

**PLANNING PANEL**

**10 OCTOBER 2006**

**AGENDA**

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## RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

## STANDARD CONDITIONS

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

### Outline Consent

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

### Reserved Matters Consent

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

### Full Consent

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

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1 4/06/2510/0

OUTLINE APPLICATION FOR AGRICULTURAL DWELLING  
ADJACENT TO, KIDBURNGILL FARM, LAMPLUGH, CUMBRIA.  
MESSRS J & W OSBORNE

Parish Arlecdon and Frizington

- No response.

Following a site visit by Members outline planning permission for two dwellings for the applicant's daughters was refused in August 2004 (4/04/2496/001 refers). The reason for refusal was as follows:-  
"In the absence of a demonstrable local need the proposed dwellings constitute non-essential development in the countryside and, as such, are contrary to Policies HSG 5 and HSG 23 of the adopted Copeland Local Plan 2001 and Policies HSG 5 and HSG 12 of the Copeland Local Plan 2001-2016 1st Deposit Version."

This application now seeks outline planning permission to erect a single agricultural worker's dwelling adjacent to the existing farmstead at Kidburngill, which is run by the applicants.

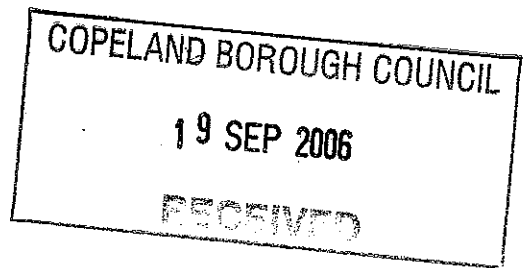
In terms of existing accommodation there is a four bedroomed farmhouse and adjacent three bedroomed dwelling which are occupied by the applicants.

The site itself is located outside the settlement boundaries defined in the adopted Copeland Local Plan 2001-2016. Accordingly, the proposal should be considered in the context of Policy HSG 5 of the Local Plan which permits housing development outside the settlement boundaries where a dwelling is required to meet exceptional circumstances arising from local social and economic conditions. Typically, these are dwellings for agricultural workers. The criteria for considering the justification for agricultural workers dwellings is set out in Annex A of Planning Policy Statement 7 "Sustainable Development in Rural Areas".

In support of the application the applicants submitted a confidential farm appraisal identifying the need for an additional full time worker.

An independent consultant commissioned by the Council has also carried out an appraisal of the agricultural need, a copy of which is annexed to this report. The report concludes that there is a functional need for 2 full time workers to be actively involved in the management of this unit. The requirement to house these 2 full time workers is met by the existing accommodation. Accordingly, the functional need can be fulfilled by the existing dwellings.

In view of this the proposal cannot be justified as being compliant



KIDBURNGILL FARM, LAMPLUGH, WORKINGTON

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

Capita Symonds  
Clint Mill  
Cornmarket  
PENRITH  
Cumbria  
CA11 7HP

Tel: 01768 242340

September 2006

CAPITA SYMONDS

- iv) *The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation based in the area, which is suitable and available for occupation by the workers concerned.*

Today it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products, or in this case losses of livestock.

In the present case I am of the opinion that in the interests and the well-being of the livestock, for the efficient running of the holding and overall security, it is essential that 2 full time workers, actively involved in the management of this unit be present on, or immediately adjacent to it.

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

These are beyond my instructions.

## 10.0 Conclusions

I therefore conclude by advising as follows:-

1. There is a clearly established existing functional need in relation to this holding for 2 full time workers, actively involved in the management of this unit to be resident on, or immediately adjacent to this holding.
2. The labour requirement based on the existing stocking and cropping is calculated at just under 3 full time workers including the use of contractors and casual labour and therefore the labour requirement test is met.
3. The business has been established for many years and is currently financially viable and therefore the financial test is met.
4. The 2 existing dwellings at Kidburngill Farm steading currently meet the requirement to house the 2 full time workers actively involved in the management of this unit that need to be resident on or immediately adjacent to this holding.

A G Jackson BSc FRICS FAAV  
September 2006

**KIDBURNGILL FARM, LAMPLUGH, WORKINGTON – REPORT ON A  
PROPOSED PERMANENT AGRICULTURAL WORKER'S DWELLING**

**1.0 Introduction**

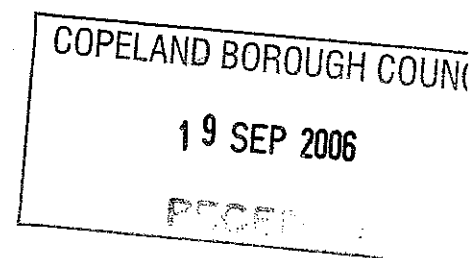
1.1 This report has been prepared at the request of Copeland Borough Council who on 7 August 2006 asked if I would report on the agricultural need in relation to a proposed permanent agricultural worker's dwelling at Kidburngill Farm, Lamplugh, Workington.

1.2 I met the applicants, Messrs William and John Osborn on 5 September 2006 and subsequently inspected the steading at Kidburngill Farm. The following information was provided on behalf of the applicants.

**2.0 Land Occupied**

2.1 Kidburngill Farm extends in total to approximately 140 hectares (350 acres) and is shown coloured pink on the plans attached to the report provided by Edwin Thompson Chartered Surveyors attached to the application. This land is owned and occupied by the applicants and has been in the Osborn family for many years.

2.2 All of the land is situated within the Less Favoured Area and is classified as Severely Disadvantaged, although much of the land is reasonable quality grazing land.





2.3 Until recently, approximately 40 ha (100 acres) of the farm was used for opencast coal mining. This operation has now ceased, the land has been reinstated to grass and the applicants are currently undergoing a programme of land drainage works on this land.

2.4 The coal mining restoration works has enabled the provision of some wet areas on the farm for wildlife and for the creation of some open water as potential fishing ponds.

### 3.0 Livestock

3.1 The following livestock are currently kept on this holding.

3.1.1 300 fattening cattle. These are beef breeds and are purchased as store cattle from 6 months of age and older and are then kept on the farm until they go fat at around 26 months of age. Most are finished during the summer months but some in the wintertime.

3.1.2 500 store lambs. These are brought onto the farm in September/October each year and fattened through the winter months, being sold usually in the following March.

3.1.3 200 breeding ewes. These are Mules and Swaledales. The Mule ewes lamb in January and produce fat lambs for the Easter trade. The

Swaledales lamb in March/April and produce store and fat lambs for later in the year.

3.2 The applicants advised that they intended to increase ewe numbers by around 150.

#### 4.0 Cropping

4.1 This is an all grass farm with approximately 34 hectares of grassland being cut for either hay or silage for feeding to the livestock in the winter months. The remainder of the land is used for grazing the livestock.

#### 5.0 Farm Buildings

5.1 All of the farm buildings are situated at the Kidburngill Farm steading. They comprise a small range of traditional stone built buildings now used for general storage purposes. There is also a more modern range of steel framed buildings which include cubicle divisions for around 100 head of cattle together with loose housing for housing cattle in the winter months. Silage is stored in indoor pits and foul wastes are collected in underground tanks.

## **6.0 Domestic Buildings**

6.1 At the Kidburngill Farm steading is the main farmhouse which has rendered stone elevations under a slate roof. It has 4 bedrooms, sitting room, dining room, kitchen and bathroom.

6.2 Adjacent to the main farmhouse is again a rendered stone built dwelling under a slate roof. It has 3 bedrooms, kitchen, living room, dining room and bathroom.

6.3 This was originally one dwelling and was subdivided a number of years ago.

## **7.0 Labour and Residence**

7.1 Mr William Osborn (aged 60) works full time on the holding and lives in the main farmhouse with his wife.

7.2 Mr John Osborn (aged 67) also works full time on the holding and lives in the adjacent dwelling.

7.3 They use contractors for specialist tasks including hedge trimming and receive part time assistance from members of the family.

## **8.0 Other Information**

8.1 The applicants advised that as they had now had their 40 hectares of land returned to them from the opencast mining they were beginning to build up stock numbers and therefore needed additional labour on the farm.

8.2 They were also intending to operate a day ticket fishing enterprise on the restored open water on the holding. They hope to operate that enterprise themselves and therefore there would be a labour demand in dealing with issuing tickets and controlling the fishing.

8.3 Mr Osborn also advised that they intended to enter the farm into the Entry Level Stewardship Scheme in due course.

## **9.0 PPS7 and the Need for Agricultural Worker's Dwellings**

9.1 The need for Agricultural Workers Dwellings is covered in Planning Policy Statement PPS7 "Sustainable Development in Rural Areas" and in particular Annex A of that publication.

9.2 Guidance is given on the criteria to be met for Agricultural Worker's Dwellings and in relation to a permanent Agricultural Worker's Dwelling these criteria are set out in paragraph 3 of Annex A to PPS7.

These criteria are; -

*i) There is a clearly established existing functional need.*

There is a clearly established existing functional need on this holding at the present time arising from the care of the livestock, particularly during the winter months when the cattle are housed in the buildings and in the spring when the breeding ewes are lambing. There will also be a functional need throughout the year for various animal husbandry tasks.

*ii) The need relates to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement.*

I have calculated the labour requirement on this holding based on the current livestock and cropping practices and I can advise that there is a labour requirement in the region of just under 3 full time workers. This includes the use of contractors for specialist tasks and part time assistance.

This figure is less than the labour requirement indicated in the report provided by Edwin Thompson Chartered Surveyors principally because I have based my calculations only on the existing enterprises on the farm as required by PPS7. I note Edwin Thompson has included some figures for proposed enterprises ie the fishing enterprise but that is at the present time not yet existing and therefore cannot be taken into account. I have also

used 2,400 hours per year per worker which figure has been accepted by Planning Inspectors at recent Inquires.

- iii) *The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.*

This business has been established at Kidburngill for many years and considerably in excess of the required 3 years.

Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practice this can mean a Net Farm Income after all expenses such as feed, fertiliser and property maintenance, at least equivalent to an Agricultural Worker's minimum wage, which is currently in the region of £11,600 per annum. I have calculated the Net Farm Income that is likely to be achieved on this farm from standard published figures in relation to the current levels of stocking and cropping and I am able to advise that it is financially viable.

**COMPLIANCE WITH RICS PRACTICE STATEMENT SURVEYORS ACTING  
AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2<sup>nd</sup> Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion; and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement*; and
- (iii) that the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'.

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with Policy HSG 5 and Planning Policy Statement 7.

Recommendation

Refuse

In the absence of a demonstrable local need the proposed dwelling constitutes non-essential development in the countryside and, as such, is contrary to Policy HSG 5 of the adopted Copeland Local Plan 2001-2016 and Annex A of Planning Policy Statement 7 : Sustainable Development in Rural Areas.

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2 4/06/2540/0

CONVERTING FLEATHAM FARMHOUSE INTO TWO DWELLINGS  
& CONVERTING ADJACENT BARNES & BYRES INTO 5  
DWELLINGS, NEW ACCESS ROAD  
FLEATHAM FARM, HIGH HOUSE ROAD, ST BEES, CUMBRIA.  
MESSRS WRIGLEY

Parish

St Bees

- The conversion of the farmhouse and associated buildings is generally welcomed as the buildings are empty and rapidly deteriorating at present. The major concern is the access onto the road. This is a narrow and increasingly busy section of road and the access will be quite close to a dangerous corner. The other concern is the effect on the drainage situation. The village of St Bees has, in recent months, suffered several episodes of flooding with the road drains apparently being unable to cope with the volume of water flowing down the roads into the village. There is a concern that the conversion work will mean that water will no longer be retained on site but will drain rapidly into the road drains from the large areas of paving, exacerbating the flooding problems.

