

PLANNING PANEL
12 NOVEMBER 2008
AGENDA

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STANDARD CONDITIONS

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

Outline Consent

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

Reserved Matters Consent

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

Full Consent

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

RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

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1 4/08/2395/0

CONSTRUCTION OF 20 FLATS & 11 BUNGALOWS FOR THE
ELDERLY & DEMOLITION OF EXISTING WALKMILL COURT
WALKMILL COURT, RED LONNING, WHITEHAVEN, CUMBRIA.
HOME GROUP LIMITED

Parish

Whitehaven

Following a site visit on 29 September 2008 Members were minded to refuse this planning application at the last meeting contrary to Officer recommendation. In accordance with the Council's Planning Code of Conduct this is now brought back to the Panel for a final decision. No clear indication was given at the last meeting as to the grounds for refusal. Members must be reminded that the application must be determined in accordance with the adopted Copeland Local Plan 2001-2016 unless material planning considerations suggest otherwise.

Planning permission is sought to demolish the existing sheltered housing development at Walkmill Court, Red Lonning which has been deemed unfit for purpose and replace it with 11 x 2 bedroomed bungalows and 20 x 2 bedroomed flats. The site occupies a total area of 0.6322 hectares.

The existing 20 bed development is of single storey construction with a two storey warden's house and garage sited to the north. To the rear of the existing development and within the application site is a grassed area occupied by a number of trees. The site fronts directly onto Red Lonning from which vehicular access is gained leading to a small 6 space car park. The site is bounded to the west and north west by existing two storey houses on Carlton Drive and Miterdale Close. To the north east is a lock-up garage site. To the south of the site is an undeveloped/overgrown area of land which drops away into a former quarry adjacent to which are further two storey houses.

In terms of layout three separate links of bungalows are proposed, one being a link of three and the others being links of four. The bungalows will be sited around a central communal garden area. Beyond this and to the rear of the site will be a two storey block comprising 20 flats, a common room, office, kitchen and fuel storage/boiler room. Internally each unit will have a floor area of 65 sq m providing a living room, kitchen, bathroom and two bedrooms. Each ground floor unit will be provided with a private outdoor amenity space whilst at first floor level units will have patio style doors with balcony rails. Two communal bin storage areas and a drying area are to be provided, all of which will be enclosed by brickwork walls.

In terms of landscaping it is proposed to provide a communal garden at the centre of the site for the benefit of all residents. Peripheral

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areas will be more private but will be maintained by Copeland Homes. The existing trees on site will be removed and replanted. The Council's Landscape Officer has requested a full landscaping scheme. This is a matter which can adequately be covered by way of a condition.

It is proposed to utilise the existing vehicular access onto Red Lonning which will be extended in length and modified to a width of 4.8m to allow two vehicles to pass. The Highways Authority have requested an amended layout plan be submitted. This has now been received and approved by the Highways Authority subject to conditions.

In addition to the highway amendments the amended plan now clearly indicates the extent of existing conservatories and extensions on neighbouring properties and relocates the kitchen windows in flats 3 and 13 from the north facing elevation to the west facing elevation so as not to overlook the rear of Mitredale Close.

External finishes for the scheme comprise clay facing brickwork walls with contrasting brick sills and plinths, red concrete roof tiles and painted timber windows and doors. In terms of boundary treatments a 1.8m high close boarded timber fence is proposed along the site frontage, southern boundary and part of the northern boundary.

At its closest point the development will be 9.5m from the rear boundaries of the Carlton Drive properties and 6.4m from the rear boundaries of the properties on Miterdale Close. The boundary treatments at the rear of these properties vary from substantial hedges to relatively low walls. A number of these properties have also been extended or had conservatories erected. These have now been clearly identified on the site layout plan.

It is intended to undertake the development in two phases. Phase one would involve demolition of the existing warden's house and garage to allow for the new access and block of flats to be developed. Existing residents would then be transferred to the flats upon completion. Phase two would then involve the demolition of the existing housing complex to make way for the bungalows, communal garden and the associated landscaping. All the flats and bungalows are to be rented to over 55's only and would be linked to the Attendo alarm scheme.

There is strong local opposition to this proposal. Eleven letters of objection have been received from neighbouring residents, the grounds of which can be summarised as follows:-

1. Question the need to demolish the existing building which is in good order and structurally sound. Demolition is not environmentally friendly and will result in the production of unnecessary waste. Has any research been undertaken to determine if this is the best environmental option.

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2. The Council has many other sites that they could use, with there being one approximately 200 yards away which would be more suitable. There are many derelict areas in Whitehaven that would benefit from regeneration/development. The location should be reviewed.
3. Walkmill Court is presently classified as sheltered housing and, as such, benefits from many regulations. This proposal is not for sheltered housing. Residents of Copeland are rapidly losing designated sheltered housing accommodation which is leaving important members of the community in a vulnerable position.
4. Has consideration been given to the existing residents who will require re-homing. A large number of residents still have worries and the upheaval will result in undue stress and potential health problems.
5. Declassification of the new building will result in no laundry service or warden which will leave tenants in a much more vulnerable position as it will put them at high risk in case of fire or evacuation. Would also result in a loss of employment due to the removal of the warden who will also have to be re-homed.
6. This area is one of the very few green areas which remain and currently sites approximately 26 trees of approximately 20 years old. Re-siting trees often results in their loss. The build clearly uses up every available square inch of one of these green spaces without thought for existing residents.
7. Strongly disagree that the development will not contribute towards any further risk of flooding. This area is prone to water logging which has resulted in heavy runoff migrating into objectors' gardens causing flooding. Landscaping and ground works were undertaken 20 years ago in an attempt to improve this. However, prolonged rainfall still occurs. Water runoff towards Thornton Drive freezes in winter causing a hazard.
8. There will be an increased burden on the existing drainage systems which were installed in the 1960s.
9. Parking and traffic issues. Concerns that parking afforded by residents of Miterdale Close for many years will be compromised and that the development will exacerbate problems in an already heavily trafficked area with severe disruption due to the location of the secondary school which has 1500 pupils.
10. Access to the site for traffic and contractor's vehicles. At present there is only one way in and one way out.
11. Construction will create noise, vibration, smells, fumes, dust and dirt.

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12. The development could funnel dangerous winds through the gap created at the rear of Miterdale Close causing damage.
13. Impact on property values. Compensation should be given arising from difficulties in the future with selling houses due to the proximity of the proposed building.
14. Loss of view and visual amenity.
15. The double storey development will directly overlook rear private gardens and windows resulting in a loss of privacy.
16. The layout plans fail to show the rear conservatories of 8 and 6 Carlton Drive. Objectors would expect the 12m required distance be taken from these structures and not as indicated on the plans.
17. The height of the development will result in overshadowing and a reduction in daylight to gardens, windows and conservatories.
18. Cannot see any reason why the single storey bungalows cannot be placed at the rear of the site, thus massively reducing the impact on local residents.
19. The design of the building will not blend in with existing properties and contravenes legislation. For example, red roof tiles and higher than normal roof pitches are out of character with existing properties in the area. Size and massing does not respect or enhance the area.
20. The 1.8m boundary fence would be within inches of existing boundaries of Miterdale Close properties. Concerned that this would restrict upkeep and maintenance.
21. There is no mention of the 1.8m fence being erected to the rear of the Carlton Drive properties and it is unclear how close it would be to 19 Red Lonning.
22. Concerns that the rear of Miterdale Close properties will be adjacent to the road as well as drying area and refuse storage areas.
23. The existing emergency exit on the south elevation is a loitering area for school pupils. The proposed walk through may be a greater magnet for such behaviour.
24. No thought has been given to security as French windows to the ground floor flats will allow easy access.
25. In terms of the amended layout plan there is only a distance of 19.146m window to window from No. 8 Carlton Drive and only 16.321m window to window from 10 Carlton Drive.

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In response to the concerns raised I would offer the following comments:-

- a. The structural soundness and need to demolish the existing accommodation is not a material planning consideration, nor is it a basis for refusal. The applicants state that the existing Walkmill Court development has been deemed 'unfit for purpose'.
- b. Whilst there will undoubtedly be some disruption experienced by existing residents this in itself is not a material planning consideration.
- c. The site is not defined as an area of Landscape Importance or Recreation/Amenity space as defined by the adopted Copeland Local Plan 2001-2016. Should Members be minded to grant approval a condition securing full details of the landscaping scheme is recommended.
- d. With regards to flooding the site is situated within Flood Zone 1, low probability.
- e. With regards to foul drainage it is proposed to connect into the existing system, to which United Utilities have raised no objections.
- f. With regards to surface water drainage it is proposed to incorporate a new Sustainable Drainage System. United Utilities have again raised no objections. Furthermore, the Council's Flood and Coastal Defence Engineer welcomes the use of a Sustainable Drainage System whereby roads, paths and parking areas use a permeable paving attenuation system. However, he has requested full details of this be submitted. The full technical details of the surface water drainage system can be covered by way of an appropriate condition.
- g. No objections have been received from the Highways Authority with regards to traffic increase and the proximity to St Benedicts School.
- h. Issues relating to disruption during construction, property values and loss of view are not material planning considerations and should be discounted.
- i. Issues relating to loss of privacy, overlooking and overshadowing are material considerations. The relevant minimum separation distances required by Policy HSG 8 can be adequately achieved. The distances of 19.146m and 16.321m referred to by one of the objectors refers to elevations which are not directly facing and refer to a ground floor conservatory at No. 8 and an obscure glazed window in the rear extension of No. 10. However, in light of this and in order to mitigate any cause for concerns the

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applicant's agents have agreed to install obscure glazing into the Kitchen windows of Flats 10 and 20.

- j. In terms of the development being rotated the applicant's agents have again confirmed that the principle is to build the 20 flats for occupation by the 20 residents of the existing bedsits. If the project were rotated this would not provide sufficient accommodation for the existing residents.
- k. In terms of scale and massing, the development at its highest is two storey. As Members will recall from the site visit, all neighbouring properties on Carlton Drive, Mitredale Close and Red Lonning are two storey houses.
- l. Issues relating to boundary maintenance are not material planning considerations but matters to be resolved between the landowners involved.
- m. A 1.8m high timber boarded fence is indicated on the plans. Again, the full details of this can be dealt with by way of a suitable condition.

In terms of planning policy, Policy HSG 4 of the adopted Copeland Local Plan 2001-2016 provides a presumption in favour of allowing new housing development within existing settlement boundaries. This is, however, subject to the requirements of other plan policies and, in particular, Policy HSG 8 relating to housing design and Policy DEV 6 relating to sustainable design. The proposal adequately achieves the required separation distances, general standards of amenity and car parking as required by Policy HSG 8.

Furthermore, a key objective of both local and national planning policy covered in Planning Policy Statement 3 "Housing" is to create sustainable, inclusive, mixed communities in all areas. Outcomes of the planning system should therefore deliver a mixture of housing, particularly in terms of tenure, price and to support a wide variety of household types, including older people. Additionally, PPS 3 advocates the use of higher densities in order to achieve a more effective and efficient use of land.

In summing up, following extensive consultation the proposed development is in conformity with Local and National Planning Policy. If Members are still minded to refuse the application this should be based on clear and concise reasons which will be sufficiently robust for the defence of any subsequent appeal.

Recommendation

Approve (commence within 3 years)

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2. Permission in respect of layout shall relate solely to the amended plan (drawing no. 08045-0-04-D) received by the Local Planning Authority on 2 October 2008. Development shall be carried out in accordance with the approved details.
3. Permission in respect of elevational treatments shall relate solely to the amended drawing no. 08045-03C received by the Local Planning Authority on 15 September 2008 and drawing no. 08045-06A received by the Local Planning Authority on 2 October 2008. Development shall be carried out in accordance with the approved details.
4. Notwithstanding the submitted details, the type and colour of roofing tiles shall be reserved for subsequent approval by the Local Planning Authority prior to such work commencing on site.
5. Notwithstanding the submitted details received by the Local Planning Authority on 6 August 2008 the kitchen windows in flats 3 and 13 shall be fitted with obscure glazing as confirmed by the applicant's agents in their letter to the Local Planning Authority dated 12 September 2008.
6. The site shall be drained on a separate system, with only foul drainage connected into the foul sewer.
7. Before development commences full details of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate some form of Sustainable Drainage System (SuDS). The approved scheme shall be implemented before occupation of any dwelling.
8. Notwithstanding the submitted information received by the Local Planning Authority on 6 August 2008 full details of the proposed boundary treatments along all boundaries shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
9. A landscaping scheme shall be provided, full details of which, including implementation and future maintenance, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Planting and associated works shall be carried out in accordance with the approved details.

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10. 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.
11. The development shall not commence until visibility splays providing clear visibility of 70m x 2.4m 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. Notwithstanding the provisions of the Town and Country 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. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
12. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details including longitudinal/cross sections, shall be submitted to and approved in writing by the Local Planning Authority before work commences on site. No works shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.
13. Before the development is occupied the existing access to Mitredale Close shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reasons for conditions:-

For the avoidance of doubt

To safeguard the amenities of the locality

To ensure a satisfactory drainage scheme

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- To ensure the implementation of a satisfactory landscaping scheme
- To ensure a safe form of development that poses no unacceptable risk of pollution
- In the interests of highway safety.
- To ensure a minimum standard of construction in the interests of highway safety
- To minimise highway danger and for the avoidance of doubt.

Reason for decision:

An acceptable scheme to redevelop this existing residential site to provide additional accommodation for the elderly in accordance with Policies HSG 4, HSG 8 and DEV 6 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Statement 3 "Housing".

2 4/08/2401/0

CHANGE OF USE OF AGRICULTURAL LAND TO ACADEMY
GOLF COURSE
LAND WEST OF, MORESBY PARKS ROAD, WHITEHAVEN,
CUMBRIA.
WESTERN LAKES LIMITED

Parish Whitehaven

The proposal is to create a 9-hole academy, (teaching) golf course to support Whitehaven Golf Course. It is a re-submission of a 2007 application, which was withdrawn to provide additional information to meet objections from the County Council regarding traffic, landscape, visual impact, biodiversity, archaeology and lack of justification to sustain the golf course business as an exception policy.

The proposed site extends to 4.187 hectares and is located to the east of Bearmouth Plantation and adjacent to the golf driving range. The area will be laid out for play on a short par 3 basis for newcomers to golf and particularly young people. The location has been selected on the basis that ideally, from a golf tuition perspective, a training area is needed as close as possible to the driving range without interfering with formal play.

The course will be laid out for 9 holes of varying length, the location of tees and greens will be fixed to give certainty to

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adjacent land owners and users of the public footpath to the north. Some limited mounding and planting is proposed to both screen the course and provide for improved amenity and landscape.

Users will arrive at the academy via the new access road to the driving range where car and cycle parking are available. Pedestrian access and maintenance access will be made through Bearmouth Plantation. Cafe and toilet facilities are available at the driving range.

The development proposals have had regard to potential impact on the adjacent Rose Cottage. It is proposed to landscape the area to the rear of the cottage and along the boundary that faces the Moresby Parks Road. The course layout shows positioning of holes/tees, which will avoid conflict with Rose Cottage and the nearby footpath.

The application is supported by a Design and Access Statement, a Transport Assessment, an Archaeological Assessment and a Flood Risk Assessment.

The County Council raised concerns when the previous application was submitted and the application was withdrawn to address these issues. The County has assessed the current proposals against the policies in the Structure Plan and the Local Transport Plan and considers that the development can be justified as requiring a rural location as part of the existing golf course and therefore is acceptable as an exception to Policy ST7.

