

**PLANNING PANEL**

**17<sup>TH</sup> AUGUST 2005**

**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

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan - adopted June 1997

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

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

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

Department of Transport, Local Government and the Regions Circulars:-

In particular:

22/80	Development Control, Policy and Practice
15/88	Environmental Assessment
15/92	Publicity for Planning Applications
11/95	The Use of Conditions in Planning Permissions

Department of Transport, Local Government and the Regions:-

Planning Policy Guidance Notes

Development Control Policy Notes

Design Bulletins

## STANDARD CONDITIONS

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

### Outline Consent

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

### Reserved Matters Consent

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

### Full Consent

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

OUTLINE APPLICATION FOR TWO DWELLINGS  
LAND ADJACENT TO 1, HOPEPIT COTTAGES,  
CLEATOR MOOR, CUMBRIA.  
M ARMSTRONG

Parish Cleator Moor

This site forms part of a proposed housing allocation in the Copeland Local Plan 2001-2016 2nd Deposit Version at Mill Hill, Cleator Moor (HA 10). In conjunction with the adjacent allocated housing site HA 9 the site has capacity for an estimated 66 dwellings. However, significant work is required to bring the site forward. This includes contamination and land stability studies and general servicing.

The land comprising the current application site is less than 0.1 hectares and is located at the furthest extreme of the proposed housing site allocation HA 10. Access to the site is gained via a long unmade track which currently serves Hope Pit Cottages. Development of this site is not envisaged until the site has been fully serviced with a satisfactory access.

The Council's Interim Housing Policy Statement states that the sites identified in Table HS 4 (now Table HS 6) will not be granted planning permission until the Local Plan has been adopted in its final form. The applicant has been advised to withdraw the application and resubmit after formal adoption but has chosen not to do so.

A single letter has been received from the owners of 3 Hope Pit Cottages who appear to claim a right of ownership over the access track. This is a civil matter which is not material to the determination of the planning application.

#### Recommendation

Refuse

The proposal is considered to be premature in the context of the Copeland Local Plan review and, as such, is contrary to the Council's Interim Housing Policy Statement dated 15 June 2004. Premature development of this site is likely to give rise to a sub-standard form of development in terms of site access and servicing.

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

Parish                      Seascale

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

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

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

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

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

Access to the site is via Croft Head Road which is narrow and has poor visibility at its junction with Gosforth Road. The applicant comments that highway improvements would be feasible as they own land up to the junction of Gosforth Road.

Two letters have been received from residents of Croft Head Road who express the following concerns:-

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

In order to fully appraise the site and, in particular, the highway issues a site visit is recommended.

Recommendation

Site Visit

3 4/04/2592/0

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OUTLINE APPLICATION FOR REDEVELOPMENT OF EXISTING  
HAULAGE DEPOT FOR RESIDENTIAL PURPOSES FOR 10  
DWELLINGS  
ALDBY FARM, CLEATOR MOOR, CUMBRIA.  
ALDBY DEVELOPMENTS LIMITED

Parish Cleator Moor

- No objections.

This application was considered on 9 February 2005 when Members resolved to grant outline planning permission subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure highway improvements at the junction of Aldby Grove and Ennerdale Road.

The applicants have now prepared an improvement scheme to secure the build out of the pavement and kerb edge into Ennerdale Road. This will improve visibility at the junction and provide ease of movement for pedestrians.

However, the applicants agent has suggested that the works could be secured by a "Grampian" condition rather than a Section 106 agreement. In appropriate circumstances Grampian conditions can be an alternative to Section 106 agreements. The conditions are drafted to prevent development commencing without the required works being undertaken.

In this case a Grampian condition is considered simpler and more

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appropriate than a Section 106 agreement. Furthermore, it is likely that the Council would wish to be consistent and impose a similar obligation on the development of adjoining land which is subject to an application for 12 dwellings (4/05/2350/001 refers) and is referred to later on this agenda.

## Recommendation

## Approve in Outline

3. Before development is commenced the proposed highway improvement works at the junction of Aldby Grove and Ennerdale Road as shown on Drawing No. 55651/01.A, received by the Local Planning Authority on 3 August 2005, shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
4. The junction arrangements with Aldby Grove shall be strictly in accordance with the amended plan received by the Local Planning Authority on 28 January 2005.
5. 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.
6. The site shall be drained on a separate system, with only foul drainage connected into the foul sewer.
7. Details of the proposed surface water drainage system, incorporating some form of Sustainable Drainage Scheme, shall be submitted to and approved by the Local Planning Authority before development commences. The approved scheme shall be implemented and become operational before any dwelling is occupied.
8. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross-sections, shall be submitted to the Local Planning Authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the dwellings are occupied.



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The reasons for the above conditions are:-

For the avoidance of doubt.

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

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

In the interests of highway safety.

Reason for decision:-

The proposed development provides an acceptable alternative use for this brownfield site and will result in the removal of an incompatible land use in a predominantly residential area. The proposal complies with Policy HSG 4 of the Copeland Local Plan 2001 - 2016 2nd Deposit Version.

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4 4/04/2725/0

RELOCATION OF BUILDING BUSINESS INCLUDING  
ERECTION OF STORAGE BUILDING AND OFFICE  
PORTACABIN, WIDEN ACCESS TO A595 AND ERECTION OF  
DOMESTIC GARAGE  
WESTON, BECKERMET, CUMBRIA.  
MR B ATKINSON

Parish St Johns Beckermat

- No comments received.

The applicant operates a long established building business which is currently based at a domestic property in Calderbridge. These premises will shortly be no longer available for the applicant's use. The business has previously suffered incidents of theft and the applicant has sought alternative premises with on-site residential accommodation.

In order to satisfy his requirements the applicant has recently purchased this site located adjacent to the A595 near Oaklands, Beckermat. The property comprises a modest 1930's style bungalow and 1.75 acres of land. A significant part of the site is wooded and subject to a Tree Preservation Order.

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The proposal involves improving the existing sub-standard access onto the A595; erection of an 18m x 10m storage shed and siting a portacabin to serve as an office. An 8m x 6m domestic garage is also proposed. The proposed storage shed is 4.7m high with painted rendered walls and a grey tiled roof.

A letter explaining the scale and nature of the proposed business use is annexed to this report. The business currently employs six tradesmen and two office staff.

In order to accommodate the development it will be necessary to remove some poor quality evergreen trees and self-seeded saplings. It is recommended that any grant of planning permission should be subject to a replanting scheme.

In November 2004 the Highways Agency advised that the achievable visibility at the proposed junction with the A595 was 166m x 4.5m. This is insufficient for a road with a 60mph speed limit. The Highways Agency subsequently issued a direction preventing the Council from granting planning permission until resolution of the matter or expiry of six months.

However, the Highways Agency invited the applicant to submit an application for a "Departure from Standard". The applicant has followed this procedure but, to date, the Highways Agency have not issued a decision. Whilst the Council is now free to issue a planning permission it is considered prudent to wait until full advice has been provided by the Highways Agency.

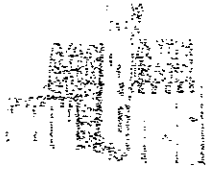
With the exception of the Highways Agency no adverse comments have been received in response to statutory consultation and publicity procedures. The proposal is considered to represent an appropriate form of development which should help support an established rural business. It is recommended that delegated authority be given to the Development Services Manager to issue a planning permission subject to no adverse comment from the Highways Agency.

## Recommendation

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That the Council's Development Services Manager be given delegated authority to issued a grant of planning permission subject to no adverse comments being received from the Highways Agency and subject to the following conditions:-

2. Before development is commenced the new access, turning and parking arrangements shall be completed and made operational.



# Castle Surveyors

Building Design Consultants  
Building Surveyors

Principal: A. D. Allison

BARNCROFT  
16 HIGH SEATON  
WORKINGTON  
CUMBRIA CA14 1PB

Tel / Fax 01900 603850

4/04/2725/OF1  
*Additional*

Your ref: NTS/SC/4/04/2745/OF1

Our ref: A4/1496/ADA

Date: 2<sup>nd</sup> November 2004

Mr. M. Sandelands,  
Copeland Borough Council,  
Planning Department,  
Catherine Street,  
WHITEHAVEN,  
Cumbria CA28 7NY.

**ADDITIONAL PLAN**

COPELAND BOROUGH COUNCIL  
- 5 NOV 2004  
RECEIVED

Dear Mr. Sandelands,

**RE: RELOCATION OF BUILDING BUSINESS AT WESTON, BECKERMET -  
MR. B. ATKINSON.**

With reference to your letter dated 26<sup>th</sup> October and enclosing a copy of the Highways Agency letter 20<sup>th</sup> October I am pleased to provide the additional information requested.

The new buildings as shown on our drawing No. A4-1496-01 comprise Building A proposed shed, Building B proposed office and Building C proposed domestic garage.

Our drawing A4-1496-03 is enclosed which shows floor plan and elevations of Building A and Building C. The proposed office Building B is in fact a Portakabin which is being used presently as an office at Mr. Atkinson's H. Q. in Calderbridge. The overall dimensions of the Portakabin are 6m. long x 4m. wide x 3m. high from ground level. A photograph of this building is enclosed which shows the front elevation.

A further drawing A4-1496-04 is also enclosed to show the drives, access ways and hard standings within the site as requested.

Over the past three months Mr. Atkinson's premises which are situated on the main street (A595) in Calderbridge immediately behind his grandfather's bungalow has been broken into on two separate

cont/d

occasions. Vehicles have been stolen and also major items of plant and equipment removed. It is not possible to make these premises secure despite security lighting having been installed. The access to these premises is also the access to the bungalow previously referred to and therefore is out of the control of Mr. Brian Atkinson.

Mr. Atkinson has requested the Police to confirm by letter the details of the two burglaries. This information will be forwarded as soon as possible.

Whilst these premises are long established by three generations of the family the space is most limited and there is no room to erect secure sheds or garaging.

When the property Weston came on the market Mr. Atkinson decided to go ahead with the purchase of the property as this offered the additional space required to relocate his business and provide overnight garaging for his vehicles and some items of plant and equipment, subject to planning permission.

It is not intended that building materials will be stored in the shed or garage. Materials are always delivered to the site where they are being used.

I now refer to the Highways Agency letter dated 20<sup>th</sup> October and respond as follows:

1. The daily number of vehicle movements into and out of the site will be office staff - 1 number in and out, customers - spasmodic, say 1 per week, visitors - 1 per day in and out and workmen - 4 number in at 8.00 am. and 4 out at 4.30 pm.
2. The estimated traffic movements generated by this site will be as above, which is generally the same as current usage to and from the Calderbridge site which again is another part of the A595 road.
3. Currently the bungalow is occupied by a minimum of two people and more at weekends. Mr. Atkinson and his partner will of course occupy the bungalow providing planning permission is granted. Mr. Atkinson and his partner live at No. 1 Brookside in a terraced property in the village of Beckermat.
4. The anticipated peak periods of activity will be at 8.00 am and 4.30 pm when his workmen arrive in their cars and return in the transport vehicles at 4.30 pm. Otherwise there will be little activity other than Mr. Atkinson and his partner and 1 part time office person.
5. The proposed hours of operation are 8.00 am in the morning to 4.30 pm in the afternoon.

6. We are unable to provide a 5 year accident record for this point on the A595 but the proposed improvements to the access which forms part of the application will surely ensure greatly improved visibility and less likelihood of accidents happening.

I will be pleased to supply any further information you may require and hope you can support the application and allow this long established business to continue.

Yours sincerely,



A. D. Allison.

Encl.



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3. No development shall commence until full details of proposed tree planting have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details.
4. If within a period of two years from the date of planting any tree, or any other tree planted in replacement for it, is removed, uprooted or destroyed or dies another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives written consent to any variation.
5. There shall be no delivery of materials to the site.

Reasons for the above conditions:-

In the interests of highway safety.

To safeguard the amenities of the locality.

Reason for decision:-

An appropriate form of development to serve this established rural business compliant with Policy RUR 1 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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5 4/05/2058/0

OUTLINE APPLICATION FOR FOUR DWELLINGS  
LAND ADJOINING, MARKHAM HOUSE, ROWRAH ROAD,  
ROWRAH, CUMBRIA.  
MR M GRAVES

Parish Lamplugh

- Lamplugh - No objections.

- Arlecdon/Frizington - Object - Land outside development boundary.

Outline planning permission is sought for four dwellings on a site which lies adjacent to the applicant's house and forms part of an existing garden.

The proposed site layout involves creating a new access onto Rowrah Road with the four dwellings being served from the new access road. It is proposed that three of the dwellings would front onto Rowrah

MAIN AGENDA

Road, while the fourth would be to the rear of the site.

Three letters of objection have been received from adjacent residents. The grounds for objection are summarised below:-

1. The creation of an additional access would increase the hazard to road users on an already busy road.
2. The proposed access road runs to the rear of existing dwellings which will increase the level of noise.
3. Trees would have to be removed to enable the site to be developed.
4. There are more suitable sites within Rowrah. The redevelopment of the garden would alter the current rural aspect.
5. The site should be for a single dwelling only and preferably single storey.
6. The proposal would increase on-street parking along Rowrah Road.

This site lies within the settlement boundary for Rowrah defined in the Copeland Local Plan 2001-2016 2nd Deposit Version. The site layout complies with the Interim Housing Policy Statement and the spacing distances set out in the Local Plan. The position of the access has moved to a more central location away from the existing dwellings that back onto the site. It is therefore considered that this is an acceptable site for housing.

Recommendation

Approve in Outline

3. The site shall be drained on a separate system, with only foul drainage connected into the foul sewer.
4. Permission in respect of site layout shall relate solely to the amended plan received by the Local Planning Authority on 21 March 2005.



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- 5. The development shall not commence until visibility splays providing clear visibility of 90m x 4.5m x 90m 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 County Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
- 6. Full details of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

The reasons for the above conditions are:-

For the avoidance of doubt.

In the interests of highway safety.

To ensure a satisfactory drainage system.

Reason for decision:-

An acceptable small scale housing development in the form of infilling compliant with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

6 4/05/2253/0

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH NEW ACCESS  
FIELD NO. SD 1780, 3392 AND 1085, SALTHOUSE FARM, MILLOM, CUMBRIA.  
BRIARWOOD HOMES LTD.

*Clare Gavel & McMichael  
date of reg. in Feb  
become appeal  
into Local Pl.  
& C.P. rules*



26 April 2005

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

4 Munroe Avenue

**MILLOM**

**Cumbria**

CBC  
Development & Environment  
Business Unit

RECEIVED

29 APR 2005

B. Control

Dev. Control

EH (c)

EH (d)

**For the attention of Mr Michael Sandelands**

Dear Sir

**Re: Outline Application for residential development with new access  
Field No SD1780, 3392 and 1085, Salthouse Farm, Millom  
Grid Reference: 34 17309 80817  
Planning Reference: 4/05/2253/0\*001\*4**

I/we wish to object to the above referred application for the following reasons.

I/we strongly refute the applicants suggestion that there is "no flooding" to the site. This statement by Messrs Wolstenholme was made after only one visit to the site and therefore cannot be counted as a fair appraisal. There have been frequent occurrences of flooding over the last 40-50 years as any other long term resident of the area would verify. When objections were made against the first application 12 months ago much photographic evidence was produced showing extensive flooding in January/February 2004, facts than cannot be refuted. High levels of water within Salthouse Pool have occurred regularly since then.

Members of the Planning Panel are therefore urged to listen to local and reliable observations over many years which confirm the frequency with which higher levels of water within Salthouse Pool may have occurred. The current owner of Salthouse Farm cannot deny that the garden of his house which is adjacent to Salthouse Pool has flooded many times and is already being progressively eroded. The previous owner, Mrs Park, has also commented that flooding regularly occurred during the 1940's and 50's during their residence.

Wolstenholmes seem to be suggesting that the application site attracts no greater risk of flooding than other areas within the same flood plain of Millom. This cannot be true, one reason being since other sites are not bisected by a tidal stream with its source in the surrounding hills. This ~~oneous~~ risk was identified in the Flood Risk Assessment produced by Messrs Owen Williams at the time of the first refusal. We would be interested to view the applicant's Flood Risk Assessment – in particular if there is any reference in detail as to how they intend to protect the site and adjacent properties should approval be granted.

With regard to the new access, there seems to be very little difference between the revised "sketch" plan and the original. Nothing has changed which would significantly reduce the potential danger. A vehicle approaching Millom could still be legally travelling at 60mph within 10 metres of the centre line of the new access. The applicant would indicate that a speed survey sufficient to satisfy the Highways Authority has still not been prepared. As a local resident using Salthouse Road every day I would suggest that few vehicles enter Millom at the 30 mph boundary at less than 40-50mph. Until there is research in depth regarding traffic and speed then no permission should be granted for access to the site from Salthouse Road.

