

**PLANNING PANEL**

**9 NOVEMBER 2005**

**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 siting, design and external appearance of the building(s), means of access thereto, and the means of disposal of surface water therefrom, 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 five 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 FIVE 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

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan - adopted June 1997

Copeland Local Plan 2001-2016 2<sup>nd</sup> Deposit Version

Copeland's Interim Housing Policy Statement, approved by Full Council on 15 June 2004

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

Department of Transport, Local Government and the Regions 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

Department of Transport, Local Government and the Regions:-

Planning Policy Guidance Notes

Development Control Policy Notes

Design Bulletins

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1 4/05/2490/0

OUTLINE APPLICATION FOR HOUSING DEVELOPMENT  
LAND ADJACENT TO, SEASCALE PRIMARY SCHOOL,  
CROFT HEAD ROAD, SEASCALE, CUMBRIA.  
CUMBRIA COUNTY COUNCIL

Parish                    Seascale

- No alternative but to object as the site is outside the draft Local Plan. However, if Copeland are minded to approve the following points are raised:-

1. It is over intensive development.
2. Croft Head Road should be widened to full highway standard with a new splayed access onto Gosforth Road.
3. Concerns from the school regarding road safety of children on both Croft Head Road and Gosforth Road.
4. The Police are monitoring the area due to the number of accidents.
5. Residents of Croft Head Road have concerns regarding the adequacy of the sewage system.

In order to fully appraise the above issues, Members carried out a site visit on 31 August 2005.

This 0.6 hectares site originally formed part of the adjoining Seascale Primary School. In the early 1990's the school was remodelled and this area became surplus to requirements. Although all buildings have been demolished, floor slabs and hard play areas remain. In 1994 planning permission was granted for housing development on the site (4/94/0198/001 refers). The consent was not implemented and subsequently lapsed.

Contrary to the Parish Council's comments the site is within the settlement boundary for Seascale as defined in the Copeland Local Plan 2001-2016 2nd Deposit Version. Furthermore, the site is considered to be previously developed land as defined by Annex C of PPG3. As such, a presumption in favour of housing development exists.

The application seeks outline planning permission. However, the proposal is accompanied by an illustrative drawing showing how 17 dwellings could be accommodated on the site. This includes a mix of linked, semi-detached and detached houses.

Access to the site is via Croft Head Road which is narrow and has

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poor visibility at its junction with Gosforth Road. The applicants have agreed to undertake a scheme of highway improvements, which are outlined in the letter annexed to this report. It is considered that these improvements could be achieved by a "Grampian" style condition.

Three letters of objection have been received from local residents. Their concerns can be summarised as follows:-

- a) The narrowness of Croft Head Road and the increased traffic will conflict with School traffic.
- (b) Sewage and drainage will be difficult due to levels and will require pumping. Soakaways should not be used as there is an oil tank on the land from which traces of oil are visible.
- (c) Object to houses on plots 1-7 (as these overlook the objector's property) and suggest bungalows.
- (d) Further development will result in an increase in traffic noise in the area.

As a previously developed site within the settlement boundary for Seascale as defined in the Copeland Local Plan 2001-2016 2nd Deposit Version there is a presumption in favour of development. Due to a bottleneck in the plot there is a risk that plots 1 to 7 have a harmful effect on the existing neighbouring bungalow in terms of visual amenity and overlooking. As the application seeks outline approval, siting and design can be reserved for subsequent approval.

United Utilities do not object to the proposal but recommend that the site be drained on a separate system. A suitable condition to secure site investigation and remediation is recommended.

The proposed widening and improvement of Croft Head is considered essential before development is commenced. Implementation of the works should improve highway safety for all users of Croft Head Road.

## Recommendation

## Approve in Outline

1. The siting, design and external appearance of the building/s, means of access thereto, and the means of disposal of surface water therefrom, 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 five 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.
3. Any submission for the approval of reserved matters shall include a scheme for the widening and improvement of Croft Head Road as outlined in the applicant's letter to the Local Planning Authority dated 19 September 2005. The scheme shall be approved in writing by the Local Planning Authority and the approved scheme fully implemented before development of any dwelling is commenced.
4. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. The desk study should include sufficient documentary research to enable a thorough understanding of the history of the site, including past and present uses. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they shall be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.
5. The site shall be drained on a separate system, with foul drainage only connected into the foul sewer.
6. Notwithstanding the indicative site layout plan all details of numbers, siting, design and means of access are reserved for subsequent approval.
7. 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 works 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 approved shall be constructed before the dwellings are occupied.

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- 8. 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.
- 9. Access gates, if provided, shall be hung to open inwards only away from the highway.
- 10. Details of all measures to be taken by the developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
- 11. 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 the above conditions:-

In the interests of highway safety.

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

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

For the avoidance of doubt.

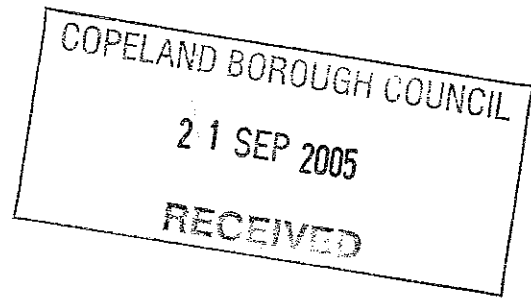
Reason for decision:-

An acceptable form of housing development on a previously developed site compliant with the Council's Interim Housing Policy and Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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# CAPITA SYMONDS

19 September 2005  
Your reference: RC/4/05/2490/001  
Our reference: PDC/MJF/AC  
Enquiries to: Mike Fishpool  
Direct Line: (01228) 673251



Copeland Borough Council  
Development and Environment  
The Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria  
CA28 7SJ

Dear Sirs

**OUTLINE PLANNING APPLICATION FOR HOUSING DEVELOPMENT:  
LAND ADJACENT SEASCALE PRIMARY SCHOOL, CROFT HEAD ROAD,  
SEASCALE.**

In response to my letter dated 5 September 2005, I have received the attached letter from James Moultrie at Cumbria Highways. Following a further telephone conversation with Mr Moultrie it has been agreed that the applicant will accept the following conditions:-

1. A 2.5m footway will be constructed along northern frontage of Croft Head Road, between the site's entrance and the junction with Gosforth Road.
2. The carriageway of Croft Head Road will be widened to a minimum of 4.8m between the site's entrance and the junction with Gosforth Road.
3. A 10m radius shall be provided on the Northern side of the Gosforth Road/Croft Head Road junction.
4. Full details of the surface water drainage system shall be submitted and approved by the Local Planning Authority prior to works commencing on site.
5. A stage 1 safety audit (incorporating an assessment of the need for traffic calming measures on Croft Head Road) shall be submitted and approved by the Local Planning Authority prior to works commencing on site.

All matters relating to the layout of the site, the means of access, parking and turning within the site shall be reserved for approval at the detailed application stage.

Yours faithfully

M Fishpool MRICS

c.c James Moultrie, Cumbria Highways, Allerdale and Copeland, Richmond House, Catherine Street Whitehaven, Cumbria CA28 7QY

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2 4/05/2528/0

CONVERSION OF GARAGE INTO BREWERY FACILITY  
(RETROSPECTIVE)  
UPPER BECKSTONES, THE GREEN, MILLOM, CUMBRIA.  
MR A SMITH

Parish Millom Without

- Supports local initiative and is supportive of the application in principle. Such a significant development will affect the central area of the village and it is important, therefore, that the interests and concerns of the nearby residents should be taken into account.

Members visited this site on 26 October 2005.

In July 2005 an application for this change of use and a two storey building to serve as a maintenance workshop was withdrawn (4/05/2348/0F1 refers). This new application seeks to regularise the change of use from domestic garage to brewery. A separate application on this agenda (4/05/2697/0F1) relates to the proposed two storey building.

In September 2002 planning permission was granted for the garage (4/02/0835 refers). Since completion, the garage has been developed as a micro-brewery without the benefit of planning permission. The majority of the facility is confined to the building although there is some external barrel storage and a chiller unit.

The brewery currently can produce 180 gallons per brew and two brews per week is possible. In addition to the owner who lives on site another family member is engaged in the enterprise as the brewer. He also lives in the village. Due to the scale of the brewery delivery of supplies is limited. A seven tonne lorry delivers grain as required.

One letter of objection has been received from the owner of the adjoining vacant farmhouse and barns. The objections can be summarised as follows:-

- (a) The use has operated for two and half years without planning permission.
- (b) The brewery creates a nauseating smell which affects the farmhouse and proposed holiday cottages in the redundant barns.
- (c) If planning permission is granted there should be stipulations to prevent further expansion.

Eight letters of support have been received from local residents. In general, the supporters consider the brewery to be a valuable rural

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business which adds character to the area. The beer is sold to and helps support the village pub. The supporters deny that the use results in smells or other nuisance.

Policy RUR 1 of the Copeland Local Plan 2001-2016 2nd Deposit Version supports employment uses in rural areas subject to the proposal representing an acceptable form of development. In particular, the use should be compatible with the character and appearance of the surrounding landscape or built environment. Also, the proposal should not have a significant adverse traffic impact.

The brewery as currently operated is considered to be compatible with this rural village location. Given the limited number of vehicular movements, the development is unlikely to give rise to an adverse traffic impact. The Council's Environmental Health Officer raises no concerns regarding potential nuisance.

The use is well supported locally and can be seen as an asset to the local community. However, careful consideration should be given to the balance between allowing the business to develop whilst protecting the amenity interests and character of the area. Appropriate conditions are recommended to control future activities.

Recommendation

Approve

1. The works hereby permitted shall be commenced within FIVE years from the date hereof.
2. The use hereby approved shall only be operated ancillary to the residential use of the property known as Upper Beckstones and shall not be sold, let or operated separately.
3. The building shall be used solely as a micro-brewery and for no other purposes (including any other purpose in Class B2 of the schedule to the Town and Country Planning (use Classes) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reasons for the above conditions-

To safeguard neighbouring residential amenity.

The introduction of other uses in the same Use Class would be likely to be detrimental to the amenity of the area.

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Reason for decision:-

The proposal is considered to be an acceptable small scale rural employment use compliant with Policy RUR 1 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

3 4/05/2533/0

REPLACEMENT GARAGE  
THE MOUNT, BRAYSTONES, BECKERMET, CUMBRIA.  
MR I T AGNEW

Parish                      Lowside Quarter

- No objections.

This application seeks retrospective consent for a double garage at The Mount, Braystones Beach.

The garage is sited next to The Mount in the line of chalets along the beach. It is 8.1m x 6.8m in size and has two garage doors to the front and a door and two windows to the gable which faces The Mount. There are six velux windows in the roof which allow light into the upper floor storage space.

Externally, the garage has grey roof tiles and is proposed to be dashed to the existing bungalow finish.

The applicant has confirmed that the size of the garage is necessary as he is a part-time fisherman and requires the extra storage space for his boat and other fishing equipment.

No letters of objection have been received regarding the application.

Whilst the retrospective nature of this application cannot be condoned, it is viewed as compliant with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Recommendation

Approve

1. The works hereby permitted shall be commenced within FIVE years from the date hereof.

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- 2. The garage shall be used only for the storage of vehicles and equipment incidental to the use of the holiday bungalow known as "The Mount".

Reason for above conditions:-

For the avoidance of doubt and to safeguard the amenities of the locality.

Reason for decision:-

An acceptable domestic garage and store compliant with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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4 4/05/2550/0

CONVERT GARDEN BUILDING TO DWELLING FOR LOCAL OCCUPANCY  
GREYSIDE, THE HILL, MILLOM, CUMBRIA.  
MARK BUTCHER

Parish Millom Without

- No objections.

Planning permission is sought to convert an existing 'garden building' to provide a three bedroomed dwelling within the curtilage of Greyside, The Hill, Millom.

The proposed dwelling is intended to meet local need as, if the application is approved, the owner intends to convey the property to the applicant, her son, who works for a nearby estate and currently lives in rented accommodation.

The building is built into the hillside and has been used as a store and garden shed. The owner has stated that it was originally built as a games and billiards room. It is industrial in appearance and two storeys high with a double pre-fabricated garage on the roof, accessed from the road.

The works involved in the conversion mainly focus around the building at road level. It is proposed to demolish the existing flat roofed garage and add a third storey onto the building. The gable end which faces the road would be faced with local stone and the whole building would then be covered with a pitched roof using local slate.

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Under Policy HSG 5 of the Copeland Local Plan 2001-2016 2nd Deposit Version housing development outside the settlement boundary will not be permitted except where it is required to meet exceptional circumstances arising from local social and economic conditions. Also, Policy HSG 17 provides the circumstances in which conversion to dwellings in rural areas is suitable.

As the building has previously been used for a domestic purpose, and the proposed works would improve the appearance of the building, the proposal is viewed as compliant with Policy HSG 17. In terms of Policy HSG 5 the local occupancy case put forward is considered acceptable subject to the applicant entering into a Section 106 agreement restricting the occupancy to people with ties to the parish of Millom Without.

Recommendation

That planning permission be granted subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 requiring that the occupancy of the dwelling be restricted to members of the local community of Millom Without together with their dependants and subject to the following conditions:-

1. The works hereby permitted shall be commenced with FIVE years from the date hereof.
2. 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.
3. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the dwelling being completed and shall be maintained operational thereafter.
4. Details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the crossings have been constructed.

Reasons for the above conditions:-

In the interests of highway safety.

To ensure a suitable standard of crossing for pedestrian safety.

Reason for decision:-

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An acceptable conversion to a dwelling for local occupancy in accordance with Policies HSG 5 and HSG 17 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

5 4/05/2558/0

OUTLINE APPLICATION FOR 5 NO. TWO BEDROOM  
TERRACED HOUSES WITH CAR PARKING  
SPRINGFIELD ROAD, BIGRIGG, EGREMONT, CUMBRIA.  
NORTHWEST BRICKLAYING LTD.

Parish Egremont

- object to the application on access grounds, although it is not defined on the application. Point out that when the adjacent Jubilee Gardens housing development was agreed, assurance was given by the Highways Agency that no further traffic would be allowed to exit onto the busy A595. Whether access is directly onto the A595 or via Bankend View Estate, Councillors are very concerned at the safety issues. Also query whether the houses would actually fit onto this small piece of land.

The 0.24 ha site to which this outline application relates forms part of the disused railway line between existing housing developments at Bankend View and Jubilee Gardens. The linear site has a 25m wide frontage onto the A595 trunk road, tapering to 18m at the rear over a distance of some 100m.

In response to statutory consultation procedures the following responses have been received:-

Highways Agency - state that whilst the site is situated directly adjacent to the A595, Government policy restricts the formation of new accesses to the strategic highway network, particularly where alternative options are available from the local road network. In this particular instance the submitted plan indicates that access could be achieved from Bankend View. All other access options would have to be investigated before a new access onto the trunk road could be considered.

Environment Agency - no objections, subject to a condition requiring investigation and an assessment of the risk of the potential for on-site contamination.

United Utilities - no objections, subject to the site being drained on a separate system.

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Letters of objection against the proposed development have been received from the residents of 5 properties at Jubilee Gardens. The grounds for objection can be summarised as follows:-

1. The proposed two storey houses would overlook adjacent bungalows at Jubilee Gardens, resulting in a loss of privacy and reduced natural light.
2. The site is too small to satisfactorily accommodate the proposed development.
3. Access to the site directly from Springfield Road (A595) raises road safety issues in such close proximity to existing accesses to Jubilee Gardens and Bankend View.

