

PLANNING PANEL

9 JANUARY 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

MAIN AGENDA

1 4/07/2638/0

CONSTRUCTION OF 81 NO. DWELLINGS AND ASSOCIATED
WORKS
LAND AT, FRIZINGTON ROAD, FRIZINGTON, CUMBRIA.
BARRATT MANCHESTER

Parish Arlecdon and Frizington

- The Parish Council expects the developers to use the type and colour of building materials suitable for a development in this locality.

Outline planning permission was granted for residential development on the former Kangol factory site in November 2003 (4/03/1082/0 refers). Following a site visit by Members full planning permission was then granted for 75 dwellings (4/05/2163/0) and a further 6 dwellings on land that at that time was Council owned (4/05/2720/0 refers) were granted permission in December 2005. A revised scheme for the 23 no. apartments was subsequently approved in May 2007 (4/07/2163/0F1 refers).

This new application seeks full planning permission for a revised scheme comprising a total of 81 dwellings.

The proposal comprises the 1.4 hectares former Kangol site as well as part of the formerly Council owned car park fronting Frizington Road. A range of house types are proposed including 22 x 2 bedroomed apartments; 2 x 1 bedroomed apartments; 8 x 3 and 4 bedroomed semi-detached houses and 49 x 2, 3 and 4 bedroomed terraced houses.

The proposal seeks to retain and upgrade the northern section of the existing public car park opposite the shops on Frizington Road. The existing recycling facilities are also to be retained.

All of the dwellings are of a relatively simple design, finished externally with facing brickwork.

Layout details have now been provided which satisfy the Highway Authority. However, as with the previous application, the Highways Authority have requested the developers pay a contribution towards traffic calming works within the town. However, given the applicants willingness to retain the existing public car park and amenity facilities adjacent to Frizington Road, it would seem unreasonable to seek an additional financial contribution.

Although the site lies within Flood Zone 1 a Flood Risk Assessment has now been provided at the request of the Environment Agency and in accordance with Planning Policy Statement 25 "Development and Flood Risk".

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The principle of developing this site for residential purposes has already been established with the granting of outline permission in 2003 and detailed consents in both 2005 and 2007. This revised detailed scheme adequately achieves the required separation distances, general standards of amenity and car parking as required in Policy HSG 8 and would see the redevelopment of a significant brownfield site as advocated by Planning Policy Statement PPS3 ("Housing").

Recommendation

- Approve (commence within 3 years)
2. Permission shall relate solely to the amended plans (Drawing nos. PL01/359 Rev A received by the Local Planning Authority on 9 November 2007 and Drawing nos. 2006/FA3/L/H/01B, 2006/FA3/L/H/02, 2006/FA3/L/H/04 and 2006/FA3/L/H/06) received by the Local Planning Authority on 14 November 2007. Development shall be carried out in accordance with the approved details.
 3. Before development is commenced arrangements for the future maintenance of the public car park shall be submitted to and approved in writing by the Local Planning Authority.
 4. Before the development is commenced a detailed site investigation shall be carried out to establish if the site contains contaminants, to assess the degree and nature of the contaminants present, and to determine its potential for the pollution of the water environment. The method and extent of this investigation shall be agreed in writing with the Local Planning Authority prior to the commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then proceed in strict accordance with the measures approved.
 5. Before development commences full details of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate some form of Sustainable Drainage System (SuDS). The approved scheme shall be implemented before any dwelling is occupied.
 6. The site shall be drained on a separate system with only foul drainage connected into the foul sewer.
 7. Before development is commenced representative samples of the proposed external facing materials and roofing tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

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8. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the dwellings are occupied.
9. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.
10. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.
11. Access gates, if provided, shall be hung to open inwards only away from the highway.
12. Details of all measures to be taken by the applicants to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority prior to development being commenced. Any approved works shall be implemented prior to development being completed and shall be maintained operational thereafter.
13. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwellings are occupied.

Reasons for conditions:-

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

For the avoidance of doubt

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

To prevent pollution of the watercourse

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

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

In the interests of highway safety

Reason for decision:-

An appropriate form of housing development on this previously developed allocated housing site within the settlement boundary of Frizington in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016

2 4/07/2648/0

CHANGE OF USE TO FAST FOOD TAKE-AWAY
17, DUKE STREET, WHITEHAVEN, CUMBRIA.
KAHEL MIAH

Parish Whitehaven

Planning permission is sought to change the use of this mid terraced property in the centre of Whitehaven from a barbers shop to a fast food takeaway. In terms of external works it is proposed to alter the staircase to allow for the external extraction system to be fitted.

As originally submitted it was proposed that the takeaway would be open until the hours of 3.00am on Thursdays, Fridays, Saturdays and Bank Holidays and until 1.00am on Sundays, Mondays, Tuesdays and Wednesdays.

At the latest, existing hot food takeaways within the town centre are required to close by 1.30am on Thursdays, Fridays and Saturdays and by 12 midnight on Sundays to Wednesdays inclusive. The Council, as Local Planning Authority, has consistently refused planning applications for town centre hot food takeaways to open beyond 1.30am, and these have been successfully upheld on appeal.

In the light of this the applicant has now amended the proposed opening hours until 1.30am on Thursdays, Fridays and Saturdays and Bank Holidays and until 12 midnight Sundays to Wednesdays inclusive, consistent with other town centre takeaways.

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

Letters of objection have been received from the owners of the two adjoining businesses, Upper Crust and Absolute Beauty Centre. The grounds for objection can be summarised as follows:-

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1. There is already a takeaway at 18 Duke Street which attracts vermin.
2. Sometimes the smell pervades from the existing takeaway at No 18, although not often. Depending on the type of takeaway that is proposed this could greatly increase the likelihood of fumes which will make the beauty salon an undesirable place for people to go and may result in a loss of takings which would result in the loss of staff or at worse close the premises.
3. Another such application for a hot food takeaway was turned down recently due to the fact of there being too many in this area.
4. The beauty salon had to close early on mad Friday due to problems with drunkenness This would increase even more if there was yet another takeaway.
5. There are enough takeaways in the town.
6. Problems with litter. It is already difficult enough for the Council to deal with refuse.
7. The town is basing its future on the Georgian Theme and this certainly does not support this.

Policy TCN 10 of the adopted Copeland Local Plan 2001-2016 generally supports food and drink uses within the town centre. Policy TCN 7 sets out the criteria against which such proposals should be assessed and states:-

"Proposals for food and drink uses in shopping areas will be permitted subject to the requirements of TCN 4 and other plan policies with particular attention to:

1. the likely impact on the character and amenity of the general area and on nearby residential properties as a result of noise, disturbance, litter, smell, sewer discharge or visual intrusion
2. restriction on late night opening where late night activity associated with the proposed use would be harmful to the general character and amenity of the area
3. any venting of the premises not causing undue nuisance to adjoining occupiers."

In my opinion the proposal satisfactorily meets these criteria. Duke Street is predominantly commercial with a number of similar hot food takeaways in the vicinity.

Recommendation

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Approve (commence within 3 years)

2. The use hereby permitted shall not be open to customers outside the following hours:-

11.00am - 12 midnight Sundays to Wednesdays inclusive
11.00am - 1.30am Thursdays, Fridays and Saturdays
3. The use hereby permitted shall not commence until full details of the scheme for the extraction of cooking fumes and cooking odours has been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved details before the use commences and shall subsequently be operated and maintained at all times in accordance with the manufacturer's instructions.
4. Detailed plans of any proposed external alterations shall be submitted to and approved in writing by the Local Planning Authority before such development is commenced. Works shall be carried out in accordance with the approved details.

