

PLANNING PANEL

12 DECEMBER 2007

AGENDA

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RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

STANDARD CONDITIONS

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

Outline Consent

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

Reserved Matters Consent

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

Full Consent

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

MAIN AGENDA

1 4/07/2598/0

DEMOLITION OF EXISTING OFFICES/WORKSHOPS,
REDEVELOPMENT OF SITE FOR A1 RETAIL, A3
RESTAURANT/CAFE AND 35 MIXED DENSITY APARTMENTS
PEARS HOUSE, QUAYSIDE, WHITEHAVEN, CUMBRIA.
MAGNUS HOMES LIMITED

Parish Whitehaven

This is an application for ground floor retailing and restaurant/cafe with apartments above on a site at the junction of Duke Street and the harbour. It involves the demolition of existing properties and this application is accompanied by an application for Conservation Area Consent for the demolition.

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

- Design and Access Statement
- Transport Statement
- Archaeological Desk Based Assessment
- Flood Risk and Drainage Assessment

THE PROPOSAL

The site fronts onto Duke Street and is bounded by Williamson Lane and the Millenium Promenade, having a distinct front and rear aspect with a change in level of some one and a half metres up to the harbour walk. The current use of part of the site is offices and the remaining site is vacant, being a former garage and tyre depot and boat repair yard.

This is a full application for ground floor retailing and restaurant/cafe with 5 floors of apartments (35) above, including penthouses, making a 6 storey development overall. There is also a basement car park and rear service yard to serve the residential and retail units. There are in total 40 car spaces for the development, which allows one space per residential unit and five spaces to serve the commercial uses.

The Pears House site commands one of the most important sections of the harbour frontage yet it is currently poorly represented by the existing buildings. The principle view of the site is From the harbour itself and the dramatic entrances from the sea, with the town and surrounding hills acting as a backdrop. Due to the nature of the grid iron layout of the town behind, the site is partially concealed from view by the street pattern.

LOCAL PLAN POLICIES

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

- DEV 1 Sustainable Development and Regeneration
- DEV 7 Sustainability in Design
- TCN 3 Town Centre Improvements
- TCN 9 Whitehaven Town Centre Strategy
- TCN 12 Town Centre Opportunity Development Sites (Site WTC3)
- ENV 17 Derelict Land
- ENV 18 Contaminated Land
- ENV 26 Development Affecting Conservation Areas
- TSP 6 General Development Requirements
- TSP 8 Parking Requirements
- SVC 1 Connections to Public Sewers
- SVC 4 Land Drainage

CONSULTATION RESPONSES

County Council

The application is not a Category 1 Application and the County have not offered from a strategic planning comment.

County Archaeologist

The desk-based assessment indicates that the site lies within an area of archaeological potential. It is located in a part of Whitehaven that developed in the early part of the 18th Century and the Cumbria Extensive Urban Study designates this area as of high archaeological importance. It is therefore considered likely that significant remains survive on the site and that they would be damaged or destroyed by the proposed development. In accordance with Policy ENV 46 of the Copeland Local Plan, the site should be subject to a programme of archaeological investigation and this can be controlled by condition.

Highway Authority

The Highway Authority recommends refusal for two reasons:-

1. Off Street Servicing

The proposed development does not make adequate provisions for the loading and unloading of goods vehicles within the site and would therefore encourage such vehicles to park on the highway with consequent additional danger to all users of the road and interference with the free flow of traffic.

Reason:

To support Local Transport Plan Policy : LD7, LD8

2. Inadequacy of Submitted Information

MAIN AGENDA

Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of its effect on local traffic conditions and public safety

Reason:

To support Local Transport Plan Policy LD7, LD8

Another point which has been raised by the Highway Authority is the enclosing of part of the public highway (footway). Discussions are on-going between the applicant and the Highway Authority to try to resolve these issues.

Environment Agency

Through the submission of the Flood Risk Assessment (FRA) the applicant/agent are fully aware of flood risk and frequency and have satisfied themselves that the impact of any flooding would not adversely affect their proposals. The FRA addresses the relevant areas of concern regarding flood risk and appears to utilise the most up to date information at the time of writing. The FRA has considered tidal and fluvial flooding as well as pluvial flooding. The EA considers that pluvial events affect parts of Whitehaven on a reasonably frequent basis and such events may effect the above development. The FRA considers there is a risk of flooding from all three flood mechanisms and concludes that these events may be mitigated against. The EA does not raise any objection but seeks the imposition of conditions.

United Utilities

No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer, which in this instance would be the 900 diameter sewer situated on the harbour side. Surface water should be discharged to the existing culverted watercourse that passes adjacent to the site and discharges into the harbour as shown on the plan; this may require the consent of the Environment Agency. In addition it is important to note that ground floor levels should be set high enough so as not to flood from surcharged sewers and in this instance no connections from basements would be permitted.

Council Engineer

No objections in principle subject to the recommendations in the Flood Risk Assessment being fully implemented and the recommendations of the Environment Agency being implemented.

Environmental Health

Details of extraction of cooking fumes and ventilation should be

MAIN AGENDA

provided before development commences.

English Heritage

English Heritage has been involved in the pre-application and post-application discussions with the architect and developer. They encouraged a contemporary architectural approach. Whilst English Heritage welcomes the regeneration benefits of new developments to the harbour frontage and supports the principle of redeveloping the site with a mixed use scheme creating an active frontage to the high quality quayside public realm, concerns have been raised particularly about the scale, mass and height of the building, which are alien to Whitehaven. Detailed comments have also been made. A copy of English Heritage's comments received on 22 October 2007 are appended in full.

English Heritage recommended that the developer and architect should submit the proposal to RENEW Places Matter Design Review. The scheme was put forward for such a review. As a result of the comments received from RENEW, the scheme has been revised and English Heritage have been reconsulted. Their comments (dated 29 November) are appended. They state that the amended scheme does not adequately address their concerns and they advise against a positive recommendation being made with respect to the amended proposals.

RENEW Places Matter Design Review

As recommended by English Heritage, the developer/architect submitted this scheme for review by RENEW. The panel stated that the architect has a good understanding of the Georgian architectural context and the grid layout of the town and has demonstrated how this building can be a part of this. In these terms the panel felt that the architectural design of the building is well resolved and cognisant of the place. There are, however, concerns over the massing and height of the building both of which are overly large for this site. The location of the building, in the centre of the waterfront promenade is significant. The scale of the building would be less overwhelming if at least one storey lower. The scale is more metropolitan in stature in contrast to the domestic scale of the town centre. Further dialogue between the developer and the Council is encouraged to reconsider the scale and impact of this proposal. In conclusion this scheme is architecturally well considered with a sensitive understanding of place but its height and massing are questionable in such a prominent location on the waterfront. The letter from RENEW is appended in full.

Whitehaven Heritage Action Group

No response to date.

Police

MAIN AGENDA

No response to date.

REPRESENTATIONS

Three letters of support have been received from local residents and one from a visitor to the area. Points raised include:-

- (a) the development will provide a fitting backdrop to the old harbour and provide a pleasing contrast
- (b) the residential development will bring people and life to the waterfront which will be further enhanced with a cafe and restaurant
- (c) the development will not only be in keeping with the existing harbour, but will considerably improve and enhance the area as a whole

Concerns have been expressed about the buildings along the harbourside becoming derelict and support is offered to this scheme to tidy this part of the town. One respondent wishes to acquire one of the apartments.