Given the configuration of the site and its relationship to adjacent housing developments the applicants were requested to submit a site layout plan to illustrate how the proposed terrace of 5 dwellings could satisfactorily be accommodated. After 6 weeks a reply is still awaited.

The site is situated within the settlement boundaries for Bigrigg as defined in the Copeland Local Plan 2001-2016 2nd Deposit Version. Policy HSG 4 of the Plan presumes in favour of small scale housing developments within these defined boundaries subject to the requirements of other plan policies being met, notably the design standards set out in Policies HSG 8 and DEV 7.

In the absence of the requested additional information from the applicants to clearly demonstrate the acceptability of their proposals planning permission should be refused.

Recommendation

Refuse

The application fails to demonstrate how an acceptable form of residential development can be achieved on this linear site between two existing housing estate developments and, as such, is at variance with Policies HSG 4, HSG 8, TSP 6 and DEV 7 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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6 4/05/2672/0

DEMOLITION OF EXISTING FARMHOUSE AND ERECTION OF  
REPLACEMENT DWELLING  
DUB HALL FARM, ARLECDON, FRIZINGTON, CUMBRIA.  
MR & MRS B SPENCER

Parish Arlecdon and Frizington

- No comments received.

This application seeks full planning permission to demolish the existing farmhouse at Dud Hall Farm and to construct a replacement dwelling. The existing dwelling has been unoccupied for approximately 6 years following extensive fire damage. An accompanying Structural Engineer's report concludes that the existing building is in such poor condition that demolition and rebuild is the most practical solution, both aesthetically and economically, whilst reusing as much of the existing sandstone as possible.

The existing farmhouse is attached to a sandstone barn. Primarily because of insurance company requirements, however, it is proposed to detach the new dwelling some 6m distant from the barn, the hay storage use of which is deemed to be a high fire risk.

The replacement dwelling would be of traditional design, the front elevation being finished in reclaimed sandstone, the other elevations being finished in a white painted roughcast render. The roof covering would be natural slate.

The applicant lives at Gatra Farm, Lamplugh which is 3-4 miles distant from Dub Hall which he farms as part of a holding extending to approximately 200 acres. The re-establishment of a permanent dwelling at Dub Hall will assist with animal husbandry. A separate planning application for additional agricultural buildings will be submitted in the future.

Policy HSG 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version provides for the replacement of dwellings in the countryside where the existing dwelling has been accidentally destroyed in the recent past whilst Policy HSG 5 allows for new dwellings in the countryside to meet exceptional circumstances arising from local social and economic conditions. New and/or replacement agricultural worker's dwellings typically meet this policy requirement.

In response to statutory consultation procedures no objections have been raised by the Highways Authority, United Utilities or the Environment Agency.

Recommendation

Approve



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1. The works hereby permitted shall be commenced within THREE years from the date hereof.
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 in forestry, or a widow or widower of such a person, and to any resident dependants.

The reasons for the above conditions are:-

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 the site except for occupation by persons so employed.

Note:

The applicant should ensure that the existing sewage treatment system is in a good state of repair, regularly desludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this development.

Reason for decision:-

An acceptable proposal for a replacement agricultural worker's dwelling in accordance with Policies HSG 5 and HSG 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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7 4/05/2692/0

OUTLINE APPLICATION FOR ERECTION OF TWO DETACHED  
DWELLINGS  
LAND AT, ROSEMARY CLOSE, BAY VISTA, WHITEHAVEN,  
CUMBRIA.  
W GLASSON

## MAIN AGENDA

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Parish

Whitehaven

This outline application seeks consent to erect two detached dwellings on this landscaped amenity area. A previous application of the same description was withdrawn in August 2005 (4/05/2426/001 refers). Members visited the site on 5 August 2005.

A letter from the applicant's agent in support of the application is annexed to this report.

In 1970 Cumberland County Council granted planning permission for housing development for what now comprises the Bay Vista housing development. The consent was subject to conditions requiring the land to the rear of Victoria Road being landscaped as an area of amenity space. The subsequent approved site layout included the land as a landscaped area (4/74/0529 refers). A further condition secured a planting and landscaping scheme. The plan referred to in the appended letter did not form part of a planning permission.

The area of land is substantial and slopes down towards existing Victoria Road properties. The site mostly comprises of maintained grass and semi-mature trees. Approximately half the land would be required to accommodate the two proposed dwellings.

An indicative site layout plan accompanies the application showing the proposed siting of the houses and the means of access. The minimum separation distance of 21 metres between the proposed dwellings and Victoria Road properties is achieved. However, it should be noted that the topography of the site is such that problems of overlooking and subsequent loss of privacy are likely to occur. Mitigation against loss of privacy is likely to be difficult.

The site is not defined as an area of Landscape Importance or Recreation/Amenity space in the Copeland Local Plan 2001-2016 2nd Deposit Version. Accordingly, it is not afforded any direct protection by virtue of Policies SVC 13 or ENV 9. However, Policy DEV 7 provides that development should avoid the loss of or damage to important open spaces.

It is considered that the application site offers significant amenity benefits to the Bay Vista estate. It represents an attractive visual feature at the entrance to the estate and creates a general sense of openness in the lower phase of the development. Furthermore, it serves as a buffer between the Bay Vista estate and Victoria Road properties. Informally the site is used as a childrens' play area. Accordingly, the site is considered to be an important open space.

Letters of objection have been received from the residents of 51 nearby dwellings at Rosemary Close, Elizabeth Crescent and Victoria Road. The grounds for objection can be summarised as follows:-

- (a) There is no principle of development on the site. No reference

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has been made to development on the site in earlier approvals.

- (b) Open space is a requirement in modern developments.
- (c) Development will detract from the overall appeal of the estate.
- (d) The site is an important recreational area. There are no other play areas in the locality, particularly for young children.
- (e) Development will result in the loss of privacy to Victoria Road properties.
- (f) Inadequate land drainage and the proposal involves building over a sewer.
- (g) Damage to trees.
- (h) Road safety.
- (i) There is already an over supply of housing sites and, as a greenfield site, development would be contrary to PPG3.

In summary, it is considered that the application site offers significant amenity benefits to the Bay Vista Estate and neighbouring Victoria Road residents.

Recommendation

Refuse

The proposed development would result in the loss of an important area of public open space which makes a significant contribution to the locality and, as such, would be contrary to Policy DEV 7 of the Copeland Local Plan 2001-2016 2nd Deposit Version. Furthermore, development of the site is likely to result in overlooking and a resultant loss of privacy for the residents of adjoining Victoria Road properties.

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# RICHARD LINDSAY DESIGN

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An AAP Practice

COPELAND BOROUGH COUNCIL

- 8 SEP 2005

RECEIVED

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7 September 2005  
Mr M Sandelands  
Planning Officer  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
WHITEHAVEN CA28 7SJ

Dear Mr Sandelands

## Proposed two dwellings land at Rosemary Close Bay Vista Whitehaven.

I have now had the opportunity to examine the file, and the related correspondence concerning the above, together with the objections raised, and I now feel able to respond clearly in behalf of our client, putting forward valid reasons why this scheme should be approved in its present form.

I enclose the outline application with supporting documents for your consideration, and I look forward to receipt of the same in due course.

We therefore contend the application should be approved for the following reasons.

### *1. Principle of development*

The land previously had permission granted for three dwellings as part of the original Bay Vista estate, and as such the principle of development on the site has been established. ( See enclosed plan).

### *2. Site within Local Plan boundaries*

We first wrote to Copeland in April 2003, asking for clarification on this land. We received a letter from CBC outlining the history of the site, and confirming that as the site was in the Copeland Local Plan, any future application would be assessed against the relevant policies HSG 4, HSG 8 to 16 inclusive of the plan. Having examined the policies we consider that the proposal does not contravene any of the said policies and should be approved. ( See copy letter enclosed).

• Architecture • Industrial • Residential • Commercial • Leisure • Surveys • Planning • General Consultancy •

*3. Buffer zone to Bay Vista*

We consider that an adequate buffer zone to Bay Vista will still be retained by the large area of green open space, owned by our client on the right hand side as one enters the estate.

*4. Green Open Space*

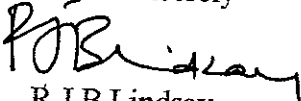
One of the reasons for the previous decision notice, is the loss of green open space. The land in question is part of the bay Vista estate, and there are other areas of green open space within the estate which can service the alleged needs of the residents. There is a large area of green open space retained alongside the proposed development. It is said that the land is designated as a play area and is used by local children to play upon. It has never been designated as a play area, and whilst Copeland cut the grass it remains in private ownership. However we would be willing to enter into discussions with Copeland about some of the land at Bay Vista, and adjoining on Rosemary Close which could be put forward as green open space.

*5. Overlooking*

This has been put forward as a valid reason for rejecting the scheme, citing the fact that the proposal is on higher ground above the dwellings on Victoria Road beneath them. This would be valid if the proposed dwellings were closer to the semi detached dwellings on Victoria Road. At the closest point we are 21.0m from the rear of the existing dwellings and at furthest 29.5m. we therefore comply with policy HSG 16. With respect I note Mr Pomfrets comments in his letter of the 2 September to me, concerning the fact that each proposal is taken on its merits, but 21metres is a long way and further than many of the situations on other roads in Bay Vista. This estate is built upon a hill and as such overlooking from the upper level to the lower level is inevitable. No 1 Rosemary Close adjoining overlooks 134 Victoria Road. I would accept a condition that we plant up the boundary between the Victoria Road dwellings and the proposed dwellings to screen any alleged overlooking, ( I do not consider that there is a problem), but the planting would hopefully allay any concerns that residents may have.

In conclusion I consider that the above five points clearly demonstrate why we consider that the plots should be approved, and the reason for the re application is that it has given us the opportunity to address and answer the relevant issues which surfaced at the time of the last application.

Yours sincerely

  
R.J.B.Lindsay

Ccfile/Client

MAIN AGENDA

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8 4/05/2697/0

BUILDING OF 2 STOREY DEVELOPMENT; GROUND FLOOR  
MAINTENANCE WORKSHOPS, FIRST FLOOR RAW MATERIALS  
STORE  
UPPER BECKSTONES, THE GREEN, MILLOM, CUMBRIA.  
MR A SMITH

Parish Millom Without

- Comments awaited in respect of the current application but the Clerk to the Council commented as follows on the previous application which was subsequently withdrawn:-

- The present application is only approximately 14-16 feet from cottages situated opposite. I understand that these cottages are intended to be renovated in the near future. All the windows in the cottages face the proposed new development.

- The proposed new development is for a double storey building, which I understand to be a mostly new building. The existing buildings are only single storey and are very small.

- There is already an unused barn/building on the site which would be suitable for the proposed brewery, maintenance workshop and manager's flat which would be less intrusive and more in sympathy with the local area.

Members visited this site on 26 October 2005. This application accompanies a proposal also on this agenda for retrospective approval for change of use of an existing building on the same site to a brewery (4/05/2348/0F1 refers).

In July 2005 an application for change of use of the existing building and a two storey building to provide a maintenance workshop and brewery manager's flat was withdrawn (4/05/2348/0F1 refers). This new application seeks consent to erect a two storey building to serve as a maintenance workshop with a hops/grain/cask and barrel store on the first floor.

The proposed building is of traditional design with stone facings and a slate roof. Two sets of double doors are proposed at the ground floor with loading doors and two windows at first floor level. Two conservation roof lights are also proposed.

The proposed building measures 15m x 6.1m with a ridge height of 7.5m.

A letter of objection submitted on behalf of the adjoining property owner is attached to this report.

It should be noted that there is already a range of redundant

# Barden Planning Consultants

CHARTERED TOWN PLANNERS

130 Highgate, Kendal, Cumbria LA9 4HE

Tel: (01539) 724766 Fax: (01539) 740951

10 October 2005

Copeland Borough Council  
The Copeland Centre  
Catherine Street  
WHITEHAVEN  
Cumbria  
CA28 7SL

*As faxed.*

COPELAND BOROUGH COUNCIL  
DEVELOPMENT SERVICES

11 OCT 2005

RECEIVED

For the attention of Mr Simon Blacker

Dear Mr Blacker

**BUILDING OF TWO STOREY DEVELOPMENT; GROUND FLOOR MAINTENANCE  
WORKSHOPS, FIRST FLOOR RAW MATERIALS STORE  
UPPER BECKSTONES, THE GREEN, MILLOM – Your Ref: 4/05/2697**

I refer to our recent telephone conversation in respect of the above and I am writing to you on behalf of my clients, Mr and Mrs Case, who are the owners of the buildings immediately opposite the proposed site.

I think you are aware that those buildings had been the subject of planning approvals for residential conversion over a number of years, though the last approval has in fact lapsed. Nevertheless, those buildings, in common with the other buildings at Upper Beckstones, have been the subject of approvals for residential purposes for some time.

The application form submitted with this proposal is very non-specific as to the intention and the additional details required for industrial or shopping or storage uses have not been completed, but there is a reference to an enclosed letter. I have a letter dated 27 July 2005 which you assured me was the letter to which the application form referred.

Before going on to comment on that letter, I would also point out that the plans submitted with the application are also somewhat vague, and particularly the one which is claimed to be a block plan but which does not properly show ownership boundaries, and by virtue of heavy lines actually eliminates part of the buildings that my clients own so that they are not readily discernible on that plan.

The letter deals firstly with the regularisation of a current use of a building erected as a garage but now used as a micro brewery. It is indicated that the micro brewery produces five barrels a week, and it is also stated that the anticipated output would not significantly increase from this figure. I am told that a barrel of beer would sell for between £50 and £60 and therefore the income on a weekly basis can be projected at £300, from which the costs of production must be deducted in order to show profit.

You will not be surprised, therefore, that my clients find it odd that it is being suggested that a building of two storey construction, embracing 168 sq m of floor space, and clad externally in stone, can somehow or other be financed on the back of this small operation. When the claimed uses of the proposed building are examined, it becomes even more unreasonable to regard the application as seriously being one for the extension of a small brewery.

Brian Barden DipTP MRTPI

email: bardenplanning@btconnect.com

It is alleged that a maintenance building is required in order to allow the company to respond to breakdown and maintenance issues on-site without having to use off-site facilities. The advantage claimed is a reduced down time and it is said that there would be the provision of machinery, i.e. a lathe, and welding facilities, with consumables such as pipework, hoses and fasteners stored. This is in a building that has 84 sq m of floor space with only a modest amount indicated as being for office usage.

The upper floor is indicated as a storage area for hops, grain, casks and barrels. The letter indicates that the hops and grain are delivered on a fortnightly basis from Wakefield and the barrels are currently stored outside. The idea that it is sensible to put all the storage on an upper floor, with all the associated difficulties of it being hoisted up to an upper floor, is also difficult to understand.

The letter in effect then goes on to repeat itself by suggesting that there are plans to expand the facilities in the near future with the addition of a workshop and raw materials store adjacent to the brewing facility. This has presumably arisen as a consequence of the letter being edited at some time from an earlier version.

Finally there is a suggestion that the barn adjacent to the old mill will be renovated to provide on-site accommodation for the brewer who has to make regular checks during the night, thus making logistical sense for the conversion to take place, and it also indicates that the mill will be restored to a working facility thus supporting the brewery and providing an insight into the local heritage.

