

PLANNING PANEL

6 FEBRUARY 2008

AGENDA

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STANDARD CONDITIONS

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

Outline Consent

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

Reserved Matters Consent

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

Full Consent

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

RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

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1 4/07/2706/0

CHANGE OF USE FROM INDUSTRIAL (B2) TO RESIDENTIAL
DEVELOPMENT COMPRISING 118 NO. 1, 2, 3 AND 4
BEDROOM DWELLINGS
FORMER, SEKERS FABRICS LTD, RICHMOND HILL,
MAIN STREET, HENSINGHAM, WHITEHAVEN, CUMBRIA.
BARRATT HOMES (MANCHESTER DIVISION)

Parish Whitehaven

This is a major application which seeks full planning permission for the erection of 118 dwellings on the former Sekers factory site in Hensingham, Whitehaven. The site area comprises 2.43 hectares and occupies a prominent corner position with a frontage onto both the Main Road at Hensingham and the adjacent Cleator Moor Road (B5295). It is surrounded by a mix of housing and employment land situated approximately 1.5 miles to the south east of the town centre. The proposal involves complete demolition of all the existing buildings on the site which make up the redundant fabric factory which closed in March 2005.

In view of the fact that this is a major application and it proposes residential development on an existing employment site it was agreed at the last Planning Panel that Members would take the opportunity to visit the site to become familiar with the issues it raises prior to making a decision. This took place on Wednesday 19 December 2007.

The application is accompanied by the following supporting documents:

- Site Search Report
- Supporting Planning Policy Statement
- Design and Access Statement
- Marketing Report and Viability Appraisal
- Public Consultation Exercise
- Transport Assessment
- Travel Plan

THE PROPOSAL

A total of 118 dwellings are proposed at a relatively high density of 48 dwellings per hectare. These comprise mainly 2 storey houses in the form of terraced blocks of 3 and 4, as well as 7 pairs of semi detached, 2 blocks of 12 units and 2 x 3 storey blocks of 18 apartments. The type of accommodation to be provided consists of:-

- 4 x 1 bedroom apartments
- 10 x 1/2 bedroom apartments
- 4 x 2 bedroom houses
- 50 x 3 bedroom houses

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42 x 4 bedroom houses

Proposed external finishes include a mixture of claret/red facing brick and white acrylic render walls with Artstone feature heads, cills and quoins. Roofs to comprise smooth grey tiles. Boundaries are specified as 1.8 metre high close boarded fencing to rear gardens and facing the Main Street with 0.6 metre high knee rails separating plots to the front.

ACCESS

Vehicular access to the site would be via the existing access point from Cleator Moor Road which would be upgraded and then takes the form of a loop serving the estate. On-site parking is provided either in the form of individual on-site spaces or by parking courts totalling 222 spaces, which is an overall ratio of 1.8 spaces per unit (equates to 2 parking spaces per dwelling and 1.2 spaces per apartment).

REPRESENTATIONS

Three letters have been received expressing the following concerns regarding the development:-

One is from the owners of a residential property whose rear boundary abuts the site. They query what is going to happen to the levels immediately behind their property where 3 x 4 bedroom dwellings are proposed, i.e. whether it is to be in-filled and built up or lowered and if the latter whether a retaining wall will be built. They also express concern about the trees on the site directly behind them and ask that consideration be given to their removal as they block light to the garden.

A resident of a nearby housing estate objects on the grounds of safety, stating that this is an absurd amount of homes on one small site and the potential for at least 118 cars to be accessing the site daily could cause disruption to the fire brigade opposite and hazards to all the school children who walk past twice daily.

An objection on behalf of the owners of a neighbouring established manufacturing company immediately adjacent to the site. Concern that the redevelopment for residential purposes will create the potential for conflict between the employment and residential uses.

PLANNING ISSUES AND POST CONSULTATION ASSESSMENT

The application raises a major issue regarding the principle of using an existing employment site within Whitehaven, as well as issues relating to the physical development of the site for residential purposes.

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USE OF EXISTING EMPLOYMENT LAND

The site is situated within the settlement boundary for Whitehaven which is identified as a key Service Centre in the adopted Copeland Local Plan 2001-2016. It is designated as existing employment and therefore brownfield land by virtue of the fact it is an established manufacturing site having accommodated the fabric mill since the mid 1930's which was operational until 2005. The relevant Local Plan Policy against which this application should be assessed is EMP 7 "Alternative Use of Employment Sites" which states:-

"Outside Policy EMP 1 employment sites the development or change of use of land or premises currently or last in employment use to non-employment use will only be permitted if the proposal meets the requirements of other local plan policies and:

1. there is no current or likely future demand for the site or premises; or
2. the site of use gives rise to environmental problems which can be mitigated with an alternative use in accordance with Policy EMP 6; or
3. it is the only viable means of retaining a building of architectural or historic interest; or
4. it is not an important part of a wider regeneration proposal or meets a need established by the Local Plan in support of the Community Strategy."

This application seeks the change of use of this employment land to residential on the grounds that there is no longer any demand for employment use and that housing is the most viable option. The supporting Planning Policy Statement informs that the site was marketed for 13 months from October 2005 until November 2006 for commercial/industrial use with no serious offers coming forward. There are also land contamination issues apparent which it is claimed have affected the marketing of the site and further supports the case for housing.

The County Council, in their strategic consultation response, raise no objection and accept that in the absence of bringing forward a suitable re-use of the existing buildings, a redevelopment involving residential use would offer the opportunity to physically regenerate and enhance the site. They accept that redevelopment of the site may not be economically viable for employment use in view of the land contamination issues (though this has not been independently verified) given the evidence provided. Furthermore, they consider that redevelopment for other purposes would not conflict with the need to keep a supply of readily available land for employment purposes in the Borough.

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The Council's Strategic Planning and Regeneration Manager, however, does not share the same opinion as the County Council. He considers that locally, this is an important existing quality employment site in the existing urban area with good road and public transport access for local communities (including Cleator Moor, Frizington etc as well as Whitehaven). Every effort should be made to retain it as such, particularly with the local economic conditions currently prevailing with the anticipated near future job losses at Sellafield. Such quality sites are in short supply and this particular site presents an attractive, accessible site that could aid the regeneration of the Borough and, as such, its loss to residential use at this stage would be premature, particularly with the Local Development Framework being in its early states of preparation. Such sites should first be considered via this process. The issue of housing land supply is also relevant as such a large residential development for 118 dwellings would have a major impact on the total windfall allowance for North Copeland within the Local Plan period (10 years) which is only 433. In any event there are a number of allocated and consented housing sites in this part of Whitehaven still to be developed during the 2006-20011 housing supply management period. It is considered therefore that the proposal fails to have taken adequate account of the importance of the local situation in respect to employment land and is also premature and, as a result, may prejudice future regeneration proposals for the area contrary to Policy EMP 7.

PHYSICAL DEVELOPMENT OF THE SITE

In addition to the above there are outstanding development control issues relating to the physical development of the site which, at this stage, have yet to be resolved.