Full planning permission is sought to convert a traditional group of sandstone buildings within St Bees Conservation Area to provide 5 dwellings and also to split the adjoining three storey farmhouse into 2 dwellings. The application comprises a resubmission of a previous application which was withdrawn in March this year (4/05/2801/0F1 refers).

The buildings are redundant for agricultural purposes with farming operations on the site having ceased a few years ago.

Constructed of sandstone under slate roofs there are three main barns on the site arranged around a courtyard. The farmhouse adjoins the



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largest barn to the west of the site with a road frontage onto High House Road.

It is proposed to convert the farmhouse into one 4 bedroomed and a smaller 3 bedroomed dwelling with minimal external alterations required to achieve this. The large adjoining barn, fronting onto the courtyard, would accommodate a 4 and a 3 bedroomed 3 storey dwelling utilising the large expanse of roof space with the installation of roof lights. Two car parking spaces would be provided within an attached byre.

The barn opposite, part of which is two storey, is to be converted into two 2 bedroomed units. It is proposed to convert the adjacent smaller detached single storey barn to a one bedroomed unit.

As part of the scheme it is proposed to retain the external sandstone finish to the barns and also the slate roofs. All doors and windows are to be of timber construction. Although a number of new window openings are proposed these are considered sympathetic to the character of the barns and the scale is considered reasonable in the context of the whole scheme.

Vehicular access to the site will involve the creation of a new central access point from High House Road, breaking through the large sandstone wall directly into the courtyard. The boundary wall would be resited to account for the required visibility splays. The road will provide access to the courtyard parking areas and a separate parking area to the rear. It then continues to provide access to two potential plots beyond which are the subject of a separate item on this agenda (4/06/2541/0F1 refers). The existing access to the rear of the farmhouse will also be retained to provide access for these units and the one bedroomed unit beyond. The Highway Authority raise no objections in principle providing certain technical criteria are met.

Eight letters have been received from residents in the locality who either object or have concerns regarding the development. These are collectively itemised as follows:-

1. The increased traffic which will be generated is unacceptable and will increase danger for children from the area walking to school.
2. Will make access and egress from the domestic access opposite difficult.
3. The position of the new road access onto a narrow road with poor visibility (blind bend) is worse than the previous application and will create a highway safety hazard.
4. The position of the new access is directly opposite an existing domestic one on Grindal Place and will lead to an increase in surface water run-off along High House Road and into this access

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and other properties.

5. One writer expressed concern at the loss of a double arched window on the gable end.
6. Loss of an antiquity within the Conservation Area.
7. Consider there is no need for this type of housing - there has been too much new house building in the village.
8. Roads/drains and sewers will not cope.

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

- a) Whilst the concerns regarding additional traffic are noted I must point out that the Highway Authority raise no objections.
- b) A condition to ensure a satisfactory surface water drainage system is provided can be attached to any permission granted.
- c) The farmhouse window referred to is to be made into the kitchen door to unit 1 to permit access into their garden. In view of the fact the larger arched windows on the first floor are to be retained this is not considered such a significant loss.
- d) In order to provide a satisfactory access, removal of part of the sandstone wall adjoining High House Road is necessary. On balance, this is considered acceptable as it permits the conversion of the vacant traditional buildings behind thus securing their future retention which, on the whole, will enhance the Conservation Area.
- e) Need for housing has been adequately addressed through the Local Plan process and is not a relevant consideration here.
- f) Issues relating to infrastructure are noted. However, the relevant drainage and highway authorities raise no objections on these grounds.

From a planning point of view the proposed design and form of development are considered to positively enhance the Conservation Area in accordance with Policy ENV 26 of the adopted Copeland Local Plan 2001-2016 and, moreover, the scheme itself satisfactorily complies with Policy HSG 15 of the Plan.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plans received by the Local Planning Authority on 27 September 2006 (Drawings No 05/1516/10F; 05/1516/09B; 05/1516/08A; 05/1516/07B refer).

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3. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.
4. 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.
5. The development shall not commence until visibility splays providing clear visibility of 90 x 2.4 x 90 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the County highway. The visibility splays shall be constructed before development of the site commences so that construction traffic is safeguarded.
6. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.
7. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.
8. Access gates, if provided, shall be hung to open inwards only away from the highway.
9. Details of all measures to be taken by the applicant/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.
10. New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway.

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11. The shared driveways and parking areas shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross-sections, shall be submitted to the Local Planning Authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the residential units are occupied.
12. No development approved by this permission shall be commenced until a desk top study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk for on-site contamination. The desk study should include sufficient documentary research to enable a thorough understanding of the history of the site, including past and present uses. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they shall be implemented in accordance with the assessment to the satisfaction of the Local Planning Authority.
13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
14. The site shall be drained on a separate system with foul drainage only being connected into the foul sewer.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions/conservatories/porches shall be carried out to the dwellings, nor shall any building, enclosure, domestic fuel container, pool or hardstanding be constructed within the curtilages of the dwellings without the prior written consent of the Local Planning Authority.
16. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

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17. Full details of the alterations to the sandstone wall fronting onto High House Road to provide the entrance/access arrangement shall be submitted to and approved in writing by the Local Planning Authority before development commences.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

In the interests of highway safety.

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

To ensure a satisfactory drainage scheme.

To safeguard the character and appearance of the development in the interests of the amenity of the St Bees Conservation Area.

To afford reasonable opportunity for a record to be made of buildings of architectural and historic interest prior to their alteration as part of the proposed development.

To safeguard the amenities of the St Bees Conservation Area.

Reason for decision:-

The proposal represents an acceptable form of development which positively enhances the St Bees Conservation Area in accordance with Policies ENV 26 and HSG 15 of the adopted Copeland Local Plan 2001-2016.

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3 4/06/2541/0

ERECTION OF 2 NO. DETACHED DWELLINGS  
LAND ADJACENT FLEATHAM FARMHOUSE,  
HIGH HOUSE ROAD, ST BEES, CUMBRIA.  
MESSRS WRIGLEY

MAIN AGENDA

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Parish

St Bees

- Have strong objections to this application. The area around High House Lane is part of the Conservation Area and has a traditional street pattern with houses on either side of the road. This development would create a double bank of houses above and behind existing properties. This would not enhance or improve the area and there seems to be no compelling reason for allowing development on this land, particularly when there is no pressure for additional housing of this type in the village.

Full planning permission is sought for the erection of 2 detached dwellings on land adjoining Fleatham Farm within St Bees Conservation Area. The application comprises a resubmission for one which was withdrawn earlier in the year (4/50/2877/0F1) and complements the conversion scheme for neighbouring Fleatham Farm considered earlier on this agenda (4/06/2540/0F1).

It is the intention that each dwelling will be of 2 storey construction with pitched slate roofs and rendered walls with local stone features. Each would have 3 bedrooms with on-site parking for 2 cars together with gardens. The design is such that it is traditional in style to the extent that it would not detract from its sensitive Conservation Area setting and would replace a semi derelict barn which is currently an eyesore.

Vehicular access would be via a new access from High House Road through the adjacent courtyard of traditional barns, which would also serve the neighbouring conversion scheme to which the Highway Authority raise no objection in principle.

Six letters of objection have been received from residents of High House Road on the following collective grounds:

1. There is no need for new houses in the village.
2. Will increase the amount of traffic using this narrow road.
3. The new road access increases danger to traffic and pedestrians on a narrow road with poor visibility.
4. Land is not designated for housing and is outside the plan boundary.
5. This area of the village will become the subject of piecemeal development which will fundamentally change the character of the area.
6. Particular concern from the neighbours who have a domestic access opposite the new point of access that it will adversely affect them on highway safety grounds, making the use of their access more hazardous. Also, will increase the potential for increasing

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surface water run-off and flooding.

7. Land is overshadowed by trees from the adjacent Fleatham House which could lead for calls to reduce the tree density here.
8. Affect on privacy/overlooking on the large Victorian property directly opposite one of the plots across High House Road.
9. Concerns on behalf of an immediate neighbour to the plots include:
  - Who will be responsible for the new boundary fence?
  - Query the height and levels of the neighbouring parking area and whether there will be any adverse affect on privacy, particularly in respect of the bedroom windows. Would like to know what landscaping is to be used to help maintain privacy.
10. Query intentions in respect of a separate store and byre which are possibly unstable.

In response to the above I would comment as follows:-

- a) The issue of need for housing is not relevant here - this is a matter that was fully debated at the Local Plan preparation stage.
- b) Traffic issues are relevant. It should be noted that the Highway Authority raise no objections in principle to the development.
- c) The land is situated within the settlement boundary for St Bees as designated in the adopted Copeland Local Plan 2001-2016.
- d) Although not specifically designated for housing in the Local Plan, the proposal falls within Policy HSG 4 which permits small scale windfall sites in appropriate locations.
- e) There are trees adjacent to but not affecting the plots. In any event these are protected by a Tree Preservation Order.
- f) Flooding is a relevant issue and appropriate drainage controls via condition can be put in place.
- g) Privacy is a relevant consideration but given that the distance from the property across High House Road is well in excess of 21m this is not seen as material in this instance.
- h) Boundary fence maintenance is a matter to be resolved between the land owners concerned.
- i) Levels and landscaping to protect the amenities of the neighbouring property will be controlled by condition if permission is granted.
- j) The barn and byre adjacent do not form part of the application

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site.

In summary, the dwellings would be located on a site currently occupied by a redundant metal sheeted barn, directly behind the existing properties 'The Bungalow' and 'Mellendene'. Whilst this is former agricultural land it is still 'greenfield'. The relevant minimum separation distances can just be achieved from the rear of neighbouring properties along with adequate vehicular access. It is also relevant that the site is within the settlement boundary as identified in the adopted Copeland Local Plan 2001-2016. Taking all of this into account there are considered to be no material grounds upon which to refuse the application.

Recommendation

Approve (commence within 3 years)

2. The sole means of access to and from the development shall be from High House Road via the adjacent courtyard as per drawing No 05/1516/10E received by the Local Planning Authority on 31 July 2006.
3. The site shall be drained on a separate system with foul drainage only being connected into the foul sewer.
4. No development shall commence until full details of the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
5. The access drive and parking areas shall be surfaced in a bituminous or cement bound material, or otherwise bound, and shall be constructed and drained before any of the residential units are occupied. Full details shall be submitted to and approved in writing by the Local Planning Authority before development commences.
6. Public Footpath number 423003 shall remain unobstructed at all times.
7. Notwithstanding the submitted plans full details of car parking area comprising bays 9 to 14 inclusive, including cross sections, levels and boundary treatments/landscaping shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved plan before any of the residential units are occupied.



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8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no external alterations, including replacement windows or doors or extensions, conservatories or porches shall be carried out to the dwellings, nor shall any building, enclosure, domestic fuel container, pool or hardstanding be constructed within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

To ensure a satisfactory drainage scheme.

To safeguard the public's right of way.

To protect the amenities of adjoining neighbours.

To safeguard the character and appearance of the development in the interests of the amenity of the St Bees Conservation Area.

Reason for decision:-

The erection of two new dwellings in this location is considered an acceptable form of development within the St Bees Conservation Area in accordance with Policies HSG 4, HSG 8 and ENV 26 of the adopted Copeland Local Plan 2001-2016.