Whilst neither of these proposals is actually before your Council at this stage it is relevant to comment on them. The letter begins by indicating that the owner already lives on site and there is therefore no need for a further dwelling in connection with the brewery, though I can see no objection to the use of that building for residential purposes given the history of such approval. The proximity however of an expanding brewery might well be a difficulty and it does seem to me that if there is a need for an additional building to provide for maintenance and storage, then existing buildings on the site should be used rather than erecting new buildings in such close proximity to my clients' buildings.

I now turn to that relationship. My clients' buildings, for which there have been residential approvals over a number of years, are immediately opposite the narrow access road, and the proposal is to erect a large two storey building, completely blank in terms of its wall, with a slate roof on top of it. The overall height is shown on the drawings to be 7.5 metres and it is at a distance of some 5m from my clients' building. The proximity of such a large blank wall would totally obstruct any view and also would significantly interfere with light. It would be unduly dominant and make residential use of that building almost untenable. Given the history of both sites, such a proposal is unacceptable.

A brewery is not something that would normally be located in close proximity to residential property. It is a business that has the potential to create smells, and indeed there are already smells emanating from a window at the back of the building which, significantly, is not shown on the plan, and it is anticipated that there would be further smells with the storage of hops and grain in this building. There is the added potential for vermin with such uses.

The brewery does not have consent and has been established in a building claimed to be a garage without that building ever having been used as such, and my clients are now faced with this entirely unsympathetic proposal for a very large extension on a basis which does not bear reasonable examination in terms of the viability of the business.

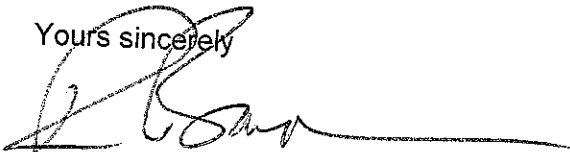


It is significant that an earlier proposal, subsequently withdrawn, was for a maintenance workshop and a manager's flat. At that time there was no perception of the need for a storage building yet it is now being proposed without any suggestion that the capacity of the brewery is going to be increased. Such a proposal is clearly not viable and it was noted at the recent Parish Council meeting that the applicants indicated that they did not have any business plan backing up their proposals. I feel certain that a business plan based on the current proposals would show that they were totally unviable.

In the circumstances you should not be persuaded that this application is somehow or other necessary in the interests of a small local employment facility. That local employment facility is unauthorised, it is an inappropriate place and it is certainly not appropriate to expand it in this form. If it were to be expanded in this form, its capacity would clearly have to increase to be able to pay for the costs of providing the building.

The proposal will have a dramatic and adverse effect on my clients' property which is totally unjustified and accordingly I would urge that you should recommend to your Council that the application be refused.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brian Barden', with a long horizontal line extending to the right.

Brian Barden

MAIN AGENDA

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buildings on site which, if converted, would provide adequate additional storage for the brewery.

The size of the proposed building does appear disproportionate to the relatively small scale brewery use. Policy RUR 1 of the Copeland Local Plan 2001-2016 2nd Deposit Version allows for the conversion of buildings in rural areas for employment purposes or the introduction of small-scale ancillary development. This proposal cannot be considered as small-scale in the context of the primary use.

Recommendation

Refuse

The proposed building, by virtue of its size and location, is considered to be excessive in the context of the primary use and is likely to have a harmful affect on neighbouring properties and the rural character of the area contrary to Policy RUR 1 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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9 4/05/2705/0

REVISED DWELLING PROPOSAL  
PLOT 5, LITTLE CROFT, CLEATOR MOOR, CUMBRIA.  
EHEN VALLEY ASSOCIATES LIMITED

Parish Cleator Moor

- No objections.

Planning permission was granted for 7 bungalows on this approved housing site in August 2002 (4/02/0789/0 refers). This application seeks consent to revise the dwelling type for Plot 5.

The revised proposal takes the form of a dormer bungalow incorporating two first floor bedrooms and a bathroom. All external finishes will match the existing properties on this site.

In addition, a 7m long utility room and garage have been added to the north facing gable end of the dwelling.

Three letters of objection have been received, one from the owner of an adjacent property and two from residents of Norbeck Park. The grounds for objection are summarised below:-

1. The nearest corner of the proposed dwelling is only 1.5m from the boundary with No. 7, whereas all the other properties on the

MAIN AGENDA

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estate have a distance of 2m from the dwelling to the side boundary.

2. The bank to the rear of Norbeck Park has been moved 20 feet, so altering the original contours. The dwelling will now be sited closer to the edge of this elevated site resulting in overlooking.
3. The properties of Norbeck Park have been experiencing drainage problems for some time due to the Little Croft Estate and addition the surface water from another property will increase the problem.

In response to these concerns I would comment that Policy HSG 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version provides that in addition to the requirements of Policy DEV 7, the design of all new housing development must satisfy 4 criteria. Criterion 2 provides that detached and end of group dwellings retain at least 1m clear between walls and side boundaries.

The dormer style of the proposed dwelling incorporates four rooflights in the rear elevation. However, due to the site occupying an elevated position with the residential estate of Norbeck Park to the rear, no adverse impacts by way of overlooking are considered likely.

With regards to the drainage concerns, no adverse comments have been received from statutory consultees, neither on this occasion nor in respect of the previous application (4/02/0789/0F1 refers).

Therefore, in my opinion, the proposal represents an acceptable revised design in accordance with Policy HSG 8.

Recommendation

Approve

1. The works hereby permitted shall be commenced within THREE years from the date hereof.
2. Permission in respect of floor plans and elevational treatments shall relate solely to the amended plans (drawing Nos. 05/03/471-01a and 05/03/471-02a) received by the Local Planning Authority on 18 October 2005.
3. Access gates, if provided, shall be hung to open inwards only away from the highway.
4. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwelling is occupied.

MAIN AGENDA

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- 5. Details of all measures to be taken by the developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced and shall be maintained operational thereafter.
- 6. The site shall be drained on a separate system, with only foul drainage connected into the foul sewer

Reasons for the above conditions:-

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

For the avoidance of doubt.

In the interests of highway safety and environmental management.

To ensure a satisfactory drainage scheme.

Reason for decision:-

The proposal represents an acceptable form of development on an approved residential plot in accordance with Policy HSG 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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10 4/05/2708/0

CONVERSION OF SITE OFFICE TO ONE RESIDENTIAL UNIT  
KEEKLE ESTATE OFFICE, WHITEHAVEN ROAD, KEEKLE,  
CLEATOR MOOR, CUMBRIA.  
KEEKLE ESTATES LTD

Parish Cleator Moor

Presently used as a site office in association with an adjacent housing scheme permission is sought for the conversion of this stone building within the courtyard grouping at Keekle House/Keekle Barns to provide a single bedroomed dwelling.

The building provides less than 60 sq m floorspace in total, the ground floor providing an open plan living and kitchen area with a bedroom and bathroom above. No adjoining curtilage area has been identified although the applicant owns land to the north west where an associated car parking space could be provided.

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The site lies outside the settlement boundaries for Cleator Moor as identified in the Copeland Local Plan 2001-2016 2nd Deposit Version and, as such, the application must be assessed against the criteria for conversion of buildings to dwellings in rural areas set out in Policy HSG 17. Criterion 1 of this policy requires that the applicants can demonstrate that alternative employment, community or mixed uses are not viable whilst criterion 7 requires that conversion works incorporate reasonable standards of accommodation and amenity.

The application fails to address the former criterion whilst, in my opinion, the proposal fails to satisfy the latter and, as such, the application should be refused.

Recommendation

Refuse

The applicants have failed to demonstrate that alternative employment, community or mixed uses are not viable whilst it is considered that the proposed conversion works do not incorporate reasonable standards of residential accommodation and amenity and, as such, the proposal is at variance with Policy HSG 17 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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11 4/05/2709/0

ERECTION OF HORSECULTURAL BUILDING  
LAND OFF, PASTURE ROAD, ROWRAH, FRIZINGTON,  
CUMBRIA.  
MR D BIRKETT

Parish Arlecdon and Frizington

- Concerned at the apparent piecemeal, haphazard approach to planning on this site and would like to know if there is any plan or control of the development of the site and how this development relates to the existing local plan for Rowrah.

The use of this 0.72 ha site to the rear of the applicant's bungalow at Pasture Road, Rowrah is well established for the stabling, exercising and grazing of horses belonging to himself and his family. There is no commercial usage of the site and the applicant's agent has confirmed that this will continue to be the case should planning permission be granted.

In addition to the existing stables, hay store, etc on the site permission is now sought for a 36.6m x 18.3m building for schooling

MAIN AGENDA  
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horses and associated uses. The building would have a ridge height of 9.0m but its visual impact will be mitigated by setting the building into the sloping site by up to 1.75m at the rear. The walls of the building would be clad using olive green plastisol sheeting under a corrugated sheeting roof incorporating 20% translucent sheets.

Permission was granted in December 1997 for a haybarn and stable block for 8 horses on the site (4/97/0712/0F1 refers). The site lies immediately beyond the settlement boundaries for Rowrah as identified in the Copeland Local Plan 2001-2016 2nd Deposit Version, the preamble to Policy SVC 14 of which states that when considering proposals for riding schools or livery stables, the main concern will be to ensure that sufficient land and/or buildings are available for horse riding. The application site and proposed building provide adequate outdoor and indoor space to satisfactorily accommodate the use.

## Recommendation

Approve

1. The works hereby permitted shall be commenced within THREE years from the date hereof.
2. There shall be no commercial usage of the building whatsoever as confirmed by the applicant's agent in his letter to the Local Planning Authority dated 21 October 2005.
3. Access gates, if provided, shall be hung to open inwards only away from the highway and shall be set back at least 10m as measured from the nearside carriageway edge of the adjacent public highway.
4. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
5. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reasons for above conditions:-

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

MAIN AGENDA  
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The commercial usage of the site is likely to be detrimental to the amenity of neighbouring residential properties.

In the interests of Highway Safety.

Reason for decision:-

An acceptable development associated with the existing use of the site in accordance with Policy SVC 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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12 4/05/2711/0

INSTALLATION OF EXTERNAL STEEL STAIRCASE TO  
PROVIDE ACCESS TO FLAT ABOVE SHOP  
ANN MORGAN OPTICIAN, 17/18, HIGH STREET,  
CLEATOR MOOR, CUMBRIA.  
ANN MORGAN OPTICIAN

Parish Cleator Moor

- No objections.

Planning permission is sought to install an external steel staircase to the rear of these mid-terrace retail premises.

The black galvanised steel staircase will provide access from the rear yard to the first floor of No. 17 which is occupied as a flat above ground floor retail premises.

A single letter of objection has been received from an adjoining resident whose concerns are summarised as follows:-

1. Concerned about the noise arising from use of the staircase.
2. The staircase will overlook the kitchen window of his property.
3. The staircase will encourage burglars as it provides access to first floor windows.
4. The property has four doors and it is therefore not an economic necessity.

In my opinion the staircase represents an acceptable means of access to/egress from this first floor flat in accordance with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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Recommendation

Approve

- 1. The works hereby permitted shall be commenced within THREE years from the date hereof.

Reason for condition:-

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

Reason for decision:-

The proposed external staircase represents an acceptable means of access to/egress from this first floor flat in accordance with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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13 4/05/2717/0

B243 OVERBUILDING AND EXPORT FACILITY  
SELLAFIELD, SEASCALE, CUMBRIA.  
BRITISH NUCLEAR GROUP SELLAFIELD

Parish St Bridgets Beckermet

- No comments received.

The B243 facility at Sellafield is used for the storage of intermediate level radioactive waste (ILW). This waste was emplaced in B243 between 1970 and 1986. In line with regulatory requirements, the Company is looking to improve the storage arrangements for ILW on the site. More particularly for B243 the proposal is to retrieve, sort and replace the ILW into accredited long term storage boxes for storage in a purpose built ILW store on the site.

In order to carry out this work it is necessary:-

- (a) to increase the height of the existing overbuilding by approximately 7 metres in order to install the appropriate overheading traversing crane;
- (b) to extend the building to house a new import/export facility, laydown/store area and changeroom (approximately 26m x 20.7m x 6m high);



MAIN AGENDA

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- (c) to provide a new ventilation plant building immediately adjacent to the facility (approximately 12m x 5m x 6m high) including a stack some 2m above the height of the building.
- (d) a new control room building (some 10m x 8m x 3.5m high).

When operational the facility will be surrounded by a 1.8m high galvanised steel palisade security fence.

There will be aerial radiological discharges from the plant, but these will be very small in the context of site discharges. These will be HEPA filtered and will not require a variation to the current Radioactive Substances Act 1993 discharge consent. Other than this there will be no gaseous or liquid discharges from the operation of the plant. Solid low level radioactive waste (LLW) arising from the sorting of the B243 inventory will be disposed of to Drigg as authorised.

In response to statutory consultation procedures the Health and Safety Executive raise no objections.

The buildings will be finished in profiled metal cladding to match existing adjacent buildings.

The period of construction will be in the order of 17 months and it is anticipated that the maximum number of vehicles delivering construction materials will be 1 per day, over a period of 16 weeks. This is only a small portion of the traffic that uses the site on a daily basis.

Recommendation

Approve

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

Reason for the above condition:-

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

Reason for decision:-

An acceptable proposal to improve the storage arrangements for ILW on the Sellafield site in accordance with Policy NUC 2 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

MAIN AGENDA

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14 4/05/2721/0

DRIVEWAY GATES

WATERSIDE, BLACK BECK, THE GREEN, MILLOM,  
CUMBRIA.

MR AND MRS J BUSHELL

Parish                      Millom Without

- Object, comments attached to this report.

In September 1997 outline planning permission was granted for the erection of seven dwellings adjacent to Black Beck (4/96/0352/001 refers). The approval included details of the road and plot layout. This layout includes an access with turning head to adoptable standards. From the turning head two private driveways are formed.

Waterside is the sole property served by one of the private driveways. This proposal seeks consent to erect entrance gates and gate piers. By virtue of the fact that the gates exceed 1.0 metre in height, planning permission is required.

The proposed gates and piers are of an ornate, wrought iron design. The proposed piers are 1.3 metres high with the curved gates rising to 2.2 metres at the centre point. It is proposed to site the gates 1.0 metre into the driveway.

Two letters of objection have been received from local residents. The objections can be summarised as follows:-

1. The gates will restrict the space available for turning in the turning head. This particularly relates to larger vehicles which will be required to reverse out onto the U4079. One objector has provided a series of photographs illustrating the point. These photographs are available for inspection on the planning application file and will also be available for inspection at the meeting.
2. If erected, visitors to Waterside will park in front of the gates causing an obstruction.

The Highway Authority raise no objections to the proposal subject to the gates being hung to open inwards only, away from the highway.

The turning head has been designed and constructed to Cumbria Design Guide Standards for an estate of this size and layout. It is considered unreasonable to require a private driveway to remain un-gated to provide a public turning facility. The proposal is considered to represent an acceptable form of development. In the absence of a justifiable reason to the contrary planning permission

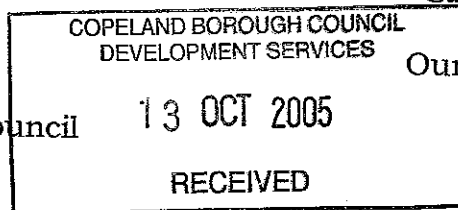
# MILLOM WITHOUT PARISH COUNCIL

Clerk: Mrs C Jopson

Hestham Hall Farm  
MILLOM  
Cumbria LA18 5LJ

Phone/Fax: 01229 772525

Mr S Blacker  
Planning Officer  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria, CA28 7SJ



Our Ref: MWPC.424

10 October 2005

Dear Mr Blacker

**Planning Application No: 4/05/2721/OF1 - Driveway Gates at  
Waterside, Black Beck, The Green - Mr & Mrs J Bushell**

The Parish Council is opposed to the application as it stands. The Council is aware that the applicant needs to demarcate the boundaries of his property, however, the situation is a complex one.