JSP Policy E37 requires that any development or land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub-types. The site lies within Landscape Character Sub-Type 5d: Lowland - Urban Fringe. The landscape character is a mixture of undulating farmland and ridges and valleys. Views are often long or wide. Hedges, woodland and tree clumps are found throughout the area both associated with agricultural fields and former open cast land. The golf course covers a wide area of land; in some areas is open in character, while others are characterised by dense planting. Open views are possible across the golf course to the broad landscape of the moorland plateau and fells to the east. The academy course would be well located against a woodland area and would provide new native tree planting and landscape mounds to form screening between the proposed course and the adjacent property. The proposal appears to be compatible with Policy E37.

The applicants have submitted a Transport Assessment (TA) in support of the application in accordance with JSP Policies T30 and LTP Policy LD4. With regards to public transport, the TA correctly identifies that bus services nos. 31/31A, which serve the nearby residential estate, are within a reasonable walking distance to the golf club. In order to improve pedestrian accessibility to these bus services and to the residential area a new footway link is proposed. While there

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are no dedicated cycle routes in the locality, the development is within a reasonable cycling distance of the nearby residential areas. The TA demonstrates that the proposal satisfies JSP Policy ST3 (part 2) and LTP Policy LD5. In addition the TA also provides sufficient evidence to show that the vehicular traffic associated with the development can be accommodated on the existing highway and transport network. Annex 1 (of the County report), includes recommended conditions which address safety and design concerns in order to satisfy LTP Policies LD5, LD6, LD7 and LD8.

The County Council's Rights of Way Officer notes that trees 3, 4 and 5 are playing away from the public footpath ensuring the safety of footpath users.

The County Council concludes that the application is acceptable and raise no objection to the current proposal, subject to the planning authority:

- i. ensuring that the landscaping mounds are not overly engineered in appearance, and that the details of the planting scheme include an appropriate density of specimens and species mix, in order to be compatible with the landscape character and visual amenities of the area;
- ii. monitoring the type of material brought into the site to create any new mounding/earthworks, to ensure that it is appropriate for the site;
- iii. attaching the conditions as set out in Annex 1 of this (the County's) report to any permission it is minded to grant.

The Environment Agency notes that a flood risk assessment (FRA) has been submitted as part of the application. The FRA concludes that subject to on site works to increase surface water storage, the proposed development will not adversely affect the receiving catchment by increasing surface water run off. The Agency therefore has no objection subject to conditions.

The Council's Engineer objects to the proposal because there are some existing drainage problems in the area, which appear to be related to the existing golf course. These concerns can be resolved by seeking additional information, by way of condition, for a scheme for the provision and implementation of a surface water regulation system.

United Utilities raise no objection to the application.

The Council's Landscape Officer notes that this application involves extensive thinning and tree removal to incorporate the new course. Therefore he states that it is imperative that a tree survey with landscaping proposals to replace any trees/vegetation which may be lost is carried out. A tree survey will be required by condition. The agent has responded positively that a condition would allow the

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 developer to programme and engage appropriate arboricultural consultancy advice.

The Forestry Commission notes that although the woodland is under managed, it does provide a reasonable level of habitat as mature woodland, as well as shelter to the adjoining property. The Commission notes that trees covered under a planning permission are exempt from felling licence regulations under the Forestry Act 1967. The Commission questions the decision to fell these trees and seek proposals to restock the area. The developer intends to restock, and this will be required by condition.

The Ramblers Association has no objections to the proposal.

A nearby resident has raised a number of concerns regarding land ownership boundaries; the impact on a variety of wildlife; the reduction in woodland; the requirement for an adequate and unclimbable fence between the course and the resident's land and protective fencing to the rear of the resident's greenhouse; he seeks protection against prevailing winds if trees are to be removed; height of mounds proposed; he will not allow access on a private lanning adjacent to his property. The agent has responded that the boundary was shown incorrectly, and this has been amended. He claims that the trees have limited amenity or habitat value being non-native conifers. They would be replaced with native broadleaf species as part of a scheme to be agreed with the planning authority by way of condition. He notes that overall on the whole course some 8.6 hectares of new planting is proposed, all being native species. He points out that felling within Bearmouth was required for the development of the driving range. He agrees to discuss a fence to protect the greenhouse and this can be covered by a condition. He points out that the academy course has been designed to play away from this property. Any balls played into the adjoining field will be deemed to be lost and signage will be placed that there is no access to retrieve lost balls. Details of the mounding have been submitted. It is not the intention to make use of the adjoining lanning.

A Whitehaven resident has made a number of comments in relation to this application. He claims that the public right of way is incorrectly shown on the plans and the proposed development will interfere with the public right of way.

Local Plan Policies

The main Local Plan policies relevant to this application are:

- DEV 1 Sustainable Development and Regeneration
- DEV 5 Sustainability in the Countryside
- TSM 1 Visitor Attractions
- RUR 1 Economic Regeneration in Rural Areas
- ENV 5 Protected Species
- ENV 12 Landscaping

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SVC 4 Land Drainage
SVC 14 Outdoor Recreation and Leisure Facilities

The issues to be considered include vehicular and pedestrian access, car parking, surface water drainage and flooding, impact on the landscape and ecology, landscaping proposals and potential impact on neighbouring residents.

The vehicular and pedestrian access arrangements have been agreed by the Highway Authority, subject to conditions. Car parking will take place adjacent to the existing driving range. The site has given rise to drainage and flooding problems and the developer has addressed these through a flood risk assessment. Further work is required to satisfy the Environment Agency and the Council's Engineer and a condition is needed to prepare a scheme of surface water regulation to ensure that no off site flooding problems are caused by the development.

A tree survey is required by condition before any works commence on site. The development will include the clearance of some conifers and the planting of new native trees and the details of this scheme will be required by condition. The development will have little impact on the overall landscape of the area.

The concerns of an adjoining neighbour have been discussed with the agent/developer and additional information has been provided to mitigate against the issues raised. These details have been sent to the neighbour.

The development is within the grounds of an existing golf course and this proposal represents an improvement of the course and will provide new facilities for local people, especially novices and young people.

Subject to conditions the application can be approved.

Recommendation

Approve (commence within 3 years)

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

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Location plan/Academy Course 1/1250 received 7 August 2008
Golf Course Development Plan 1/2500 received 7 August 2008
Flood Risk Plan B4216/01 received 7 August 2008
Plan in relation to Rose Cottage 1/500 received 6 October 2008
Sections in relation to Rose Cottage 1/200 received 6 October 2008
Design and Access Statement received 7 August 2008
Transport Assessment received 7 August 2008
Flood Risk Assessment received 7 August 2008
Archaeological Report dated March 2008, received 7 August 2008
Addendum to Archaeological Report received 7 August 2008
Letter from MJN received 6 October 2008

3. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
4. The academy course shall not be brought into use until the link footway from the site access to the existing footway on the opposite side of the public highway, including suitable pedestrian crossing facilities, has been completed in accordance with such details that form part of an agreement with the Highway Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.
5. The temporary works access on Round Close Park shall not be used to serve the construction of this development and shall be maintained as an emergency access only.
6. No development approved by this planning permission shall be commenced until a scheme of fencing between the adjoining dwelling has been submitted to and approved in writing by the Local Planning Authority. The approved fence shall be erected before the development is first brought into use.
7. No development approved by this planning permission shall be commenced until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:
 - a) a full tree survey in accordance with BS5837: Trees in Relation to Construction
 - b) details of all boundary treatments, including planting and the exact locations, heights and materials of any fences and/or screen and retaining walls

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- c) details of materials to be used in all hard surfacing
 - d) planting details including species, heights, location and spacing
 - e) cross sections and long sections of mounding
 - f) a timetable for carrying out the scheme
8. The approved landscaping scheme shall be implemented within the first planting season following the commencement of works on the site. Any tree or shrub found dead or dying within five years of planting shall be replaced by specimens of similar type and size to the satisfaction of the Local Planning Authority.
9. No development approved by this planning permission shall be commenced until a scheme of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.

The reasons for the above conditions:-

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

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

To ensure that the highway network can accommodate the traffic associated with the development. To support Local Transport Plan Policies: LD5, LD6, LD7.

In the interests of residential amenity.

In order to enhance the appearance of the development and minimise the impact of the development in the locality.

Reason for decision:

This is considered to be an acceptable form of development associated with an existing golf course which will enhance the facilities and improve leisure activities for local residents, especially young people.

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3 4/08/2402/0

ERECTION OF NEW CLUB HOUSE
WHITEHAVEN GOLF CLUB, RED LONNING, WHITEHAVEN,
CUMBRIA.
WESTERN LAKES LIMITED

Parish

Whitehaven

The proposal is to develop a new clubhouse to serve Whitehaven Golf Course. An earlier application (4/07/2518) was withdrawn last year in order to address a number of technical issues.

The site of the clubhouse is in the centre of the course, effectively being a relocation of existing facilities currently located at Red Lonning on the south side of the course. The relocation has been sought on the basis that ideally, from a golf course playing perspective, a club house needs to be as far as possible in the centre of a course, thus facilitating playing the course as a full 18 hole experience or as two nines. The existing facility is operationally inefficient and substandard. The application is supported by a Design and Access Statement, a Transport Assessment, an Archaeological Assessment and a Flood Risk Assessment.

The new premises will provide 1,860 sq m of accommodation, together with an upgraded access road, 103 car parking spaces and cycle bays.

The new clubhouse will be of modern design, replacing the existing prefabricated structures close to the entrance on Red Lonning. The premises will provide comprehensive facilities for golf club members and visitors, including changing rooms, space for juniors, bar and kitchen. It will also provide catering for casual guests as well as meals and functions (as the current facility does).

The relocation of the clubhouse requires re-numbering of holes and some relocation of greens and tees, although these are minimal. The actual site for the clubhouse is currently unused as part of the course and thus it can be accommodated without disrupting play. Landscape impacts are minimised by this location. The clubhouse will be capable of being seen from the public road to the west, but there are proposals for additional landscaping and mounding in this area to reduce its impact.

The overall development proposals for the golf course are shown on a Masterplan for the course, which has been submitted as supporting information. This includes the new clubhouse site, course relayout, additional planted areas, adjustments to site drainage with some new ponds, proposals for a new academy teaching course and the development of four groups of chalets. These latter developments are subject to separate applications; the chalet applications were approved at the last Planning Panel meeting.

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The existing access is to be used with no alterations and an existing service road will be upgraded within the site. This will be to the standard recently developed for access to the driving range facility, with adequate space for two vehicles to pass, including service vehicles. The roads will have a concrete surface with an adequate footpath for pedestrians. Lighting will be provided on metre high columns powered by solar cells.

Car parking is to be provided on a series of terraces to the east of the building for 103 spaces. Additional land is available for future expansion if necessary. Access for service vehicles will be through the car park.

Some minor natural self-seeded plantations of trees and shrubs will be lost, although significant additional landscaping in the form of mounding is proposed.

The County Council raised concerns when the previous application was submitted and the application was withdrawn to address these issues. The concerns were regarding traffic, landscape, visual impact, biodiversity, archaeology and lack of justification to sustain the golf course business as an exception policy.

The County has assessed the current proposals against the policies in the Structure Plan and the Local Transport Plan and considers that the applicants have demonstrated that these proposals are required to sustain the existing golf course business and would support new employment in the locality.

It is noted that in rural areas, tourism uses can assist in the diversification of existing businesses and encourage rural regeneration, but proposals will only be supported where their scale can be accommodated without adverse effects on the character and amenity of the local area. In view of the landscaping/screening now proposed in associated application 4/08/2413, to mitigate the visual impact of the other developments, it is considered that the scale, location and visual prominence of the scheme would not harm the character and amenity of the local area.

JSP Policy E37 requires that any development or land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub-types. The site lies within Landscape Character Sub-Type 5d: Lowland - Urban Fringe. The landscape character is a mixture of undulating farmland and ridges and valleys. Views are often long or wide. Hedges, woodland and tree clumps are found throughout the area both associated with agricultural fields and former open cast land. The golf course covers a wide area of land; in some areas is open in character, while others are characterised by dense planting. Open views are possible across the golf course to the broad landscape of the moorland plateau and fells to the east. The proposed landscaping along the western road boundary would mitigate any adverse effects of the clubhouse. The landscape work and tree

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planting proposed under application 4/08/2413 (course layout), should be carried out in advance of any construction work on the club house to minimise adverse landscape and visual effects that would arise from their development.

The applicants have submitted a Transport Assessment (TA) in support of the application in accordance with JSP Policies T30 and LTP Policy LD4. With regards to public transport, the TA correctly identifies that bus services nos 31/31A, which serve the nearby residential estate, are within a reasonable walking distance to the golf club. In order to improve pedestrian accessibility to these bus services and to the residential area a new footway link is proposed. While there are no dedicated cycle routes in the locality, the development is within a reasonable cycling distance of the nearby residential areas. The TA demonstrates that the proposal satisfies JSP Policy ST3 (part 2) and LTP Policy LD5. In addition the TA also provides sufficient evidence to show that the vehicular traffic associated with the development can be accommodated on the existing highway and transport network. Annex 1 (of the County report), includes recommended conditions which address safety and design concerns in order to satisfy LTP Policies LD5, LD6, LD7 and LD8.

The County Council's Rights of Way Officer notes that the new access track to serve the clubhouse crosses the right of way and seeks traffic management measures to keep vehicle speeds slow (10 mph) on this area, ensuring the safety of footpath users.

The County Council concludes that the application is acceptable and raises no objection to the current proposal, subject to the planning authority:-

- i. ensuring that the landscaping mounds are not overly engineered in appearance, and that the details of the planting scheme include an appropriate density of specimens and species mix, in order to be compatible with the landscape character and visual amenities of the area;
- ii. monitoring the type of material brought onto the site to create any new mounding/earthworks, to ensure that it is appropriate for the site;
- iii. attaching the conditions as set out in Annex 1 of this (the County's) report to any permission it is minded to grant.

The Environment Agency notes that a flood risk assessment (FRA) has been submitted as part of the application. The FRA concludes that subject to on site works to increase surface water storage, the proposed development will not adversely affect the receiving catchment by increasing surface water run off. The Agency therefore has no objection subject to conditions. The Agency also suggests a condition in relation to foul water disposal.

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The Council's Engineer objects to the proposal because there are some existing drainage problems in the area, which appear to be related to the existing golf course. These concerns can be resolved by seeking additional information, by way of condition, for a scheme for the provision and implementation of a surface water regulation system.

The Council's Scientific Officer notes that there are numerous old shafts across the site, the location of the shafts will need to be identified and appropriate remediation measures put in place if required. In addition, mine gas could be present and be a risk in new structures. The proposed clubhouse is a particular concern as this appears to be within 50m of an old shaft. The developer has responded that the site has been subject to an opencast operation in the 1980's which obliterated all extant coal workings etc on site. The site was reinstated in accordance with a scheme agreed with the Council. Comments in the Archaeology Report are relevant here. Issues relating to stability and foundations would be dealt with under Building Regulations.

United Utilities raise no objection to the application, but note that the mains will need to be extended to serve the development.

Natural England ask that, if the application is approved, the applicant should be made aware that in the event of a protected species being subsequently found on the site, all work should stop until further surveys are carried out and a suitable mitigation package for the species is developed.

The Cumbria Wildlife Trust and the RSPB have been consulted but have not responded.