Access - Despite the submission of a supporting Traffic Assessment Cumbria Highways, in their initial response, requested the provision of a Stage 1 Safety Audit before offering comment. This has recently been submitted and discussions are continuing between the applicant and the Highway Authority and a further response is awaited. As it stands, the County Council, in their strategic consultation response, also consider the design of the layout is inadequate on highway grounds and, as a result, fails to satisfy Local Transport Plan Policy.

Flood Risk - The Environment Agency initially objected due to the fact that a Flood Risk Assessment (FRA) has not been provided. This has now been submitted but a further response from the Agency confirms that they wish to maintain their objection on the grounds that the FRA is inadequately detailed.

Landscape - The site contains a number of trees which the applicant proposes to remove but this is not supported by a tree survey though it is the intention to retain the existing tree belt situated on the western boundary to screen the adjacent industrial land use. The Council's Landscape Officer notes the intention to remove the majority

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of the trees on the site, clarification of which is requested. He also recommends the proposed re-landscaping details be provided for assessment.

Design and Layout - There are fundamental concerns from a design point of view regarding the layout. Design issues have also been raised by Cumbria Constabulary who request a number of items to be addressed in order to provide a safe environment. The layout itself is regimented in form and does not relate well to the surrounding area, particularly Cleator Moor Road and Main Street with the rear gardens of the dwellings here abutting the road and the dwellings being inward focussing. This is a view also expressed by the County Council as Strategic Planning Authority in their consultation response. They object on these grounds and consider the design and layout of the proposed development to be inadequate and have a detrimental impact on the streetscape contrary to Structure Plan Policy ST3 which requires high standards of design. Taking the above into account it is considered that the proposal is contrary to Policy DEV 6 "Sustainability in Design" of the adopted Copeland Local Plan 2001-2016, particularly criterion 1 which requires a high standard of design and overall layout for any new development.

In view of the fact that the application raised the above issues in respect of access, flood risk, landscape and design and layout, which has not been satisfactorily addressed the proposal is considered to be at variance generally with Policy DEV 6 of the Copeland Local Plan.

Recommendation

Refuse

1. The proposed residential redevelopment of this employment site would be premature in view of the Local Development Framework process and could, as a result, adversely affect the wider regeneration of the area contrary to Policy EMP 7 of the adopted Copeland Local Plan 2001-2016 especially in the light of up to 8000 job losses at Sellafield over the next 20 years.
 2. The detailed design and layout of the site is considered substandard whilst issues in respect of access, flood risk and landscape have not been satisfactorily resolved which render the application at variance with Policy DEV 6 of the Local Plan.
-

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2 4/07/2728/0

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

Parish St Bees

- Object on the following two grounds:

1. Fleatham House is situated within the conservation area. The Copeland Local Plan makes it clear that development will only be permitted in a conservation area where it enhances the character or appearance of the area. This development will do neither.

The grounds contain a large number of trees which form part of the traditional landscape of the area. The Parish Council believes that the trees should be protected in line with the policies of the Local Plan. The building of four new properties would inevitably lead to the loss of some trees and, if the development is allowed, it is likely that in the longer term there would be further pressure to fell more trees as they begin to interfere with light to the properties and their gardens.

2. The Parish Council is also very concerned about the effect further development will have on the drainage system in the village. In the last two 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 at the meeting last night the Parish Council received a detailed report from the Highways Engineer on the results of the survey. The conclusion of the 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 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.

At the last meeting Members agreed to undertake a site visit in order to fully 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 23 January 2008.

Full permission is sought for the erection of four detached dwellings on the existing tree lined and sloping lawned area which forms part of the grand entrance to this country hotel/restaurant 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

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(TPO).

The application is accompanied by an arboricultural report, a design and access statement and a supporting planning statement.

The four 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 bedroomed (with the exception of plot one which has three bedrooms) two storey dwelling incorporating traditional elements of design in keeping with Fleatham House, which is Victorian. These include St Bees sandstone and white roughcast rendering for the walls 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 subsequently 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, 4/05/2907/0F1, 4/05/2908/0F1 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".

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

1. Impact on the 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 on the protected trees and habitat of the local red squirrel.
7. In addition, the resident of the dwelling opposite plot 1 raises

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the following particular concerns:-

- the dwelling on plot 1 will look directly into their house, particularly the conservatory and the garden, destroying any privacy
- the dwelling on plot 2, particularly due to its elevated position, 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 and affected by root growth of adjacent protected trees. Any improvement to the road is therefore likely to damage the trees.

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

The objections raised in respect of infrastructure are matters which have already been addressed via the local plan process. The question 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 1. The front elevation of the dwelling, which contains habitable rooms, is situated directly opposite the rear of this property which contains kitchen, conservatory and bedroom windows. The separation distance proposed between them is only 12 metres. This is well short of the minimum separation distance of 21 metres required in such circumstances by Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 and is therefore likely to have a significant adverse affect on amenity of the neighbouring property in respect of overlooking and loss of privacy.

In addition to the above, the key issue this application raises is the potential impact of the proposal on the existing protected trees and the conservation area generally, particularly as it is now intended to develop closer to the main entrance off High House Road.

As regards the trees, the arboricultural report accompanying 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 recognise 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

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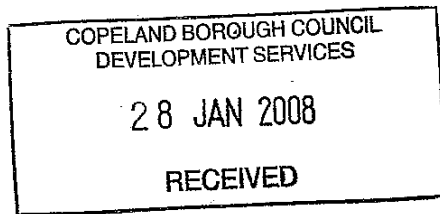
phased to ensure continuity of cover. The tree survey and management plan has been assessed by the Council's Landscape Officer and his comments are appended together with the conclusions of the arboricultural report. The Landscape Officer's view is that the overall tree cover still remains an integral 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 further trees and should be refused.

It is of concern that development, in the form of the detached dwelling on plot 1, is now proposed on the lower level of the site which is open to views on approach from the adjacent Finkle Street. In pre-application discussions development here has always been resisted because of its potential adverse impact on the character and appearance of the Conservation Area. It is considered that any building here, as with alterations to the access, would detract from the open sweeping character of this historic entrance and its important visual contribution to the Conservation Area and, as a result, would be contrary to Policy ENV 26 of the Local Plan.

Recommendation

Refuse

1. The proposed development of plot 1 would, by virtue of its location in close proximity to the sandstone wall and gateposted entrance serving this historic building, have an adverse visual impact on the character and appearance of St Bees Conservation Area, contrary to Policy ENV 26 of the adopted Copeland Local Plan 2001-2016. Furthermore, the close proximity of the dwelling on plot 1 to an existing dwelling opposite would result in the potential for overlooking and subsequent loss of privacy, at variance with Policy HSG 8 of the Local Plan.
 2. The application fails to demonstrate that the proposed development would not adversely impact on the existing and future well being of trees protected by a Tree Preservation Order, at variance with Policies ENV 10, ENV 26 and ENV 27 of the adopted Copeland Local Plan 2001-2016.
-



Calder Park
Calderbridge
Seascale
CA20 1DN

28 January 2008

Dear Mr Pomfret

Re: Development at Fleatham House, St Bees.