The proposed erection of the gates would involve a restriction on the only turning area, which presently services the Black Beck Estate. The extent of the turning area is crucial if heavy goods vehicles are to be able to turn around. If the turning area is limited all large vehicles will be forced to reverse onto the narrow Green to Hallthwaites road with consequent danger to the vehicle and to on coming traffic. I enclose photographs, which show that this is the case.

I have no information as to the ownership of the drive or what rights of way exist over it nor have I any information as to whether all or part of the estate roads may be adopted in the future. The point that the Council wishes to make is that these matters need to be taken into account before the present planning application is considered because it is appropriate to erect the proposed gates only if (1) all of the drive way beyond the gates belongs to the applicant and (2) the erection of the gates would cause no obstruction to any existing rights of way either public or private.

The present application does not deal with these problems in any way. Members of the Planning Committee who are to consider the application, therefore, will have insufficient information to make an informed judgement.

I would also draw your attention to previous planning applications and consents in which a turning area has been identified namely Ref: 4/02/0815/0\*001\*2; Ref: 4/99/0624/0F1 dated 22 September 1999 and Ref: 4/97/0352/001 dated 26 June 1997. As the turning area is an integral part of the proposed development the Council feels that it is important that this area should be precisely identified and its future availability safeguarded.

If the present application were to be granted and the driveway gates erected, or if for any reason (legal or otherwise) it became apparent that the full turning area now available cannot be utilised then the turning area would be useless for large vehicles. This would mean that the provision for a turning area envisaged in previous consents would be frustrated.

The above problems would be increased because it is understood that Neil Price Ltd may soon be building on the final plot on the estate, thus emphasizing the need for an adequate turning area. If the present turning area becomes unavailable consideration for an alternative turning area would need to be considered.

I would also mention that no public notice of the present application appears to have been given and no notification of the application made to adjoining owners.

Yours sincerely

Mrs Cath Jopson  
Clerk to The Council

**\*\*Please note photographs will be sent to you separately as soon as I receive them as discussed with you on the telephone today.**

MAIN AGENDA

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should be granted.

Recommendation

Approve

1. The works hereby permitted shall be commenced within THREE years from the date hereof.
2. The gates shall be hung to open inwards only away from the highway.

Reasons for above conditions:-

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

In the interests of highway safety.

Reason for decision:-

An acceptable scheme to gate a private driveway compliant with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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15 4/05/2725/0

EXTEND OPENING HOURS FRIDAYS AND SATURDAYS TO  
2.30 a.m.

INDIAN SPICE, 15, DUKE STREET, WHITEHAVEN,  
CUMBRIA.

ABDUL HAI

Parish

Whitehaven

In October 2003 planning permission was granted to use this former pet shop as a hot food takeaway (4/03/1134/0 refers). Condition 2 of the planning permission states:-

"The use hereby permitted shall not be open to customers outside the following times:-

- 11.00 am - 12 midnight Sundays to Wednesdays inclusive
- 11.00 am - 0130am Thursdays, Fridays and Saturdays."

This application seeks to vary the condition to allow opening until 2.30 am on Friday and Saturday nights. No information has been

# CUMBRIA CONSTABULARY

Facsimile: 01946 517899  
Telephone: 01946 692616  
Please ask for: Sgt 807 Farnworth  
My Reference:  
Your Reference:

Area Commander  
Chief Superintendent R. Smith

The Police Station  
Scotch Street  
WHITEHAVEN  
Cumbria CA28 7NN



3<sup>rd</sup> October 2005

Mr T. Pomfret,  
Development Services Manager,  
Copeland Borough Council,  
The Copeland Centre,  
Catherine St,  
Whitehaven,  
Cumbria,  
CA28 7SJ

Dear Mr Pomfret,

## Planning Application 4/05/2725/0 – Indian Spice – request for 2.30am opening

I am writing following our meeting and previous letter and also refer to previous communication with Michael Sandelands, planning officer regarding the late opening of several Hot Food Takeaway premises in Duke Street and Tangier St., Whitehaven. I now wish to object formally to the application by Indian Spice to open until 2.30am.

As previously outlined, below is the history of my dealings with several of the takeaways so far.

On 15<sup>th</sup> April 2005, having received a list of the permitted hours for each takeaway from Mr Sandelands, I visited all of them and gave them a copy of the list of opening hours for each premises. Despite this the following premises were still open for business at 0215hrs the following morning: Chattanooga, Milano, Mr Pizza and Indian Spice, Duke Street and Napoli Pizza, Strand Street, Whitehaven.

I therefore recontacted Mr Sandelands and on 19<sup>th</sup> May 2005 he wrote to all the Hot Food Takeaway premises outlining their respective permitted opening times and warning them of the consequences of failure to close on time.

This had absolutely no effect on several of the premises, which have continued to stay open every weekend until 2.30am and beyond.

The main persistent offenders are Chattanooga, Milanos, Mr Pizza and more recently Marmaris on Tangier Street, which has subsequently opened.

Although I do have evidence of Indian Spice being open late on Saturday 1<sup>st</sup> October 2005, in the main Indian Spice is one of the first premises to shut and generally is shut before 2am.

Duke Street, Whitehaven is the worst street in West Cumbria for violent crime!

Tangier Street, Whitehaven is the third worst street in West Cumbria for violent crime!  
(No 2 is Washington Street, Workington)

Whitehaven's nightclubs empty at 2am and we have several hundred people in the relatively small area of Duke Street and Tangier Street junction. Many of these people are drunk and this causes nuisance, disorder and violent crime. This is where the offending hot food takeaway premises are located and because they are still open when the nightclubs have closed the crowds of drunken people remain out in the open air in the area of Duke Street and Tangier Street and nuisance, disorder and violent crime occurs.

On occasions we have managed to close all the Takeaway Premises before the clubs have emptied and the disorder has been dramatically reduced as the crowds dispersed quickly.

Historically we have had the burger van 'Big Bri's Fries' situated on Tangier Street but Brian has ceased trading and there are now no hot food takeaways legally opening past 1.30am.

Our aim is to ensure that all the takeaways in Whitehaven are shut at 1.30am (as per current planning permission) so that all the customers have left all the premises by the time the public houses and nightclub customers come out onto the streets, many of whom are under the influence of alcohol. This will prevent violent crime, nuisance and disorder in this area.

I promised that we would provide evidence of late opening on a number of occasions and I asked that you take action against the Hot Food Takeaway Premises, which have continued to stay open late despite the warnings given.

I now have several video clips, which show the problems caused by late opening of takeaways in Duke Street, Whitehaven. If we manage to close the other takeaways on time and Indian Spice becomes the only takeaway open when the clubs close, the problems we currently deal with inside and outside the other takeaways at 2am will transfer to Indian Spice.

I therefore ask that this application be refused. I will happily bring our video evidence of the crowds on Duke Street to any planning hearing regarding Takeaways.

Please advise me of any planning applications to extend the hours takeaways are open, as this will have an adverse effect on Crime and Disorder in Whitehaven Town Centre.

Yours sincerely

Sgt 807 Richard Farnworth

Whitehaven Community Team



# Appeal Decision

Site visit made on 14 August 2001

by **Martin Joyce** DipTP MRTPI

an Inspector appointed by the Secretary of State for  
Transport, Local Government and the Regions

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date

05 SEP 2001

**Appeal Ref: APP/Z0923/A/01/1065397**

**Chattanooga, Old Co-operative Buildings, Duke Street, Whitehaven**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under Section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Mr V Alkan against the decision of the Copeland Borough Council.
- The application (Ref: 4/01/0153/0), dated 6 March 2001, was refused by the Council by notice dated 25 April 2001.
- The application sought the variation of a condition attached to a planning permission (Ref: 4/98/0374/0), dated 25 June 1998, for a change of use to A3 to extend existing hot food takeaway.
- The condition in dispute is No 2 which states that:  
"The extended premises shall close by 1.30am Thursday, Friday and Saturday and 12.00 midnight Sunday, Monday, Tuesday and Wednesday nights."
- The reasons given for the condition were for the avoidance of doubt and to safeguard the appearance of the Listed Building.

**Summary of Decision: The appeal is dismissed.**

## Procedural Matter

1. The proposal before me is to extend the opening hours of the appeal premises, which are used as a hot food takeaway. Although the parties agreed that an accompanied site inspection was unnecessary I was requested, by the appellant's agent, to view the site in the early morning, between 0130 and 0230 hours, on a Saturday or Sunday morning. I do not, however, consider that a visit at such a time is necessary for me to determine the appeal. The Council's reason for refusal of the proposal related to the effect on nearby residents, and a visit in daylight hours provides the best opportunity to establish the location of any dwelling units in the vicinity. The representations set out clearly the types of problems that may be associated with the late-night opening of hot food takeaway shops, and from my own experience I am well aware of such issues. In any event, a visit at the times suggested may not have revealed typical conditions in the town centre, for a variety of reasons, including the possibility of adverse weather conditions. I have, therefore, determined the appeal on the basis of my experience, and on the written representations submitted.

## The Appeal Site and the Proposed Development

2. The appeal premises are known as Chattanooga, and are situated on the corner of Duke Street and Tangier Street, in the town centre of Whitehaven. They are part of the ground floor of a larger building which was formerly a Co-operative Store. Planning permission was initially granted for the change of use of this part of the building to a hot food takeaway in 1983, subject to conditions which required, amongst other things, that the premises be closed by 2230 hours. In 1993, the relevant condition was varied to allow opening until



0100 hours on Thursday, Friday and Saturday, and until 12 midnight on other days. Then, in 1998, it was varied again to allow opening until 0130 hours on those three nights. The appellant now seeks a further variation to permit the premises to open until 0230 hours on Thursday, Friday and Saturday.

### Planning Policy

3. The Development Plan for this area is the adopted Copeland Local Plan. Policy TCN 14 states that proposals for food and drink uses in shopping areas will normally be permitted. In assessing all proposals for such uses account will be taken of, *inter alia*, the likely impact on the character and amenity of the general area as a result of noise, disturbance, litter, smell or visual intrusion; the proximity of residential property; and, the need to restrict late-night opening where late-night activity associated with the proposed use would be harmful to the general character and amenity of the area.
4. The appeal site also lies within the Whitehaven Conservation Area thus the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply, and the Council has a duty to preserve or enhance the character or appearance of this area. No representations have been made on this matter, thus I conclude that the proposed development would have no material impact on the character or appearance of the Conservation Area as a whole.

### Main Issue

5. Having regard to the above policy, therefore, and from the written representations and my inspection of the site and its surroundings, I consider that the main issue in this appeal is the effect of the proposal on the living conditions of nearby residents in terms of noise and general disturbance.

### Reasoning

6. I saw, at my inspection, that the appeal premises are centrally located in the town centre, close to a number of public houses and hotels, two night clubs, a cinema, and various retail and commercial properties. There are also several restaurants and hot food takeaway premises in the vicinity. In addition, I noted that on the upper floors of the appeal building are six flats, occupied by tenants of the Two Castles Housing Association, whilst to the north, in the adjoining property at No 4 Duke Street, are five flats. It is the occupants of these dwelling units who are most likely to be affected by any extension of the opening hours of the appeal property although, in addition, there may also be an effect upon local residents living above shopping units in New Street and Strand Street, to the south.
7. It is clear that the Council has a consistent approach to the question of late night opening hours in relation to hot food takeaways, with a closing time of 0130 hours being applied at weekends. Indeed this approach was supported on appeal in 1998, when a proposal for an extension of the opening hours at No 7/8 Strand Street was dismissed (DTLR Ref: T/APP/Z0923/A/98/292247/P4). The Inspector in that case concluded that whilst town centre residents could reasonably expect to suffer some noise and disturbance compared with a wholly residential location, they could equally expect some peace and quiet in the early hours of the morning. Such considerations must also apply to this case.
8. It is apparent from the representations on behalf of the appellant that it is accepted that noise and disturbance does occur in the late evening and early hours of the morning in the

town centre area. This is associated with those leaving the public houses and night clubs. The latter close at 0200 hours, whilst I noted that the Paul Jones Public House, opposite, has a closing time of 0100 hours on Fridays and Saturdays. The later opening of a hot food takeaway would, therefore, provide a further attraction and a focal point for people leaving those licensed premises, and would be likely, in my opinion, to provide an opportunity for the boisterous and sometimes anti-social behaviour which tends to accompany such congregation. This almost inevitably involves noise from the raised voices and shouting of young adults, whose conduct is often affected by alcohol. Such behaviour is likely to lead to severe disturbance for those living in flats beside or above the appeal premises, at a time when they could have a reasonable expectation that patrons of clubs and public houses would disperse and go home, and that the area would be relatively quiet.

9. It is claimed that the appellant is being unfairly hampered by competition from mobile hot food snack bars that use local streets and a car park to sell food up to as late as 0400 hours. However, this does not, in my view, provide a reason for the appeal property to have longer opening hours. Other legislation is available to combat the unauthorised sale of hot food and lack of action in the past by the Council does not imply that it will take no action in the future.
10. My conclusion on the main issue is that the proposed extension of opening hours would materially harm the living conditions of nearby residents through noise and general disturbance, contrary to the provisions of the Development Plan.

#### Other Matters

11. All other matters raised in the written representations have been taken into account, but they do not outweigh the conclusions reached on the main issue of this appeal.

#### Conclusions

12. For the reasons given above, I conclude that the appeal should be dismissed.

#### FORMAL DECISION

13. In exercise of the powers transferred to me, I dismiss the appeal.

#### Information

14. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

*Marbi Joyce*

INSPECTOR

MAIN AGENDA

provided in support of the application.

The problems associated with hot food takeaways opening beyond 1.30am were highlighted at the last meeting (Item 5 refers). A letter of objection received from Cumbria Police is attached to this report.

The Council has consistently refused planning applications for town centre hot food takeaways to open beyond 1.30 am. Two refused applications in the near vicinity had appeals dismissed in 1998 and 2001 respectively. A copy of the most recent appeal decision is attached to this report.

The issues in respect of noise and disturbance remain material today; indeed they are likely to have been exacerbated.

Policy TCN 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version provides a presumption in favour of town centre food and drink uses. However, the policy provides for 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.

It is considered that the opening of the premises beyond the current permitted hours would further exacerbate problems of late night noise and disturbance. This is likely to have an undesirable effect on the character and amenity of the area.

Recommendation

Refuse

The proposed extended opening hours would result in an increase in late night noise and disturbance harmful to the character and amenity of the area and, in particular, the amenity of nearby residents, including the elderly residents of Brackenthwaite, Senhouse Street.

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16 4/05/2730/0

CONSERVATORY  
24, THORNTREES DRIVE, THORNHILL, EGREMONT,  
CUMBRIA.  
MR S REYNOLDS

MAIN AGENDA

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Parish

St Johns Beckermest

- No comments received.

This application seeks consent to erect a conservatory to the gable end of this detached property.