The Council's Landscape Officer notes that some minor natural self-seeded plantations of trees and shrubs will be lost. He has discussed with the agent the possibility that some of this stock could potentially be saved and replanted at other parts of the course, in accordance with BS4428: 1989 Code of Practice for General Landscape Operations. This is accepted by the developer. The Landscape Officer seeks further information on replanting in order to assess the proposals. These details will be required by condition.

The Police (Crime Reduction Design Advisor) notes that whilst the golf course is in a low crime area, this type of development can sometimes generate criminal interest. As the building will be in an isolated location on the site which gives no natural surveillance opportunities from surrounding roadways, it is suggested that consideration be given in having it constructed to Secured by Design Standard principles. The developer has agreed to consider this.

The Copeland Disability Forum welcomes the application and asks that all associated works take into account the needs of people with disabilities. The developer has confirmed that Part M of the Building Regulations will be fully complied with.

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The Ramblers Association has no objections to the proposal.

A Whitehaven resident has made a number of comments in relation to this application. He feels that the proposals will significantly degrade the biodiversity of the area and the proposed huge car parking area will have a significant detrimental impact on the environment. He asks if an environmental impact assessment has been carried out. He claims that the development is contrary to the Local Plan, will be visible from various vantage points around the site, will impact on landscape and conservation interests, cause light pollution, and the public right of way is incorrectly shown and there are safety issues in relation to the right of way.

Local Plan Policies

The main Local Plan policies relevant to this application are:

- DEV 1 Sustainable Development and Regeneration
- DEV 5 Sustainability in the Countryside
- TSM 1 Visitor Attractions
- RUR 1 Economic Regeneration in Rural Areas
- ENV 5 Protected Species
- ENV 12 Landscaping
- SVC 1 Connections to Public Sewers
- SVC 4 Land Drainage
- SVC 14 Outdoor Recreation and Leisure Facilities

The issues to be considered include vehicular and pedestrian access, car parking, surface water drainage and flooding, foul water drainage, design of the building, impact on the landscape and ecology, landscaping proposals, the principle of tourism development in this location and employment potential.

The site of the proposed new clubhouse is within the existing golf course to the north west of the site. It is so sited that the course can be played as a 9 hole or 18 hole course. The clubhouse is laid out on a hexagonal basis, providing different areas for different uses with ancillary facilities on the north side of the central structure. It is two storeys in height with first floor accommodation including a viewing gallery and offices/storage.

The clubhouse has been designed on a sloping site with car parking in front of it. It is relatively low profile and has a light appearance, with a great deal of glazing. Surface materials can be reserved by condition. The roof is proposed to be clad in a dark grey metal profile material. Walls will be constructed of natural stone together with significant areas of glass to take advantage of views and to provide an open aspect to the structure. Disabled access will be at ground level with a platform lift to the first floor.

Vehicular access to the clubhouse will be along an existing track. A

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new footpath link is proposed from the main road, adjacent to the vehicular access and alongside the roadway to the proposed clubhouse. Traffic calming measures are required by condition at either side of the public right of way. The car park provides 103 spaces, with an overflow area.

The developer has submitted a Flood Risk Assessment for the site, which the Environment Agency and the Council's Engineer have commented upon. Subject to conditions, the drainage proposals are acceptable. Proposals for the disposal of foul water are also subject to conditions.

The landscaping proposals will be subject to conditions requiring a detailed scheme to be submitted, including cross sections of the mounds, planting species and maintenance proposals.

English Nature has commented that if any protected species are found during construction works, then work should stop and protection and mitigation measures will need to be agreed.

The developer is seen as a potential tourist attraction in association with the golf course and meets the requirements of Local Plan Policies TSM 1 and TSM 4. The proposals for the golf course development as a whole will cost in the region of £10 million pounds and will generate up to 13 FTE new jobs and secure 17 FTE existing jobs. The development, together with the other proposals for the golf course, will make a significant contribution to the tourism industry and will have additional benefits for the local economy. The restaurant and function facility will also serve the local area.

Subject to conditions the application can be approved.

Recommendation

Approve (commence within 3 years)

2. This permission relates only to the following plans and documents, received in the following dates:-

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Location plan 1/1250 received 7 August 2008
Golf Course Development Plan 1/2500 received 7 August 2008
Site Plan Parking 1/200 received 7 August 2008
Floor plans and elevations received 7 August 2008
Elevations received 7 August 2008
Flood Risk Plan B4216/01 received 7 August 2008
Design & Access Statement received 7 August 2008
Transport Assessment received 7 August 2008
Flood Risk Assessment received 7 August 2008
Archaeological Report dated March 2008, received 7 August 2008
Addendum to Archaeological Report received 7 August 2008
Letter from MJN received 6 October 2008

3. Notwithstanding the approved drawings, no development shall take place until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
5. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.
6. The clubhouse shall not be brought into use until the link footway from the site access to the existing footway on the opposite side of the public highway, including suitable pedestrian crossing facilities, have been completed in accordance with such details that form part of an agreement with the Highway Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.
7. The clubhouse shall not be brought into use until the access and parking requirements have been constructed in accordance with the approved plans. Any such access and/or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without prior written consent of the Local Planning Authority.

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8. No development approved by this permission shall be commenced until a scheme for traffic calming measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans before any works associated with this development commence on site.
9. The temporary works access on Round Close Park shall not be used to serve the construction of this development and shall be maintained as an emergency access only.
10. No development approved by this planning permission shall be commenced until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:-
 - a) details of all boundary treatments, including planting and the exact locations, heights and materials of any fences and/or screen and retaining walls
 - b) details of materials to be used in all hard surfacing
 - c) planting details including species, heights, location and spacing
 - d) cross sections and long sections of mounding
 - e) a timetable for carrying out the scheme
11. The approved landscaping scheme shall be implemented within the first planting season following the commencement of occupation of the site. Any tree or shrub found dead or dying within five years of planting shall be replaced by specimens of similar type and size, to the satisfaction of the Local Planning Authority.
12. No development approved by this planning permission shall be commenced until a scheme of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.
13. No construction work on the clubhouse shall commence until the landscape work and tree planting proposed under application 4/08/2413 (course layout) has been completed.
14. Within two months of the completion of the new clubhouse the existing clubhouse shall be demolished and the site restored to grass.

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15. No development approved by this planning permission shall be commenced until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the clubhouse is first brought into use.

The reasons for the above conditions:

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

For the avoidance of doubt.

In the interests of visual amenity.

To ensure the satisfactory provision of drainage facilities to serve the proposed development and to reduce the increased risk of flooding.

To prevent pollution of the water environment.

To ensure that the highway network can accommodate the traffic associated with the development. To support Local Transport Plan Policies: LD5, LD6 and LD7.

To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7 and LD8.

To ensure the safety of users of the public right of way across the golf course.

In the interests of residential amenity.

In order to enhance the appearance of the development and minimise the impact of the development in the locality.

In order to minimise any adverse landscape and visual effects that would arise from the development.

To ensure that there is minimal light pollution in this rural area.

Reason for decision:

This is considered to be an acceptable form of development associated with an existing golf course which will enhance the facilities and improve leisure activities for local residents and visitors to the area and will benefit the local economy.

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4 4/08/2413/0

MODIFICATIONS TO EXISTING GOLF COURSE LAYOUT &
 ASSOCIATED NEW PLANTING, CREATION OF NEW PONDS &
 EARTHWORKS
 WHITEHAVEN GOLF CLUB, RED LONNING, WHITEHAVEN,
 CUMBRIA.
 WESTERN LAKES LTD

Parish

Whitehaven

The proposal relates to changes to the course to facilitate better course management, better playing experience for members and visitors, reductions in visual impact and health and safety issues. Some of the modifications are retrospective. The proposals include re-numbering of holes, relocation of some greens and tees, renewal of wooded areas and new planting with more appropriate species, new bunkers, new and extended water features for both water management and play reason boundary mounding to improve safety, particularly along Scilly Banks/Red Lonning frontage and to the rear of the 4th green adjacent to Moresby Parks Road, provision of a storage area for maintenance materials and a turf nursery. The application is supported by a Design & Access Statement, a Transport Assessment, an Archaeological Assessment and a Flood Risk Assessment.

The overall development proposals for the golf course are shown on a Masterplan for the course, which has been submitted as supporting information. This includes the new clubhouse site, course relayout, additional planted areas, adjustments to site drainage with some new ponds, proposals for a new academy teaching course and the development of four groups of chalets. These latter developments are subject to separate applications; the chalet applications were approved at the last Planning Panel meeting.

The County Council has assessed the current proposals against the policies in the Structure Plan and the Local Transport Plan and considers that the applicants have demonstrated that these proposals are required to sustain the existing golf course business and would support new employment in the locality.

It is noted that in rural areas, tourism uses can assist in the diversification of existing businesses and encourage rural regeneration, but proposals will only be supported where their scale can be accommodated without adverse effects on the character and amenity of the local area. In view of the landscaping/screening now proposed in this application to mitigate the visual impact of the other developments, it is considered that the scale, location and visual prominence of the scheme would not harm the character and

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amenity of the local area.

JSP Policy E37 requires that any development or land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub-types. The site lies within Landscape Character Sub-Type 5d: Lowland - Urban Fringe. The landscape character is a mixture of undulating farmland and ridges and valleys. Views are often long or wide. Hedges, woodland and tree clumps are found throughout the area both associated with agricultural fields and former open cast land. The golf course covers a wide area of land; in some areas is open in character, while others are characterised by dense planting. Open views are possible across the golf course to the broad landscape of the moorland plateau and fells to the east. The additional landscaping mounds now proposed, particularly along the western boundary of the site, would mitigate any adverse visual effects of the associated developments. Hence, it is considered that the scale, location and visual prominence of these developments would be complemented by suitable landscaping/screening which would ensure that they would not harm the character and amenity of the local area. In the light of these considerations, these proposed developments therefore meet the requirements of Policies EM15, EM16 and E37.

The County Council consider that the landscape work and tree planting proposed should be carried out in advance of any construction work on the club house to minimise adverse landscape and visual effects that would arise from their development.

The applicants have submitted a Transport Assessment (TA) in support of the application in accordance with JSP Policies T30 and LTP Policy LD4. With regards to public transport, the TA correctly identifies that bus services nos. 31/31A, which serve the nearby residential estate, are within a reasonable walking distance to the golf club. In order to improve pedestrian accessibility to these bus services and to the residential area a new footway link is proposed. While there are no dedicated cycle routes in the locality, the development is within a reasonable cycling distance of the nearby residential areas. The TA demonstrates that the proposal satisfies JSP Policy ST3 (part 2) and LTP Policy LD5. In addition the TA also provides sufficient evidence to show that vehicular traffic associated with the development can be accommodated on the existing highway and transport network. Annex 1 (of the County report), include recommended conditions which address safety and design concerns in order to satisfy LTP Policies LD5, LD6, LD7 and LD8.

The County Council's Rights of Way Officer notes that the new access track to serve the clubhouse crosses the right of way and seeks traffic management measures to keep vehicle speeds slow (10 mph) on this area, ensuring the safety of footpath users.

The County Council concludes that the application is acceptable and raises no objection to the current proposal, subject to the planning

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authority:

- i. ensuring that the landscaping mounds are not overly engineered in appearance, and that the details of the planting scheme include an appropriate density of specimens and species mix in order to be compatible with the landscape character and visual amenities of the area;
- ii. monitoring the type of material brought into the site to create any new mounding/earthworks, to ensure that it is appropriate for the site;
- iii. attaching the conditions as set out in Annex 1 of this (the County's) report to any permission it is minded to grant.

The Environment Agency notes that a flood risk assessment (FRA) has been submitted as part of the applicaiton. The FRA concludes that subject to on site works to increase surface water storage, the proposed development will not adversely affect the receiving catchment by increasing surface water run off. The Agency therefore has no objection subject to conditions. The Agency informs that the Agency has previously rejected an applicaiton to register relevant parts of the activity as a paragraph 19 exemption from the requirement to hold Waste Management Licence. The exemption application was re-submitted and has been granted by th Agency. The Agency states that the applicant/agent should ensure that an appropriate exemption certificate covers any further works planned which may involve the importation of waste onto the site.

The Council's Engineer objects to the proposal because there are some existing drainage problems in the area, which appear to be related to the existing golf course. These concerns can be resolved by seeking additional information, by way of condition, for a scheme for the provision and implementation of a surface water regulation system.

The Conclil' Sientific Officer notes that there are numerous old shafts across the site. The location of the shafts will need to be identified and appropriate remediation measures put in place if required. The developer has responded that the site has been subject to an opencast operation in the 1980's which obliterated all extant coal workings etc on site. The site was reinstated in accordance with a scheme agreed with the Council. Comments in the Archaeology Report are relevant here. Issues relating to stability and foundations would be dealt with under Building Regulations.

United Utilities raise no objection to the application, but note that there are two large diameter water trunk mains situated within the south western part of the site and access will need to be maintained to them.

Natural England ask that, if the application is approved, the

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applicant should be made aware that in the event of a protected species being subsequently found on the site, all work should stop until further surveys are carried out and a suitable mitigation package for the species is developed.

The Cumbria Wildlife Trust and the RSPB have been consulted but have not responded.

The Council's Landscape Officer notes that some minor natural self-seeded plantations of trees and shrubs will be lost. He has discussed with the agent the possibility that some of this stock could potentially be saved and replanted at other parts of the course, in accordance with BS4428: 1989 Code of Practice for General Landscape Operations. This is accepted by the developer. The Landscape Officer seeks further information on replanting in order to assess the proposals. These details will be required by condition.

The Police (Crime Reduction Design Advisor) notes that whilst the golf course is in a low crime area, this type of development can sometimes generate criminal interest. As the building will be in an isolated location on the site, which gives no natural surveillance opportunities from surrounding roadways, it is suggested that consideration be given to having it constructed to Secured by Design Standard principles. The developer has agreed to consider this.

The Copeland Disability Forum welcomes the application and asks that all associated works take into account the needs of people with disabilities. The developer has confirmed that Part M of the Building Regulations will be fully complied with. The Ramblers Association has no objections to the proposal.

Three local residents have raised concerns. They include drainage and flooding issues, causing run off onto the road and adjacent ownerships. Some of this is due to the underlying clay - drainage can be controlled by condition; the height of mounds in relation to their properties - the developer has provided sections through; deposit of waste on the site, (this is controlled by the Environment Agency); tree planting on top of the mounds which might blow over in high winds; loss of privacy as the mounds are at a level with the bedrooms opposite; loss of light noise during construction some works already undertaken; gas mains running through the site; increase in traffic through Moresby Parks and public assess issues. A local resident from Round Close Park is concerned that construction vehicles do not use the site access off Round Close Park. This can be covered by a condition.

A Whitehaven resident has made a number of comments. He feels that the proposals will significantly degrade the biodiversity of the whole area and have a significant detrimental impact on the environment. He asks if an environmental impact assessment has been carried out. He claims that the public right of way is incorrectly shown and the proposed development will interfere with the right of

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way.

Local Plan Policies

The main Local Plan policies relevant to this application are:

DEV1	Sustainable Development and Regeneration
DEV5	Sustainability in the Countryside
TSM1	Visitor Attractions
RUR1	Economic Regeneration in Rural Areas
ENV5	Protected Species
ENV12	Landscaping
SVC4	Land Drainage
SVC14	Outdoor Recreation and Leisure Facilities

The issues to be considered include vehicular and pedestrian access, surface water drainage and flooding, impact on the landscape and ecology, landscaping proposals, potential impact on neighbouring properties, employment potential and improved facilities for local residents and visitors to the area.