An objection has been received from local residents. Their main concerns are the proposed height and appearance of the building and how it will visually impact on and dominate both the harbour and the town. The design and construction are so removed from the image and feeling that walking round this wonderful Georgian town generates within both locals and tourists. The proposed development has the appearance of a 1960's development of flats or office blocks that ironically are currently being demolished in others parts of the country.

REPORT

In land use planning and regeneration terms, this development is to be welcomed. It creates a lively frontage to the waterfront with a restaurant, cafe and small retail units and will provide employment opportunities. The residential units will also add to the vitality of the harbourside. The development will be a boost to the harbour regeneration and will be a catalyst to further harbourside development.

The architect has responded to the views expressed by RENEW and has amended the scheme in detailed design as well as removing one floor and reducing the height and massing. Detailed amendments have introduced a vertical emphasis, as opposed to the previous horizontal theme.

It appears from conversations that English Heritage are still opposed to the amended scheme, feeling that it is too tall and requires revisions to the designs.

MAIN AGENDA

The Broadway Malyan Report recommends that there is a real need to bring more life to the quality external space here. Again any uses should bring activity to both during the day and in the evening. Limited retail, cafe/bar and offices should be considered. In its urban design considerations for this site Broadway Malyan made the following comments:-

This site is in a prominent location facing over the harbour and marina. There is an opportunity to provide high quality contemporary office space. Key design considerations should include:-

Ground floor uses should provide active frontage onto the harbour front and the adjoining Old Baths Square

The building line should re-establish a consistent line with the Inland Revenue Building on the promenade and maintain the existing frontage onto the Old Baths Square

Height should be to a maximum of 5-6 storeys

Parking requirements should be incorporated on site or as part of a shared development with the adjacent Mark House site

The proposal has much to commend it although there are outstanding concerns.

Recommendation

Approve (commence within 3 years)

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

Location Plan 07-103-13 received 19.9.07

Basement and first floor plans 07-103-01 received 19.9.07

Ground floor plans 07-103-02A received 28.11.07

First and second floor plans 07-103-03A received 26.11.07

Third and fourth floor plans 07-103-04A received 26.11.07

Fifth floor and roof plan 07-103-05A received 26.11.07

Elevations 07-103-06A, 07A, 08A and 09A received 26.11.07

Elevations at 1:200 scale 07-103-10A and 11A received 26.11.07

Section 07-103-12A received 26.11.07

Massing models 07-103-14 received 19.9.07

Design and Access Statement received 19.9.07

Flood Risk and Drainage Assessment received 27.9.07

Archaeological Desk-based Assessment received 19.9.07

Transport Statement received 19.9.07

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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 brought into use until the access and parking requirements have been constructed, drained and lit in accordance with the approved details. Any such access and parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.
5. The site shall be drained on a separate system with only foul drainage connected into the foul sewer.
6. All finished ground floor levels shall be set at no less than 6.80.m AOD.
7. Flood warning notices shall be erected in numbers, positions and wording all to be agreed in writing with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.
8. No developments approved by this planning permission shall be commenced until details of the extraction of cooking fumes (including suitable filters, efflux velocity and location of discharge points) and ventilation of the premises have been submitted and approved in writing by the Local Planning Authority and such works shall be implemented in accordance with the approved details before the use becomes operational.
9. No development approved by this planning permission shall be commenced until:
 - (a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced
 - (b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation shall be comprehensive enough to enable:

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- i. a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be effected
 - ii. refinement of the Conceptual Model, and
 - iii. the development of a Method Statement detailing the remedial requirements
- (c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken
- (d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to and approved in writing by the Local Planning Authority, prior to that remediation being carried out on the site.
10. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

The reasons for the above conditions are:-

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

For the avoidance of doubt

In the interests of visual amenity

To ensure a minimum standard of construction in the interests of highway safety

To prevent discharge of contaminated drainage or accidental spillages to underground strata or surface waters

To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters

To reduce the danger to intended occupants of the building(s) from potential flooding

To ensure that owners and occupiers are aware that the land is at risk of flooding



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COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

22 OCT 2007

RECEIVED

Mr Tony Pomfret
Copeland Borough Council
Planning Department PO Box 19
The Council Offices Catherine Street
WHITEHAVEN
Cumbria
CA28 7NY

Direct Dial: 0161 242 1430
Direct Fax: 0161 242 1401

Our ref: P00051816
19 October 2007

Dear Mr Pomfret

**Notifications under Circular 01/2001 & GDPO 1995
PEARS HOUSE, QUAYSIDE, WHITEHAVEN, COPELAND, CUMBRIA
Application No 4/07/2598/0*1**

Thank you for your letter of 25 September 2007 notifying English Heritage of the above application.

Summary

The economic regeneration benefits of new development to the harbour frontage are clearly welcome and English Heritage supports the principle of redeveloping the site with a mixed use scheme that will create an active frontage to the high quality quayside public realm. However, due consideration must be given to the role and impact of the site within the Whitehaven Town Centre Conservation Area. The historic environment is clearly fundamental to Whitehaven and English Heritage has previously supported heritage based regeneration with investment such as the Townscheme and HERs grant programmes which have contributed significantly to the regeneration of the town to date. It is important that any new development, particularly in such a prominent location, is designed in a thoughtful manner that responds positively to the context of the conservation area and is not allowed to undermine the impact of previous investment or the distinctiveness of the town. In this respect, while supporting the principle of developing the site we are extremely concerned about the form of the proposal. During pre-application discussions, and the involvement of the RENEW Places Matter Design Review, we have consistently advised that the scale, mass and height of the proposal are alien to Whitehaven. The current planning application has been submitted with little regard for that advice and without fundamental amendments to address the points detailed below, the only possible recommendation would be to refuse consent for the current scheme.

	<p>SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW Telephone 0161 242 1400 Facsimile 0161 242 1401 www.english-heritage.org.uk</p>	
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English Heritage Advice

English Heritage recognises the potential urban design and regeneration benefits that could be gained from a relevant and high quality development on this site. However, further consideration of how the proposals would impact on the character and appearance of the conservation area is required and we would be willing to contribute to further discussion based on the following issues:

A more thorough understanding of the context of the site, and the town centre as a whole, should be gained to ensure that any proposals are relevant to the Whitehaven context rather than accepting anonymous proposals that do not reinforce the distinctiveness of the town. For example, the following characteristics could be given much more consideration:

- **Roofscape** - is characterised by diverse forms within a coherent and consistent framework. Only the church towers provide slender projections above the consistent roofscape.
- **Footprint** - the harbour frontage is characterised by informal relationships between buildings and spaces. It was never intended as a formal harbour or promenade frontage. While active frontages are to be encouraged, and could be generally improved along the quayside, the form and nature of the enclosure provided by this proposal to the public realm should be reconsidered. This is given little detailed thought in the Design and Access Statement, which includes inaccurate sketches of the harbour. Detailed figure-ground plans would be one method of better understanding the organic forms of enclosure to the harbour.
- **Urban grain** - the grain of existing frontages to the harbour is largely a composition of vertical proportions and forms. Elsewhere in the town centre even the terraced streets retain the predominantly vertical Georgian proportions of the individual units. However, the proposals would impose a dominant horizontal mass on the harbour frontage. The urban form is also characterised by smaller footprints and plots which combine to create diversity in enclosing elevations, even in adjoining terraces.