The conservatory, with a floorspace of 22.5 sq m will be located 2.1m from the side boundary and within 2m of the boundary with No. 26 to the rear of the property.

A single letter of objection from the resident of this neighbouring property has been received. His concerns are summarised as follows:-

1. The proposed conservatory will be overlooking the frontage of No. 26.
2. The proposed conservatory will be located adjacent to the ground floor bedroom of No. 26 and may cause problems with noise.
3. The location is not appropriate nor in keeping with the surrounding properties of Thorntrees Drive.

Given that the rear of 24 faces the gable end of No. 26, no adverse impacts by way of loss of privacy or overlooking are likely to occur.

Recommendation

Approve

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

Reason for the above condition:-

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

Reason for decision:-

The proposed development represents an acceptable extension to an existing dwelling in accordance with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

MAIN AGENDA

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17 4/05/2732/0

CHANGE OF USE FROM FORMER COUNCIL DEPOT TO  
CONTRACTORS DEPOT AND STORES  
FORMER DEPOT, CHAPEL STREET, EGREMONT, CUMBRIA.  
MR G J MAYSON

Parish                    Egremont

- No objections.

This planning application seeks consent to change the use of this former Council Depot to a contractors depot and stores. A copy of the applicant's letter in support of his application is appended.

The 0.225 ha site situated to the rear of Main Street is currently derelict and has been designated by the Copeland Local Plan 2001-2016 2nd Deposit Version as a development opportunity site.

No objections or adverse comments have been received in response to statutory consultation and notification procedures.

Recommendation

Approve

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

Reason for condition:-

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

Reason for decision:-

The proposal represents an acceptable use for this presently vacant site in accordance with Policy EMP 5 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

CATGILL HALL  
EGREMONT  
CUMBRIA,  
CA22 2UD

Tel: 01946 822308  
Fax: 01946 824904  
Email [maysonbros@aol.com](mailto:maysonbros@aol.com)  
Web [www.maysonbros.co.uk](http://www.maysonbros.co.uk)

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Copeland Borough Council  
Planning Department  
The Copeland Centre  
Catherine Street  
WHITEHAVEN  
Cumbria  
CA28 7SJ

COPELAND BOROUGH COUNCIL

28 SEP 2005

RECEIVED

27 September 2005

Dear Sirs

## PLANNING APPLICATION - EGREMONT DEPOT

I am currently in the process of purchasing the ex-Council Depot on Chapel Street, Egremont from CBC. I am submitting a Change of Use application form to facilitate take-over by the time the sale completes.

We are renting vehicle storage at Lillyhall, Workington and some Company vehicles are taken home from whichever job they are on, and returned to the job the following day. I anticipate relinquishing the rental storage and using the new premises as a contractors depot for vehicles, plant and storage (very similar to it's original build purpose). It may not be practical to us for all the vehicles - 20 off, and some may continue to return with the employees to their home.

Cont.../

1

I am also unsure of the feasibility of moving the small office we currently have, with 3 - 5 staff in, to the depot site. Currently there is nowhere to house staff!

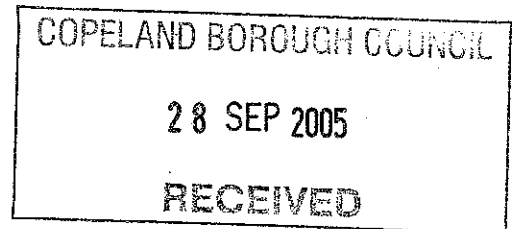
For these reasons, I am uncertain of the precise numbers of vehicles going to and from the site, and the number of personnel on site. The company vehicles total 20 and the office staff are 3 - 5 (some part-time). The skilled workers and labourers are all out on jobs all day.

I hope this provides you with enough information in answer to the final section of the application form. If you need any further information, please contact me.

Yours faithfully



GARY J MAYSON  
Managing Director



MAIN AGENDA

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18 4/05/2737/0

ONE INTERNALLY ILLUMINATED DOUBLE SIDED FREE  
STANDING DISPLAY UNIT  
EAST ROAD GARAGE, EAST ROAD, EGREMONT, CUMBRIA.  
PRIMESIGHT ADVERTISING LTD

Parish                      Egremont

- Request that due to the sign being illuminated, consideration be given to nearby neighbours. In addition, they are concerned, given the amount of traffic that passes the area, that the sign will be distracting.

Advertisement consent is sought to display a double sided, free standing advertisement unit on the corner of East Road Garage, Egremont.

The display unit would be situated 2.2m from the carriageway edge of East Road and within 4.1m of its junction with Wyndham Place.

The 2.5m high unit would be internally illuminated with the advertisement space measuring 1.9m in height by 1.3m in width. It would be available for general advertising purposes and not specifically related to the adjacent or any other local businesses.

The proposed site is situated within a predominantly residential area, with the ongoing residential development of York Place located directly opposite. Furthermore, the on-street parking of cars by residents of neighbouring terraces often restricts traffic to single lane along East Road.

Policy ENV 40 of the Copeland Local Plan 2001-2016 2nd Deposit Version provides that outside Areas of Special Advertisement Control, advertisements will only be granted subject to certain criteria being met. Criterion 1 provides that they should not be obtrusive or dominant features in the street scene, whilst Criterion 3 provides that they should not harm public safety.

In my opinion this proposal would have an adverse impact on both local amenity and public safety at variance with Policy ENV 40 and Planning Policy Guidance Note 19 "Outdoor Advertisement Control".

Recommendation

Refuse Advertisement Consent

The proposal represents an obtrusive visual feature within a predominantly residential area in close proximity to a heavily trafficked roundabout on the A595 trunk road and accesses to existing and ongoing housing estate developments at variance with Policy ENV 40 of the Copeland Local Plan 2001-2016 2nd Deposit Version.



MAIN AGENDA

19 4/05/2738/0

WIND FARM, CONSISTING OF SIX 1.3MW TURBINES OR  
EQUIVALENT, ACCESS TRACKS ETC  
FAIRFIELD FARM, PICA, DISTINGTON, CUMBRIA.  
MR A MADDOCKS

Parish                      Distington

- Strongly object on the same grounds as previous proposals and request a site meeting.

A previous application to construct 10 wind turbines on this site was refused in 1996 and a subsequent appeal was dismissed in January 1997 (4/95/0559 refers).

This new application seeks full planning permission for a wind farm comprising six turbines and ancillary structures on the same site.

A copy of the non-technical summary which accompanies the application is appended to this report whilst the full Environmental Statement (and appendices) is available for inspection in the Development Control Section.

In order that Members are fully appraised of all material planning issues relating to this application a site visit is recommended.

Recommendation

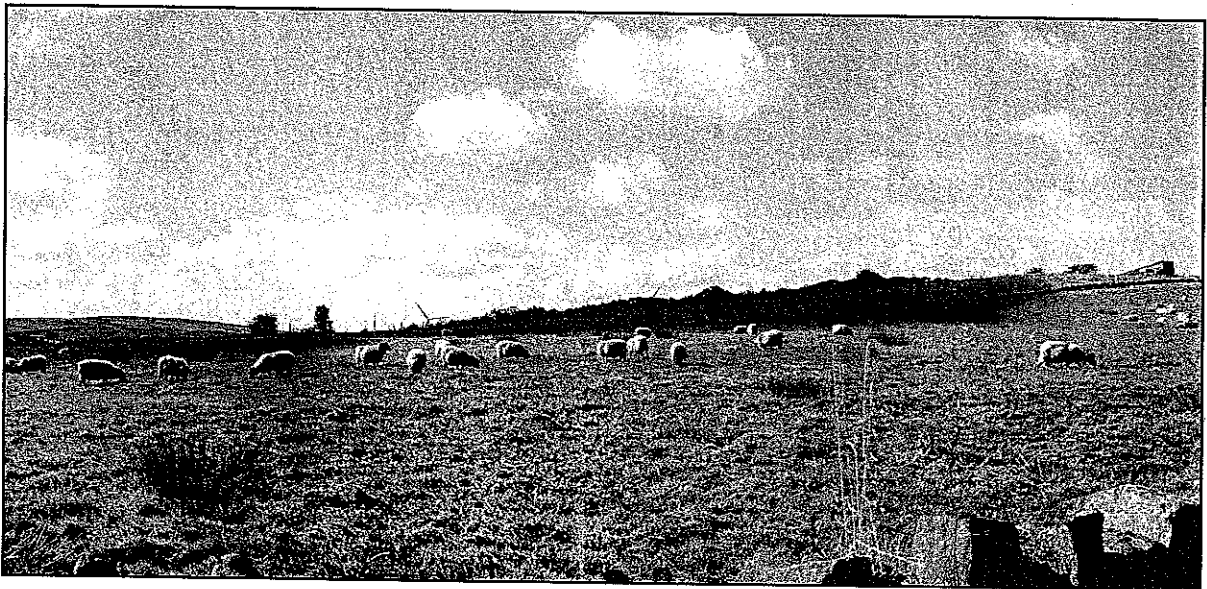
Site Visit

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# Fairfield Farm Wind Farm

## VOLUME I: NON-TECHNICAL SUMMARY

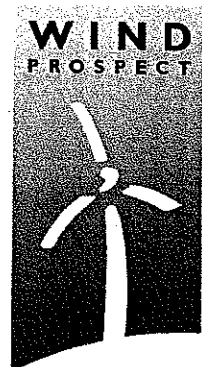
SEPTEMBER 2005



### Wind Prospect Developments Ltd

The Gatehouse  
White Cross  
South Road  
Lancaster  
LA1 4XQ

Tel: (01524) 33689  
Fax: (01524) 33647



## **PREFACE**

This Environmental Statement has been prepared in support of a planning application submitted by Wind Prospect Developments Ltd (Wind Prospect) to Copeland Borough Council for a proposed wind farm on land at Fairfield Farm, Pica for the purpose of generating electricity from wind energy.

The Environmental Statement has been prepared in three volumes, and comprises:

### **Volume 1 (this volume)**

- A Non-Technical Summary

### **Volume 2**

- The Environmental Statement Text
- Appendices

### **Volume 3**

- Figures and Photomontages

## **INSPECTION OF THE PLANNING APPLICATION**

The application and the Environmental Statement are available for inspection at the offices of Copeland Borough Council.

### **Copeland Borough Council**

Catherine Street  
Whitehaven  
CA28 7NY

Copies of this Non-Technical Summary, which explains the proposals and their environmental effects, are available free of charge from Copeland Borough Council or from the address below, subject to availability.

Copies of the complete Environmental Statement may be purchased at a cost of £75 + VAT from:

### **Wind Prospect Ltd**

The Gatehouse  
White Cross  
South Road  
Lancaster  
LA1 4XQ

Cheques should be made payable to 'Wind Prospect Ltd'. If you are unsure about other payment methods, please contact us.

## 1 INTRODUCTION

- 1.1 Wind Prospect proposes to erect six wind turbines and ancillary structures on land at Fairfield Farm, Pica for the purpose of generating electricity from wind energy. **Figure 1** illustrates the site location and regional context of the proposal. The installed capacity of the site will be approximately 7.8 MW and would, on average, supply the domestic electricity requirements of 4,900 homes.
- 1.2 An Environmental Statement, of which this is a summary, has been prepared to accompany the submission of a planning application to Copeland Borough Council.

## 2 THE PROPOSED FAIRFIELD FARM WIND FARM

- 2.1 The proposed development, as illustrated in **Figure 3**, consists of a wind farm of six wind turbines, together with an underground cable network, access tracks, crane hardstandings, a wind monitoring mast, a small switchgear building, switchgear compound providing a connection to an existing pylon and appropriate site signs.
- 2.2 The wind farm would be located on reclaimed open-cast coal-mining land, 5km northeast of Whitehaven, 6km southeast of Workington, 1km south of Pica and 2.5km southeast of Distington. It is situated on land at Fairfield Farm as labelled in **Figure 3**.
- 2.3 The turbines proposed for the development are 1.3 MW Bonus machines or similar. They are three bladed variable speed, stall regulated wind turbines, with the rotor and nacelle mounted on a cylindrical steel tower. Each turbine is 50 metres to hub height, with blades up to 31 metres long. The turbines start to generate at a wind speed of 4 m/s and cut out in wind speeds greater than 25 m/s. The blades rotate at between 13 and 19 rpm, depending on wind conditions. The nacelles and rotors of the turbines rotate so as always to be facing the wind.
- 2.4 Access to the site would be gained indirectly from the A595(T), along minor roads to the site. The access point would be between Wilson Park and Pica village along the existing Fairfield Farm access track, from where a number of access tracks lead to individual turbines and ancillary equipment.
- 2.5 Internal access tracks would lead to each turbine from the main farm track. Each track would be approximately 5 meters wide, with areas of hardstanding adjacent to each turbine for use by cranes during construction. The tracks, which will utilise existing farm tracks where possible, would be surfaced with stone.
- 2.6 A site sign would be located at the access point to the public highway at the site entrance. This would provide information about the turbines and the companies involved in the project, as well as essential safety information and telephone numbers.
- 2.7 The Switchgear house / substation would be a single story building measuring approximately 8 x 6 meters. The switchgear house would be located adjacent to the access track in-between turbine 4 and 5, as shown in **Figure 3**.

- 2.8 A 50m anemometry mast would be installed in the north of the site (as shown in **Figure 3**) to provide necessary information for the control and monitoring of the site.
- 2.9 The proposed export power cable would take an underground route from the switchgear house to be connected to an existing substation near Distington where the electricity would be transformed up to 132,000 volts (132kV) and connected to the electrical distribution system. The underground cables would be installed at a depth of approximately 1.2 m below the ground surface to conduct the electricity from the turbines to a small switchgear building.
- 2.10 Once the site is in operation, it would be monitored remotely, and would therefore be unmanned. Maintenance staff would make routine visits by car approximately once a month, with intermediate visits as and when necessary. Scheduled maintenance would be carried out approximately twice a year. This would involve one maintenance van on site for approximately a week.

### **3 THE NEED FOR THE DEVELOPMENT**

- 3.1 The need for generation of electricity from renewable resources stems from the need to combat global climate change. Renewables are internationally recognized as providing a direct and readily available means of reducing greenhouse gas emissions.
- 3.2 The latest Government thinking at national level on renewables is embodied in the Energy White Paper, "Our Energy Future – Creating a Low Carbon Economy", published in February 2003.
- 3.3 The overriding new policy commitment is "that the UK should put itself on a path towards a reduction in carbon dioxide emissions of some 60% from current levels by about 2050" (1.10).
- 3.4 Renewables are seen as a key part of the strategy. "If we are to achieve a 60% reduction in carbon emissions by 2050, we are likely to need renewables by then to be contributing at least 30% to 40% of our electricity generation and possibly more. We therefore need to develop a framework which encourages the development of a wide range of renewable options and to make significant changes to our institutions and systems" (4.5).
- 3.5 As a result, strong and effective policies to encourage the development of renewables have emerged at the UK national and regional levels, cascading down through the planning system to specific targets for each region. In the North West Region this study took the form of a report called "From Power to Prosperity: Advancing Renewable Energy in North West England", published in March 2001. The study concluded that the region could produce 588 MW of electricity from renewable resources. This would include the development of 210 MW of wind turbines throughout the North West of England.
- 3.6 In this context the proposed Fairfield Farm development represents a significant

contribution to regional and national targets. It would, on average, meet the equivalent domestic needs of 4,900 households in the area and avoid the emission of around 22,000 tonnes of carbon dioxide per year.