As the Ward Councillor for St Bees, I am writing to formally object to the above proposed development quoting from the Local Plan 2001-2016 policies ENV26 and 27 as my main reason.

ENV26 states - Development within the Conservation Area or that which impacts upon the setting of a conservation area will only be permitted where it **preserves or enhances** the character or appearance of the area.

ENV27 states – Proposals to fell trees in Conservation Areas will not be permitted unless required in the interest of Public Safety

Could I also respectfully point out there is a Tree Preservation Order on trees surrounding Fleatham House.

I think you will agree with me that nothing has changed since the last refusal at the Planning Committee meeting on 16 August 2006, due to the same policies namely ENV 26 and 27.

Unfortunately, I am unable to attend the next planning meeting on 6th February 2008 so I would be pleased if you would place my letter with the appropriate Agenda item for that meeting, along with an extract from the Copeland Borough Council pamphlet "Buying a Tree with a House in the Garden".

Yours sincerely,

A handwritten signature in black ink, appearing to read "N. Clarkson". The signature is written in a cursive style and is underlined with a long horizontal line.

Councillor Norman Clarkson
St Bees Ward Councillor,



COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

28 JAN 2008

RECEIVED

Buying a Tree with a House in the Garden

Buying a Tree with a House in the Garden
Advice for Potential Owners

Introduction

So, you've found your dream house...but what about the garden? Did you notice any trees? They may be in the garden or overhanging your property. If it is winter, try to picture them bristling with leaves and please consider the effect they will have on your property all year round. You may have been sent this leaflet by Copeland Borough Council or been given a copy by your solicitor or estate agent. Trees can affect your future enjoyment of your property and this leaflet is designed to make you aware of the possible consequences of living with trees that are protected by a Tree Preservation Order (TPO) or by being in a Conservation Area. Local planning authorities have specific powers to protect trees by making TPO's. A TPO is an Order which makes it an offence to cut down, top, lop, up-root, wilfully damage or wilfully destroy a tree without the planning authority's permission.

The Law

Following your local land charges search your solicitor should ask for a copy of any TPO affecting your property. They will be able to show you the date the Order was made, the plan and the schedule (listing which are the protected trees)

Your house will not necessarily appear on the plan if it was built after the Order was made. Although there may be no trees on your property it may be affected by protected trees growing on adjoining land.

Alternatively, whilst there may be no specifically protected trees on your land, your property may be in a Conservation Area. This will also be revealed on your search and a similar level of protection will apply.

Can I fell them?

Anyone can apply to the Council for consent to fell protected trees. But, if they are healthy specimens which contribute to the character of the area, it is unlikely that consent will be granted. Each application is considered on its own merits.

Can I lop them?

As before, anyone can apply for consent to prune a tree. The Council's Tree Officer will make an assessment of the effect of the proposals on the health and appearance of the tree. Certain procedures are generally considered unacceptable and topping/lopping fall into this category.

If you don't like the trees, don't buy the property. Please do not assume that you can move in and then simply prune or fell the trees.

So what do I do?

If you do not believe that you can live in your proposed home without major tree removal, then you may wish to reconsider. You are not buying the house—you are also buying the trees. They come as part of the package not as an optional extra.

What are the penalties for breaching a TPO?

Breaching a TPO is a violation of the Town and Country Planning Act 1990 and as such carries a fine of up to £20,000 per tree or unlimited in very serious cases.

Memo



From: Richard Mellor
To: Heather Morrison
My ref. 4/07/2728/0*3
Date: 11th December 2007
Subject: Proposed Development of Four Residential Dwellings, Fleatham House, St Bees, Cumbria.

Dear Heather,

Thank you for the plans relating to the internal consultation process for the above site. I would now like to draw your attention to a previous memo dated the 5th July 2006 and recent approval for various tree works on this site.

Over the past 18 months there have been a number of applicants from the owners of Fleatham house to remove certain trees due to various aspects of health, safety and unsuitability for long term retention. This has to some degree altered the context of the landscape which surrounds Fleatham House.

However, the overall tree coverage within the grounds and vicinity of Fleatham House remains an integral part of the tree population and landscape amenity value of St Bees and as such I feel I must reference to my previous comments on the development of this site, which stated that permitting development within this site will lead to the loss of further trees as a result fore sable tree works request forms due to fears of safety, light loss, leaf litter, restricted views & trees being too close to properties as they continue to mature.)

Therefore my professional opinion on this application from a tree management prospective would be to advice development control services to refuse permission due to the long term affects on the trees within the grounds of Fleatham House.

If the council chose to grant permission for development on this site then please may I reiterate that the guidance information found under the BS: 5837 2005 (Trees in Relation to Construction) will need to be observed and exercised to ensure that the trees are given the adequate protection prior, during and after development. I would also like to recommend that if approval is given that the recent publication "Buying a Tree with a House in the Garden" is made freely available to any parties who may wish to move into the site following development.

Sincerely,
Richard Mellor
Landscape Officer

EXTRACT FROM
APPLICANT'S
ARBORICULTURAL REPORT.

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Conclusion

- 5.1 I am not aware of a detailed proposal for construction and cannot therefore comment on any impact on the trees present.
- 5.2 The general quality of the trees within the site is however poor. The Sycamore has become invasive and is in danger of creating a mono-culture. Elm regeneration from existing root systems is present throughout the site and is in varying stages of decline due to the repeated colonisation by the Scolytus beetle, which carries Dutch Elm Disease.
- 5.3 There are a small number of Oak and Ash trees present, but they are of only moderate condition. The limited recent planting consists of Norway Maple and Red Oak and although currently of reasonable quality, they are neither in keeping nor visible from outside the site boundaries.
- 5.4 The imposed retention of poor quality trees with a limited potential safe useful life expectancy and low ecological value is short-sighted and makes no provision for long-term local amenity.
- 5.5 In order to ensure valuable future tree cover, a tree management plan should be part of any planning application and a likely requirement of any planning consent.
- 5.6 Should development of the site take place, all trees to be retained must be protected with protective fencing in line with BS 5837 : 2005 Trees in relation to construction : Recommendations, at the distance specified for the Root Protection Areas in the attached schedule.
- 5.7 Prior to commencing any arboricultural work to the trees, it is essential to liaise with the Local Planning Authority as they may be protected by a Tree Preservation Order or within a Conservation Area.
- 5.8 Any arboricultural work should be carried out by a competent arborist in line with BS3998 British Standards for Tree Work. Should you require details of suitably qualified contractors, the Arboricultural Association maintains a list which is available by calling 01794 368717 or via their website (www.trees.org.uk).

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3 4/07/2747/0

OUTLINE APPLICATION FOR ERECTION OF DWELLING
ADJACENT TO, 3, STATION CRESCENT, BECKERMET,
CUMBRIA.
MR ROBERT JAMES

Parish St Johns Beckermet

- No comments received.