Reasons for conditions:-

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

To minimise the risk of nuisance to neighbouring properties, particularly those containing residential accommodation

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

Reason for decision:-

An acceptable alternative use for these town centre premises in accordance with Policy TCN 7 of the adopted Copeland Local Plan 2001-2016

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3 4/07/2666/0

REDEVELOPMENT OF THE UPPER LEVELS & ADJOINING
BARN INTO 4 NO. HOLIDAY LETS
PUNCH BOWL HOTEL, THE GREEN, MILLOM, CUMBRIA.
MR A GARDNER

Parish Millom Without

- See attached comments.

Planning permission is sought for the redevelopment of the upper levels and adjoining barn to provide 4 No. holiday lets at the Punch Bowl, The Green, Millom. There has been a previous application for 5 self contained units and a restaurant extension which was withdrawn by the applicants in August 2005 (4/05/2334/0 refers). Also, a previous application on the property for alterations to provide hotel rooms and manager's accommodation was approved in 2004 (4/04/2358/0 refers).

The pub is located within the main village area of The Green and is adjacent to the main access road, the A5093. It is adjacent to a number of dwellings and the village hall.

This application would see the property converted into four holiday letting units over the two upper floors, the main part of which was formerly used as a dance hall. Three units will be situated in the main part of the building and one unit in the adjoining barn, of which the ground floor is also used as part of the pub. The access to this unit will be from a new stair located to the rear. External walls will be rendered and stone faced with a slate roof as per the existing barn and building. The existing brown upvc sliding sash windows are to remain, with 3 additional dormer windows in the roof for the 2nd floor accommodation.

The Highways Authority, whilst raising no objections, have commented that the proposed fencing will make the area uninviting to customers of the pub which could result in additional vehicles parking on the highway and it will also restrict intervisibility of vehicles exiting the site, increasing the risk of accidents.

With regard to the boundary fence concerns raised by the Parish Council I would comment that the applicant has now stated that the boundary wall could be increased in height instead of a fence which would look more suitable. With regard to visibility, it should be noted that the positioning of the wall is set 4 metres back from the highway and the gateway will be recessed a further metre back inside the car park. However, a condition can be included to agree the exact boundary wall details before development commences.

In terms of the use of the accommodation, the applicant has stated that the residential units will be used for holiday use rather than

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as permanent dwellings.

In planning policy terms the proposal is considered against Policy HSG 17 of the adopted Copeland Local Plan 2001-2016 regarding conversion to dwellings in rural areas as there is no settlement boundary in the Local Plan for The Green. In this instance, as the additional dwellings are stated as providing holiday accommodation instead of permanent dwellings, it is considered that the application can be supported as the proposal will increase the holiday accommodation in the area and represents an acceptable reuse of an existing redundant space. However, as the property is located outside of any settlement boundary as prescribed by Policy DEV 4, should Members be minded to approved the application a condition should be included to restrict the occupancy of the dwellings.

Recommendation

Approve (commence within 3 years)

2. The two additional units shall be occupied as holiday accommodation only and not as a permanent or principal residence.
3. Full details of the proposed boundary treatments surrounding the car park shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved boundary treatments shall be constructed before the letting units are occupied.
4. Full details of the access stairs to the units shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development should be carried out in accordance with the approved details.

Reasons for conditions:-

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

For the avoidance of doubt

In the interests of amenity

To safeguard the amenity of the locality

Reason for decision:-

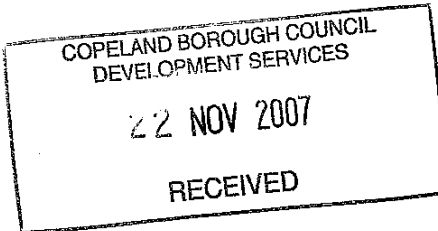
The proposal is considered acceptable in accordance with Policy HSG 17 of the adopted Copeland Local Plan 2001-2016

MILLOM WITHOUT PARISH COUNCIL

Clerk: Mrs C Jopson
Telephone: 01229 772525
Email: Cathhestham@aol.com

Hestham Hall Farm
Millom, Cumbria, LA18 5LJ

Mr S Blacker
Planning Officer
Copeland Borough Council
Catherine Street
Whitehaven
Cumbria



20 November 2007

Dear Mr Blacker

PLANNING APPLICATION NO: 4/07/2666/OF1
Proposed Re-Development at The Punch Bowl Inn, The Green

If this development is to be purely short-term holiday use we have no objections in principle, however, we are concerned that once the development has taken place these units should not become permanent residences. Can conditions to this effect be inserted?

We note a boundary discrepancy between the area marked in red on the Location Plan and the boundaries shown on the Block Plan 3107-03C. The area to be defined by the proposed 'drop kerbs' consists at present of a cobbled area of considerable age and the Council think that it is important that this is retained as part of the character of the village. The Council is also very concerned that no enclosure of this area should take place and that a drop kerb seems totally unnecessary and out of keeping. We think that conditions should be made to this effect, prohibiting any modifications of the present layout.

We object to the proposal to fence the car park on a number of grounds:

- Firstly, the site is in the centre of the village and a security fence of any value is out of character with the village
- Secondly, it would have an adverse effect on road safety, in that it would restrict visibility at a dangerous junction. No decision should be taken until the Highway Authority has been consulted.
- Thirdly, the type of fence has not been specified in detail other than it is made of wood. The Council also considers that the provision as to height in Block Plan 3107-03C could be ambiguous as it might be interpreted that the total height is to be 3 metres.
- In the landscaping provisions the Council notes that "*the existing stone walls bounding the car park to be made up to a height of 1m with timber fencing installed above to a maximum height of 2m. Elsewhere walls inside of the site are to be either 0.9m or 1.8m high rendered block walls to match the colour of the main building*". I have already mentioned the Council's concern about the ambiguity relating to the maximum height. The Council also feels, however, that this provision is far from clear and leaves far too much scope for inappropriate development. The application is deficient in this respect and ought to specify precisely what is intended including the position and height of each wall.

The new toilet shown on 3107-09 is not shown on the Block Plan 3107-03C and we remain concerned that this is to be very close to the conservatory of an adjacent property.

Yours sincerely



Mrs Cath Jopson
Clerk

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4 4/07/2674/0

EXTENSION OF EXISTING GLASSHOUSE AND ERECTION OF
NEW GLASSHOUSE TO REPLACE EXISTING
WOODLAND NURSERIES, LOWCA, WHITEHAVEN, CUMBRIA.
BLOMFIELDS

Parish Lowca

- No comments received.

Planning permission to erect a glasshouse towards the north eastern end of these long established wholesale horticultural nursery premises was granted in November 1997 (4/97/0664/0F1 refers).

In order to meet continuing demands from existing retail customers it is now proposed to extend this glasshouse by a further 96m to provide an additional 2460 sq m floorspace. In addition to this it is proposed to remove 7 older polytunnels and 2 glasshouse units and replace them with a single glasshouse measuring 92m in length by 25.6m in width. Both the extension and replacement glasshouse will be 3.35m in height to eaves level and 4.25m in height to ridge.

On-site earthworks will be required to accommodate the extension and achieve a level site for the replacement glasshouse. Excess material will be sited to the north eastern end of the site adjacent to an existing glasshouse.

The established landform to the north east will substantially screen the proposed extension, as it does the existing development, from the nearby village of Lowca. Existing hedgerows to the south of the site provide effective screening of the replacement glasshouse from neighbouring residential properties sited at a lower level.

Roof water from the proposed extension is to be stored in a retention tank which has a 23,000 litre capacity and will be used to irrigate plants. Any surplus overflow will be fed into the existing culvert pipe. In terms of the replacement glasshouse the existing drainage system will be utilised.

No objections have been received in response to statutory consultations.