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4 4/06/2549/0

CHANGE OF USE TO BED AND BREAKFAST ACCOMMODATION  
THE BEACHCOMBER, PARTON, WHITEHAVEN, CUMBRIA.  
KAREN CLARK

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Parish

Parton

- Support the application. Consider this development will improve the village and believe the amended plans meet the potential flood concerns of the Environment Agency.

A previous application to change the use of this former club situated on part of Parton foreshore to bed and breakfast accommodation was withdrawn in June this year (4/06/2270/0 refers) in order for a Flood Risk Assessment (FRA) to be prepared.

This proposal represents a resubmission which is now accompanied by an FRA.

Members will recall that the site was visited in June this year in view of the flood risk issues and the objection then raised by the Environment Agency on these grounds.

The scheme will involve the installation of new windows and construction of a single storey extension to the rear to provide improved kitchen/laundry/cellar facilities.

Ten ensuite bedrooms are proposed. In a recently revised scheme all of these will be located on the first floor with a manager's flat on the ground floor. Proposed external finishes comprise roughcast walls under a slate roof with upvc windows.

Vehicular access will be via the existing subways to a public car park beyond. Parking for 12 cars will now be provided within the site boundary.

The site is situated within a high flood risk (Level 3) area being located on the shoreline. The FRA confirms that there are little additional measures that can be undertaken to prevent flooding over and above the coastal defence measures that are already in place. It does propose, however, that a management plan be put in place to ensure evacuation should flooding occur.

The Environment Agency in response to the original plans submitted with this application still have some concerns on the grounds of flood risk. They point out that the two subways on approach are the only pedestrian and vehicular accesses to the premises and, if flooded, would restrict or prevent access.

Whilst it is not possible to eliminate the risk of flooding in such a coastal location the Environment Agency considers that the FRA's proposed floodproofing measures would help minimise flood damage.

The main concern of the Environment Agency was the intent of the original scheme to provide accommodation for people with disabilities on the ground floor in an area subject to tidal and fluvial flooding. This accommodation has now been deleted in an amended scheme with a

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manager's flat now proposed on the ground floor. The Environment Agency's previous objection to the proposal has now been withdrawn.

On balance, it is considered that the amended scheme now meets the Environment Agency's main concern and is favourably recommended accordingly. There is an identified need for serviced accommodation such as this in the Borough in accordance with Policy TSM 3 of the Plan.

Recommendation

Approve (commence within 3 years)

2. The accommodation shall be provided strictly in accordance with the amended plans received by the Local Planning Authority on 18 September 2006.
3. Floodproofing measures shall be carried out as identified in Section 6 of the accompanying FRA to the satisfaction of the Local Planning Authority before the use commences.
4. The car parking area shall be surfaced in a bituminous or cement bound material, or otherwise bound, and shall be constructed and completed before the use commences.
5. Notwithstanding the submitted plan, full details of the proposed conservatory shall be submitted to and approved in writing by the Local Planning Authority before the use commences.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

To help minimise the risk of flood damage.

In the interests of highway safety.

To safeguard the amenities of the locality.

Reason for decision:-

An acceptable proposal to change the use of these former club premises on Parton foreshore to bed and breakfast accommodation in accordance with Policy TSM 3 of the adopted Copeland Local Plan 2001-2016.

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5 4/06/2558/0

OUTLINE APPLICATION FOR A DWELLING  
GARDEN LAND TO, WHITE WINGS, LINGMELL, SEASCALE,  
CUMBRIA.  
MR E C & MRS J CARNALL

Parish                      Seascale

- Requested a site visit.

At the request of Seascale Parish Council a decision on this application was deferred at the last meeting to enable Members to undertake a site visit. This took place on 27 September 2006.

Outline planning permission is sought for a dwelling in the garden of White Wings, Lingmell, Seascale with only the means of access to be approved at this stage.

The area of land to be separated for the proposed dwelling measures 23 metres by 23 metres and would be served by a joint access with the existing dwelling, which will require the demolition of the existing garage to 'White Wings'. This would lead onto the unadopted private lane which, in turn, is accessed from a junction off Gosforth Road.

The Highways Authority have raised no objections to the proposal, but advise that adequate on-site turning facilities for both dwellings should be secured.

An indicative plan has been submitted with the application to demonstrate how a dwelling could be positioned on the site.

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

1. The access lane and sewer are under shared and private ownership respectively.
2. The access lane is in a poor condition.
3. The proposed dwelling would reduce light to existing properties.
4. More housing is not needed in Seascale.
5. The positioning would not conform to the building line.
6. The proposed dwelling would result in the loss of a garden area.

In response to the issues raised I would comment firstly that the ownership of the sewer and lane are civil issues which should not

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affect the determination of this application. Although the lane is in a poor state this is the responsibility of the owners, and the Highway Authority are satisfied with the condition of its junction onto the public highway. The dwelling type is not confirmed with this application but any reserved matters application would need to ensure that the siting and design conform with the housing design standards in the Local Plan. Housing stock for the area is dealt with in the policies of the Local Plan, against which the application is considered. Finally, the positioning of the dwelling is not confirmed at this stage but it is considered that both houses would be able to retain an acceptable curtilage area.

As garden land of a dwelling, the proposal is classed as previously developed land. This factor, along with the site being located within the settlement boundary for Seascale, means the proposal is favourably considered under Policy HSG 4 of the adopted Copeland Local Plan 2001-2016

Recommendation

Approve in Outline

4. The site shall be drained on a separate system with only foul drainage connected into the foul sewer.
5. Full details of the site access arrangements and on-site parking and turning facilities shall be reserved for subsequent approval at the detailed design stage.

The reasons for the above conditions are:-

To ensure a satisfactory drainage scheme.

In the interests of highway safety.

Reason for decision:-

An acceptable brownfield infill housing development in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016.

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6 4/06/2574/0

DEMOLISH EXISTING CHURCH AND BUILD DETACHED HOUSE  
AND GARAGE  
PLOT 1, BANK YARD ROAD, PARTON, WHITEHAVEN,  
CUMBRIA.  
MR & MRS M MADRICK

Parish Parton

- No comments received.

Outline planning permission for a residential development on this 0.06 hectare site presently occupied by a vacant Methodist Church was granted in February 2005 (4/04/2631/001 refers).

This application seeks full planning permission to erect a five bedroomed detached house and garage on plot 1 at the northern end of this approved housing site.

External finishes comprise white render, red/brown facing brick and dark grey concrete roof tiles.

A single letter of objection has been received from a neighbouring property owner to the south. The grounds for objection are summarised as follows:-

1. Loss of light to the objector's conservatory and living room.
2. There is already little parking on this road and 2 more houses will result in at least 4 more cars.

It is worth noting that the objector's property is sited 14.8 metres from the proposed dwelling.

Furthermore, in terms of off-street parking, the property will have a detached garage situated to the rear, access to which is via a shared driveway between this dwelling and the proposed dwelling on adjoining plot 2, the following item on this agenda (4/06/2575/0F1 refers).

In my opinion, the proposal is considered to be an acceptable form of development on this brownfield site in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plans received by the Local Planning Authority on 27 September 2006.

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3. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
  4. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. 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.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains. To afford reasonable opportunity for a record to be made of a building of historic interest prior to its demolition as part of the proposed development.

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

Reason for decision:-

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

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7 4/06/2575/0

DEMOLISH EXISTING CHURCH AND BUILD DETACHED  
HOUSE AND GARAGE  
PLOT 2, BANK YARD ROAD, PARTON, WHITEHAVEN,  
CUMBRIA.  
MR P DOCKERTY & MS A ROBBS

Parish                      Parton

- No comments received.

Outline planning permission for a residential development on this 0.06 hectare site presently occupied by a vacant Methodist Church was granted in February 2005 (4/04/2631/001 refers).

This application seeks full planning permission to erect a five bedroomed detached house and garage on plot 2 at the southern end of this approved housing site.

The style and design of the dwelling is identical to that of the preceding application on this agenda for plot 1 (4/06/2574/0F1 refers).

Again external finishes comprise white render, red/brown facing brick and dark grey concrete roof tiles.

A single letter of objection has been received from an adjoining property owner to the south. The grounds for objection are summarised as follows:-

1. Loss of light to the objector's conservatory and living room.
2. There is already little parking on this road and 2 more houses will result in at least 4 more cars.

In response to these concerns I would comment as follows:-

1. Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 requires that all new detached dwellings retain at least 1.0m clear between wall and side boundaries. The proposed dwelling will be sited 2.24m from the adjoining boundary.
2. The site is presently occupied by a substantial building in the form of the Methodist Church.
3. Furthermore, in terms of off-street parking provision, the property will have a detached garage to the rear, access to which is via a shared driveway between this house and that of adjoining plot 1.

In my opinion, the proposal is considered to be an acceptable form of



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development on this brownfield site in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plans received by the Local Planning Authority on 27 September 2006 except insofar as the utility room window shall be fitted with obscure glazing as confirmed by the applicant's agent in his letter to the Local Planning Authority dated 27 September 2006.
3. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
4. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. 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.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains. To afford reasonable opportunity for a record to be made of a building of historic interest prior to its demolition as part of the proposed development.

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

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Reason for decision:-

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

8 4/06/2583/0

DETACHED DOUBLE GARAGE  
REAR OF, 7, GARLIESTON COURT, CORKICKLE,  
WHITEHAVEN, CUMBRIA.  
MR & MRS J SMITH

Parish Whitehaven

A proposal to erect a detached double garage towards the far end of the rear garden of 7 Garlieston Court, adjacent to the estate turning head.

Proposed materials to be used include pitched slate roofs and painted rendered walls with raised quoins which will complement the existing finishes on the estate.

The detached house which the garage will serve is situated adjacent to the entrance to the ongoing residential development comprising 13 dwellings at Garlieston Court, within the Corkickle conservation area. The access road serving the estate runs alongside.

Permission is currently being sought for an extension to the Garlieston Court development to provide a further 4 dwellings (item 4/06/2585/0F1 on this agenda refers).

A letter of objection has been received from the residents of one of the houses on the estate. They are concerned that a garage in this location would cause an obstruction as it would be difficult for drivers to see any traffic/pedestrians around the garage which could cause a severe accident. They also consider that because of the width of the garage the road will become very narrow making it difficult for two way traffic.

In response, I would stress that the Highways Authority raise no objections on highway safety grounds.

The submitted plan shows that there is at least 2m separation distance between the end of the garage and the proposed kerb edge of the turning head.

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Taking the above into account the proposal is considered to satisfactorily accord with the criteria set out in Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the garage is brought into use.
3. The doors shall be of timber construction.

The reasons for the above conditions are:-

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

In the interests of highway safety.

To safeguard the appearance of the development in the interests of the amenity of the Corkickle conservation area.

Reason for decision:-

The proposed garage represents an acceptable domestic curtilage building in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

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9 4/06/2585/0

3 NO. 2 BEDROOMED APARTMENTS AND 1 NO. 4  
BEDROOMED DETACHED HOUSE WITH GARAGE  
LAND ADJOINING GARLIESTON COURT &  
THE CHASE HOTEL, CORKICKLE, WHITEHAVEN, CUMBRIA.  
REED GRAHAM DEVELOPMENTS LTD.

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Parish

Whitehaven

Permission is sought to develop a 0.14ha area of vacant land to the rear of the Chase Hotel as an extension to the adjacent Garlieston Court housing development.

Members will recall that it was agreed to visit the site at the last Planning Panel meeting to afford Members the opportunity to fully assess the impact of the proposal on neighbouring developments within and adjacent to the Corkickle Conservation Area.

