of 8.25 metres above ground level will interfere with existing power lines.
3. The adjoining property is a single storey bungalow and will be over shadowed by the new development.

In response to this I would comment that the elevation facing onto the objector's house is blank and, amended from the previous application, the proposed dwelling is in line with the neighbouring property which would reduce any overlooking. The dwellings would be separated gable to gable by over 3 metres. Although the dwelling does have three levels the lower floor is no more than an access and a garage. With housing further up the site on the slope the impact of the dwelling is not considered to be of great significance. Also, from the previous design dormer windows have been replaced by velux type windows to reduce the scale of the dwelling. The issue with the overhead power lines is a matter that the applicant would have to resolve with United Utilities outwith the planning considerations of the proposal.

The Highways Authority has raised no objections, subject to conditions.

In planning terms the site is now situated outside any settlement boundary defined by the adopted Copeland Local Plan 2001-2016 but constitutes an infill plot with direct road frontage flanked by housing on one side and the other two dwellings approved on the Rowlee site to the other side. There is scope in both national and local policy objectives to recognise that sensitive infilling of small gaps within established groups of housing may be acceptable. Although outline permission was granted but not followed by a reserved matters application, the site, being adjacent to an existing dwelling and within the main village area of Nethertown, is judged to be an appropriate site for a dwelling. In order to justify refusal it has to be demonstrated that the proposal would cause harm.

The proposal adequately achieves the required separation distances, general standards of amenity and car parking as required by Policy HSG 8. I am therefore of the opinion that the erection of a dwelling on this site accords with Policies DEV 6 and HSG 8 and, as such, is favourably recommended.

Recommendation

Approve (commence within 3 years)

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

MAIN AGENDA

- 3. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwelling is brought into use.
- 4. 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 the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

The reasons for the above conditions are:-

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

In the interests of highway safety.

Reason for decision:-

The proposal represents an acceptable form of residential infill development in accordance with Policies DEV 6 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

9 4/08/2018/0

ERECTION OF 17 DWELLINGS (RESERVED MATTERS)
LAND ADJACENT TO, SEASCALE PRIMARY SCHOOL,
CROFT HEAD ROAD, SEASCALE, CUMBRIA.
PFK PLANNING

Parish Seascale

- The Parish Council objected to the outline in 2005. The objections made then are reapplied to this new application:
 - It is over-intensive development.
 - Would expect Croft Head Road to be widened to highways standard width to enable two vehicles to pass safely approximately 6m+, with a new splayed access onto Gosforth Road before any development would be allowed to commence.
 - Concerns have been received from the school regarding the safety of children in both Croft Head Road and Gosforth Road.

MAIN AGENDA

- Police regularly monitor this area because of the number of accidents.
- Residents of Croft Head Road are also concerned about the inadequacies of sewerage systems in this area.
- Request that the conditions originally imposed in 2005 be reimposed. Consider that the new application is trying to get round the conditions that were originally imposed in the interest of safety.

This application comprises the reserved matters for a development of 17 dwellings on a 0.6 ha site to the immediate west of Seascale Primary School. Formerly part of the school grounds, outline permission for residential development was granted in November 2005 (4/05/2490/001 refers).

Permission is now sought for the erection of 17 detached two bedroomed bungalows with integral single garages. Additional on-site parking will be provided on front driveways. Adequate separation distances are provided between the proposed and neighbouring dwellings with a density of 28.3 dwellings per hectare. The development would be served by a 4.8 metre wide access road which enters alongside the eastern boundary of the site leading to a turning head positioned centrally on the site. This is accompanied by a 2.0 metre wide footway on the west side.

Vehicular access to the site would be via the adjacent Croft Head Road. This is a substandard road by modern standards, being too narrow to allow two cars to pass. It currently serves the school and some 11 neighbouring dwellings as well as a dairy farm. It is a condition of the outline permission that the section of the road between the junction with Gosforth Road and the development site be increased to 4.8 metres in width and be accompanied on the north side by a 2.5 metre wide footway. A 10 metre radius is also to be provided on the northern side of the Gosforth Road/Croft Head Road junction. Other relevant conditions relating to the highway include surface water drainage and the provision of a safety audit which will need to be complied with before development commences.