A single letter of objection has been received from a neighbouring property owner. In principle they do not object to the extension plans but have raised the following concerns:-

1. A nearby culvert which runs into Lowca Beck discharges onto the old railway line and gets blocked as it can't cope with the volume going through it in times of heavy rainfall which has resulted in

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flooding problems in the past.

2. Drainage in the area of the proposed replacement glasshouse has not worked well for years. The objectors get a lot of runoff from this section of the nurseries during winter.
3. Extending the ground level which may result in overlooking and encroach on privacy.
4. Increase in noise levels with employees including seasonal workers carrying out their daily duties.
5. If the new glasshouse is to be heated the boiler may be noisy, especially during silent hours.
6. Concerns during construction. If possible working times during earth movement should be restricted. In the past excavators and dumpers have been used 7 days a week from early morning to late at night.
7. Whilst ground consolidation is being carried out vibrating equipment will be used which may cause damage to the objectors property.

The applicants are aware of the concerns raised and have submitted a letter pointing out that the 600mm culvert pipe is capable of taking the surface water and that any problems having arisen are due to the culvert grid sometimes getting blocked. They point out that the nursery is on a steeply sloping site and only a very small proportion of water flow into this pipe is from the nursery. Both the Environment Agency and United Utilities have raised no objections to the proposal.

With regards to the ground works the applicants confirm that the new glasshouse will be 1.5m nearer the neighbouring property of Beckside than the existing structures, some of which have been there for 43 years. They point out that the new glasshouse must be built on level ground and that the service entrance will be to the north end of the unit some 50m away from Beckside.

In terms of heating they confirm that the existing glasshouse has been heated with air heaters for the past 42 years and the polytunnels heated for the past 20 years without any complaints.

Whilst issues relating to construction are not material planning considerations the applicants anticipate that, weather dependent, operations should take no longer than a week.

On balance, it is considered that the proposed extension and new glasshouse to replace nine existing older units will facilitate the continued viability of this long established business in accordance with Policy EMP 4 of the adopted Copeland Local Plan 2001-2016.

MAIN AGENDA

Recommendation

Approve (commence within 3 years)

Reason for condition:-

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

Reason for decision:-

The proposed development facilitates continued viability of this long established wholesale horticultural nursery and is compliant with Policy EMP 4 of the adopted Copeland Local Plan 2001-2016

5 4/07/2681/0

PROPOSED DWELLING
LAND TO REAR OF, SUMMERHILL HOUSE 51,
SPRINGFIELD ROAD, BIGRIGG, EGREMONT, CUMBRIA.
MR & MRS P BERRY

Parish Egremont

- Councillors are concerned that the addition of another dwelling could add more traffic onto an already busy road. Request a site visit.

Planning permission is sought for a single dwelling on land adjacent to Summerhill House, Bigrigg. The application was reported to Members on 12 December 2007 with a recommendation for a site visit in accordance with the Town Council's request. This visit took place on 19 December 2007.

A previous application for a dwelling on this site was refused in December 2006 (4/06/2747/0 refers). A subsequent appeal against this decision was dismissed. A copy of the Inspector's decision letter is attached.

The proposed dwelling would provide 3 bedroomed accommodation split over the ground floor and a first floor in the roof space. There would be a single dormer window and 10 velux windows to provide light to the upper floor. It has been redesigned from the first application so that the separation distances in Policy HSG 8 of the Copeland Local Plan 2001-2016 have been met. In particular, the separation distance from No. 50 was the greatest concern in the Inspector's decision and

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this is now over the required 12 metres.

The dwelling would again be located to the rear of the applicant's existing house (Summerhill House) and the adjoining terrace of 47-50 Springfield Road. It would also be located to the rear of 46 Croftlands, the estate adjoining this piece of land. The proposed house does not benefit from any direct road frontage, proposed vehicular access being from the existing access to the side of the terraced properties off Springfield Road. Whilst the Highways Authority have acknowledged that it is a substandard access they have raised no objections as it is existing.

Two letters of objection have been received from residents of Springfield Road whose concerns are as follows:-

1. The proposed development would restrict access to the rear of the terraced houses and cause disruption to the existing residents.
2. The construction works may affect the existing terraced houses.
3. There will be loss of amenity to the terrace.
4. The proposed dwelling is too close to No. 50 Springfield Road.

In response to these concerns I would firstly comment that rear access to the terraced properties has been shown with a width of 1.6 metres. Also, rights of access issues are not a material planning consideration, nor are potential problems during the construction process. The loss of amenity and closeness to the terrace are relevant issues but the new application has addressed the situation by complying with Policy HSG 8.

Therefore, as the site is located within the settlement boundary for Bigrigg, as prescribed by Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 and meets the necessary distances of Policy HSG 8 for housing design standards, the application is viewed as in accordance with the Local Plan and is recommended for approval.

Recommendation

Approve (commence within 3 years)

2. Permission in respect of site layout shall relate solely to the amended plan received by the Local Planning Authority on 20 December 2007.

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3. 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.
4. 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 or hardstanding be constructed within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reasons for conditions:-

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

For the avoidance of doubt

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

To retain control over the appearance of the dwelling and its curtilage in the interests of amenity

Reason for decision:-

The submitted details adequately demonstrate compliance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016



Appeal Decision

Site visit made on 3 August 2007

by **Alison Roland BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Date: 28 August 2007

Appeal Ref: APP/Z0923/A/07/2041231

Land adj Summerhill House, 51 Springfield Road, Bigrigg, Egremont CA22 2QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs P Berry against the decision of Copeland Borough Council.
- The application Ref: 4/06/2747/0, dated 27 October 2006, was refused by notice dated 6 December 2006.
- The development proposed is a dwelling.

Decision

I dismiss the appeal.

Main issue

The main issue in this appeal is the implications of the proposal for the living conditions of nearby residents.

Reasons

The living room window in the proposed dwelling would stand about 14 metres from the rear of No 46 Croftlands which is considerably less than the 21 metres specified in Policy HSG 8. However, the two properties would be orientated at an angle to each other which would reduce the perception of overlooking. Furthermore, there are two intervening boundary treatments of significant height. It seems most unlikely that both these boundaries would be removed as they abut a footpath, but even if they were they would almost certainly be replaced by other walls or hedges in order to maintain privacy. I therefore consider the relationship of the proposed dwelling to that property to be satisfactory and it would not give rise to a material loss of privacy.

The Council say that the dwelling would stand about 11 metres from the rear of No 50 Springfield Road and the intervening garage would stand only about 5 metres distant. The appellant refers to the nearest window as a bedroom window. These distances would fall short of the 12 metre separation distance advocated by Policy HSG 8. I appreciate that the numerical shortfall would be short in the case of the house, but the garage would stand rather closer and the separation distances are expressed in minimum terms as opposed to optimal distances. In particular, although I appreciate the height of the first floor window in No 50, having regard to the strong sense of enclosure created by the side of No 51, I share the Council's concern that the two properties would stand uncomfortably close to each other. The result would be a cramped relationship which would be unduly oppressive and

create a rather uninspiring outlook for the occupants of No 50. The sense of openness which presently exists to the rear of that property would be significantly reduced. I am mindful that the occupants have not objected the proposal, but that cannot automatically be interpreted as support and I must also consider the implications for future residents.

For these reasons, I conclude that the relationship between the proposed dwelling and No 50 Springfield Road would be cramped which would be harmful to the living conditions of the occupants therein. The proposal would thus conflict with Policies HSG 4 and HSG 8 of the Local Plan.