The proposed development comprises:

- a large 3 storey block containing three 2 bedroomed apartments on the south eastern corner of the site.
- a two storey 4 bedroomed house with integral garage to the west, adjacent to No 10 Garlieston Court.

A key feature of the apartment block would be the incorporation of balconies on the front elevation which would face out towards the access road and Garlieston Court. A rear balcony is also proposed for the house.

Proposed materials to be used will complement the existing estate comprising painted smooth rendered walls, raised cement bands to the windows and quoins under slate roofs.

Vehicular access would be via the existing Garlieston estate road, breaking through the substantial sandstone wall which currently borders the site to provide a private driveway with off-street parking for 9 vehicles.

Four letters of objection have been received, one of which from a neighbouring resident is appended. The other 3 letters either express concern or object to the application on the following grounds:-

1. The proposed access will cut along the neighbour's drive taking the top portion off.
2. Query whether the sewer/drains have adequate capacity.
3. Increase risk of flooding which may damage neighbouring properties.
4. Potential for invasion of privacy in relation to a neighbouring property at the rear.
5. Trees on site need to be adequately protected during construction in accordance with BS 5387. They are home to numerous birds.
6. Protection of adjoining boundary walls.

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In response to these concerns I would comment as follows:-

- a) Affect on the neighbour's drive is a matter to be sorted out between the land owners involved. Clearly the submitted plan shows the access located on the applicants' land and does not adversely affect the designated parking area for the neighbouring house.
- b) As regards drainage and flooding issues, United Utilities in their consultation response raise no objections and no comments have been received from the Environment Agency. However details of drainage schemes can be adequately controlled by condition.
- c) The required separation distances of 21m between the proposed new development and neighbouring properties to the rear and front have been exceeded. Distances of 30m between the proposed new house and No 47 Calder Avenue and 31m between the apartment block and 51 Calder Avenue have been achieved. An adequate side separation distance of 2.2m is shown at the nearest point between 10 Garlieston Court and the new house.
- d) Protection of party boundary walls are a civil matter and not planning issue.
- e) Protection of the trees on the site is paramount. They are within the conservation area and will be protected by conditions.
- f) It is normal practice to require the details referred to in respect of drainage, road construction, method statements etc by the imposition of conditions.
- g) I do not share the assertion that the 3 storey block will detract from the character of the conservation area. In terms of physical location it will largely be obscured from view from Corkickle and Foxhouses Road due to it being sited at a lower level and directly behind the Chase Hotel.
- h) The Highway Authority raise no objections regarding access or parking.

It should be noted that if this application is approved it would supersede the permission for extending The Chase Hotel (ref 4/04/2474/0F1). This area of land was originally earmarked for an extension to the car park as part of this approval.

The site is within the Whitehaven settlement boundary as designated in the adopted Copeland Local Plan 2001-2016. Although not specifically identified for housing it is considered an appropriate site for a finite extension to this residential estate. Moreover, it satisfactorily meets all the relevant development control criteria including design, siting and spacing standards and is in accordance with Policies HSG 4, HSG 8 and DEV 7 of the adopted Local Plan.

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Recommendation

Approve (commence within 3 years)

2. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross-sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is completed.
3. No development shall be commenced until the access road, as approved, has been defined by kerbs and sub-base construction.
4. No dwelling shall be occupied until the estate road to serve such dwellings has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.
5. Public footpath No 423003 shall remain unobstructed at all times.
6. The parking areas and the driveway to the house shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before any of the residential units are occupied. Full details shall be submitted to and approved in writing by the Local Planning Authority before development commences.
7. The site shall be drained on a separate system with foul drainage only connected into the foul sewer.
8. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
9. No tree within the site shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped without the prior written approval of the Local Planning Authority. Any such approved topping or lopping shall be carried out in accordance with British Standards on Tree Work BS 3998 and BS 5837.
10. If within a period of two years from the completion of the development any retained tree is uprooted, destroyed or dies, another tree shall be planted at the same place. That tree shall be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

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11. Adequate protection measures for the retained trees including the erection of fencing and the installation of weight bearing root barrier membranes and appropriate ventilation/irrigation systems shall be undertaken in accordance with British Standard 5837. Details of such protection methods in the form of a method statement shall be submitted to and approved in writing by the Local Planning Authority before development commences.
  12. Full details of the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority before development takes place.
  13. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details for its implementation. Development shall be carried out in accordance with the approved schedule.
  14. The roof covering shall be natural slate.
  15. The external decoration scheme shall be submitted to and approved in writing by the Local Planning Authority before such work commences.
  16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions shall be carried out to the dwellings, nor shall any building, enclosure, domestic fuel container, pool or hardstanding be constructed within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.
  17. The garage doors shall be of timber construction.
  18. Full details of all proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

The reasons for the above conditions are:-

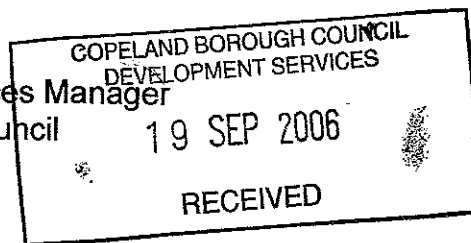
In compliance with Section 51 of the Planning & Compulsory Purchase Act 2004.

In the interests of highway safety.

To ensure a satisfactory drainage scheme.

To adequately protect the existing trees on site which are within the Corkickle Conservation Area.

To the Development Services Manager  
Copeland Borough Council



Ref: 4/06/2585/OF1

Application relating to:

3 NO. 2-BEROOMEDAPARTMENTS AND 1 NO 4- BEDROOMED DETACHED HOUSE WITH GARAGE

Land adjoining Garlieston Court & The Chase Hotel, Corkickle, Whitehaven.

### OBJECTION TO APPLICATION

1. This application falls to be determined in accordance with the Copeland Borough Council Local Development Plan 2001. If there are any relevant documents which have to be given weight to as a material planning consideration which are filed subsequent to the date of this objection then I request that I shall be informed or supplied with a copy or copies and I expressly reserve the right to respond to such additional information should that be made available, and expressly reserve the right to supplement these objections in any event.
2. The application site lies within the Corkickle Conservation Area. In planning terms this does not mean preservation where no change should take place but does mean that change should be made but it does call for change to be controlled carefully, with high standards of design, materials used and detailing should be sought. In particular any new development should respect the scale of existing buildings. Succinctly, the preliminary design of the site should include, in addition to the detail already shown, locations of Drains and Sewers. Levels should be shown on a supporting plan. Details should also be included of the depth and width of any excavations and level changes necessary to implement the above.
3. There are a good number of mature trees both on the site and on land immediately adjacent to the site. A Protected Area will be required to be designated should the application be approved. Whilst it is preferable to keep all the above works outside the Protected Areas of the trees, certain works will undoubtedly have to take place within the Protected Areas of the trees. British Standard BS 5387: Trees in relation to construction 1991. Building in this environment is likely to be complicated and has great potential to go wrong. Accordingly it is essential that this particular area for consideration should be dealt with at Committee stage rather than as a Reserved Matter.
4. Accordingly as this site will necessarily incorporate works within a Protected Area, the Applicant file at least 21 days prior to the date of the committee meeting which will consider this application a full and detailed Method of Implementation Statement, including any appropriate diagrams, as this will assist the LPA in determining the application. As well as construction details for the finished development the Method Statement should refer also to temporary features such as details of vehicular access for construction traffic, areas for material storage, given the abundance materials used in the building trade containing chemicals which could well be harmful to trees, site huts etc. as well as protective fencing and any other methods to be used for protecting trees and their



roots, which are the part of a tree the most susceptible to damage, both during and after the development.

5 A three storey apartment block despite it being towards the foot of The Chase Hotel garden which slopes down and is intended to be behind a 2 metre close boarded fence will be, because of its height, clearly visible from Front Corkickle and Inkerman Terrace, the latter being one of the main arterial roads in/out of Whitehaven. It will detract from the character of the surrounding area. The proposed single dwelling will be in very close proximity to 10 Garlieston Court. In short the application site is not capable of accommodating the scale of development proposed and will give rise to a loss of privacy, be overdominant, or visually intrusive in relation to adjoining properties. The fact there are already two, three storey apartment blocks within Garlieston Court, does not, I contend, create a precedent as they are situated behind other properties and not visible from the roads and footpaths as used by the public passing within the Conservation Area. The erection of one single two-storey house would be more appropriate and far less intrusive.

6 The disposal of surface water is a very important consideration and becomes even more important when connected with disposal of household water. The site slopes down towards Calder Avenue. It is proposed to have an almost impermeable road surface which the water will flow down not up. This is one reason why it is essential that details of levels should be shown on a supporting plan. Clearly provision will have to be made for some drains to be situated at the foot of the two car parking areas numbered 8 and 9 which in turn begs the question to where will they be drained. Water does not voluntarily flow uphill. Indeed in which direction is it proposed that the drains and sewers from the proposed properties will run to connect to an existing main sewer and is it known with certainty that the sewer has sufficient spare capacity.

7 I contend that full and detailed information as to the disposal of both surface and foul water should be available to the LPA to assist it in determining the application and that this aspect should not be dealt with as a reserved matter. Accordingly I contend that at least 21 days prior to the date of the Committee meeting the Applicant shall lodge with the LPA a full and detailed scheme for the disposal of surface and foul water which has previously been submitted to and approved by United Utilities as the Water Undertaking for the area in which the site is situated.

8 Finally it is noted that the width of the proposed road is to be 4.8 metres wide yet the main access road into and from Garlieston Court is well below this width and certainly not wide enough to allow to vehicles to pass each other. On the Proposed Site Plan / Block Plan there is shown for a small area of Garlieston Court and The Chase Hotel area no less than 28 Parking places and a double garage. Thirty vehicles plus a good number more for the area of Garlieston Court not depicted on the Plan will be using this road together with visitor's vehicles and I contend that a road safety issue necessarily arises.

Signed.....

Dated..... 18<sup>th</sup> September 2006.

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To ensure the implementation of a satisfactory landscaping scheme.

To safeguard the appearance of the development in the interests of the amenity of Corkickle Conservation Area.

Reason for decision:-

The proposed erection of a house and apartment block represents an acceptable form of development for this sensitive site within the Corkickle Conservation Area in accordance with Policies HSG 4, HSG 8 and DEV 7 of the adopted Copeland Local Plan 2001-2016.

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10 4/06/2592/0

OUTLINE APPLICATION FOR DWELLING HOUSE/COTTAGE  
LAND TO REAR OF, 18, LONSDALE PLACE, NEW ROAD,  
WHITEHAVEN, CUMBRIA.  
S HAYDEN

Parish                      Whitehaven

An outline application to erect a dwelling on a narrow plot of land measuring some 5.5m in width by 30m in length currently in use as a garden and situated to the rear of Lonsdale Place which is a Grade II listed terrace of town houses fronting onto New Road.

The indicative site layout plan submitted with the application shows a linear 2 bedroomed detached house being accommodated on the site with a small yard to the rear, a garden/parking area for 2 cars in front and side separation distances of 1.0m.

Adjoining the site are a row of three existing cottages built on garden land belonging to the terraces on Lonsdale Place. Two have been up for a considerable number of years (one since circa 1750) whereas the more recent dwelling was approved in 1989 (4/89/0516 refers) on local need grounds. An application to erect a two storey dwelling on a similar plot adjoining the other end of the cottages, comprising rear garden land to the terrace, was refused in 2005 (4/04/2251/001 refers).