In addition to understand the context of the site, specific concerns about the current proposals should also inform further negotiations, including:

- The building is too high. The degree of contrast with the established roofscape would define the proposal as a 'tall building' in the context of Whitehaven and the recently revised "Guidance on Tall Buildings" (Cabe/English Heritage, July 2007), which can be down loaded from our web site, should inform consideration of this application. In essence the building is three storeys too high for this location. This is illustrated by the extremely dominant relationship with the Chattanooga building, which currently acts as a landmark in this part of the town.

	<p>SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW</p> <p>Telephone 0161 242 1400 Facsimile 0161 242 1401 www.english-heritage.org.uk</p>	
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- The continuous 'slab' block form of the upper floors and roof is alien in the context of Whitehaven and much greater modelling and variation is required.
- An awkward change in level does exist between Duke Street and Quayside, however the current proposals would create a blank elevation to Duke Street at pedestrian level, with the solid stone plinth only interrupted by the ventilation grilles to the basement car park. An active pedestrian level frontage is required to both the harbour and Duke Street, which would be consistent with the pattern of enclosure of other streets that connect with Quayside.
- The horizontal slab form and scale of the proposal will create a visual barrier between the harbour and Georgian grid street pattern. Although there was never a formal planned relationship between the harbour and town centre streets, neither was there a define edge between the two areas. Views along Duke Street towards the harbour will be dominated by the scale of the proposal.
- The architectural language is a standard solution that does not attempt to interpret the distinctiveness of Whitehaven.

Following discussion at the Places Matter Design Review we understand that the imperative for the scale of over-development of this site is the objective of cross financing an adjoining hotel development. However, in such an important location each development must be considered on its own merits and the character and distinctiveness of Whitehaven should not be damaged by placing unrealistic demands on the viability of this residential / mixed use scheme.

Recommendation

In summary, while some edges of the town centre have become fragmented Whitehaven is still fortunate to retain much of the original form and character of the townscape. This is one of the towns principle assets. Future development and change is inevitable , however that change must be managed in a way that understands and builds from the established character rather than imposing arbitrary designs that dilute the distinctiveness of the town. We therefore recommend that significant amendments are required with respect to the current proposals and if necessary the current application should be refused consent to allow an opportunity for more appropriate proposals to come forward.

Yours sincerely

B. A. Taylor

pp

Graeme Ives
 Historic Areas Advisor
 E-mail: graeme.ives@english-heritage.org.uk

	SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW Telephone 0161 242 1400 Facsimile 0161 242 1401 www.english-heritage.org.uk	
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Malcolm Wilson
Black Box Architects
Paton House
Level 1
Victoria Viaduct
Carlisle CA3 8AN

15th October 2007

Dear Malcolm,

**Re: Pear's House, Whitehaven, Cumbria
Design Review, 4 October 2007, Keswick, Cumbria**

We want to thank you for bringing this scheme to the Design Review. It is an important scheme in the regeneration of Whitehaven and as a part of the further regeneration of the sea front of that town. As such it must not be considered as a single building only, but as a part of a larger framework of development.

We understand that you have a close and personal view of Whitehaven and this has gone some way in helping you to resolve the design of your building. You have a good understanding of the Georgian architectural context and the grid layout of this town and have demonstrated how this building can be a part of this. In these terms, we feel that the architectural design of the building is well resolved and cognisant of the place.

There are, however concerns over the massing and height of the building both of which are overly large for this site. Our understanding is that this project is an enabling project for a hotel scheme further along the waterfront. As such it has made it economically necessary to increase the size of this development. This has been to the detriment of the scheme overall and has resulted in a structure that is not suitable to the site.

The location of this building in the centre of the waterfront promenade is significant. The scale of the building would be less overwhelming if at least one storey lower. It must be considered in relation to the buildings at the back as well as the buildings within the Georgian grid of the town. The scale of this development is more metropolitan in stature in contrast to the domestic scale of the town centre.

The materials of the building will be hugely important as they will have to withstand the abrasive sea air without succumbing to rapid deterioration.

We are encouraged by the careful consideration of the detail in terms of creating a double front, with animation that will contribute to security and neighbourliness, but feel that there is still a little more consideration required in how the building meets the ground. The ground floor uses and their interaction with the harbour will be an important part of animating the public realm and bringing to life the valuable investment in public infrastructure.

This is the beginning of a new wave of private investment and is therefore welcome and vital to Whitehaven's regeneration. However, a lucid design framework needs to be in place in

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order for developers to understand the vision and expectations of the town and what types and scale of development Whitehaven's character has the capacity to accommodate. We sympathise with the development team in the absence of such a framework and doubt that it should fall exclusively to this development to determine the framework. It is important for the Council to look at this development as part of the wider regeneration of the waterfront and we urge further dialogue between developer and Council to that end. In the meantime the scale and impact of this proposal needs to be considered again in the light of more searching analysis of context, especially views of the town from the seaward side.

In summary this scheme is architecturally well considered with a sensitive understanding of place but its height and massing are questionable in such a prominent location on the waterfront. Its relationship to the future hotel development as an enabling scheme has created an unfortunate relationship and reliance on this quantum of residential development to bring forward a hotel developer is not one that we can support.

Yours Sincerely

Tom Lonsdale
Chair – Places Matter! Design Review

Cc. Frank Lowe, Magnus Homes Ltd
Tony Pomfret, Copeland Borough Council

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COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

30 NOV 2007

RECEIVED

Mr L Cockroft
Planning Officer
Development Services
Copeland Borough Council
The Copeland Centre
Catherine Street
WHITEHAVEN
Cumbria
CA28 7SJ

Direct dial: 0161-242.1430

29 November 2007

Dear Len

Pears House, Quayside, Whitehaven
Drawing Nos 07-103-06 (sheets 1, 3, 6 & 7)

Thank you for providing English Heritage with a copy of the email, dated 7 November, from Black Box Architects and the above amended plans for the Pears House proposal.

Our formal consultation response to planning application no. 4/07/2598/0F1, dated 19 October, raised a series of concerns with the proposed redevelopment of the site. The fundamental issue is that the proposals do not appear to have been based on a thorough understanding of the character of the area in which the site is located. We have particular concerns about the height and mass of the building and the horizontal emphasis to the harbour and believe the proposals would be alien to the character and appearance of the conservation area. We advised in our previous letter that the proposals were three storeys too high in the context of this site. I note that the amended proposals include a reduction in the height of the scheme by a single storey. However this appears to be a token gesture and will not prevent the scheme from towering above neighbouring buildings, particularly in Duke Street, and dominating the coherent roofscape of the town centre.

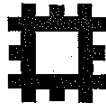
Whilst the site provides a clear development opportunity and has the potential to enhance the vitality of the harbour it is important that this does not jeopardise the distinctiveness of this important historic town and the previous investment to enhance the character of the conservation area. English Heritage has provided advice on both pre-application and formal proposals and has also encouraged further assistance from the RENEW Places Matter Design Team. However, the amended scheme does not adequately address our concerns and we would advise against a positive recommendation being made with respect to the amended proposals.

SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

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www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available



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I hope the above comments are helpful and if you need any further advice with respect to this site please do not hesitate to contact me.

Yours sincerely

pp Graeme Ives
Team Leader / Historic Areas Advisor

MAIN AGENDA

To safeguard the amenities of the locality

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains

Reason for decision:-

The development accords with the Local Plan and provides a development which enhances the Conservation Area and provides a lively frontage to the harbour

Notes:-

The applicant's attention is drawn to the contents of the letter dated 16 October 2007 from United Utilities

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

2 4/07/2622/0

ERECTION OF 54 No DWELLINGS, PROVISION OF ASSOCIATED ROADS AND PUBLIC OPEN SPACE LAND ADJACENT TO, LINGLA BANK, FRIZINGTON, CUMBRIA.
STORY LAND & DEVELOPMENT

Parish Arlecdon and Frizington

- The Parish Council expects the developers to include adequate parking for the number of properties and that the sewage facilities and mains water supply will be adequate for the number of properties.