Outline planning permission is sought to erect a detached dwelling on the western side of this large garden belonging to No 3 Station Crescent in Beckermet. Vehicular access would be via the driveway from the adjacent estate road serving the existing dwelling.

The Design and Access statement which accompanies the application confirms that the size of the house would be within the scale and massing of the adjacent estate properties. External materials would comprise rendered walls under a tiled roof with uPVC doors and windows. Also, adequate space to provide parking is available within the site.

An indicative block plan submitted with the application shows the position of the proposed dwelling in relation to the applicant's existing house. It also demonstrates the intention for the front to contain two windowless elevations facing this house which has habitable room windows to the front and side, including a conservatory. This is to help mitigate against any potential overlooking and loss of privacy due to its close proximity. A 2.0 metre high wall/fence is also proposed along the boundary between the two properties. To the rear of the site is open fields and to the north a garage and garden belonging to the neighbouring dwelling upon which it is perceived there will be minimal effect from the proposed development.

It is the impact of the proposal on the applicant's existing dwelling which is considered to be the key issue. The separation distances here are shown as being some 7.0 metres to the front elevation which contains the main living room window, (although it should be taken into account that they are situated at an angle to each other) and less than 12.0 metres to the side when the existence of a conservatory, not shown on the block plan, is taken into account.

From the information provided the application fails to demonstrate how the proposed development can satisfactorily meet the minimum separation distance required of 12.0 metres between such blank walls and elevations containing habitable room windows, contrary to Policy HSG 8 of the adopted Copeland Local Plan 2001-2016.

It is considered that the restrictive separation distances would adversely affect the privacy and amenity of the applicant's existing

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property. As the two dwellings would be in such close proximity to each other it would result in a cramped and uninspiring outlook which could be harmful to the living conditions of the residents.

Blank, windowless elevations at the front of the proposed dwelling would represent a low standard of design, contrary to Policy DEV 6 of the adopted Copeland Local Plan.

Also, a material consideration is the fact that a substantial part of the site lies outside the designated settlement boundary for the village. The rear part of the garden area comprises a former railway line. Although cultivated, it nevertheless remains outwith the settlement boundary.

Recommendation

Refuse

The proposal represents a substandard form of residential development in terms of the indicative design solution which would incorporate windowless front elevations facing the estate road with separation distances to the adjacent dwelling, No. 3 Station Crescent, falling well short of the 12 metres required by virtue of Policy HSG 8 of the adopted Local Plan 2001-2016 and Sustainability in Design Principles required by virtue of Policy DEV 6 of the Plan. In addition, a substantial part of the application site falls outwith the designated settlement boundaries for Beckermert and, as such, the proposal is at variance with Policy DEV 4 of the Plan.

4 4/07/2749/0

RESIDENTIAL DEVELOPMENT
HINNINGS FARM, DISTINGTON, CUMBRIA.
D WINFIELD

Parish Distington

- The Parish Council have concerns about road safety and the amount of traffic to be generated during construction and on completion of the development. They draw attention to the doctors' surgery on Hinnings Road which attracts parked cars. There is also a history of flooding caused to Church Lane and the adjacent path, known locally as Fairy Path, by water run-off from this area of land. The Parish Council ask that these matters be addressed by conditions.

This is a Reserved Matters application for approval of details

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following an earlier outline permission (4/03/0245, as amended by 4/06/2152). Landscaping is reserved for further approval.

The site is 2.4 hectares in extent and is an area of undeveloped land bounded to the west by a disused railway line within a cutting, beyond which is the Lillyhall/Parton new route of the A595. The site is bounded to the north by the cultivated land belonging to the Church of the Holy Spirit and the Distington Community School. The eastern boundary is formed by the access to the church rectory and the southern boundary by existing residential development. The site is largely clear although there are some hedges alongside the former railway line and there is a track which runs through the site.

The site lies within the settlement boundary for Distington, which is a designated Local Centre, and is allocated for residential development in the Copeland Local Plan. The proposal is to create a total of 80 dwellings, a mix of terraces and semi-detached properties.

The application is accompanied by a Design and Access Statement. The surrounding area has a mixed character and form with a predominance of terraced and semi-detached properties. The proposed dwellings are predominantly two storeys high, but some use the roof space to provide additional accommodation without increasing the height excessively. Some elements of one house type are three storeys in height to give added interest.

The appearance of the houses has been informed by the vernacular architecture in the area, as it is a modern interpretation of the predominant terraced form. Bay windows have been incorporated to give additional interest to some of the elevations.

The proposed materials are a mix of brick and render with slate roofs to reflect the colours and materials that exist in the surrounding area.

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

- DEV 1 Sustainable Development and Regeneration
- DEV 3 Local Centres
- DEV 6 Sustainability in Design
- HSG 1 Existing Planning Permissions (H26)
- HSG 4 Housing Within Settlement Development Boundaries
- HSG 8 Housing Design Standards
- TSP 6 General Development Requirements
- TSP 8 Parking Requirements
- SVC 1 Connections to Public Sewers
- SVC 4 Land Drainage

The site is allocated for residential development in the Copeland Local Plan 2001-2016 and has a valid outline planning permission. The proposed development of 80 dwellings represents a residential

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density of 33.33 dwellings per hectare which is compatible with development densities in the area.

Highways Agency

No objection as the development will not have any material impact on the A595(T) trunk road.

County Highways

County Highways requested a Traffic Assessment, Residential Travel Plan and Stage 1 Safety Audit. Since outline planning permission has been previously secured these matters are not relevant at this later, detailed stage.

Rights of Way Officer

Public right of way number 404002 follows the track that crosses the site from east to west and this route must not be obstructed by the proposed development. Any changes to furniture or restriction on the route must be carried out with the consent of the County Council under Section 147 of the Highways Act.

United Utilities

United Utilities have no objection in principle, provided the site is drained on a separate system, with only foul drainage being connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. The development is shown to be adjacent to/include an electricity substation site and underground cables. Great care must be taken to protect the electrical apparatus and personnel working in the vicinity.

Council Engineer

The developer should carry out a Drainage Impact Assessment.

Environment Agency

The Environment Agency noted that the site lies in an area of low flood risk. However, they have asked for a flood risk assessment. The Agency also seeks a desk study regarding potential contaminated land. As the development has the benefit of outline permission, the principle of development has already been established and it is not appropriate to seek these further assessments at this stage.

Landscape Officer

Requests that the existing flora be taken into account and that he be consulted when the landscape scheme is submitted.

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County Archaeologist

The County Archaeologist does not wish to make any comments or recommendations at this stage. An archaeological desk based assessment was prepared following the grant of outline planning permission.

Representations

A Ward Councillor points out that residents are not against the development but he has raised a number of issues on behalf of local residents, including highway and traffic concerns (considered at the outline stage), crime prevention in relation to the proximity of the cycle path, the existing public right of way and adequacy of the sewerage system.

A nearby resident has concerns about possible overlooking and loss of privacy. The development meets the spacing requirements of the Local Plan. There is also concerns about traffic volumes and the ability to park their car on the highway outside their property. The Highway Authority has been asked to comment.