External materials comprise facing brickwork walls, flat grey roofing tiles and white upvc windows and doors.

Four letters have been received from residents of Croft Head Road who raise the following concerns:

1. Increase in traffic. The proposal will double the amount of traffic on Croft Head Road and affect the safety of school children. At school times there is already a great deal of car and pedestrian traffic. Cars regularly use private drives to turn and grass verges are chewed up.

MAIN AGENDA

2. Will increase the use of a public footpath link adjacent to no 8 Croft Head leading to noise and nuisance.
3. The number of dwellings proposed is large in relation to the space available.
4. Drainage. Can the existing system cope with another 17 dwellings? An immediate neighbour objects to any use of soakaways and advises a pumping station will need to be installed due to the fall in levels.
5. Improvements to Croft Head Road should be completed before development starts.
6. Plots 1 & 2 should be accessed from the estate and not Croft Head Road.
7. Concern that 4.8 metres may not be wide enough for Croft Head Road improvements.
8. Proposed screening should be planted at an early stage to enable the height to get established.
9. Development will affect residents' outlook onto the fells.
10. Nuisance and disturbance from construction traffic.

The majority of the concerns raised, including those put forward by the Parish Council ie regarding the increase in traffic, access, density, drainage and road improvements are matters that were fully debated and addressed by condition as deemed necessary at the outline stage and are, therefore, not relevant material considerations in the assessment of this application which is concerned only with the detailed design of the scheme. For clarification, any subsequent reserved matters approval following an outline consent will have to comply with the original conditions imposed on the outline before development can proceed. Issues raised in respect of views and disturbance are not planning matters and should be disregarded.

The submitted details are considered acceptable within the terms of Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 which governs the design of new dwellings and DEV 6 which relates to quality and sustainability of new development. The road improvements proposed also satisfy the requirements of the outline permission.

Recommendation

Approve Reserved Matters

MAIN AGENDA

2. The development shall be carried out in accordance with the conditions attached to the outline planning permission reference no 4/05/2490/001.
3. Permission in respect of site layout shall relate solely to drawing no 06/1664/03B received by the Local Planning Authority on 18 February 2008. Development shall be carried out strictly in accordance with the approved site layout plan.
4. Before development commences a sample of the facing brick (Hardwick Minster Beckstone Multi Facing) shall be submitted to the Local Planning Authority for approval in writing.

The reasons for the above conditions are:-

For the avoidance of doubt.

To safeguard the appearance of the development in the interests of amenity.

Reason for decision:-

The design and layout of this housing scheme represents an acceptable form of development in accordance with the Notice of Grant of Outline Planning Permission 4/05/2490/001 dated 9 November 2005 and Policies HSG 8 and DEV 6 of the adopted Copeland Local Plan 2001-2016.

10 4/08/2032/0

OUTLINE APPLICATION FOR PROPOSED PREMIUM WALLED
AND GATED RESIDENTIAL DEVELOPMENT FOR PRE AND
ACTIVE RETIREMENT UNITS
LAND TO WEST OF, CARTGATE, CARTGATE ROAD,
HENSINGHAM, WHITEHAVEN, CUMBRIA.
HIGH GRANGE DEVELOPMENTS LTD.

MAIN AGENDA

Parish

Whitehaven

Outline planning permission is sought for residential development on a parcel of former overgrown land which has undergone recent clearance situated to the rear of Main Street, Hensingham. Measuring some 0.26 hectares in area the site was originally garden land belonging to the former Cartgate estate.

The Design and Access Statement accompanying the application indicates that it is the intention to erect up to 10 dwellings of varying sizes which provides a density of some 38.5 dwellings per hectare. The developer has indicated that the units would be for pre and active retired residents and the development would be secured by boundary walls and gates.

Vehicular access would be via a new access on land forming part of the entrance to Cartgate House, directly off Cartgate Road. Indicative drawings show the proposed position and this is supported by a speed survey. The Highway Authority, however, in their consultation response have requested further information regarding forward visibility, which is considered to be a matter that can be adequately addressed at the subsequent detailed design stage.