Vehicular access to the clubhouse will be along an existing track. A new footpath link is proposed from the main road, adjacent to the vehicular access and alongside the roadway to the proposed clubhouse. Traffic calming measures are required by condition at either side of the public right of way. The car park provides 103 spaces, with an overflow area.

The developer has submitted a Flood Risk Assessment for the site, which the Environment Agency and the Council's Engineer have commented upon and conditions have been suggested. Proposals for the disposal of foul water are also subject to conditions.

The landscaping proposals will be subject to conditions requiring a detailed scheme to be submitted, including cross sections of the mounds, planting species and maintenance proposals.

English Nature has commented that if any protected species are found during construction works, then work should stop and protection and mitigation measures will need to be agreed.

The development is seen as a potential tourist attraction and meets the requirements of Local Plan Policies TSM 1 and TSM 4. The existing club has 900 members and it is forecast that with these upgrades together with the other associated improvements, this number will increase to 1200. The proposals for the golf course development as a whole will cost in the region of £10 million pounds and will generate up to 13 FTE new jobs and secure 17 FTE existing jobs. The development, together with the other proposals for the golf course, will make a significant contribution to the tourism industry and will have additional benefits for the local economy.

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There is some impact on nearby residents on Moresby Parks Road, although the development meets the residential space standards set out in the Local Plan.

The County Council recommended that the landscape work and tree planting proposed should be carried out in advance of any construction work on the site to minimise adverse landscape and visual effects that would arise from their development.

Subject to conditions the application can be approved.

Recommendation

Approve (commence within 3 years)

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

Location plan 1/1250 received 7 August 2008
Golf Course Development Plan 1/1250 received 7 August 2008
Flood Risk Plan B4216/01 received 7 August 2008
Plan in relation to Rose Cottage 1/500 received 6 October 2008
Sections in relation to Rose Cottage 1/200 received 6 October 2008
Plan in relation to Moresby Park Farm 1/500 received 6 October 2008
Sections in relation to Moresby Parks Farm 1/200 received 6 October 2008
Design & Access Statement received 7 August 2008
Transport Assessment received 7 August 2008
Flood Risk Assessment received 7 August 2008
Archaeological Report dated March 2008, received 7 August 2008
Addendum to Archaeological Report received 7 August 2008
Letter from MJN received 6 October 2008

3. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
4. No development approved by this permission shall be commenced until a scheme for traffic calming measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans before any works associated with this development commence on site.
5. The temporary works access on Round Close Park shall not be used to serve the construction of this development and shall be maintained as an emergency access only.

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6. No development approved by this planning permission shall be commenced until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:
 - a) details of all boundary treatments, including planting and the exact locations, heights and materials of any fences and/or screen and retaining walls.
 - b) details of materials to be used in all hard surfacing
 - c) planting details including species, heights, location and spacing
 - d) cross sections and long sections of mounding
 - e) a timetable for carrying out the scheme
 7. The approved landscaping scheme shall be implemented within the first planting season following the commencement of works on the site. Any tree or shrub found dead or dying with five years of planting shall be replaced by specimens of similar type and size, to the satisfaction of the Local Planning Authority.
 8. No development approved by this planning permission shall be commenced until a scheme of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.

The reasons for the conditions:

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

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

To ensure the safety of users of the public right of way across the golf course.

In the interests of residential amenity.

In order to enhance the appearance of the development and minimise the impact of the development in the locality.

Reason for decision:

This is considered to be an acceptable form of development associated with an existing golf course which will enhance the facilities and improve leisure activities for local residents and visitors to the area.

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5 4/08/2432/0

DETACHED GARAGE
23, BAY VIEW, MILLOM, CUMBRIA.
MR G CE'ANSU

Parish Millom

- Have grave concerns regarding this application as the garage has been partially constructed, causing severe flooding problems for residents nearby.

Planning permission is sought for the erection of a detached garage at 23 Bay View, Millom. A decision on this application was deferred at the Planning Panel meeting on 15 October 2008 for a site visit to be undertaken. This took place on 29 October 2008.

The application is partly retrospective as the garage base and walls have been constructed for some time although construction has currently stopped pending the determination of this application.

Measuring 9.0m x 6.8m the garage would be located approximately 28m to the north west of the existing dwelling and would be accessed from the unsurfaced rear lane which serves 11-23 Bay View and Newlands Bungalow, this being the end property.

Externally, the building would have a height of 2.5m to the eaves, with the majority of the building covered by a flat roof, but now with a 17.5 degree pitched roof to the elevation facing the applicant's dwelling. This has been amended from 30 degrees due to neighbour objections. A set of double wooden doors is proposed to the rear and a UPVC door and window in the elevation to the applicant's garden. It would have a wet dash rendered finish to the walls, grey tiles to the pitched roof and mineralised roofing felt to the flat part of the roof.

Four letters of objection have been received, the grounds for objection being summarised as follows:-

1. The construction of the base for the garage has caused flooding problems in the area.
2. The construction of the garage would result in the devaluing of other properties.
3. For construction and finishing the garage, access will likely be required onto neighbouring property.

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4. There was a historic footpath through the site.
5. Loss of light to the property to the rear.
6. The garage will be unpleasant in appearance.
7. The foundation levels seem unnecessarily deep.

In response to the concerns I would firstly comment that the plan details gutters to the north and east elevations of the garage and a 1:80 fall in the flat roof to ensure the surface water collects in the gutter. A new rain water drain from the garage is then shown running east across the garden to connect with the existing surface water drainage for 23 Bay View.

In addition, the applicant is in discussions with the adjoining residents on the lane to provide an additional connection into the rain water drain in the applicant's garden from the rear lane to remove surface water from this area.

The devaluing of other property is not a material planning consideration and it would be for the applicant to resolve any access issues. With regard to the footpath the objector has also stated that the issue was raised with but not resolved by the former Millom District Council so could not be addressed now. The foundation details would be dealt with under Building Regulations.

Finally, any loss of light to the property at the rear would be minimal as the garage will generally have a flat roof and be constructed from the existing boundary wall. As stated above, an amended plan has been submitted to reduce any potential impact. Finally, I would comment that although the garage will have a different appearance from different elevations, this would only be due to the existing boundary walls on site.

Overall, the main issue has been the onsite flooding which will hopefully be improved if the garage is completed with the proposed guttering and surface water drainage connection. The garage is, therefore, viewed as compliant with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. Development shall be carried out strictly in accordance with the amended plan (Drawing No. 2007.19.04) received by the Local Planning Authority on 9 October 2008.

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3. The approved surface water drainage arrangements shall be implemented prior to the garage being brought into operational use and shall be maintained 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

To ensure a satisfactory drainage system

Reason for decision:-

The proposal represents an acceptable form of development in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

6 4/08/2448/0

ERECTION OF SINGLE DETACHED FOUR BEDROOMED
DWELLING WITH INTEGRAL GARAGE, REAR GARDEN AREA
55, GOSFORTH ROAD, SEASCALE, CUMBRIA.
MR G JOHNSON

Parish Seascale

- Request a site visit due to the narrow nature of the plot. They also object to the fence at this property and have previously brought it to the planning department's attention. There is nothing in these plans addressing the fence.

Planning permission is sought for the erection of a detached four bedroomed dwelling with integral garage at 55 Gosforth Road, Seascale. The application was reported to the Planning Panel meeting on 15 October 2008 for a site visit to be undertaken in accordance with the Parish Council's request. This took place on 29 October 2008.

The proposed dwelling would be located in the rear garden area of the property and would be accessed from and have road frontage to Wholehouse Road. The dwelling currently has a sizeable rear garden measuring 20m x 25m with a large garage and existing access.

The dwelling would be two storeyed and would measure 9.2m x 9.5m in

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size. Internally this would provide a kitchen, dining room, living room, utility and garage to the ground floor and four bedrooms and a bathroom to the first floor. It would be 5m in height to the eaves and 7.5m to the ridge.

There would be a separation distance of 6m to the gable elevation of No 6 Wholehouse Road and 10.3m from the applicant's dwelling at its nearest point.

Externally, the dwelling would have a driveway measuring 6.5m which could provide parking for 2 cars. A new driveway would also be constructed to access the existing garage at the applicant's house.

External finishes would comprise painted rendered walls, green slate to the roof and uPVC windows and doors.

The existing fence of concern to the Parish Council surrounds the applicant's dwelling and this site. Recently constructed, it is adjacent to the rear of the footpath and over 1m in height, therefore requiring planning permission which has now been applied for and is being considered as a separate application.

An objection has been received from the owner of 2 Wholehouse Road objecting about specific points rather than to the principle. The issues raised include the design, the building line and the existing fence.

With regard to the comments above, the dwelling is a two storey property with a painted render finish compatible with the other dwellings. It is 6m from the gable of 2 Wholehouse Road and on the same "build line" as the adjoining dwelling. As mentioned above, the fence is currently being considered as a separate application but is now proposed to be moved back 3m from its existing position which will improve highway visibility.

Therefore, it is considered that the application represents acceptable infill development in a residential area within Seascale in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. Development shall be carried out strictly in accordance with the amended plans (Drawing Nos. 080802-01 A and 080802-02 A) received by the Local Planning Authority on 29 October 2008. The proposed relocation of the fence shall be completed before construction of the dwelling is commenced.

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3. Access gates, if provided, shall be erected to open inwards only away from the highway.
4. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwelling is occupied.
5. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the dwelling being completed and shall be maintained operational thereafter.
6. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.
7. The site shall be drained on a separate system, with foul drainage only connected into the foul sewer. Details of the proposed surface water drainage shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reasons for conditions:-

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

For the avoidance of doubt

In the interests of highway safety

To obtain a satisfactory drainage system

Reason for decision:-

The proposal represents an acceptable infill development in a residential area within the Seascale settlement boundary in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016

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7 4/08/2454/0

POLYTUNNEL TO BE ERECTED BESIDE EXISTING ONE
HALL SENNA, HALLSENNA, HOLMROOK, CUMBRIA.
MR C STEELE

Parish Gosforth

- No comments received.

Planning permission is sought for the erection of a polytunnel at Hall Senna, Hallsenna, Holmrook. The application was reported to the Planning Panel meeting on 15 October 2008 for a site visit to be undertaken due to the local objections. This took place on 29 October 2008.

The site is located amongst the existing houses at Hallsenna, a small community of approximately 10 dwellings. The access is a 2km long unmade track located off the A595, south of Gosforth.

The existing polytunnel on site was granted planning permission in 2007 (4/07/2443/0 refers).

This application seeks approval for a further polytunnel on site measuring 19.2m x 6.4m which would be adjacent to the existing polytunnel located on an area of garden land/orchard. It is separated from the applicant's dwelling by the access road. It is likely that 4 apple trees would need to be removed to create space for the polytunnel.

The structure would have a height of 3.0m and would have a curved steel frame covered with clear polythene. It would be accessed through the existing gateway for the land.

Five letters of objection have been received to the application. The objectors state that the existing polytunnel has not been used for family use as stated in the application and is used for commercial purposes. As a second point they have commented that the use is causing delays and blockages on the access lane.

The applicant has responded to this and confirmed this to be correct and has now submitted the following information regarding the use:-

1. The applicant works as a full time horticulturalist/gardener who has recently opened a florist's shop in Carlisle.
2. The existing polytunnel is used to grow plants and hanging baskets which are sold from the applicant's shop. The polytunnel is not used as a point of sale and is not intended to be. Goods are ordered via the shop, telephone or website.
3. There are approximately 15 deliveries to the site during the

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year.

4. The applicant's family have a total of three vehicles for domestic and business use.
5. There are two access roads to the properties at Halsenna.

In considering the application, the main point to assess is the impact the use will have on the other residents in the area. As stated above, there is concern that the proposal in this form will increase the use of a sub-standard access. However, the potential additional use would seem minimal if there is no point of sale or customer visits to the site. On this basis Cumbria Highways raise no objections to the proposal.

As for the general impact on the lives of the residents, this is a rural area that has been based around farming operations and which still impact on the residents. Therefore, it is viewed that a new horticultural use in this area is not far removed from the operations of the area previously and rural enterprise that leads to additional businesses in the area should be supported where possible.

Finally, the applicant has confirmed that one dead tree will be removed but the other 3 trees affected by the proposed siting will be replanted in the orchard.

Therefore, the application is considered to be in accordance with Policy DEV 6 of the adopted Copeland Local Plan 2001-2016, which permits rural business development and is recommended for approval.

Recommendation

Approve (commence within 3 years)

2. There shall be direct sales to the public from the site whatsoever.
3. The three trees (Apple, Pear and Egremont Russet) affected by the siting of the proposed polytunnel shall be re-sited within the orchard in accordance with the applicant's e-mail received by the Local Planning Authority on 18 October 2008.

Reasons for conditions:-

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

To ensure that non-conforming uses are not introduced into the area

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To ensure the existing on-site planting is retained

Reason for decision:-

The proposal represents an acceptable horticultural development on this rural site in accordance with Policy DEV 6 of the adopted Copeland Local Plan 2001-2016

8 4/08/2459/0

NEW RESIDENTIAL DEVELOPMENT CONSISTING OF 20
BUNGALOWS FOR ELDERLY OR DISABLED RESIDENTS
WASTWATER ROAD, WOODHOUSE, WHITEHAVEN, CUMBRIA.
HOME GROUP

Parish Whitehaven

Planning permission for the demolition of 90 flats situated on this elevated site within the Woodhouse residential area was approved in December 2006 (4/06/2759/0F1 refers). Demolition has now taken place and the site has been cleared.

As part of the Woodhouse Evolution regeneration scheme planning permission is now sought to construct 20 new residential bungalows for elderly or disabled residents. The overall site consists of two areas, one directly opposite the existing link bungalows of 6-20 Wastwater Road and the other to the south, previously occupied by one of the blocks of flats recently demolished.

Planning permission for three smaller schemes comprising a total of 15 new dwellings on sites throughout Woodhouse was approved in October this year (4/08/2458/0F1, 4/08/2460/0F1 and 4/08/2461/0F1 refer). Given that these smaller schemes were significantly smaller they fell within the limits of delegation.

A total of 20 bungalows are proposed, 17 of which are 2 bedroomed and 3 of which are 3 bedroomed. Two will be detached whilst the remainder will be semi-detached. Internally, each bungalow will provide a living room, kitchen/diner, bathroom as well as their respective bedrooms.

In terms of layout 11 bungalows will be sited on the northern section of the site and 9 will be sited on the southern section of the site.

From a design point of view the development achieves a satisfactory relationship with existing neighbouring properties through the use of

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comparable facing materials such as facing brick and grey interlocking tiles as well as matching UPVC fenestration and hipped style roof shapes.

Off-street parking for a total of 23 vehicles is proposed. Eight properties will have exclusive in-curtilage parking. The three bedroomed bungalows will all have attached car ports. The remaining dedicated off-street parking will be in the form of two communal parking areas of which the bungalows will be centered around to increase natural surveillance. Whilst the main highway network is in place, the Highways Authority have requested a safety audit to be submitted given that the proposal will involve the addition of two new access points serving the communal parking areas. This is awaited.

With regards to boundary treatments, 1.8m high close boarded fences are proposed along the rear and side boundaries of each bungalow. These will offer effective screening and privacy and are consistent with existing boundary treatments within the locality. Frontages will be open and landscaped, again consistent with the existing link bungalows.