This is a cleared site which has previously been developed for housing purposes - brownfield site. It is an allocated site for residential development in the Local Plan. The site is bound to the north and west by existing residential development with agricultural land to the remaining boundaries. The old estate road is still in evidence on the ground. The land falls away gently from north to south and is surrounded by hedges delineating the field boundaries. The site is accessed from Lingla Bank which currently serves a

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number of existing residential properties.

The site was allocated in the previous Local Plan and is allocated (HA25) under Policy HSG 2 New Housing Allocations for residential development in the Copeland Local Plan 2001-2016. The Local Plan specifies a minimum housing density of 30 dwellings per hectare. The current application is for 54 dwellings at a density of 37 dwellings per hectare, which is within government guidance.

The application is accompanied by a Design and Access Statement, a ground investigation report, drainage details and a flood risk assessment.

The scale of the development has been designed to reflect its surroundings which are 2 storey in nature. The developer has provided a mix of house types to promote a sustainable and mixed community in line with the aims and objectives of both national and local planning policies. The development comprises:-

- 8 x 2 bed terraced houses
- 10 x 3 bed terraced houses
- 16 x 3 bed semi detached houses
- 6 x 3 bed detached houses
- 14 x 4 bed detached houses

The public open space has been placed at the entrance to the site to allow ease of use for both existing and future residents. A further small open space is provided to the rear of the development over a sewer. Parking is provided by garages (14 plots) plus in curtilage driveways and a parking area providing 14 spaces. There is a ratio of just below 2 spaces per dwelling.

The design of the properties has followed that of other similar modern developments in the vicinity. Materials to be used will be largely render with tiled roofs to match adjacent properties.

The boundaries of the site are adjacent to fields and natural species hedge planting will be used to soften the interface between developed and open land. Amenity shrub areas will be planted within private front gardens and hard landscaping will consist of tarmac with setts used in shared surfaces and off street parking areas.

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

- DEV 1 Sustainable Development and Regeneration
- DEV 3 Local Centres
- DEV 6 Sustainability in Design
- HSG 2 New Housing Allocations
- HSG 8 Housing Design Standards
- TSP 6 General Development Requirements
- TSP 8 Parking Requirements
- SVC 1 Connections to Public Sewers

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SVC 4 Land Drainage

The Highway Authority has requested a Stage 1 Road Safety Audit and this has been provided by the developer. A response to this is awaited from the Highway Authority.

United Utilities have no objection in principle, provided the site is drained on a separate system, with only foul drainage being connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. Public sewers cross this site and United Utilities will not permit building over. They require an access strip of no less than 6 metres wide, measuring 3 metres either side of the centre line of the sewers for maintenance or replacement. Alternatively the sewers can be relocated subject to the consent of United Utilities.

The Environment Agency has confirmed that the new development will utilise an existing surface water system which outfalls to Lingla Beck. It is imperative that surface water generated on site during construction works, which are likely to contain suspended solids, is not allowed to discharge into the receiving watercourses.

A detailed drainage scheme has been submitted. A response to this scheme is awaited from the Environmental Health Officer.

Four letters have been received from local residents concerned about parking, water pressure and sewerage capacity. These issues have been referred to United Utilities and the developer. The response from United Utilities is awaited (although they have already responded to the application raising no objections). The developer has commented that they are to install new sewers which will have a beneficial effect on a number of properties in the vicinity as the sewer is being renewed.

The developer has identified two small areas of open space and the layout and future maintenance will be subject to conditions.

It is considered that the development will enhance the area and provide a suitable form of development for this site. The scale of the development and the elevations and materials are considered to be appropriate for the site. The landscaping of the site will be conditioned.

Recommendation

Approve (commence within 3 years)

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

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Local Plan E000019.90.9LP received 4 October 2007

Site layout L000019.90.0SLp (A) - elevations and plans received
12 November 2007

Kelso KEL - PLP, elevations and plans received 4 October 2007

Ascot ASC - PLE, ASC - PLP - elevations and plans received 4
October 2007

Carlisle CRL - PLE, CRL - PLP - elevations and plans received 4
October 2007

Farnham FAR - PLE 1, FAR - PLP - elevations and plans received 4
October 2007

Newbury NEW - PLP - elevations and plans received 4 October 2007

Wordsworth NEW - PLP - elevations and plans received 4 October
2007

Wordsworth v1 WOR - PLE - elevations and plans received 4 October
2007

York Semi YOR - PLE1, YOR-PLE 2, YOR - PLP received 4 October 2007

Terraced blocks TB1 - PLP, TB1 - PLE, TB2 - PPE, TB2 - PLE
received 4 October 2007

Detached single garage details DSG - EPS received 4 October 2007

Drainage Scheme received 15 October 2007

Drainage plan (site layout) 870 - 1 received 4 October 2007

Design & Access Statement received 4 October 2007

3. Notwithstanding the approved drawings, no development shall take place until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development approved by this permission shall be commenced until the access and parking requirements have been constructed, drained and lit in accordance with the approved details. Any such access and parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

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5. No development approved by this permission shall be commenced until full details of the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. The scheme shall seek to incorporate a sustainable drainage system (SuDS) (Building Regulations Approved Document H (DTLR 2002)) as part of the development.
6. The site shall be drained on a separate system with only foul drainage connected into the foul sewer.
7. No development approved by this planning permission shall be commenced until a landscaping scheme has been submitted to and approved in writing and shall include:-
 - (a) details of all boundary treatments, including planting and the exact locations, heights and materials of all fences and/or screen and retaining walls
 - (b) details of materials to be used in hard surfacing
 - (c) planting and details including species, heights, location and spacing
 - (d) a timetable for carrying out the scheme

The approved 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.

8. Before development commences a scheme of landscape maintenance shall be 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.
9. Before development commences agreement on the layout, future maintenance and timing of provision of the open spaces shall be agreed in writing and the approved scheme shall be completed in agreement with the timescale.

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 amenity

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To ensure a minimum standard of construction in the interests of highway safety

To prevent pollution of the water environment

To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal

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

Reason for decision:-

The development accords with the adopted Copeland Local Plan 2001-2016 and completes this brownfield residential development in Frizington

Notes:

The applicant's attention is drawn to the contents of the letter dated 26 October 2007 from United Utilities

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

3 4/07/2640/0

CONVERT BARN INTO 2 DWELLINGS, ERECT DETACHED GARAGE, INSTALL SEPTIC TANK AND OIL STORAGE TANK (REMOVE MODERN BLOCKED WALLED LEAN-TOS) SPUNHAM FARM, THE HILL, MILLOM, CUMBRIA. D L, S L & C J FOX

Parish Millom Without

- Have no objections in principle. However can find no reference in the application as to the proposed layout of gardens and parking places and the Council thinks that the application should be more specific in this respect especially as some buildings are to be demolished. The present application makes no reference to the above matters and gives no indication as to how vehicular access is to be, or orientation of the layout plans is very confusing. It is also felt that consideration should be given to appropriate landscaping conditions and the planting of trees.

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Planning permission is sought to convert a barn into 2 dwellings at Spunham Farm, The Hill, Millom.