ALISON ROLAND

INSPECTOR

MAIN AGENDA

6 4/07/2694/0

FIRST FLOOR BEDROOM WITH EN-SUITE, ENTRANCE PORCH
EXTENSION
27, THE MILLFIELDS, BECKERMET, CUMBRIA.
MR & MRS LAUGHLIN

Parish St Johns Beckermest

- No comments received.

Planning permission is sought for a first floor domestic extension at 27 The Millfields, Beckermest.

The detached dwelling is located centrally on this estate in Beckermest and is currently two storey in construction with a previously approved garage/workshop extending along the boundary with No. 25 The Millfields (4/01/0394/0 refers).

The proposal would see a first floor extension along the boundary, which would be for the length of the original dwelling, totalling 6.8 metres. The finishes to the extension will match the existing, being a white dry dash render with a facing brick plinth and grey concrete tiles.

A front porch extension to the building is also proposed, with the garage and porch frontage being brought forwards 1.5 metres.

An objection to the proposal has been received from an adjoining resident whose concerns are:-

1. The main element of the building will be 2 storey along the boundary.
2. The extension will extend rearwards of their property, due to the staggered frontages.
3. The proposed extension will cause a substantial reduction in light.
4. The extension encroaches onto the boundary.
5. The extension will not be able to be built without accessing the objectors' land.
6. It will cause a loss of value in their property.

In response to these concerns I would comment that it is not uncommon for two storey elements to be built along the boundary of properties. Also, whilst the build will be visible due to the staggered frontage, it will be for a distance of only 2 metres. Therefore, the loss of light will be minimal. With regard to encroachment, I would

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comment that this proposal would be above the existing extension so the current footprint would not change. Finally, any affect on property value is not a material planning consideration and the access arrangement for construction will have to be addressed by the applicant.

The proposal is considered complaint with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 regarding domestic extensions and alterations and is therefore recommended for approval.

Recommendation

Approve (commence within 3 years)

Reason for condition:-

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

Reason for decision:-

The proposal is considered to represent an acceptable domestic extension compliant with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

7 4/07/2704/0

DETACHED 2 BEDROOM BUNGALOW FOR AGRICULTURAL WORKER
FAIRLADIES FARM, OUTRIGG ROAD, ST BEES, CUMBRIA.
MR & MRS J CLARK

Parish St Bees

- No comments received.

Full permission is sought for an agricultural worker's bungalow close to the existing group on this established farm near St Bees. The application is supported by an agricultural report and a design and access statement.

The farm unit currently comprises a dairy herd of 170, a livestock rearing enterprise and a flock of 220 ewes on a total area of 118 hectares (292 acres) which has been run by the family since 1935. There is currently one bungalow on the holding which accommodates the farmer, his wife and son together with a range of modern steel framed buildings providing a milking parlour, cattle housing, silage pit and

MAIN AGENDA

tank room. The new dwelling would be occupied by the farmer's son.

It is the intention that the proposed dwelling would be sited in part of the adjacent field at the other end of the unit from the existing farmhouse, immediately adjacent to the farm building group. This particular siting would offer additional security to the farm in view of its isolated location between St Bees and Egremont. An amended plan confirms that vehicular access is now proposed via the existing main entrance to the farm which raises no highway concerns.

In terms of design a predominantly single storey two bedroom bungalow is proposed with an integral double garage and storage room in the roof space. Materials include rendered wet dashed walls and grey concrete tiles.

An independent agricultural appraisal commissioned by the Council supports the requirement for a second dwelling on this large holding, the conclusion of which is appended. This clearly demonstrates that there is a labour requirement of over three full time workers and that two full time workers actively involved in the management of it should be resident on or immediately adjacent to the farm, particularly in view of the livestock welfare demands relating to the dairy cow and breeding ewe enterprises. The existing farmhouse fulfills the need for one of the full time workers but another residence is required.

It is considered that the relevant adopted Copeland Local Plan 2001-2016 Policies DEV 5 and HSG 5 have been satisfactorily met with the agricultural report clearly justifying the need for the additional dwelling whilst the siting of it adjacent to the farm unit is considered acceptable.

Recommendation

Approve (commence within 3 years)

2. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or a widow or widower of such a person, and to any resident dependents.
3. Vehicular access arrangements shall be provided strictly in accordance with the amended block plan received by the Local Planning Authority on 14 December 2007 before the dwelling is occupied and shall be so maintained thereafter.

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4. 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 plans.
5. A sample of the facing brick to be used shall be submitted to and approved in writing by the Local Planning Authority before development commences.
6. No development approved by this permission shall be commenced until a desk top study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk for on-site contamination. The desk study should include sufficient documentary research to enable a thorough understanding of the history of the site, including past and present uses. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contaminant and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they shall be implemented in accordance with the assessment to the satisfaction of the Local Planning Authority.

Reasons for conditions:-

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

The Local Planning Authority would not be prepared to grant planning permission for the erection of a dwelling on this site except for occupation by persons so employed

For the avoidance of doubt

To prevent pollution of the water environment

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

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

Reason for decision:-

The erection of a dwelling in this location is supported on agricultural need grounds in accordance with Policies DEV 5 and HSG 5 of the adopted Copeland Local Plan 2001-2016

FAIRLADIES FARM, OUTRIGG ROAD, ST BEES

REPORT ON THE AGRICULTURAL NEED IN RELATION TO A
PROPOSED PERMANENT AGRICULTURAL WORKER'S DWELLING

Capita Symonds
Clint Mill
Cornmarket
PENRITH
Cumbria
CA11 7HP

Tel: 01768 242340

December 2007

CAPITA SYMONDS

particularly when the dairy cows are calving and the breeding ewes are lambing.

I am therefore of the view that 2 full time workers, actively involved in the management of this unit should be resident on or immediately adjacent to it.

At the present time the existing dwelling at Fairladies Farm meets the requirement to house only 1 of the 2 workers that are actively involved in the management of this unit and are required to be resident on it.

v) *Other normal planning requirements for example in relation to access or impact on the countryside are satisfied.*

These are beyond my instructions.

10.0 Conclusions

I therefore conclude by advising as follows:-

1. There is a clearly established existing functional need on this holding relating to the care of the livestock, particularly in relation to the dairy cow and breeding ewe enterprises. The functional test is therefore met.

2. I have calculated the labour requirement on this holding in the region of over 3 full time workers and therefore the labour requirement test is met.
3. I confirm that the holding is clearly financially viable and therefore the financial test is met.
4. I am of the view that in order to satisfy the clearly established existing functional need on this holding that 2 full time workers, actively involved in the management of this unit should be resident on or immediately adjacent to it.
5. At the present time the existing dwelling at Fairladies Farm only meets the requirement to house 1 of those 2 full time workers that are actively involved in the management of this unit and are required to be resident on it.



A G Jackson BSc FRICS FAAV
14 January 2007

MAIN AGENDA

8 4/07/2709/0

CHANGE OF USE FROM BAKERS SHOP TO HOT FOOD
TAKEAWAY
11, TANGIER STREET, WHITEHAVEN, CUMBRIA.
MR R OPAN

Parish Whitehaven

In May 2007 an application to change of the use of the former Pat-a-Cake Bakery on Tangier Street to a hot food takeaway was withdrawn following concerns regarding storage of trade waste and the odour control system (4/07/2229/0F1 refers). A revised application was then refused in October 2007 (4/07/2583/0F1 refers) for the following reason:-

"In the absence of adequate space to accommodate a refuse facility the proposed use would have an adverse impact on neighbouring properties and the surrounding area in general as a result of increased smell and waste. Furthermore, by virtue of its prominent position the proposed odour control system does not respect the character or appearance of the Conservation Area setting and, as such, is at variance with both Policies ENV 26 and TCN 14 of the adopted Copeland Local Plan 2001-2016".

