

PLANNING PANEL

22 AUGUST 2007

AGENDA

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RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

STANDARD CONDITIONS

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

Outline Consent

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

Reserved Matters Consent

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

Full Consent

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

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1 4/07/2147/0

2 NO. NEW DWELLINGS

SITE ADJACENT TO, THE LOWTHER ARMS, MAIN STREET,
PARTON, WHITEHAVEN, CUMBRIA.

MR D HEATH

Parish

Parton

- No objections.

In June 1988 outline planning permission for a dwelling was granted on this site adjacent to the Lowther Arms Public House, Parton (4/88/0339/0 refers). This was followed by the detailed approval for a dwelling and garage on this site in May 1989 (4/89/0349/2 refers). These consents were not implemented.

This application now seeks full planning permission for the erection of two 3 bedroomed semi-detached houses offering accommodation over three storeys. The dwellings also incorporate front porches and single storey rear kitchens.

External finishes comprise wet dash rendered walls with smooth painted surrounds, re-cycled Welsh slate roofs, timber sliding-sash windows painted white and black uPVC rainwater goods.

The proposed development has direct road frontage and would be served by an existing access off Main Street which would run between the existing public house and the proposed development and finish in a car parking and turning area to the rear.

As originally submitted two garages were proposed to the rear of the site with additional off-street parking along the site frontage. Following concerns from the Highways Authority an amended plan has been received deleting the frontage parking and garages and replacing them with four dedicated off-street parking places to the rear of the site. The Highways Authority are satisfied with this amended layout.

Policy HSG 4 of the adopted Copeland Local Plan 2001-2016 states that:-

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

The site is situated on the border of Flood Zone 3. The Environment Agency has objected on the basis that the site has not been sequentially tested. The sequential test has been brought into force as part of the new Planning Policy Statement 25 "Development and

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Flood Risk" (PPS25). The sequential test is used to demonstrate that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed and will be used as a means of assessing the suitability of future allocated housing sites.

Whilst there may be a more appropriate site for such development elsewhere in Parton this would not be within the applicant's remit. It should be noted that there are two allocated housing sites in Parton, as defined by the adopted Copeland Local Plan 2001-2016, which lie directly within Flood Zone 3.

Whilst it is not possible to totally eliminate the risk of flooding in such a coastal location, flood-proofing measures can be incorporated into such dwellings, for example, raised floor levels and sockets.

On balance, the proposal would result in the development of this centrally located brownfield site within the settlement boundary for Parton. Historically the site has had previous consents for residential development which were never implemented. If Members are minded to approve the application it is recommended that a condition be attached requiring a detailed Flood Risk Assessment be carried out, including the use of flood proofing measures.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plans (Drawing Nos 06/1673/05B, 06/1673/03C and 06/1673/04C received by the Local Planning Authority on 21 May 20007.
3. Before development commences a detailed flood risk assessment of the site shall be carried out and submitted to the Local Planning Authority for approval. This shall include details of the proposed foul and surface water drainage systems for the site. Any precautions deemed necessary as a result of this assessment shall also be submitted for written approval by the Local Planning Authority prior to works commencing. The approved scheme shall be completed in accordance with the approved details before the dwellings are occupied.
4. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

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5. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwellings are brought into use. The surfacing shall extend for a distance of at least 10 metres inside the site, as measured from the carriageway edge of the adjacent highway.
6. Access gates, if provided, shall be hung to open inwards only away from the highway.
7. 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 development being completed and shall be maintained operational thereafter.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

To minimise the risk of flooding.

In the interests of highway safety and environmental management.

Reason for decision:-

An acceptable form of residential development within the settlement boundary of Parton in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

2 4/07/2199/0

4 DETACHED DORMER BUNGALOWS WITH INTEGRAL GARAGES
LAND ADJACENT TO, CROSS HOUSE FARM, MILLOM,
CUMBRIA.
MR D SIMPSON

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Parish

Millom

- Major concerns over application possibly contravening local plan and building regulations.

On a vote at the last meeting Members were minded to refuse the above planning application. As this was contrary to the officer recommendation the planning application is now brought back to the Panel for a final decision in accordance with para 9.2 of the Council's Planning Code of Conduct. Members also resolved to carry out a further site visit, particularly for the benefit of new Panel members. This took place on Wednesday 8 August 2007.

Planning permission is sought for four detached dormer bungalows with integral garages at the former Cross House Farm, Millom. The application is retrospective insofar as the four dwellings are substantially constructed but at variance with the planning permission for four detached dwellings on this site granted in March 2005 (4/04/2831/0F1 refers).

An application for a revised layout for the four detached dwellings as now substantially constructed was withdrawn on 22 May 2006, this application being on the agenda for the 24 May 2006 Planning Panel meeting with an officer recommendation to refuse (4/06/2157/0F1 refers).

The current application shows proposed amendments to the dwellings as substantially constructed, primarily in an attempt to achieve compliance with Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 as regards separation distances.

Within this Policy the important issue is the minimum separation distances which are as follows:-

- detached and end of group dwellings retain at least 1.0 metre clear between walls and side boundaries
- a minimum of 21.0 metres is retained between face elevations of dwellings containing windows of habitable rooms
- a minimum of 12.0 metres is retained between face elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation.

Firstly for Plot 1, it is proposed to remove stone work to the gable elevation as built in order to meet the distance of 1.0 metre to a boundary wall. With this removed the distance to the boundary varies along the elevation between 0.9 and 1.1 metres. It is considered that this minimum distance to the boundary is acceptable and still provides sufficient access and maintenance space. To the rear of the dwelling, the distance from the rear of the property to the boundary wall measures between 5.8 metres up to 6.4 metres which is as approved from

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the previous application. There is no stated necessary separation distance to garden land from habitable rooms, therefore this is viewed as acceptable in its current situation. The issues with separation distances from the new dwelling opposite will be dealt with under Plot 4 below.

For Plot 2, the house as built is located at a distance of 10.8 metres at the nearest point from an adjacent dwelling, No. 17 Mountbatten Way. The separation distance as stated above for this should be 12.0 metres. No work to the dwelling in its current form could be undertaken to improve this situation. However, it should be noted that Plot 2 on the previous approval was only 10.2 metres away from 17 Mountbatten Way and therefore this is an improvement, albeit small. In all other respects the dwelling complies with policy.

It should be noted that under the terms of the previous approval the existing properties on Mountbatten Way were protected from the new dwellings as much as possible with the inclusion of a 1.8 metre high fence as a condition of approval which is now in place.

Plot 3 has been repositioned at an angle, instead of as approved previously. This leads to issues as the dining room window is only 20 metres from No. 29 Mountbatten Way. This plan shows the deletion of this window in favour of patio style doors on the gable of the dwelling which faces onto an adjacent field. Again, as stated above, this distance should be 21 metres but the removal of the window to the gable ensures compliance. In comparison to the previous approval this was a blank gable, but at its closest point was 17.2 metres distant from the nearest dwelling on Mountbatten Way.

Another issue is that the gable wall of Plot 4 is visible from the living room of the dwelling. However, it does not face directly onto the gable so this is not considered to adversely affect either dwelling.

The dwelling on Plot 4 has been redesigned in order to address overlooking issues in relation to Plot 1. The dwellings as built measure 15.5 metres apart at the closest point and previously from living room to living room the distance was 17.5 metres, although not directly facing. The internal arrangements of the dwelling have been altered so that the bay window as previously proposed has now been removed and the room that faces Plot 1 will be a kitchen, with the living room now located to the rear of the property.

Letters of objection have been received from the residents of 10 properties neighbouring the development together with letters of objection from a resident of Churchill Drive, Millom and a resident of Caton Street, Haverigg. At the request of the authors, copies of these latter two letters of objection are appended to this report.

Concerns can be summarised as follows:-

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- that the development should not be allowed as the houses have been substantially constructed without consent
- that the development should not be allowed as it is backland development
- that the housing design standards have not been met
- that the dwellings overlook neighbouring gardens and properties
- that the drainage proposal is not acceptable
- that the site ownership details are not correct
- that the plan does not meet with Highway Standards.

In response to these concerns, firstly I would comment that whilst the actions of the developer in this situation are deplorable, the retrospective nature of the application should not impact on the decision. With regard to the issue of backland development, all of the dwellings proposed are accessed off a single driveway, with each house having frontage to this. Also, it should be noted that the principle of development of this site was established by way of approval in 2005 for 4 dwellings (4/04/2831/0F1 refers).

With regards to the housing design standards, the issues relevant to each dwelling have been explained above and were closely examined by Members at the site visit. Also, for the complaint about the distance to garden land, it should be noted again that there is no specified distance for this in Policy HSG 8. In terms of overlooking, Plots 1 and 2 do not directly face the objector's property.