Four letters have been received from residents adjoining the site who express the following concerns:-

1. Vehicular access rights over the site at the rear of one of the properties on Main Street may be adversely affected. Other neighbouring properties also have rear access. If rear access is to be blocked will an alternative site be available?
2. Clearance of the site began on 10 January, including tree felling, and a blocked right of way.
3. Question where the wall and gates will be erected and request details.
4. Query what is to happen to the former Globe public house which the applicants own - is it part of the development?
5. Nuisance and noise pollution caused by construction work and traffic to neighbouring residents.
6. Development cuts across a public right of way which is well used - will this be reinstated?
7. Access is on a blind corner and currently a traffic hazard.

An additional letter has also been received from the Head Teacher and Chair of Governors of the local primary school. They have serious concerns about the access which cuts across a public footpath used by schoolchildren on foot/bicycle and would like this safeguarded.

MAIN AGENDA

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

- (a) There is no indication at this outline stage whether the development will affect any adjacent access rights. However, these are essentially civil matters and not material planning considerations.
- (b) As the trees on the site are not protected the Council had no control over the felling of them. The public right of way referred to has now been cleared.
- (c) Details of the walls and gates are not required at this stage but will be provided at the reserved matters stage.
- (d) The Globe does not form part of the application site.
- (e) Concerns regarding noise and nuisance caused by construction work are outside the control of the planning authority. There is, however, separate environmental legislation which addresses this.
- (f) The right of way is a relevant issue and access will be protected. How the development will affect it will be considered at the reserved matters stage.
- (g) Vehicular access is also relevant and details of how this will be achieved, including visibility, will also be dealt with at the reserved matters stage.

The site is situated within the settlement boundary for Whitehaven as designated in the adopted Copeland Local Plan 2001-2016 and, although not specifically allocated for housing, falls within the terms of Policy HSG 4 which supports small scale housing such as this in appropriate locations. The site, which is within an essentially residential area, is therefore considered suitable for small scale housing development of this nature.

Recommendation

Approve in Outline (commence within 3 years)

- 3. Notwithstanding the submitted plan, full details of the vehicular access arrangements shall be submitted for approval by the Local Planning Authority at the detailed design stage.
- 4. A tree survey, including a tree root protection plan, shall be submitted for approval at the detailed design stage.

MAIN AGENDA

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5. No tree within the site shall be cut down, uprooted or lopped without the prior written consent of the Local Planning Authority. Any such approved works shall be carried out in accordance with the British Standards on Tree Works BS 3998 and BS 5837.
 6. If within a period of two years from the completion of the development any retained tree is uprooted, destroyed or dies another tree shall be planted in a location and at a time to be agreed in writing with the Local Planning Authority.
 7. Full details of the protection measures for the retained trees shall be provided in a method statement relating to all construction practices including pre development protection. This shall be submitted for approval by the Local Planning Authority at the detailed design stage. The measures approved shall be implemented in accordance with the method statement.
 8. Full details of the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority before development commences.
 9. 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 its implementation. Development shall be carried out in accordance with the approved schedule.
 10. No development approved by this permission shall be commenced until a desk top study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk 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 should 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. If remediation measures are necessary they shall be implemented in accordance with the assessment to the satisfaction of the Local Planning Authority.
 11. The site shall be drained on a separate system with foul drainage only connected into the foul sewer.
 12. There shall be no building over the two public sewers which cross the site.
 13. An access strip of a minimum of 7 metres wide (3.5 metres, either side of the centre line of the sewer) shall be provided over the two public sewers which cross the eastern side of the site.

MAIN AGENDA

14. Access along the existing public footpath which runs through the site shall be protected at all times both during construction and following completion of the development.
15. No dwelling shall be commenced until the approved access road serving that dwelling has been defined by kerbs and sub-base construction.
16. No dwelling shall be occupied until the access road, including footways, to serve that dwelling 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.