The barn is located within the former agricultural unit of Spunham, which is approximately 1 mile from The Hill. The access is the previous farm access, which is a semi bound surface. On the site is the main dwelling, a large modern agricultural building, and the barn that the application relates to.

The modern building is now used for the stabling of the applicant's horses and is located near to the traditional building.

The barn itself is of traditional stone construction, approximately 25 x 7.5 metres in size, but has had two concrete block lean-to extensions added to it a later date. These were necessary for the previous use of the barn as a boarding kennel and cattery. The barn is now redundant since the use became no longer financially viable approximately 5 years ago.

The proposal would firstly see the more modern concrete additions demolished and the barn re-roofed using natural slate. The original openings of the barn will be used where possible, with some additional openings.

The barn itself would be split into two dwellings, one a smaller one bedroomed conversion. From the layout of this, it would appear that this has at some stage been a dwelling, possibly farm workers accommodation. The larger part would provide two bedrooms, bathroom, living room, kitchen/diner and an internal garage.

The applicants have submitted information about their situation with regards to the conversion, which is appended to the report. This states that the additional dwellings are for the applicants as local occupancy accommodation, and that attempted sales of the property and business have proved unsuccessful. No objections have been received to the proposal and a structural survey has been included which confirms the buildings stability.

With regard to the issues raised by the Parish Council I would comment that the two proposed properties have been marked out with a separate and suitably sized curtilage, with it specified on the application form that the boundary fences will be new 1m horizontal board fences. However a condition can be included to further define the access and parking arrangement for the dwellings. Finally as the building is existing, no additional screening on the site is deemed necessary.

The proposal is therefore considered as compliant with Policy HSG 17 of the adopted Copeland Local Plan 2001-2016. However, as the barn is located outside of the settlement boundaries as prescribed in Policy DEV 4 of the adopted Copeland Local Plan 2001-2016, and the

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conversion has a specific case, it would seem appropriate, should Members be minded to approve the application, that any subsequent approval being subject to an agreement under Section 106 of the Town and Country Planning Act 1990 restricting the occupancy of the dwellings.

Recommendation

That subject to the applicants entering into an agreement with the Council under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to restrict future occupancy of the dwellings..

2. No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage to the septic tank has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such septic tank has been constructed and completed in accordance with the approved plans.
3. Notwithstanding the submitted plans, further details of the site layout and parking arrangements shall be submitted to and approved in writing by the Local Planning Authority, before development commences.

Reasons for the above conditions are:-

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

To ensure a satisfactory drainage system.

For the avoidance of doubt.

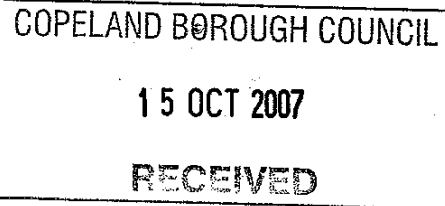
Reason for decision:-

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

4 / 0 7 / 2 6 4 0 / 0 F 1

Spunham Farm,
The Hill,
Millom,
Cumbria.
LA18 5JP
07711888947

Copeland Borough Council,
Development Control,
The Copeland Centre,
Catherine Street,
Whitehaven,
Cumbria.
CA28 7SJ



Dear Sirs,

I write to explain the enclosed planning application. Firstly to answer requirements as explained in the document kindly supplied by Mr S. Blacker for our information.

1. The property was advertised for sale as a whole, following my divorce, in 2001 and 2002 initially with The Halifax and subsequently with Cumbrian Properties. We did not get an offer from either of these and I bought my ex wife out and kept it for my daughters and myself. Copies of these brochures confirming this are attached.
2. The barn is structurally sound and I attach an engineers report supporting this.
3. We intend to retain the essential exterior of the barn with very minimal alterations.
4. We are located close to the villages of The Green and The Hill and all are active members of the local community having lived here for 31 yrs and wish to remain so. I previously was brought up in the next village of Hallthwaites where my mother still lives.
5. Access is more than satisfactory. Water and electricity are already on site

REASONS FOR THE APPLICATION

At the moment 2 generations, namely myself and my daughter (aged 32 yrs), live under the same roof in the existing house. She now needs her own accommodation. She also wishes to remain on site to be able to stay locally as she works in Broughton and is an active member of the local community. She also is involved in competitive show jumping at county and national level and needs the facilities here to be able to continue.

This conversion will provide her with the accommodation she needs and make use of a sound redundant building.

My other daughter is at present employed in Scotland but would like to return to the area sometime in the future. The smaller part of the conversion would give her the accommodation she would require, or as I get older and infirm be suitable for me.

It will also in my opinion improve the look of the building by the removal of the existing breezeblock additions currently in place.

In conclusion I hope you will consider this application favourably. Many thanks for your kind attention.

A handwritten signature in black ink, appearing to read "D.L. Fox".

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4 4/07/2644/0

DETACHED DWELLING
PLOT D, ROWLEE COTTAGE, NETHERTOWN, EGREMONT,
CUMBRIA.
MR A KENMARE

Parish Lowside Quarter

- No objections but would have preferred it to have been affordable housing.

The site was subject to an application in April 2007 for a five bedroom detached house and double garage (4/07/2241/0F1 refers), which was withdrawn. Previously outline consent has been granted on the site for one dwelling in August 2003 (4/03/0851/0 refers).

The proposed site is located centrally in Nethertown and is adjacent to the access road through the village. It is approximately 0.13 hectares in size.

The proposed dwelling is two storey, but with the upper floor in the roof space, with five windows and 5 velux windows to provide light. It is situated to the rear of the plot and is sited so the rear elevation faces to the field and the frontage faces the road and into the village. Externally the dwelling would be finished with a facing brick and render, with grey roof tiles to match other recent dwellings built within the village.

The access to the dwelling would be from a private access off the main road and a double garage, on-site parking and turning space would be provided.

An objection to the proposal has been received from a resident whose dwelling adjoins the site. Their objections can be summarised as follows:-

1. The windows in the roof space would overlook the objector's property
2. A two storey dwelling would be out of keeping with the surrounding properties
3. The siting of the dwelling is not suitable
4. The height of the dwelling would block light to the property

In response to this I would comment that the windows of the dwelling would not directly overlook the neighbouring property, and due to the siting at the rear of the plot, light to the objector's property is better than if the dwelling was sited along the boundary. With regard to the house type, the majority of the recent dwellings in

MAIN AGENDA

Nethertown have been two storey dwellings, there is a mixture of properties within the area and the height of the dwelling is acceptable.

In planning terms the site is now situated outside any settlement boundary defined by the adopted Copeland Local Plan 2001-2016. Accordingly, Policy DEV 6 presumes against allowing new housing development in the countryside unless essential needs grounds are demonstrated or the proposal relates to a replacement dwelling.

The site itself does constitute an infill plot with direct road frontage flanked by housing on one side and an access road to the other, leading to other housing. There is scope in both national and local policy objectives to recognise that sensitive infilling of small gaps within established groups of housing may be acceptable. This site, having previously been given outline consent for a dwelling, being adjacent to an existing dwelling and being central in the village of Nethertown, is judged to be an appropriate site for a dwelling. In order to justify a refusal it has to be demonstrated that the proposal would cause harm.

The proposal adequately achieves the required separation distances, general standards of amenity and car parking as required by Policy HSG 8.

I am, therefore, of the opinion that the erection of a dwelling on this site accords with Policies DEV 6 and HSG 8 and, as such, is favourably recommended.