The drainage is stated as being to mains for the foul drainage, which United Utilities have no objections to, but note that the main network would need to be extended approximately 110 metres westbound along the A5093 to reach the site. If adopted, this would enable the existing properties at Cross House on non-mains drainage to connect into the public sewer should they choose to do so. It is stated on the plan that the surface water will be discharged to a culvert which runs through the site adjacent to Plot 3. Should the application be approved then an attenuation tank would be conditioned to limit the surface water run off. However, any easements to dispose of surface water onto or across the land would need to be addressed by the developer outwith the control of the Planning Acts. It should also be stressed that control under the Town and Country Planning Acts is limited to foul and surface water drainage arrangements and not field drains. Clearly the latter is of major concern to neighbouring residents but must be addressed as a civil issues between the respective land owners.

The ownership details have been questioned by an objector who has

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submitted a Land Registry Plan which shows an additional owner of the site. The details submitted should be accurate and the Council have now received amended forms and an accurate site location plan.

With regard to the highway issues, Cumbria Highways firstly recommended suitable conditions should the application be approved, but raised a number of issues about the application site. The agents for the proposal have now responded to these and a further site layout plan has been submitted responding to the issues. The access road is now proposed to be 4.5 metres wide to allow vehicles to pass within the site, and the plan now shows two car parking spaces per dwelling.

The changes that have been made to the dwelling types have significantly addressed the previous concerns and although substantially constructed, this should have no bearing on the decision. Although larger than the dwellings approved in the 2004 application, it should be noted that this proposal again is only for 4 detached dormer bungalows as previous, and has similar separation distances.

Should Members be minded to support the planning application measures are clearly necessary to ensure that all the works are carried out satisfactorily in accordance with the submitted details and conditions attached to any subsequent grant of planning permission. Via their solicitors the applicants now propose that on the basis that planning permission would be granted as submitted they would unilaterally offer a Section 106 agreement which would provide obligations to prioritise works to remedy unauthorised development and to minimise the risk of surface water flooding.

A draft Section 106 agreement has been submitted for consideration by the Council's legal officers, under the provisions of which the developer covenants with the Council as follows:-

1. Before any further Development Works are commenced the Developer shall submit to the Council a scheme for on-site surface water drainage and disposal including details of on-site attenuation for approval in writing by the Council.
2. Before any further Development Works are commenced the Developer shall:-
 - (i) Implement the approved surface water drainage and disposal works strictly in accordance with the details approved by the Council.
 - (ii) Implement the modification works to each dwelling as shown on the plan received by the Council on 21 March 2007.

Compliance with the Unilateral Obligation can be further secured by way of a Grampian Planning condition.

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As previously stated, the actions of the developers are to be deplored. However, the planning application must be determined solely on its planning merits. I am of the firm opinion that the proposals now put forward and supplemented by a Unilateral Obligation under Section 106 of the Town and Country Planning Act 1990 constitute an acceptable scheme to secure the satisfactory completion of this development.

Recommendation

Approve (commence within 3 years)

2. No further development shall take place on the site unless and until a Unilateral Obligation under Section 106 of the Town and Country Planning Act 1990 has been executed. Development shall then proceed strictly in compliance with the prioritised works as set out in the Third Schedule of the Obligation.
3. The access details for the junction with the adopted highway shall be carried out strictly in accordance with the amended plans received by the Local Planning Authority on 28 June 2007 before any of the dwellings hereby approved are occupied.
4. The parking and site layout details shall be carried out strictly in accordance with the amended plan received by the Local Planning Authority on 5 July 2007 before any of the dwellings hereby approved are occupied.
5. Occupation of the dwellings shall not take place until the access has been formed with a 6.5 metre radius kerb to give a minimum carriageway width of 4.5 metres and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.
6. 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 and the approved works subsequently carried out prior to any of the dwellings hereby approved being occupied.
7. Notwithstanding the submitted plan, the gradient of the private road shall be 1 in 20 for the first 10 metres only.

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8. Details of on-site attenuation to be implemented by the developer to aid surface water drainage shall be submitted to the Local Planning Authority for approval. Any approved works shall be implemented prior to any of the dwellings hereby approved being occupied and shall be maintained operational thereafter.
 9. The site shall be drained on a separate system with only foul drainage connected into the foul sewer.
 10. Modification works to each dwelling shall be carried out strictly in accordance with the floor plan and elevational drawings received by the Local Planning Authority on 21 March 2007 before that dwelling is brought into residential occupation.
 11. Notwithstanding the provisions of Part 1 of Schedule 2 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 additional door or window openings, including dormer windows, other than those expressly authorised by this permission, shall be constructed without the prior written consent of the Local Planning Authority.
 12. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development)) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling without the prior written consent of the Local Planning Authority.

Reasons for conditions:-

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

For the avoidance of doubt and to secure compliance with the requirements of the planning consent.

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

In the interests of highway safety

To ensure a satisfactory drainage scheme

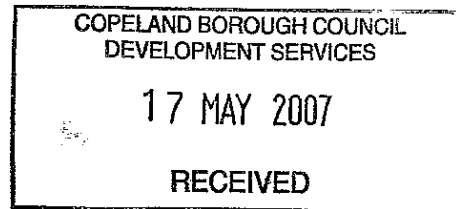
To retain control over the appearance of the development in the interests of amenity

4/07/2199/0

(53)

Gillgarth Caton Street Haverigg Millom Cumbria LA18 4HE
Tel 01229772531

Mr S Blacker
Planning Officer
Copeland Borough Council
Catherine Street
Whitehaven
CA28 7SJ



15/05/2007

Dear Mr Blacker,

Re; Development at former Crosshouse Farm, Millom, Cumbria.

As you know I have been working with the residents of Crosshouse, Crosshouse Cottages and Mountbatten Way in an attempt to resolve the issues surrounding this development. Unfortunately I am no longer a Copeland Councillor but feel so strongly regarding this blatant disregard for the Council's planning procedures that I will continue to object. My grounds for this objection are as follows.

When this application was first considered these residents were unable to find a Councillor that would speak on their behalf. There were obvious problems with this site and Councillor support should have been paramount. Residents are not as familiar with the Copeland Local Plan and with the proper advise may have been able to offer a more accurate objection.

I never understood how this plan was passed. It was on a Greenfield site that had a shared drive as it's only access to the main road. This is a Backland development or 'infilling.' Policy HSG 3 states ' Backland development which would involve joint access arrangements will not be sanctioned because of the privacy and overlooking problems which can arise. My understanding of this is that such a development would cause loss of amenity to new and existing residents so should not be sanctioned. Unfortunately it was.

Policy Dev 7 States planning permission will only be granted for

development which "avoids the loss of or damage to important natural or built conservation interests." Crosshouse Cottages are very low and quaint. They have suffered internal and external damage from flooding since this development was started. I believe there is a policy on flood prevention in the Local Plan too.

I could go on and on about the low level of design now that windows have had to be moved or taken out altogether. How new owners will have no space to the rear to hang washing ect. No provision for people with accessibility needs such as those with impaired mobility, the elderly and those with young children.(DEV7) No one metre distance between side boundaries. The blocking of the access road every time the owners of no 2 Crosshouse Cottages uses their garage.

I refer to Mr. Pomfret's letter to me dated 12th July 2006 and I quote; "One thing we can agree on is the deplorable actions on the part of the developers in carrying out the development at variance with the planning approval granted for four dwellings in March 2005"

The 4 dwellings and the site layout are totally different now and is at odds with Mr. Pomfret's statement that "Consent for 4 dwellings clearly establishes the principle of residential development on the site" What is put before the Panel today is nothing like the application that was approved in 2005. It causes far to many problems for existing and new residents. The worst one I believe is the position of the existing garage. People want to be able to come and go from their homes without having to wait until someone else moves their car. I believe it's a fundamental right for people to be able to come and go freely.

I do feel very strongly about this development and request this letter is added to the Agenda when this application is considered. Thank you.

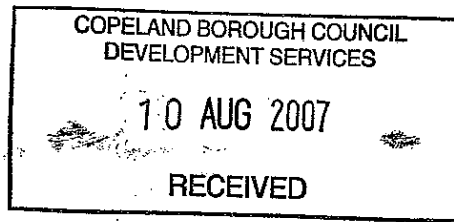
Yours sincerely,



Margaret Barnes.

7th August 2007

Mr T. Pomfret
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria
CA28 7SJ



Dear Mr Pomfret

Re: Development at former Crosshouse Farm, Millom, Cumbria

I am writing to request that you take into account the following objections to the above-mentioned Planning Application. Whilst I do not live in the vicinity of the Crosshouse Farm Development, I express grave concerns for my neighbours and cannot remain silent in the face of the injustice that is blighting the lives of decent honest people.

I submit that despite the civil matters that have arisen there remain, independent relevant material planning matters to be addressed by Copeland Council Planning Department's Officers. On planning grounds, as outlined in the Town and Country Planning Act 1990, there are strong material considerations for not approving this site and consequently requiring the entire development to be dismantled. These issues need to be addressed in your next presentation to the Elected Members on 22nd August. This is not "punishing the developer" it is enforcing the law. It is utterly insufficient to state that the behaviour of the developers is "deplorable" and allow it to proceed regardless. I noted the comment from either Cllr. Wilson or Cllr Carroll, in relation to the Planning Officers having an apparent "gun held to their heads by the developers".