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

1. Some of the bungalows are to be built on the grassed area in full view of the objector's sitting room window, where at present views over the west Cumberland fells can be seen. It would be better to put the new homes and sewage area on the land where the old flats were. This would also be better for the emergency services.
2. It is wrong putting bungalows on this grassed area where young people play games.
3. Health concerns as there will be smells from the extra sewage.
4. If each new home has a car there will be an increase in noise and petrol smells.

In response to the concerns raised I would offer the following comments:-

1. Issues relating to loss of view are not material planning considerations and should be disregarded.
2. Policy HSG 4 of the adopted Copeland Local Plan 2001-2016 provides a presumption in favour of allowing new housing development within existing settlement boundaries. This is however, subject to the requirements of other plan policies in particular Policy HSG 8 relating to housing design and Policy DEV 6 relating to sustainable design. In terms of layout and design

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the proposal adequately achieves the required separation distances specified by Policy HSG 8 and, as such, there will be no adverse impact in terms of overlooking and loss of privacy.

3. A key principle of the masterplan as with the local and national planning policy, particularly that contained in Planning Policy Statement (PPS) 3 "Housing" is to create sustainable, inclusive and mixed communities in all areas. The layout proposed will help create a cohesive community for both existing and new residents by increasing natural surveillance and maximising opportunities for resident interaction.
4. This scheme forms part of Woodhouse Evolution. As part of this a number of public open spaces, including a sports area, are to be developed.
5. No objections have been received from statutory consultees.

In summing up, it is considered that the proposal complies with both local and national planning policies and, as such, it is recommended that authority be delegated to the Development Services Manager to grant approval subject to no adverse comments being received from the Highways Authority.

Recommendation

Approve (commence within 3 years)

That delegated authority be given to the Development Services Manager to grant planning permission subject to no adverse comments being received from the Highways Authority and subject to the following conditions:-

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

Reasons for conditions:-

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

To ensure a satisfactory drainage scheme

Reason for decision:-

An acceptable housing scheme which forms part of the wider Woodhouse Evolution in accordance with Policies DEV 6, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016

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9 4/08/2466/0

CHANGE OF USE INTO 5 No APARTMENTS, SINGLE STOREY
REAR EXTENSION AND LIFTING PART OF THE REAR
FACING ROOF
27/28, CHURCH STREET, WHITEHAVEN, CUMBRIA.
SJ DEVELOPMENTS (CUMBRIA) LTD

Parish Whitehaven

Planning permission is sought to convert this three storey mid terraced town centre property fronting Church Street, Whitehaven into 5 flats. Until recently the building was occupied solely by Church Street doctors surgery who have since located to Irish Street.

Situated within a prominent location within the town centre Conservation Area the building is of a traditional design in terms of scale, massing and the natural slate roof covering. However, due to changes in the past the traditional frontage has been lost and replaced by an unattractive aluminium/glazed frontage totally out of character with its conservation area setting. As part of the scheme the existing frontage is to be removed and replaced with a traditional smooth painted rendered frontage with timber sliding sash windows and timber panelled doors.

The ground floor of the building was previously used as offices, consulting and waiting rooms from the doctors surgery. Part of this use will be retained for use as a weight loss and healthy living consultancy. The remainder of the building is to be converted into five apartments, two of which will be one bedroomed and three of which will be two bedroomed.

It is also proposed to construct a small extension to the rear of the building which will provide a new entrance and staircase. This will involve extending the width of the existing two storey rear annex by 1.8m. Additionally, a 1.8m lean-to canopy with natural slate roof covering will be erected and will create a covered open porch area.

Given that the property was once two separate buildings the roof pitches at the rear slightly differ. As such, it is proposed to increase the height of the lower pitch and re-slate the entire roof. Conservation area style roof lights will then be installed to both the front and rear.

Unlike many town centre properties there is sufficient off-street parking to the rear of the site, access to which is gained from College Street.

Following officer concerns an amended plan has now been received incorporating a communal bin store to the rear of the building.

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An objection has been received from the adjoining property owner to the east. The grounds for objection can be summarised as follows:-

1. Having lived next door to a non-residential premise for 38 years, there are concerns regarding the increased noise levels that the change of use would generate. Are there plans to address this?
2. Concerns regarding impact on privacy to bedroom window in the event of the roof being raised.
3. Presumably parking spaces will be available for the new residents on the property as the limited street parking on Church Street and the surrounding area is already overstretched and a major problem for existing residents.

In response to the concerns raised I would offer the following comments:-

- (a) Residential use, in particular those above ground floor commercial or retail, is considered to be an acceptable town centre use advocated by both local and national planning policies.
- (b) In terms of heightening the roof, this is to be done to the main part of the building. Previously two separate properties, the pitches at the rear slightly differ and at present there is a small step. The bedroom window referred to by the adjoining owner is on a rear annex to their property and, as such, will in no way be impacted upon.
- (c) Unlike many town centre properties there is sufficient off-street parking to the rear of the site, access to which is gained from College Street.

Policy HSG 15 states:-

"In urban areas proposals for the conversion of suitable non-residential buildings or sub-division of large houses to provide new residential accommodation will be permitted as long as:-

1. adequate internal space standards and exclusive use of kitchen and bathroom facilities can be achieved without extensive alterations or additions to the property
2. off-street car parking is provided in accordance with the parking guidelines in Appendix 1
3. adequate external amenity space is provided
4. the conversion works retain the character of the building

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5. no alterations or associated works create amenity problems for residents of adjacent properties."

Policy ENV 26 states:-

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

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

In addition to the above local plan policies, Planning Policy Statement (PPS) 6 "Planning for Town Centres" and Planning Policy Guidance Note (PPG) 15 "Planning and the Historic Environment" are considered relevant to the determination of this application.

PPS 6 strongly advocates mixed use developments within town centres. Additionally, it goes on to state that subject to other planning considerations, residential or office development should be encouraged as appropriate uses above ground floor facilities within town centres.

PPG15 goes on to state that bringing vacant upper floors back into use, particularly residential use, helps to ensure that what are often important townscape buildings are kept in good repair. It also helps meet a widespread need for small housing units and helps to sustain activity in town centres after working hours. Furthermore, it recognises that many Conservation Areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area. Their replacement should be seen as an opportunity to enhance the area.

On balance, it is considered that the scheme complies with both local and national planning policy and will result in the enhancement of the town centre conservation area. As such, approval is recommended.

Recommendation

Approve (commence within 3 years)

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2. Permission shall relate solely to the amended plan (drawing no. 2008.312.02) received by the Local Planning Authority on 29 October 2008. Development shall be carried out in accordance with the approved details.

Reasons for conditions:-

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

For the avoidance of doubt

Reason for decision:-

An acceptable alternative use for these former doctors surgery premises within Whitehaven Town Centre Conservation Area in accordance with Policies HSG 15 and ENV 26 of the adopted Copeland Local Plan 2001-2016

10 4/08/2470/0

OUTLINE APPLICATION FOR ERECTION OF SINGLE
DWELLING

2, STANDINGS RISE, WHITEHAVEN, CUMBRIA.
MR A SPARKS

Parish

Whitehaven

This is an outline application for a new dwelling. The application site is located between two existing dwellings - 2 Standings Rise and 10 Hillcrest Avenue, and utilises parts of the gardens of the two properties. The site would be entered from Standings Rise, close to the junction with Hillcrest Avenue, the main access road to the Hillcrest estate. The speed limit in the estate is 30 mph.

The new site is formed from sections of gardens of the two dwellings and does not compromise the existing vehicular or pedestrian access or the on site parking of the two dwellings.

The applicant's agent points out that the principle of erecting a dwelling within larger garden areas has been set over the years and meets principles set down within the Council's Local Plan and can be controlled by condition. He points out that the new dwelling would be erected with any facing windows more than the distance required by the Council's Local Plan (21 metres between habitable room windows of facing properties). No habitable rooms would have windows in the gable ends of the dwelling and the minimum distance to boundaries (one

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metre) would be exceeded. The gradient of the site would be used to ensure that the drive does not exceed a gradient of 10%. The intention would be that the external finishes of the proposed dwelling would reflect those of the surrounding houses and the applications made recently within the vicinity.

The Highway Authority raises no objections subject to conditions relating to access gates opening inwards only, prevention of surface water discharge onto the highway and the creation of a vehicular crossing over the footway.

United Utilities raise no objection to the application subject to the site being drained on a separate system with foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is to be allowed to discharge to the public water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate to be determined by United Utilities.

The Council's Engineer notes that, whilst the development site falls into Flood Zone 1, which is an area with a low probability of flooding, he objects to the proposal because no details of the proposed means of disposing of the surface water have been provided.

The Council's Landscape Officer notes that the application form states that there are no trees in the adjoining land to this proposal, but this is clearly not the situation as from the plans there are a considerable number of trees in the plot to the south. The Landscape Officer requests a full tree survey which should provide all details of existing trees, suitability for retention, scope for development in relation to any trees, and tree protection during construction.

Two neighbours have raised strong objections to the proposal on the grounds of loss of light from the development, foul and surface water drainage, increased hard surfacing will cause additional run off and increasing pressure on the sewerage system and access close to a busy junction. There are concerns about additional vehicles generated by this development resulting in cars parking on the road, which already causes problems. One of the neighbours wishes to speak at the Panel meeting. Whilst the application form states that neighbours have been consulted, the immediate neighbours claim not to have been. There are concerns that a large amount of the existing boundary has already been removed in preparation for this development. A property of 4+ bedrooms on this site would result in at least two and possibly three storeys in height which would have a detrimental impact on the light enjoyed by neighbouring properties. It is contended that this section of the estate was planned with large gardens and the houses spaced appropriately to ensure as much aesthetic enjoyment of the properties and the area as possible. This development would defeat this original intention and reduce the overall aesthetics of the area.

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Local Plan Policies

The main Local Plan policies relevant to this application are:

DEV 1 Sustainable Development and Regeneration
DEV 4 Development Boundaries
HSG 4 Housing Within Settlement Development Boundaries
HSG 8 Housing Design Standards
SVC 1 Connections to Public Sewers
SVC 4 Land Drainage
ENV 12 Landscaping

Whilst the site is within the settlement boundary, it does not fulfil the requirements of Policy HSG 4 of the Local Plan, below:

"Within the defined limits of settlements prescribed by Policy DEV 4 proposals for housing redevelopment involving existing buildings or previously developed land will be permitted in accordance with the provisions Table HS8 and subject to the requirements of other plan policies."

This part of the estate has an open nature and the proposed development would create a cramped form of development which would adversely affect this character. The loss of trees, in the short and longer terms, and other natural features would also adversely affect the character. Furthermore, the development could have an adverse, overpowering effect on the adjoining property due to the difference in levels between the sites and could result in the loss of light to this property. The creation of additional hard surfacing would increase the amount of water run off and could create drainage and flooding problems.

Recommendation

Refuse

1. The proposed development would conflict with Policies DEV 4 and HSG 4 of the adopted Copeland Local Plan 2001-2016.
2. The proposed development would adversely affect the character of this part of the estate.
3. The resulting loss of trees and hedges would adversely affect the character of this part of the estate.
4. Given the proposed increase in hard surfacing and in the absence of details of the proposed means of disposing of the surface water it is not possible to conclude that the proposed development would not cause drainage problems both within and outside the development site.

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5. It has not been demonstrated that the proposed development would not adversely impact on adjoining neighbouring properties by way of loss of light.

11 4/08/2473/0

BEDROOM EXTENSION ABOVE KITCHEN
72, MAIN STREET, ST BEES, CUMBRIA.
MR J SEERY

Parish St Bees

- No objections.

In July of this year a planning application for the erection of a first floor bedroom extension was withdrawn (4/08/2306/0F1 refers).

This revised application against seeks planning permission to erect a first floor extension to the rear of this mid-terraced house situated at the southern end of St Bees Main Street. Internally, the extension will increase the size of the existing rear bedroom.

Measuring 2.78m in width by 2.4m in length, the proposed extension will sit above the existing ground floor rear kitchen. In an attempt to overcome concerns raised to the previous application the revised scheme proposes to site the extension 0.3m from the rear extension of the adjoining property to the north rather than abutting it as previously proposed.

Externally, the extension will be finished with cream painted wet dash rendered walls, a natural slate roof covering and a white UPVC window, all of which match the existing house.

No objections have been received from statutory consultees.

Two letters of objection have been received from both adjoining property owners. The grounds for objection can be summarised as follows:-

1. Concerns regarding the foundations.
2. Digging out may cause the existing party wall to collapse.
3. Concerns regarding the water that will run down the gable end of the extension and gather on the flat felt kitchen roof of No. 71.

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4. Loss of natural light to the rear bedroom window of No. 71.
5. The side wall of the extension would only be a matter of inches away from the outside wall of the first floor room of No. 73, thus denying the necessary access for maintenance, repairs or decoration. The objector is of the understanding that the distance should be at least one metre.

In response to the concerns raised I would offer the following comments:-

- (a) Issues relating to construction and foundations will be covered under the Building Regulations application.
- (b) A letter has been received from the applicant confirming that guttering will be attached to the side of the extension.
- (c) It is worth noting that No. 71 is an end terraced property with open aspects to the side and rear. As such, it is unlikely that the erection of this extension, which would not project any further than the adjoining extension to the north, would cause demonstrable harm in terms of loss of light. Photos attached to this report demonstrate.
- (d) Boundary maintenance is a matter to be resolved between the landowners concerned.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 supports proposals for the extension and alteration of existing properties. It states that:-

"Proposals for extensions or alterations to existing dwellings will be permitted so long as:-

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

On balance it is considered that the proposal satisfies the above policy criteria and as such is recommended for approval.

Recommendation

72 MAIN STREET



SIDE OF NO 71 MAIN STREET

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Approve (commence within 3 years)

2. Notwithstanding the submitted details, guttering shall be attached to the side of the extension facing 71 Main Street as confirmed by the applicant in his letter to the Local Planning Authority dated 29 October 2008 prior to the extension being brought into use.

Reasons for conditions:-

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

To ensure a satisfactory drainage scheme in the interests of amenity

Reason for decision:-

An acceptable first floor extension to this mid-terraced property in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016

12 4/08/2479/0

CHANGE OF USE AND ALTERATION OF PART OF BARN TO
ONE DWELLING
WODOW BANK FARM, LOW MILL, EGREMONT, CUMBRIA.
MR H THOMAS

Parish St Johns Beckermest

- No comments received.

Planning permission was initially granted in May 1991 (4/91/0177/3 refers) to convert this large detached sandstone barn into two dwellings. Full planning permission was then granted in March 1995 for the conversion of the northerly half of the building to a dwelling (4/95/0030/0 refers). This application now seeks permission to convert the remaining half of the building.

The large barn is situated outside of Egremont, in the area known as Low Mill, on the B5345 road between Rothersyke and the A595. There are currently 3 residences at Wodow Bank Farm comprising of the attached conversion, the farm house and a former coach house. It is 3.6m away from the farmhouse with the buildings set around the former farm yard.

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This application would see the barn converted into a four bedroomed dwelling with accommodation over three floors, all within the existing structure. To the ground floor would be an integral garage and workshop, utility, toilet and additional bedroom. On the first floor would be a large livingroom, dining room, breakfast kitchen and a bathroom and then to the second floor, three bedrooms. Externally the existing openings have been used where possible and no changes will be made to the existing stone elevations or slate roof. The windows and doors will be in timber. Parking for the proposed dwelling would be in the yard area to the front.