Vehicular access to the site is substandard, being via a narrow single unmade lane under an archway from New Road. This provides access to the three dwellings referred to above together with rear access to Lonsdale Place properties. The Highway Authority object to the proposal on the grounds of the substandard nature of the access

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and the proposed increase in its use.

Five letters of objection have been received from residents of the terrace and the cottages. They object to the proposal on the following collective grounds:

1. General disruption a new build would have on the local residents in this restricted location. The rear of Lonsdale Place is a secluded haven.
2. Affect delivery vehicles would have on the back lane which is not very wide.
3. Lane is too narrow to accommodate another property.
4. Already a lack of off and on street parking in the vicinity. The proposed development would exacerbate the situation.
5. Will affect rear views from the terrace.
6. Would not be sympathetic with the surrounding buildings and the listed terrace in particular.
7. Affect on ancient oak tree to the rear.

The adjoining neighbour is concerned about loss of privacy and the physical damage the construction may cause to their house. There is a considerable difference in ground levels between their house and the site which is some 4m higher.

The concerns expressed in respect of access and parking are particularly relevant in this instance. The site is not considered appropriate from a planning point of view for further residential development. It is served by a substandard access arrangement and is in a sensitive setting directly behind the listed terrace and as a result would lead to a significant loss in general amenity both to the terrace and neighbouring dwellings contrary to Policies HSG4 and DEV7 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Refuse

The proposal constitutes an undesirable form of backland development served by a substandard vehicular access arrangement and would result in a loss of general amenity to neighbouring dwellings, including the Grade II Listed houses at Lonsdale Place, contrary to Policies HSG4 and DEV7 of the adopted Copeland Local Plan 2001-2016.

MAIN AGENDA

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11 4/06/2601/0

REMOVAL OF EXISTING GARAGE AND ERECTION OF  
EXTENSION  
18, YEWBANK LANE, HIGH MEADOWS, WHITEHAVEN,  
CUMBRIA.  
MR A SEDDON

Parish                      Whitehaven

An application to erect an extension at this semi-detached house was refused in July 2006 (4/06/2359/0F1 refers). The reason for refusal was as follows:-

"By virtue of their siting, scale and design the proposed extensions and alterations constitute an unacceptable design solution out of keeping with the character and scale of the parent property and its environs and, as such, the proposal is at variance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016."

This revised application now seeks to extend this three bedroomed semi-detached house as follows:-

1. A 1.1m x 1.9m single storey front porch.
2. A 3.1m wide x 8.7m long two storey gable extension which would project 1.1m beyond the existing house frontage and adjoin the proposed porch. This element would be sited 0.9m from the side boundary which runs parallel to a public footpath.
3. A 6.35m wide x 4.6m long two storey rear extension which would adjoin the gable extension. Again this element would be sited 0.9m from the side boundary.
4. A 2.1m x 2.4m single storey rear extension sited on the boundary with the adjoining property.

In terms of accommodation the extensions would provide a garage, kitchen, utility room and extended family room at ground floor level with three additional bedrooms above, one of which incorporates an en-suite bathroom.

Proposed external finishes comprise green concrete roof tiles and render to match the existing property, with the introduction of facing brick.

A single letter of objection has been received from a neighbouring property owner to the rear who is concerned with loss of light to their garden and visual impact. It is worth noting that the objector's property is situated 27.4m away from the extension.

MAIN AGENDA

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In my opinion this resubmission overcomes the previous grounds for refusal by repositioning the extension 0.9m from the boundary and removing the two storey projecting front gable and, as such, is in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plan (drawing no. 200 143.02a) received by the Local Planning Authority on 27 September 2006.
3. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

In the interests of Highway Safety and Environmental Management.

Reason for decision:-

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

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12 4/06/2610/0

ERECTION OF 8 NO. 2 BEDROOM TERRACED HOUSES  
PLOT NOS 13 TO 20, SITE ADJACENT TO,  
RAILWAY COTTAGES, MORESBY PARKS, WHITEHAVEN,  
CUMBRIA.  
PHILLIP CARRUTHERS LIMITED

MAIN AGENDA

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Parish

Moresby

- Continue to question whether the Planning Panel should progress beyond outline permission given the inadequacy of, in the eyes of both the Parish Council and the District Flood and Coastal Defence Officer, the flood risk assessment.

Outline planning permission was granted for residential development on this site in March 2004 (4/04/2044/001 refers). This was then followed by outline consent specifically for 19 dwellings which was approved in January 2005 (4/04/2782/001 refers).

This application now seeks approval of reserved matters for the erection of eight terraced dwellings to the southern end of the site which fronts onto Moresby Road.

In terms of accommodation, the six mid-terraced properties have a living room, kitchen and WC at ground floor level with 2 bedrooms and a bathroom above. Both of the end terraced properties accommodate an additional bedroom in the attic space.

Proposed external finishes comprise grey concrete roof tiles, facing brickwork and white upvc windows and doors.

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

1. The current drainage system is inadequate and unable to cope. If rain/surface water is diverted from these new houses it will increase flooding to Station House and surrounding properties.
2. The site is prone to flooding and is constantly wet during the summer months.
3. Information provided in the Flood Risk Assessment regarding the sandy gravelly soils are untrue. Furthermore, there is no evidence of excavations in the field.
4. The junction with School Brow has poor visibility, which already becomes a major problem during adverse weather conditions.
5. There has been a 15% increase in the number of pupils at the local school following house building in Moresby Parks, which has increased traffic and created a major hazard. The proposed development with reduced visibility and an increase in traffic could cause a serious accident in the future.
6. Outline permission was granted subject to 11 conditions, none of these have been completed.

In response to these concerns I would comment that the principle of developing this site was established by the granting of outline

MAIN AGENDA

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planning permission. The site now forms an allocated housing site as identified by the adopted Copeland Local Plan 2001-2016. The part of the site to which this application relates is the southern end of the site only.

Notwithstanding the Parish Council's comments and those of the objectors the Council's Flood & Coastal Defence Engineer is satisfied with the Flood Risk Assessment and the proposed drainage arrangements. United Utilities have also raised no objections provided the site is drained on a separate system.

Following concerns from the Highways Authority an amended plan has been received. Whilst they are now satisfied with the visibility splay and location of the boundary fence they still express concerns regarding the provision of off-street car parking. They have requested a minimum of two off-street parking spaces per plot.

Guidance contained in Planning Policy Guidance Note 3 "Housing" and 13 "Transport" advises that maximum not minimum parking standards should apply in recognition that car ownership varies with income, age, household type and type of housing and its location.

In my opinion this scheme accords with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016 and is recommended for approval accordingly.

Recommendation

Approve Reserved Matters

1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.
2. Permission in respect of site layout shall relate solely to the amended plan (Drawing No 13-20:03 Rev A) received by the Local Planning Authority on 27 September 2006.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

Reasons for decision:-

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

MAIN AGENDA  
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13 4/06/2626/0

OUTLINE APPLICATION FOR A DWELLING  
ADJACENT TO, 35, LOOP ROAD NORTH, WHITEHAVEN,  
CUMBRIA.  
MR & MRS MACKAY

Parish                      Whitehaven

Outline consent is sought for the erection of a dwelling on a site which currently forms a large side garden belonging to the adjacent semi detached property, with a road frontage directly onto the A595. The site is within the settlement boundary for Whitehaven as designated in the adopted Copeland Local Plan 2001-2016.

This application comprises a resubmission for one that was withdrawn in August this year (4/06/2465/001). A previous application to erect a dwelling on the site was refused in September 2005 on the following grounds "The presumption in favour of allowing this infill residential development afforded by Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version is outweighed by the resultant loss of its natural features, including the felling of eight trees and the realignment of the existing watercourse, which Policies DEV 7 and ENV 9 of the Plan seek to protect."

It is proposed to widen the existing access onto the trunk road to serve both 35 Loop Road North and the proposed new dwelling. The Highways Agency in previous correspondence raise no objection to the application subject to any works being undertaken in accordance with their technical standards.

In order to accommodate the development it is the intention to fell five trees on the site and realign an open watercourse which runs alongside the boundary. A design and access statement supports the application.

Three letters of objection have been received from the three properties on Coronation Drive which adjoin the rear boundary of the site. They express the following collective concerns:-

1. It will affect light and privacy of neighbouring dwellings.
2. Will take away the open rear outlook enjoyed by these properties and, as a result, devalue them.
3. Lead to a loss of natural features on the site and involve the destruction of mature trees.



MAIN AGENDA

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4. Disturbing the water course and land adjacent to it would increase vermin to the surrounding areas.
5. Would have an adverse affect on local wildlife ie bats.
6. Out of character with the area.

The revised scheme, as set out in the accompanying design and access statement and indicative plans, demonstrates that a smaller detached dwelling can meet all the relevant separation distances so that the affect on privacy is minimised. A rear distance of 22.5m from a projecting sunroom between neighbouring dwellings and the new build can now be achieved, the minimum requirement being 21m. It can also be sited in a position that is in keeping with adjacent development. However, it should be noted that a dwelling in this location is bound to affect views afforded to the properties at the rear although there is no right to a view and this concern, along with affect on property values, should be disregarded.

The key issue is the effect of the proposal on the natural features of the site and the loss of trees. The trees and the surrounding landscape do not benefit from any form of special protection within the Local Plan. The trees are not subject to a Tree Preservation Order and the landscape has not been identified as of any particular amenity value, although it has to be accepted that it does afford some amenity benefit to the immediate area. Of particular note in this respect is that the Council's Landscape Officer has, in his consultation response on this application, changed his opinion with the result he now supports the felling of five trees on the site to make way for the development, subject to a satisfactory replanting scheme. Previously he opposed them. A copy of his report is appended which explains the reasons for this.

As a consequence the grounds for the previous refusal have, to a large extent, been significantly overcome. In planning terms therefore it has to be accepted that this application now meets all the minimum criteria for an infill plot set out in Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan.

Recommendation

Approve in Outline

2. The development shall be carried out strictly in accordance with the submitted plan and the accompanying Design and Access Statement.

MAIN AGENDA

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3. Full details of the proposed alterations to the access shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any such modifications shall be undertaken in accordance with the Highway Agency's standards as set out in the Design Manual for Roads and Bridges (DMRB) and completed in accordance with the approved details before the dwelling is occupied.
  4. The driveway and parking area shall be surfaced in a bituminous or cement bound material, or otherwise bound, before the dwelling is occupied.
  5. Before any development commences full details of a replanting scheme to replace the lost trees on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall specify the size of the replacement trees, timescale for replanting and future maintenance proposals. The scheme shall be implemented in accordance with the approved details.
  6. Adequate protection measures for the remaining trees on the site, including the erection of fencing, shall be undertaken in accordance with British Standard BS 5837. Details of such protection methods in the form of a method statement shall be submitted to and approved in writing by the Local Planning Authority and implemented before development commences.
  7. If within a period of two years from the completion of the development any replacement tree on the site is uprooted, destroyed or dies another tree shall be replanted in the same place. The tree shall be of a size species and be planted at such a time as agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

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

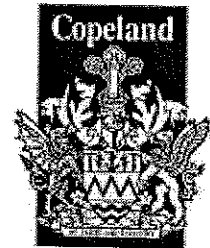
To protect the amenities of neighbouring properties.

In the interests of highway safety.

To ensure the satisfactory replacement of trees on the site and protect the retained ones in the interests of amenity.