The applicant also refers to Greenfield and Brownfield sites with respect to the Local Plan for Copeland i.e. 1<sup>st</sup> and 2<sup>nd</sup> drafts. The latter (2<sup>nd</sup>) draft has excluded Salthouse Road from development for very justifiable reasons. The applicant attempts to be technical in his reference to "zoning". I/we would ask the Planning Panel and officers to consider Millom as a "whole". If the application went ahead then the likelihood of improving "existing eyesores" on previous industrial sites would surely be made more remote. This we believe contravenes current Government Policy on Housing Development. There are areas in Millom which have been for long enough crying out for re-development e.g. former industrial land and Devonshire Road which we note has now been included in the 2<sup>nd</sup> deposit of the Local Plan. Many people in Millom are aware of this and other sites whose improvement would be detrimentally affected by development of a Greenfield site so large as Salthouse Road.

Approval for Housing Development such as Salthouse Road would be likely to postpone such transformation of Millom for many more decades to come.

The applicant makes brief mention of the possibility of an Archaeological Report, but no mention at all of wildlife and potential pressure on protected species, e.g. water voles, otters and bats, the existence of which gives rise to further reasons for refusal.

In summary we believe that there are justifiable reasons why this current and future applications for Salthouse Road need to be refused.

Yours faithfully

.....*K. Atkinson*.....

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Parish

Millom

- Note that the site has been deleted from the Copeland Local Plan 2001-2016 2nd Deposit Version and have deferred making a decision until the Copeland Local Plan 2001-2016 has been formally adopted.

In April 2004 the Council refused a previous application for outline planning permission for residential development on this site (4/03/15550 refers). The reasons for refusal were as follows:-

1. By virtue of its size, location and characteristics, approval of housing development on this greenfield site is considered premature insofar as it would be prejudicial to the ongoing review of the Copeland Local Plan.
2. In the absence of a justifiable need housing development on this greenfield site would be contrary to the advice provided in Planning Policy Guidance Note 3 "Housing" given the current supply and choice of land with planning permission in the locality.
3. The site is located in a high flood risk zone and in the absence of a flood risk assessment appropriate to the scale and nature of the development as recommended by Planning Policy Guidance Note 25 "development and Flood Risk" the development is likely to be at risk of flooding and increase the risk of flooding elsewhere, contrary to Policy ENV 16 of the adopted Copeland Local Plan 2001-2016 2nd Deposit Version.
4. In the absence of an appropriate traffic speed survey the highway safety implications of the proposed development and, in particular, its junction onto the A5093 cannot be assessed, contrary to Policy HSG 10 of the adopted Copeland Local Plan 2001.

The applicants have now chosen to exercise their right to resubmit. The revised application is supported by the following documents:-

1. A Transport Assessment.
2. A Flood Risk Assessment.
3. Submissions made by the applicant to the Copeland Local Plan Review supporting the allocation of the site.
4. A site layout indicating the general arrangement of roads and dwellings. The front of the site is shown undeveloped and includes a flood water retention pond, childrens' play area and landscaping.

TRANSPORT ASSESSMENT

The Transport Assessment has been appraised by the Highway Authority.

## MAIN AGENDA

A number of relatively minor issues remain outstanding. In the event that the Council was minded to grant planning permission these matters could be dealt with either by condition or at the reserved matters stage.

## FLOOD RISK ASSESSMENT

The Flood Risk Assessment proposes six methods to minimise flood risk:-

1. Constructing the entrance road in the form of an embankment access.
2. Construction of embankment works west of the river.
3. Provision of an integrated wet meadow (retention pond).
4. Limited increase in ground levels within the development zone.
5. Provision of raised floor levels outwith proposed ground levels to a new minimum level of 7.61 metres A.O.D.
6. Placement of housing away from the river as far as practicably possible.

The current position of the Environment Agency is that whilst the Flood Risk Assessment goes a significant way towards addressing flood risk concerns it is not sufficiently detailed. It is likely that specific methods of design would be required.

## DEVELOPMENT PLAN

The site was allocated for housing development in the Copeland Local Plan 2001. However, planning permission was not granted within the lifetime of the plan. A larger allocation (6.1 hectares) was included in the First Deposit Version of the Copeland Local Plan 2001-2016. Subsequently, the site has been completely deleted from the Copeland Local Plan 2001-2016 2nd Deposit Version. The site lies outside the settlement boundary for Millom as defined in the Second Deposit Version.

Also, on 15 June 2004, the Council adopted the Interim Housing Policy Statement to all applications for housing development up to the formal adoption of the Copeland Local Plan 2001-2016. This is a greenfield site of more than 5 dwellings outside the prescribed boundary of any settlement. Therefore the proposal is considered to be contrary to the Interim Housing Policy and the emerging Copeland Local Plan.

The Council's Principal Planning Officer (Local Plans) comments that the site has been withdrawn from the Local Plan as an allocated housing site. A report to the Local Plan Working Group sets out the reasons for this decision. All the documents and reports referred to

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in this item are available for inspection in the Development Control office.

Given the objections received the site will be an issue to be dealt with at the Local Plan Inquiry in September along with alternative options for new build in the town. Any consent granted at this stage would be prejudicial to the Inquiry process and the rights of all parties involved.

THIRD PARTY REPRESENTATIVES

51 letters of objection have been received against the proposal. A significant number of the objectors have used a "pro-forma" letter. A copy of the letter is annexed to this report. In addition photographs have been provided evidencing flooding on the site. A planning consultant acting on behalf of an individual objector makes the following comments:-

1. The site has been de-allocated for housing purposes in the Copeland Local Plan 2nd Deposit Version. As such, there is no intention on the part of the Local Planning Authority to see housing development on this land and thus a refusal is warranted at this time.
2. The Council's Housing Policy Statement is relevant to the proposal. Even if the site remained allocated the Policy states that the site identified in the table HS 6 will not be granted planning permission until the Copeland Local Plan 2001-2016 has been adopted in its final form. This avoids conflict with Para 47 of PPG 1 which seeks to avoid prematurity. Again, a refusal of planning permission is warranted on these grounds.
3. Housing need and allocations should be debated in the context of the Local Plan review process.

It should be noted that PPG 1 has recently been cancelled and reissued as PPS 1. A companion document to PPS 1 states that in some circumstances it may be appropriate to refuse planning permission on the grounds of prematurity. This applies where a Development Plan is under review and the proposed development is substantial. It is considered that this proposal is substantial in terms of the Borough as a whole. A grant of planning permission would clearly prejudice the Local Plan review process.

A letter and a petition in support of the proposal have been received. The letter can be summarised as follows:-

1. The development would visually enhance the approach to the town of Millom.
2. All of Millom falls at the same level of flood risk and this is one of the higher areas. All alternative sites including

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brownfield options are at the same or lower levels.

3. There is no problem with highway visibility and will reduce traffic in the town centre.

It should be noted that the Environment Agency's flood risk maps show differing levels of flood risk in the Millom area. It is incorrect to state that all other options are at the same or lower level. It is considered that the only reliable method of assessing flood risk is by means of a Flood Risk Assessment.

There is sufficient land with planning permission in the Parish of Millom to allow development to continue at current rates (and above) up to the adoption of the Copeland Local Plan 2001-2016. It is anticipated that the Local Plan will be adopted in the first half of 2006. The majority of extant planning permissions relate to brownfield sites. This is consistent with PPG 3 and is contributing positively to the regeneration of the town. In the light of current and emerging planning policy a grant of planning permission cannot be justified.

Recommendation

Refuse

1. This greenfield site is located outside the settlement boundaries defined by Policy DEV 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version. In the absence of exceptional circumstances the proposal is considered to represent non-essential development in the countryside contrary to Policy DEV 6 of the Copeland Local Plan 2001-2016 2nd Deposit Version and the Council's Interim Housing Policy Statement of June 2004.
  2. By virtue of its size, location and characteristics, approval of housing development on this greenfield site is considered premature insofar as it would be prejudicial to the ongoing review of the Copeland Local Plan.
  3. In the absence of a justifiable need housing development on this greenfield site would be contrary to the advice provided in Planning Policy Guidance Note 3 "Housing" given the current supply and choice of land with planning permission in the locality.
-



MAIN AGENDA

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7 4/05/2319/0

OUTLINE APPLICATION FOR DWELLING FOR LOCAL NEED  
LAND ADJACENT TO, ELLERLEIGH, ASHLEIGH FARM,  
MIDDLETOWN, EGREMONT, CUMBRIA.  
MR & MRS L HINDE

Parish                      Lowside Quarter

- Fully support this application. The Parish Council is aware of the local need for this dwelling which will enhance the approach to the village and will give opportunity for this section of road to be widened.

Members site visited this property on the 4 August 2005.

This application seeks consent to erect a single dwelling on this site adjacent to Ashleigh Farm, Middletown. Middletown is not a classified settlement in the Copeland Local Plan 2001-2016 2nd Deposit Version. Accordingly, a presumption against new housing development exists. The application is supported as a form of affordable rural housing under Policy HSG 11 of the Local Plan. A supporting letter is annexed to this report.

The application site is located adjacent to an existing agricultural workers bungalow which serves Ashleigh farm. Planning permission for this bungalow was granted in January 2002 (4/01/0866/0 refers) and is occupied by members of the current applicants family.

The site is located within an area of County Landscape Importance. Policy ENV 6 of the Copeland Local Plan 2001-2016 2nd Deposit Version seeks to protect these areas from inappropriate change. However, the site is adjacent to existing development and careful siting and design should minimise the visual impact of the proposed development.

The local need case submitted by the applicants clearly has substantial local support from the Parish Council. It should be noted that a Section 106 agreement consistent with Policy HSG 11 would require the dwelling to meet local needs in perpetuity. On balance, the local need case is considered to be justified.

From the site visit it was evident that a significant highway safety benefit could be secured by modifying the site frontage. Removal of a section of hedge banking would significantly improve forward visibility and the road alignment. It is recommended that these works should be secured as part of the planning permission.

Recommendation

MAIN AGENDA  
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- subject to the applicants entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to restrict occupancy of the dwelling to local persons as defined in the 2nd Deposit Version of the Copeland Local Plan 2001-2016 and subject to the following conditions:-

3. Before development is commenced a scheme of highways improvements adjoining the front boundary of the site, including the removal of hedge banks, road widening and surfacing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out strictly in accordance with the approved details before the dwelling is occupied.
4. Any submission for the approval of reserved matters shall be accompanied by cross-sectional drawings showing the proposed development in relation to existing ground levels of neighbouring development.
5. Before development is commenced details of a replacement hedgerow to be planted to the rear of the highway visibility splay shall be submitted to and approved in writing by the Local Planning Authority.
6. The replacement hedgerow shall be planted in accordance with the approved details in the first planting season after the dwelling is occupied. If within a period of two years from the date of planting any tree, plant or shrub is removed, uprooted or destroyed or dies another tree, plant or shrub of the same species and size shall be planted in the same place, unless the Local Planning Authority gives its written consent for any variation.
7. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

Reason for above conditions:-

In the interest of highway safety.

To enhance the appearance of the development in the interests of amenity.

To safeguard the amenities of the locality.

To prevent pollution of the water environment.

9 Finkle Street  
Carlisle  
Cumbria CA3 8UU

Tel: (01228) 538886  
Fax: (01228) 810362  
Email: planners@taylorandhardy.co.uk

Taylor & Hardy Limited. Registered in England No. 3977505  
Registered Office: 9 Finkle Street, Carlisle, Cumbria CA3 8UU

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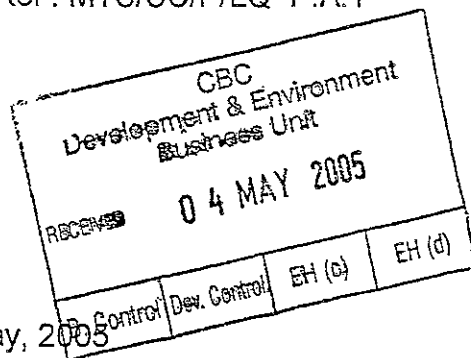
4705 / 2319 / 001

Chartered Town Planners

Our Ref : MEH/J/C01/082

Your Ref : MTS/SC/P/LQ P.A.1

Mr. Michael Sandelands,  
Development & Environment,  
Copeland Borough Council,  
The Copeland Centre,  
Catherine Street,  
WHITEHAVEN,  
Cumbria.  
CA28 7SJ



Dear Michael,

**OUTLINE PLANNING APPLICATION**  
**PROPOSED ERECTION OF A 'LOCAL NEED' DWELLING**  
**ON LAND ADJACENT ELLERLEIGH, ASHLEIGH FARM,**  
**MIDDLETOWN, EGREMONT**  
**FOR MR. & MRS. L. HINDE**

Following our recent correspondence please find enclosed an outline planning application which seeks consent for a single 'local need' dwelling for my Clients, Mr. and Mrs. L. Hinde.

The application comprises the required forms, and site location plan, together with a cheque for the application fee.

As we discussed, as Middletown is identified at a Restricted Growth Village in the Copeland Local Plan, adopted June 1997, the enclosed application is put forward for local need under Policy HSG23.

As you will be aware, paragraph 5.8.8 sets the context to the Policy and states that:

*"... At the same time there are some people in the rural communities who can afford to build a home for themselves but are not able to afford land prices associated with general needs' housing areas which fall within the allowances of Policies HSG1-4. Equally some people may find that the supply of housing land in their village has become exhausted before they are in a position to build. Where genuine local ties exist and where there is a genuine difficulty in finding a suitable site in the home village, the Council may be prepared to make a further exception to Policy HSG5."*

Policy HSG23 states that:

*"As an exception to the requirements of Policy HSG5 the Council may grant planning permission for individual dwellings to meet the needs of local people. This policy will apply to Limited and Restricted Growth Villages and to be acceptable proposals must: ..."*

satisfy the 4 stated criteria.

It is noted that in the 2<sup>nd</sup> Deposit Version of the Copeland Local Plan 2001-2006 the policy framework set out by Policy HSG23 is reiterated in Policy HSG11.

As the Roll Forward of the Copeland Local Plan has not yet progressed to the Public Inquiry stage, it is Policy HSG23 which is used as a basis to assess the proposal which accompanies this letter. In respect of the 4 stated criteria to Policy HSG23 it is advised that:

**Criterion 1 - "be on sites immediately adjoining the village and well related to its physical form."**

The site subject of the enclosed application is on a site which is considered to be '*immediately adjoining*' and '*well related to ... the ... physical form*' of Middletown.

**Criterion 2 - "be supported by evidence to show that the applicant has genuine local ties to the village and has genuine difficulty in finding an otherwise acceptable site within the terms of Policies HSG1-4."**

i. Local Ties

Mrs. Hinde, the applicant, was born and raised at Ashleigh Farm and lived there until her marriage.

The dwelling at the Farm is occupied by Mrs. Hinde's Mother, Mrs. D.J. Graham who is 76 years old, and in the last 2/3 years has had two hip replacements. The Graham Family has farmed Ashleigh Farm for over 100 years and Mrs. Graham has resided in the property for some 47 years.

Ashleigh Farm extends to 124 acres. Potatoes and vegetables are grown as well as hay and barley. Sheep and cattle are wintered. The Graham family also have milk and potato/vegetable rounds which are based at the farm where the produce is stored and the delivery vehicles are parked. There is also a farm shop.

COPELAND BOROUGH COUNCIL

04 MAY 2005

RECORDED

Mrs. Hinde and members of her family travel to the farm daily to assist with cleaning, domestic duties and the farm shop which is effectively open between 8.00 a.m.-10.00 p.m. 7 days a week;

Mr. Hinde also has strong ties to the farm and locality. Whilst he is presently employed by BNFL at Calder Hall Power Station it is expected that his employment will cease in 2007 as 5,000/8,000 jobs are to go.

Mr. Hinde is a qualified heavy/light plant fitter and currently spends all his spare time either at Ashleigh Farm or other holdings in the near vicinity. The work he undertakes includes looking after equipment and vehicles, baling hay and straw, preparing land for the planting of crops, welding, etc. It is this aspect of his work that will become his full time work and an element of farm diversification for Ashleigh Farm once his Work at Calder Hall has come to an end.

Mr. and Mrs. L. Hinde clearly have genuine and extremely strong local and family ties to Middletown. The dwelling which is proposed is to provide accommodation so they can be close to their family whom they support and assist to a high degree.

ii. Genuine difficulty in finding an acceptable site within Policy HSG1-4

Mr. and Mrs. Hinde have been looking to move back to Middletown for some years but have not found either a suitable site or a house to buy which is within their price range. In addition, properties are infrequently on the market and the existing house at Ashleigh Farm is not large enough or suitable for two separate households.

The applicants have had and are having genuine difficulty in finding an otherwise acceptable site.

**Criterion 3 - "comply with the requirements of Policy HSG4."**

The enclosed application is submitted in outline and at this stage no details of the precise dwelling to be erected are available. It is, however, envisaged that the dwelling will be a single storey dwelling.