This development should never have been agreed in the first place in accordance with HSG3 4.3.5 pg. 75 Copeland Plan. It is a Greenfield site with a shared drive as the only access to the main road. It is a Backland Development or infill site:

"--- the term infilling relates to filling a site in an otherwise built up frontage with direct road access. Backland development which would involve joint access arrangements will not be sanctioned because privacy and overlooking problems can arise". This site has caused loss of amenity to existing and potential future residents.

Accepting that the development was approved and that approval cannot now be reneged upon on the above grounds, it has not been built to the agreed Planning Permission and violates the regulations laid down in the Copeland Plan. Consequently the development is illegal and should therefore be dismantled.

When you view the site please take into account Mrs Campbell's measurements of the actual separation distances, which she has proved to be blatantly contradictory to the Housing Design Standards outlined in HSG8 (in addition to the Policy Dev 7) of the Copeland Plan. These separation distances are mandatory minimum distances, rendering the feeble excuses in the Planning Schedule of 25 July 2007, irrelevant. The fact they are slightly out is no excuse these are minimum distances.

HSG8. Point 2 pg 80. Copeland Plan:

- Detached and end group dwellings retain at least 1.0 m clear between walls and side boundaries
- A minimum of 21.0 m is retained between face elevations of dwellings containing windows of habitable rooms.
- A minimum of 12.0 m is retained between face elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation.

There are also health and safety risks. Health and Safety are firm grounds for demolition. The development construction site is within 12 metres of the Crosshouse Cottages' septic tank. In April 2006 I wrote to the Chair Cllr. Janet Kendal Johnson stating that a Stopping Order needed to be imposed with a view to dismantling the site. This was ignored and the developer was permitted to continuously submit plans that were physically and mathematically impossible to realise on the land size available.

The buildings design does not comply with Construction (Design Management) Regulations 2007. The destruction of the land drains means they are liable to flooding. Rain water and waste water from Crosshouse and Crosshouse cottages can no longer drain into the field, causing the houses in the development to flood. In a pathetic attempt to skirt round the spatial distances rule regarding facing window, one house has had the kitchen window removed. This is not safe. Damp has rotted the rafters and roof trusses. The brickwork is saturated and covered with mould. As bricks are porous the mould will have penetrated the structure internally. After the buildings are rendered and plastered the damp is bound to diffuse throughout the property spreading mould into the plasterwork. In short, the buildings are unfit for human habitation and are not worthy of being signed off with a building certificate.

I find the relationship between Planning and Building Control rather baffling. I understand for administrative purposes and professional specialisation they involve separate personnel and procedures. However, for the purpose of the CDM 2007 they should be working together to integrate Health and Safety into the management of the project to improve the planning and management of development projects at the outset, identifying hazards early on so that they can be eliminated at the design or planning stage. The purpose of avoidance of unnecessary bureaucracy is clearly not working, as planning officers are passing the health and safety aspect over to building control. The system is not working as design faults, drainage and environmental factors were not considered at the planning stage.

If the planning matters had been taken into consideration in the first place the civil issues and the expenses in legal fees to the people concerned need not have arisen. I consider it to be in extremely bad faith for the Planning Department to continuously dismiss responsibility for its decisions, by leaving disputes between Developers and residents as "civil matters". What is the purpose of development control and the appointment of Planning Officers?

The determination of planning applications invariably involves the weighing of conflicting interests. The interests of the applicant have to be weighed against the broader objectives of the planning system, which is designed to safeguard the needs of the general public. Failure to do so could lead to judicial review. I do not believe that any 'Reasonable Planning Authority' can pass this Planning Permission under the Wednesbury principle.

Failure to regard spatial distances and the loss of amenities to the neighbouring residents constitutes a violation of their human rights under Article 8 and the First Protocol of the Human Rights Act 1998. This is respectively the right to privacy and family life and the proprietary right to enjoyment of home life without interference. The Human Rights Act obliges the local authority decision makers to hold in the forefront of their mind the human rights of the person(s) impacted by the decision. I hope their concerns will be in the forefront of your mind when make your final decision. For the purpose of the Act decisions made by planning authorities are included.

I am also of the opinion, whilst generally it is not recognised by the Courts for a Planning Authority to have a duty of care at common law, and therefore not liable to neighbouring landowners for granting planning permission for developments that adversely affect the complainants interests, safety to a person or property may be a material consideration as in *Lam v. Brennan* (1997) 3 PLR 22. The Council could be liable for the loss of amenities to the residents of Crosshouse and Crosshouse Cottages, namely the destruction of the land drains, over which the footings of the buildings in the development were placed. Mrs Campbell has also had her access to her garage impeded. There is a health and safety risk due to the development being placed within the 15 metres minimum allowed for the septic tank. Additionally these residents and the occupants of the properties on Mountbatten Way have lost their privacy. Allowing this development

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to continue is likely to be costly to Copeland Council, as the residents have expressed that they are prepared to take legal action. At the very least it is bad publicity.

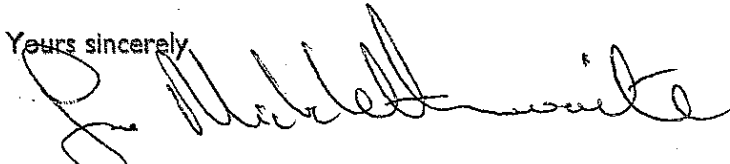
I add that I like the Crosshouse residents am not anti-development, but want to see reasonable development, which meets the needs of the community and truly takes into account our wishes. These wishes involve respect for our property, our privacy and our human rights. These are the fundamental principles that are the foundation stones on which our civilisation rests. Considering the extreme severity of the Developers' failure to follow the plan and the loss of amenities suffered by the neighbouring residents it is proportionate, in my view, for the Planning Authority to demand that the entire development is demolished.

Finally should this development be granted approval it gives the green light to future developers, to build what they want, how they want regardless of the Copeland Plan, Construction and Design Regulations or in compliance with the Town and Country Planning Act. The Planning Department will lose all credibility and the consequences for Millom and the wider Copeland community will be devastating.

I thank you for your attention to this letter. You will probably be relieved to know that I will not be able to attend the August meeting because I shall be in Germany. I would appreciate it if you would add the letter to the file and print it in the Schedule for the next meeting of the Planning Panel.

Please could you also honour Mrs Margaret Barnes' request to have her letter printed in the next Planning Schedule, as the matter appears to have been overlooked in July.

Yours sincerely



Jane Micklethwaite

cc Millom Town Council

MAIN AGENDA

Reason for decision:-

Subject to conditions and an executed Unilateral Obligation the proposal represents an acceptable form of small scale housing development on a previously approved site compliant with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

3 4/07/2238/0

FOUR BEDROOMED DETACHED HOUSE WITH GARAGE
PLOT 7, LAND ADJACENT TO, RAILWAY COTTAGES,
MORESBY, WHITEHAVEN, CUMBRIA.
MR AND MRS G ROSS

Parish Moresby

- No comments received.

At the last meeting Members resolved to carry out a site visit before determining this application. The site visit took place on Wednesday 8 August 2007.

Outline planning permission for 19 dwellings was approved on this site adjacent to Railway Cottages, Moresby Parks in January 2005 (4/04/2782/001 refers).

In both May 2006 and January 2007 two identical applications for the erection of a detached dwelling on plot 7 were withdrawn due to outstanding issues regarding the drainage system on the site (4/06/2227/0R1 and 4/06/2822/0F1 refer).

Following approval of the site drainage system consent is now sought for reserved matters approval for the detailed design of a detached dwelling on plot 7 at the above ongoing residential site.

As originally submitted the dwelling took the form of a two storey detached dwelling measuring 11.3m in width by 9.8m in length with living accommodation in the roof space. A 6.0m x 3.0m single storey detached garage was also proposed. At its closest point the dwelling would have been sited 4.0m from the boundary with the adjoining property to the west.

Following receipt of two letters of objection received on behalf of the adjoining property owner to the west an amended scheme has now been received. The revised dwelling again takes the form of a two storey detached dwelling with accommodation in the roof space. An

MAIN AGENDA

attached utility room and garage with storage space above are also proposed.

The dwelling as a whole has been re-sited within the plot to increase the distance from the rear boundary in order to minimise impact on existing adjoining properties in order to address overlooking issues related to facing elevations. At its closest point the dwelling will now be sited at a minimum 6.25m from the rear boundary and 11.0m from the adjoining property's single storey kitchen extension.

The overall ridge height of the dwelling has been reduced by 1.37m and obscure glazing placed within a first floor rear window, again in an attempt to minimise loss of privacy.

Proposed external finishes comprise red facing brick, render, grey concrete roof tiles and white UPVC windows and doors.

No objections have been received from statutory consultees.

Following consultation on the amended scheme, three letters of objection have been received from the adjoining property owners of Railway Cottages. A copy of one letter is appended to this report, whilst the remaining two object on the following collective grounds:-

1. The height of the proposed dwelling will be 0.75m higher than the neighbouring terrace and the garage and utility room will be within 13m of neighbouring rear windows.
2. The development would severely impair the amenity currently enjoyed and would impact on the amount of light to neighbouring properties due to its scale and massing.