Reason for decision:-

This infill site within the settlement boundary is considered appropriate for a single dwelling in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.



# Memo

**From:** Richard Mellor  
**To:** Heather Morrison  
**My ref.** 4/2006/2626/001  
**Date:** 27<sup>th</sup> September 2006  
**Subject:** Outline application for a dwelling adjacent to 35, Loop Road North, Whitehaven, Cumbria, 6LR

Dear Heather,

Thank you for the information, which relates to the above planning application. Having now inspected the site, which relates to this application, I can now advise of you the proposed works;

Following on from my previous memo dated the 10<sup>th</sup> July, I can now confirm that the updated proposals are now acceptable. Although I would like it to be noted that there was very little evidence/information within this application which related to the need for tree removal, let alone details of trees on site and as such this has resulted in a slow process in terms of agreeing on and responding with level of suitable works on site.

I can now confirm that there are three Oak trees for removal along the boundary line of 37 Loop Road North but I would like to request that I am contact on prior to the removal of any trees in order to identify the relevant trees. I can also confirm that there is a single Beech tree towards the rear of the garden and one Ash tree located at the front of the driveway of which both should be removed. The reasons for tree removal are mainly due to over crowding and growth abnormalities.

With regards to a suitable tree replacement scheme, please can I suggest that the applicant plants the following trees within the grounds of where the proposed dwelling is to be located, preferably after the completion of construction works and within the winter months of the year (December – February):

2 x Sorbus Aucuparia (Mountain Ash)  
2 x Malus Sylvestris (Crab Apple)

Continued...

I would also like to recommend that all four of the above trees are of a light standard size (trunk girth 6 – 8cm and between 2.5 & 2,75m in height) in a bare root form with each tree being staked/tied at 45° into prevailing wind on site. There should also be a period where each tree is irrigated throughout the first 12 months, following planting to ensure establishment.

Sincerely,

Richard Mellor  
Landscape Officer

MAIN AGENDA

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14 4/06/2627/0

APPLICATION TO FELL 10 TREES (8 ELM, 2 SYCAMORE)  
& UNDERTAKE 30% REDUCTION ON 10 TREES (3 ELM, 2  
SYCAMORE, 4 OAK & 1 ASH) WITHIN ST BEES  
CONSERVATION AREA  
FLEATHAM HOUSE, ST BEES, CUMBRIA.  
MR M SHAKESPEARE

Parish                      St Bees

- Would not wish to see any felling of trees that was not absolutely necessary because of disease. The trees at Fleatham House are a valuable part of the local landscape which should be preserved wherever possible.

It is proposed to undertake further tree felling and lopping within this Tree Preservation Order at Fleatham House as part of the overall landscape management of this extensively wooded site. There have been 4 approvals on this site in the past 3 years for tree works, including felling on a piecemeal basis. Much of the work has been to remove elm trees affected by Dutch elm disease.

Three letters have been received from two local residents. They object to the proposal on the following grounds:-

1. Query whether the proposal fits within the parameters of a tree conservation area.
2. The proposal does not merit consideration if there is no corroborated evidence to justify removal ie the trees are either diseased or pose a safety problem.
3. Query whether the conditions of the initial tree felling have been complied with.
4. Concerned that a considerable number of trees have already been removed.
5. The area concerned contains a significant amount of wildlife.

The Council's Landscape Officer considers the work in this particular instance is justified. His memo is attached and even recommends further felling not yet applied for be undertaken.

Recommendation

TREE PRESERVATION APPROVE



# Memo

**From:** Richard Mellor  
**To:** Heather Morrison  
**My ref.** 4/2006/2627  
**Date:** 19<sup>th</sup> September 2006  
**Subject:** Application to fell 20 trees (11 Elm, 4 Sycamore, 4 Oak, and 1 Ash) and reduction of others within St Bees Conservation Area, Fleatham House, High House Road, St Bees, Cumbria, CA27 0BX

Dear Heather,

Thank you for your recent memo regarding the above planning application. Having now viewed the site, I feel I am now in a position to pass comment on the proposed tree work for this site.

Please reference to attached map for each tree's location:

- ✓ T1 - Fell and remove due to infection of Dutch elm disease and signs of decline in health following this infection.
- ✓ W1 - Fell and remove Elm adjacent to boundary line of farm building (could be marked if needed prior to removal – for clarification). Retention of two other Elm trees within W1 with review in spring/summer 2007. Removal of Ash tree within group due to decline in health, premature defoliation & stem decay.
- W9 - Fell and remove from site, two dead/dying Elm trees, located to the side of a garage.
- T35 - Crown thinning to 20% of total volume, ideally where bulk of growth is over the driveway. Works to confirm with BS 3998:1989 (Recommendations for Tree Works)
- W8 - Removal of five Elm trees as shown on map due to death following infection of Dutch elm disease. Removal of three Sycamore trees, two due to poor form and stem decay and one due to a meristematic disorder. Removal of dead wood from Oak tree near driveway & complete removal of one Oak tree, near the rear of 39 The Crofts. Target prune of one limb on an Oak tree, which grows towards a northerly direction (10% reduction & in order to clarify acceptable point on limb, please can I request that I am contacted by the tree surgeon who carries the works out).

- W7 - Removal of three Elm trees due to death following infection of Dutch elm disease.
- T7 - Oak, lift crown around perimeter of drip line to no more than 2.5m from ground level. Works to confirm with BS 3998:1989 (Recommendations for Tree Works)
- T28 - Target prune on limb on Oak tree, which is growing towards a northerly direction (in order to clarify acceptable point on limb, please can I request that I am contacted by the tree surgeon who carries the works out).
- T3 - Sycamore, remove of epicormic growth around base of tree, up to 2.5m up main stem.

Please note some of the above suggestions have not been applied for within the tree works application but are of a valid nature.

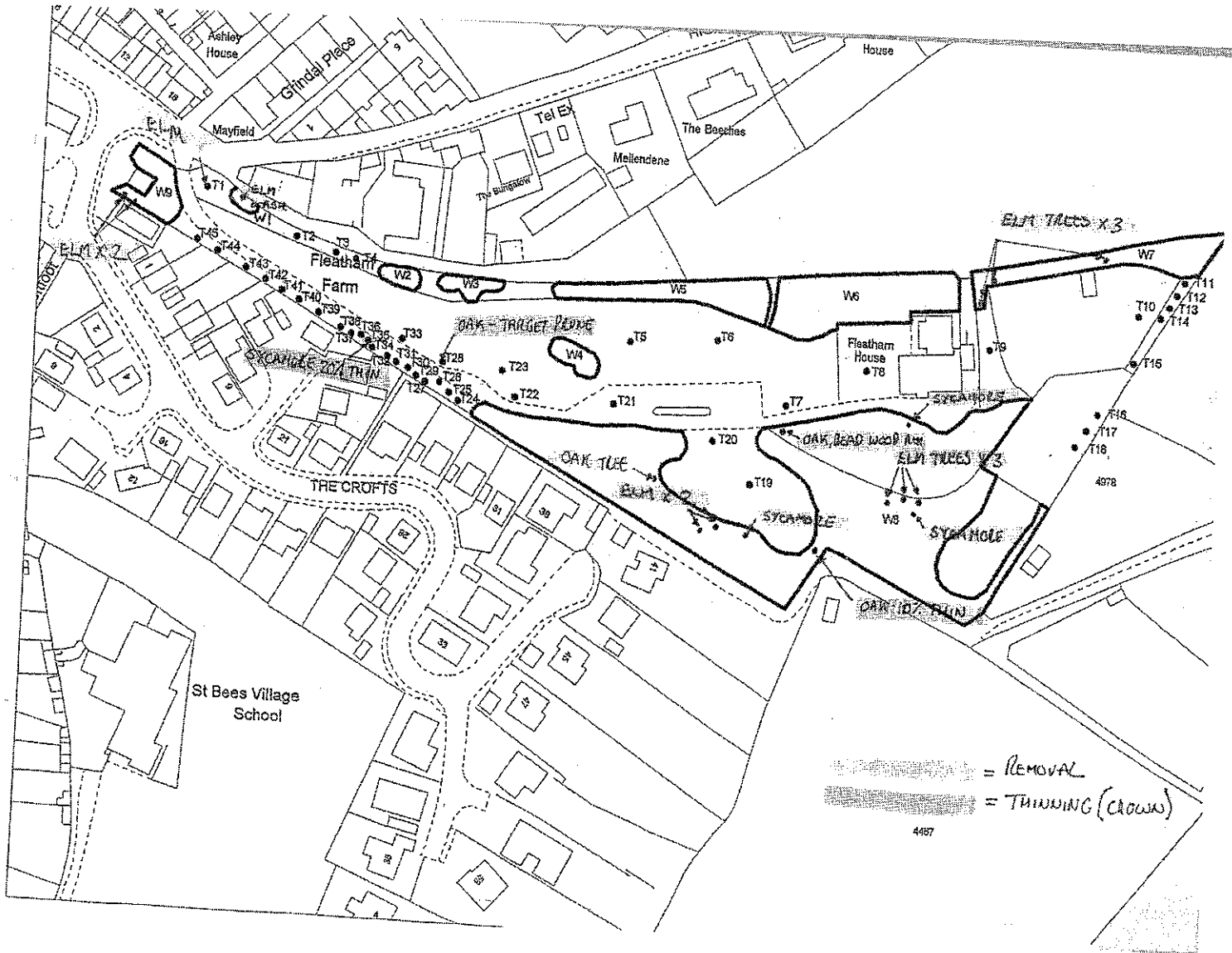
I would also like to recommend that all remedial tree surgery on trees T7, T28 & T35 are carried out during the autumn/winter of 2006 in order to minimize the stress on each tree and that all works confirm to BS 3998:1989 (Recommendations for Tree Works).

With regards to a suitable replanting scheme for the removal of 16 trees, I would like to suggest that 32 (based on the two – one replacement recommendations within the adopted Tree Policy) native broadleaved trees are planted in their place. These should contain the following trees, which should all be of a minimum light standard size (6-8cm girth and between 2.5 –2.7m in height) and in bare root form:

- 4 x Tilia x europaea (Common Lime)
- 8 x Quercus Robur (Common Oak)
- 4 x Aesculus Hippocastanum (Horse Chestnut)
- 8 x Fagus Sylvatica (Common Beech)
- 8 x Platanus x acerifolia (London Plane)

Sincerely,

Richard Mellor  
Landscape Officer





MAIN AGENDA

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1. The approved works shall be carried out strictly in accordance with the details set out in the applicant's letter to the Local Planning Authority dated 1 September 2006.
2. A replanting scheme, including timescale, shall be agreed in writing with the Local Planning Authority before any felling or lopping commences. The replanting scheme shall be implemented in accordance with the approval.

The reason for the above conditions is:-

To safeguard the amenity afforded by the Fleatham House Tree Preservation Order.

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15 4/06/2630/0

CONVERSION OF TRADITIONAL BARN TO FORM A SINGLE  
DWELLING  
KEEKLE GROVE, WHINNEY HILL, CLEATOR MOOR,  
CUMBRIA.  
MR A E SHEIL

Parish Cleator Moor

- No comments received.

A proposal to convert a derelict sandstone barn within an isolated former farm building group to a single dwelling. Keekle Grove, an existing detached house, is situated adjacent. Vehicular access is via a long single unmade track from Whinney Hill which also serves Keekle Grove.