Recommendation

Approve (commence within 3 years)

2. The application site boundary shall be strictly in accordance with the amended plan received by the Local Planning Authority on 29 October 2007.
3. Access gates, if provided, shall be hung to open inwards only away from the highway.
4. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use.
5. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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Reasons for conditions:-

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

For the avoidance of doubt

In the interests of highway safety

Reason for decision:-

The proposal represents an acceptable form of residential infill development in accordance with Policies DEV 6 and HSG 8 of the adopted Copeland Local Plan 2001-2016

5 4/07/2648/0

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

Parish Whitehaven

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

Proposed opening hours of the takeaway are from 5.00pm until 3.00am on Thursdays, Fridays and Saturdays and Bank Holidays and 1.00am on Sundays, Mondays, Tuesdays and Wednesdays.

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

1. There is already a takeaway at 18 Duke Street which attracts vermin.
2. Sometimes the smell pervades from the existing takeaway at No 18, although not often. Depending on the type of takeaway that is proposed this could greatly increase the likelihood of fumes which will make the beauty salon an undesirable place for people to go and may result in a loss of takings which would result in the number of staff or at worse close the premises.

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3. Another such application for a hot food takeaway was turned down recently due to the fact of there being too many in this area.
4. The beauty salon had to close early on mad Friday due to problems with drunkenness. This would increase even more if there was yet another takeaway.
5. There are enough takeaways in the town.
6. Problems with litter. It is already difficult enough for the Council to deal with refuse.
7. The town is basing its future on the Georgian Theme and this certainly does not support this.

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

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

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

An appropriately designed and sited external litter bin which must be emptied by the operators will be required in association with takeaway food outlets."

At the latest, existing hot food takeaways within the town centre are required to close by 1.30am on Thursdays, Fridays and Saturdays and by 12 midnight on Sundays to Wednesdays inclusive.

The Council, as local Planning Authority, has consistently refused planning applications for town centre hot food takeaways to open beyond 1.30am, and these have been successfully upheld on appeal.

In particular three recent appeals, two of which sought to extend their opening hours until 1.00am on Sundays and 3.00am on Thursdays, Fridays and Saturdays (4/05/2833/0F1 refers) were all dismissed following a public inquiry in November 2007.

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In his summing up the Inspector states that whilst town centre residents could reasonably expect to suffer some noise and disturbance compared to wholly residential locations, they could equally expect some peace and quiet in the early hours of the morning. He goes on to state that while many late night activities may be brought on principally by drink, the lateness of opening of the takeaways is a contributory factor in that it encourages people to stay and eat in the street after they have finished drinking.

In his view, the Inspector concluded that late night opening hours would have the potential to cause harm to the living conditions of those residing locally and to the character of the area, contrary to the intentions of the Local Plan Policy TCN 7.

On balance, whilst it is recognised that Duke Street is predominantly commercial with a number of similar hot food takeaways in the vicinity, no alternative hours of opening have been proposed and, as such, the proposed use is likely to increase late night noise and disturbance harmful to the character and amenity of the area and the living conditions of those residing in the locality.

Recommendation

Refuse

By virtue of the intended opening hours until 3.00am on Thursday, Friday and Saturday nights and 1.00am on all other nights the proposed fast food takeaway would result in an increase in late night noise and disturbance harmful to the character and amenity of the area and, in particular, the living conditions of those residing in the locality, contrary to Policy TCN 7 of the adopted Copeland Local Plan 2001-2016

6 4/07/2657/0

NEW DWELLING
PLOT 2, BLYTHE PLACE GARDENS, SEAMILL LANE,
ST BEES, CUMBRIA.
MR J & MRS S DANIEL

MAIN AGENDA

Parish

St Bees

- No comments received.

Full permission is sought for the erection of a two storey/split level detached dwelling on a steeply sloping site, formerly part of a commercial nursery, within a residential area of the village,

A detailed design and access statement accompanies the application. In brief the accommodation comprises three bedrooms, an integral double garage and bathroom on the ground floor with living room, kitchen/dining/utility and main bedroom on the first floor and a rear balcony/decking area. Steps from this area are proposed leading onto the steep terraced rear garden.

Parking provision is intended on the driveway in front of the garage with vehicular access to it via the existing recently constructed access serving this and the adjacent plots off Seamill Lane.

External materials proposed for this dwelling include a facing brick finish with contrast soldier bands to the walls and a tiled roof with upvc windows and doors.

The planning history relating to this site is relevant. Outline consent for four dwellings on this and three neighbouring plots was granted in 2005, (4/05/2011/001 refers). This was a controversial application locally with local objections raised and at the time Members benefitted from a site visit. They concurred with the view of the officers that the impact of any new dwellings on existing ones was a key issue and supported the imposition of a condition to restrict the height of any subsequent new development. Condition 3 of the outline consent therefore requires that "the dwellings shall all be of single storey construction" which was in response to concerns raised by neighbouring residents to mitigate against the potential adverse impact of any new dwellings in respect of proximity, overlooking and loss of privacy. It is considered that any dwellings, other than single storey, would not be an appropriate form of development in this location because of their likely impact on neighbouring dwellings.

This application seeks "full" permission for a large two storey, split level dwelling on the plot neighbouring the existing dwelling Wyndhowe, as opposed to reserved matters submitted in relation to the existing outline. It is considered that the sheer scale and height of the dwelling, particularly in relation to the neighbouring property would be totally out of character and result in an over dominant and overintensive form of development for the site. According to the submitted drawings the height of the proposed dwelling would be some 4.5 metres higher than "Wyndhowe" next door. Furthermore, as the dwelling is set at a much higher level than the neighbouring dwelling, there is an increased potential for overlooking of private amenity space.

MAIN AGENDA

Although situated within the settlement boundary as designated in the adopted Copeland Local Plan 2001-2016 and on a plot with outline approval for a single storey dwelling, the site is not considered appropriate for a large scale two storey dwelling of this form and nature contrary to Policy DEV 6 of which requires a high standard of design and appropriate scales of density and proportions in new building design.

Recommendation

Refuse

By virtue of its scale and elevated siting the proposed two storey, split level dwelling would constitute an over dominant form of development out of character with the neighbouring property. Furthermore, the height and position of the dwelling would result in the potential for overlooking and resultant loss of privacy for the adjoining property at variance with Policies DEV 6 and HSG 4 of the adopted Copeland Local Plan 2001-2016.

7 4/07/2661/0

CONSERVATION AREA CONSENT FOR DEMOLITION
PEARS HOUSE, HARBOURSIDE, WHITEHAVEN, CUMBRIA.
MAGNUS HOMES LTD.

Parish Whitehaven

The site fronts onto Duke Street and is bounded by Williamson Lane and the Millenium Promenade. The current use of part of the site is offices and the remaining site is vacant, being a former garage and tyre depot and boat repair yard.

This is an application for Conservation Area Consent for demolition and accompanies a full application (4/07/2598/0F1) for redevelopment on this site.

The Highway Authority has responded that the developer should have regard to safe working practice to ensure public safety.

The Whitehaven Heritage Action Group has been consulted but, to date, no response has been received.

Whilst the site lies within the Conservation Area, the buildings are not of any particular architectural or historical interest to warrant their retention and their removal will allow the development of a

MAIN AGENDA

mixed use scheme which will have significant benefits to the regeneration of the harbourside.