The site is an allocated site in the Local Plan and benefits from outline planning permission. The current application is an application for approval of details, with landscape details being reserved.

It is considered that the development will enhance this area and provide a suitable form of development for this site. The scale of the development and the elevations and materials are considered to be appropriate for this site. Proposals for the landscaping of the site will be determined at a later stage before development commences.

Recommendation

Approve Reserved Matters

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

Location plan received 10 December 2007

Site Plan 1:500, 2836-02 Rev E received 10 December 2007

Sketch proposals, Plan 2836 received 10 December 2007

Elevations and Floor Plans 1:200, 2836-03 received 10 December 2007

Elevations and Floor Plans 1:200, 2836-04 received 10 December 2007

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Elevations and Floor Plans 1:200, 2836-05 received 10 December 2007

Elevations and Floor Plans 1:200, 2836-06 received 10 December 2007

Sketch and Floor Plans 1:100, 2836-13 received 10 December 2007

Sketch and Floor Plans 1:100, 2836-14 received 10 December 2007

Sketch and Floor Plans 1:100, 2836-15 received 10 December 2007

Sketch and Floor Plans 1:100, 2836-16 received 10 December 2007

Design and Access Statement received 10 December 2007

3. Notwithstanding the approved drawings, no development shall take place until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development approved by this permission shall be commenced until full details of the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. This should include a Drainage Impact Assessment. The scheme shall incorporate some form of sustainable drainage system (SuDS) (Building Regulations Approved Document H (DTLR 2002)) as part of the development.

The reasons for the above conditions are:-

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

For the avoidance of doubt

In the interests of visual amenity

To prevent pollution of the water environment and to reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal

Reason for decision:-

The development accords with the residential allocation in the Local Plan and the existing outline planning permission for the site

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Notes:

Details of landscaping for the site shall be submitted by 14 May 2008 to comply with the outline planning permission (Ref 4/03/0245, as amended by 4/06/2152/0F1)

Public right of way number 404002 must not be obstructed or diverted by the proposed development without reference to the County Council

It is recommended that bollards be positioned at the western end of Chapel Street in order to comply with condition 4 of the outline planning permission (4/03/0245/0)

Any changes of furniture or restriction on the public right of way number 404002 must be carried out with the consent of the County Council under Section 147 of the Highways Act

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

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

Parish Egremont

- As previously stated, 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 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) and pick up children en route from various areas to school so 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 on this site for a dwelling was withdrawn in August 2007 (4/07/2465/0 refers) as the application failed to demonstrate how a dwelling could be satisfactorily accommodated on the site.

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

The plot fronts onto Queens Drive from which an independent vehicular access would be formed. Cumbria Highways have raised no objection to this, subject to conditions.

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. The site plan has been amended from the outline application so that the separation distances specified in Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 have been met. However, it must be noted that the removal of a conservatory on the applicant's existing house must be undertaken in order to meet the required separation distances.

Two 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 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.

Due to the concerns raised by the objectors and the Town Council as outlined above it is considered appropriate for Members to undertake a site visit before the application is determined.

Recommendation

Site Visit

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6 4/07/2753/0

CHANGE OF USE OF BARN AND EXTENSION TO PROVIDE
ONE 3 BEDROOMED DWELLING
CONEY GARTH BARN, MILL LANE, BECKERMET, CUMBRIA.
GOODWILL SERVICES

Parish St Johns Beckermets

- No comments received.

Planning permission is sought for the conversion of an existing barn to a single dwelling at Coney Garth Barn, Mill Lane, Beckermets.

A previous outline application for conversion of the barn to a dwelling was granted in August 2001 (4/01/0351/0 refers). A subsequent full planning application was recommended for refusal in March 2004 on design grounds but was withdrawn before the meeting.

The dwelling now proposed would provide 3 bedrooms, a bathroom, a living room and dining room split over the ground floor, first floor and a second floor in the roof space, within the existing building structure. A small ground floor extension is proposed to provide a kitchen. Four velux type windows would provide light to the upper floor and all of the existing openings will be used with a new door opening provided in the gable wall. The sandstone walls will remain under a natural slate roof. The extension will also have a slate roof, with the front elevation clad in sandstone to match the existing building and a dry dash on the remaining elevations. Timber doors and windows are to be used throughout.

The main issues from the previous 2004 application were that the proposed extension was considered too large, being of similar size to the existing barn and the conversion contained uPVC windows. These have now both been addressed in this new submission. With regard to the property being in the Beckermets Conservation Area, the proposal complies with Policy ENV 26 of the adopted Copeland Local Plan 2001-2016 and, in particular, improves the quality of the townscape by bringing a redundant building back into use.

No letters of objection have been received regarding the proposal and the Highways Authority has raised no objections, subject to conditions.

Therefore, as the site is located within the settlement boundary for Beckermets as prescribed by Policy DEV 4 of the adopted Copeland Local Plan 2001-2016, the proposal is in accordance with the Local Plan policy.

Recommendation

Approve (commence within 3 years)

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2. 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 the potential for on-site contamination. 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.
3. 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 extensions shall be carried out to the dwelling, 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.
4. 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.
5. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
6. On-site turning facility for a car shall be provided before the dwelling is occupied and so maintained thereafter.
7. Prior to the carrying out of any development works, the existing building shall be recorded in accordance with a Level 2 survey as described by English Heritage's document "Understanding Historic Buildings : A Guide to Good Recording Practice" 2006 and, following completion, 3 copies of that survey shall be furnished to the Local Planning Authority.

Reasons for the above conditions:-

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

To ensure a safe form of development that poses no unacceptable risk of pollution

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

In the interests of highway safety

To ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development

Reason for decision:-

An acceptable conversion and extension of an existing building within Beckermest Conservation Area in accordance with Policies HSG 4 and ENV 26 of the adopted Copeland Local Plan 2001-2016

7 4/07/2758/0

CONVERSION OF BARN TO FORM ONE DWELLING,
INCLUDING INSTALLATION OF NEW SEPTIC TANK, NEW
OIL STORAGE TANK & PARKING AREA
BARN, BOTTOM ARNABY FARM, THE GREEN, MILLOM,
CUMBRIA.
MR E ALLENBY

Parish Millom Without

- Firstly the Council would like to state that they reiterate their objections to the application as before and that they fully endorse and support Mr Clark's objections in his second letter.

Planning permission is sought for the conversion of an existing barn to a single dwelling at Bottom Arnaby Farm, The Green, Millom.

A previous application for the conversion of this barn to a dwelling was withdrawn in May 2007 (4/07/2198/0 refers) on Officer advice.

The proposed dwelling would provide 5 bedroomed accommodation split over the ground floor, first floor and a second floor in the roof space, all within the existing building structure. The external wall finish will remain as the existing stone, with a natural grey slate roof and timber doors and windows. Existing openings have been used where possible, along with some additional openings to achieve a decent standard of residential amenity.