Policy DEV 6 of the adopted Copeland Local Plan 2001-2016 sets out the Council's design principles for new development. In particular, Criterion 1 requires development to show a high standard of design and choice of materials where building scale, density and proportion, landscaping and overall layout contribute to creating or maintaining a strong sense of place and achieves an efficient use of land. Criterion 9 goes on to state that by design and choice of location creates or maintains reasonable standards of general amenity and helps to minimise risk or fears for personal safety, health and the security of property.

Policy HSG 8 states that in addition to Policy DEV 6, the design of all new housing development must retain a minimum of 21.0m between face elevations of dwellings containing windows of habitable rooms and a minimum of 12.0m between face elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation.

This is by far the most sensitive plot on this site given its proximity to Railway Cottages. The outline application (4/04/2782/001 refers) shows the dwelling on this plot sited on an angle. However,

MAIN AGENDA

this layout does not show the full extent of the existing properties, in particular the single storey kitchen to the rear of No 1 Railway Cottages.

Members will recall from the site visit that the level of the site, including plot 7, is now at the height of the rear boundary walls of Railway Cottages. This infilling is the subject of an ongoing dialogue with the developer. In particular, there are concerns that the changing site levels may compromise the approved drainage system and there is a need to identify the source and nature of infill materials that are being brought onto site to ensure it is suitable for a residential site.

Furthermore, Members noted from the site visit that this is the most sensitive plot in terms of proximity to existing residential properties. Any potential impact the proposed development may have on the neighbouring properties has been worsened by the increasing site levels.

Although sited at an angle, the sheer scale and size of the dwelling is likely to have an overbearing impact in terms of loss of light and overshadowing. Furthermore, the proximity of the dwelling on this now elevated site is considered likely to give rise to problems of overlooking and resultant loss of privacy for the residents of Railway Cottages.

On balance, the amended scheme fails to address the issues raised and, as such, is at variance with Policies DEV 6 and HSG 8.

Recommendation

Refuse Reserved Matters

By virtue of its scale, siting and design the proposed three storey dwelling constitutes over intensive development that would have an adverse dominant affect on existing properties to the west in terms of overshadowing and resultant loss of light. Furthermore, the proposed development is considered likely to give rise to problems of overlooking and resultant loss of privacy for the residents of Railway Cottages, at variance with Policies DEV 6 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

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COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

19 JUL 2007

RECEIVED

17 July 2007

Dear Ms Carrol,

**PROPOSED DETACHED DWELLING, PLOT 7, ADJACENT TO STATION COTTAGES,
MORESBY PARKS REF 4/07/2238/OR1**

I refer to the amended plans submitted in respect of the above. These have been passed to me for comment by the occupants of No1 Station Cottages, Mr and Mrs Blackburn.

I have noted that there have been some changes made to the layout of the dwelling and to window positions. However the issues raised in my previous letters dated 1st and 21st May have not been addressed.

It is note that the dwelling proposed does still not concur with the outline consent in terms of scale and positioning. There is no cross section showing the relationship between Plot 7 and No 1 Railway Cottages which is still shown inaccurately on the plans.

In terms of windows and overlooking I have noted the intent to provide obscure glass to a window to the first floor; this must be inaccurate as the window in question is to a bedroom, not a bathroom.

No indication of proposed fencing is given.

I still maintain that this dwelling is not in accordance with policy HSG8 of the Local Plan. Mr Blackburn advises me that you have said to him that these policies do not apply as the building is at angle to existing development. With respect the policy does not state that or even imply it. As stated previously if that where the case the new dwelling could be within one metre of the boundary of 1 Station Cottages and be acceptable, this is clearly nonsense.

The dwelling is contrary to the Councils Policy in respect of distances as follows.

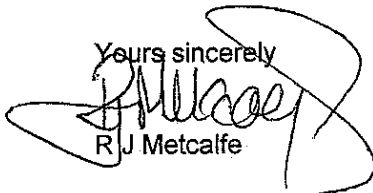
Kitchen window to kitchen window 12 m (should be 21)
Kitchen window to No1 to patio doors 13.5 m (21)
Kitchen window to No1 to Living room window 15m (21)
Bedroom window to No1 to kitchen window of Plot 7 15m (21)
Bedroom window of No1 to patio doors 16.5m (21)
Bedroom window of No1 to living room window 18m (21)
Bedroom window of No1 to southern velux window 17.1m (21)
Bedroom window to No1 to middle velux 18.6m (21)
Bedroom window to No1 to northerly velux 20.1 (21)
Bedroom window to No1 to bedroom 1, 15m (21)

Bedroom window of No1 to bedroom 2 18m (21)

Clearly in all the above cases the dwelling does not accord with policy. This leads me to suggest that the dwelling proposed constitutes overdevelopment for the available plot and will lead to unsatisfactory and detrimental amenity for No1 Station Cottages. The height and positioning of the dwelling will also severely impact on light to the existing development due to its scale and massing. I believe that a refusal of the application is warranted.

I would formally request that the Planning Panel be requested to visit the site from the perspective of the existing residents namely Station Cottages and view the proposal from their rear patios/gardens

Yours sincerely



R.J. Metcalfe

cc Mr and Mrs Blackburn

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4 4/07/2346/0

DEMOLITION OF EXISTING BUNGALOW, ERECTION OF 1 No
TWO STOREY HOUSE, 1 No TWO STOREY BLOCK OF 4
FLATS, REPLACE SINGLE STOREY APARTMENTS WITH A
BLOCK OF 6 No TWO STOREY TERRACED HOUSES
LAND ADJACENT TO SEACOTE HOTEL, ST BEES, CUMBRIA.
THOMAS MILBURN (PROPERTY) LTD

Parish St Bees

- No objections.

Permission is sought to complete development on this outstanding housing site immediately adjoining and to the north of the Seacote Hotel. A total of 11 residential units are proposed comprising a detached house, a block of 4 flats and 6 terraced cottages set around a courtyard with landscaping and parking provision. Vehicular access will be via the existing access which currently serves the site from Beach Road. This will be upgraded, taking the form of a cul-de-sac.

The site has a history of residential permissions. It originally accommodated 9 residential caravans, a detached single storey dwelling and a terrace of three bungalows, all of which were occupied in association with the hotel. Outline permission for redevelopment was approved in 1991 (4/91/0740/001 refers) with approval of reserved matters following in 1993 (4/93/0095/0R1 refers) for 11 dwelling units comprising 7 in the form of new build (including a two storey block of 4 flats, a pair of semi detached houses and a detached dwelling) and 4 conversions. It has been established that this latter permission is still valid as work to implement this had commenced on site. Subsequently a further outline permission for residential development on the site was granted in 2004 (4/03/1400/001) followed by a full consent for one detached house (4/04/2532/0F1) which has been constructed.

It is now proposed to demolish the existing single storey bungalow which occupies part of the site frontage facing onto the Seacote Hotel/beach car park and replace with a detached 4 bedroomed house with garden and driveway/parking, the design of which is similar to the neighbouring dwelling. Opposite, a two storey block of 4 no 2 bedroomed flats will be erected, details of which mirror the original extant approval of 1993. 6 parking spaces for these will be provided alongside. It is also intended that the existing single storey block of hotel apartments at the southern end of the site be converted into 6 two storey houses, four of which will have 2 bedrooms and two 1 bedroom, under a pitched tiled roof. Parking provision to serve these and the flats will be provided via a dedicated parking area comprising 10 spaces in the adjacent Beach car park which is under the ownership/control of the applicant. Proposed external finishes for the development include the use of stone quoins, heads and cills and wet dash. The amended block plan submitted demonstrates that the

MAIN AGENDA

required separation distances between the units to safeguard amenity can reasonably be achieved.

No objections have been received from statutory consultees. The Highway Authority did raise some initial concerns regarding access and parking which have now been addressed.

Four letters of objection have been received from residents of Richmond Crescent which is situated on the opposite side of Beach Road, adjacent to the site. They express concern on the following collective grounds:-

1. Whether the drainage system will cope with extra demand as drains at the Seacote Hotel are often blocked.
2. Affect on the existing sandstone wall around the existing detached house.
3. Increase in flow of traffic along Beach Road.
4. High density of the development will increase noise pollution for existing residents.
5. Concern whether the plans are accurate and the development will fit on the site.
6. Adverse affect on the open aspect of existing properties. Views will be obscured by dwellings. The existing dwelling already detracts from the area.
7. Proposed dwellings are out of keeping and will devalue nearby properties.
8. Provision of parking on the Seacote car park will not prevent visitors using the private road at Richmond Crescent causing inconvenience and nuisance to residents.
9. Concern if properties are to be rented out. Disruptive elements have seriously affected neighbourhood.
10. European business grant was given for the renovation of one of the buildings - can that use be changed?
11. Adverse press regarding the Seacote Hotel has affected sales of adjacent properties.

In response to the concerns raised the following comments are offered:-

1. Drainage capacity and issues are relevant. The site is already allocated for housing in the adopted Copeland Local Plan 2001-2016 and infrastructure and servicing issues would have been addressed

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through this process. The functioning of the system is a matter for detailed design which is undertaken at the Building Regulation stage.