No objections have been received to the proposal.

In terms of planning policy, the proposal would need to comply with Policy HSG 17 of the adopted Copeland Local Plan 2001-2016 regarding conversion to dwellings in rural areas, which states that residential use will be permitted so long as:-

1. applicants can demonstrate that alternative employment, community or mixed uses are not viable
2. where the subject building is currently or last used for agriculture applicants can demonstrate that there is no alternative site or premises available in the locality which better accords with the search sequence set out in Policy DEV 4
3. the building is structurally sound and capable of accepting conversion works without significant rebuilding, modifications or extensions
4. the building in its existing form is of a traditional construction and appearance and the proposed conversion works retain the essential character of the building and its surroundings. In this regard essential features of interest and external facing materials should so far as possible be retained.
5. the building is located within or adjacent to a village or existing group of buildings.
6. the building is served by a satisfactory access from the public highway network without the requirement for extensive private roads or tracks and domestic services such as a water supply and electricity must be readily available to the site
7. the conversion works incorporate reasonable standards of accommodation and amenity which should involve compliance with other plan policies
8. the number of dwellings proposed is appropriate to the scale of adjoining development and will not substantially increase the number of dwellings in the countryside.

MAIN AGENDA

The subject building meets the above criteria with the exception of point 1. However, mindful of the previous outline residential permission and adjoining residential properties, it is apparent that an employment or mixed use would not be appropriate for this location. It is therefore recommended for approval in accordance with Policy HSG 17 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. 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, doors and roof covering) or extensions shall be carried out to the dwelling, nor shall any building, enclosure, domestic fuel container, pool or hard standing be constructed within the curtilage of the converted barn without the prior written consent of the Local Planning Authority.
3. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation shall 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.

Reasons for the above conditions are:-

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

To safeguard the character and appearance of the development in the interests of amenity

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

Reason for decision:-

The proposal represents an acceptable conversion of a rural building to residential use, in accordance with Policy HSG 17 of the adopted Copeland Local Plan 2001-2016

MAIN AGENDA

13 4/08/2482/0

RETROSPECTIVE APPLICATION FOR ERECTION OF
BOUNDARY FENCE & AMENDMENT TO INCLUDE NEW
VEHICULAR ACCESS & CHANGES TO EXISTING GARAGE
55, GOSFORTH ROAD, SEASCALE, CUMBRIA.
MR G JOHNSON

Parish

Seascale

- The Parish Council objects to the application. The fence does not meet highway standards and complaints have been received from members of the public with regards to safety on the footpath. A site visit has been requested for the adjacent site and the Parish Council ask if this could be included.

Retrospective planning permission is sought for the erection of a boundary fence, a new vehicular access and changes to the existing garage. An application is also currently being considered for a dwelling on the site for which a site visit took place on 29 October 2008, application ref 4/08/2448 on this agenda refers.

The fence surrounds the applicant's dwelling, 55 Gosforth Road, and also faces onto Wholehouse Road as the site is adjacent to a road junction. The dwelling currently has a sizeable rear garden measuring 20m x 25m with a large garage and existing access.

It is a 2m high horizontal "hit and miss" wooden fence which has been painted green and is approximately 35m in total length.

The existing garage on the site will be reduced in length by 1.3m, with the door repositioned. A new access will then be created which will be 8m in length.

An objection has been received from the owner of 2 Wholehouse Road to the application for a dwelling but also objects to the fence in this letter as its positioning affects visibility when accessing his driveway. The Parish Council objection is on similar grounds of highway safety and visibility.

Cumbria Highways have commented on the application and whilst not objecting, have concerns as the street light on Wholehouse Road has been enclosed in the applicant's property by the fence and that a blind corner has been created.

The applicant has now submitted an amended plan which shows the fence relocated 3 metres back from its current position, viz. 3 metres from the rear of the footpath. It is considered that this would mitigate any problems regarding visibility and highway safety.

MAIN AGENDA

Therefore, the application is considered to be in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 regarding domestic alterations and extensions and is recommended for approval.

Recommendation

Approve (commence within 3 years)

2. Development shall be carried out strictly in accordance with the amended plans (Drawing Nos. 080802-01 A and 080802-02 A) received by the Local Planning Authority on 29 October 2008. The proposed relocation of the fence shall be completed before the driveway is brought into use.
3. Access gates, if provided, shall be erected to open inwards only away from the highway.
4. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound.
5. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the driveway being completed and shall be maintained operational thereafter.
6. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway 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

In the interests of highway safety

Reason for decision:-

The proposal represents acceptable domestic alterations in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016

MAIN AGENDA

14 4/08/2483/0

DEMOLITION OF WORKSHOP/STORE & ERECTION OF TWO
STOREY BUILDING TO HOUSE, TWO RURAL BUSINESSES
WITH ASSOCIATED RESIDENTIAL ACCOMMODATION.
1, WYNFIELD, PARKS ROAD, ARLECDON, CUMBRIA.
MR S CLOSE

Parish Arlecdon and Frizington

- the Parish Council expect the planning application to be determined in accordance with policies and restrictions within the local development framework.

The proposal is described as the demolition of an existing workshop/store and the erection of a two storey building to house two rural businesses with associated residential accommodation.

The existing workshop/store referred to, however, is a double garage which was granted planning permission in 2000 subject to the following condition:-

"The garage shall be used only for the housing of private vehicles and for the storage purposes associated with the residential use of 1 Wynfield, Parks Road, Arlecdon."

The proposed building comprises a ground floor workspace which includes an office, a storage space for timber decking, a storage area for small tools, hardware and fixings, a storage area for the publishing business together with a WC for disabled people and an entrance hall. On the first floor, residential accommodation is proposed comprising a living room, kitchen, 2 bedrooms and a bathroom. There is a proposed staircase fitted with a stairlift between ground and first floor. The roof is covered with concrete tiles and the walls finished with a render dash. Windows and doors will be UPVC and the chimney brick faced.

The proposal is set within a group of four dwellings to the south of Parks Road and is currently occupied by a domestic garage.

United Utilities (UU) have no objection subject to the site being drained on a separate system with only foul drainage connected into the foul sewer. Surface water must discharge to the watercourse/soakaway/ surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge to be determined by UU.

The Council's Scientific Officer notes that the development is on the site of the former tile works and any permission would require conditions regarding contaminated land.

MAIN AGENDA

The Highway Authority comments that the proposal will increase the use of a substandard access arrangement which has restricted width and poor visibility splays, also a steep gradient to access onto the public highway (A508). He recommends that the application be refused for two reasons, relating to inadequacy of information and inadequate roads.

The Council's Engineer objects on drainage grounds as there are some existing drainage problems in the area and these will only be made worse by the development. The application states that the surface water will be disposed of by means of a soakaway. The fact that there are existing surface water problems would indicate that a soakaway is inappropriate.

A nearby resident objects to the proposal on a number of grounds:-

1. The dimensions on the plans are incorrect
2. The proposed property is out of scale and character with the neighbouring properties
3. Concerns about surface water drainage and flooding issues
4. Loss of light and potential overlooking
5. Access required to dwelling during construction works
6. Access onto main road is dangerous
7. Alternative development options are available utilising applicant's existing bungalow
8. Loss of value of own property.

The applicant's agent has submitted a letter of support which is attached to this report.

There is significant planning history relating to developments on this site.

1. In 1985 permission was granted for a joiners workshop and garage on land nearby.
2. In April 1989 permission was granted for the subdivision of a dwelling on the adjoining land into two bungalows.
3. In 1992 a new bungalow was approved on land adjacent to the main road.
4. In 1994 change of use of the above workshop to a dwelling was approved.

MAIN AGENDA

5. In 2000 permission was granted for a double garage for domestic use.
6. In 2004 permission was refused for a dwelling on the site of the above double garage site. This proposal was also dismissed on appeal.

LOCAL PLAN POLICIES

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

DEV 1 Sustainable Development and Regeneration
 DEV 4 Development Boundaries
 DEV 5 Development in the Countryside
 HSG 5 Housing Outside Settlement Development Boundaries
 HSG 8 Housing Design Standards
 HSG 11 Affordable Housing in Rural Areas
 RUR 11 Economic Regeneration in Rural Areas
 SVC 1 Connections to Public Sewers
 SCV 4 Land Drainage

Policy DEV 4 : Development Boundaries

Development boundaries have been drawn around each Key Service Centre and Local Centre as shown on the Proposals Map. The boundaries indicate a physical limit to development appropriate for each settlement over the plan period. Subject to policies in the Local Plan development will be permitted within the boundaries in the following order of priority:-

1. the appropriate re-use of existing buildings worthy of retention, followed by
2. the re-use of previously developed land, and only then
3. the use of previously undeveloped land.

Policy DEV 5 : Development in the Countryside

Outside the defined boundaries of the Key Service Centres and Local Centres the quality and character of wider countryside will be protected and, where possible, enhanced. Development will not be permitted unless it is:-

1. essential agricultural, forestry or other rural business development (Policies HSG 5/6 and RUR 1)
2. local needs housing (Policy HSG 11)
3. replacement dwellings, conversions or domestic alterations/extensions (Policies HSG 14, 17 and 20)

MAIN AGENDA

4. leisure or tourism related development (Policies TSM 1 - 6, SVC 15 and 15)
5. development within existing employment sites (Policies EMP 4 and NUC 2 and 4)
6. development for education, health or community purposes including service infrastructure (Policies SVC 7 - 11)
7. energy related development (Policies EGY 1 - 6)
8. major developments (Policy DEV 8)

and is in accordance with other policies in the plan.

Policy HSG 5 : Housing Outside Settlement Development Boundaries

Outside the settlement boundaries defined by Policy DEV 4 new housing development will not be permitted except where it is required to meet exceptional circumstances arising from local social and economic conditions. Where this criterion is fulfilled the development must comply with the sequential test set out in Policy DEV 4 and with other plan policies, be sited so as to minimise its visual impact and incorporate traditional elements in its design, scale and external finishes. The development must not have an adverse effect on areas of greenspace which have an important recreation or amenity value to the local community. All planning permissions granted in accordance with this policy will be subject to a planning obligation or condition limiting occupation of the dwelling(s) solely to persons who can demonstrate an exceptional social or economic need.

Policy HSG 11 : Affordable Housing in Rural Areas

Where a proposed development is to meet a proven local need for affordable dwelling(s) planning permission may be granted in accordance with the requirements of Policy HSG 5. This policy will apply to all villages in the plan area and to be acceptable proposals must:-

1. by on a site within or immediately adjoining the village and well related to its physical form
2. be supported by evidence to show that there is a need within the local community as a whole for such development or that the applicant individually has genuine local ties to the village and has genuine difficulty in finding an otherwise acceptable site within the terms of Policies HSG 1 - 4
3. comply with the sequential test set out in Policy DEV 4 and with other plan policies

MAIN AGENDA

4. be the subject of a planning obligation or condition which requires occupation of the dwelling in perpetuity to be by households which conforms to the requirements of Criteria 2 above.

Policy HSG 8 sets out Housing Design Standards including minimum separation distances.

Policy RUR 1 : Economic Regeneration in Rural Areas

Proposals for the conversion or replacement of existing buildings in rural areas for small-scale, ancillary development for employment purposes will be permitted subject to other plan policies and,

1. the building for conversion is structurally sound and capable of conversion without major rebuilding, extensions or remodelling of the existing fabric
2. the character of the building for conversion is retained if traditionally constructed with existing features of interest and external facing materials incorporated into the design of conversion work
3. the replacement building is of a size and character which is appropriate to the existing building group and its setting and is no bigger than the building it replaces
4. the use would be compatible with the character and appearance of the surrounding landscape or built environment, and
5. the site is reasonably well-related to local transport networks, particularly public transport routes and those enabling access by foot and cycle and the scale of development would not add significantly to traffic flows on the local networks.

Where it is likely that the proposal could give rise to the need for replacement buildings, which may have a detrimental effect on the landscape, a condition withdrawing permitted development rights of that particular agricultural unit or holding may be imposed.

The proposal is for a building for the owner of the site and premises for two existing businesses. The owner already lives on the site from where he operates his two businesses. They comprise a joinery business, which has been run from the site since 1986, and a more recently established printing business, which the applicant runs from his home. There are no authorised storage premises for the joinery business as the original workshop premises were converted to a dwelling. The proposal involves creating additional storage space for both the joinery business and also the publishing business.

The proposal is located outside the settlement limit for Arlecdon and in open countryside where developments of this nature are resisted. Whereas the applicant has local ties to the village and has, through

his agent, offered to enter into a legal agreement to ensure that the occupation of the dwelling is controlled and restricted to the applicant and his family, he has not demonstrated genuine difficulty in seeking an otherwise acceptable site within the terms of Policies HSG 1 - 4 nor has he complied with the sequential test set out in Policy DEV 4 in relation to seeking a suitable site within the settlement limit.

It is not considered that it is essential for the applicant to live on the site of the premises in order to run these businesses. The premises are only storage facilities and, as such, there is no demonstrable need for this particular development to be in this location. It is considered that the local need case submitted does not outweigh the strong Local Plan policy presumption against further development to the south of Parks Road.

Furthermore, the increase in business activity on the site will be detrimental to the residential amenity of nearby residents.

The Highway Authority and the Council's Engineer have also raised technical concerns about the proposals.

Recommendation

Refuse

1. In the absence of a demonstrable housing need specifically related to this site the proposal represents non-essential development in the open countryside contrary to Copeland Local Plan 2001-2016 Policy DEV 5 : Development in the Countryside and Policy HSG 5 : Housing Outside Settlement Development Boundaries.
2. The expansion of the joinery business at this site would be detrimental to the residential amenity of nearby residents.
3. Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:-
 - (a) access
 - (b) visibility splays
 - (c) off-street parking
4. The Local Planning Authority considers that the road serving the proposed development is inadequate by reason of its insufficient width and its vertical alignment to accommodate the likely increase in traffic.

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COPELAND BOROUGH COUNCIL

1 OCT 2008

Chartered Town Planners

29th September 2008

Our Ref : MEH/J/C08/035

Mr. Tony Pomfret
Principal Development Control Officer,
Directorate of Development & Environment,
Copeland Borough Council,
The Copeland Centre,
Catherine Street,
WHITEHAVEN.
CA28 7SJ

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

30 SEP 2008

RECEIVED

Dear Tony,

FULL PLANNING APPLICATION
PROPOSED DEMOLITION OF AN EXISTING WORKSHOP/STORE
AND THE ERECTION IN ITS PLACE OF A BUILDING WHICH WILL
PROVIDE BOTH WORK SPACE FOR TWO EXISTING RURAL
BUSINESSES AND LIVING ACCOMMODATION FOR THE PROPRIETOR
ON LAND ADJACENT TO NO.1 WYNFIELD, PARKS ROAD, ARLECDON
FOR MR. SEAN CLOSE

Please find enclosed, for your attention, a full planning application which proposes the demolition of an existing workshop/store and the erection in its place a building which will provide both work space for two existing rural businesses and living accommodation for the proprietor of those businesses.

The application comprising the required forms, Drawings No's. 1, 2, 3 and 4 which detail the location of the site both 'As Existing' and 'As Proposed', the Design and Access Statement and a cheque for the application fee.