The main issue from the previous 2007 application was that it was felt that the criteria of Policy HSG 17 of the adopted Copeland Local

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Plan 2001-2016, which this type of proposal is judged against, had not been met. In particular, no attempts had been made to find alternative uses for the building as specified in criterion 1 of the Policy. This has now been addressed in this submission as the barn has been advertised for a period of 6 months but has revealed little or no interest in alternative uses. However, other Policy criteria as set out below must also be complied with:-

- That the building is structurally sound and capable of accepting conversion work without significant rebuilding, modifications or extensions
- The building in its existing form is of a traditional construction and appearance and the proposed conversion work retains the essential character of the building and its surroundings
- The building is located within or adjacent to an existing group of buildings
- The building is served by a satisfactory access from the public highway network
- The conversion works incorporate reasonable standards of amenity
- The number of dwellings is appropriate to the scale of the adjoining development and will not substantially increase the number of dwellings in the countryside

In terms of this application a structural survey has been submitted which states that the building is in a good condition and capable of accepting the conversion works. It is traditional in construction and appearance and the conversion works would not adversely affect the building's character. It is located within the group of 8 dwellings at Arnaby and would be served by the existing access serving these properties.

Four letters of objection have been received regarding the proposal. The concerns raised can be summarised as follows:-

1. The proposal is not in line with the needs for affordable housing
2. The conversion is too large.
3. The access is unacceptable for an increase in traffic.
4. It will affect privacy for adjoining residents.
5. There are bats and owls roosting in the barn.
6. Rights of way will be used for the construction.

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7. The construction traffic will affect the existing lane and properties.
8. The removal of the walled garden for a parking area is contrary to Policies ENV 6 and ENV 36.

In response to the issues raised I would comment firstly that the proposal does not have to be specifically for affordable housing but it is considered that any conversion for affordable housing would likely increase the number of dwellings proposed and this would be more detrimental to the surrounding properties than the single dwelling now proposed. As regards size, the proposal is all within the existing building structure. The relevant Policy in the Local Plan is against extensions to the existing building to provide further accommodation, and it would seem acceptable to use the space available to its full effect.

With regards to the access, the barn has sufficient space adjacent to it including a turning facility. Whilst the condition of the access to Arnaby is not ideal, it serves the existing houses and would suffer no more than if a commercial use had been found, or if the building reverted back to its previous agricultural use. It should also be noted that Cumbria Highways have raised no objection to the proposal having stated that it is unlikely to have a material effect on existing highway conditions. As for the privacy issue, except for the applicant's existing property the barn is approximately 20 metres from the nearest dwelling and there are no habitable room windows in the facing elevation. The possibility of the building being used as a roost can be controlled by condition should Members be minded to approve. Issues regarding construction traffic and rights of way cannot be dealt with through the planning process.

Finally, regarding the garden area that has been included in the proposal for a parking area, I would not consider that the walled garden is of local archaeological or historic importance. However, this would be covered by an archaeological condition included for the barn itself. As for the area being in a Landscape of County Importance, this protects the area from inappropriate change which, again, I do not consider to be the case.

In conclusion, it is my opinion that the proposal now meets the criteria of Policy HSG 17 of the adopted Copeland Local Plan 2001-2016 for conversion of a single dwelling and is therefore recommended for approval.

Recommendation

Approve (commence within 3 years)

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2. 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 the potential for on-site contamination. 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.
3. 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 extensions shall be carried out to the dwelling, 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.
4. Prior to carrying out any development works, the existing building shall be recorded in accordance with a Level 2 survey as described by English Heritage's document "Understanding Historic Buildings A Guide to Good Recording Practice" 2006 and, following completion, 3 copies of that survey shall be furnished to the Local Planning Authority.
5. Before development is commenced an expert approved by Natural England shall survey the barn for the presence of barn owls and/or bats. The findings of the survey shall be confirmed in writing to the Local Planning Authority and appropriate measures undertaken to protect and relocate any species found to be in the buildings.
6. No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage to the septic tank has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the septic tank has been constructed and completed in accordance with the approved plan.
7. No development approved by this permission shall be commenced until further details regarding the scheme for the disposal of surface water drainage to the proposed soakaway has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the soakaway has been constructed and completed in accordance with the approved plans.

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Reasons for the above conditions:-

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

To ensure a safe form of development that poses no unacceptable risk of pollution

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

To ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development

To ascertain the presence of protected species prior to conversion works commencing in the interests of the protection and conservation of existing wildlife on the site

To ensure a satisfactory drainage system

Reason for decision:-

An acceptable conversion of a redundant agricultural building in accordance with Policy HSG 17 of the adopted Copeland Local Plan 2001-2016

8 4/07/2761/0

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

Parish Millom

- No comments received.

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

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are substantially erected up to roof timber level.

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

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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 10.98 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,

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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 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 out look 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

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residents adjoining the site, but it should be noted that a number of these are duplicate letters. The grounds for objection relevant to 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.

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

- (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.

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- (h) The application does recognise that there is part ownership of the site. An applicant does not necessarily have to own or have 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.

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.
4. The site shall be drained on a separate system with foul drainage only being connected into the foul sewer.

MAIN AGENDA

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

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

19th 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

as "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* (1197) 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)

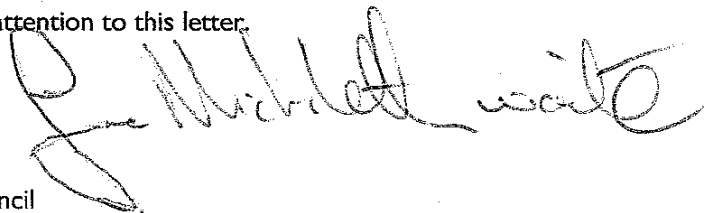
I would like to thank the elected members of the panel for voting against approval of this planning permission in August 2007. It is a mark of good judgment and showed immense personal integrity. I respectfully request that they continue with their opposition and vote against the approval of this development.

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

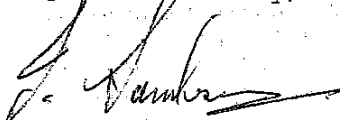
The indication by means of the label "pathway" on one of the plans is meaningless. The slope of the land from the A5095 into the site, together with the slope from west to east, and the requirement that this incline be adjusted to 1:20, prohibits any meaningful relation

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

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

9 4/07/2764/0

EXTENSION TO PROPERTY TO FORM SIX BEDROOM RESPITE
UNIT FOR PEOPLE WITH LEARNING DISABILITIES
55A, NORBECK PARK, CLEATOR MOOR, CUMBRIA.
PROGRESS HOUSING GROUP

Parish Cleator Moor

- No comments received.

This is a resubmitted application to extend a detached bungalow at the head of Norbeck Park, Cleator Moor to provide a respite unit. A previous application to extend the property to the north was approved in October last year (4/07/2542/0F1 refers). However, this permission cannot be implemented for legal reasons as a restrictive covenant exists which prohibits extending the property to the north.

Permission is now sought to provide a similar single storey extension to the southern end of the property on garden land where no such legal restriction exists. In terms of scale it is proposed that the former private dwelling be extended by 14.2m in length and 11.6m in width to enable a 6 bedroomed respite unit to be created to provide short break respite facilities for adults with learning difficulties.