2. No alterations are proposed to the existing wall.
3. Inevitably new development here will lead to an increase in traffic along the adjacent Beach Road which also serves the beach car park, Seacote Hotel, the caravan site and adjacent housing estate. The Highway Authority raise no objection to the proposed increase which is considered incidental.
4. It does not automatically follow that an increase in density will create noise pollution. There has always been a residential presence on this site as demonstrated via its planning history. Taking this into account the increase in density is not considered significant. However, if noise problems arise then there is separate legislation under the Environmental Protection Acts to deal with this.
5. The plans are to scale and the site is capable of accommodating the development proposed.
6. Under planning legislation there is no right to a view and concerns in this respect must be disregarded.
7. It is not considered that the properties are out of keeping. They reflect a mix of house types already evident in the area.
- 7 & 11. Issues regarding property values are not material planning considerations.
8. It is considered that adequate parking is proposed to serve this development. We have no control over whether people park there or not.
9. Tenancy issues are not a planning matter.
10. The fact that a grant may have been previously issued on one of the properties is not a relevant planning matter.

Taking the above into account and the fact that the principle of residential development has been established on this site by virtue of both its planning history and its allocation as land with permission in the Local Plan (Policy HSG 1), the proposed detailed scheme, as amended, is considered to represent an acceptable form of development on this vacant site in accordance with Policies HSG 1, HSG 4 HSG 8 of the adopted local plan.

Recommendation

Approve (commence within 3 years)

2. The layout and position of the dwellings, including parking, shall be strictly in accordance with the amended site layout plan (Drawing No 0649/01A) received by the Local Planning Authority on 3 August 2007.
3. Details of the terraced dwellings and the detached house shall be strictly in accordance with the amended plans (Drawing Nos 04/0435/04A; 06A; 10A; 10A received by the Local Planning Authority on 13 August 2007.
4. Dedicated car parking on the adjacent car park shall be provided strictly in accordance with the amended site layout plan (Drawing No 0649/01A) received by the Local Planning Authority on 3 August 2007 before any of the dwelling units are occupied. These spaces shall be reserved exclusively for use by the residents of this development in perpetuity.
5. The carriageway and footways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted for the approval of the Local Planning Authority before any building commences on site. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide "Roads for Housing".
6. All access drives 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. These shall be constructed and completed before the dwellings are occupied.
7. Full details of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved scheme shall be implemented in accordance with the approved plans.
8. Full details of the soft landscaping works and a schedule of landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority before development commences. Planting shall be carried out in accordance with the approved schedule.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

To ensure adequate parking provision is provided and retained for exclusive use by the residents.

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In the interests of highway safety.

To ensure a satisfactory drainage scheme.

To ensure the implementation of a satisfactory landscaping scheme.

Reason for decision:-

The form and design of this proposed residential scheme is considered acceptable on this designated housing site in accordance with Policies HSG 1, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

5 4/07/2359/0

SINGLE STOREY EXTENSION TO PROVIDE GARAGE AND
ERECTION OF REAR DORMER EXTENSIONS
26, CHURCH STREET, EGREMONT, CUMBRIA.
MR AND MRS MCFARLAND

Parish Egremont

- No objections.

A decision on this application was deferred at the last meeting to enable Members to visit the site. This took place on Wednesday 8 August 2007.

Planning permission is sought to carry out the following works to this detached bungalow fronting onto Church Street, Egremont:-

1. Raise the roof height of the existing bungalow by approximately 900mm which, together with the construction of three dormer extensions on the rear roof pitch and the installation of two rooflights on the front roof pitch, will facilitate the provision of two additional bedrooms and a bathroom at first floor level.
2. Construct a 3.6m wide x 7.6m long side extension to the eastern gable of the bungalow to accommodate a garage and utility room.
3. Construct a small front porch extension.
4. Provide an additional vehicular access to facilitate on-site parking for two cars alongside the western gable of the bungalow.

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Proposed external finishes comprise concrete roofing tiles; pebble dashed render and uPVC windows and doors, all to match the existing property.

No objections have been received from statutory consultees.

A single letter of objection, however, has been received from the adjoining property owner to the east whose grounds for objection can be summarised as follows:-

1. The view from the objector's main kitchen window will be that of a gable end.
2. The gable end will be 17 feet from the objector's window, reducing natural lighting levels.
3. The objector was advised in the past that she could not have a garage extension as it would be too close to No 26.
4. During weekends and mass service, Church Street is heavily congested. When leaving the new access visibility will be severely restricted, increasing the risk of collisions.
5. There is a risk that a child running out of Hartley's will be run over by someone using the proposed access.
6. The use of the existing drainage system is not acceptable. Every year both surface water and foul drains block.
7. The objector requests a site visit from the Planning Panel to review the application.

Representations on behalf of the objector were presented at the last meeting, in response to which Members resolved to carry out a site visit.

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

1. Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 supports proposals for the extension and alterations of existing properties. This is subject to criteria to ensure that they would not lead to a significant reduction in daylighting available to either the parent property or adjacent dwellings.
2. It is worth noting that the objector has a car port extension at the side of her property which abuts the boundary. The objector's kitchen window would be sited a minimum of 5.0m away from the proposed extension, which itself will be sited between 1.0m and 1.65m from the dividing boundary fence.

In my opinion the proposed extensions represent an acceptable form of development in compliance with Policy HSG 20. Any impact of the

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development on the neighbouring property would not be so significant as to warrant refusal of planning permission.

Recommendation

Approve (commence within 3 years)

2. Access gates, if provided, shall be hung to open inwards only away from the highway.
3. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the extension hereby approved is brought into use.
4. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
5. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority, before the extension hereby approved is brought into use.

Reasons for conditions:-

In compliance with Section 51 of the Compulsory Purchase Act 2004

In the interests of highway safety

In the interests of highway safety and environmental management

To ensure a suitable standard of crossing for pedestrian safety

Reason for decision:-

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

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6 4/07/2383/0

REPLACEMENT OF 9 No BUNGALOWS WITH 8 No
SEMI-DETACHED BUNGALOWS
44-52, GREENMOOR ROAD, EGREMONT, CUMBRIA.
HOME HOUSING ASSOCIATION LIMITED

Parish Egremont

- No objections.

Permission is sought to erect 8 semi detached 2 bedroomed bungalows on a residential site in Egremont fronting onto Greenmoor Road.

The site previously accommodated 8 terraced and 1 detached bungalow which have recently been demolished following the collapse of a mine shaft in one of the gardens. Works to cap the mineshaft are currently underway. Consent for the work was granted in July last year (4/06/2404/0F1). This proposal seeks to replace those dwellings, with the exception of one, on virtually the same footprint/arrangement and provide a parking area to the rear for 8 vehicles.

The Highway Authority have raised concern over the design of the parking area and the lack of inter visibility along the proposed access to it, issues which the applicant has now satisfactorily addressed via the submission of an amended plan.

The other issue that requires careful consideration is that of the separation distances. Two of the units face directly onto the front elevations of two existing bungalows, both of which contain habitable rooms. The elevations of the proposed units each contain a bedroom and a kitchen window which look out onto these with the separation distance achieved between the two being 16 metres. Policy HSG 8 of the adopted Copeland Local Plan 2001-2016, however, requires that a 'minimum of 21 metres is retained between face elevations of dwellings containing windows of habitable rooms'. Negotiations have revealed that there is limited scope to amend these two dwellings other than deleting them from the scheme which the applicant is reluctant to do. They put forward the point that the new units mirror the original dwellings here in terms of footprint and that there is, on that basis, no reduction in amenity being proposed. Also, their location is restricted by the presence of the adjacent mineshaft.

Taking this into account and the fact that the windows on the new build do not serve the main living areas, I consider that a reduced separation distance here can be supported. Policy HSG 14 of the Local Plan, which specifically refers to replacement dwellings, does make some allowance for this in that it permits such replacements providing their scale and character matches that which it replaces which is the case in this particular instance.

Recommendation

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Approve (commence within 3 years)

2. Vehicular access and car parking provision shall be strictly in accordance with the amended site plan (Drawing No 06078-01B) received by the Local Planning Authority on 18 July 2007, and shall be constructed and completed before the dwellings are occupied and so maintained thereafter.
3. Full details of the construction of the car park and vehicular access to it, including lighting arrangements, shall be submitted to and approved in writing by the Local Planning Authority before development commences.
4. The site shall be drained on a separate system, with foul drainage only being connected into the foul sewer.
5. Access gates, if provided, shall be erected to open inwards only away from the highway.
6. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the satisfaction of the Local Planning Authority.
7. Before the dwellings are occupied the existing access to the highway shall be permanently closed when the new access is brought into use and the highway crossing reinstated in accordance with details submitted to and approved in writing by the Local Planning Authority.
8. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on site contamination. The desk study should include sufficient documentary research to enable a thorough understanding of the history of the site, including past and present uses. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they shall be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

The reasons for the above conditions are:-

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

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For the avoidance of doubt.

In the interests of highway safety.

To ensure a satisfactory drainage scheme.