Reasons for conditions:-

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

For the avoidance of doubt

To adequately protect existing trees on the site

To ensure the implementation of a satisfactory landscaping scheme

To ensure a safe form of development that poses no unacceptable risk of pollution to water courses or human health

To ensure a satisfactory drainage scheme

To protect the existing public access through the site

To protect and enable maintenance to the existing sewers which run across the site

In the interests of highway safety

Reason for decision

The proposed development of this site for residential purposes accords with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016

MAIN AGENDA

11 4/08/2033/0

REDEVELOPMENT OF OBSOLETE CHURCH HALL INTO 3
RESIDENTIAL UNITS WITH INTEGRAL GARAGES AND
ASSOCIATED WORKS TO WIDEN FOOTWAY
CHURCH HALL, PENZANCE STREET, MOOR ROW, CUMBRIA.
EGREMONT TEAM MINISTRY

Parish Egremont

- Request a site visit to take account of the following:-

1. Access for garage and allotment holders to the rear of the development - though not owned by anyone it has been used over a long period of years
2. The area allocated for drying facilities and bin storage is restricted for 3 dwellings
3. The windows in the roof appear to overlook the playground of the adjacent Primary School
4. It is necessary to inform the school, residents of No. 47 Penzance Street and possibly garage and allotment holders
5. The Town Council have no objection to this development but they feel two properties as opposed to three would be more suitable

Planning permission is sought to convert this obsolete church hall at Moor Row into three dwellings. The hall has stood unused for a considerable period of time and previous efforts to reuse the building for community useage have been without success.

An existing lean-to structure to the rear of the hall which currently accommodates toilet facilities is to be demolished to make way for a shared external community space.

In terms of accommodation the three dwellings will each comprise an integral garage, living room and kitchen facilities at ground floor level with two bedrooms and a bathroom above.

In terms of external finishes the existing rendered walls are to be retained and re-painted. The existing tiled roof will also remain. New white UPVC windows and doors are proposed.

The shared access lane adjacent to the church hall will be hard surfaced for a width of 2.5m from the side elevation of the hall, as recommended by the Highways Authority.

No objections have been received from the Highways Authority or United Utilities. Nor have any comments been received in response to neighbour notification procedures.

MAIN AGENDA

Policy HSG 15 of the adopted Copeland Local Plan 2001-2016 states that in urban areas proposals for the conversion of suitable non-residential buildings to provide new residential accommodation will be permitted so long as:-

1. adequate internal space standards and exclusive use of kitchen and bathroom facilities can be achieved without extensive alterations or additions to the property
2. off-street car parking is provided in accordance with the parking guidelines in Appendix 1
3. adequate external amenity space is provided
4. the conversion works retain the character of the building
5. no alterations or associated works create amenity problems for residents of adjacent properties

In order to fully appraise the issues raised by the Town Council it is recommended that Members visit the site prior to determining the application.

Recommendation

Site Visit

12 4/08/2034/0

CONSTRUCTION OF FIRST FLOOR BALCONY AT REAR
2, BRANSTY VILLAS, BRANSTY ROW, WHITEHAVEN,
CUMBRIA.
MRS S WOODACRE

Parish Whitehaven

Planning permission is sought for the erection of a balcony to the rear of this semi-detached property at Bransty, Whitehaven. Situated in an elevated location, the subject property together with the adjacent terrace of dwellings has open aspects over the Solway to the rear as well as rear private gardens.

With a floor area of 1.5m x 2.65m the cantilevered balcony is to be sited 3.8m above ground level and incorporates a 900mm high safety screen. It will be accessed from patio style doors at first floor

MAIN AGENDA

level which are to replace the existing bedroom window.

Letters have been received from both immediate adjoining property owners confirming that they have no objections to the proposed balcony.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 supports proposals for domestic extensions and alterations, subject to criteria. In particular criterion 3 states that extensions should not create potential noise nuisance, security or privacy or overlooking problems for residents of either the parent property or adjacent dwellings. Furthermore, criterion 1 requires that the scale, design and choice of materials involved respect the character of the parent property.