Recommendation

Approve Conservation Area Consent (within 3yrs)

2. This permission relates only to the following plans and documents:-

Location plan 07-103-16, scale 1/500 received 22 October 2007

3. Before any demolition works commence on site, a photographic building record of the buildings on site must be made in accordance with a written schedule to be agreed with the Local Planning Authority.

The reasons for the above conditions are:-

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

For the avoidance of doubt

In order to retain a record of historical artefacts on the site

Reason for decision:-

The granting of consent for demolition will allow a development to proceed which will enhance the Conservation Area and provide a lively frontage to the harbour.

8 4/07/2665/0

CONVERT EXISTING BARN TO RESIDENTIAL DWELLING
MILL FARM (LOWER BARN), THE GREEN, MILLOM,
CUMBRIA.
MR K CASE

MAIN AGENDA

Parish Millom Without

- No objections.

Planning permission is sought for the conversion of a barn to a dwelling at Mill Farm, The Green, Millom. A previous application for the same proposal was withdrawn by the applicants in December 2006 (4/05/2757/0 refers).

The barn is located within the main village area of The Green and is near to the main access road, the A5093. It forms part of a group of traditional farm buildings of a now redundant farm unit. Other buildings nearby include two residences and a micro brewery.

This application would see the barn converted into three bedroom accommodation over two floors. External walls would be rendered and stoned faced with a slate roof, as per the existing barn. Timber sliding sash windows are proposed to be used, with existing openings utilised where possible.

Previous concerns in the withdrawn application have now been addressed with the submission of a structural survey and a site layout plan showing the necessary on site parking. Also a previous objection from the Environment Agency regarding flood risk has now been resolved with the submission of a Flood Risk Assessment. No objections have been received to this proposal.

In terms of use of the dwelling, the applicant has stated that the dwelling will be used for holiday accommodation rather than as a permanent residence.

Policy HSG 17 of the adopted Copeland Local Plan 2001-2016 provides the criteria to be met for proposals of this nature, as there is no settlement boundary in the Local Plan for The Green. It is considered that the proposed use ensures that the application meets the criteria and represents an acceptable re-use of an existing redundant building.

However, as the building is proposed for holiday accommodation only, should Members be minded to approve the application the applicants will be required to enter into a Section 106 Agreement with the Council to restrict the occupancy.

Recommendation

MAIN AGENDA

That subject to the applicants entering into an agreement with the Council under Section 106 of the Town and Country Planning Act 1990 the barn hereby approved to be occupied solely as holiday accommodation only and not as a permanent or principal dwelling before the dwelling hereby approved is brought into use, planning permission is granted subject to the following conditions:-

2. Access gates, if provided, are to be erected to open inwards only away from the highway.
3. New ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway.
4. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate 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.

Reasons for conditions:-

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

In the interests of highway safety

To encourage a satisfactory drainage scheme

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

Reason for decision:-

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

MAIN AGENDA

9 4/07/2676/0

REPLACE EXISTING GARAGE/STORE MONO PITCHED ROOF
WITH PITCHED SLATE ROOF, INSTALLATION OF NEW WALL
& DOORS TO SOUTH ELEVATION
MARRS COTTAGE, LADY HALL, MILLOM, CUMBRIA.
MR AND MRS K WATSON

Parish Millom Without

Planning permission is sought for a pitched roof and new doors to an existing garage/store at Marrs Cottage, Ladyhall, Millom.

The existing building is located centrally in Ladyhall and is on the opposite side of the access road through the village to the parent property. The building is a traditional building with local stone walls and measures 8.2 x 6.1 metres in size. The access to the building is from an access off the main road.

The proposal would see the current south elevation replaced with a new rough case wall, containing two roller shutter garage doors. The existing corrugated sheet roof is also to be replaced with a new pitched roof covered with natural slate.

An objection to the proposal has been received from a resident whose dwelling is situated opposite the building on the north side of the road. Their objection is that the proposed pitched roof to the garage will reduce the light to their dwelling.

In response to this I would comment that while the building is only situated between 5 and 6 metres away from the objector's dwelling, the existing building is visible currently up to a height of 2.4 metres. The pitched roof would increase this up to 4.2 metres high, but at the centre point of the pitch. The loss of light, therefore, would be minimal to the adjacent dwelling.

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

Recommendation

Approve (commence within 3 years)

MAIN AGENDA

10 4/07/2679/0

DEMOLITION OF PROPERTIES AS PART OF A WIDER
REGENERATION PROJECT
WINDERMERE ROAD, CRUMMOCK AVENUE,
WOODHOUSE ROAD, LOWESWATER AVENUE,
GRASMERE AVENUE & FLESWICK AVENUE, WOODHOUSE,
WHITEHAVEN, CUMBRIA.
HOME NORTHWEST

Parish Whitehaven

Full planning permission is sought for the demolition of 56 flats and a former Copeland Homes office building situated within the Woodhouse residential area of Whitehaven. The majority of the flats are in a poor state of repair, many of which have been vandalised and are now boarded up.

At present 31 out of the 56 flats are occupied. Permanent alternative accommodation, as well as loss and disturbance payments, are being made available to existing tenants. Each tenant has been consulted about where they would like to move and have been given priority on those chosen locations.

The proposed demolition works form part of the long term regeneration scheme for the areas of Woodhouse, Kells and Greenbank. On completion of the work it is intended that the area will be seeded in the short term until the regeneration plans for the area are finalised.

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

Policy HSG 13 of the adopted Copeland Local Plan 2001-2016 states that proposals which would result in the loss of existing dwellings will not be permitted unless provision is made for their replacement or unless the proposed housing loss is necessary to achieve other objectives of the local plan.

In my opinion the demolition of these existing flats is considered to represent an acceptable form of development required to facilitate the wider renewal of this area.

Recommendation

Approve (commence within 3 years)

Reason for condition:-

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

MAIN AGENDA

11 4/07/2681/0

PROPOSED DWELLING

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

Parish Egremont

- Are concerned about access and the addition of more traffic onto an already busy trunk road. Due to the applicants appeal being dismissed in August 2007 Egremont Town Council also request that a site visit be carried out so that the planning committee can judge for themselves.

Planning permission is sought for a single dwelling on land adjacent to Summerhill House, Bigrigg.

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

The proposed dwelling would provide 3 bedroomed accommodation split over the ground floor and a first floor in the roof space. There would be 1 dormer window and 10 velux windows to provide light to the upper floor. It has been redesigned from the first application so that the separation distances in Policy HSG 8 of the Copeland Local Plan 2001-2016 have been met. In particular, the separation distance from No. 50 was the greatest concern in the Inspector's decision and this is now over the necessary 12 metres distance.

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

A letter of objection has been received from a resident of Springfield Road who is concerned that the proposed development would restrict access to the rear of his property and cause disruption to the existing tenants.



Appeal Decision

Site visit made on 3 August 2007

by Alison Roland BSc DipTP MRTPI

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

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

☎ 0117 372 6372
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Date: 28 August 2007

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

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

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

Decision

I dismiss the appeal.

Main issue

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

Reasons

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

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

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

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

ALISON ROLAND

INSPECTOR

MAIN AGENDA

Due to the previous history of the site, in order for Members to fully appraise the application before reaching a decision, and in accordance with the request from the Town Council, a site visit is recommended.

Recommendation

Site Visit

12 4/07/2706/0

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

Parish Whitehaven

This is a major application which seeks full planning permission for the erection of 118 dwellings on the former Sekers factory site in Hensingham, Whitehaven. The site area comprises 2.43 hectares and occupies a corner position with a frontage onto both the Main Road at Hensingham and the adjacent Cleator Moor Road. The proposal involves complete demolition of all the existing buildings on the site which make up the redundant fabric factory which closed in March 2005.