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

Reason for decision:-

The proposed replacement housing scheme on the footprint of the bungalows which formerly occupied the site represents an acceptable form of redevelopment in accordance with Policies HSG 8 and HSG 14 of the adopted Copeland Local Plan 2001-2016.

7 4/07/2396/0

ERECTION OF TWO NEW COVERED STANDS WITH RAKED
SEATING AND GROUND IMPROVEMENTS
WHITEHAVEN RUGBY LEAGUE F/BALL CLUB, COACH ROAD,
WHITEHAVEN, CUMBRIA.
WHITEHAVEN RUGBY LEAGUE FOOTBALL

Parish Whitehaven

The proposal is to increase the capacity of the ground from 6,755 (6,200 standing and 555 seated) to 8,031 (6,500 standing and 1,531 seated) by constructing two additions to the existing stand. The existing stand has seating capacity for 555 and is flanked by two open terraces which offer a combined capacity of 400. The proposal results in the open terraces being removed and replaced by two covered seating areas with a combined seating capacity of 976.

The proposed new build, combined with a barrier upgrade to the existing Kells standing area will provide an increased crowd capacity of 8,031.

The steel framed structures will be clad in blue colour coated profile metal cladding to the roof, rear, part sides and fascias, with facing brick plinths and low front walls to match the existing central stand.

The stadium improvements are needed to meet the Rugby League's requirements for Super League status, subject to the club being eligible for promotion.

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Access and parking to the ground remains unaltered. Due to the land locked location of the stadium, limited on-site parking is available. The space available is allocated to staff, players and for disabled parking facilities. On match days, additional parking is utilised in surrounding areas.

The application is supported by a Flood Risk Assessment (FRA), a Design & Access Statement (D&AS) and a Traffic Solutions Paper.

The issues to be considered include vehicular and pedestrian access, car and coach parking, surface water and flooding and design of the structures. The site lies within the Pow Beck Valley, for which a Supplementary Planning Document (SPD) has recently been agreed by the Council for consultation purposes and the proposal needs to be considered against this document.

The application does not propose any alteration to the existing arrangements for vehicular and pedestrian access to the ground. County Highways have commented on the application and have no objections subject to conditions. They make the comment that though the proposed linking of this site to the future wider Pow Beck Valley development may be the key to the parking/access issues in the future, they cannot be depended on at this time.

A "Traffic Solutions" Paper has been submitted which indicates that the stadium has limited parking facilities and on match days car parking is utilised in the following places:

1. On the approach to the ground (land owned by and parking arranged and operated by Whitehaven Miners Welfare) where there is space for approximately 130 cars.
2. Public car parks at The Ginns/Coach Road junction.
3. Parking within public car parks in the Town Centre area.
4. The proposed Asda supermarket has indicated that approximately 200 spaces could be available on match days subject to operational requirements of the supermarket.

At games which attract a larger crowd than normal the following sites are also used:

1. St Begh's School and Church operate car parking within their grounds
2. The multi storey car park within Whitehaven town centre opens
3. Car parking is utilised at Whitehaven AFC adjacent to the Recreation Ground.

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Coaches drop off passengers on Coach Road then travel to the Huntsman car parks and park up before parking on the road back down the hill from Kells to pick up their passengers. This system has been used on a number of occasions in liaison with the police and works very well.

The location of the Recreation Ground means that many spectators walk to the ground from surrounding estates rather than use their cars. Its close proximity to the town centre also helps as it is less than a ten minute walk to the ground.

Visiting supporters are encouraged to use car parks within the town centre to ease congestion on Coach Road and to encourage them to visit the town centre and use the facilities there.

The FRA states that the site lies within a Flood Zone 3, but the type of development proposed is classified as "less vulnerable development" and is appropriate to the location. Pow Beck is known to have hydrological problems due to urbanisation upstream of the site, culverting of the beck beyond Coach Road (which the Environment Agency believes has capacity problems) and the tidal outfall. The FRA concludes that:-

1. The proposed works are considered to have a beneficial effect on flood plain volumes
2. The proposed works will not affect flood routing across the site
3. The slight increase in surface water run off can be mitigated by roof drainage being discharged into a shallow French drain to the rear of the stands.

The Environment Agency raises no objections to the proposal subject to the inclusion of a condition, although they recommend that the Council's Building Control Section confirm that soakaways will be acceptable to them for this proposal. Building Control are unable to reach a conclusion without additional information regarding the location of a proposed French drain to the rear of the stand and percolation test results to ascertain the strata in this area. This will need to be covered by a condition.

The stands match the existing stands and there are no design issues raised by the proposal. Whereas the new stands will not be attached to the existing stand and there will be gaps in the roof, the architect has commented that if this presents a problem from weather conditions, the open roof areas could be covered. It has been indicated that there are areas of Japanese Knotweed within the site, but the architect has confirmed that this proposal would not affect that area.

The Pow Beck Valley Draft Development Brief for this area has been approved by the Council for consultation purposes. The purpose of this document is to assist the regeneration of the Pow Beck Valley.

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It seeks to bring together all previous background work which has been undertaken in this area and to inform developers and other interested parties of the constraints and opportunities presented and to indicate the type of development expected by the Council. A key objective of the regeneration of this area is to redevelop and make improvements to recreational facilities in this area including the Whitehaven Rugby League Club as part of regenerating the surrounding area. The regeneration of Pow Beck Valley should build on the twin aspirations to achieve improved sports facilities and provide commercial floorspace for future employment uses.

Subject to condition the application can be approved.

Recommendation

Approve (commence within 3 years)

2. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. Surface water shall be disposed to a soakaway system designed and constructed in accordance with BS 8301:1985 (Section 8.4).
3. Within 6 months of the development (or any part thereof) opening, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening.
4. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

The reasons for the above conditions are:-

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

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

To aid in the delivery of sustainable transport objectives.

To support Local Transport Plan Policies: WS1, LD4 and Structure Plan Policy T31.

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Reason for decision:-

This is considered to be an acceptable form of development associated with an existing sports stadium in accordance with Policy SVC 14 of the adopted Copeland Local Plan 2001-2016.

8 4/07/2400/0

TIMBER FRAMED DORMER BUNGALOW
ARLECDON HOWE FARM, ARLECDON, CUMBRIA.
MR & MRS LEYTON

Parish Arlecdon and Frizington

- The Parish Council has concerns regarding access to the development and also feel the appearance of the development is not in keeping with neighbouring properties.

In May 2003 outline planning permission for a dormer bungalow with attached garage was approved on this site to the rear of an existing group of dwellings at the north western corner of Arlecdon (4/03/0363/001 refers). This consent has now lapsed.

This application seeks full planning permission for the erection of a detached dormer bungalow with attached carport on this overgrown site formerly used as an all weather equestrian area. The site is flanked by existing dwellings on both sides and faces a barn which has consent for conversion to provide two dwellings, one of which has been completed and is now occupied. At a minimum, the proposed dwelling would be sited 25.5m from the rear elevation of the barn conversions.

In terms of design the dwelling incorporates a number of features including front and rear dormer windows, velux rooflights, bi-folding doors, solar panels and an attached carport with glazed roof to the southeast facing gable end. External finishes comprise rendered blockwork walls under a natural slate roof. A new style of window is proposed which have a timber internal finish and a coloured aluminium finish externally.

As originally submitted the dormer bungalow incorporated patio style doors in the first floor northwest facing gable end, indicated on the plans as a "viewing area". Following concerns that this would result in overlooking and loss of privacy an amended plan has been received deleting this and replacing it with a standard window.

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The proposed dwelling would be served by an access off Arlecdon Road shared with the adjacent barn conversions. This would lead to a turning area and parking space for two cars provided within the site.

No objections have been received from the Highways Authority or United Utilities.

A letter has been received from the residents of a neighbouring property. Whilst they do not object to the principle of a new dwelling they do object to the following:-

1. The height of the building will adversely affect their privacy and overlook the rear of the objectors' property. The objectors suggest that if approval is given the applicants consider using obscure glazing in any windows overlooking their property.
2. The original plans for the objectors own property, which was for a two storey house, was not given approval for the same reasons.
3. The proposed development will be overwhelming.
4. The carport has a steep, glazed roof. The objectors are concerned about potential glare from the sun which may be visible from the rear of their property. They suggest that a non-reflective/anti glare glass be used.

Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 is considered relevant to the determination of this application. In particular criterion 2 states that:

All new housing developments must incorporate minimum separation requirements whereby:

detached and end group dwellings retain at least 1.0m clear between walls and side boundaries

a minimum of 21.0m is retained between face elevations of dwellings containing windows of habitable rooms

a minimum of 12.0m is retained between face elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation.

The southeast gable end incorporating the carport is sited between 27.75m and 28.5m from the rear elevation of the objector's property, well beyond the minimum standards required by Policy HSG 8.

In conclusion, the site is located among an existing group of dwellings within the settlement boundary for Arlecdon as defined by the adopted Copeland Local Plan 2001-2016. The proposal adequately achieves the required separation distances, general standards of amenity and car parking and is therefore considered to represent an

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acceptable form of development in accordance with Policies HSG 4 and HSG 8.