In my opinion the proposed balcony in this elevated and prominent position would cause demonstrable harm insofar as it would directly overlook and thus result in a loss of privacy for the rear private gardens serving the adjacent terraced dwellings. Furthermore, the balcony would appear incongruous in its setting and would be entirely out of keeping with the character of the locality in general. It is therefore considered that the proposal fails to satisfy criteria 1 and 3 of Policy HSG 20 and, as such, is recommended for refusal.

Recommendation

Refuse

By virtue of its scale, siting and design the proposed balcony would cause demonstrable harm in terms of overlooking and resultant loss of privacy to the rear private gardens of the neighbouring terraced houses. Furthermore, the balcony would appear incongruous in its setting and entirely out of keeping with the character of the locality and, as such, is at variance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

13 4/08/2037/0

DISPLAY NON ILLUMINATED FASCIA SIGN
ST THOMAS CROSS GARAGE, EGREMONT, CUMBRIA.
MR J MUSGRAVE

MAIN AGENDA

Parish

St Johns Beckermet

- No comments received.

Advertisement consent is sought to display a non illuminated fascia sign at St Thomas Cross Garage, Egremont.

The sign would be attached to the garage building, which is located adjacent to the roundabout that links Egremont to the A595. The sign would be situated 3 metres above ground level and would face the A595 when approaching the roundabout from the south.

The advert is to display information regarding fixtures for Egremont Rugby Union Club, stating the time, date and opponents. Whilst it would not display any phone numbers or websites it would, however, include the logos of the two main club sponsors.

The site is located within the settlement boundary for Egremont, as prescribed by Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 and is, therefore, not within an area of Special Advert Control. The relevant Policy is, therefore, ENV 40 of the Local Plan, which states that:

"Outside areas of Special Advertisement Control, advertisements will only be granted consent if all of the following criteria are met:

1. they would not be obtrusive or dominant features in the street scene
2. they would not create clutter on a building or within the street scene
3. they would not harm public safety
4. where attached to a building, they would respect its scale, proportions, and architectural features"

Due to the elevated location on the prominent building on the approach to Egremont, I would comment that the signage would be obtrusive and create visual clutter on the building. It also seems an unnecessary location for signage that advertises the Rugby Club and two businesses. Finally, the location is likely to be a distraction to drivers, which will harm public safety. The Highways Agency has expressed their concerns about this signage being displayed where drivers require full concentration on the impending roundabout.

It is therefore viewed as at variance with Policy ENV 40 of the adopted Copeland Local Plan 2001-2016 and is recommended for refusal.

Recommendation

Refuse Advertisement Consent

MAIN AGENDA

The proposed signage would introduce visual clutter in this prominent location adjacent to the A595 trunk road in close proximity to a busy roundabout where it is likely to distract drivers to the detriment of highway safety and at variance with Policy ENV 40 of the adopted Copeland Local Plan 2001-2016.

CUMBRIA COUNTY COUNCIL

14 4/07/9016/0

APPLICATION UNDER SECTION 73 OF THE TOWN AND
COUNTRY PLANNING ACT 1990 FOR VARIATION OF
CONDITION 3 OF 4/02/9022 WITH CONSEQUENTIAL
EFFECTS ON CONDITIONS 11, 12 & 13 TO CHANGE
PROPOSED DIVERSION ROUTE OF FOOTPATH NO. 422008
BIRKHAM'S QUARRY, ST BEES, CUMBRIA.
MARSHALLS NATURAL STONE

Parish St Bees

Planning permission was granted in 2003 for an extension to this existing sandstone quarry on St Bees Head at Sandwith. This involved the diversion of Public Footpath No. 422008 from inland along the cliff edge to the northern seaward side immediately adjacent to the quarry during phase 1 of the development.

This application seeks to vary condition 3 of the 2003 consent (and conditions 11, 12 and 13 are also affected) by re-diverting the route for the public footpath inland across farm land and well away from the working quarry. A report to the Planning Panel in January this year supported this proposal.