In respect of the requirements of Policy HSG4 it is noted that:

- the single dwelling would be in conformity with the established pattern of density in the surrounding development (Criterion 1).
- whilst the precise siting, design and materials of the proposed dwelling have not yet been prepared, these details would be agreed with the Local Planning Authority and with COUNCIL

04 MAY 2005

TAYLOR & HARDY

reflect the character and style of surrounding development (Criterion 2);

- access to the site will be via a new vehicular access from the highway and will provide for:
  1. the hedgerows to be set back to provide visibility splays of 70m x 2.0m x 70m;
  2. an access gate, which will open inwards only, set back at least 4.5m from the carriageway edge;
  3. an on site car turning area plus parking and garaging;
  4. a surfaced driveway and access area; and
  5. measures which will ensure that there is no surface water flows from the driveway onto the public highway. (Criterion 3).

Due to the nature and location of the site it is considered that the proposal will not conflict with Criterion 4 as the proposal will not harm any aspect of intrinsic significance to the locality (Criterion 4).

With appropriate siting the proposed dwelling will not result in problems of noise, security, privacy or overlooking for either existing or future residents (Criterion 5).

Whilst setting out all the above, with reference to the plan which is attached, it is noted that there is an existing water main which crosses the site. Mr. and Mrs. Hinde have discussed this aspect with United Utilities and an agreement has been reached for this to be re-routed.

No problems are envisaged with drainage and underground services. (Criterion 6).

**Criterion 4 - "be the subject of a legal agreement under s.106 of the Town and Country Planning Act 1990 which requires occupation of the dwelling solely by the applicant and his/her dependants for a five year period from completion or by another household which conforms to the requirements of Criteria 2 above."**

The applicants recognise and accept that approval of the enclosed application will be subject of a legal agreement which will relate to the above.

COPELAND BOROUGH COUNCIL

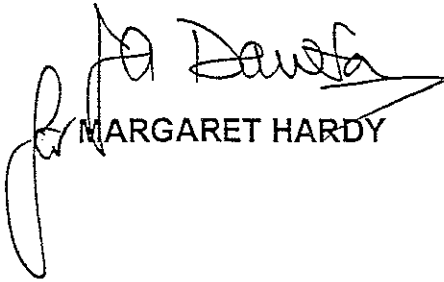
04 MAY 2005

24  
TAYLOR & HARDY

RECEIVED

In view of all the above and enclosed I trust you find my Clients' application to be clear and acceptable. If, however, you have any queries or concerns or require any further details at all then please do contact me.

Yours sincerely,

  
MARGARET HARDY

COPELAND BOROUGH COUNCIL  
04 MAY 2005  
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MAIN AGENDA

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Reason for decision:-

An acceptable proposal to erect a single dwelling to meet local housing needs compliant with Policy HSG 11 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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8 4/05/2325/0

ERECTION OF DETACHED BUNGALOW  
SITE ADJACENT TO, 28, LOOP ROAD SOUTH,  
WHITEHAVEN, CUMBRIA.  
MR & MRS N WINTERTON

Parish Whitehaven

A decision on this application was deferred at the last meeting pending further information. Site levels have now been taken by a firm of consulting engineers and a cross-sectional drawing provided which shows the height of the proposed development in relation to neighbouring properties.

In January 2005 outline planning permission was granted to erect a single dwelling on this site (4/05/2529/0 refers). Prior to determining the outline application the Planning Panel carried out a site visit. Condition 3 of the outline planning permission restricted development to single storey living accommodation. However, the applicants have opted to submit this full application rather than making a submission of reserved matters.

The proposed dwelling would occupy the large area of garden land between 27 and 28 Loop Road South. The proposed dwelling is designed with a garage, utility room and study at ground floor level. In order to accommodate this two storey element it is proposed to excavate the site and build a 1.8 metre high retaining wall. The remaining proposed accommodation (effectively a 3 bedroomed bungalow) will be approximately half above the garage and half at existing ground level.

The proposed roof is of a hipped design with grey concrete tiles and stone ridges. Externally, it is proposed to finish the ground floor section in facing brick with a dry dash render above.

The application shows the proposed excavation of the site and the proposal in relation to existing development on Headlands Drive. The proposed site layout shows a drive and turning area and a new drive to serve 28 Loop Road South.

A letter of objection has been received on behalf of the owners of 27 Loop Road South. The objections can be summarised as follows:-

- (a) The proposed dwelling has living accommodation on two floors. The outline granted was for a bungalow with a garage below.
- (b) The result of having living accommodation below is that the roof level is increased (in order to achieve ceiling heights) to the detriment of the objectors.
- (c) The scale of the proposal is excessive having regard to the small bungalow to the south.
- (d) There are discrepancies between the elevations and sections.
- (e) A cross section through the site is required to consider the proposal in relation to the objector's property.
- (f) If accommodation of this scale is required the property should be handed so only a modest gable faces the objector's property.

In response to the concerns I am able to comment as follows:-

No specific discrepancies which materially affect the proper determination of the planning application have been identified. A copy of the site survey on which the cross section is based has been provided to the objector's Planning Consultant.

As a full planning application the proposal should be considered entirely on its own individual planning merits. Careful consideration should be given to ascertain whether the proposal represents an appropriate form of infill housing development. This particularly relates to the impact on adjoining properties.

The proposed elevation facing 27 Loop Road South is 4.7m high. However, the level of the site in this area will be reduced by between 0.8m and 1.4m. The hipped roof over the two storey section slopes away from the objector's property. Furthermore, the proposed elevation is 2.0m from the boundary and 8.0m from the gable of the objector's property.

The applicant has now provided a cross-sectional drawing horizontally through the site. This shows the proposed dwelling in relation to existing properties including the objector's property. The ridge height of the proposed dwelling is approximately equivalent to the ridge height of the objector's bungalow. In addition, the drawing shows proposed finished floor levels.

It is considered that sufficient information has now been provided in order to fully appraise the application. The proposal is unlikely to cause demonstrable harm to the adjoining bungalow. Accordingly, the

MAIN AGENDA

proposal represents an acceptable form of infill housing development compliant with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Recommendation

Approve

2. Finished floor levels shall be strictly in accordance with the plan (Drg No W0-07A-05-05) received by the Local Planning Authority on 5 August 2005.
3. Before development is commenced representative samples of the proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
4. The access, parking and turning areas shall be provided and surfaced in a bituminous or cement bound material before the dwelling is occupied.

The reasons for the above conditions are:-

To safeguard the amenities of the locality and adjoining residential properties.

In the interests of highway safety.

Reason for decision:-

An acceptable form of infill housing development compliant with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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9 4/05/2331/0

CONVERSION OF EXISTING JOB CENTRE BUILDING INTO 3  
NO. FLATS (2 NO. 1 BEDROOM AND 1 NO. 2 BEDROOM)  
AND CONSTRUCTION OF 12 NO. NEW BUILD FLATS AT  
REAR OF SITE ( 3 NO. 1 BEDROOM 7 NO. 2 BEDROOM,  
AND 2 NO. 3 BEDROOM OVER 4 NO. STOREYS, WITH  
ATTIC ACCOMMODATION)  
FORMER JOB CENTRE, 83, CATHERINE STREET,  
WHITEHAVEN, CUMBRIA.  
MR G TURNER

Members visited this site on 29 June 2005.

Full planning permission is sought to convert the redundant job centre building at Catherine Street to provide three flats and to construct a four storeyed block to the rear to provide an additional 12 flats. The new build element of the proposal would necessitate demolition of a single storey flat roofed building to the rear of the main frontage building and also the removal of large temporary buildings. The intervening space between the retained and proposed new buildings would accommodate 15 car parking spaces.

The site is bounded to the north west by Nos 15 and 16 Catherine Street which are Grade II listed and the Solomon Court development to the rear which is a three/four storeyed block comprising 14 flats. To the south west are Grade II listed properties on Lowther Street whilst Castle Park is located to the east. The proposal includes the lowering of the stone boundary wall between the site and the Park to a height of 1 metre with a new 1m high railing on top.

The proposed development is likely to affect existing planting on the Park side of the boundary wall. The Council's Landscape Technical Officer has expressed particular concern regarding the impact of the development on a large mature Wych Elm, being of the opinion that its complete removal would be necessary within 12-24 months after the developer has carried out the necessary works to the tree to enable development to proceed due to its close proximity.

Of the 15 flats to be provided, 4 would be single bedroomed; 9 two bedroomed and 2 three bedroomed.

The proposed external wall finish is painted smooth render with natural slate for the roof covering, both of which are traditional to the town centre conservation area.

Letters of objection against the proposed development have been received from the owners/residents of five neighbouring properties at Lowther Street, Catherine Street and Solomon Court. The grounds for objection are as follows:-

1. The height of the new build should be no greater than 3 storeyed to match the adjacent Solomon Court development.
2. The scale of the development and its proximity to neighbouring properties would result in a reduction in natural light; overshadowing; loss of privacy and loss of views.
3. Lowering of the boundary wall between the site and Castle Park would lead to unauthorised access.
4. Proposed on-site parking is insufficient. Should be 1.5 spaces

per flat.

5. Access would be difficult from Catherine Street which is already busy.
6. Potential for structural damage to be caused to existing neighbouring properties.
7. Noise and general disturbance during the construction stage.
8. The development is not in keeping with the Georgian character of the town centre.
9. The development would result in the destruction of healthy mature trees.

In response to issues raised at the site visit the applicant's architect has confirmed that:-

1. His client is willing to enter into a Section 106 agreement regarding the removal of the adjacent Wych Elm and the replanting of new trees within Castle Park at locations to be agreed with the Council following consultation with the Landscape Technical Officer.
2. Windows will be of traditional timber construction with paint finish.
3. Stone salvaged from the lowering of the rear boundary wall will be made available for use by the Council elsewhere in Castle Park.

In terms of planning policy the proposed development is deemed to accord with Policies HSG 4, HSG 15, TCN 2 and ENV 26 of the Copeland Local Plan 2001-2016 2nd Deposit Version which generically support new residential development within the town centre provided it respects the conservation area setting.

In response to statutory consultation procedures no objections have been raised by United Utilities whilst Cumbria Highways raise no objections subject to conditions being imposed on any subsequent grant of planning permission.

#### Recommendation

That planning permission be granted subject to the applicant entering into an agreement with the Council under Section 106 of the Town and Country Planning Act 1990 to:-

MAIN AGENDA

- 
- (a) pay for the proper removal of the existing Wych Elm adjacent to the rear site boundary, and
  - (b) pay for the replacement planting of 4 No. extra heavy standard size trees within Castle Park at locations to be agreed with the Council, and
  - (c) make stone salvaged from the lowering of the rear boundary wall available for use elsewhere in Castle Park

and subject to the following conditions:-

- 2. All windows shall be of traditional timber construction and painted as agreed by the applicant's architect in his letter to the Local Planning Authority dated 12 July 2005 and shall be so maintained thereafter.
- 3. The external decoration scheme shall be agreed in writing with the Local Planning Authority before such work commences on site.
- 4. Details of all measures to be taken by the developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
- 5. Full details of the construction, lighting and drainage arrangements for the car park shall be submitted to and approved in writing by the Local Planning Authority before development commences on site.
- 6. The site shall be drained on a separate system, with foul drainage only connected into the foul sewer.
- 7. 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:-

For the avoidance of doubt.

In the interests of amenity within the town centre conservation area.

In the interests of highway/pedestrian safety.

To ensure a satisfactory drainage scheme.

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:-

An acceptable scheme of infill housing development within Whitehaven town centre conservation area in accordance with Policies HSG 4, HSG 15, TCN 2 and ENV 26 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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10 4/05/2343/0

DORMER BUNGALOW  
ROWLEE, NETHERTOWN, EGREMONT, CUMBRIA.  
T C PROPERTIES LTD.

Parish                      Lowside Quarter

- No objections subject to obscured glass being installed in the gable end of the property.

Members site visited this property on the 4 August 2005.

In October 2003 planning permission was granted for the erection of a bungalow on this plot (4/03/1206/0 refers). An inspection of the property in October 2004 revealed that the bungalow had been built at variance with the planning permission as follows:-

- (a) The garage sited at variance with the approved plan.
- (b) Inclusion of a conservatory.
- (c) The dwelling sited at variance with the approved plan. This particularly relates to the eastern boundary which adjoins a residential property.

This retrospective application seeks to regularise matters. It should be noted that on 25 May 2005 the Planning Panel resolved to take enforcement action to secure the installation of translucent glazing to minimise the risk of loss of privacy and overlooking. The enforcement notice has not been issued pending the determination of this planning application.

Letters of objection received from/on behalf of the neighbouring

MAIN AGENDA

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property owners are annexed to this report.

Also, in response to statutory consultation procedures the Highway Authority recommend that the application be refused. A copy of the Highway Authority's letter is also annexed to this report.

Whilst the Highway Authority's comments are material to the consideration of the planning application it should be noted that the private shared driveway joins a private lane. On balance, it is considered that the risk to highway safety is minimal and would not justify the resiting of the garage.

However, the repositioning of the dwelling has resulted in the first floor gable window overlooking the neighbouring plot. In the circumstances it is considered reasonable to require the installation of translucent glazing.

Recommendation

Approve

2. Within 3 months of this grant of planning permission translucent glazing shall be installed in the first floor windows of the south east elevation. The translucent glazing shall not thereafter be removed and/or replaced without the prior written consent of the Local Planning Authority.

Reason for condition:-

To minimise the risk of overlooking and resultant loss of privacy to the neighbouring dwelling.

Reason for decision:-

Acceptable amendments to an existing approved dwelling compliant with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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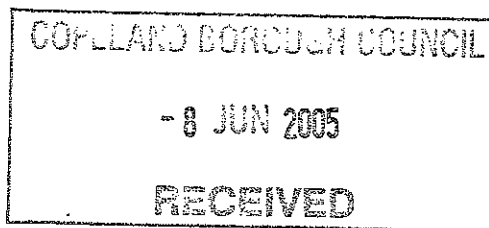


**Objection to 4/05/2343/0\*002\*2**

Thorn View,  
Nethertown,  
Egremont  
Cumbria  
CA22 2UJ

7 June, 2005

Copeland Borough Council  
PO Box 19, The council Offices,  
Catherine Street, Whitehaven,  
Cumbria  
CA28 7NY



Dear Sir or Madam:

This letter is being submitted as an official objection to the 'new planning application' you have requested to regularise the unauthorised amendments to planning permission 4/03/1206/OF1.

- The North Facing gable end window - direct impact on the 'right of light' and issues of privacy
- Siting of the dwelling, ie the close proximity to 'Cumbria Cottage' & access road.
- Inclusion of a conservatory.

I request this letter be held on file as an official objection - I also request the council notify me when the planning application is submitted. In the meantime please send acknowledgement of this letter to the above address.

Sincerely,

A handwritten signature in cursive script, which appears to read "Mrs Adams". The signature is written in black ink and is underlined with a single horizontal stroke.

Mrs Adams



# Milburns Solicitors

25/26 Church Street, Whitehaven, Cumbria CA28 7EB.  
Tel: (01946) 694818 Fax: (01946) 64273 DX 62905 Whitehaven

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(not valid for the service of documents)  
Website: [www.milburnssolicitors.co.uk](http://www.milburnssolicitors.co.uk)

our ref: NMM/JL/Q18

your ref:

7 June 2005

COPELAND BOROUGH COUNCIL

- 8 JUN 2005

RECEIVED

FAO Michael Sandelands  
Copeland Borough Council  
Planning Department  
The Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria

Dear Sirs

**Reference – 40523430\*002\*1**

**Our clients – Mr & Mrs Quayle “Cumbria” Nethertown Egremont  
Cumbria CA22 2UJ**

We are instructed by Mr & Mrs Quayle in connection with the Planning Application for a dormer bungalow on a site adjacent to Mr & Mrs Quayle's property to be known as “Rowlee” (apparently otherwise Poppybank Cottage) at Nethertown Egremont under grid reference 259895607611.

Mr & Mrs Quayle wish to lodge an objection to the retrospective Planning Application and would particularly wish the Council to take account of the following concerns-

- (a) The bungalow has not been built at the correct angle compared to the original plans which were passed. The gable end of the property at Poppybank Cottage directly overlooks our client's property which was not the case in the original plans where there was an angle by which the property was to face away from directly overlooking Mr & Mrs Quayle's home.
- (b) The cottage is in very close proximity to our client's home. Mr Quayle has calculated that the difference between his side windows and the window in the gable end is only about 12 yards.

Partners: David Telford LL.B., Richard Atkinson LL.B., Barry Earl M.A. (Contab.), Nick Molyneaux LL.B., Piers Tupman LL.B.,  
Emma Atkinson B.A., Jane Shaw B.Sc. (Hons.), John Moore LL.B., PG.Dip  
Assistant Solicitors: Peter James LL.M., Sarah Fitzsimons B.A., Darren Gibson LL.B., Pam Thomas LL.B., Glenn McCaughey LL.B.  
Specialist Consultant in Clinical Negligence & Personal Injury Claims: John Marsham LL.B.  
Legal Executives: Diane Oliphant F.Inst.L.Ex., Kathryn Hill F.Inst.L.Ex., Alison Sharp F.Inst.L.Ex.  
Practice Manager: Jim Wood FCIB.