In terms of height, the extension will be under a pitched tiled roof which, at the highest point, projects 0.6 metres above the existing ridge line. External walls will be rendered to match the existing. Vehicular access will be off the existing turning head at Norbeck Park. An amended plan shows the provision of an extended parking and manoeuvring area as recommended by the Highway Authority who raise no objections to the proposal.

MAIN AGENDA

As with the previous proposal this application has raised numerous objections from within the local community. To date 6 letters and a 44 signature petition have been received. The objections put forward can collectively be summarised as follows:-

1. Increased volume of traffic passing through this small, quiet estate and the limited space of the cul-de-sac and the resultant risk to public safety, particularly children.
2. Adverse effect of construction traffic on existing residents.
3. Risk of flooding from nearby Nor Beck could present a potential hazard to future residents of the respite home.
4. Safety of estate residents from occupiers of the unit.
5. Existence of a covenant on part of the site prohibits further development of the property.

The key issue to consider from a planning point of view is whether this is an appropriate use in this location. Concerns regarding type of residents and behaviour are matters for the operators of the unit and not material planning considerations. Covenants, which are separate legal matters, are also irrelevant. However, the concerns put forward regarding access, traffic and the potential effect on residential amenity arising from these are relevant and warrant careful consideration.

The relevant policies governing this form of development are HSG 18 and HSG 19 of the adopted Copeland Local Plan 2001-2016. The former permits such care homes in residential areas providing any extensions proposed are of a suitable scale and design in respect of the parent building and are compatible with its surroundings; there is adequate off-street parking and amenity space provided and that the extensions do not create amenity problems for adjacent properties. Policies HSG 19 advocates strict control over such uses to ensure that groups of such units do not occur to the detriment of residential amenity. As this is the only care home being proposed in the vicinity then this is not a relevant issue.

Taking the above into account the proposal is considered to represent an acceptable use for this property in accordance with Policies HSG 18 and HSG 19 of the Local Plan.

Recommendation

Approve (commence within 3 years)

MAIN AGENDA

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2. On-site parking, turning and access arrangements shall be provided strictly in accordance with the amended site layout plan received by the Local Planning Authority on 17 January 2008 before the development hereby approved is brought into use.
 3. The driveway, parking and turning area shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use.
 4. Notwithstanding the submitted drawings, full details of all boundary treatments shall be reserved for subsequent approval by the Local Planning Authority before development commences. Boundary treatments shall be provided strictly in accordance with the approved details before the development hereby approved becomes operational.
 5. No development approved by this permission shall be commenced until a desktop 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 shall include sufficient documentary research to enable a thorough understanding of the history of the site including past and present uses. If it identifies potential for contamination then a detailed site investigation shall be carried out to establish the degree and nature of the contamination and the potential to pollute the environment or damage human health. If remediation measures are necessary they shall be implemented in accordance with the assessment to the satisfaction of the Local Planning Authority.

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 retain control over the boundary treatment in the interests of amenity

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

Reason for decision:-

Use of this property as a respite unit, together with the proposed extension, is considered an appropriate form of development in accordance with Policies HSG 18 and HSG 19 of the adopted Copeland Local Plan 2001-2016

MAIN AGENDA

10 4/08/2005/0

RENEWAL OF TEMPORARY CONSENT FOR SEASONAL CARAVAN SITE

LANTERN MOSS CARAVAN SITE, BRAYSTONES, BECKERMET, CUMBRIA.
MRS G PALLING

Parish Lowside Quarter

- No objections.

Renewal of temporary planning consent for this 70 pitch seasonal caravan site is sought.

The site is located in an isolated coastal position adjacent to the railway, approximately 1 mile to the south of Braystones village. A centrally located building houses toilet and washing facilities on the site.

A caravan site has operated at Lantern Moss since 1963 with the benefit of a series of temporary consents. The site was granted a one year consent in April 1997 following a site visit by Members when concerns were raised regarding the access track. Following improvements to the access, the site was then granted a ten year permission in April 1998. This expires on 30 April 2008.

The Highway Authority have no objections and no other objections to the application have been received. The current condition of the site and access are acceptable and, as such, a renewal of permission is viewed as appropriate in accordance with Policy TSM 4 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

That subject to no adverse comments being received in response to the statutory consultations before 8 February 2008 the Development Services Manager be delegated authority to grant renewal of planning permission subject to the following conditions:-

2. This permission shall expire on 28 February 2018. The caravans, roads, paths and buildings shall be removed from the site on or before this date and the land restored to its former condition unless the prior written consent of the Local Planning Authority has been obtained for their retention.

MAIN AGENDA

3. No caravans shall be occupied between 14 November and 1 March in any year.
4. A maximum of 70 caravans shall be stationed on the site at any one time.

Reason for condition:-

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

Reason for decision:-

Renewal of permission for a further period of 10 years is considered acceptable in accordance with Policy TSM 4 of the adopted Copeland Local Plan 2001-2016.

Schedule of Applications - DELEGATED MATTERS

4/07/2695/0	Cleator Moor	GARDEN ROOM, UTILITY AND BEDROOM EXTENSION MILLERS INN HOUSE (NO. 2), KILN BROW, CLEATOR, CUMBRIA. MR & MRS S TAYLOR
4/07/2705/0	Whitehaven	REMOVAL AND REPLACEMENT OF ENTRANCE CANOPY WITH SMOKING AREA UNDER KELLS R.B.L., HILLTOP ROAD, KELLS, WHITEHAVEN, CUMBRIA. KELLS R.B.L.
4/07/2707/0	Whitehaven	TWO STOREY EXTENSION & REAR CONSERVATORY 13, HILLTOP ROAD, KELLS, WHITEHAVEN, CUMBRIA. PAUL & TRACY SHARP
4/07/2724/0	Egremont	ERECTION OF PVC-U CONSERVATORY TO SIDE OF HOUSE 24, CROFTLANDS, EGREMONT, CUMBRIA. MRS D WALTER
4/07/2725/0	Whitehaven	ERECTION OF PVC-U CONSERVATORY TO REAR OF DWELLING 31, TOMLIN AVENUE, MIREHOUSE, WHITEHAVEN, CUMBRIA. MR T STRICKLAND
4/07/2732/0	St Bees	CONSERVATORY EXTENSION 6, FAIRLADIES, ST BEES, CUMBRIA. MR & MRS COX
4/07/2736/0	Whitehaven	TWO STOREY EXTENSION TO THE SIDE 11, CRAIG DRIVE, WHITEHAVEN, CUMBRIA. MR C DUNN & MISS N BENSON
4/07/2737/0	Cleator Moor	ERECTION OF SINGLE STOREY REAR EXTENSION MAYFIELD, MAIN STREET, CLEATOR, CUMBRIA. MR M FINLINSON
4/07/2738/0	Cleator Moor	ERECTION OF TWO STOREY EXTENSION TO THE REAR 6, TODHOLES ROAD, CLEATOR MOOR, CUMBRIA. MR M DAVISON & MISS S FITZWILLIAM
4/07/2740/0	Whitehaven	ERECTION OF A TWO STOREY EXTENSION AND IMPROVEMENTS TO VEHICULAR ACCESS 30, HERDUS ROAD, MIREHOUSE, WHITEHAVEN, CUMBRIA MR D LOCK
4/07/2742/0	Moresby	SINGLE STOREY EXTENSION TO SIDE OF EXISTING CAR PORT FOR USE AS GARDEN STORE