## **4 PLANNING THE DEVELOPMENT**

4.1 A range of factors were considered during the development of this proposal including:

- Capacity within and ease of connection to the electricity distribution network
- Suitable wind resource
- Effect on the operations of the Ministry of Defence and the Civil Aviation Authority
- Effect on the transmission of microwave and other electromagnetic signals
- Availability of land
- Access and general ground conditions
- Proximity to residential properties and the character of surrounding land uses
- Designated areas of national and local importance and all aspects of landscape
- Nature conservation, archaeology and heritage

4.2 The precise size, number and layout of the wind turbines evolved from consultation with various consultees such as the RSPB, the local community, and the landowner.

4.3 Local community consultation was undertaken during the site's development. This included the delivery to over 6,700 local households of a newsletter which included information about the proposal and an invite to an exhibition in Distington. In total approximately 50 people attended the exhibition. Issues raised include property devaluation, noise and visual impact.

4.4 The site was also analysed in relation to the operational, environmental and safety requirements of each element of a wind farm development, leading to a preferred design.

## **5 CONSTRUCTION**

5.1 The construction of the wind farm would be completed within a period of approximately 35 weeks. Prior to construction, a number of works would be undertaken, including excavation of trial pits for geotechnical investigations, construction of site access signs, and the careful stripping and storage of soils for re-use.

- 5.2 Construction of site access roads, crane hardstandings, turbine bases and of the switchgear house / substation; the installation of electrical cabling; and the assembly and erection of the turbines would lead to a number of impacts, principally due to construction noise, site traffic, and disruption of field drains.
- 5.3 Noise impacts would be very slight during the construction phase of the development, and special mitigation measures other than good site management practice are unlikely to be required. The impacts of construction traffic would be mitigated through the adoption of specific routing and control measures.
- 5.4 The most significant impacts are likely to occur during the construction of access roads and turbine bases. Over the project construction period, an average of 30 vehicle movements per day (given a 5-day working week) would be expected along the access route from the A595(T) to the site entrance. If the concrete foundations and access tracks are laid on the same day, then a maximum of 65 vehicles would be expected on no more than eight occasions.
- 5.5 All drains disrupted by construction works would be diverted, or temporarily maintained prior to reinstatement after completion of the construction works.

## **6 DE-COMMISSIONING**

- 6.1 The Fairfield Farm wind farm is likely to have an operational life of approximately 25 years. After this time, the development would be decommissioned in order to return the site to its former use as arable land. There would be no residual environmental effects arising from the decommissioning of the wind farm.

## **7 LAND USE**

- 7.1 The wind farm would be developed upon reclaimed open-cast coal-mining land.
- 7.2 Following construction, land surrounding each of the turbine towers would be reinstated for future agricultural use.
- 7.3 Approximately 3.6 hectares of arable land would be lost to agricultural use for the duration of the economic life of the wind farm. This magnitude of loss of land within the agricultural holding would not significantly affect farm productivity. The wind farm would not therefore have a significant adverse impact on land use.

## **8 IMPACTS ON THE LANDSCAPE AND VISUAL AMENITY**

- 8.1 The proposed Fairfield Farm wind farm is 5km northeast of Whitehaven, 6km southeast of Workington, 1km south of Pica and 2.5km southeast of Distington.
- 8.2 The site is not located within a landscape designated at national, regional or local level.
- 8.3 The assessment looks in detail at the magnitude of change in the view that would

occur as a result of the proposed development, the significance and the acceptability of that change.

- 8.4 Assessment of the predicted impacts of the wind farm has been assisted by the preparation of photomontages, which simulate the appearance of the six wind turbines from a number of local viewpoints. The photomontage representing a view of the development from Moresby Parks is reproduced in this Non Technical Summary (**Figure 8.3**).
- 8.5 The assessment of the predicted impacts has taken into account:
- The existing character and quality of the landscape, and its sensitivity to the wind farm development.
  - The potential effects of the wind turbines on the visual amenity of the area.
- 8.6 The direct effects on the landscape fabric of the site will be minimal in extent and reversible when the development is decommissioned and, therefore, acceptable in landscape terms.
- 8.7 Significant landscape effects would be confined to approximately a 3 km radius around the development within limited areas of the Intermediate Moorland Plateau. The composition of the Intermediate Moorland Plateau landscape type in the immediate vicinity of the site would be altered, but its fundamental character would be retained. It would remain upland improved pasture, and remain elevated, exposed and windswept. Furthermore the change would occur within an area already obviously altered by human influence.
- 8.8 The assessment concludes that significant effects on the visual amenity of road users would be limited to minor roads within a 3km radius of the site. There would be no significant effect on the visual amenity of rail users on the Barrow to Carlisle passenger railway, which crosses the western edge of the study area. Parts of the Cumbria Coastal Way long distance footpath would experience intermittent views of the proposed development, and the effect on the visual amenity would only be significant over a short section north of Lowca village, some 2.5km west of the nearest proposed turbine.
- 8.9 The proposed development would result in limited visual effects within the main settlements of Workington, Whitehaven, Cockermouth and Egremont. Views would be obtained from local settlement within a 5km radius of the site, including Pica, Moresby Parks, Distington, Cleator Moor, High Harrington, Cleator and Bigrigg but this would be limited to the outer edge of the settlements and generally visibility would be restricted by intervening tree cover and local topography.
- 8.10 It should be noted that significant visual effects are not necessarily unacceptably adverse, and the significant effects that would arise as the result of the six proposed Fairfield Farm wind turbines would be extremely limited in extent and would affect a limited number of local residents.



- 8.11 The wind turbines at Fairfield farm would have an obvious and directly functional relationship with the local landscape. This proposal to erect six wind turbines on the Fairfield Farm site respects the scale and composition of the landscape. As a result, the significant effects on landscape character and quality would be localised and the proposed development would be acceptable in this location.
- 8.12 Recent public attitude surveys consistently conclude that the majority of people do not think that they are going to like a wind farm/cluster when one is proposed in their locality, but look favourably on wind farms/clusters in their local area after one is constructed.

## 9 NATURE CONSERVATION

- 9.1 The ecological study area is illustrated in **Figure 2**. There are three ways in which the proposed wind farm might have an adverse effect on birds: direct loss of habitat; increased mortality rate through collision with the turbines; and, loss of habitat through disturbance.
- 9.2 Direct loss of habitat would be an effect of negligible magnitude, with only a very small area taken up by the turbine bases and access tracks. The more sensitive wet ditch habitat has been avoided, with the take including only arable land and marginal vegetation.
- 9.3 With the comparatively low densities of birds in and around the proposed Fairfield Farm wind farm site, the fact that the development is small (only six turbines) and that bird numbers over-flying the site are low, mean that it is unlikely that bird collisions would be a problem at this site. In addition, the risk of collision will be further reduced as the turbines will be widely spaced, and the towers will be tubular and not guyed.
- 9.4 It is possible that two lapwing territories might be displaced, perhaps along with several curlew pairs. It is not inconceivable that a snipe might be killed, but this is only known to have happened once at a UK wind farm to date. No mitigation is feasible, nor is it considered necessary to undertake any special collision monitoring in relation to the remote risk that birds might fly into the a wind turbine. Curlews have adapted successfully to the presence of wind turbines elsewhere in Cumbria (Gill 1997b). Nevertheless protocols will need to be agreed for the reporting of any bird carcasses found by wind farm personnel to the English Nature office in Kendal. Any specimens found should be frozen and subjected to post-mortem to establish whether collision with a turbine may have been responsible, and the outcome reported to the English Nature office in Kendal.
- 9.5 Experience in the UK to date is that the numbers of bird collisions reported are very low. There is no reason to believe that Fairfield farm lies along a migratory route and the number of turbines proposed is not great, so assessment of the risk of collision may be restricted to the breeding population.

- 9.6 Of the species using the study area but not breeding within it, any disturbance impact would be negligible.
- 9.7 The plant communities within the fields adjoining Distington Moss proposed for wind turbines are not of high enough botanical or conservation interest to make a case against the loss of the small parts of their stand areas that would be taken up by the turbine bases, transformer huts and access tracks.
- 9.8 English Nature (1995) state in their guidelines that heavy machinery should not be used within 30m of a badger sett. Signs of badger activity within the study area were searched for during the site visits but none were found. The site would be checked again prior to construction.
- 9.9 The proposed development would not affect any vegetation communities or habitats of particular ecological value.

## **10 NOISE**

- 10.1 A survey of background noise levels was undertaken around the site of the proposed wind turbine development at Fairfield Farm.
- 10.2 The levels of noise likely to occur at local residential properties were then calculated, in accordance with standard guidelines.
- 10.3 The ETSU recommendations for limiting noise from wind farms, which would restrict the noise emissions in terms of  $LA_{90,10min}$  values to no more than 35dB or 5dB above background (whichever is the greater), could be met by the proposed site design.
- 10.4 Noise from the wind farm would not be detrimental to the amenity of local residents.

## **11 ELECTRO-MAGNETIC SIGNALS**

- 11.1 No potential impacts on microwave links have been identified.
- 11.2 There is a possibility of degradation of TV signals in the immediate vicinity of the site. In view of this potential risk, Wind Prospect is prepared to resolve any such problems should they arise as a result of construction of the wind farm.

## **12 SOCIO-ECONOMIC ISSUES**

- 12.1 Agriculture still plays an important role in the local economy but has experienced recent uncertainty. In order to counter this uncertainty, the local planning authority seeks to encourage diversification and growth of the local economy.
- 12.2 The development of the proposed wind farm would result in a number of socio-economic effects on the local economy, which would be largely beneficial. These

include:

- Opportunity to participate in the project through investment.
- A local trust fund of £7,800 per annum based on a 7.8MW project.
- Enhanced agricultural viability of the farm through rental income from the wind farm.
- Local employment in both the construction of the wind farm, and in its subsequent maintenance, which would be to the value of approximately £1,600,000.
- Income to the local authority through liability for rates.
- Benefits of the wind farm as an educational resource for local schools.

### **13 PLANNING POLICY CONTEXT**

- 13.1 **Volume 2** of the Environmental Statement contains a detailed assessment of National Planning Guidance, Strategic Planning Policy and Local Planning Policy in so far as the Guidance and Policies are relevant to this proposal.

### **14 FURTHER INFORMATION**

- 14.1 Additional information on the project can be found in the main Environmental Statement text, or by contacting Wind Prospect at the address at the front of this volume.
- 14.2 The following web links may be useful in exploring more about wind energy:

Wind Prospect Ltd                      [www.windprospect.com](http://www.windprospect.com)  
British Wind Energy Association    [www.bwea.com](http://www.bwea.com)