Recommendation

Approve

2. Permission in respect of elevational treatments shall relate solely to the amended plans (drawings no. 05 Rev A and 04 Rev A) received by the Local Planning Authority on 26th July 2007.
3. Full details of the proposed window colour shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The windows shall be finished strictly in accordance with the approved details and shall be so maintained thereafter.

Reasons for the above conditions:-

- 1.1 In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2.1 For the avoidance of doubt.
- 3.1 To retain control over the appearance of the building in the interests of amenity.

Reason for decision:-

An acceptable form of residential development within the settlement boundary for Arlecdon in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

9 4/07/2412/0

DEMOLISH OLD DWELLING AND ERECT NEW BEACH
BUNGALOW
SEA VIEW (ISLAND VIEW), NETHERTOWN, EGREMONT,
CUMBRIA.
MRS C KEARNEY

MAIN AGENDA

Parish

Lowside Quarter

- No objections. However, they express concern that the area is subject to coastal erosion and high tides and request a site visit.

A proposal to demolish the dilapidated timber chalet on this site adjacent to the vehicular access to the foreshore at Nethertown and replace with a permanent beach bungalow.

Amended detailed plans demonstrate that a three bedroomed single storey chalet can be accommodated on the same footprint as the existing chalet. Proposed finishes include wet dash rendered blockwork walls under a tiled pitched roof.

The applicant's agent, in the accompanying design and access statement, confirms that the beach bungalow will be for occasional/holiday use only. This satisfactorily accords with Policy TSM 6 of the adopted Copeland Local Plan 2001-2016 which permits the replacement of holiday chalets on a like for like basis without substantial additions, underpinned by a legal agreement to prevent future use of the property as a permanent dwelling. It is recommended that this proposal therefore be supported subject to a Section 106 agreement to this effect.

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 restrict future occupancy of the beach bungalow for holiday use only and subject to the following conditions:-

2. Permission shall relate solely to the amended plans (Drawing Nos CK/KT/07/01 and CK/KT/07/02) received by the Local Planning Authority on 3 August 2007.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no external alterations or extensions shall be carried out to the beach bungalow, nor shall any building or enclosure be constructed within its curtilage, without the prior written consent of the Local Planning Authority.

The reasons for the above conditions are:-

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

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For the avoidance of doubt.

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

Reason for decision:-

An acceptable replacement beach bungalow which complies with Policy TSM 6 of the adopted Copeland Local Plan 2001-2016.

10 4/07/2427/0

CONVERSION OF BIDDY MULLIGANS TO PROVIDE 3 NEW
FLATS

BIDDY MULLIGANS, CHAPEL STREET, WHITEHAVEN,
CUMBRIA.

ME ME ME BRIGHTON LIMITED

Parish

Whitehaven

Planning permission is sought to convert the former Biddy Mulligans public house into three self contained flats. Having ceased to be licensed premises two years ago this former public house is currently lying vacant and falling into disrepair.

No extensive external alterations are proposed with the majority of the existing facades being renovated and restored. In terms of accommodation the building would be horizontally divided internally to allow for a single one bedroomed apartments on each floor.

The proposal also includes the demolition of the existing single storey toilet block and demolition and replacement of the existing three storey rear staircase tower. The replacement staircase tower will be finished with painted rendered walls, painted timber windows and doors under a slate roof.

Alterations to the rear yard are proposed to allow for three off-street car parking spaces.

The Highways Authority have recommended that the application be refused as the site has insufficient frontage with the highway to provide an access with adequate visibility for and of emerging vehicles, with consequent danger to all users of the highway.

Policy HSG 15 of the adopted Copeland Local Plan 2001-2016 states:-

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

1. adequate internal space standards and exclusive use of kitchen and bathroom facilities can be achieved without extensive alterations or additions to the property.
2. off street car parking is provided in accordance with the parking guidelines in Appendix 1.
3. adequate external amenity space is provided.
4. the conversion works retain the character of the building
5. no alterations or associated works create amenity problems for residents of adjacent properties."

It should be noted that the area to the side of the property is already utilised as an off-street parking place. This is a restricted town centre location where off-street parking is limited. Furthermore, Chapel Street, which has traffic calming measures in place, is primarily used for off peak rear servicing of King Street shops, and, therefore, has limited traffic during the daytime.

On balance, and notwithstanding the Highway Authority's concerns, the proposed conversion scheme represents an acceptable form of development which will make efficient use of this vacant town centre property in accordance with Policy HSG 15.

Recommendation

Approve (commence within 3 years)

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

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

Reason for decision

An acceptable conversion scheme making efficient use of this vacant town centre property in accordance with Policy HSG 15 of the adopted Copeland Local Plan 2001-2016.

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11 4/07/2445/0

DOUBLE SIDED POLE DISPLAY UNIT (RETROSPECTIVE)
ESSO, CORKICKLE SERVICE STATION, BACK CORKICKLE,
WHITEHAVEN, CUMBRIA.
PRIMESIGHT LTD

Parish

Whitehaven

Advertisement consent is sought, in retrospect, to display a double sided, free standing pole mounted display unit at the Esso Garage, Back Corkickle, Whitehaven. The sign is sited immediately adjacent to the main Esso display unit which advertises fuel prices.

The 1.9m high by 1.3m wide display unit is internally illuminated and mounted on a 2.3m high pole, taking the overall height of the unit to 4.2m. It is sited 4.4m from the carriageway edge with Coach Road and 5.4m from the carriageway edge of the A5094, Back Corkickle.

The unit is available for general advertising purposes and not specifically related to the adjacent or any other local businesses. At present the display unit is advertising mobile phones on one side and a newly released book on the other.

The Highways Authority has recommended that the application be refused. They comment that the display unit overlooking this busy trafficked signalled junction is likely to cause distraction to drivers of vehicles and increase the risk of accidents on a very busy arterial route into the town centre.

Policy ENV 40 of the adopted Copeland Local Plan 2001-2016 states that outside Areas of Special Advertisement Control, advertisements will only be granted if all of the following criteria are met:

1. they would not be obtrusive or dominant features in the street scene;
2. they would not create clutter on a building or within the street scene;
3. they would not harm public safety;
4. where attached to a building, they would respect its scale, proportions and architectural features;
5. where attached to a Listed Building, or within the grounds of a Listed Building, they would preserve the special architectural or historic character and appearance of the building;
6. where displayed in Conservation Area, they would preserve or enhance the character and appearance of the area and comply with Policy ENV 32.

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In addition to Policy ENV 40, Planning Policy Guidance Note (PPG) 19 "Outdoor Advertisement Control" is also considered relevant to the determination of this application. In particular, paragraph 15 states that the vital consideration in assessing an advertisement's impact on public safety is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting or so confusing that it creates a hazard to or endangers people in the vicinity who are taking reasonable care for their own and others' safety.

In my opinion, given that the premises already benefit from a large free-standing display unit together with other signage, it is considered that this additional signage, the contents of which are not directly related to the business, appears incongruous in its setting and is not reasonably required.

Furthermore, the siting of the display unit on a busy traffic signalled junction which forms part of the main arterial route into the town centre and the changing content of the display could cause a distraction to passing motorists to the detriment of road safety and, as such, is at variance with Policy ENV 40 and Planning Policy Guidance Note 19 "Outdoor Advertisement Control."

If Members are minded to support the recommendation not to grant advertisement consent, authorisation is also sought to serve a Discontinuance Notice to secure the removal of the unauthorised signage.

Recommendation

Refuse Advertisement Consent

By virtue of its location in close proximity to a heavily trafficked signalled junction which forms part of the main arterial route into Whitehaven town centre, the signage as erected is likely to cause a distraction to passing motorists to the detriment of road safety. Furthermore, the proposal constitutes unnecessary additional commercialism at variance with Policy ENV 40 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Guidance Note 19 "Outdoor Advertisement Control."

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12 4/07/2446/0

NEW CONSERVATORY AT REAR OF PROPERTY
32, THORNTON ROAD, HIGH MEADOWS, WHITEHAVEN,
CUMBRIA.
P WIGHAM

Parish Whitehaven

Permission is sought to erect a uPVC conservatory with dwarf wall to the rear of this semi-detached property situated within the residential area of High Meadows, Whitehaven.

As originally submitted the conservatory, measuring 3m x 3m, was to abut the adjoining boundary to the west.

No objections have been received from statutory consultees.

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

1. The structure would block a considerable amount of light out of the objector's dining area.
2. Being slightly elevated it would invade the objector's privacy in the dining area as people in the proposed conservatory could look in.
3. May deter the objector's property from being sold.

In response to the concerns raised an amended plan has been received repositioning the conservatory 0.2m from the boundary and incorporating obscure glazing into the side elevation facing the objector's property.

Following consultation on the amended scheme, the objector still expresses concerns on the same grounds.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 presumes in favour of proposals for extensions or alterations to existing dwellings so long as:-

1. The scale, design and choice of materials involved respect the character of the parent property with the use of pitched roofs wherever practical.
2. They would not lead to a significant reduction in daylighting available to either the parent property or adjacent dwellings.
3. They would not create potential noise nuisance, security or privacy or overlooking problems for residents of either the parent property

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or adjacent dwellings.