As can be seen from the submitted drawings the site subject of the accompanying application is outside the settlement boundary for Arlecdon, a settlement identified as a Limited Growth Village. It is, therefore, Policies HSG 5 and DEV 6 which are relevant. These stating that:

"Housing Outside Settlement Development Boundaries

Outside the settlement boundaries defined by Policy DEV 1 new housing development will not normally be permitted except where it is required to meet exceptional circumstances arising from local social and economic conditions. Where this criterion is fulfilled the development must comply with the sequential test set out in Policy DEV4 and other plan policies be sited so as to minimise its visual impact and incorporate traditional elements in its design, scale and external finishes. The development must not have an adverse effect on areas of greenspace which have an important recreation or amenity

Bob Taylor Dip. T.P., M.R.T.P.I.
Margaret Hardy B.A. (Hons), M.R.T.P.I.

value to the local community. All planning permissions granted in accordance with this policy will be subject to a planning obligation or condition limiting occupation of the dwelling(s) solely to persons who can demonstrate an exceptional social or economic need." (Policy HSG 5)

"Development in the Countryside

Outside the defined boundaries of the Key Service Centres and Local Centres development will not be permitted unless it is:

1. *essential agricultural, forestry or other rural business development (Policies HSG 5/6 and RUR 1)*
2. *local needs housing (Policies HSG 11)*
3. *replacement dwellings, conversions or domestic alterations/ extensions (Policies HSG 14, 17 and 20)*
4. *leisure or tourism related development (Policies TSM 1 – 6, SVC 14 and 15)*
5. *development within existing employment sites (Policies EMP 4 and NUC 2 and 4)*
6. *development for education, health or community purposes including service infrastructure (Policies SVC 7 – 11)*
7. *energy-related development (Policies EGY 1 – 6)*
8. *major development (Policy DEV 9)*

and is in accordance with other policies in the plan." (Policy DEV 6)

It is in the context of the above that the relevant background to my Client's proposal is set out below under two principal headings.

i. **The need which arises for the building which is proposed - workspace for two existing rural businesses and living accommodation for the Proprietor**

The Applicant, Mr. Sean Close, has two rural based businesses which he runs from No. 1 Wynfield and related building. These existing businesses being as follows:

(a) **Sean Close Workshop Windows & Joinery**

This business has been run from the No 1 Wynfield for the last 26 years and undertakes a range of joinery work including timber decking, double glazing, kitchens, domestic extensions/repairs and general joinery work. The bulk of which is in the general vicinity of Arlecdon.

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- 1 OCT 2008

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(b) Close Publishing Business

This business has been run from No. 1 Wynfield Place since it started in 2002. Since that time two books have been published and distributed and a wide range of leaflets, small magazines and brochures prepared. A third book is in the course of preparation.

The work undertaken comprising research, writing, design, preparation for printers/typesetters and liaison with printers and distributors.

The businesses together provide work for 6 local people including the Applicant and Proprietor, Mr. Sean Close. In addition, at any one time 2 local people work with Sean Close Windows and Joinery, as part of the Job Centre Training Programmes for 16-19 year olds whom have never had employment

Whilst the businesses have been run from No.1 Wynfield and the workshop/store located within the curtilage, the businesses are 'constrained' because of the nature of the existing premises for several reasons:

1. The workshop/store is no longer suitable in terms of size and construction

The workshop/store is a single storey workshop/store of concrete panel construction and measures 6 m x 4 m (24 sq m). The building is currently used by the applicants for the storage of tools, equipment and materials but it is not in good condition. The nature of the premises means that it cannot be used at all for the publishing business, it is not secure and it has problems of damp.

These problems would be overcome with the workspace proposed in the accompanying application.

The building which is proposed to be erected has a footprint of 8.7 m x 11 m (95.7 sq m). The floorspace would provide 71.7 sq m gross of additional floorspace for the two businesses.

As shown on the accompanying drawings, the ground floor of the building, which is to be accessed from the highway to the south east of the application site, would be wholly available for work space for the two existing businesses. Areas being specifically identified for the storage of timber decking; small tools, hardware and fixings; publishing materials and a disabled toilet.

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- 1 OCT 2008

2. The accommodation needs of The Proprietor

The Applicant, the Proprietor of the two existing rural businesses, suffers from Sjograns Syndrome, a chronic form of arthritis and whilst, to a degree, the effects of this are controlled by drugs, issues are arising as Mr. S. Close's condition and mobility deteriorates.

In particular, difficulties are arising for the Applicant as No.1 Wynfield is on several different levels and he is having increasing difficulties with his accommodation, together with problems of movement between his dwelling and the workshop/store.

These issues would be overcome with the development subject of the accompanying application.

It is noted that the first floor of the building which is proposed, to be accessed from the access road to the north east of the application site, is to be used for the living space for the Proprietor of the two businesses. The accommodation provided, which is all on one level, comprising 2 bedrooms together with kitchen, living room and disabled bathroom.

Internally access between the living and work space is provided by a staircase fitted with a stair-lift.

ii. The Building which is Proposed to be Erected

The building which is proposed has been carefully sited and designed so as to complement the building line and the properties in the near vicinity.

It is to be noted that the application site is "brownfield", the development is proposed on the site of an existing building within the curtilage of an existing dwelling, and "infilling" the site is located between three existing properties: Parkthwaite; Bridgefoot and Wynfield.

The merits of the site have previously been identified by the Inspector in the recent Appeal Decision : Reference No. APP/Z0923/A/04/1155155 where it is stated that:

"I am satisfied that the appeal site is immediately adjacent to the village and is reasonably well related to its physical form. ... The proposal meets the requirements of Policy HSG 4 in terms of the definition of 'infilling', ..." (Paragraph 2)

- 1 OCT 2008

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A description of the design and access aspects of the proposal are set out in the accompanying Design and Access Statement.

It is considered that the development will complement, in terms of design and materials, the development in the vicinity.

Parking will be provided to meet the necessary requirements. At the lower level parking is to be provided for the businesses, whilst at the higher level the access/parking which is provided is for the residential element.

It is also noted that the development which is proposed does not displace car parking area used by any of the nearby dwellings.

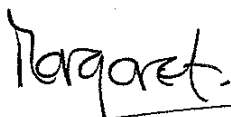
Without the new workspace, which has been specifically designed to meet the needs, both in terms of floorspace and layout, which arise and the accommodation for the Proprietor, the future of the existing rural businesses and the 6 people who get income from it is uncertain.

It is clear from the above that:

- the building which is proposed has been specifically designed to meet the needs of two existing rural businesses and the Proprietor. It is clear that the proposal meets exceptional circumstances arising from local, social and economic conditions and will ensure a continuity of employment for 6 people;
- the application site is well related to the physical form of Arlecdon and will not be visually intrusive;
- modern, robust premises will be created which will ensure the future of two existing rural businesses;
- the proposal re-uses previously developed land;
- the design/materials of the development complement existing development in the area;
- a Legal Agreement will be put in place to ensure that the occupation of the dwelling is controlled and restricted to the Applicant and his family

I trust that all aspects of the application are clear. If, however, you have any queries at all please do contact me.

Yours sincerely,



MARGARET HARDY

TAYLOR & HARDY

Chartered Town Planners

MAIN AGENDA

5. The drainage proposals are considered to be inappropriate for this site and could exacerbate the existing drainage problems in this area.
6. The submitted plans do not appear to be accurate.

15 4/08/2489/0

CONSERVATORY

9, SPEDDING CLOSE, EGREMONT, CUMBRIA.

MR L ROWE

Parish

Egremont

- No objection as long as there is neighbour consultation.

Planning permission is sought to erect a 3.5m x 3.5m conservatory to the front of this detached bungalow situated at the end of a small cul-de-sac within Egremont.

Measuring 3.17m in height to the ridge, the conservatory will be sited within the front/side garden area and will occupy the position of the existing patio. The site is well screened from the driveway and main approach to the bungalow by a 2.0m high timber fence. A photo attached to this report clearly demonstrates this.

Externally, the conservatory will be finished in white UPVC with a 0.6m high facing brick dwarf wall. From a design point of view this is considered acceptable given that the existing property has white UPVC fenestration and buff facing brickwork walls.

At its closest point the conservatory will be 3.5m from the boundary with 16 Spedding Close to the west. To the front of the subject property is a detached garage.

No objections have been received from statutory consultees.

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

1. The objector's rear garden is extremely small and already has limited privacy from the applicant's property and garden. This little privacy would be severely compromised by the addition of a conservatory.

MAIN AGENDA

2. The applicants have already erected a large "arbour" style bench directly outside the objector's French doors which serve their dining room. This is quite an eyesore which was erected without prior consultation or warning.
3. The conservatory will have a negative impact on the amount and quality of light to the objector's property.
4. The view of and close proximity of the conservatory could have a negative affect on the sale of the objector's property in the future.

At the request of the objectors, Officers viewed the application site from their property and garden. Photos attached to this report demonstrate the relationship.

Whilst it is noted that the objectors have a relatively small rear garden it is considered that the existing 1.8m high timber fence offers substantial screening of the application site and, as such, only part of the conservatory roof will be visible.

Additionally, it is worth noting that the properties to the rear of the site are two storey semi-detached houses, albeit set slightly lower than the subject site. As such, the first floor windows in the rear elevation of the objector's property already directly overlook the application site.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 states that the proposals for extensions or alterations to existing dwellings will be permitted so long as:-

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

On balance, it is considered that the proposal satisfies the relevant policy criteria given that it is of a suitable scale and design and is considered unlikely to cause demonstrable harm in terms of overlooking or loss of light. As such, approval is recommended.

Recommendation





MAIN AGENDA

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plans received by the Local Planning Authority on 28 October 2008. Development shall be carried out in accordance with the approved details.

Reasons for conditions:-

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

For the avoidance of doubt

Reason for decision:-

An acceptable domestic extension in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016

16 4/08/2490/0

DEMOLITION OF SEMI DETACHED DWELLINGS
22/23, MARKET PLACE, EGREMONT, CUMBRIA.
MR C SAWYER

Parish Egremont

- No objection.

Conservation Area consent is sought for the demolition of a pair of semi-detached buildings at 22/23 Market Place, Egremont which are located centrally within Egremont, just off the Main Street/Market Place. The buildings have been vacant for a number of years.

Planning permission was granted in 1997 for restoration and alteration of the properties and the adjoining land to the rear to create three 2 bedroomed dwellings, one single bedroomed dwelling, and one 3 bedroomed unit (4/97/2490/0 refers).

Whilst there is currently no planning application in for redevelopment of the site, the applicant is currently preparing an application for redevelopment and has submitted draft plans with this application. The intention is to reconstruct the two buildings fronting onto Market Place but to have a retail unit to the ground floor with residential above and to continue with the new residential units to the rear as previously approved.

No objections have been received to the application.

MAIN AGENDA

The application should be judged against Policy ENV 25 of the adopted Copeland Local Plan 2001-2016, regarding demolition in Conservation Areas. This states "the demolition of buildings which make a positive contribution to a Conservation Area will not be permitted unless the Council is satisfied that no viable use can be found following adequate efforts. In all cases where demolition is permitted this will be subject to the carrying out of a redevelopment scheme which enhances the Conservation Area consecutive to the demolition."

In my opinion, the existing buildings in their current state are not considered to make a positive contribution to the Egremont Conservation Area and the redevelopment of this site as indicated is considered acceptable in that it would enhance the Conservation Area setting in accordance with Policy ENV 25.

Recommendation

Approve Conservation Area Consent

2. Demolition work shall not commence unless and until a scheme for redevelopment of the site has been submitted and approved by the Local Planning Authority.

Reasons for conditions:-

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

To safeguard the appearance and character of the Egremont Conservation Area

Reason for decision:-

Acceptable demolition works in association with the proposed site redevelopment in accordance with Policy ENV 25 of the adopted Copeland Local Plan 2001-2016

MAIN AGENDA

17 4/08/2496/0

NON - ILLUMINATED FASCIA SIGNAGE
82, HIGH STREET, CLEATOR MOOR, CUMBRIA.
MR A AHAD

Parish Cleator Moor

- No comments received.

Concurrent with the following item on this agenda which seeks permission to change the use of the former Pat-a-Cake bakery on High Street, Cleator Moor to a hot food takeaway (4/08/2497/0F1 refers) advertisement consent is sought for a new non-illuminated fascia sign.

As originally submitted the colouring of the sign and building was to be aqua green. Such colouring is considered out of character with this Conservation Area setting where existing buildings are finished in more subtle, neutral colours. An amended scheme has now been submitted indicating that the colouring will be cream, in keeping with other properties on High Street. The signage itself will be simple black lettering on a cream background.

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

In terms of planning policy both Policies ENV 26 and ENV 40 of the adopted Copeland Local Plan 2001-2016 are considered relevant to the determination of this application.

Policy ENV 26 states that:-

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

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

MAIN AGENDA

Policy ENV 40 states:-

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

1. they would not be obtrusive or dominant features in the street scene
2. they would not create clutter on a building or within the street scene
3. they would not harm public safety
4. where attached to a building, they respect its scale, proportions and architectural features
5. where attached to a Listed Building, or within the ground of a Listed Building, they would preserve the special architectural character and appearance of the building
6. where displayed in Conservation Areas they would preserve or enhance the character and appearance of the area."

In my opinion the proposal satisfactorily meets these criteria and represents an acceptable replacement advertisement scheme. As such, consent is recommended.

Recommendation

Approve Advertisement Consent

2. Consent shall relate solely to the amended plans received by the Local Planning Authority on 3 November 2008.

Reasons for conditions:-

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

For the avoidance of doubt

Reason for decision:-

An acceptable advertisement scheme in accordance with Policies ENV 26 and ENV 40 of the adopted Copeland Local Plan 2001-2016

MAIN AGENDA

18 4/08/2497/0

CHANGE OF USE FROM BAKERS & CONFECTIONERS TO HOT
FOOD TAKEAWAY, INTERNAL & EXTERNAL ALTERATIONS
82, HIGH STREET, CLEATOR MOOR, CUMBRIA.
MR A AHAD

Parish Cleator Moor

- No comments received.

Planning permission is sought to change the use of these vacant town centre premises to a hot food takeaway. Previously occupied by a bakery, this property fronting High Street, Cleator Moor has now been vacant for over a year and is falling into a state of disrepair with the front door and a number of windows having been boarded up.

In terms of external alterations it is proposed to remove the existing signage and replace with a new non-illuminated sign. This is subject to a separate application for advertisement consent, the preceding item on this agenda 4/08/2496/0A1 refers.

As originally submitted it was proposed to alter the existing shopfront by installing an additional front door to serve the living accommodation at first and second floor levels. Such a design was considered out-of-character with the Conservation Area setting. As such, an amended scheme has now been received incorporating a recessed doorway with two doors, one to serve the hot food takeaway and the other to serve the living accommodation above.

Additionally the overall colour scheme of the building and proposed signage has been amended from aqua green to cream.

In terms of internal alterations it is proposed to divide the existing ground floor area to provide a food preparation area and customer waiting area.

Waste storage will be in the form of a bin situated within the rear yard.

As submitted it is proposed that the takeaway would be open until the hours of 11.30pm Mondays to Thursday and until 12 midnight Fridays and Saturdays.

At the latest, existing hot food takeaways within Cleator Moor town centre are required to close by 11.30pm on all days. In light of this if Members are minded to grant approval, a condition would be recommended restricting opening hours to those consistent with existing town centre takeaways.

No objections have been received from statutory consultees.