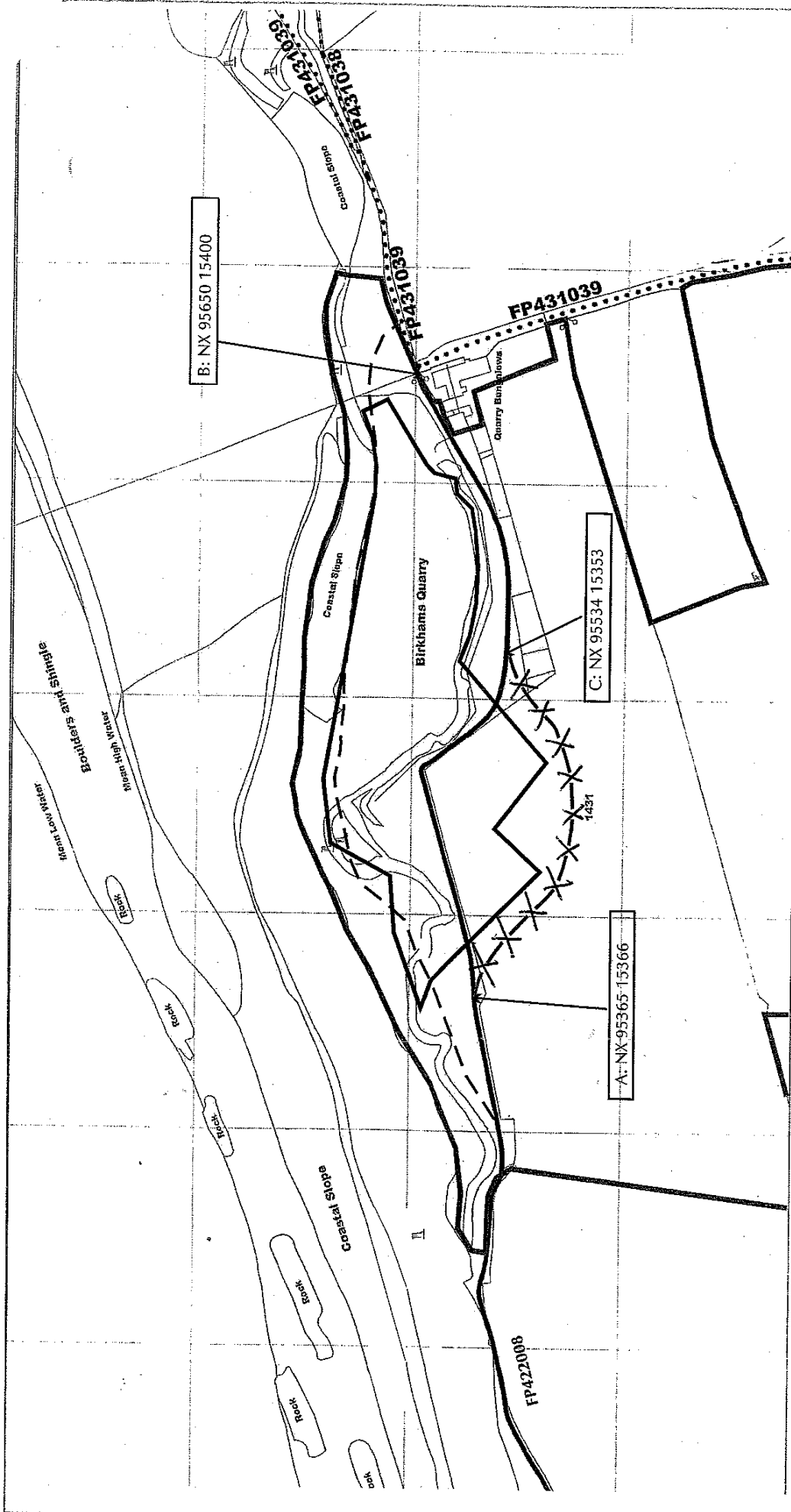
A further consultation has now been received on a proposed amendment to this application which involves a new diversion route.

Concerns raised by the Ramblers Association and the National Trust have been taken into consideration. They had expressed a preference for the route, as shown on the plan appended to this report, which depicts only a portion of the original agreed route being diverted, viz. only that required to enable quarrying to take place. This was considered a reasonable compromise by all parties involved which would enhance the aesthetics of the coastal experience for footpath users.