Figure 1

# Fairfield Farm Wind Farm

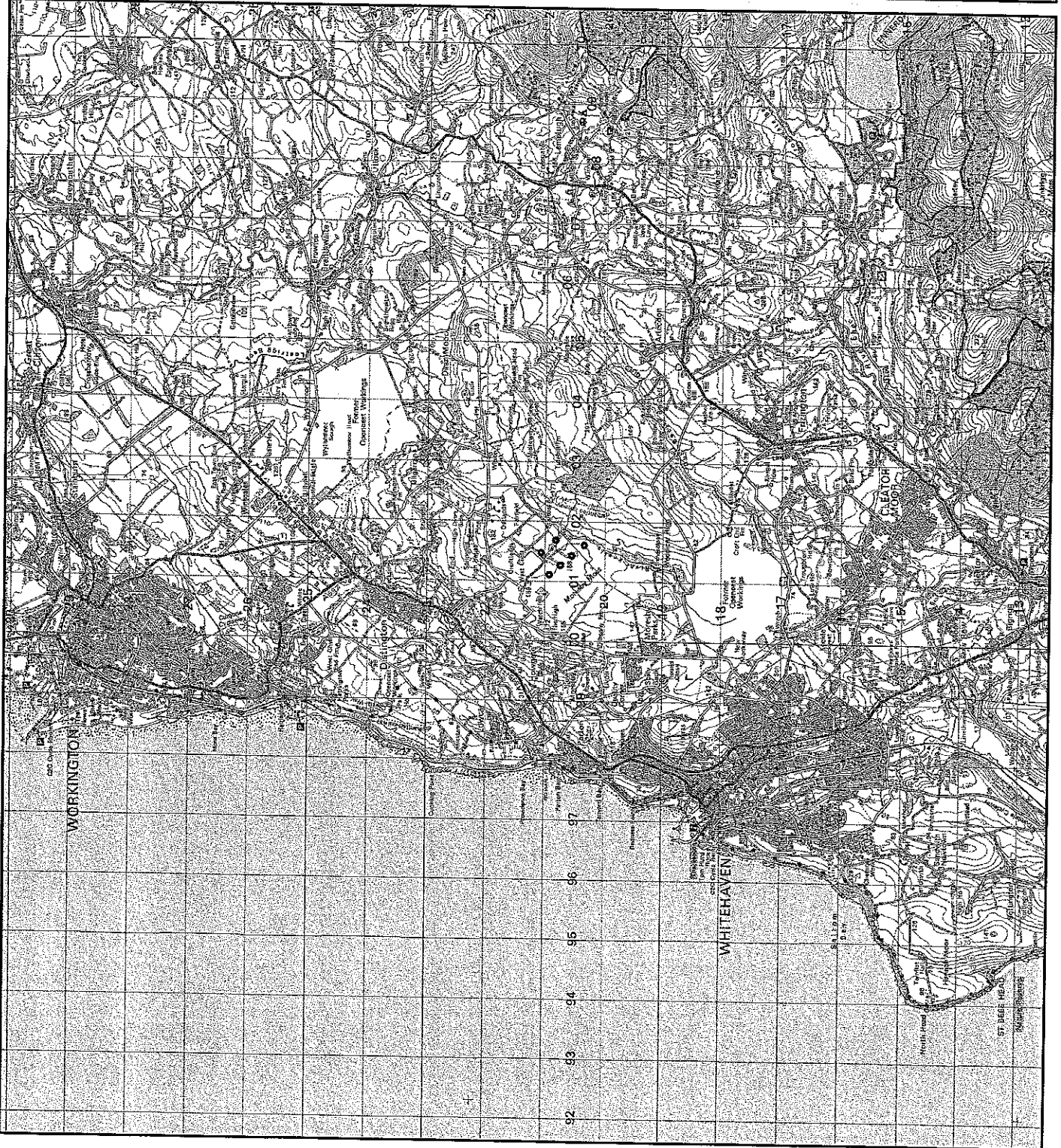
## Regional Context



### Legend



Proposed turbine locations



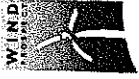
0 1.5 3  
Kilometers

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Figure 2

# Fairfield Farm Wind Farm

## Local Context



### Legend

Proposed Turbine Locations  
with reference numbers



Noise Level Meter  
Location



Noise Prediction  
Locations



Site Access Route



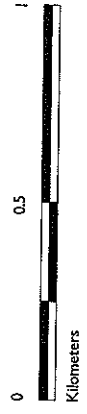
Ecology Study Area



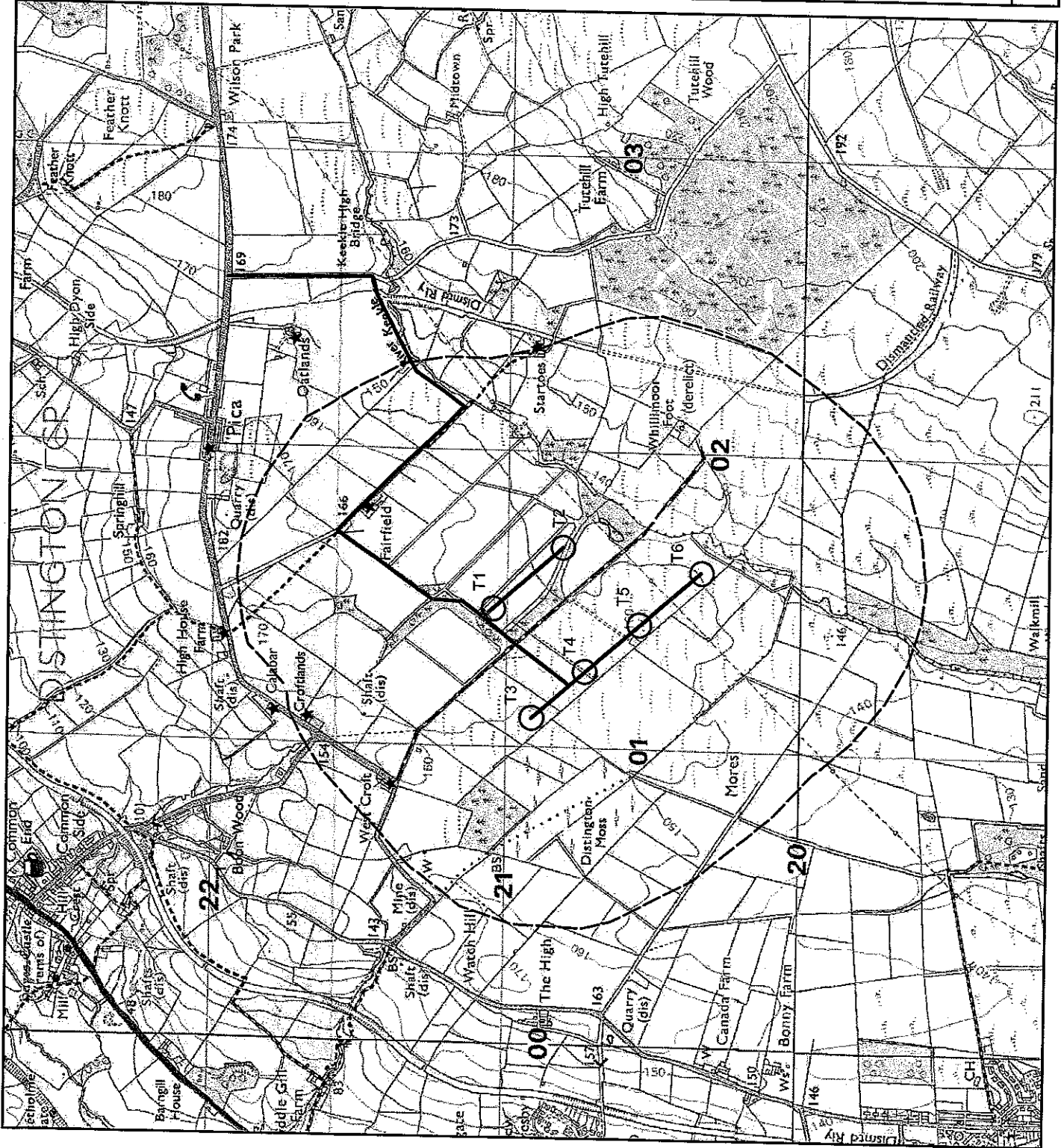
Footpath

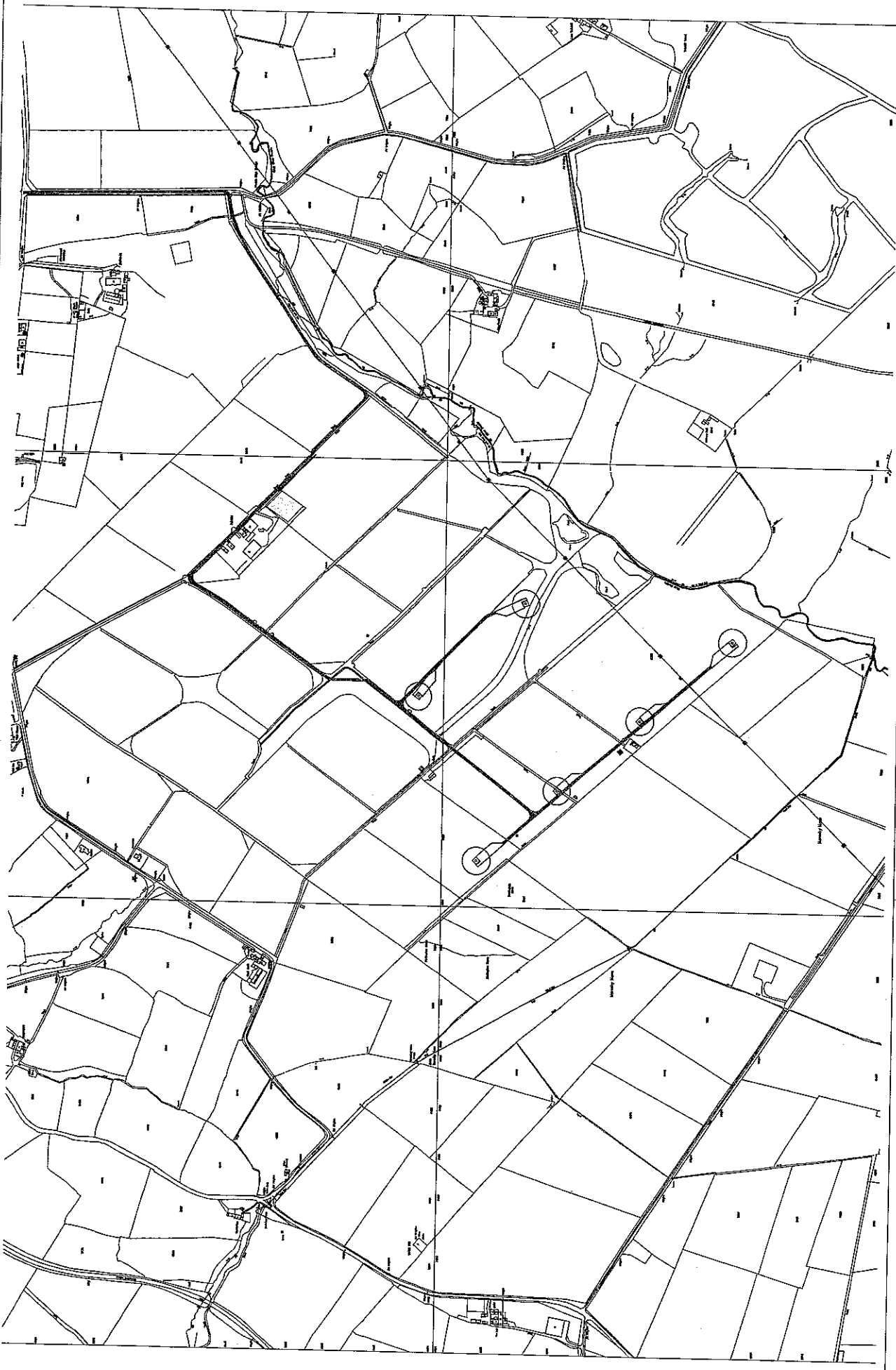


Bridleway



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Author	N. MacIntyre	Project No.	2306605	Sheet No.	2306605	Scale	1 : 8000
Drawn by	B. Allen	Date					

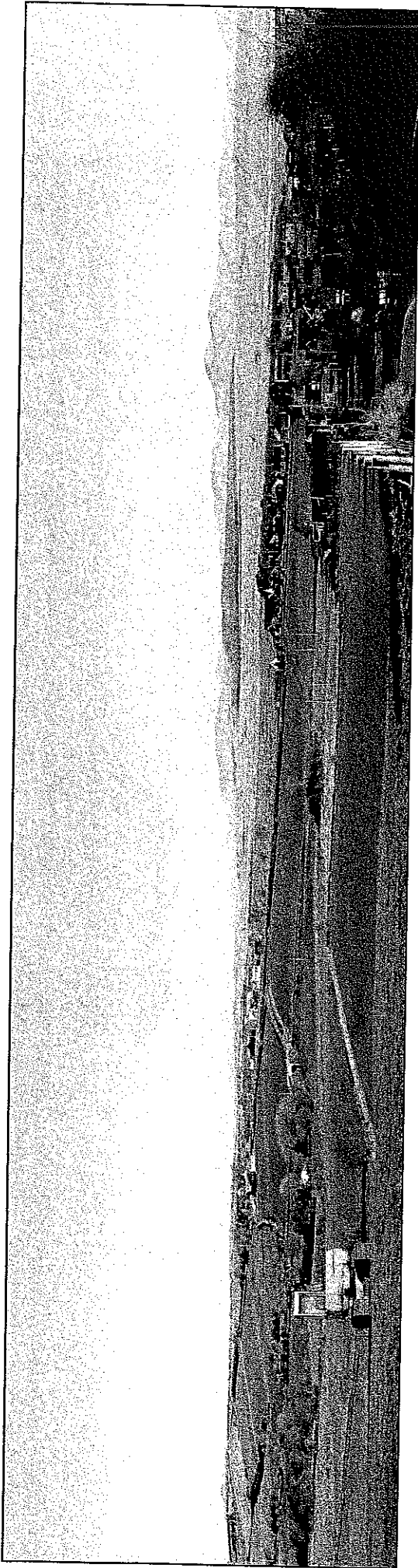
**Figure 3**  
**Access Tracks and Wind Turbine Layout**  
**Fairfield Farm**

Wind Prospect Ltd  
 The Gatehouse  
 White Cross  
 Limerick  
 Co. Tipperary, LA1 9XQ  
 Tel: 01524 33467  
 Fax: 01524 33477

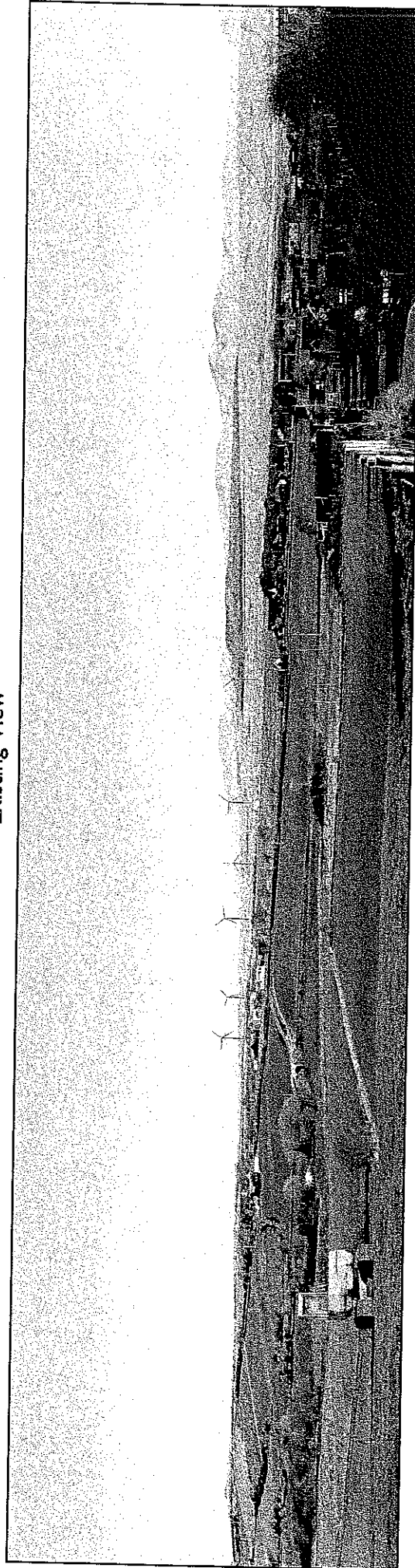


- Wind Turbine
- Crane Hardstandings
- Compound
- Access Track
- Switchgear House

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Existing View



Predicted View

**Figure 8.3: Viewpoint 3 - View north east from Moresby Parks, from top of School Brow**

RECOMMENDED VIEWING DISTANCE: 250mm  
 HEIGHT OF CAMERA ABOVE GROUND: c. 1.5m

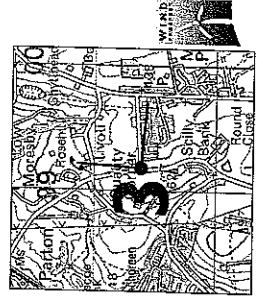
DATE PHOTO WAS TAKEN: March 2003

NEAREST TURBINE: 1  
 DISTANCE TO NEAREST TURBINE: 2329m  
 TURBINE BLADE TIP HEIGHT: 81m  
 NUMBER OF TURBINE TIPS VISIBLE: 6  
 NUMBER OF TURBINE HUBS VISIBLE: 6

GRID REFERENCE:  
 299175  
 519615

VIEWPOINT ELEVATION: c. 150m

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MAIN AGENDA

-----  
20 4/05/2747/0

12M HIGH TRANSFORMER POLE, 1 NO. ANTENNAE, 1 NO.  
300MM DISH WITHIN TRANSFORMER BOX, 5 NO. CABINETS  
NEW HALL FARM, MAINSGATE ROAD, MILLOM, CUMBRIA.  
ORANGE PCS LTD.

Parish                      Millom

- No objections.

This proposal is submitted under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995. The Council has 56 days to notify the applicant whether prior approval is required for the siting and appearance of the development.

The application seeks permission to erect a 12 metre high telecommunications pole with associated equipment on open land at New Hall Farm, Mainsgate Road, Millom.

The proposed development comprises a single pole measuring 11.80 metres above ground level with 1 antenna and a 300mm dish with a transformer box approximately 9 metres above ground level. At ground level it is proposed to construct an 8m x 3m compound with a 1.1 metre high timber post and rail fence to enclose the pole and 5 equipment cabinets. It is proposed to site the compound adjacent to an existing 2 metre high hawthorn hedge.

A technical and planning justification for the proposal accompanies the application, a copy of which is annexed to this report. In summary, an additional mast is required to cover gaps in the coverage when using the newer 3G service as the 3G radio waves do not travel as far through the air as 2G radio waves. The only possible mast share in the area at Langthwaite Farm, Millom would not provide the required coverage.

A letter of objection has been received from the owners of the Port Haverigg Holiday Village. Their objection regarding the development is based on the planning permission they received for 38 holiday cottages on the nearby site at Steel Green (4/03/1335/001 refers). Their letter states that the development might not be worth commencing as the views from the cottages would be adversely affected by the pole.

The potential visual impact of the pole must be considered under Policy SVC 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version. However, the impact on views and property values are not material planning considerations.

On balance, whilst the pole is likely to be visually conspicuous, it is not considered to cause demonstrable harm to the locality. Accordingly, the proposed is considered to comply with Policy SVC 8.



-----

Recommendation

Approve Telecommunications

Reason for decision:-

A suitable site for a telecommunications pole in accordance with Policy SVC 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

-----

4 / 0 5 / 2 7 4 7 / 0 T 1

COPELAND BOROUGH COUNCIL

- 3 OCT 2005

RECEIVED

Supporting Statement / Technical  
Justification

in respect GPDO application

On behalf of Orange PCS Ltd

Re: New Hall Farm, Mainsgate Road, Millom  
Cumbria, LA18 4

Our ref: Cum0093

29 September 2005

Pentland Chartered Surveyors  
Cloister House, Riverside  
New Bailey Street  
Manchester, M3 5AG  
Tel: 0870 950 9810 Fax: 0870 950 9811



## The Site

The proposed site is to be located on agricultural land to the south of Millom. The proposed compound will be sited next to a timber post and rail fenced boundary and hawthorn hedgerow.