This application again seeks consent to change of the use of these vacant town centre premises to a hot food takeaway specialising in fried chicken and pizzas. This revised scheme seeks to overcome the previous grounds for refusal by incorporating a waste bin storage area. In addition to this the internally installed extraction system will now discharge through a dummy window in the gable end wall rather than the previously proposed extract hood through the slate roof.

A black powder coated light will also be added to the exterior of the building to illuminate new signage which will be the subject of a separate application for advertisement consent.

The Council's Environmental Health Section have raised no objections to this revised proposal subject to conditions. They comment that the revised scheme addresses the concerns they raised to the previous application through the creation of an internal trade waste storage area.

A single letter of objection has been received from the owner of the neighbouring Waverley Hotel. The grounds for objection can be summarised as follows:-

1. Tangier Street and the surrounding area already have far too many fast food takeaways with there being four on Tangier Street alone.
2. The Waverley Hotel already suffers from noxious smells emanating from Indian Spice (Duke Street) with their extraction system being visible from several of the letting bedrooms. Another such establishment would become unbearable as the smell goes on until the early hours of the morning.
3. There are already large amounts of rubbish, cartons, wrappers, pizza boxes, vomit etc that appear on the Hotel's car park and the surrounding streets most evening and mornings. This does not encourage tourists.
4. Concerns regarding the amount of damage and anti-social behaviour that occurs outside these fast food takeaways. Late night revellers turning out from nearby nightclubs and public houses tend to gather around causing noise and damage.
5. The objectors' business will suffer if this application is successful.

In terms of planning policy both Policies ENV 26 and TCN 7 of the adopted Copeland Local Plan 2001-2016 are considered relevant to the determination of this application.

Policy ENV 26 states that:-

"Development within Conservation Areas or that which impacts upon the setting of a Conservation Area will only be permitted where it preserves or enhances the character and appearance of the Area and, if appropriate, views in and out of the Area. In particular it should:-

1. respect the character of existing architecture and any historical associations by having due regard to positioning and grouping of buildings, form, scale, detailing and use of traditional materials
2. respect existing hard and soft landscape features including open space, trees, walls and surfacing
3. respect traditional street patterns, plot boundaries and frontage widths
4. improve the quality of the townscape."

Policy TCN 7 states that:-

1. the likely impact on the character and amenity of the general area and on nearby residential properties as a result of noise, disturbance, litter, smell, sewer discharge or visual intrusion

MAIN AGENDA

2. restrictions on late-night opening where late night activity associated with the proposed use would be harmful to the general character and amenity of the area
3. any venting of the premises not causing undue nuisance to adjoining occupiers."

In my opinion this revised scheme materially addresses the previous grounds for refusal by providing an adequate area for the storage of trade waste and through the use of a sympathetically designed means of extraction that respects the character of this building's Conservation Area setting.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plans received by the Local Planning Authority on 20 December 2007
3. The use hereby permitted shall not be open to customers outside the following times:-
 - 11.00am - 12 midnight Sundays to Wednesdays inclusive
 - 11.00am - 1.30am Thursdays, Fridays and Saturdays
4. The use hereby permitted shall not commence until full details of the scheme for the extraction of cooking fumes (including suitable filters, efflux velocity and locations of discharge point) and ventilation of the premises shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved details before the use commences and shall subsequently be operated and maintained at all times in accordance with the manufacturer's instructions.
5. Detailed plans of any proposed external alterations shall be submitted to and approved in writing by the Local Planning Authority before such development is commenced. Works shall be carried out in accordance with the approved details.
6. The lighting units shall be erected so that no direct rays of light from the source of illumination shall be visible to the drivers of vehicles using the highway and shall be maintained in that respect thereafter.
7. The use hereby permitted shall not commence until the solid waste bin storage area as shown on drawing no. RO/KT/07/04 received by the Local Planning Authority on 20 December 2007 is made operational and shall be so maintained thereafter.

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Reasons for conditions:-

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

For the avoidance of doubt

To minimise the risk of nuisance to neighbouring properties, particularly those containing residential accommodation

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

In the interests of highway safety

To facilitate associated waste storage

Reason for decision:-

An acceptable alternative use for these vacant premises situated within the town centre Conservation Area in accordance with Policies TCN 7 and ENV 26 of the adopted Copeland Local Plan 2001-2016

Please note:-

The applicant should note that a licence will be required for the proposed lighting unit which will overhang the footway and should contact Mr Karl Melville on (01946) 852505 to discuss the requirements further

9 4/07/2714/0

BEACH BUNGALOW
SANDYBANK, COULDERTON BEACH, EGREMONT, CUMBRIA.
FIONA HUCK

MAIN AGENDA

Parish

Lowside Quarter

- No objections.

A detailed proposal to replace a dilapidated wooden beach bungalow on Coulderton foreshore with a single storey permanently constructed one. A previous outline application for a replacement beach bungalow on this site was approved in 2005 subject to it being single storey and the standard Section 106 Agreement restricting occupancy to holiday accommodation only (4/05/2824 refers).

In terms of accommodation the bungalow will provide three bedrooms, an attached single garage with a living room and double patio windows facing the front to maximise the seaward views. It will be constructed of rendered breeze block walls with feature facing brickwork under a pitched tiled roof. Finishes will match the neighbouring newly built chalet. A Design and Access Statement submitted with the application confirms that it will be used for holiday use only.

The proposal satisfactorily accords with Policy TSM 6 of the adopted Copeland Local Plan 2001-2016 which permits replacement accommodation for holiday use only underpinned by a legal agreement (S106) to prevent the future use of such chalets as main residences.

Recommendation

That planning permission be granted subject to the applicant entering into a Section 106 Agreement to restrict future occupancy of the beach bungalow to holiday use only and subject to the following conditions:-

2. Before development commences a sample of the render, facing brick and roofing tiles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no external alterations or extensions shall be carried out to the beach bungalow, nor shall any building or enclosure be constructed within its curtilage, without the prior written consent of the Local Planning Authority.

Reasons for conditions:-

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

To retain control over the appearance of the building in the interests of visual and residential amenity

Reason for decision:-

An acceptable replacement beach bungalow for holiday use on Coulderton foreshore which complies with Policy TSM 6 of the adopted Copeland Local Plan 2001-2016

10 4/07/2716/0

CHANGE OF USE TO CREATE TWO HOLIDAY LETS AND
ERECTION OF SUN ROOM EXTENSION TO EXISTING
DWELLING
FAR HEAD OF HAILE HOUSE, HAILE, EGREMONT,
CUMBRIA.
MR AND MRS C GREENING

Parish Haile

- No comments received.

Planning permission is sought for a change of use to create two holiday lets and the erection of a sun room at Far Head of Haile House at Haile, Egremont.

The existing dwelling is made up of a traditional farmhouse, an attached former barn and a more recent extension. It is in a fairly isolated location out of the main village of Haile, along a farm track. There is only one other property nearby and an active agricultural unit. The large two storey dwelling is presently used to provide bed and breakfast accommodation by the applicants.

The proposal would see the building group separated back into three units of accommodation with the farmhouse as the owners' accommodation as existing and the barn and the converted extension into the two holiday lets. The proposed external changes to the buildings are minimal with only one additional window, one door, four velux rooflights and four arrow slit window features to the barn. The existing finishes of render to the extension and farmhouse and exposed stone to the barn with concrete roof tiles will remain.

To the rear of the properties the large garden will be separated into three areas to provide adequate amenity space for each residence. A sunroom extension to the farmhouse is also proposed to the rear of the property, replacing an existing decking area.

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No objections have been received in respect of the proposal.