Indicative plans and a supporting statement accompany the application. The plans demonstrate that the barn could accommodate a 3 bedroomed dwelling on two floors with a number of new openings to facilitate this. A notional parking area with turning provision is also allocated at the side and opposite the barn. A copy of the supporting statement is appended.

This application comprises a re-submission of a previous application to convert the barn to a single dwelling which was refused in September last year (4/05/2484/0F1 refers) on the following grounds "The building is in a derelict condition and is considered to be structurally incapable of accepting the proposed conversion works without significant rebuilding and modifications. Furthermore the proposal is served by sub-standard vehicular access, turning and

**SUPPORTING STATEMENT****1.0 Introduction**

1.1 This statement is submitted in support a planning application to convert a traditional barn at Keekle Grove, Cleator Moor to form a single dwelling. A previous application (4/05/2484/0) was refused on the 14<sup>th</sup> September 2005. This statement addresses the Council's reasons for refusal. The reasons for refusal can be summarised as follows:

1. The building is structurally incapable of accepting the proposed conversion works without significant re-building and modifications.
2. Substandard vehicle access.
3. Turning and parking arrangements.

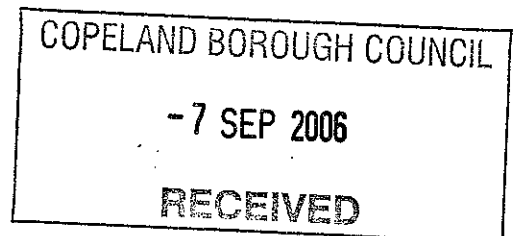
1.2 This statement takes account of the Development Plan, in particular it refers to policy HSG17 of the adopted Copeland local plan 2001-2016. The statement also takes into account other prevailing material planning considerations.

**2.0 The Application Site**

2.1 The application site and subject building form part of a group of buildings known as Keekle Grove. The grouping includes a large Victorian house with associated traditional outbuildings.

2.2 The ownership of the grouping is divided as shown on the accompanying plan. Keekle Grove House is currently owned and occupied as a single dwelling. The subject building is located approximately at right angles to the main house across a cobbled courtyard area. Due to the divided ownership a store which is owned by Keekle Grove House immediately adjoins the application site.

2.3 The subject building is traditional in appearance incorporating sandstone elevations. The building is very much apart of the intrinsic character of Keekle Grove as a traditional Cumbrian country house. The subject building is obsolete in terms of its original use for agricultural or equestrian purposes. As a result it has suffered from neglect and weather damage.



### **3.0 Development Plan Policy**

- 3.1 Policy HSG17 of the adopted Copeland local plan 2001-2016 permits the conversion of rural buildings to residential use subject to criteria. For reasons of brevity this statement only deals with those matters which the Council previously cited as reasons for refusal. It is assumed that the Council has no objections to the development beyond the reasons for refusal. However, if the Council requires further information the applicant will assist.
- 3.2 The building is a suitable subject for conversion. It is obsolete in terms of its original function and located within an existing group of buildings. The building is constructed in a traditional form and the proposed conversion scheme would preserve the essential character of the building and its relationship to the surrounding landscape and development.

### **4.0 The Existing Structure**

- 4.1 The previous reason for refusal questioned whether the building could be converted without significant rebuilding. From the Planning Officers report there appears to be three issues which have led to this conclusion. The issues being:
- a) the absence of internal structures;
  - b) the absence of a roof structure;
  - c) partially collapsed walls.
- 4.2 The applicant agrees that the building contains no internal structures. This is common to many traditional buildings subject to conversion. The absence of internal structures can be for a variety of reasons including the fact that the original design or purpose of the building did not require internal structures. Alternatively, buildings are modified and internal structures removed.
- 4.3 It should be noted that in order to comply with modern Building Regulations and structural standards the conversion of traditional buildings inevitably requires the construction of new internal structures. Whilst necessary, this in no way affects the traditional external appearance of the building. The

absence of internal structures does not provide an indication as the suitability of a building for conversion.

- 4.4 It is clear from a visual inspection that the roof structure has been removed. Again, common to the majority of traditional agricultural buildings subject to conversion the roof structure must be replaced in order to satisfy Building Regulations. The fact that the roof structure is absent and therefore does not need to be removed and then replaced has little material effect on the overall finished scheme. It is reasonable to suggest that the installation of a traditional slate roof on this building whether as part of a conversion scheme or not would greatly enhance the visual appearance of the building as part of the local landscape.
- 4.5 One gable wall of the building requires rebuilding. This is an essential repair which will need to be undertaken regardless of whether the conversion scheme proceeds as the gable is a party wall with the adjoining property.
- 4.6 This gable forms approximately 15% of the overall structure. Even by making a generous allowance for localised rebuilding elsewhere the element of rebuilding cannot be considered as significant. The element of rebuilding should also be considered in the context of the overall design scheme. The conversion scheme is conservative and does not incorporate other significant modifications or extensions. Elsewhere, the building is structurally sound. The stone elevations require pointing and limited localised repair.
- 4.7 The applicant has noted the amount of rebuilding allowed in relation to other conversion schemes in the locality. The element of rebuilding required in this scheme compares favourably with other schemes such as the recently converted buildings at Keekle House. The buildings at Keekle House required rebuilding because of the cobble construction of the walls. This subject building is of traditional sandstone construction and will therefore more readily accept minor modifications.

- 4.8 It is considered that the rebuilding of the gable and the installation of the roof are in fact a positive element of this scheme. These works should ensure the retention of this traditional building as part of the intrinsic character of Keekle Grove and as a feature in the local landscape.

**5.0 Parking**

- 5.1 The proposed dwelling would provide three bedroomed accommodation. The "Parking Guidelines in Cumbria" recommend that two car parking spaces should be provided for three bedroomed dwellings. The submitted plans adequately demonstrate how car parking in excess of two spaces can be provided adjacent to the application site. Cars could be parallel parked on the cobbled area in front of the proposed dwelling. The size of this cobbled area would allow two vehicles to turn. Also, an area is available adjoining the building which would provide parking and turning spaces. If necessary this parking area could be landscaped to minimise its impact on the local landscape. If the Council require further details of the parking arrangements the applicant would be happy to address any specific concerns.

**6.0 Access**

- 6.1 Access to the site is gained via an unmade track from the public highway. The track is adequate to serve an additional dwelling. Any future occupier of the dwelling is likely to take into account the character of the track but there does not appear to be any overriding public concern why the track cannot be used to serve an additional dwelling. The track is currently used for residential purposes by the occupiers of Keekle Grove.
- 6.2 The applicant owns the land adjoining the track. Again, if passing places or other modest improvements are required the applicant is willing to discuss these matters with the Council. However, it is considered unlikely that the use of the track by the occupiers of the proposed dwelling would pose a risk to highway safety or the amenity of other residents.

**7.0 Conclusion**

- 7.1 The proposal is considered to be consistent with policy HSG17 of the adopted Copeland Local Plan 2001-2016. The proposed conversion will result in the retention and repair of a traditional building which forms part of the intrinsic character of Keekle Grove and the surrounding landscape. The elements of rebuilding and repair required to convert the building are not considered to be significant in the overall context of the building. Furthermore, the elements of rebuilding do not exceed (and in some cases are significantly less than) other conversion schemes in the locality.
- 7.2 The building is served by an adequate form of vehicle access taking into account the scale and character of the proposed development. Also, there is adequate space available to provide car parking.
- 7.3 The design of the conversion scheme reflects the character of the building and will make a positive contribution to the local area.
- 7.4 The applicant considers that there is sufficient information for the Council to favourably determine this application. However, if the Council requires further information relating to specific issues additional information can be provided.

MAIN AGENDA

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parking arrangements contrary to Policy HSG 17 of the Copeland Local Plan 2001-2016 2nd Deposit Version". An appeal against the decision was withdrawn in May this year.

The key issue is whether the previous grounds for refusal have been significantly overcome in this submission to now justify approval. It has to be accepted that it has now been demonstrated that there is scope for parking provision on land adjacent to the site and limited improvements to the access track by the provision of passing places. This in itself however, although an improvement, is not significant to overturn the previous decision.

The situation remains that the barn is in a ruinous condition with no roof or internal structures and partially collapsed walls, which is confirmed in the applicant's supporting statement. This is contrary to criterion 3 of Policy HSG 17 of the now adopted Copeland Local Plan 2001-2016 which requires the building to be structurally sound and capable of accepting conversion works without significant rebuilding, modifications or extensions. The preamble to the policy states that for such barn conversions this is the first and foremost requirement to be satisfactorily met. In my opinion this particular barn is not capable of conversion given its derelict condition.

Recommendation

Refuse

The building is in a derelict condition and is considered to be structurally incapable of accepting the proposed conversion works without significant rebuilding and modifications, contrary to Policy HSG 17 of the adopted Local Plan 2001-2016.

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16 4/06/2646/0

LOFT CONVERSION

26, MANESTY RISE, MORESBY, WHITEHAVEN, CUMBRIA.

MR & MRS R ROWELL

MAIN AGENDA

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Parish

Moresby

- No comments received.

Planning permission is sought to remove the existing hipped roof and construct a new gable end at this detached property on Manesty Rise in order to accommodate a loft conversion.

Internally this would provide a dressing room and en-suite bathroom in addition to the existing play area. Externally the extension would be finished to match the existing property.

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

1. The roof alterations will overshadow and severely restrict light to the objectors' bedroom. This is the only window in that room.
2. If this wall were to be heightened the objectors will be left with a brick and dash wall 6 feet in front of their bedroom windows.
3. The proposal will result in a narrow area retaining dampness due to the lack of light and air.
4. No 26 has already been erected close to the boundary compared to other properties creating a narrow gap.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 supports proposals for the alteration and extension of domestic properties. This is subject to criteria to ensure they would not lead to a significant reduction in daylight available to either the parent property or adjacent dwellings.

In my opinion, the siting of the gable end wall within 2.25 metres of a bedroom window of the neighbouring property is considered likely to have a detrimental dominant impact in terms of loss of daylight and visual amenity and, as such, is considered to be at variance with Policy HSG 20.

Recommendation

Refuse

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



COPELAND BOROUGH COUNCIL  
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17 4/06/2563/0

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
LAND ADJACENT TO, 66, RICHMOND HILL ROAD,  
WHITEHAVEN, CUMBRIA.  
COPELAND BOROUGH COUNCIL

Parish                      Whitehaven

Outline planning permission is sought for a single dwelling on this presently Council owned 0.01 hectare site situated on the corner of a junction with Richmond Hill Road and the unclassified road serving the Overend recreation area and existing residential properties.

No objections have been received in response to neighbour notification and statutory consultation procedures.

The site is well screened from the neighbouring house by a high hedge and has little amenity value to the residential area, being set back from the Richmond Hill Road frontage.

Situated within the settlement boundary for Whitehaven as identified in the adopted Copeland Local Plan 2001-2016, it is considered that the redevelopment of this site for a single dwelling is acceptable in land use terms and in accordance with Policy HSG 4.

Recommendation

That the application be referred to Full Council under Regulation 4 of the Town and Country Planning General Regulations 1992 with a recommendation that outline planning permission be granted subject to the following conditions:-

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.
3. The development hereby permitted shall be commenced not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

COPELAND BOROUGH COUNCIL

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4. 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 planning stage.
5. The site shall be drained on a separate system, with foul drainage only connected into the foul sewer.

The reasons for the above conditions are:-

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

In the interests of highway safety.

To ensure a satisfactory drainage scheme.

Reason for decision:-

The proposal represents an acceptable housing plot in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016.