The site is accessed via a farm track and then into an agricultural field.

The nearest residential properties are the Coach House, Gin Mill and Steel Green House, all located approximately 100m to the south.

## The Proposal

Consideration has had regard to technical, engineering, environmental and land use planning considerations within the design of the proposed telecommunications installation.

The principal components of the proposed development are outlined within the Supplementary Information Template, and the general layout illustrated on the attached site layout plan and elevations (Drawing Numbers CUM0093 GA-01-A, 02-C, 03-A and 10-C).

The proposed development consists of an 12m high transformer pole with 1 no. antenna, 1 no. 300mm dish and 5 no. equipment cabinets. If required the pole and equipment cabinets can be painted as directed by the LPA. The antenna will be housed within the pole and the dish will be housed within a GRP transformer box on the pole.

The site chosen due to its location, which will provide the required coverage while at the same time conforming to the Councils policy on telecommunications development. The site will provide coverage to Millom.

## Regulatory Statements

Orange operates a public electronic communications network as authorised under the provisions of the Communications Act 2003 and is a person to whom the Electronic Communications Code applies under section 106 of the Communications Act 2003. In April 2000, Orange was granted one of five licenses to provide 3G services.

Orange are currently expanding and upgrading their network in order to provide Third Generation (3G) services. 3G is a development from the older GSM systems. Orange will be delivering a range of advanced multimedia and life services which include: high speed internet access; e-commerce services such as interactive home shopping, online booking and location-based information and entertainment services. In addition, mobile videoconferencing, and the ability to download movie clips, the latest soundtracks and sports highlights, direct to the consumer, whilst on the move. At present, much of the existing equipment is unable to support this new 3G system. Problems, which may be encountered, may include holes in cover, capacity hot-spots, and poor in-building cover. This calls for new sites such as the one proposed in this application to obtain the coverage and capacity required. Please note the information contained within the enclosed 3G network Information document.

Orange launched its network in 1994 and now has more than 13 million customers. Initially the Orange customer base consisted of business users, but with the unprecedented increase in personal mobile phone ownership the network has become congested. In endeavouring to meet all reasonable demands for service



under the terms of its 3G licence, Orange is currently developing its network in and around the Barrow area. The site on the replacement mast will form an integral part of the Orange network of Base Stations to provide Orange coverage in the above area.

### **How the System Works**

I enclose a self-explanatory document entitled 'Network and 3G information'. This has been produced by Orange and explains how mobile phones work, the technical issues behind the siting of base stations and also introduces the new system commonly referred to as 3G or Third Generation.

### **Pre-application Consultation**

#### **Local Planning Authority**

The Copeland Borough Council's Local Development Plan was consulted for guidance to ascertain the Local Planning Authorities policy towards telecommunications proposals. The relevant Development Plan policy relating to telecommunications contained within the Local Plan is policy SVC 8, which states that:

*"In considering proposals for telecommunications development the following factors will be taken into account:-*

- 1. the need generally to avoid high quality landscapes and particularly visually prominent locations and to protect area of natural and man-made conservation importance including Conservation Areas and Listed Buildings and their settings.*
- 2. the need to site and design equipment in such a way as to minimise its impact on the surrounding area including adjacent or nearby residential area.*
- 3. in the case of masts, the availability of alternative sites or the possibility of sharing facilities with other operators. New masts will only be permitted if it can be demonstrated that mast sharing is impractical."*

An extensive search of the area was carried out, during this search no suitable existing mast was found that would provide the required coverage – the mast at Langthwaite farm will not provide the required coverage. The use of a building in the area was explored but none were available or would provide the level of coverage required, see discounted options below.

The site is not close to any established residential areas nor is it close to any conservation areas or listed buildings.

Paragraph 8 of the Appendix to PPG8 states that the aim should for authorities and operators to work together to find optimum solutions to development requirements. The Government strongly encourages pre-development and pre-application discussions between operators and authorities.

An approval for telecommunications mast was granted by the Authority at the Devonshire Road Industrial Estate, but the Landowner, North West Development Agency, will no longer allow telecoms development at this site due to local residents' objections.



In line with the ten Commitments of the Federation of Electronic Industries (FEI) the site was rated Green according to the Traffic Light Model.

## Planning Policy

### General Policies

National guidance on telecommunications in England is contained in Planning Policy Guidance Note 8 (PPG8).

An indication of the importance the government attaches to telecommunications can be gauged from the first paragraph of the Appendix 'Modern telecommunications are an essential and beneficial element in the life of the local community and in the national economy'.

PPG8 encourages authorities and operators to work together and use sympathetic designs and camouflage to minimise the impact of development on the environment. Particularly in designated areas the aim should be for apparatus to blend into the landscape. The telecommunications industry is encouraged to continue to develop innovative design solutions, in terms not only of the structure of masts and antennas but also the materials and colouring.

Paragraphs 19 and 20 of PPG8 states:

19. "In order to limit the visual intrusion, the Government attaches considerable importance to keeping the number of radio and telecommunications masts, and of sites for such installations, to a minimum consistent with the efficient operation of the network."
20. "The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. Authorities will need to consider the cumulative impact upon the environment of additional antennas sharing a mast or masts sharing a site."

It is important to recognise that the proposed development is permitted, in principle, by Part 24 of the GPDO.

Thus the legal and policy context for the proposed development (through PPG8 and the GPDO) weighs in favour and provides general support for the proposal.

### Area of Search

I attach a map to a scale of no greater than 1:50,000 showing the cell and the search area, included within the coverage prediction plots.

### Consideration of Alternatives

Alternative Options Considered and Rejected	
Location	Reason for Rejection
Existing O2 mast at Langthwaite Farm.	Site share at this location will not provide the required coverage.
Land at Low House Farm	Planning officer was not in favour of an option in this



<p>Land at Beck Farm</p> <p>Devonshire Road Ind Estate (existing approval)</p>	<p>location.</p> <p>Planning officer was not in favour of an option in this location.</p> <p>Land owner (NWDA) will not allow any telecoms development at this location.</p>
--	--

**Health and Safety**

PPG8 states that it is not for the local planning authority to seek to replicate through the planning system controls under the health and safety regime as it is a matter for the Health and Safety Executive.

The Government guidelines state that provided a proposed base station meets the ICNIRP guidelines for public exposure then it should not be necessary for the local planning authority to consider the health effects and concerns about them.

I can confirm that the proposed base station will comply with ICNIRP guidelines and I have attached the Certificate of Compliance.

However, I am aware over perceived health and safety issues concerning radio frequency emissions and for this reason I have enclosed a separate Health and Safety statement.

**Conclusion**

The telecommunications installation proposed as set out in this application has been designed and sited, having regard to technical, engineering and land use planning considerations, in order to minimise its impact on the local environment. Accordingly, the proposed development is considered to conform to national and local planning policies.



Schedule of Applications - DELEGATED MATTERS

---

4/05/9012/0	Cleator Moor	CONSTRUCTION OF CSO SCREENING CHAMBER KIOSK, STONE ACCESS ROAD AND LOCALISED GROUND LAND OFF, BROOKSIDE, ADJACENT TO KANGOL FACTORY CLEATOR, CUMBRIA. UNITED UTILITIES PLC
4/05/9009/0	Millom	NEW ARTIFICIAL TURF PITCH AND CHANGING PAVILION  MILLOM SCHOOL, SALTHOUSE ROAD, MILLOM, CUMBRIA. PROPERTY & TRANSPORT SERVICES UNIT
4/05/2560/0	Lowca	DETACHED GARAGE  1, EAST ROAD, LOWCA, WHITEHAVEN, CUMBRIA. K McDONALD
4/05/2674/0	Egremont	REAR CONSERVATORY  37, DENT VIEW, EGREMONT, CUMBRIA. MR M CREMINS
4/05/2686/0	Seascale	DETACHED GARAGE  OLD SCHOOL HOUSE, HALLSENNIA ROAD, SEASCALE, CUMBRIA. MR AND MRS MARSDEN
4/05/2688/0	Whitehaven	INTERNALLY/EXTERNALLY ILLUMINATED SIGNS  THE GAITY/OPERA BINGO, TANGIER STREET, WHITEHAVEN, CUMBRIA. GRAVES CUMBERLAND LTD.
4/05/2690/0	Whitehaven	DEMOLITION OF EXISTING SINGLE STOREY GARAGE AND ERECTION OF NEW LARGER SINGLE STOREY GARAGE 13, LOOP ROAD SOUTH, WHITEHAVEN, CUMBRIA. MR & MRS J ROWELL
4/05/2695/0	Cleator Moor	REAR CONSERVATORY  OVERBROOK, PADSTOW, KEEKLE, CLEATOR MOOR, CUMBRIA. A MCDOWELL
4/05/2696/0	Whitehaven	DOUBLE DORMER GIVING ADDITIONAL BEDROOM TO TERRACED HOUSE 16, SOUTH ROW, KELLS, WHITEHAVEN, CUMBRIA. MR AND MRS N GOODWIN
4/05/2699/0	Whitehaven	FASCIA AND PROJECTING SIGNS  62, KING STREET, WHITEHAVEN, CUMBRIA. PURPLE WORLD LIMITED
4/05/2710/0	Whitehaven	TWO STOREY REAR EXTENSION

		7, SOUTH VIEW, BRANSTY, WHITEHAVEN, CUMBRIA. S TUNSTALL
4/05/2714/0	Whitehaven	PROPOSED CONSERVATORY
		28, CORONATION DRIVE, WHITEHAVEN, CUMBRIA. MR AND MRS CONNERY
4/05/2716/0	Egremont	RENEWAL OF ROOF TO INCREASED HEIGHT
		THORN HOW, ST BRIDGETS LANE, EGREMONT, CUMBRIA. MR AND MRS QUINN
4/05/2718/0	Lowca	SINGLE STOREY BATHROOM EXTENSION
		16, VALE VIEW, LOWCA, WHITEHAVEN, CUMBRIA. M NESBITT
4/05/2719/0	Whitehaven	REAR CONSERVATORY
		22, JUNIPER GROVE, THE HIGHLANDS, WHITEHAVEN, CUMBRIA. MR AND MRS BILLINGTON
4/05/2724/0	Whitehaven	ERECTION OF FLAT ROOF GARAGE
		25, BASKET ROAD, KELLS, WHITEHAVEN, CUMBRIA. MRS M THOMPSON
4/05/2726/0	Whitehaven	ERECTION OF A CONSERVATORY
		ARMIER, ENNERDALE TERRACE, WHITEHAVEN, CUMBRIA. MR L PEARS
4/05/2694/0	St Bees	SUB-DIVIDE GROUND FLOOR ROOM TO MAKE SHOWER & TOILET; REMOVE STUD WALL TO MAKE ONE BEDROOM 4, VALE VIEW, ST BEES, CUMBRIA. MR C DAVIDSON
4/05/2698/0	Drigg & Carleton	CONSERVATORY
		THROSTLE GARTH, DRIGG, HOLMROOK, CUMBRIA. MR AND MRS A BELL
4/05/2700/0	Cleator Moor	NOTICE OF INTENTION FOR OUTBUILDING TO HOUSE GARDEN IMPLEMENTS FIELD ADJACENT TO 26, ALDBY PLACE, CLEATOR MOOR CUMBRIA. MR J CORKHILL
4/05/2704/0	Egremont	SUBSTITUTION OF HOUSE TYPES
		PLOTS 18-20, THE PASTURES, GILLFOOT, EGREMONT, CUMBRIA.



		SENATOR HOMES LIMITED
4/05/2706/0	Cleator Moor	LISTED BUILDING CONSENT FOR REPLACEMENT WINDOWS 8, OLD HALL, CLEATOR, CUMBRIA. N WOLSTENHOLME
4/05/2715/0	Distington	IMPLEMENT SHED FOR AGRICULTURAL EQUIPMENT (NOTI OF INTENTION) COLINGATE FARM, GILGARRAN, DISTINGTON, CUMBRIA. MR B FISHER
4/05/2515/0	St Bridgets Beckermat	TWO STOREY EXTENSION  ROSE COTTAGE, HAILE BANK FARM, BECKERMET, CUMBRIA. MR & MRS M SLATER
4/05/2516/0	Moresby	DWELLING  PLOT 318, MORESBY PARKS, WHITEHAVEN, CUMBRIA. MR & MRS ROBINSON
4/05/2520/0	Egremont	SUBSTITUTION OF HOUSE TYPES TO PLOTS 1 AND 2  TOWNHEAD FARM, EAST ROAD, EGREMONT, CUMBRIA. STEWART WILLIAMSON LTD.
4/05/2530/0	Millom	ONE PAIR OF SEMI DETACHED DWELLINGS  PLOT 14, MOOR FARM, MILLOM, CUMBRIA. MR & MRS PARK
4/05/2553/0	Egremont	CHANGE OF USE FROM SHOP TO RESTAURANT  44, MAIN STREET, EGREMONT, CUMBRIA. KESHINI WIJEWARDENA
4/05/2563/0	Millom	EXTERNALLY ILLUMINATED FASCIA SIGNS AND PROJECTING SIGN 1-3, LAPSTONE ROAD, MILLOM, CUMBRIA. LADBROKES LTD.
4/05/2667/0	St Bridgets Beckermat	CHANGE OF USE OF EXISTING RESIDENTIAL PROPERTY MIXED COMMERCIAL/RESIDENTIAL USE FAIRWATER COTTAGE, CALDERBRIDGE, CUMBRIA. ALLAN & KIRSTEN BLANCHARD
4/05/2683/0	Millom	CONSERVATORY  36, CHURCHILL DRIVE, MILLOM, CUMBRIA. MR AND MRS MILLAR
4/05/2689/0	Gosforth	NOTICE OF INTENTION FOR REPLACEMENT OF DUTCH BA

Schedule of Applications - DELEGATED MATTERS

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		HIGH HOUSE FARM, HOLMROOK, CUMBRIA. MESSRS COOK
4/05/9013/0	Millom	CHANGE OF USE FROM RESIDENTIAL (LAPSTONE EPH & AGE CONCERN CENTRE) TO OFFICE ACCOMMODATION FOR NO. 1 BUNGALOW, LAPSTONE HOUSE EPH, LAPSTONE ROAD, MILLOM, CUMBRIA. CUMBRIA COUNTY COUNCIL
4/05/2559/0	Millom Without	DETACHED DWELLING  PLOT ADJACENT TO, MILLSTREAM, BLACK BECK, THE GREEN, MILLOM, CUMBRIA. NEIL PRICE LTD.
4/05/2723/0	St Bridgets Beckermat	ERECT 2 No. BUS SHELTERS  YOTTENFEWS, SELLAFIELD, SEASCALE, CUMBRIA. BRITISH NUCLEAR GROUP SELLAF. LTD
4/05/2727/0	Cleator Moor	ERECTION OF A GARAGE  REAR OF 59 BIRKS ROAD, CLEATOR MOOR MR J KENNEDY
4/05/2485/0	Distington	REPLACEMENT OF EXISTING PORCH AND NEW CONSERVATORY TO REAR OF PROPERTY  GILGARRAN FARM HOUSE, GILGARRAN DISTINGTON MR & MRS LORY