In planning policy terms, the proposal is considered against Policy HSG 17 of the adopted Copeland Local Plan 2001-2016 regarding conversion to dwellings in rural areas. In this instance, as the additional dwellings are stated as for holiday accommodation instead of permanent dwellings, it is considered that the application can be supported as the proposal will increase the holiday accommodation in the area whilst not causing any detriment to the property or surroundings. However, as the property is located outside of any settlement boundary as prescribed by Policy DEV 4, should Members be minded to approve the application, a condition should be included to restrict the occupancy of the dwellings.

Recommendation

Approve (commence within 3 years)

2. The two letting units shall be occupied as holiday accommodation only and not as a permanent or principal residences.

Reason for conditions:-

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

For the avoidance of doubt

Reason for decision:-

The proposal is considered acceptable in accordance with Policy HSG 17 of the adopted Copeland Local Plan 2001-2016 regarding conversion to dwellings in rural areas

11 4/07/2721/0

TWO STOREY LIVING ROOM AND BEDROOM EXTENSION
18, BURTON HIGH CLOSE, WHITEHAVEN, CUMBRIA.
DAVID LANDELLS

MAIN AGENDA

Parish

Whitehaven

Planning permission is sought to erect a two storey extension to the side of this two bedroomed semi-detached house situated within The Highlands residential estate, Whitehaven. An existing attached single storey garage will be demolished to make way for the development.

Measuring 3.9m in width by 9.39m in length the extension will project 1.5m beyond the existing house frontage. A 1.5m x 1.8m single storey porch is also proposed which would adjoin the front projection.

The extension will be sited between 0.5m and 0.9m from the adjoining boundary to the east.

Internally, the extension will provide additional living accommodation and a utility room at ground floor level with two additional bedrooms and en-suite bathroom above. Proposed external finishes comprise pebble dash rendered walls, upvc windows and a concrete tiled roof, all of which match the existing dwelling.

Letters of objection have been received from six neighbouring property owners. The grounds for objection can be summarised as follows:-

1. The front building line will be substantially exceeded and the proposed extension will "jut" out and look unsightly, unattractive and totally out of place.
2. Burton High Close is comprised of approximately 40 properties. Some of these have been extended. However, none of these have substantially exceeded the front building line. This extension should be kept within the building line at first floor level.
3. Overlooking.
4. The owners of the adjoining bungalow use the area in front of their garage door as a patio area in summer. This will become shaded and their view replaced with a gable end.
5. Precedent. If one extension is permitted beyond the building line it would be more difficult to prevent similar ones. The quality of the estate could be seriously impaired.
6. There is a difference in levels, some 2.25m between the applicant's property and the adjacent bungalow. The trench for the foundations will therefore be less than 1.0m from the existing retaining wall.
7. The existing sewer will need to be removed, thus seriously compromising the stability of the retaining wall.
8. Scaffolding would impinge on the neighbours' land.

MAIN AGENDA

9. Devaluation of properties.
10. Loss of scenic view from the front door and west facing window of the neighbouring bungalow.

In response to the objections raised the following comments are offered:-

1. From a design point of view Burton High Close is made up of a variety of dwelling types including semi-detached houses, single storey bungalows and detached houses. A number of properties within the estate have been extended, many of which project beyond the building line at ground floor level. It is worth noting that a detached house within the estate, No. 15 Burton High Close, also has a two storey front projecting element incorporated into its design.
2. The adjacent bungalow is sited at a higher level than the application site by some 2.25m. The window and door to which the neighbour's concerns relate will be 4.3m from the gable end of the extension. It should also be noted that outside this window and door lies the objectors' driveway which was occupied by two cars when officers visited the site on two separate occasions.
3. Issues relating to property values, loss of view and construction are not material planning considerations and should be disregarded.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 supports proposals for the extension and alteration to existing dwellings so long as:-

1. the scale, design and choice of materials involved respect the character of the parent property with the use of pitched roofs wherever practicable
2. they would not lead to a significant reduction in daylighting available to either the parent property or adjacent dwellings
3. they would not create potential noise nuisance, security or privacy or overlooking problems for residents of either the parent property or adjacent dwellings
4. they would not result in a loss of 50% or more of the undeveloped curtilage of the parent property

On balance, the proposal is considered unlikely to cause demonstrable harm in terms of overlooking, loss of light or visual amenity. I am therefore of the opinion the proposed domestic extension represents an acceptable form of development in compliance with Policy HSG 20.

MAIN AGENDA

Recommendation

Approve (commence within 3 years)

- 2. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the extension is occupied/brought into use.

The reasons for the above conditions are:-

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

In the interests of highway safety.

Reason for decision:-

The proposed development represents an acceptable addition to this dwelling in accordance with Policy HSG 20 of the Adopted Copeland Local Plan 2001-2016

12 4/07/2728/0

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

Parish St Bees

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 drive/approach to this country hotel/restaurant in St Bees. The site is within St Bees Conservation Area and is substantially wooded. The trees on it are the subject of a Tree Preservation Order.

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 bedroom (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 sandstone clad walls and features with natural slate roofs, timber doors and windows.

MAIN AGENDA

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

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

The key issues are 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. In view of this and the previous history relating to the site it is recommended that Members take the opportunity to visit the site prior to making a decision

Recommendation

Site Visit

13 4/07/2733/0

APPLICATION TO ERECT A SMOKING SHELTER (REVISED LOCATION)
THE HAVEN CLUB, CLEATOR MOOR ROAD, HENSINGHAM,
WHITEHAVEN, CUMBRIA.
THE HAVEN CLUB

Parish Whitehaven

An application to erect a smoking shelter to the rear of The Haven Club was refused in October 2007 (4/07/2582/0F1 refers). The reason for refusal was as follows:-

"By virtue of its siting to the front of this existing social club the proposed smoking shelter is likely to have an adverse impact on the neighbouring residential properties of Coach Houses in terms of the generation of an unacceptable level of noise and general disturbance and, as such, is at variance with Policy DEV 6 of the adopted Copeland Local Plan 2001-2016".

MAIN AGENDA

Following the introduction of the new smoking legislation on 1 July 2007 planning permission is again sought to erect a 1.8m x 3.6m smoking shelter at the rear of The Haven Club, Cleator Moor road, Hensingham. This revised scheme seeks to overcome the previous grounds for refusal by re-siting the smoking shelter some 10.0m from the boundary with the neighbouring property. This is an increased distance of 5.5m from the previous application. It is also proposed to heighten the existing boundary wall.

The 2.4m high shelter will be of steel framed construction. It will be open at the front and rear with enclosed sides.

No objections have been received from statutory consultees including Cumbria Constabulary, Cumbria Highways and the Council's Environmental Health department.

Policy DEV 6 sets out the Council's design principles for new development. In particular, criterion 9 states:-

"by design and choice of location creates or maintains reasonable standards of general amenity and helps to minimise risk or fears for personal safety, health and the security of property"

In my opinion this revised scheme materially addresses the previous grounds for refusal through the re-siting of the smoking shelter in a location unlikely to cause demonstrable harm to the occupants of neighbouring residential properties in terms of noise generation and general disturbance. As such, the proposal is considered to be compliant with Policy DEV 6 and is favourably recommended.

Recommendation

Approve (commence within 3 years)

2. The boundary wall between the application site and No. 1 Coach House shall be increased in height in accordance with the submitted details prior to the smoking shelter being brought into use and shall be so maintained thereafter.