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Schedule of Applications - DELEGATED MATTERS

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4/06/2512/0	Arlecdon and Frizington	FARM WORKERS TIED DWELLING  BIRKS FARM, BIRKS ROAD, CLEATOR MOOR, CUMBRIA. M/S J CHARLTON & SONS
4/06/2514/0	Whitehaven	ALTERATIONS AND EXTENSION FOR EXTRA BEDROOM, KITCHEN EXTENSION AND CONSERVATORY 6, EGREMONT ROAD, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR & MRS T McMINN
4/06/2516/0	Whitehaven	ERECTION OF EXTENSION TO KITCHEN  31, INKERMAN TERRACE, WHITEHAVEN, CUMBRIA. MS C JOHNSTON
4/06/2522/0	Arlecdon and Frizington	UTILITY/WC EXTENSION  10, RHEDA TERRACE, CLEATOR MOOR, CUMBRIA. MR H SMITH
4/06/2525/0	Whitehaven	SINGLE STOREY EXTENSION TO REAR OF DWELLING  7, OAKFIELD COURT, HILLCREST, WHITEHAVEN, CUMBRIA. MR C WHITE
4/06/2532/0	Whitehaven	LISTED BUILDING CONSENT FOR DEMOLITION AND REBUILDING AND REPAINTING OF JOINT CHIMNEY STAC 30 &, 31, CHURCH STREET, WHITEHAVEN, CUMBRIA. MR & MRS A BUTLER & MR S HASSON
4/06/2533/0	Whitehaven	CONSERVATORY AND FIRST FLOOR BEDROOM EXTENSION  36, AIKBANK ROAD, WHITEHAVEN, CUMBRIA. MR & MRS WRIGLEY
4/06/2536/0	Moresby	ERECTION OF UPVC CONSERVATORY TO REAR OF BUNGAL  21, ROWNTREE CRESCENT, MORESBY PARKS, WHITEHAVE CUMBRIA. MRS M CREWDSON
4/06/2557/0	St Johns Beckermat	DEMOLISH GARAGE AND REBUILD, RENEW ROOF OVER SUNROOM BRIAR LEA, BANKFIELD, BECKERMET, CUMBRIA. MR & MRS D COOK
4/06/2559/0	Arlecdon and Frizington	SINGLE STOREY EXTENSION TO THE SIDE CONVERSION ROOF SPACE TO LIVING ACCOMMODATION AND DETACHED HOWGATE COTTAGE, CHURCH STREET, FRIZINGTON, CUMBRIA. MR C CHARLTON
4/06/2560/0	Lowca	BATHROOM AND UTILITY EXTENSION

Schedule of Applications - DELEGATED MATTERS

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		13, CROFT HEAD VIEW, LOWCA, WHITEHAVEN, CUMBRIA MR S ENNIS
4/06/2565/0	Arlecdon and Frizington	CONSERVATORY
		15, VICARAGE HILL, FRIZINGTON, CUMBRIA. MR & MRS RUDDICK
4/06/2570/0	Whitehaven	SINGLE STOREY EXTENSION TO DWELLING
		QUARRY BUNGALOWS, SANDWITH, WHITEHAVEN, CUMBRIA MRS ALISON SMITH
4/06/2580/0	Moresby	REAR CONSERVATORY
		1, HAWK PLACE, MORESBY PARKS, WHITEHAVEN, CUMBRIA. G ANDERSON
4/06/2581/0	Whitehaven	GARAGE
		TO THE REAR OF, 10, WEST ROW, KELLS, WHITEHAVEN CUMBRIA. MR A TAYLORSON
4/06/2586/0	Whitehaven	TWO STOREY EXTENSION
		5, THE CREST, HILLCREST, WHITEHAVEN, CUMBRIA. MR & MRS S DOYLE
4/06/2520/0	Moresby	EXTENSION TO CAR PARK
		EMMAUS HOUSE, WALKMILL CLOSE, MORESBY PARKS, WHITEHAVEN, CUMBRIA. CUMBRIA EMMAUS TRUST
4/06/2547/0	Weddicar	REVOCATION OF CONDITION 6 OF PLANNING PERMISSIO 4/98/0621/1 TO PERMIT ERECTION OF GATES AND 3, NETHERFIELD CLOSE, SUMMERGROVE, WHITEHAVEN, CUMBRIA. MR C JOHNSTONE
4/06/2548/0	Whitehaven	NEW SHOPFRONT, ACCESS RAMP AND NEW GATES
		80, KING STREET, WHITEHAVEN, CUMBRIA. THE CO-OPERATIVE GROUP
4/06/2555/0	St Bees	APPLICATION TO FELL ONE ASH, ELM, SYCAMORE AND CONIFER TREES, THIN OUT GROUPS OF SYCAMORE TREE KHANDELLAH HOUSE, HIGH HOUSE ROAD, ST BEES, CUMBRIA. MR & MRS ROBERTS
4/06/2573/0	St Bees	APPLICATION TO REMOVE DANGEROUS BRANCHES ON

Schedule of Applications - DELEGATED MATTERS

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		SYCAMORE, ALDER AND HOLLY TREES AND IMPROVE ST BEES PRIORY, ST BEES, CUMBRIA. ST BEES PRIORY
4/06/2579/0	Whitehaven	TEMPORARY PORTAKABIN IN MUSEUM GROUNDS TO RELOCATE OFFICE STAFF HAIG COLLIERY MINING MUSEUM, SOLWAY ROAD, KELLS WHITEHAVEN, CUMBRIA. HAIG COLLIERY MINING MUSEUM
4/06/2591/0	Moresby	ERECTION OF 3 BEDROOM DETACHED BUNGALOW  PLOT 4 (NO. 28), EAGLES WAY, MORESBY PARKS, WHITEHAVEN, CUMBRIA. MR G WILSON
4/06/2593/0	Whitehaven	APPLICATION TO REDUCE THE HEIGHT BY 30% OF ONE SYCAMORE TREE AND ONE EUCALYPTUS TREE PROTECTED GHYLL BANK HOUSE, INKERMAN TERRACE, WHITEHAVEN, CUMBRIA. THE OWNER
4/06/2594/0	St Bees	APPLICATION TO REDUCE LEYLANDI TREE BY 30% AND FELL 3 NO. DEAD ELM TREES WITHIN ST BEES CROFT HOUSE, ST BEES, CUMBRIA. MRS J CRISP
4/06/2595/0	Whitehaven	APPLICATION TO FELL ONE WHITE POPULAR TREE PROTECTED BY A TREE PRESERVATION ORDER 32, SCOTCH STREET, WHITEHAVEN, CUMBRIA. CHRISTINE LOYDE
4/06/2598/0	St Bees	APPLICATION TO FELL ELM TREE WITH DUTCH ELM DISEASE AND PRUNE ONE ELM TREE AND FELL ONE ASH GARAGE SITE, THE CROFTS, ST BEES, CUMBRIA. MR C MAYSON
4/06/2611/0	Whitehaven	CHANGE OF USE TO SINGLE DWELLING  3, COLLEGE STREET, WHITEHAVEN, CUMBRIA. A D & T MCNICHOLAS
4/06/2612/0	Arlecdon and Frizington	REAR AND SIDE EXTENSION TO PROVIDE INCREASED FLOOR AREA, GROUND FLOOR KITCHEN, BETTER TOILET SUN INN, ARLECDON, FRIZINGTON, CUMBRIA. MR & MRS ASKEY
4/06/2490/0	Millom	PORCH & STUDY ROOM  65, GRAMMERSCROFT, MILLOM, CUMBRIA. MISS K O'BRIEN
4/06/2491/0	Millom	EXTEND GARAGE & FORM PORCH AT GROUND LEVEL & EXTEND FIRST FLOOR TO FORM BEDROOM 17, BOWNESS ROAD, MILLOM, CUMBRIA.

Schedule of Applications - DELEGATED MATTERS

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MR A W STYBORSKI

- 4/06/2505/0 St Johns Beckermat SINGLE STOREY CHANGING ROOMS  
PAVILION/CHANGING ROOMS, COUNTY PLAYFIELDS, OFF WODOW ROAD, THORNHILL, CUMBRIA.  
THORNHILL FOOTBALL CLUB
- 4/06/2507/0 Millom ALTERATIONS TO PROVIDE DISABLED ACCESS AND TOIL FACILITIES  
ST GEORGES CHURCH, ST GEORGES ROAD, MILLOM, CUMBRIA.  
THE DISTRICT CHURCH COUNCIL
- 4/06/2508/0 Millom LISTED BUILDING CONSENT FOR ALTERATIONS TO PROVIDE DISABLED ACCESS  
ST GEORGES CHURCH, ST GEORGES ROAD, MILLOM, CUMBRIA.  
THE DISTRICT CHURCH COUNCIL
- 4/06/2517/0 St Bridgets Beckermat DINING ROOM, BEDROOM AND BATHROOM REAR EXTENSIO  
1, CROFT TERRACE, BECKERMET, CUMBRIA.  
MR & MRS M T JACQUES
- 4/06/2526/0 Millom ALTERATIONS TO PROVIDE DISABLED ACCESS AND TOIL FACILITIES, RE-ROOFING TO VESTRY  
ST LUKES CHURCH, ST LUKES ROAD, HAVERIGG, MILLO CUMBRIA.  
THE DISTRICT CHURCH COUNCIL
- 4/06/2537/0 Millom DEMOLITION OF EXISTING CONSERVATORY AND PROPOSE CONSTRUCTION OF REPLACEMENT CONSERVATORY  
45, MOUNTBATTEN WAY, MILLOM, CUMBRIA.  
MR CLARK
- 4/06/2538/0 Seascale CONSERVATORY TO REPLACE PERGOLA AND PATIO SEATI AREA AND ERECTION OF STORM PORCH  
CALDER HOUSE HOTEL, THE BANKS, SEASCALE, CUMBRI  
CALDER HOUSE HOTEL
- 4/06/2543/0 Millom EXTENSION  
1, WINDERMERE GARDENS, MILLOM, CUMBRIA.  
DENISE DURNESS
- 4/06/2552/0 Millom KITCHEN/SITTING ROOM EXTENSION  
54, BANK HEAD, HAVERIGG, MILLOM, CUMBRIA.  
MR & MRS S BETTERIDGE
- 4/06/2553/0 St Johns Beckermat AGRICULTURAL STORE  
FIELD NY 0107 9788, NEAR KIRCAM, OAKLANDS, EGREMONT, CUMBRIA.

Schedule of Applications - DELEGATED MATTERS

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J T FAWCETT

4/06/2562/0	Millom	THREE BEDROOMED DWELLING  PLOT 11, RICHMOND GARDENS, HAVERIGG, MILLOM, CUMBRIA. MR J C GOW
4/06/2566/0	Millom	EXTENSION AND GARAGE  3, COMBE VIEW, HAVERIGG, MILLOM, CUMBRIA. MR D AMOS
4/06/2567/0	Millom	ILLUMINATED ADVERT SIGN  30, LAPSTONE ROAD, MILLOM, CUMBRIA. MR P WADDINGTON
4/06/2578/0	Millom	SIDE CONSERVATORY  9, WINDERMERE GARDENS, MILLOM, CUMBRIA. MR & MRS ATKINSON
4/06/2582/0	St Bridgets Beckermat	ERECT 3 NO. SINGLE STOREY BUILDINGS TO SERVE AS ELECTRICITY SUB-STATIONS SELLAFIELD, SEASCALE, CUMBRIA. BRITISH NUCLEAR GROUP