Community  
Legal Service

**amity**  
LAWYERS

Also at:  
Curzon House, 45 Curzon Street, Maryport, Cumbria CA15 6LP. Tel: (01900) 813541 Fax: (01900) 818173 DX 62830 Maryport  
Oxford House, 19 Oxford Street, Workington, Cumbria CA14 2AW. Tel: (01900) 67363 Fax: (01900) 65552 DX 62852 Workington  
Regulated by the Law Society



- (c) The bungalow seems to be larger than that originally envisaged including a garden and conservatory. The owner has showed clear disregard for the planning approval previously obtained not only by putting the bungalow in the wrong place and at the wrong angle but including additional parts of the building which have not been originally approved but has also shown disregard for the rights of others in the neighbourhood by installing a fence along a private road along which our client gains access to his property and installing in that fence a gate through which the owner can presumably obtain access to the private right of way over which the owner of Poppybank Cottage has no such right. In response to Mr Quayle's objection the owner of Poppybank Cottage apparently then disabled the gate and has promised to make it part of the fence again at some stage in the future.

Mr & Mrs Quayle are concerned that the owner of Poppybank Cottage is showing clear disregard for all previous matters approved and has not shown any proper regard for the entitlements and rights of those in the vicinity of the building project. Our client is particularly concerned as to the blocking of substantial amounts of light on to his property in view of the proximity of the gable end of the property Poppybank Cottage and of the consequential effect this might have on any resale value of the property.

We would be most grateful if you would take account of these factors when considering the current retrospective application of the owner of Poppybank Cottage.

We note also with some concern that these various matters were raised and complained of over six months ago.

Yours faithfully

Milburne

Your ref: 4/05/2343  
Our ref: 9896/0761/JM/DC  
Direct Line: 01946 852513



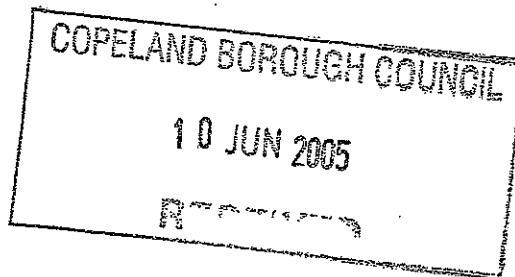
3

COUNTY COUNCIL

**Cumbria Highways**

Allerdale & Copeland  
Richmond House, Catherine Street,  
Whitehaven, Cumbria, CA28 7QY  
Telephone 01946 852525  
Fax 01946 852503

Copeland Borough Council  
The Council Centre  
Catherine Street  
WHITEHAVEN  
CA28 7SJ



Dear Sirs

**CONSULTATIONS WITH PLANNING AUTHORITIES  
ROAD NO PRIVATE  
PROPOSED BUNGALOW ROWLEE NETHERTON EGREMONT  
FOR TC PROPERTIES LTD**

I refer to the above consultation received on 27 May 2005 and would comment as follows.

The plan elevation and that as built would appear to be different like wise the garage arrangements as built from that originally approved. The garage building shouldn't obstruct visibility at the adjacent junction once this is defined however its use would be dangerous due to its close proximity to the junction with vehicles emerging blind into the path of other users of the private shared driveway.

I would therefore recommend that the layout as shown should be refused for the following reason:-

1) **Increased Danger**

The Local Planning Authority considers that the proposed development would interfere with the free flow of traffic with consequent danger to highway users by virtue of its proximity to existing junctions.

**To support Local Transport Plan Policy: 33**

Your Authority should pursue the relocation of the garage to a more suitable location, also you should ensure that the proposed roadworks serving this and the adjacent dwellings are suitably designed, constructed and drained.

As all of the roadworks serving this site are private and are likely to remain so then the above comments are advisory only.

Yours sincerely

James Moultrie  
Highways Control Officer



MAIN AGENDA

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11 4/05/2350/0

OUTLINE APPLICATION FOR 12 RESIDENTIAL DWELLINGS  
LAND OFF, ALDBY GROVE, CLEATOR MOOR, CUMBRIA.  
MR & MRS E COOK

Parish Cleator Moor

- No objections.

This application seeks consent to erect 12 dwellings on this 0.47 hectare site currently used as a haulage depot. The site fronts onto Aldby Grove and adjoins existing terraced housing on Ennerdale Road.

Although the proposal is submitted in outline an indicative layout drawing is provided. This shows a cul-de-sac arrangement of twelve detached and semi-detached houses. The layout generally appears to be acceptable. However, careful consideration will be required at the detailed design stage to minimise the risk of overlooking to Ennerdale Road properties.

On the 9th February 2005 the Council resolved to grant planning permission for 10 dwellings on the adjoining site (4/04/2592/0 refers). This is subject to an obligation to carry out highway improvements at the junction of Aldby Grove and Ennerdale Road. The need to implement these works applies equally to this development.

No objections have been received in response to statutory consultation and publicity procedures. However, the Highway Authority raise a number of technical issues in relation to highway design. The applicants comment that this is an outline application and the details will be incorporated into the reserved matters application.

This proposal would result in the redevelopment of a significant brownfield site compliant with the Council's Interim Housing Policy and the Copeland Local Plan 2001-2016 2nd Deposit Version. The proposal should secure the removal of an incompatible use and implementation of necessary highway improvements.

Recommendation

Approve in Outline

3. Before development is commenced the proposed highway improvement works at the junction of Aldby Grove and Ennerdale Road as shown on Drawing No. 55651/01.A, received by the Local Planning Authority on the 3rd August 2005, shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

MAIN AGENDA

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4. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they shall be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.
5. The site shall be drained on a separate system, with only foul drainage connected into the foul sewer.
6. Details of the proposed surface water drainage system, incorporating some form of Sustainable Drainage Scheme, shall be submitted to and approved by the Local Planning Authority before development commences. The approved scheme shall be implemented and become operational before any dwelling is occupied.
7. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross-sections, shall be submitted to the Local Planning Authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the dwellings are occupied.

The reasons for the above conditions are: \_

For the avoidance of doubt.

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

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

In the interests of highway safety.

Reasons for decision:-

The proposed development provides an acceptable alternative use for this brownfield site and will result in the removal of an incompatible land use in a predominantly residential area. The proposal complies with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.



12 4/05/2360/0

-----  
OUTLINE APPLICATION FOR DWELLING WITHIN GROUNDS  
BANK HEAD HOUSE, THE BANKS, SEASCALE, CUMBRIA.  
MR & MRS HOWARD

Parish                      Seascale

In response to the Parish Council's request, a decision on this application was deferred at the last meeting to enable Members to visit the site. The site visit took place on Thursday 4 August 2005.

In 1990 planning permission was granted on appeal to demolish a large garage and erect a single dwelling on this site (4/90/1147 refers). The permission was renewed in 1996 but has subsequently lapsed.

This application again seeks outline planning permission to erect a single dwelling on the site of the garage and adjoining garden land.

The site is located within the settlement boundary for Seascale as defined by the Copeland Local Plan 2001-2016 2nd Deposit Version. Accordingly, Policy HSG 4 provides a presumption in favour of appropriate infill development.

Following receipt of an amended plan regarding the access to the site, the Highway Authority is now satisfied that adequate visibility can be achieved.

Recommendation

Approve in Outline

3. Notwithstanding the amended plan received by the Local Planning Authority on 22 June 2005 all matters relating to the layout of the site, the means of access, parking and turning within the site shall be reserved for subsequent approval by the Local Planning Authority at the detailed design stage.

Reason for Condition

For the avoidance of doubt and in the interests of highway safety.

Reason for Decision

An acceptable form of small scale infill housing development compliant with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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13 4/05/2361/0

RETROSPECTIVE APPLICATION FOR NEW BOUNDARY WALL  
BANK HEAD HOUSE, THE BANKS, SEASCALE, CUMBRIA.  
MR & MRS HOWARD

Parish                    Seascale

- Object on the following grounds:-

1. visual impact of the wall.
2. Restricts a public right of way.
3. The application is retrospective.

A decision on this application was deferred at the last meeting to enable Members to visit the site. The site visit took place on Thursday, 4 August 2005.

This retrospective application seeks approval for a boundary wall erected at Bank Head House, The Banks, Seascale. The wall is rendered and dry dashed with facing brick piers. It is approximately 2000mm in height but varies between 1800mm and 2250mm at its highest point. The wall marks the boundary between the dwelling and Seascale Golf Course.

The Highway Authority had previously expressed concerns that the wall encloses footpath No. 426007. Also, the public's right of way to use the private road will need to be stopped-up. In response to these concerns the applicants comment that the footpath runs outwith the wall and a 1 metre strip on the golf course side of the wall retains the public right of way.

The attached letter is from Cumbria County Council's Legal Services who have been dealing with the matter. From the Definitive Map for footpaths, it is unclear as to the exact alignment of footpath No. 426007. However the stated width of the footpath in the Definitive Statement is 2 feet so the current situation is acceptable.

The Highways Authority now have no objections to the proposal.

Although the retrospective nature of this application cannot be condoned, the wall does not affect the public footpath and is considered acceptable in terms of design and size compliant with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

2 August 2005

52



COUNTY COUNCIL

**Finance and  
Central Services**

**Legal Services Unit**

The Courts Carlisle  
Cumbria CA3 8LZ  
tel- 01228 606060  
General Office fax- 01228 607376  
Childcare fax- 01228 607351  
Rights of Way and Highways  
fax- 01228 607347  
dx- 63023 Carlisle

Your Ref:  
Our Ref: ML/MEE 05.10.01  
Enquiries to: Margaret Longworth  
Direct Line: (01228) 607377  
E-mail: margaret.longworth@cumbriacc.gov.uk

Mr Simon Blacker  
Planning Department  
Copeland Borough Council  
DX 62904  
WHITEHAVEN

COPELAND BOROUGH COUNCIL

- 3 AUG 2005

RECEIVED

Dear Mr Blacker

**RE: PUBLIC FOOTPATH 426007 AT SEASCALE**

Further to our telephone conversation of Friday, I write to enclose a copy of the original Schedule prepared in 1952 describing the above path, which was then known as footpath 123007. You will see from the Schedule that the width was described as being "2 feet".

The Definitive Map was revised in 1976 and the number was changed to 426007 and the description in the Definitive Statement reads "from Mona Lodge, Seascale, through turnstile thence north-westerly along north-east side of railway (stile on Seascale banks) continuing north-westerly as far as Parish boundary, continuing as footpath 421019 (Ponsonby Parish)".

The precise alignment of the path at the Mona Lodge end is very difficult to ascertain from the Definitive Map, but I enclose a copy of the relevant page for your information.

It is unusual for a footpath to be as narrow as this one, but it seems that the width is correct at 2 feet.

Yours sincerely

*B. Walker*

Head of Legal Services

Encs

Please direct all enquiries regarding this letter to  
Mrs Margaret Longworth on 01228 607377



Deputy Chief Executive / Corporate Director - Finance and Central Services - R F Mather  
Head of Legal Services - Brian Walker, Solicitor



**Lexcel**  
FINANCE MANAGEMENT STANDARD  
THE LAW SOCIETY



Recommendation

Approve

2. Permission shall relate solely to the amended plan (Rev A) received by the Local Planning Authority on 22 June 2005.

Reason for condition:-

For the avoidance of doubt.

Reason for decision:-

An acceptable domestic alteration in accordance with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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14 4/05/2363/0

MODIFICATION OF SECTION 106 AGREEMENT  
CHURCHILL DRIVE, PANNATT HILL, MILLOM, CUMBRIA.  
MR D ROSS

Parish                      Millom

- Strong objections on the following grounds:-

The roads in this area are in an awful state of disrepair, the footpaths are deplorable and the drains are blocked. The street lighting is also inadequate.

If the modifications were allowed, the work would not be completed until 2008. The residents have had to endure these problems for the last 30 years.

Concerns that should the company go out of production, the work will never get finished.

A decision on this application was deferred at the 20 July 2005 meeting pending further negotiations with the applicant.

In 1977 planning permission was granted for housing development at Churchill Drive/Pannatt Hill, Millom. The scheme consisted of 36 units in a variety of house types including three blocks of four x two bedroomed flats (4/76/0982 refers). Unfortunately this planning permission did not include any conditions requiring the construction of the roads and footways to adoptable standards.

Development of a block of flats commenced but did not progress beyond first floor level. In May 2004 planning permission was granted to amend the proposal (4/03/0369/0 refers). It involved converting the partially constructed flats into a pair of semi-detached houses and building two detached houses on the site of the adjoining proposed flats.

In order to remedy the position in relation to the roads the planning permission was subject to a Section 106 agreement. A copy of the agreement is annexed to this report. The Third Schedule sets out the developers obligations to provide a specification of works before development commences and to complete the works before any dwelling is occupied.

The partially constructed block of flats has been developed to create a pair of semi-detached houses. However, the properties remain unoccupied. Recently development of the detached dwellings has commenced. This is in breach of paragraph 1 of the Third Schedule.

This application seeks to modify the agreement. A copy of the applicant's proposal is annexed to this report. In effect the modified agreement would:-

- (a) Dispense with the requirement to provide a schedule of works. Instead the developer would be required to carry out the works in accordance with the standards laid down in the Cumbria Design Guide.
- (b) Phase the works to allow the making up of Churchill Drive by June 2006, Peter Drive by June 2007 and Pannatt Hill by June 2008.

One letter of support and 34 letters of objection have been received from residents of the estate.

The supporter states that the modified agreement is the way forward to complete the works. This should end the stagnation period which has existed over the last decade which has resulted in the deterioration of the estate.

The objections can be summarised as follows:-

- (a) No guarantee that further building work will secure the highway works.
- (b) The matter has been ongoing for 30 years and no credence can be given to the assurance that it will be carried out now.
- (c) Works should be carried out before the sale of properties.
- (d) The developer has already had the proceeds of previous house

sales.

- (e) The roads are in poor condition and badly lit and represent a hazard to all users.
- (f) Retentions have been deposited to secure the completion of the works.
- (g) Covenants attached to conveyances require the road to be made up to adoptable standard.

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

1. All parties are in agreement that the condition of the road falls well below an acceptable standard. This proposal seeks to modify the method by which the works are implemented, not to reduce the scope or standard of the works. The proposal must be considered entirely on its planning merits.
2. Given the considerable extent and complexity of the works a phased scheme is considered reasonable. Unoccupied houses are only likely to have an adverse affect on the area. As the development has commenced, on entering into the modified agreement the developer would be committed to the timescale. The existing agreement gives no certainty when the works will be complete.
3. The issues relating to retentions and covenants are private matters between the developer and householders outwith the scope of the Planning Acts.

Since the previous meeting discussions have taken place with the applicant and the Highway Authority are satisfied with the deletion of the requirement to provide a schedule of works. It is considered that the preparation of a schedule would only add to further delay. However, all works will require supervision by the Highway Authority.

In respect of the request to shorten timescales the applicant comments that realistic timescales have been provided given the practical requirements of carrying out the work. If unrealistic deadlines are set it is only likely to create future problems.

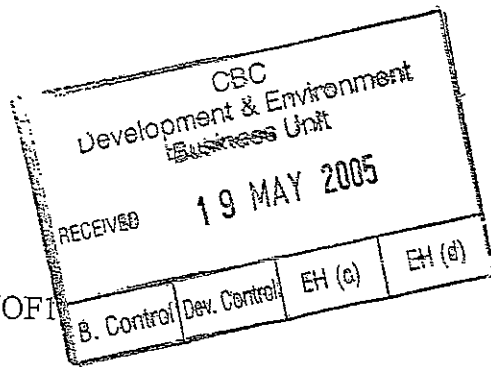
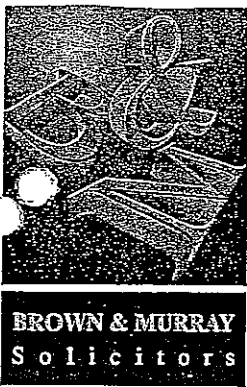
The applicant points out that the roads were constructed over 30 years ago to the appropriate standard at that time. Rebuilding the roads to modern standards will result in considerable additional funding.

I remain of the opinion that the proposed modification represents the most certain method of securing the adoption of the roads. Given the extent and complexity of the works a phased scheme is considered reasonable.