In my opinion this amendment which proposes a shorter diversion route inland across adjacent farmland is also acceptable and worthy of support.

Recommendation

Permission be granted



KEY

- Planning Permission Boundary (4/02/9022)
- Land within Ownership of Marshalls
- Existing Footpath 422008 to be Diverted (A to B)

- Approved Diversion Route
- Proposed Diversion of FP 422008 (A to C)

BIRKHAMS QUARRY

PROPOSED FOOTPATH DIVERSION

STEPHENSON
HALLIDAY

BIR/NOV/2007

FIGURE 20C

Reproduced from the 2007 Ordnance Survey 1:2500 map with the permission of the controller of HMSO
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SCALE: 1:2500

CUMBRIA COUNTY COUNCIL

15 4/08/9001/0

MODIFY CONDITION 1 OF PLANNING PERMISSION
4/04/9013 FOR A FURTHER 5 YEARS
REDHILLS QUARRY, REDHILLS, MILLOM, CUMBRIA.
ECONOMY CULTURE & ENVIRONMENT

Parish Millom

The Civic Amenity facility of Redhills Quarry benefits from planning approval reference 4/94/9012/0F2. Condition 1 of the permission requires the use to cease on the 30 September 2004. A further continuation of this use was approved in 2004 (application 4/04/9013/0F2 refers). This site continues to provide household waste bunkers and recycling facilities and consent is now sought to extend the operating period for a further 5 years.

It is considered that Redhills Quarry Civic Amenity site complies with Policy 55 of the Cumbria Minerals and Waste Local Plan 1996-2006. The site serves a valuable need in the south of the Borough and due to its isolated location does not adversely affect residential properties.

Recommendation

Permission be granted

for a further period of 5 years until 31 March 2013.

16 4/08/9002/0

MODIFY CONDITION 1 OF PLANNING PERMISSION
4/07/9004 FOR A FURTHER 3 YEARS
YEATHOUSE QUARRY, YEATHOUSE, FRIZINGTON, CUMBRIA.
CUMBRIA WASTE MANAGEMENT LTD.

Parish Arlecdon and Frizington

In August 1990 planning permission for a temporary period of three years was granted to establish a Civic Amenity facility on this former landfill site (4/90/0616/F2 refers). This consent was extended for a further period of ten years in January 1993 (4/92/9021/0F2 refers) and again for a further year in March of 2007 (4/07/9004/0F2 refers), as the programme to set up alternative sites was still being progressed.

An alternative site has now been identified and documentation is

CUMBRIA COUNTY COUNCIL

being finalised for the submission of a formal planning application. As such, in order to facilitate the progressing of a planning application, develop and bring the alternative site into full operational use, a further extension of time for this site is required for three years beyond the permitted planning expiry date of 31 March 2008. The site comprises a number of skips dealing with general household items as well as recycling facilities for glass, scrap metal and engine oil.

Recommendation

Permission be granted for a further period of three years until 31 March 2011.