Three letters of objection have been received, two from neighbouring residents and one anonymous. The grounds for objection can be summarised as follows:-

1. A petition has been gathering containing 704 signatures from shops on High Street and their customers against this proposal.
2. On High Street there are already 14 food and fast food outlets and this would make 5 within 10 yards of each other.
3. Some of the current food outlets are struggling to sustain their businesses as it is. If another were to open they would be forced to close. As such, the Council will lose money as there would be more empty shops, not less.
4. Another application for a fast food outlet on Leconfield Street raised concerns about the volume of traffic such development would bring to a busy area. High Street is very busy with cars, vans and lorries double parked which includes cars parked on the pedestrian crossing at all times of the day. One of the objectors has nearly been knocked down twice and one lady was hit by a bus earlier this year. Does someone need to be killed before anything is done?
5. Delivery cars block access to the objector's garage at the rear of High Street.
6. The Council appears to have no concerns about opening a fast food outlet on High Street and therefore increasing the litter, level of traffic and chances of violence and damage to property. The police are concerned about yet another food outlet adding to these issues.
7. Objectors are appalled and disgusted by the state of the access lane to the rear of High Street and have witnessed rats and overflowing wheelie bins. The shop owners have little or no regard to cleanliness with objectors having to clean up half eaten food and disposing of pizza boxes and cartons from outside their houses and gardens.
8. A police presence at the pizza shop is a guaranteed cert at least one every weekend. Gangs congregate outside the pizza shop and cause disruption to neighbouring residents.
9. Do not object to any new business that would breathe much needed life into the town but another takeaway is guaranteed to bring yet more trouble.
10. Invite Members of the Planning Panel to spend sometime observing things from the objectors point of view.

In response to the concerns raised the following comments are

offered:-

- (a) Competition between businesses is not a material planning consideration but is dealt with by market forces.
- (b) No objections have been received from the Highways Authority.
- (c) A new, dedicated waste storage area is to be incorporated into the rear yard of the premises.

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

Policy ENV 26 states:-

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

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

Policy TCN 7 states that:-

"Proposals for food and drink uses in shopping areas will be permitted subject to the requirements of TCN 10 and other plan policies with particular attention to:-

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

In my opinion the proposal satisfactorily meets these criteria. High Street has a mix of retail and commercial uses with a number of similar hot food takeaways in the vicinity.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plans received by the Local Planning Authority on 3 November 2008. Development shall be carried out in accordance with the approved details.
3. The use hereby permitted shall not be open to customers outside the hours of 9.00am until 11.30pm on any day.
4. The use hereby permitted shall not commence until full details of the scheme for the extraction of cooking fumes and cooking odours has been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved details before the use commences and shall subsequently be operated and maintained at all times in accordance with the manufacturer's instructions.
5. New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway.

Reasons for the above conditions:-

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

For the avoidance of doubt

To minimise the risk of nuisance to neighbouring properties

To minimise possible danger to other highway users.

Reason for decision:-

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

Please Note:-

Prior to alteration works to the front of the building commencing on site the applicant should contact Mr Karl Melville, tel no (01946) 852505 to agree safe working practices

COPELAND BOROUGH COUNCIL

19 4/08/2491/0

REALIGNMENT & REGRADING OF BACK LANE,
IMPROVEMENTS TO DOMESTIC PARKING & NEW BOUNDARY
WALLS/GATES
REAR OF, BASKET LANE, WHITEHAVEN, CUMBRIA.
COPELAND BOROUGH COUNCIL

Parish Whitehaven

This is a Copeland Council application for environmental improvements to an unadopted back lane as part of the Haig Mining Museum Environmental Enhancement Works (planning reference 4/07/2580). The proposed works comprise the realignment, regrading and surfacing of Basket Lane (to rear of properties numbered 1-42) improvements to domestic parking areas and new boundary walls and gates. The track extends from the junction with the recently constructed access road to the Haig Mining Museum.

The site comprises an existing private access track along the rear of the residential properties bounded by the open grassland including a rugby pitch on the west side of the track and the existing rear boundary walls and gates to the houses on the east side of the track. The track is of hardcore construction, poorly maintained, with rough open ground between the track and the boundary walls. The rear boundary was originally defined by a Coal Authority high perimeter fence of concrete posts and wire, the remnants of which still remain in sections. The existing boundary walls and gates consist of several materials with some in poorly maintained condition. Site services information has been obtained indicating that there are no services in the track, although there is a lighting cable in the vicinity, which is understood to link existing floodlighting to the rugby pitch powered by a transformer.

The new road is proposed to take a meandering alignment to discourage speeding. The construction will meet adoption standards in terms of sub-base and surfacing but it is not required to meet adoptable setting out dimensions. The road width will be kept narrow at 3.5 metres, sufficient to provide private vehicle access to the rear of the properties. The ground between the new road and boundary walls is to be surfaced in Grasscrete cellular concrete paving for resident parking. Drainage is to be improved by the use of permeable paving and the installation of a perimeter surface water drain to connect into the tail provided under the earlier road contract. New facing brick boundary walls with half moon copings are proposed to all properties with new double gates and single gates to each garden.

Planting areas of gorse, whitethorn and blackthorn are proposed at changes in direction of the road. Low mounding is proposed along the west side of the new road to tie in with mounding proposed by the National Trust. Existing trees and shrubs adjacent to the boundary

walls within residents' gardens have been surveyed and will be retained.

The new roadway will continue to be a private cul-de-sac with no through access or public parking rights. It will be a shared surface for residents' vehicles and pedestrians.

Individual proposal drawings have been sent to all residents by the Project Manager, Home Northwest, requesting comments and a public consultation day for residents was held on 11 August 2008.

Consultation responses from the Highway Authority, County Historic Environment Officer, Council Engineer, Police and local residents are still awaited and any comments received will be reported verbally at the meeting.

The proposed scheme will provide tangible support for two major strands of the Whitehaven Regeneration Partnership - the Coastal Fringe strand to improve the amenity of the area to the south of the harbour and the Housing and Community strand to strengthen and improve housing markets and neighbourhoods in and around the town. A programme of improvements to the west of Basket Road will complement the works currently proposed for this area as part of the Coastal Fringe project within, the Whitehaven Regeneration Programmes, to the rugby pitch and access route to the Haig Mining Museum.

Approximately 75% of these properties are owner occupied with the remainder (approx 9) being owned by Home Group. The scheme will provide options for all of the residents to have off street secure, in-curtilage parking, reducing the congestion and street clutter on Basket Road. Improvements would also provide a consistent approach to the rear aspects of the properties and improve security. At present there is a range of boundary treatments, ranging from high quality brick walls to no curtilage treatment at all. The result is, when viewed from the rugby field adjacent to the properties, an area that can look unsightly and unappealing and which contributes little to the overall ambience of what will be one of the most important elements of the coastal fringe works being developed to create a strong visitor attraction in this part of Whitehaven.

The lack of hard surface means that access in winter is difficult to not only the properties but also to the rugby pitch. The plans for the wider area, developed as part of the Whitehaven Regeneration Partnership, include improvements to the rugby pitch to facilitate better use in the future; the works to the back lane would also contribute to this objective.

It is clear that the area would clearly benefit from an improvement programme to provide a far better, more formal and more easily maintained area to encourage use of rear gardens for off-street parking, provide a clear boundary to the rugby area and perhaps most importantly to improve the aesthetic experience enjoyed by visitors.

COPELAND BOROUGH COUNCIL

Subject to conditions, the application can be approved. As this is a Council application, the recommendation from the Planning Panel will need to be confirmed by the Full Council at its meeting on 2 December.

Recommendation

That under Regulation 3 of the Town and Country Planning General Regulations 1992 the application be referred to Full Council for determination with a recommendation that planning permission be granted subject to the following conditions:-

2. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
3. No development approved by this planning permission shall be commenced until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:
 - a) details of all mounding and planting including species, heights, location and spacing
 - b) a timetable for carrying out the scheme
4. Any tree or shrub found dead or dying within five years of planting shall be replaced by specimens of similar type and size, to the satisfaction of the Local Planning Authority
5. No development approved by this planning permission shall be commenced until a scheme of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.

The reasons for the conditions:

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

To reduce the increased risk of flooding and to ensure a satisfactory means of drainage

In the interests of residential amenity

In order to enhance the appearance of the development and
minimise the impact of the development in the locality.

Reason for decision:

This proposal is considered to be a significant enhancement to
the environmental conditions of the area. It will not only
improve the environment for residents of Basket Lane but will
also have an impact on the adjoining Whitehaven Regeneration
Partnership Coastal Fringe environmental improvements works.

Schedule of Applications - DELEGATED MATTERS

4/08/2415/0	Whitehaven	EXTENSION TO THE SIDE & REAR 9, HIGH GROVE, HILLCREST, WHITEHAVEN, CUMBRIA. MRS F ROGAN
4/08/2416/0	St Johns Beckermest	REPLACEMENT REAR PORCH CARLETON FARM, CARLETON, EGREMONT, CUMBRIA. MRS J IRVING
4/08/2427/0	Egremont	ERECTION OF SINGLE STOREY EXTENSION TO EXISTING END LINK DWELLING TO EXTEND KITCHEN & PROVIDE N 36, CROFTLANDS, BIGRIGG, EGREMONT, CUMBRIA. MR N KENNEDY
4/08/2431/0	St Johns Beckermest	EXTENSION TO BUNGALOW TO PROVIDE LOUNGE, EN-SUITE, AND MASTER BEDROOM 6, BECK RISE, BECKERMET, CUMBRIA. MRS C MURRAY
4/08/2436/0	Whitehaven	INCREASE IN HEIGHT OF DWELLING TO PROVIDE ADDITIONAL LIVING ACCOMMODATION IN THE ATTIC. 7, CARLTON DRIVE, FAIRFIELD, WHITEHAVEN, CUMBRIA. MR & MRS MASON
4/08/2437/0	Whitehaven	REMOVAL OF DERELICT OUTBUILDING & ERECTION OF A SINGLE STOREY EXTENSION GARDEN HOUSE, EARLS ROAD, BRANSTY, WHITEHAVEN, CUMBRIA. MR R THIED
4/08/2442/0	Whitehaven	REMOVAL OF EXISTING GARAGE, ERECT TWO STOREY EXTENSION TO SIDE & A SINGLE STOREY EXTENSION T 16, WORDSWORTH ROAD, WHITEHAVEN, CUMBRIA. CO/ ALAN B FREEMAN LIMITED
4/08/2443/0	Whitehaven	DAY ROOM/KITCHEN EXTENSION & FRENCH DOOR TO 1ST FLOOR BEDROOM WITH WROUGHT IRON GUARDING 54, VICTORIA ROAD, WHITEHAVEN, CUMBRIA. MR A B FIDDLER
4/08/2444/0	Whitehaven	BEDROOM & BATHROOM EXTENSION ABOVE EXISTING GARAGE AND FRONT PORCH 36, HOLLY BANK, THE HIGHLANDS, WHITEHAVEN, CUMBRIA. MR AND MRS WILKINSON
4/08/2449/0	Egremont	FIRST FLOOR EXTENSION 34, WINDRIGG CLOSE, EGREMONT, CUMBRIA. MR S CARVER
4/08/2452/0	Egremont	CONSERVATORY TO THE REAR THE RECTORY, GROVE ROAD, EGREMONT, CUMBRIA.

Schedule of Applications - DELEGATED MATTERS

REV R LEE

4/08/2453/0	Whitehaven	SINGLE STOREY SUN ROOM EXTENSION 12, FERN WAY, THE HIGHLANDS, WHITEHAVEN, CUMBRIA MR & MRS MORGAN
4/08/2457/0	Whitehaven	REAR CONSERVATORY 4, THISTLE CLOSE, THE HIGHLANDS, WHITEHAVEN, CUMBRIA. MR W DENWOOD
4/08/2397/0	Cleator Moor	ERECTION OF A MEETING ROOM AND STORE CIVIC & MASONIC CENTRE, MARKET SQUARE, CLEATOR MOOR, CUMBRIA. CIVIC AND MASONIC CENTRE
4/08/2421/0	St Bees	CONVERSION OF PART OF BUILDING TO ESSENTIAL WORKERS DWELLING. (AMENDED DESIGN SCHEME) FARM BUILDING ADJACENT TO, TARNFLATT HALL FARM, LIGHTHOUSE ROAD, SANDWITH, WHITEHAVEN, CUMBRIA. MR F TELFER
4/08/2425/0	Cleator Moor	NEW ANNEXE EXTENSION TO EXISTING NURSERY SCHOOL TO PROVIDE FURTHER NURSERY SCHOOL FACILITIES CLEATOR MOOR NURSERY, ENNERDALE ROAD, CLEATOR MOOR, CUMBRIA. CLEATOR MOOR NURSERY SCHOOL
4/08/2438/0	Egremont	CHANGE OF USE FROM POST OFFICE TO GROUND FLOOR FLAT AND ALTERATIONS TO EXISTING DWELLING ABOVE 1, CHURCH STREET, MOOR ROW, CUMBRIA. MR J TAYLOR
4/08/2450/0	Arlecdon and Frizington	OPEN FRONTED AGRICULTURAL SHED, ADJOINING EXISTING RANGE OF BUILDINGS NORTH MOSSES FARM, ASBY, CUMBRIA. MRS H BELL & MRS M IRELAND
4/08/2455/0	Moresby	CHANGE OF USE OF PART OF FIELD TO CHILDRENS PLAY AREA FIELD ADJOINING, ST BRIDGETS CHURCH HALL, MORESBY, WHITEHAVEN, CUMBRIA. MR B WARD
4/08/2458/0	Whitehaven	THREE NEW 2 BEDROOMED BUNGALOWS FOR ELDERLY OR DISABLED RESIDENTS 152-155, WINDERMERE ROAD, WOODHOUSE, WHITEHAVEN CUMBRIA. HOME GROUP
4/08/2460/0	Whitehaven	8 NEW RESIDENTIAL BUNGALOWS FOR ELDERLY & DISABLED RESIDENTS

		5, 6, 65, 66, LOWESWATER ROAD, WOODHOUSE, WHITEHAVEN, CUMBRIA. HOME GROUP
4/08/2461/0	Whitehaven	FOUR NEW 4 BEDROOMED DWELLINGS 2 & 3 WINDERMERE ROAD, 17 & 18 CRUMMOCK AVENUE, WOODHOUSE, WHITEHAVEN, CUMBRIA. HOME GROUP
4/08/2463/0	Whitehaven	NEW PLAY AREA, INCLUDING A PERGOLA, PERMANENT PLAY EQUIPMENT AND CANOPY TAMALDER CHILDCARE, MEADOW ROAD, MIREHOUSE, WHITEHAVEN, CUMBRIA. MR S DUFF
4/08/2439/0	Egremont	SUB-DIVISION AND CHANGE OF USE OF EXISTING SHOP TO CREATE SEPARATE A2 (FINANCIAL & PROFESSIONAL KWIK SAVE GROUP PLC, MAIN STREET, EGREMONT, CUMBRIA. MR A HINE (GEORGE LB LTD)
4/08/2441/0	Lowside Quarter	FIELD SHELTER (RETROSPECTIVE) LAND ADJACENT TO, MERRYHILL BARN, ROTHERSYKE, EGREMONT, CUMBRIA. MR & MRS J A WELLS
4/08/2446/0	Millom	SINGLE STOREY REAR EXTENSION TO PROVIDE ADDITON LIVING ACCOMMODATION. RISING HILL, 18A, PANNATT HILL, MILLOM, CUMBRIA MR & MRS C & M PEARSON
4/08/2456/0	Egremont	AGRICULTURAL SHEEP BUILDING PICKETT HOWE FARM, EGREMONT, CUMBRIA. MR M HODGSON