Recommendation







4 / 0 3 / 2 3 0 3 / 0 5 1

5 Lawson Street  
Barrow-in-Furness  
Cumbria LA14 2LS  
DX 63902 - Barrow-in-Furness  
Telephone: (01229) 820021  
Fax: (01229) 811212  
www.brownandmurray.co.uk

Also at: Midland Bank Chambers  
Market Square  
Millom LA18 4JA  
Telephone: (01229) 772562

Your Ref: MTS/SC.4/03/0369/OFT

Our Ref: RMSDM.Ross

Please ask for: Roger Murray

17 May 2005

Mr M Sandelands  
Planning Officer  
Copeland Borough Council  
DX 63904  
WHITEHAVEN

Dear Mr Sandelands

Re: **David William Ross - Proposed Modification of Section 106 Agreement  
Churchill Drive Pannatt Hill Millom Cumbria**

We hereby make formal application for an amendment of the Section 106 Agreement dated 20 May 2004 relating to Mr Ross' property at Churchill Drive/Pannatt Hill Millom Cumbria.

The grounds of the application are that the wording of the Third Schedule to the Section 106 Agreement makes it impossible for Mr Ross to sell any of the remaining properties on the site until such time as the required works are carried out to the carriageway and footways serving the development. However, in order to fund the necessary works the properties need to be sold and accordingly we make application for the wording of paragraphs 1 and 2 in the Third Schedule of the Agreement to be deleted and substituted with the following wording.

**Third Schedule**

1. The carriageway footways and footpaths as shown edged black on the attached plan shall be constructed drained and lit to a standard suitable for adoption in accordance with the standards laid down in the current Cumbria Design Guide. These works shall be undertaken within the following timescales:-

- i) the area shaded blue shall be completed by June 2006.
- ii) the area shaded green shall be completed by June 2007.
- iii) the area shaded red shall be completed by June 2008.



**Lexcel**  
EXCEL MANAGEMENT SERVICES  
THE LAW SOCIETY

Community  
Legal Service



Criminal  
Defence Service



**Family**  
LAWYERS

As a member of the

**Connected Law**

legal network we offer the full range of  
Private & Commercial legal services

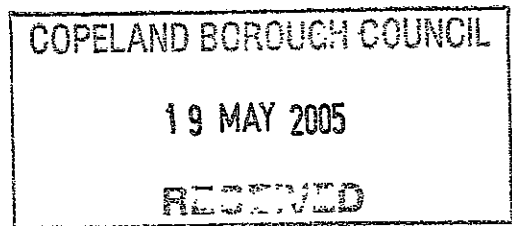
We do not have a copy of the actual plan which was sent to Mr Ross with your letter dated 13 April 2005 but he instructs us that he agrees the extent of the colouring thereon. Also the dates can be inserted as appropriate once the proposed amendment is agreed.

We enclose herewith the original Section 106 Agreement and look forward to hearing from you further as soon as possible.

Yours faithfully



Roger Murray  
Brown & Murray



DATED 20<sup>th</sup> May 2004

COPELAND BOROUGH COUNCIL

AND

DAVID WILLIAM ROSS

*Duplicate*  
S106 AGREEMENT

Relating to

Churchill Drive and Pannatt Hill Site, Millom, Cumbria



THIS AGREEMENT is made as a Deed the 20<sup>th</sup> day of May 2004  
BETWEEN COPELAND BOROUGH COUNCIL of The Council Offices,  
Catherine Street, Whitehaven, Cumbria (hereinafter called "the Council") of the one  
part and DAVID WILLIAM ROSS of 3-5 Wellington Street, Millom in the said  
county of Cumbria (hereinafter called "the Applicants") of the other part

**WHEREAS**

1. The Council is a Local Planning Authority for the purpose of the Town and Country Planning Act 1990 for the area within which the property described in the First Schedule hereto is situated (hereinafter called "the Property") which Property is shown edged red on the plan attached hereto (hereinafter called "the Plan")
2. The Applicants have by an application registered on the 27<sup>th</sup> March 2003 applied to the Council for planning permission to develop the property in accordance with the plans specifications and particulars deposited with the Council and set out in the Second Schedule hereto (hereinafter called "the Development")
3. The Council is satisfied that the Development is such as may be approved subject to conditions and the provisions of this Agreement

**NOW THIS DEED WITNESSETH**

1. This Agreement is made as a planning obligation in pursuance of Section 106 of the Town and Country Planning Act 1990 (as amended) and in consideration of the covenants by the Applicants hereinafter contained
2. The Council hereby approves the Development and grants planning permission in accordance with the Grant of Planning Permission ("the Grant") annexed hereto but subject to the conditions set out in the Grant
3. The Applicants hereby covenant with the Council that the Property shall be subject to the restrictions and provisions specified in the Third Schedule hereto

4. The Applicants hereby covenant to carry out the Development in strict conformity with the said plans specifications and particulars (save for such minor modifications and variations thereof as shall be approved by the Council in writing)
5. The expressions "the Council" and "the Applicants" shall include their respective successors in title and assigns
6. The parties hereto intend this Agreement to take effect as a Deed

#### **FIRST SCHEDULE**

All that piece or parcel of land being situate and known as the Churchill Drive and Pannatt Hill site as shown edged red on the attached plan

#### **SECOND SCHEDULE**

1. The conversion of partially constructed block of 4, 2-bedroom flats into 2 3-bedroom houses on block A and B at Churchill Drive and Pannatt Hill
2. The construction of 2 detached houses on block C and D at Churchill Drive and Pannatt Hill, Millom

#### **THIRD SCHEDULE**

1. That no development will be commenced until a full specification of the works to construct drain and light sections of the carriageway and footways to a standard suitable for adoption as shown edged black on the attached plan shall be submitted to and approved in writing by the Council in consultation with the Highway Authority
2. That no dwelling shall be occupied until the carriageway and footways are constructed drained and lit to a standard suitable for adoption in accordance with the approved specification

IN WITNESS whereof the Common Seal of the Council has hereunto been affixed and the Owners have hereunto set their hands the day and year first before written

THE COMMON SEAL OF COPELAND  
BOROUGH COUNCIL was hereunto  
affixed in the presence of:

9003

CHIEF LEGAL OFFICER

SIGNED AND DELIVERED  
as a DEED by the said  
DAVID WILLIAM ROSS in the  
presence of:

X David Ross X

WITNESS SIGNATURE:

J A Seals

ADDRESS:

X Haws Cottage  
The Green  
Milbourn  
Salisbury  
Wiltshire



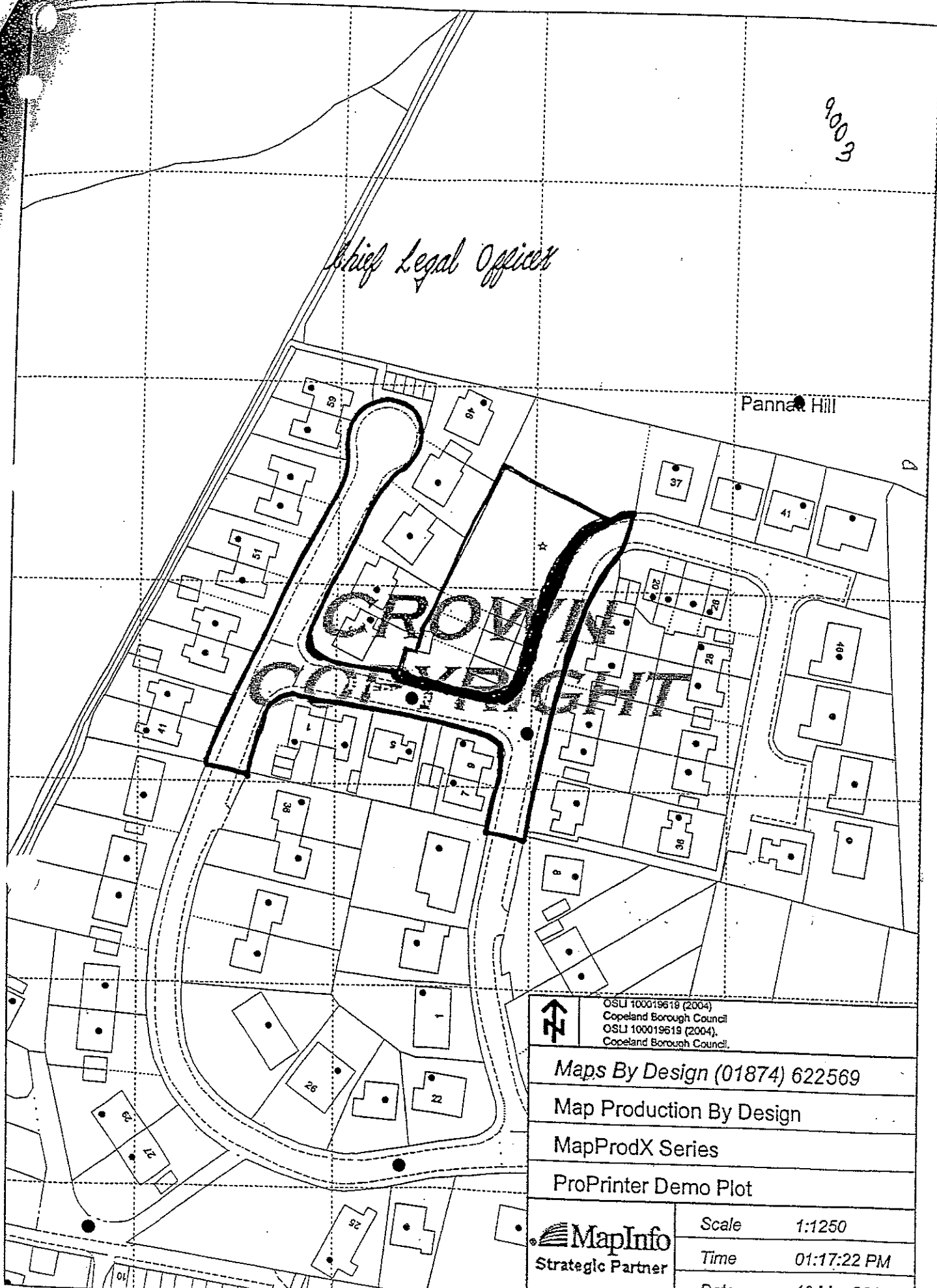


9003

Chief Legal Officer

Panna Hill

**GROWTH**  
**COLONIAL**



OSU 100019618 (2004)  
Copeland Borough Council  
OSU 100019619 (2004),  
Copeland Borough Council.

Maps By Design (01874) 622569

Map Production By Design

MapProdX Series

ProPrinter Demo Plot

  
Strategic Partner

Scale	1:1250
Time	01:17:22 PM
Date	10 Mar 2004



That the Third Schedule of the Section 106 Agreement dated 20 May 2004 be amended as follows:-

The carriageway and footways and footpaths as shown edged black on the attached plan shall be constructed, drained and lit to a standard suitable for adoption in accordance with the standards laid down in the current Cumbria Design Guide. These works shall be undertaken within the following timescales:-

- i) the area shaded blue shall be completed by 1 June 2006.
- ii) the area shaded green shall be completed by 1 June 2007.
- iii) the area shaded red shall be completed by 1 June 2008.

-----  
15 4/05/2366/0

ERECTION OF THREE DWELLINGS  
LAND AT THE GARDENS, MAIN STREET, FRIZINGTON,  
CUMBRIA.  
MR L MARER

Parish Arlecdon and Frizington

- Opposed on grounds of dangerous access onto Main Street.

In April 2002 outline planning permission was granted to erect two dwellings on this site to the rear of Main Street, Frizington (4/02/1379/0 refers). The vehicular access to the site was considered substandard and the planning permission was subject to a Section 106 Agreement restricting development to two dwellings.

This application seeks consent to erect three dwellings on the site. Following discussions between the applicant and the Highway Authority it has been agreed that three dwellings can be accommodated on site subject to the inclusion of a communal turning area.

Each of the proposed dwellings are substantial, providing five bedroomed accommodation and incorporating double garages. All dwellings are designed with hipped roofs and a variety of architectural features including dormers, gable features, balconies and bay windows. The proposed external materials consist of artstone features, dry dash render and grey tiled roofs.

MAIN AGENDA  
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The houses are considered to be in proportion to the large plots. The low density development has resulted from the restriction upon dwelling numbers. Surrounding development consists of traditional terraced housing, public sector housing to the rear and a bungalow and dormer bungalow already erected on the adjacent site. Whilst the proposed house designs do not reflect the character of surrounding development, equally they are unlikely to have a harmful effect on the area.

A single letter of objection has been received from an adjoining owner to the rear whose objections can be summarised as follows:-

1. The objector is a shift worker and will be disturbed by construction traffic.
2. The dwellings, particularly plot 1, will block out sunlight and views. Also, the development will result in a loss of privacy.
3. Boundary fencing will be required between the proposed houses and adjoining Queens Crescent properties.
4. Whilst the houses look elegant they are too big and will look out of place in this area.

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

- a. Noise nuisance is not a matter which can be controlled through the Planning Acts. In the event of a statutory nuisance the matter would be enforced by the Council's Environmental Health section.
- b. The minimum separation distance of 21 metres is achieved. It is considered unlikely that the proposed development would cause demonstrable harm in terms of loss of daylighting and privacy.
- c. Provision of boundary fencing is considered reasonable to protect the amenity of the respective residents.
- d. The issues in relation to design are addressed above.

On balance, the proposal is considered to represent an acceptable form of infill housing development. The proposed access road is considered to represent a significant improvement and is a more appropriate means of securing highway safety than the Section 106 Agreement.

Recommendation

Approve

That the Section 106 Agreement dated 8 April 2003 be discha

That planning permission be granted subject to the following conditions:-

1. Permission in respect of site layout shall relate solely to amended drawing no 050101-2 received by the Local Planning Authority on 1 August 2005.
2. Before any dwelling is occupied the access road and turning area shall be constructed strictly in accordance with the specification and drawing no 050101-2 received by the Local Planning Authority on 1 August 2005.
3. Before development is commenced a 1800mm timber fence shall be erected along the boundaries of the site adjoining Queens Crescent and Coronation Drive.
4. Access gates, if provided, shall be erected to open inwards only away from the access road.
5. The access drive shall be surfaced in bituminous or cement bound material, or otherwise bound, so as to prevent loose material being carried onto the highway, which could lead to damage to the highway, nuisance or danger to highway users.

The reasons for the above conditions are:-

For the avoidance of doubt.

In the interests of highway safety.

To safeguard the amenities of adjoining residential properties.

Reason for decision:-

An acceptable form of infill housing development which secures highway safety improvements compliant with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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10657

FOR ONE DWELLING AND GARAGE  
WHITEHAVEN, CUMBRIA.

Whitehaven

Outline planning permission is sought to erect a single dwelling and garage on a plot on Oak Crescent, part of the Rannerdale Drive estate, in Whitehaven.

This area of land is one of the few remaining undeveloped plots on the estate, which was granted planning permission in 1981 (81/306 refers).

The site is located within the settlement boundary for Whitehaven defined in the Copeland Local Plan 2001-2016 2nd Deposit Version. Policy HSG 4 states that within the defined limits of settlements, proposals for small scale housing development in the form of infilling will be permitted.

5 letters of objection to the application have been received from residents of Oak Crescent. The objections can be summarised as follows:-

1. The condition of the roads on Oak Crescent is unacceptable. They have never been made up to an adoptable standard.
2. The developer should not have been allowed other building sites until this site was finished.
3. There will be a loss of light and privacy to neighbouring houses and increased noise.
4. There are drainage pipes that run through the plot.

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

- (a) The condition of the roads at various parts of the estate are not up to an adoptable standard. However the roads on Oak Crescent are under 3 different ownerships, and the section of road outside of the cul-de-sac is not in the ownership of the developer. This is confirmed by the Highway Authority. The applicant has therefore agreed to make that part of Oak Crescent serving Nos 15, 17, 19 and 21 a private shared driveway. These works would include making up the unmade sections and installing recessed kerbs at the entrance to the cul-de-sac on the line of the boundary wall of the adjoining plot.
- (b) The point raised regarding the applicants other developments is not a material planning consideration when deciding this

application.

- (c) The issues of loss of light, privacy and noise are noted but the development of this plot is considered to have no more of an adverse effect than other neighbouring plots already developed.
- (d) United Utilities have raised no objection to the proposal and any private drains on the plot will either need to be protected or re-routed as part of the development.

Overall it is considered that the proposal represents an acceptable infill development in accordance with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Recommendation

Approve in Outline

- 3. A schedule of works for making-up the adjoining shared driveway to Cumbria Design Guide standards as confirmed in the applicant's agents letter dated 15 July 2005 shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out before development commences.

Reason for conditions:

for the avoidance of doubt and in the interests of highway safety.

Reason for decision

An acceptable infill housing development in accordance with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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17 4/05/2383/0

CONVERSION OF EXISTING MILKING PARLOUR TO A  
HOLIDAY COTTAGE  
STANDING STONES FARM, KIRKSANTON, MILLOM,  
CUMBRIA.  
MR & MRS D ABBOTT

-----  
Parish

Millom Without

- No comments received.

This application seeks consent to convert a single storey agricultural building to create a holiday cottage.