		MILLGROVE HOUSE, LOW MORESBY, WHITEHAVEN, CUMBRIA. MR W BROWN
. 4/07/2745/0	Whitehaven	ERECTION OF CONSERVATORY 33, ELIZABETH CRESCENT, BAY VISTA, WHITEHAVEN, CUMBRIA. FIONA J FREARS
. 4/07/2755/0	Weddicar	SIDE EXTENSION TO BUNGALOW LABURNUM, GOOSE BUTTS, CLEATOR MOOR, CUMBRIA. P & S WOOD
- 4/07/2699/0	Whitehaven	(PART 24 OF THE TOWN AND COUNTRY (GENERAL PERMITTED DEVELOPMENT ORDER 1995) ERECTION OF A PUBLIC FOOTPATH, MAIN STREET, HENSINGHAM, WHITEHAVEN, CUMBRIA. O2 UK
. 4/07/2702/0	Distington	OUTLINE APPLICATION FOR CONSTRUCTION OF PAIR OF SEMI-DETACHED, TWO STOREY HOUSES LAND ADJACENT TO, THE POST OFFICE, 54, MAIN STREET, DISTINGTON, CUMBRIA. ALISON LINFORD
- 4/07/2718/0	St Johns Beckermeth	ERECTION OF 7 GARAGES SITE TO REAR OF, CHAPEL TERRACE, THORNHILL, EGREMONT, CUMBRIA. PCL DEVELOPMENTS (CUMBRIA) LTD
. 4/07/2719/0	Moresby	PVCu CONSERVATORY THE WOODLANDS, LOW MORESBY, WHITEHAVEN, CUMBRIA MR & MRS QUIGLEY
. 4/07/2722/0	Arlecdon and Frizington	ERECTION OF WHITE PVCU CONSERVATORY TO SIDE OF DWELLING 9, SKELSCEUGH ROAD, WINDER, FRIZINGTON, CUMBRIA MR EDIE & MRS HARRISON
. 4/07/2723/0	Distington	REVISED DWELLING TYPE WITH DETACHED CAR PORT/STORE LAND ADJACENT TO, GILGARRAN HOUSE, GILGARRAN, DISTINGTON, CUMBRIA. BATES & GRAHAM LTD.
. 4/07/2731/0	Arlecdon and Frizington	ERECTION OF TWO DETACHED DWELLINGS (OUTLINE) ADJACENT TO, STONELEIGH, PARK STREET, FRIZINGTO CUMBRIA. MR & MRS KENMARE

Schedule of Applications - DELEGATED MATTERS

- 4 4/07/2744/0 Whitehaven ALTERATIONS AND EXTENSIONS TO EXISTING SHOP AND FLAT OVER
KELLS SHOP, 286, HIGH ROAD, KELLS, WHITEHAVEN, CUMBRIA.
MR & MRS A PATEL
- 4/07/2746/0 Whitehaven CHANGE OF USE FROM STORAGE TO SALE AND TEACHING OF MUSICAL INSTRUMENTS
UNIT A10, HAIG ENTERPRISE PARK, KELLS, WHITEHAVEN, CUMBRIA.
MR J MCMEAN
- 4/07/2750/0 Whitehaven APPLICATION TO FELL ONE SYCAMORE TREE AND CROWN REDUCE ONE ASH TREE PROTECTED BY A TREE
THE VICARAGE, OAKFIELD COURT, HILLCREST, WHITEHAVEN, CUMBRIA.
THE REVD MALCOLM COWAN
- 4/07/2754/0 Cleator Moor EXTENSION TO EXISTING BUILDING/FIELD SHELTER FO HOUSING POULTRY, HORSES AND STORAGE AREA
LAND TO REAR OF 26, ALDBY PLACE, CLEATOR MOOR, CUMBRIA.
MR J CORKHILL
- 4/07/2756/0 Whitehaven LISTED BUILDING CONSENT FOR PROVISION OF NEW CA IRON RAINWATER PIPES
10A, COATES LANE, WHITEHAVEN, CUMBRIA.
MR P WATSON
- 4/07/2760/0 Whitehaven EXTERNAL WORK TO IMPROVE DISABLED ACCESS

ORCHARD COURT, MEADOW ROAD, WHITEHAVEN, CUMBRIA
ANCHOR TRUST
- 4/07/2700/0 St Bridgets Beckermat 5 DWELLINGS WITHIN FARMYARD COMPLEX, DEMOLITION OF AGRICULTURAL BUILDINGS AND EXTENSION TO CROFT HOUSE FARM, BECKERMET, CUMBRIA.
MRS B J JENKINSON
- 4/07/2701/0 St Bridgets Beckermat RENEWAL OF PLANNING PERMISSION FOR CONVERSION O GARAGE AND OUTBUILDING TO GRANNY FLAT AND GARAG CROFT HOUSE, BECKERMET, CUMBRIA.
MR & MRS G M HOUSBY
- 4/07/2710/0 Haile ERECTION OF PORTAL FRAME WORKSHOP WITH MEZZANIN OFFICE, CAR PARKING & YARD
BECKERMET INDUSTRIAL ESTATE, HAILE, EGREMONT, CUMBRIA.
WESTERN LAKES LTD
- 4/07/2715/0 Seascale SINGLE STOREY EXTENSION

39, GOSFORTH ROAD, SEASCALE, CUMBRIA.
MRS J BROWN

Schedule of Applications - DELEGATED MATTERS

4/07/2720/0	St Johns Beckermat	LEAN TO CATTLE SHELTER OXENRIGGS, EGREMONT, CUMBRIA. D F WALKER
4/07/2729/0	Millom Without	DEMOLISH TWO WOODEN SHEDS, ERECT GENERAL PURPOS BUILDING FIELD 5200, ADJACENT TO BRACKEN BECK, UNDERHILL MILLOM, CUMBRIA. MR P ASHBURNER
4/07/2734/0	Egremont	REFURBISHMENT AND RECLADDING OF EXISTING WAREHOUSE WITH NEW WAREHOUSE. EXTENSION OF SHOP FURNESS SUPPLY DEPOT, CHAPEL STREET, EGREMONT, CUMBRIA. FURNESS & SOUTH CUMBERLAND SUPPLY
4/07/2739/0	Egremont	CROWN REDUCTION OF LIME TREE WITHIN CONSERVATIO AREA ADJACENT TO, 76/77, MAIN STREET, EGREMONT, CUMBRIA. COPELAND BOROUGH COUNCIL