Schedule of Applications - DELEGATED MATTERS

4/08/2006/0	Moresby	AGRICULTURAL WORKERS DWELLING (RESERVED MATTERS HIGH FARM, MORESBY, WHITEHAVEN, CUMBRIA. MR T ROME
4/08/2001/0	Whitehaven	CONSERVATORY 8, BEECH GROVE, WHITEHAVEN, CUMBRIA. MR COWLEY
4/08/2011/0	Distington	EXTENSION TO PROVIDE ADDITIONAL ACCOMMODATION 3, CORONATION CRESCENT, DISTINGTON, CUMBRIA. MR D TAYLOR
4/08/2012/0	Whitehaven	EXTENSION TO PROVIDE ADDITIONAL ACCOMMODATION 15, WOODLANDS AVENUE, WHITEHAVEN, CUMBRIA. MR J WHITELOCK
4/08/2013/0	Whitehaven	TWO STOREY EXTENSION 6, HEADLANDS DRIVE, WHITEHAVEN, CUMBRIA. MR D PARKS
4/08/2015/0	Cleator Moor	SINGLE STOREY EXTENSION 9, FIRGARTH, THREAPLANDS, CLEATOR MOOR, CUMBRIA MR & MRS P COX
4/08/2016/0	Whitehaven	DEMOLITION OF EXISTING GARAGE AND LEAN TO STORE AND REPLACEMENT WITH A NEW GARAGE (RETROSPECTIV MOSS BANK, BACK CORKICKLE, WHITEHAVEN, CUMBRIA. MR C CUNNINGHAM
4/07/2766/0	Lamplugh	DEMOLITION OF FREE STANDING NISSAN HUT/STORAGE FACILITY AND REPLACEMENT BY ERECTION OF SINGLE HUNTER HOW HOUSE, KIRKLAND, FRIZINGTON, CUMBRIA MR P & MRS M MAHER
4/08/2002/0	Whitehaven	NOTICE OF INTENTION FOR STEEL FRAME WITH METAL BOX PROFILE CLADDING ON CONCRETE BASE FOR USE A 1, HARRAS DYKE, HARRAS MOOR, WHITEHAVEN, CUMBRIA MR A DUNSMOIR
4/08/2003/0	Whitehaven	CHANGE OF USE TO CARRY OUT MINISTRY OF TRANSPOR TESTING AS AN ADDITIONAL ACTIVITY AT EXISTING KWIK FIT, SOLWAY SERCVICE STATION, NEWTOWN, WHITEHAVEN, CUMBRIA. KWIK FIT PROPERTIES LTD
4/08/2008/0	Arlecdon and Frizington	APPLICATION TO FELL 6 NO. ASH TREES PROTECTED B A TREE PRESERVATION ORDER ROADSIDE VERGE, OPPOSITE, RHEDA TERRACE, FRIZINGTON, CUMBRIA.

Schedule of Applications - DELEGATED MATTERS

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4/08/2023/0 Egremont FIELD SHELTER
FIELD NO. 1917, CLEATOR BRIDGE, CLEATOR, CUMBRIA
MR K RHODES

4/08/2025/0 Whitehaven NON-ILLUMINATED SCHOOL NAME SIGN
ST JAMES JUNIOR SCHOOL, WELLINGTON ROW,
WHITEHAVEN, CUMBRIA.
C WINSOR

4/08/2026/0 Cleator Moor ERECTION OF AGRICULTURAL GENERAL PURPOSE BUILDING
CROSSFIELD FARM, CROSSFIELD ROAD, CLEATOR MOOR,
CUMBRIA.
MR D SHEPHERD

4/08/2031/0 Whitehaven NON-ILLUMINATED SHOP SIGN
4, LOW CORKICKLE, WHITEHAVEN, CUMBRIA.
E SHUTT

4/08/2035/0 St Bees RESUBMISSION OF APPROVED SCHEME INCORPORATING
SOLAR PANELS & AMENDED ROOF/FENESTRATION TO REAR
BANK HOW, SEA MILL LANE, ST BEES, CUMBRIA.
MR M ROWELL

4/07/2757/0 Millom CHANGE OF USE FROM RESTAURANT TO CHIROPODY &
BEAUTY THERAPY
3, CROWN STREET, MILLOM, CUMBRIA.
MRS L MELLEN

4/07/2763/0 Egremont PRUNE AND CROWN LIFT OAK TREE PROTECTED BY A TREE
PRESERVATION ORDER
2, PARK VIEW, CASTLE CROFT, EGREMONT, CUMBRIA.
MR P D McVEIGH

4/07/2768/0 Millom Without INSTALLATION OF 2 NO. 1.2M TRANSMISSION DISHES
AT 35M AND 31M MEAN HEIGHT UPON THE EXISTING 45
EXISTING MAST, BANKSIDE FARM, MILLOM PARK,
MILLOM, CUMBRIA.
T-JAMES

4/08/2009/0 Whitehaven ERECTION OF PROPOSED STORAGE WAREHOUSE FOR SITE
IMPLEMENTS AND FOR GOLF EQUIPMENT STORAGE
WHITEHAVEN GOLF CLUB, RED LONNING, WHITEHAVEN,
CUMBRIA.
WESTERN LAKES LTD.