Standing Stones Farm occupies an isolated location to the north of Kirksanton. No farming activity has taken place there since the early 1990's. In 1993 planning permission was granted to rebuild the farmhouse and the property has remained in residential use since. A further grant of planning permission to convert traditional farm buildings into three dwellings was granted in 1997 (4/97/0141/0F1 refers). Whilst the applicant claims work has commenced, the buildings remain undeveloped.

The building is constructed of concrete blockwork with a smooth painted rendered finish. The majority of the existing roof is pitched and covered with asbestos sheeting. A lean-to element is located at the southern elevation.

The proposed conversion scheme involves cladding the walls with stone. A green slated roof is proposed. However, this would involve replacing the roof structure and building over the lean-to element. Timber sliding windows are proposed.

A new driveway is proposed from the existing farm track. This will effectively allow the cottage to be separated from the remainder of the grouping. Internally, the proposed cottage will provide four bedroomed accommodation.

The application is accompanied by a structural engineer's report which confirms that the building is of modern construction and capable of conversion.

It has been suggested to the applicant that the undeveloped traditional barns would be more appropriate candidates for conversion. The applicant comments, however, that he received positive advice before making the application and that the holiday cottage proposal is sought in addition to the extant conversion scheme.

The proposed stone cladding of the building and replacement slate roof will significantly improve the visual appearance of the building. Policy HSG 17 of the Copeland Local Plan 2001-2016 2nd Deposit Version relates to buildings of traditional construction and appearance. Strictly this building does not qualify as a suitable subject. However, the proposed conversion and alterations are unlikely to cause any harm to the rural area given the proximity of the building to the existing farm group. Furthermore, the proposal will add to the stock of serviced tourist accommodation in this part of the Borough.



In the circumstances it is considered appropriate to restrict occupation of the cottage to holiday accommodation only by means of a Section 106 agreement.

Recommendation

That planning permission be granted subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 requiring the cottage to be occupied solely as holiday accommodation and not as a principal dwelling and subject to the following conditions:-

2. Before development is commenced representative samples of the proposed stone cladding and roofing slate shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
3. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved details.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the dwelling shall not be altered or extended nor shall any buildings be erected within its curtilage without the prior written consent of the Local Planning Authority.

Reasons for the above conditions:-

To retain control over the appearance of the building in the interests of highway safety.

To ensure a satisfactory drainage scheme.

Reasons for decision:-

A satisfactory proposal to convert an existing rural building to holiday accommodation and to secure improvements to its external design compliant with Policy HSG 17 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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MAIN AGENDA

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18 4/05/2405/0

OUTLINE APPLICATION FOR ONE DWELLING  
FRIZINGTON PARKS FARM, FRIZINGTON, CUMBRIA.  
MR A JACKSON

Parish Arlecdon and Frizington

- No comments received.

This application seeks outline planning permission to erect an agricultural worker's dwelling adjacent to the existing farmstead at Frizington Parks. The proposed house would accommodate the applicant's son who is employed in the family farming business.

Frizington Parks Farm is sited in an isolated location to the south of Frizington. Access is gained via a long, unmade track from the A5086. The site is located outside the settlement boundaries defined in the Copeland Local Plan 2001-2016 2nd Deposit Version. Accordingly, the proposal should be considered in the context of Policy HSG 5 of the Local Plan which permits housing development outside settlement boundaries where a dwelling is required to meet exceptional circumstances arising from local social and economic conditions. Typically, these are dwellings for agricultural workers. The criteria for considering the justification for agricultural workers dwellings is set out in Annex A of Planning Policy Statement 7 "Sustainable Development in Rural Areas."

An independent expert has carried out an appraisal of the agricultural need. The report concludes that there is a clear functional need for an additional dwelling on the holding. The functional test requires 2 full-time workers to be actively involved in the management of the holding. The labour requirement for Frizington Parks Farm is 3.6 full time workers. In addition, the business is long established and clearly financially viable. Accordingly, the financial test is met.

In terms of existing accommodation the main house is three bedrooms and occupied by the applicant. An additional bungalow with an agricultural occupancy restriction is located at the entrance to the farm. This is occupied by the applicant's father who undertakes only very light duties on the farm.

Following statutory consultation procedures the Highway Authority make the following observations:-

1. The access lane is in need of repair and up-grading due to increased use by the proposed development.
2. Retention of the frontage hedgerow and trees would result in vehicles accessing blind onto the lane.

3. Visitor parking should be provided.
4. Approval of this application would make it harder to refuse further requests in the future.

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

- (a) Given that the proposed dwelling is to house an agricultural worker employed on site the increase in traffic is likely to be negligible. For the majority of its length the lane only serves the farm. Given the agricultural usage, up-grading and repair is not considered essential.
- (b) Access details from the lane into the plot can be reserved for subsequent approval.
- (c) There is ample visitor parking within the farm yard, etc.
- (d) Each application should be considered on its individual planning merits. However, it is unlikely that a grant of planning permission here would lead to further proposals.

The application is considered to represent an appropriate proposal to provide an agricultural worker's dwelling to serve a justifiable need. As such, the proposal is considered to comply with Policy HSG 5 of the Copeland Local Plan 2001-2016 2nd Deposit Version and Planning Policy Statement 7. The proposed location of the dwelling adjacent to the farm is unlikely to result in any adverse visual impact on the local landscape.

#### Recommendation

##### Approve in Outline

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, or any resident dependents.
4. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant 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 treatment plant has been constructed and completed in accordance with the approved plans.
5. Vehicular access details shall be submitted for subsequent approval by the Local Planning Authority at the reserved matters stage.

MAIN AGENDA

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Reasons for the above conditions:

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

To prevent pollution of the water environment.

In the interests of Highway Safety.

Reason for decision:

An acceptable proposal to provide an agricultural worker's dwelling to meet a proven need compliant with Policy HSG 5 of the Copeland Local Plan 200-2016 2nd Deposit Version.

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19 4/05/2413/0

CONVERSION AND CHANGE OF USE OF FORMER RESERVOIR  
INTO HOLIDAY LETTING UNITS  
FORMER RESERVOIR LAND ADJACENT,  
WINSKALES WEST FARM, EGREMONT, CUMBERIA.  
MR & MRS G HOGG

Parish St Johns Beckermat

- No comments received.

This application relates to a disused covered reservoir adjacent to Winskales West Farm. The site occupies an elevated location to the east of Carleton, near Egremont. The reservoir measures approximately 23m x 23m and is 6m deep. Half the reservoir is underground with the remainder covered in soil and grassed. With the exception of a pair of access doors and some vents there is little physical evidence of the reservoir.

Planning permission is sought to convert the reservoir to create four holiday letting units. On three sides of the reservoir it is proposed to create two 4.5 metre openings. On the fourth elevation three openings are proposed - two 3.5 metre openings and a 2.5 metre opening. This will involve excavating the earth banking and breaking through the side of the reservoir to provide stepped access and the introduction of window openings. Four glazed domes are proposed in the roof of the reservoir which will provide additional light to the centre of each unit.

Internally, it is proposed to provide accommodation on two levels. The proposed upper floor will provide open plan living accommodation with a central stairwell (with glazed dome above). The proposed lower floors contain three bedrooms and a bathroom.

It is proposed that a parking area will be provided within the existing farm grouping. Only pedestrian access to the holiday units will be permitted. A letter accompanying the application states that the development will incorporate eco-friendly methods of space and water heating. This will include ground source heat pumps to extract heat from the surrounding ground area. A copy of the letter is annexed to this report.

The Highway Authority note that whilst the private access lane is unbound, it is maintained to a reasonable standard. It is suggested that a scheme of passing places should be included together with the surfacing of the first 10m of the lane at its junction with the public highway.

This is a unique form a development to which Local Plan policies do not easily relate. Policy TSM 3 of the Copeland Local Plan 2001-2016 2nd Deposit Version supports serviced tourist accommodation. However, normally the site should be either:-

- (a) within the settlement boundary, or
- (b) an extension to existing serviced accommodation or related development.

Notwithstanding the above, it is considered that the proposal would have a very limited impact on the local landscape. Furthermore, it is likely to offer a unique form of tourist accommodation with associated marketing benefits. On balance the economic benefits of the scheme are considered to outweigh the very minimal impact on the countryside which local planning policies seek to protect.

#### Recommendation

Approve subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 restricting occupation of the units to holiday accommodation only and subject to the following conditions:-

2. Before development is commenced a scheme for the provision of passing places on the private access lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before any unit is occupied.

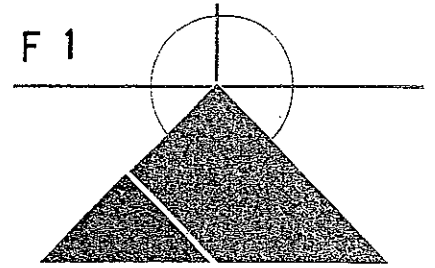
MAIN AGENDA  
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3. Before any unit is occupied the private access lane shall be surfaced with a bituminous or cement bound material for a distance of not less than 10 metres from its junction with the C4016 road.
4. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. The desk study should include sufficient documentary research to enable a thorough understanding of the history of the site, including past and present uses. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment to the satisfaction of the Local Planning Authority.
5. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant 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 treatment plant has been constructed and completed in accordance with the approved plans.
6. The siting of the sewage treatment plant shall be strictly in accordance with the amended plan (Dwg 0518 04A) received by the Local Planning Authority on 28 July 2005.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the units shall not be altered or extended, nor shall any buildings or structures be erected, without the prior written consent of the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no road tracks, paths or hardstandings shall be constructed on the site other than those expressly authorised by this permission.

Reasons for the above conditions:-

In the interests of highway safety.

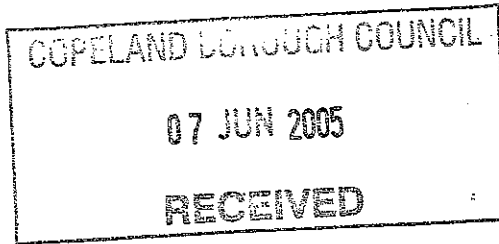
To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health.



LAKELAND  
BUILDING  
DESIGN

Date 1/6/05  
Ref. PB/JE.ABC

Chief Planning Officer,  
Copeland Borough Council,  
The Copeland Centre,  
Catherine St.,  
Whitehaven,  
Cumbria CA28 7SJ



Dear Sir,

**RE -PROPOSED CONVERSION AND CHANGE OF USE OF FORMER UNDERGROUND RESERVOIR**

Please find enclosed application to convert and change the use of a former reservoir into self contained holiday letting units.

The redundant reservoir now forms part of Winscales West Farm and has most recently been used to shelter livestock. The proposed scheme as submitted seeks to convert the building for holiday letting purposes whilst making use of eco friendly methods for the provision of space and water heating. The units will be heated by using ground source heat pumps extracting heat from the surrounding ground area.

The sites is quite elevated and in order to keep the external alterations to the immediate site to a minimum we are proposing to site the car parking area away from the proposal. The car parking will be provided adjacent to the existing farm buildings with only pedestrian access available to the holiday units.

The existing soil and vegetation will remain over the structure as the proposal affords minimal external alterations.

I appreciate that this is a unique proposal and although it has been achieved elsewhere in the country I am not aware of other similar proposals within the local area. You will no doubt be aware of the challenges modern farming presents and how difficult it is for the farmer to maintain a satisfactory standard of living. This proposal will enable my client to diversify and provide a much-needed source of income.

Thank you for your attention to this matter.

Kind Regards,

PAUL BOUSTEAD  
Lakeland Building Design

'El-Tipharah'  
Greysouthen  
Cockermouth  
Cumbria  
CA13 0UF

Tel/Fax: (01900) 827021

To prevent pollution of the water environment.

For the avoidance of doubt.

To retain control over the appearance of the development in the interests of amenity.

Reason for decision:-

A unique form of tourist accommodation which has minimal impact on the Countryside but is likely to generate local economic benefits compliant with Policy DEV 7 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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20 4/05/2417/0

OUTLINE APPLICATION FOR ONE DWELLING  
LAND ADJACENT TO, MILLSTONE, NETHERTOWN, CUMBRIA.  
MR & MRS B ADAMS

Parish                      Lowside Quarter

- Object to this application as it does not meet the requirements of Policy HSG 11 of the Copeland Local Plan 2001-2016 2nd Deposit Version. There are many new properties being built in Nethertown at the present time. Many remain unsold and are within 5 minutes walking distance of Millstone, Nethertown.

Members visited this site on 4 August 2005.

Outline planning permission is sought to erect a single dwelling on garden land to the rear of Croft Caravan site and an area of coastal grassland. Access to the site is gained via a long single track lane. It is proposed to extend this track around Millstone to serve the proposed dwelling.

The site is located outside the settlement boundaries defined in the Copeland Local Plan 2001-2016 2nd Deposit Version. However, Policy HSG 11 supports appropriate housing development in rural areas where there is a proven local need for affordable dwellings. A supporting local need case is annexed to this report.

The applicants discount the option of purchasing another property in the village due to the high level of care needed. However, in such circumstances it is normally appropriate to provide extended or annexed accommodation to the existing house. As such, a proposal to



1 7 0 5 7 2 4 1 7 7 0 0 1

# The Len Cockcroft Consultancy Limited

Town Planning • Economic Development • Community Regeneration • Tourism • Leisure • Funding

Your Ref:

My Ref: LC/262

18 Deer Orchard Close  
Cockermouth  
CUMBRIA  
CA13 9JH

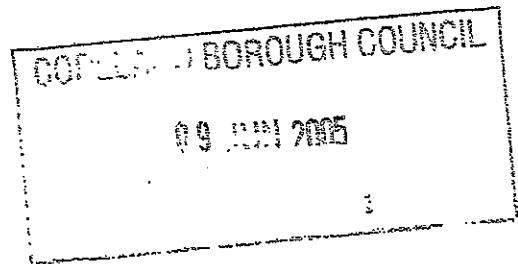
Tel/Fax: (01900) 827262

Mobile: 07989218119

Email: len@cockcroft1.freeserve.co.uk

7 June 2005

Mr M Sandelands  
Planning Department  
Copeland Borough Council  
Catherine Street  
Whitehaven  
CUMBRIA  
CA28 7NY



Dear Mr Sandelands,

## Outline Planning Application for Local Needs Dwelling Millstones Nethertown

Further to our recent telephone conversation and your earlier letter to my clients regarding the above, I enclose an outline planning application for a local needs dwelling adjacent to Millstones, Nethertown.

I also enclose two letters of support from Mr Adam's doctor. Mr Adams has arthritis in his hip and spine and his condition is deteriorating. He increasingly needs more and more personal care. At the moment Mrs Adams copes as well as she can, but she is getting older and is not well herself and is therefore less able to support Mr Adam's needs. He is getting to the stage where he will soon require 24 hour attendance and care and they therefore are looking to make future provision for Mr Adams.

Mr & Mrs Adam's son is currently living in the village but only on a temporary basis whilst he renovates his property in Braystones and therefore he will not be able to offer the caring role needed.

Mr and Mrs Adam's daughter, Sarah, and family are, however, prepared to relocate from Whitehaven in order that Sarah can provide this care. Whilst they have looked at available properties in the village, they have come to the conclusion that due to Mr Adam's deteriorating condition, they would need to be close in order for Sarah to be able to respond during the night should Mr Adams become ill or fall. For this reason, another property in the village would not be appropriate.

Mr and Mrs Adams have lived in the village since 1977 and their daughter lived there all her life, until she married. There is therefore a genuine local need as well as a functional/social need for this dwelling.

In order to comply with Local Plan Policy HSG 23 the applicant is prepared to enter into a Section 106 Agreement in respect of his daughter and family's occupation of the property.

I have discussed with you the informal views of the Highway Authority regarding this proposal, but you felt that given the alternative of the number of carers having to come and go to the property, against the family living on site, there would not be a difference in the volume of traffic visiting the site, sufficient to warrant a refusal on highway grounds.

Should you require any further information regarding this matter please contact me by telephone on the above number, or in writing.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Len Cockcroft', with a large, stylized flourish at the end.

Len Cockcroft

erect a new dwelling cannot be justified

The Highway Authority express concern  
site along the narrow lane which has

MAIN AGENDA

Recommendation

Refuse

By virtue of the location of the site  
boundaries identified by the Copeland  
Version and the absence of a proven  
an inappropriate form of housing development in  
contrary to Policy HSG 5 of the Copeland Local Plan 2001-2011  
Deposit Version.

21 4/05/2426/0

OUTLINE APPLICATION FOR TWO DETACHED DWELLINGS  
LAND ADJOINING, 1, ROSEMARY CLOSE, WHITEHAVEN,  
CUMBRIA.  
W GLASSON

Parish Whitehaven

Members visited this site on 4 August 2005.

In 1970 Cumberland County Council granted planning permission for  
housing development for what now comprises the Bay Vista housing  
development. The consent was subject to conditions requiring the  
land to the rear of Victoria Road being landscaped as an area of  
amenity space. The subsequent approved site layout included the land  
as a landscaped area (4/74/0529 refers).