Reasons for conditions:-

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

To minimise the risk of nuisance to neighbouring residents

Reason for decision:-

An acceptable form of development in association with this existing social club compliant with Policy DEV 6 of the adopted Copeland Local Plan 2001-2016

MAIN AGENDA

14 4/07/2735/0

NEW HOUSING DEVELOPMENT OF 83 DWELLINGS
POOLSIDE, PORT HAVERIGG, MILLOM, CUMBRIA.
GRAISLEY PROPERTIES LTD

Parish Millom

This is a full application following an earlier outline permission (4/03/1350/O01) which has now lapsed. A similar application (4/06/2621/OF1) was submitted in 2006 but was withdrawn due to there being a need for an ecological assessment and a flood risk assessment. The application has now been re-submitted and is accompanied by the following:-

- Design and Access Statement
- Ecological Considerations
- Flood Risk Assessment

THE PROPOSAL

The site is an area of undeveloped land bounded to the west by Haverigg Pool, to the north of the cricket ground, to the east by open land and to the south by the sea. Part of the site was previously occupied by pre-fabs , known locally as "Concrete Square".

The 2.7 hectare site lies within the Haverigg settlement boundary and is allocated for residential development in the Copeland Local Plan 2001-2016. The proposal is to develop a total of 83 dwellings, being a mix of apartments, terraces, semi-detached and detached properties at a density of 31 dwellings per hectare.

The issues raised by this application include flooding mitigation measures, ecological issues and design considerations.

In view of the size and scale of the proposal and the issues referred to above, it is recommended that Members visit this site prior to the application being determined.

Recommendation

Site Visit

MAIN AGENDA

15 4/07/2743/0

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING
BUS GARAGE/DEPOT TO CREATE RETAIL & PARKING AT
GROUND FLOOR LEVEL WITH 4 FLOORS OF RESIDENTIAL
OVER
BUS STATION, BRANSTY ROW, WHITEHAVEN, CUMBRIA.
CITY & PROVINCIAL DEVELOPMENTS

Parish Whitehaven

This is an outline application for ground floor retailing and car parking with apartments above. All matters of detail (layout, scale, appearance, access and landscaping) are to be reserved for subsequent approval. This is a re-submission of an outline application (4/05/2905/001) for part ground retailing and part car parking to serve the 3 floors of apartments above.

The application is accompanied by a number of plans and documents including:-

- Design and Access Statement
- Transport Statement
- Stage 1 Road Safety Audit
- Ground Condition/Contamination Desk Study
- Structural Appraisal of Retaining Walls

THE PROPOSAL

The site fronts onto Bransty Row and Wellington Row to the rear. The buildings on the site are currently vacant, being the former bus station.

The proposals raise issues regarding access and servicing, design details and the height and massing of the building at this important entrance to the town, as well as the relationship of the development to residential properties to the rear.

It is recommended that Members visit this site prior to the application being determined as there are a number of design issues relating to this proposal and implications for future development in the vicinity.

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Recommendation

Site Visit

16 4/07/2749/0

RESIDENTIAL DEVELOPMENT
HINNINGS FARM, DISTINGTON, CUMBRIA.
D WINFIELD

Parish Distington

This is an application for approval of details following an earlier outline planning permission (4/03/0245, as amended by 4/06/2152).

The application is accompanied by a Design and Access Statement.

THE PROPOSAL

The site 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 and is allocated for residential development in the Copeland Local Plan.

The proposal is to create a total of 80 dwellings comprising a mix of terraces and semi-detached properties.

It is recommended that Members visit this site prior to the application being determined.

Recommendation

Site Visit

CUMBRIA COUNTY COUNCIL

17 4/07/9016/0

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

Parish St Bees

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

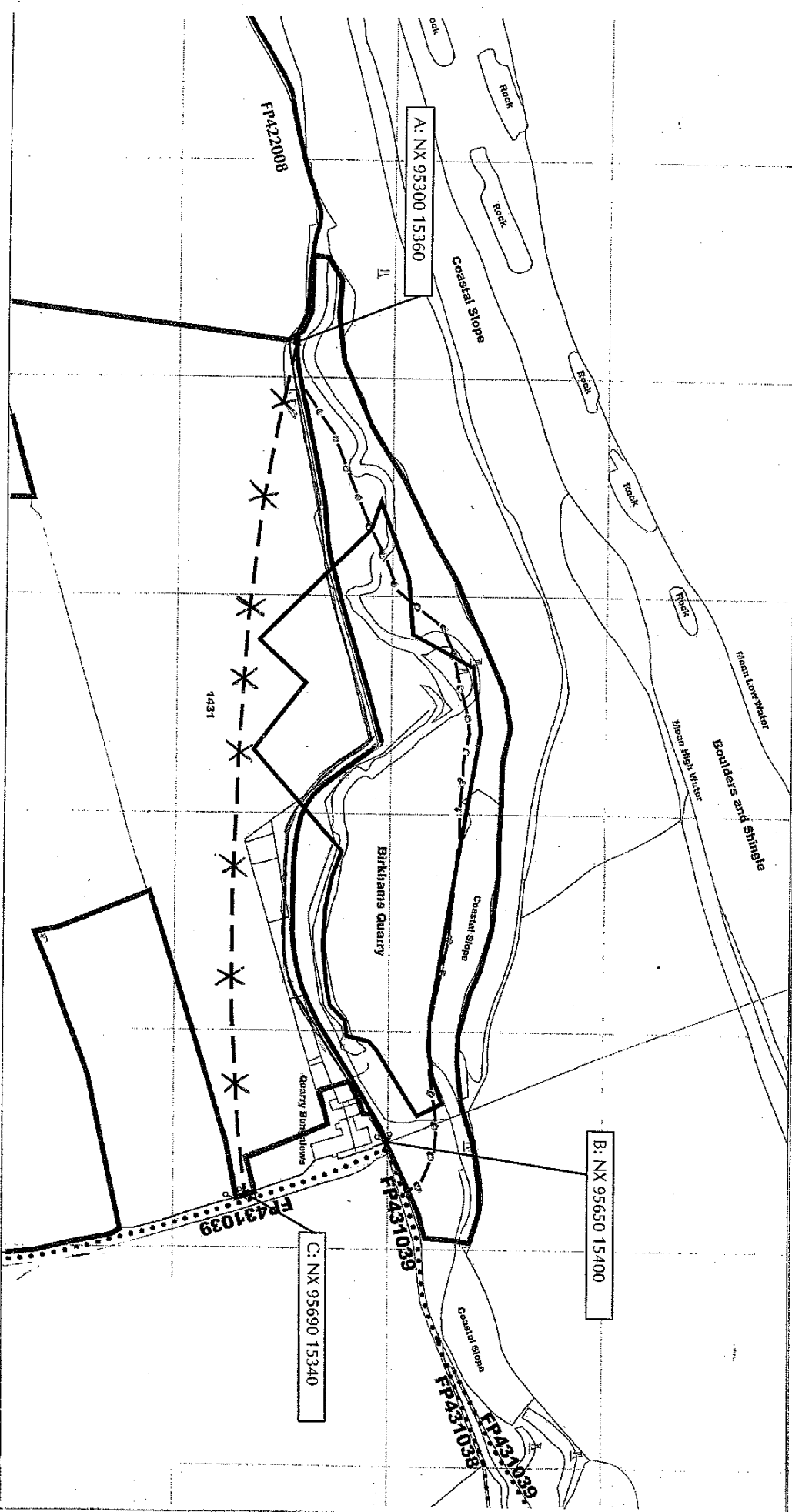
The diversion route for the footpath now raises health and safety issues due to proximity to the quarry and it is now proposed to divert the path across land to the south of the quarry, the line of which has been the subject of negotiation between the County Council and the quarry operators. The plan appended to this report shows the line of the existing footpath, the previously approved diversion and the new proposed route. The operators have consulted the nearest residents likely to be affected at Quarry Bungalows who indicate a preference for the new route as it moves the public access further away from their dwelling than the original diversion.