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

- 4 x 1 bedroom apartment
- 18 x 1/2 bedroom apartments
- 4 x 2 bedroom houses
- 50 x 3 bedroom houses
- 42 x 4 bedroom houses

Vehicular access to the site would be via the existing access point from Cleator Moor Road which would be upgraded and then takes the form of a loop serving the estate. On-site parking is provided either in the form of individual on-site spaces or by parking courts totalling 222 spaces, which is a ratio of 1.8 spaces per unit. Comments on provision are awaited from the Highway Authority.

MAIN AGENDA

In planning policy terms the site comprises an existing employment site and any proposal for non employment use such as this has to be assessed against Policy EMP 7 of the adopted Copeland Local Plan 2001-2016 which only permits such development if the proposal meets certain criteria and in particular it can be demonstrated that the wider community benefits outweigh the loss of employment land.

As the site is an existing employment site and the proposed residential development of it comprises a non-employment use it represents a departure from the adopted local plan. In view of this and the scale of the development, taking into account that it is a major application, it is recommended that Members take the opportunity to visit the site at this early stage to become familiar with the issues the application raises.

Recommendation

Site Visit

Schedule of Applications - DELEGATED MATTERS

4/07/2591/0	St Bees	ERECTION OF ONE WIND TURBINE HIGH SPINNEY, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR A ALEXANDER
4/07/2677/0	Arlecdon and Frizington	APPLICATION TO FELL 15 BIRCH TREES, 1 ALDER TRE & 1 SYCAMORE TREE PROTECTED BY A TREE PLOTS 54 & 55, RHEDA PARK, FRIZINGTON, CUMBRIA. I ELLIS
4/07/2613/0	Cleator Moor	DETACHED GARAGE 45, HILDEN ROAD, CLEATOR, CUMBRIA. MR L SMITH & MISS R STARKEY
4/07/2621/0	Lamplugh	TWO STOREY EXTENSION TO BUNGALOW MELBREAK, KIRKLAND, FRIZINGTON, CUMBRIA. MR AND MRS A SMITH
4/07/2627/0	Cleator Moor	FRONT PORCH 151, MILL HILL, CLEATOR MOOR, CUMBRIA. MR K GEARING
4/07/2645/0	Arlecdon and Frizington	CONSERVATORY 1, PHEASANTS RISE, ROWRAH, FRIZINGTON, CUMBRIA. MS E RUTHERFORD
4/07/2652/0	Seascale	ERECTION OF PVCU CONSERVATORY 3, GREEN CLOSE, SEASCALE, CUMBRIA. MR AND MRS BRADBURY
4/07/2653/0	St Johns Beckermat	TWO STOREY ALTERATIONS AND EXTENSION 7, THE MILLFIELDS, BECKERMET, CUMBRIA. MR AND MRS G PURDHAM
4/07/2655/0	Arlecdon and Frizington	FIRST FLOOR EXTENSION 19, RHEDA CLOSE, FRIZINGTON, CUMBRIA. A JACKSON
4/07/2656/0	Cleator Moor	TWO STOREY EXTENSION AND REAR CONSERVATORY 17, WEDDICAR GARDENS, CLEATOR MOOR, CUMBRIA. G CARTMELL
4/07/2617/0	Whitehaven	TWO STOREY BUILDING CONTAINING 6 NO. DOMESTIC FLATS LAND ADJACENT TO, 66, RICHMOND HILL ROAD, HENSINGHAM, WHITEHAVEN, CUMBRIA. C & F BUTLER

Schedule of Applications - DELEGATED MATTERS

- 4/07/2634/0 St Johns Beckermat PROPOSED EXTENSION TO THE REAR OF THE SCHOOL TO
EXTEND THE CURRENT RESOURCE AREA, STAFF ROOM &
BECKERMET C of E SCHOOL, BECKERMET, CUMBRIA.
MR S THOMAS

- 4/07/2635/0 Millom EXTENSION TO EXISTING CHURCH (RESUBMISSION)

MILLOM METHODIST CHURCH, QUEEN STREET, MILLOM,
CUMBRIA.
MILLOM METHODIST CHURCH

- 4/07/2642/0 Millom FIRST FLOOR BEDROOM EXTENSION AND ALTERATIONS T
OPENINGS
17, GRAMMERSCROFT, MILLOM, CUMBRIA.
MR D SLEIGH

- 4/07/2639/0 St Bridgets Beckermat RENEWAL OF TEMPORARY PERMISSION FOR A
PREFABRICATED SINGLE STOREY OFFICE BUILDING
SELLAFIELD, SEASCALE, CUMBRIA.
B SNELSON

- 4/07/2670/0 St Bridgets Beckermat RENEWAL OF TEMPORARY PERMISSION FOR A TWO STORE
OFFICE BUILDING
SELLAFIELD, SEASCALE, CUMBRIA.
B SNELSON

Schedule of Applications - DELEGATED MATTERS

4/07/2637/0	St Bees	NEW SITE ENTRANCE OUTRIGGS, OUTRIGG, ST BEES, CUMBRIA. MR M REID
4/07/2651/0	Cleator Moor	ALTERATION TO FORM DDA ACCESS TO COMMUNITY HALL INCLUDING RAMP & NEW WIDER DOOR JUBILEE COMMUNITY HALL, CHURCH STREET, CLEATOR, CUMBRIA. JUBILEE COMMUNITY HALL COMMITTEE
4/07/2654/0	Arlecdon and Frizington	DORMER BUNGALOW LAND ADJACENT TO RALTRI, BARWISE ROW, ARLECDON, FRIZINGTON, CUMBRIA. MR R HUDDART
4/07/2660/0	Whitehaven	LISTED BUILDING CONSENT FOR RENOVATION OF WINDOWS, REPLACEMENT OF DOORS, REPLACEMENT OF 56, CHURCH STREET, WHITEHAVEN, CUMBRIA. MR S P CARNEY
4/07/2662/0	St Bees	APPLICATION TO FELL ONE SYCAMORE TREE & 1 BUDDHLIA TREE WITHIN ST BEES CONSERVATION AREA ST BEES VILLAGE SCHOOL, MAIN STREET, ST BEES, CUMBRIA. MR J WOODA, HEADTEACHER
4/07/2667/0	Whitehaven	NEW WINDOW AND ALTERATIONS TO EXISTING WINDOW T FORM BALCONY DOORS ONTO NEW BALCONY 104, MAIN STREET, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR M WARBRICK
4/07/2669/0	Cleator Moor	REMOVE 3 TREES WITHIN THE CURTILAGE OF A LISTED BUILDING 5, OLD HALL, CLEATOR, CUMBRIA. ANN NDOW
4/07/2618/0	Egremont	CHANGE OF USE FROM RESIDENTIAL TO CLASS A1 SHOP 15, MAIN STREET, EGREMONT, CUMBRIA. MR W ANDERSON
4/07/2624/0	Millom	INSTALLATION OF A 1.8 dia. SATELLITE DISH AT GROUND LEVEL WITHIN THE INTERNAL COMPOUND HM PRISON, NORTH LANE, HAVERIGG, MILLOM, CUMBRI MINISTRY OF JUSTICE
4/07/2631/0	Millom	GARAGE EXTENSION 22, MARKET STREET, MILLOM, CUMBRIA. F CONNAUGHTON