The area of land is substantial and this application seeks outline  
planning permission to erect two detached dwellings on approximately  
half the land. The application site slopes towards existing  
properties on Victoria Road and comprises of a maintained grassed area  
and semi-mature trees.

An indicative site layout plan accompanies the application showing  
the proposed siting of the houses and the means of access.

The area is not defined as an area of Landscape Importance or  
Recreation/Amenity space in the Copeland Local Plan 2001-2016 2nd  
Deposit Version. Accordingly, it is not afforded any direct  
protection by virtue of Policies SVC 13 or ENV 9. However, Policy

DEV 7 provides that development should avoid the loss or damage to important open spaces.

Letters of objection have been received from 29 households in the area. The objections can be summarised as follows:-

- (a) The area serves as an important safe play area for children on the estate. Without this area children are likely to play on the road or need to walk to other areas which involves crossing Victoria Road.
- (b) The development will detract from the attractive approach to the estate.
- (c) The area was originally designed to protect the amenity of the properties on Victoria Road and this will now be lost.
- (d) Due to the steeply sloping site the development will result in a loss of privacy to Victoria Road properties.
- (e) The site is located on a road junction and will be a risk to highway safety.
- (f) The drainage system is unadopted and inadequate and may not be capable of serving the development.
- (g) The sewers under the site are likely to be in a poor state of repair and the feasibility of building over the sewers is questioned.
- (h) The claim that no trees will be lost is misleading as a mature tree will be required to be felled.
- (i) There is an over-supply of housing locally and development on a greenfield site is contrary to PPG 3.

A number of pro-formas objecting to the proposal have also been received.

The Highway Authority raise no objections to the proposal subject to conditions.

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

The indicative layout plan demonstrates that the minimum separation distance of 21 metres can be achieved between the proposed houses and existing Victoria Road houses. However, the topography of the site

MAIN AGENDA

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is such that problems of overlooking and subsequent loss of privacy are likely to occur and would be difficult to mitigate against.

Recommendation

Refuse

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

-----  
22 4/05/2429/0

ILLUMINATED ADVERT SIGN  
EMMANUEL CHURCH, DALZELL STREET, MOOR ROW,  
CUMBRIA.  
MR NICHOLLS

Parish

Egremont

- Strong objections on the following grounds:-

The size of the proposed sign is inappropriate and as it is adjacent to a busy crossroads it is felt it would be too distracting to drivers.

Advertisement consent is sought to display an illuminated advert sign attached to the gable wall of the Emmanuel Church, Moor Row.

The sign will be 2.1m in width and 1.7m in height and will be situated 2.4m from the ground. The sign itself will be blue in colour with a white fish symbol.

The sign will be illuminated by two overhead external lights mounted directly above. It is not intended that the sign be illuminated constantly. Normally it would be controlled by a timer and be off at 11.00pm.

No objections have been raised by Cumbria Highways subject to conditions being attached to any subsequent consent.

Recommendation

17 Aug 00  
MAIN AGENDA  
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Approve Advertisement Consent

2. The lighting units shall be erected so that no direct rays of light from the source of illumination shall be visible to the drivers of vehicles using the highway and shall be maintained in that respect thereafter.

Reason for the above conditions:-

In the interests of highway safety.

Reason for decision:-

An acceptable advertisement sign compliant with Policy ENV 40 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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23 4/05/2430/0

RETROSPECTIVE APPLICATION FOR THE ERECTION OF  
RAISED DECKING AREA TO REAR OF DWELLING  
25, MERLIN DRIVE, MORESBY PARKS, WHITEHAVEN,  
CUMBRIA.  
B FLEMING

Parish                    Moresby

- No comments received.

Retrospective planning permission is sought for an area of raised decking to the rear of this detached house on the ongoing estate development at Moresby Parks.

The decking is accessed from patio-type doors at first floor level and also from steps leading up from the rear garden. The floor area is 4.3 metres by 4.8 metres and the decking is 2.7 metres above ground level and 2.6 metres away from the boundary with the neighbouring house at its nearest point.

Five letters of objection have been received from neighbouring residents whose concerns can be summarised as follows:-

1. loss of privacy from overlooking
2. the decking is visually unpleasant
3. there is noise nuisance when people are using the decking area.

Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version supports domestic extensions but only in certain circumstances Criterion 3 requires that domestic extensions "would not create potential noise nuisance, security or privacy or overlooking problems for residents of either the parent property or adjacent dwellings".

In my opinion the decking area as constructed fails to satisfy this criterion and, as such, is at variance with Policy HSG 20.

Given the retrospective nature of the application, if Members are minded to support the recommendation to refuse planning permission authorisation to proceed with enforcement action is also sought to secure removal of the unauthorised structure.

Recommendation

Refuse

By virtue of its scale and location the decking area as constructed causes demonstrable harm in terms of overlooking and resultant loss of privacy and, as such, is at variance with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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24 4/05/2445/0

NEW ENTRANCE TO LEISURE AREA, INTERNAL  
MODIFICATIONS AND FACILITIES FOR DISABLED  
THE FALCON CLUB, CROADALLA AVENUE, EGREMONT,  
CUMBRIA.  
SASRA

Parish                      Egremont

- No objections.

Planning permission is sought for a new entrance, internal modifications and disabled facilities at the Falcon Club in Egremont.

The proposal is for a new reception and seating area in the entrance, a steam room and whirlpool together with an internal ramp and chairlift.

A letter of objection has been received from a resident of Old Smithfield, a copy of which is appended.

In response to the points raised, firstly it is noted that there are already openings into the building on the north side and that the





4 OLD SMITHFIELD  
EGREMONT  
CUMBRIA  
CA22 2QW  
15/7/05

COPELAND BOROUGH COUNCIL

28 JUL 2005

RECEIVED

DEAR SIR/MADAM,

I WISH TO OBJECT TO THE PROPOSED  
DEVELOPMENT AT THE FALCON CLUB EGREMONT ( REF.4/05/2445 )  
MAINLY ON TWO COUNTS.

1/ I BELIEVE THE PROPOSED ENTRANCE AT THE NORTH SIDE OF THE  
COMPLEX , ALTHOUGH NOT DESIGNED TO BE AN ENTRANCE FOR  
MEMBERS TO ENTER THE LEISURE COMPLEX , WILL BE USED FOR SUCH  
A PURPOSE , AND WILL SIGNIFICANTLY INCREASE TRAFFIC MOVEMENT  
AND ASSOCIATED NOISE WHICH WILL AFFECT THE AMEINITY OF THE  
RESIDENTS OF OLD SMITHFIELD . DRIVERS WILL USE THE AREA  
BETWEEN THE SQUASH COURTS AND THE PATH RATHER THAN USE THE  
OVERSPILL CAR PARK (PEOPLE SEEM TO PREFER PARKING THERE  
INSTEAD OF THE OVERSPILL CAR PARK BECAUSE THEY HAVE LESS  
DISTANCE TO WALK )

THIS TYPE OF PARKING WILL INCREASE IF THE ENTRANCE IS USED AS I  
BELIEVE IT WILL BE , THIS COULD ALSO CAUSE PROBLEMS BECAUSE  
PEOPLE WHO USE THE BOAT HOUSE NEED TO PARK THERE .

PERHAPS SOME REASONABLE CONDITIONS COULD BE IMPOSED TO  
STOP THESE PROBLEMS OCCURING SUCH AS ,

- a. ENTRANCE ONLY TO BE USED AS ACCESS FOR SUPPLY AND  
MAINTENANCE ETC. AND FIRE EXIT THIS CONDITION WOULD  
INCREASE THE SECURITY OF THE BUILDING .
- b. PARKING ONLY ALLOWED IN THE AREA DESCRIBED ABOVE FOR  
ACCESS TO THE BOATHOUSE AND GARAGE , ON MANY  
OCCASIONS THE COUNCIL HAVE TOLD ME THAT THE MAIN AND  
OVERSPILL PARKING ON THIS SITE PROVIDE ADEQUATE PARKING  
SPACES FOR THIS SITE SO A PARKING BAN IN THIS AREA SHOULD  
NOT CAUSE A PROBLEM.
- c. PERHAPS THE AREA BETWEEN THE ACCESS ROAD TO THE  
BOATHOUSE ETC. AND THE SQUASH COURTS COULD BE  
RETURNED TO GRASS , IF THIS AREA IS NOT USED FOR ANY  
RECREATIONAL OR LEISURE PURPOSE( WHICH IT ISNT) , SURELY  
IT SHOULD HAVE REMAINED AN AREA OF LOCAL LAND SCAPE  
IMPORTANCE AND NOT TARMACADAMED.I SEE NO REASON WHY  
THIS AREA COULD NOT BE LANDSCAPED TO IMPROVE THE  
VISUAL STARKNESS OF THIS BUILDING.

2/ I BELIEVE A STEAM ROOM AND SAUNA ARE TO BE INSTALLED , THE PLANT NEEDED FOR THIS TYPE OF DEVELOPMENT FILTRATION,PUMPS EXTRACTORS ETC WILL CAUSE NOISE AND POSSIBLY OTHER ENVIRONMENTAL PROBLEMS.

AT PRESENT EXTRACTOR AND AIR CONDITIONING FANS DIRECTLY OPPOSITE OLD SMITHFIELD ARE OPERATING BETWEEN 9 AM AND 10 PM SEVEN DAYS A WEEK AND I BELIEVE ANY INCREASE IN NOISE LEVEL OR DURATION WOULD NE INTOLERABLE  
WOULD IT BE FEASIBLE TO PUT EXTRACTORS ETC. AS FAR AWAY FROM RESIDENTS AS REASONABLY PRACICABLE

YOURS SINCERELY

A handwritten signature in cursive script that reads "David Thomlinson". The signature is written in dark ink and is centered on the page.

DAVID THOMLINSON

MAIN AGENDA

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main entrance and reception area will be accessed from the opposite (south) side. Cumbria Highways raise no objection to the proposal as it is unlikely to have a material affect on existing highway conditions.

Finally, no additional plant is proposed as part of this application and cannot, therefore, be taken into account.

Policy SVC 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version supports proposals for new or expanded recreation and leisure facilities. This proposal is considered to be in accordance with this policy.

Recommendation

Approve

Reason for decision:-

An acceptable extension to an existing recreation and leisure facility in accordance with Policy SVC 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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25 4/05/2468/0

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

Parish                      Whitehaven

This application seeks outline planning permission to erect a dwelling on an area of garden land adjacent to 35 Loop Road North.

The site is considered to represent an attractive feature adjacent to the A595 trunk road. In order to accommodate the development it is proposed to fell eight trees of varying maturity. Also, an open stream runs through the site which will require realignment.

It is proposed to widen the existing access onto the trunk road to serve both 35 Loop Road North and the proposed new dwelling. The Highways Agency raise no objections to the proposal subject to any works being undertaken in accordance with Highway Agency Standards.

Three letters of objection have been received from residents of Coronation Drive which adjoin the rear boundary of the site. The

MAIN AGENDA

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objections can be summarised as follows:-

1. The proposed property will block out light and result in a loss of privacy.
2. The proposal involves the loss of mature trees and wildlife habitat.
3. Disturbance of the waterway will result in problems with vermin.
4. The development would be out of character with the area.

The site is located within the settlement boundary for Whitehaven as defined within the Copeland Local Plan 2001-2016 2nd Deposit Version. Accordingly, a presumption in favour of infill housing development exists. Nevertheless, the loss of the site's natural feature does give cause for concern. A site visit is suggested to fully appraise the proposal.

Recommendation

Site Visit

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26 4/05/2474/0

BOUNDARY WALL (RETROSPECTIVE)  
10, HODGSON GARDENS, MILLOM, CUMBRIA.  
MR M ROSKELL

Parish                    Millom

- No objections.

Planning permission to construct a four bedrooomed detached house on this plot at the ongoing Hodgson Gardens residential development was granted in November 2002 (4/02/1083/0F1 refers). The planning application indicated that boundary treatments would comprise 1.5m high concrete blockwork walls.

The boundary wall as constructed exceeds this permitted height, being over 2.0m high where it adjoins the neighbouring corner plot which is occupied by a detached bungalow.

This application for retrospective approval seeks to regularise the situation although the applicant has confirmed his agreement to:-

1. Reduce the overall wall height by one block (approximately 8") and finish with a suitable coping stone.
2. Render the wall in a dry dash to match that used on the applicant's house and other neighbouring dwellings.

A letter of objection has been received from the residents of the neighbouring bungalow on plot 11, a copy of which is appended.

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

1. The extant planning consent already permits boundary walls around this plot to a height of 1.5m of concrete blockwork construction. Whilst the wall as constructed exceeds this permitted height the current proposal would ensure the application of a dry dash render to achieve a more visually acceptable appearance.
2. As regards potential safety implications the Highway Authority raises no objections.

Given the extant planning consent I do not consider the increased wall height to have such a detrimental impact on the neighbouring property as to warrant refusal of this retrospective application. The agreed rendering of the wall will, in fact, significantly improve its appearance.

Recommendation

Approve

2. The wall as constructed shall be reduced in height by one block course along its entire length and a coping stone incorporated and both sides of the wall shall be finished in a dry dash render to match that employed on the applicant's house and neighbouring properties as agreed in the applicant's letter received by the Local Planning Authority on 4 August 2005. The aforementioned works shall be completed within 3 months from the date of this decision notice.

Reason for condition:-

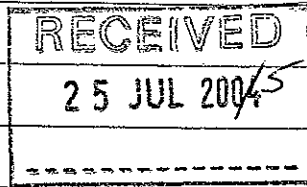
For the avoidance of doubt and in the interests of visual amenity.

Reason for decision:-

The boundary wall treatment, as amended, is considered acceptable in terms of its appearance and resultant visual impact on neighbouring property given the provision of the extant planning consent (Local Planning Authority Ref: 4/02/1083/0F1).



①



MR and MRS COLIN James  
11 HOBSON GARDEN'S  
MILLOM  
CUMBRIA  
LAIS SLE  
01229 772164.

Dear planning officer.

In response to the letter sent to us dated 12<sup>th</sup> July from yourselves regarding planning from Mr M. Roskell 10 Hobson Gardens Millom, for a boundary wall we highly object to this wall on several matters.

\* It is the only high wall on the site over two meters high which lets the estate down as a whole.

\* It has been erected in front of our property therefore we are looking out of our window and door on to a wall.

\* All other walls on the site are built behind the front line of the property, this wall is built in front of the property.

\* Safety issues arise when we drive out of our drive the end of the wall obstructs our view and we would not see if a child ran from the front of their house.

\* It states clearly in the planning outline consent that all fronts of properties are

②

to be left open and therefore no high walls fences, or trees in front of properties.

Please could you look into all points we have shown, we object to this wall being left as high over 2 metres in front of our windows and come to some sensible, attractive alternative.

we have enclosed some photos to help you understand our objection and concerns.

Yours

faithfully

K James

*K James*



27 4/05/2486/0

NOTICE OF INTENTION INSTALLATION OF A 15M HIGH  
SLIM POLE, SIX ANTENNAS AND 1 NO. 600MM  
TRANSMISSION DISH (56 DAYS - PART 24 APPLICATION)  
WHITRIGGS FARM, SEASCALE, CUMBRIA.  
ORANGE PERSONAL COMMUNICATIONS

Parish                      Seascale

- Although the Parish Council would prefer masts well away from residential properties, this is the most preferable site so far. Hope the site can be used by multiple companies in the future.

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

The proposal seeks consent to erect a 15 metre slim pole mast with associated antennas adjacent to an agricultural building at Whitriggs Farm. The site occupies a slightly elevated location to the south of Seascale. An equipment compound is proposed which will be largely hidden from view by the existing building and a stone wall.

In 2002 the current applicants secured planning permission to site telecommunications equipment on the fire training tower at Gosforth Road, Seascale (4/02/0473/0 refers). Although the proposal complied with planning policies it was unpopular locally. This proposal would avoid the need to build the Gosforth Road facility.

A letter of objection has been received from the occupier of a property at the entrance to the farm which is approximately 60 metres from the proposed mast. The objector expresses the following concerns:

- (a) The installation may affect the health of his young children.
- (b) Possible detrimental effects on the marketability and resale value of properties.
- (c) The installation will be visible on the sky line and harmful to the visual amenity of the area.

Points (a) and (b) cannot be material considerations in the determination of this proposal. Also, given the proposed siting of the mast next to a 6m high agricultural building it is unlikely that the proposal would cause any demonstrable harm to local visual

amenity.

The proposal is considered to comply with Policy SVC 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Recommendation

Approve Telecommunications

Reason for Decision:

An appropriate form of telecommunications development incorporating satisfactory siting and design compliant with Policy SVC 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

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28 4/05/2510/0

DOUBLE STOREY EXTENSION  
86, HOLLY BANK, WHITEHAVEN, CUMBRIA.  
MR & MRS P N ANDERSON

Parish                      Whitehaven

Planning permission is sought to construct a two storey extension to the gable of this semi-detached house to accommodate a garage, utility room and sun room with an additional lounge area and bedroom above. A previous application (4/05/2064) to construct a two storey extension to this house was withdrawn in March of this year.