This application therefore seeks to vary condition 3 of the 2003 consent which requires any variation to be submitted to and approved by the County Planning Authority. Conditions 11, 12 and 13 are also affected as these relate directly to the previously approved diversion route.

In my opinion this is an acceptable proposal to re-divert a public footpath across land which is situated a safe distance from the working quarry and has the added benefit of taking public access further away from existing residences.

Recommendation

Permission be granted



- KEY**
- Planning Permission Boundary (4/02/9022)
 - Land within Ownership of Marshalls
 - Existing Footpath 422008 to be Diverted (A to B)
 - Approved Diversion Route
 - Proposed Diversion of FP 422008 (A to C)



SCALE: 1:2500

BIRKHAMS QUARRY	
PROPOSED FOOTPATH DIVERSION	
STEPHENSON HALLDAY	FIGURE 20B
BIR/NDV 2007	
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Schedule of Applications - DELEGATED MATTERS

4/07/2658/0	Lamplugh	EXTENSION TO DWELLING GREENSYKE HOUSE, LAMPLUGH, CUMBRIA. IAN HOPLEY
4/07/2663/0	St Johns Beckermeth	ERECTION OF CONSERVATORIES (4 No) SITE TO REAR OF, CHAPEL TERRACE, THORNHILL, EGREMONT, CUMBRIA. PCL DEVELOPMENTS (CUMBRIA) LTD
4/07/2668/0	Whitehaven	ERECTION OF SINGLE STOREY EXTENSION 3, ELIZABETH CRESCENT, BAY VISTA, WHITEHAVEN, CUMBRIA. MR & MRS J HILL
4/07/2673/0	Whitehaven	ERECTION OF A SINGLE STOREY EXTENSION AND WIDENING DRIVEWAY ENTRANCE 102, HIGH ROAD, KELLS, WHITEHAVEN, CUMBRIA. MRS J MCGARRY
4/07/2678/0	Distington	EXTENSION FOR PORCH AND STORE 5, BARFS ROAD, DISTINGTON, CUMBRIA. MR P BOOTHROYD
4/07/2683/0	Whitehaven	REAR TWO STOREY EXTENSION 13, MEADOW VIEW, LOW ROAD, WHITEHAVEN, CUMBRIA. JUDITH ASHBURNER
4/07/2684/0	Cleator Moor	KITCHEN AND DINING ROOM EXTENSION 39, THREAPLANDS, CLEATOR MOOR, CUMBRIA. MR & MRS PORTER
4/07/2686/0	Whitehaven	EXTENSIONS TO PROVIDE FRONT PORCH, STORE, BREAKFAST AREA & SUNROOM 7, SNEBRO ROAD, MIREHOUSE, WHITEHAVEN, CUMBRIA. MR & MRS A KEVERN
4/07/2693/0	Moresby	ERECTION OF GROUND FLOOR BEDROOM AND BATHROOM 133, MORESBY PARKS ROAD, WHITEHAVEN, CUMBRIA. MISS J MAY
4/07/2696/0	Arlecdon and Frizington	NEW ENTRANCE AND GARDEN ROOM LOW MILL, FRIZINGTON, CUMBRIA. MR J WILLIAMS
4/07/2703/0	Whitehaven	PLAYROOM AND BEDROOM EXTENSION AND SINGLE GARAG 2, THORNTON ROAD, WHITEHAVEN, CUMBRIA.

Schedule of Applications - DELEGATED MATTERS

		MR & MRS KING
4/07/2664/0	St Bees	OUTLINE APPLICATION FOR TWO STOREY DWELLING IN GARDEN OUTRIGGS, OUTRIGG, ST BEES, CUMBRIA. MR M REID
4/07/2672/0	Lamplugh	BARN FOR AGRICULTURAL USE HAWES FARM, KIRKLAND, FRIZINGTON, CUMBRIA. J MARSH AND S J RICHARDS
4/07/2675/0	Whitehaven	CHANGE OF USE FROM WASTE LAND INTO A TEA GARDEN/SMOKING AREA REAR OF 35, JAMES STREET, WHITEHAVEN, CUMBRIA. MR AND MRS P THORNTON
4/07/2688/0	Whitehaven	CHANGE OF USE FROM RESIDENTIAL TO BEAUTY SALON 4, LOW CORKICKLE, WHITEHAVEN, CUMBRIA. MISS E SHUTT
4/07/2690/0	Whitehaven	1 ILLUMINATED FASCIA SIGN AND 1 DISPLAY PROJECTING SIGN CO-OP TRAVEL STORE, 80, KING STREET, WHITEHAVEN CUMBRIA. C W S RETAIL FINANCIAL SERVICES
4/07/2691/0	St Bees	APPLICATION TO REMOVE TWO LEYLANDI FIR TREES WITHIN ST BEES CONSERVATION AREA 123, MAIN STREET, ST BEES, CUMBRIA. A S KEEP/G SHORT
4/07/2692/0	Whitehaven	APPLICATION TO FELL ONE ASH TREE WITHIN THE GROUNDS OF A LISTED BUILDING ST BEGH'S PRIORY, COACH ROAD, WHITEHAVEN, CUMBRIA. REV. M CARNEY
4/07/2698/0	Cleator Moor	BLOCK OF 4 SECTIONAL BUILDINGS FOR STABLING AND STORAGE FIELD NO. 0264, ADJACENT TO, BLIND LANE, CROSSFIELD ROAD, CLEATOR MOOR, CUMBRIA. MR P KIRKBRIDE
4/07/2712/0	St Bees	APPLICATION TO FELL 1 ASH TREE, 4 SYCAMORE TREE REDUCE IN HEIGHT 2 BEECH TREES, 1 ASH TREE AND KHANDALLAH HOUSE, HIGH HOUSE ROAD, ST BEES, CUMBRIA. MRS A ROBERTS
4/07/2713/0	Whitehaven	LISTED BUILDING CONSENT FOR SKY SATELLITE DISH 46, NEW LOWTHER STREET, WHITEHAVEN, CUMBRIA. MR J CURWEN

Schedule of Applications - DELEGATED MATTERS

- 4/07/2717/0 Whitehaven
LANDSCAPING OF SLOPED BANK TO ACCOMMODATE CAR PARKING KIOSK
WEST CUMBERLAND HOSPITAL, HENSINGHAM, WHITEHAVE CUMBRIA.
NORTH CUMBRIA ACUTE HOSPITALS NHS
- 4/07/2649/0 Egremont
HARDSTANDING PLAYGROUND AND FENCE
BOOKWELL PRIMARY SCHOOL, BOOKWELL, EGREMONT, CUMBRIA.
MR G POSTLETHWAITE
- 4/07/2650/0 Egremont
ERECTION OF ADDITIONAL TWO STOREY DETACHED DWELLING ON APPROVED PLANNING PERMISSION
PLOT 37A, LANGHORN COURT, EGREMONT, CUMBRIA.
PERSIMMON HOMES LANCASHIRE
- 4/07/2680/0 Egremont
ALTERATIONS TO REPOSITION CUSTOMER ENTRANCE & ACCESS THROUGH BOUNDARY WALL
EGREMONT CO-OP, MAIN STREET, EGREMONT, CUMBRIA.
THE CO-OPERATIVE GROUP
- 4/07/2682/0 Haile
CONSTRUCTION OF NEW DETACHED 5 BEDROOMED DORMER BUNGALOW STYLE DWELLING WITH ATTACHED GARAGE
PLOT 3, THE CROFT, WILTON, EGREMONT, CUMBRIA.
GMC QUALITY HOMES LTD
- 4/07/2687/0 Lowside Quarter
TWO STABLES AND HAY BARN
PLOT 23, PARCEL ID 6251, ROTHERSYKE, EGREMONT, CUMBRIA.
MS C TODD