The front of the garage would be flush with the existing lounge with the sun room projecting 4.5m beyond the existing rear elevation. The first floor accommodation would be accessed via a separate stairwell from the sun room as the existing stairwell is at the opposite side of the house.

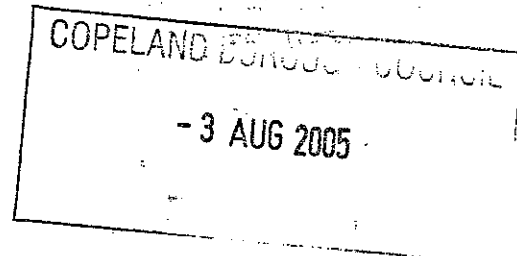
A separation distance of 4.7m would be maintained between the side elevation of the proposed extension where it projects beyond the existing rear elevation and the boundary with the adjoining house. A letter of objection has been received from the residents of this neighbouring property together with a letter of objection from the residents of a property to the rear. Copies of these letters of objection are appended.

In order that the proposed development can be fully appraised in the light of these concerns a site visit by Members is recommended before this application is determined.

(5)  
Stephen McIlroy  
88 Holly Bank  
The Highlands  
Whitehaven  
Cumbria  
CA28 6SA

Tel Home: 01946 696150  
Mobile: 07919418541

Pat Pomfret  
Copeland Borough Council  
Catherine Street  
Whitehaven  
Cumbria  
CA28 7SJ



Your Ref: 4 / 05 / 2510 / 0\*001\*2

2 August 2005

Dear Pat

Following my visit to the Copeland Borough Council offices to inspect the plans re-submitted by Mr and Mrs Anderson of 86 Holly Bank the Highlands for a proposed double storey extension to their property, I wish to again object to this extension being granted planning approval for the reasons below;

1. I do not believe the re-submitted plans address the issues regarding the lack of privacy and overlooking for myself and my neighbours as identified in the reasons for refusal the last time the plans were submitted
2. The length and height of the extension has not been reduced sufficiently to afford the privacy and quality of life that I and my neighbours have at the moment and I would still feel uncomfortable and that I was being watched when I was in my garden. This as you can appreciate would not be acceptable to anyone
3. The design of the extension is out of context with the style of house on this estate.

I would still like to enforce the point that I do not object to Mr and Mrs Anderson adding an extension to their home but I feel one that does not encroach lengthways away from the original footprint of their house would be more in keeping and would provide myself and my neighbours with the privacy that we would afford others.

Thank you for your consideration on these matters

Yours Sincerely

Steve McIlroy



4/05/2510/0.

Mr J G Dixon  
24 Burton High Close  
Harras Moor  
Whitehaven  
Cumbria  
CA28 6SD

Dear Pat

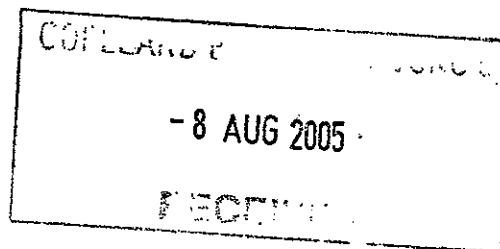

With regard to the proposed extension to 86 Holly Bank Whitehaven.  
I would like to object to this extension.

My reasons for my objections are as follows. This extension being double story and will result in our lose of privacy as it will look right in to our garden and back of our house.

Also if it is aloud to go a head we will have the noise from the building work and possible damage to our garden as our property and this one are "back to back" and we recently landscaped our back garden at a considerable cost to us and would not be able to use it while any building work was being carried out.

Yours Sincerely

John George Dixon





MAIN AGENDA

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Recommendation

Site Visit

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29 4/05/2513/0

1 NO. BUNGALOW AND PUBLIC CAR PARK  
FAIRLADIES, ST BEES, CUMBRIA.  
STORY HOMES

Parish                      St Bees

The approved layout for this ongoing housing development at St Bees incorporates a 20 space public car park with footpath linkage to the village Main Street, this provision being a requirement, by conditions, of the Notice of Grant of Outline Planning Permission dated 28 February 2001 (4/00/0785/001 refers).

Planning permission is now sought for a revised layout for this part of the development to incorporate 17 car parking spaces together with a three bedroomed detached bungalow with integral garage.

The status of this car parking requirement has been the subject of recent discussions with the applicant and representatives from St Bees Parish Council whose views have been sought. Considerable interest has also been expressed by local residents. The application has been advertised by way of a site notice and individual letters to nearby residents. The outcome of these consultations will be reported to Members in due course.

In the meantime, given the significant local interest in this development, a site visit by Members is recommended prior to the application being determined.

Recommendation

Site Visit

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**AMENDED PLAN**

4/04/2180/0F1

**EXTENSION – 3 GILGARRAN PARK, GILGARRAN, DISTINGTON**

In April 2004 planning permission was granted to erect an extension to this bungalow to which no representations were received.

The approved scheme shows a blank gable end to the extension. Without permission an obscure glazed, 1000mm high x 55mm wide, top hung window has been installed into this blank gable end.

The front elevation of the approved scheme shows a door and window which has been replaced with a pair of double doors. Permission in retrospect has been sought for these amendments to the approved scheme.

Following reconsultation a letter of objection has been received from an adjoining owner who expresses concern regarding her property being overlooked by the window but has no objection to the double doors.

The amendments as submitted are considered acceptable in that the double doors and the insertion of a small, obscure glazed window will cause no demonstrable harm. Furthermore a dividing hedge exists between the two properties.

In the absence of any justifiable planning reason directing otherwise, the amended plan should be approved.

**Recommendation:** That the amended plan received by the Local Planning Authority on 25 July 2005 be approved.



Schedule of Applications - DELEGATED MATTERS

4/04/9015/0	Millom	NEW ARTIFICIAL TURF PITCH AND CHANGING PAVILION (REVISED DESIGN) MILLOM SCHOOL, SALTHOUSE ROAD, MILLOM, CUMBRIA. CLIENT SERVICES & PROPERTY UNIT
4/05/2434/0	Seascale	CONSTRUCTION OF A DRIVE FROM THE ROAD TO THE FRONT OF THE HOUSE 2, SCAWFELL CRESCENT, SEASCALE, CUMBRIA. MR R J HUTT
4/05/2355/0	Whitehaven	RECONSTRUCTION OF EXISTING SINGLE STOREY EXTENSION TO PROVIDE ADDITIONAL 1ST FLOOR 69, CORONATION DRIVE, WHITEHAVEN, CUMBRIA. MR J B ELLIOTT
4/05/2381/0	Cleator Moor	ERECTION OF GARAGE  58, BIRKS ROAD, CLEATOR MOOR, CUMBRIA. MISS A MCGONAGLE
4/05/2392/0	Cleator Moor	LISTED BUILDING CONSENT TO FIX NOTICE BOARD TO THE LEFT OF THE DOORWAY (ON WALL) TOWN COUNCIL CHAMBERS, THE SQUARE, CLEATOR MOOR CUMBRIA. CLEATOR MOOR TOWN COUNCIL
4/05/2393/0	Whitehaven	TWO STOREY REAR EXTENSION  1, ROUND CLOSE PARK, SCILLY BANKS, WHITEHAVEN, CUMBRIA. MR D PROCTOR
4/05/2397/0	Whitehaven	REAR CONSERVATORY  93, BUTTERMERE AVENUE, WHITEHAVEN, CUMBRIA. MR N LOFTHOUSE
4/05/2400/0	Whitehaven	TWO STOREY GABLE EXTENSION  39, JUBILEE ROAD, RED LONNING, WHITEHAVEN, CUMBRIA. MR & MRS M ASBRIDGE
4/05/2401/0	Whitehaven	NEW BEDROOM/DINING ROOM EXTENSION  19, HIGH ROAD, PROSPECT, WHITEHAVEN, CUMBRIA. MR & MRS M PRIESTLEY
4/05/2402/0	Cleator Moor	SINGLE STOREY REAR EXTENSION  78, CONISTON PARK, CLEATOR MOOR, CUMBRIA. MR & MRS D GRAHAM
4/05/2408/0	Egremont	LIVING ROOM, UTILITY AND BATHROOM EXTENSION

		8, THE CRESCENT, EGREMONT, CUMBRIA. MR & MRS BROUGHTON
4/05/2411/0	Whitehaven	LISTED BUILDING CONSENT FOR REFURBISHMENT OF GRADE II LISTED TOWN HOUSE 84, SCOTCH STREET, WHITEHAVEN, CUMBRIA. REED GRAHAM DEVELOPMENTS LTD.
4/05/2412/0	Whitehaven	REFURBISHMENT OF GRADE II LISTED TOWN HOUSE  84, SCOTCH STREET, WHITEHAVEN, CUMBRIA. REED GRAHAM DEVELOPMENTS LTD.
4/05/2414/0	Egremont	TWO STOREY EXTENSION  49, CROFTLANDS, BIGRIGG, EGREMONT, CUMBRIA. MR S AGNEW
4/05/2415/0	Egremont	REBUILD KITCHEN AND BATHROOM TO REAR  44, JOHN STREET, MOOR ROW, CUMBRIA. MR J CARR
4/05/2416/0	Whitehaven	TWO STOREY EXTENSION  41, BASKET ROAD, KELLS, WHITEHAVEN, CUMBRIA. G TYSON
4/05/2419/0	Whitehaven	FRONT CONSERVATORY  15, THWAITEVILLE, KELLS, WHITEHAVEN, CUMBRIA. MR N VAUGHAN & MISS J M TODD
4/05/2422/0	Whitehaven	TWO STOREY EXTENSION  34, CHATSWORTH DRIVE, RED LONNING, WHITEHAVEN, CUMBRIA. MR S BRANTHWAITE
4/05/2424/0	Whitehaven	EXTENSION  59, RUTLAND AVENUE, WHITEHAVEN, CUMBRIA. MR & MRS KITTO
4/05/2425/0	Whitehaven	ILLUMINATED SHOP SIGN - 1 FASCIA SIGN AND 1 HANGING SIGN 43, KING STREET, WHITEHAVEN, CUMBRIA. ABBAY NATIONAL GROUP
4/05/2437/0	Whitehaven	DOUBLE AND SINGLE STOREY EXTENSIONS TO DWELLING  35, VICTORIA ROAD, WHITEHAVEN, CUMBRIA. MR AND MRS D BRANTHWAITE
4/05/2438/0	Whitehaven	MOTOR CYCLE SHELTER

Schedule of Applications - DELEGATED MATTERS

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		7, LOOP ROAD SOUTH, WHITEHAVEN, CUMBRIA. MR A McINTOSH
4/05/2439/0	Whitehaven	GARAGE
		55, HOLLY BANK, THE HIGHLANDS, WHITEHAVEN, CUMBRIA. MS L RICHARDS
4/05/2190/0	Whitehaven	DWELLING
		LAND ADJACENT TO, 31, LOOP ROAD SOUTH, WHITEHAVEN, CUMBRIA. L MASON
4/05/2359/0	Seascale	NEW DETACHED SINGLE GARAGE
		BANK HEAD HOUSE, THE BANKS, SEASCALE, CUMBRIA. MR & MRS HOWARD
4/05/2372/0	Millom	GLASS REINFORCED PLASTIC HOUSING CONTAINING ELECTRICITY SUBSTATION OPPOSITE JUNCTION OF, MOOR ROAD &, THORNHILL, MILLOM, CUMBRIA. UNITED UTILITIES ELECTRICITY PLC
4/05/2384/0	Millom	ERECTION OF GARAGE AND PROVISION OF HARD STANDI TO DRIVE FOR CAR PARKING 8, FESTIVAL ROAD, MILLOM, CUMBRIA. MRS A ARMSTRONG
4/05/2385/0	Millom	1ST FLOOR AND REAR EXTENSION
		HOLMLEA, 9, ST LUKES ROAD, HAVERIGG, MILLOM, CUMBRIA. MR & MRS STEELE
4/05/2388/0	Whitehaven	REINSTATEMENT OF FORMER SHOP ENTRANCE DUE TO SALES AREA EXPANSION WILKINSON, LOWTHER STREET, WHITEHAVEN, CUMBRIA. WILKINSON
4/05/2389/0	Arlecdon and Frizington	CHAIN LINK FENCING TO BE FIXED TO TOP OF SCHOOL WALL IN ONE CORNER OF THE SCHOOL YARD FRIZINGTON COMMUNITY PRIMARY SCHOOL, MAIN STREE FRIZINGTON, CUMBRIA. FRIZINGTON COMMUNITY PRIMARY SCHOOL
4/05/2391/0	Whitehaven	ILLUMINATED ADVERT SIGN
		WILKINSON, LOWTHER STREET, WHITEHAVEN, CUMBRIA. WILKINSON
4/05/2394/0	Moresby	THREE BEDROOM DETACHED BUNGALOW

Schedule of Applications - DELEGATED MATTERS

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		PLOT 8, OFF, EAGLES WAY, MORESBY PARKS, WHITEHAVEN, CUMBRIA. MR & MRS G PARKER
4/05/2398/0	Whitehaven	CHANGE OF USE TO DWELLING  3, DUKE STREET, WHITEHAVEN, CUMBRIA. MR F LOWE
4/05/2399/0	Whitehaven	LISTED BUILDING CONSENT FOR ALTERATIONS ASSOCIATED WITH CHANGE OF USE TO DWELLING 3, DUKE STREET, WHITEHAVEN, CUMBRIA. MR F LOWE
4/05/2404/0	Cleator Moor	CHANGE OF USE FROM GROUND FLOOR RETAIL TO A5 US AND CONVERSION OF STORE INTO APARTMENT AT REAR 78, HIGH STREET, CLEATOR MOOR, CUMBRIA. MRS B L MAHOVIC
4/05/2410/0	Drigg & Carleton	AGRICULTURAL BUILDING  DRIGG MOORSIDE, DRIGG, HOLMROOK, CUMBRIA. MESSRS SHEPHERD
4/05/2444/0	Millom	EXTENSION TO THE PRE-SCHOOL PLAYGROUP  MILLOM INFANTS SCHOOL, LAPSTONE ROAD, MILLOM, CUMBRIA. MILLOM FAMILY NETWORK CENTRE
4/05/2448/0	Moresby	EXTENSION  EMMAUS HOUSE, RESIDENTIAL HOME, WALKMILL CLOSE, MORESBY PARKS, WHITEHAVEN, CUMBRIA. MR W E MESSENGER
4/05/2449/0	Distington	NOTICE OF INTENTION FOR BARN TO STORE SHEEP FEE BALES, TRACTOR, WOOD AND FIREWOOD LAND ADJACENT TO, PICA WELFARE HALL, PICA, CUMBRIA. MR T P DAVIDSON
4/05/2451/0	Arlecdon and Frizington	NOTICE OF INTENTION FOR MACHINE, IMPLEMENT AND MATERIAL STORE FIELD NO. 9344, BEHIND SUN INN, ARLECDON, CUMBRIA. WILLIAM ARNOTT
4/05/2454/0	Whitehaven	CHANGE OF USE TO OFFICES (GROUND FLOOR)  73, LOWTHER STREET, WHITEHAVEN, CUMBRIA. TAXASSIST DIRECT
4/05/2475/0	Haile	STORAGE SHED FOR GRAIN AND ANIMAL FEED

Schedule of Applications - DELEGATED MATTERS

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		HIGH HOUSE, WILTON, EGREMONT, CUMBRIA. T DIXON
4/05/9010/0	Whitehaven	STORM WATER DRAINAGE (SOUTH SITE AREA)  RHODIA SITE, HIGH ROAD, WHITEHAVEN, CUMBRIA. RHODIA PHARMA SOLUTIONS
4/05/9011/0	Millom Without	NEW MULTI PURPOSE SINGLE STOREY HALL  THWAITES SCHOOL, HALLTHWAITES, MILLOM, CUMBRIA. P&TSU
4/05/2403/0	St Bees	PART 24 NOTIFICATION RE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT ON EXISTING MAST BANKEND, BIGRIGG, EGREMONT, CUMBRIA. YOUR COMMUNICATIONS
4/05/2428/0	St Bridgets Beckermert	RENEWAL OF TEMPORARY PERMISSION FOR BREATHING A TRAINING FACILITY SELLAFIELD, SEASCALE, CUMBRIA. BRITISH NUCLEAR GROUP
4/05/2442/0	St Bridgets Beckermert	ERECT 4 No. SINGLE STOREY BUILDINGS TO SERVE AS EQUIPMENT HOUSING SELLAFIELD, SEASCALE, CUMBRIA. BRITISH NUCLEAR GRP. SELLAFIELD LTD