4. They would not result in a loss of 50% or more of the undeveloped curtilage of the parent property.

In my opinion the amended scheme materially addresses the concerns raised and, as such, is considered to represent an acceptable form of domestic development in accordance with Policy HSG 20.

Recommendation

Approve (commence within 3 years)

2. Notwithstanding the submitted details received by the Local Planning Authority on 5 July 2007 the side elevation of the conservatory adjoining No 34 Thornton Road shall be fitted with obscure glazing as detailed on the amended plan received by the Local Planning Authority on 2 August 2007 and shall be so maintained thereafter.
3. The conservatory shall be sited strictly in accordance with the amended plan received by the Local Planning Authority on 2 August 2007.

The reasons for above conditions are:-

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

To safeguard the amenity interests of neighbouring residents.

For the avoidance of doubt.

Reason for decision:-

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

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13 4/07/2459/0

TO INSTALL 1 20m HIGH MULTI-USER LATTICE TOWER
WITH 3 ANTENNA & 1 No 200mm DISH ANTENNA,
EQUIPMENT CABINET 7 ASSOCIATED EQUIPMENT
MAYSON BROS YARD, CHAPEL STREET, EGREMONT,
CUMBRIA.
HUTICHISON 3G

Parish Egremont

- Object as Members feel this will be visually intrusive on the town centre/bypass and that there must be a much more suitable place to site this mast. It will seriously impact on plans Egremont Regeneration has for the town centre car park. Councillors also feel it will be intrusive on the nearby residential properties of Wyndham View and Ehen Court bungalows.

Concerns were expressed regarding probable health risk and Councillors do not think any more should be sited near residential properties. Concerns that the original application for a 15 metre mast has now changed to a 20 metre mast - Members find this totally unacceptable.

Permission is sought for a 20 metre high telecommunications lattice tower and associated equipment at Mayson Bros Yard, Chapel Street, Egremont.

The lattice tower would house 3 No antennas and 1 No dish with the associated equipment on the ground enclosed within a 6m x 6m compound. The tower would be located to the rear of the yard against the wall of the Egremont bypass which is 5.5 metres above ground level. It would be between two existing buildings which are both between 5 and 6 metres in height.

Along with the Town Council's objection, a letter has been received from a nearby resident who objects as the proposed mast will be visible from her property.

An application was recently approved for another service provider for a 17.1m high mast located in the adjacent yard on Chapel Street for Cumberland and South Furness Supply (4/07/2337/0 refers). However, previous to this proposal, two concurrent applications were refused as neither operator had considered mast sharing (4/07/2083 and 4/07/2125/0 refer). It should be noted that this is preferential under Policy SVC 8 of the adopted Copeland Local Plan 2001-2016, which states:-

"in the case of masts, the availability of alternative sites or the possibility of sharing facilities with other operators will be taken into account. New masts will only be permitted if it can be demonstrated that mast-sharing is impractical."

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Planning Policy Guidance Note (PPG) 8 "Telecommunications" states that:-

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

Whilst the design submitted is for a larger sharable structure, the agents have also stated that for their own purposes a 15 metre high mast would suffice. Even with this option, the preferable situation would be to mast share on the recently approved site at Cumberland and South Furness Supply. The approval for a 17.1 metre lattice tower was on the understanding that another operator such as H3G would be capable of adding antennas to the mast without further new development being necessary, and the ground space surrounding the tower is less restricted for the associated equipment in comparison to the Mayson Bros yard. Confirmation of this capability was received in the supporting statement from 02 UK for application 4/07/2337/0.

It is concluded that with a telecommunications tower already approved immediately adjacent to this proposed site with the capability to be shared, the application is deemed to be at variance with Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 and guidance contained in PPG 8. The recommendation therefore is to refuse.

Recommendation

Refuse

The proposal is at variance with Policy SVC 8 of the adopted Copeland Local Plan 2001-2016 and Government Planning Policy Guidance Note 8 "Telecommunications", insofar as a telecommunications development with mast sharing capabilities has recently been approved on an adjacent site under LPA Ref 4/2007/2337/0F1. The applicants have failed to provide evidence as to why such a mast sharing arrangement cannot be achieved.

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14 4/07/2476/0

LISTED BUILDING CONSENT FOR REMOVAL OF EXISTING
GREENHOUSE/STORE AND ERECT CONSERVATORY
MORESBY HALL, MORESBY, WHITEHAVEN, CUMBRIA.
MR D & MRS J SAXON

Parish

Parton

- No comments received.

Concurrent with the following item on this agenda for the removal of an existing greenhouse and erection of a timber conservatory within the grounds of this Grade I Listed Building (4/07/2477/0F1 refers), this application seeks Listed Building Consent for the proposed new development.

The proposed conservatory would be sited in the corner of the garden area bounded by existing walls to the north and east. The conservatory would be used for purposes ancillary to the guest house use of Moresby Hall.

Policy ENV 33 of the adopted Copeland Local Plan 2001-2016 states that applications for development affecting the setting or important views of a Listed Building will only be approved when there is no significant adverse impact on the Listed Building.

No objections have been received from statutory consultees, in particular English Heritage.

In my opinion, the proposed conservatory represents an acceptable form of development that not only respects but enhances the character and setting of this Grade I Listed building in accordance with Policy ENV 33.

Recommendation

Approve Listed Building Consent

The reason for the above condition is:-

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

Reason for decision:-

An acceptable form of development within the curtilage of this Grade I Listed Building in accordance with Policy ENV 33 of the adopted Copeland Local Plan 2001-2016.

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15 4/07/2477/0

REMOVE EXISTING GREENHOUSE/STORE AND ERECT
CONSERVATORY
MORESBY HALL, MORESBY, WHITEHAVEN, CUMBRIA.
MR D & MRS J SAXON

Parish

Parton

- No comments received.

Full planning permission is sought to remove an existing greenhouse and erect a replacement 12.0m long x 3.8m wide timber conservatory within the grounds of this Grade I Listed Building.

The proposed conservatory would be sited in the corner of the garden area bounded by existing high walls to the north and east. The conservatory would be used for purposes ancillary to the guesthouse use of Moresby Hall.

Policy ENV 33 of the adopted Copeland Local Plan 2001-2016 states that applications for development affecting the setting or important views of a Listed Building will only be approved when there is no significant adverse impact on the Listed Building.

No objections have been received from statutory consultees, in particular English Heritage.

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

1. The proposed conservatory is for use of the residents of Moresby Hall and is therefore to constitute an extension to Moresby Hall ie for the purpose of wedding ceremonies/private parties. This will increase the overall capacity of visitors to the Hall which, in turn, means more vehicles, thus more parking.
2. Concerns regarding the access and parking arrangements that have already been approved with conditions. Some of the work regarding the extra parking has been carried out but the vehicular access from the main gates of Moresby Hall has not yet been constructed. The whole spectrum should be put out to a broader consultation and not be determined by delegated powers.
3. The appearance would have a visual impact causing intrusion to nearby properties and surrounding areas.
4. An application for Listed Building Consent has not been published

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by the media.

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

1. The construction of a new parking area accessed from the existing front entrance was the subject of a separate planning application approved in July 2005 following a Member site visit (4/05/2168/0F1 refers).
2. The conservatory is to be constructed out of solid wood, indicated as Oak, with a sandstone dwarf wall. At its closest point the conservatory would be sited some 21.5m from the nearest property outside the applicants' ownership. The existing boundary wall, however, would effectively screen the new conservatory from this property.
3. The Listed Building Consent application (4/07/2476/0L1 refers) was afforded publicity by virtue of an advertisement in the Whitehaven News on 26 July 2007 and by way of a site notice posted on 24 July 2007.

In my opinion, the proposed conservatory represents an acceptable form of development that not only respects but enhances the character and setting of this Grade I Listed Building in accordance with Policy ENV 33.

Recommendation

Approve (commence within 3 years)

The reason for the above condition is:-

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

Reason for decision:-

An acceptable form of development within the curtilage of this Grade I Listed Building in accordance with Policy ENV 33 of the adopted Copeland Local Plan 2001-2016.

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16 4/07/2486/0

ERECTION OF RETAIL SUPERSTORE (USE CLASS A1) AND
ASSOCIATED PARKING, ACCESS, PETROL FILLING
STATION AND ANCILLARY WORKS
LAND AT, BRANSTY ROW, NORTH SHORE ROAD,
WHITEHAVEN, CUMBRIA.
TESCO STORES LIMITED

Parish Whitehaven

A full planning application for a new Tesco store has been received.
The proposal is for:

"The erection of a retail superstore (Use Class A1) and
associated parking, access, petrol filling station and ancillary
works on land at Bransty Row/North Shore, Whitehaven."

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

Planning and Retail Assessment (August 2004)

Planning and Retail Statement - Update (July 2007)

Transport Assessment

Archaeological Desk Based Assessment

Investigation of Potentially Contaminated Land

Design and Access Statement

Outline planning permission was granted to William Lowe in 1990 for
the existing store (4,505 sq. m. gross) and approval of details was
granted in 1991. Tesco have operated the store since September 1994.

Full planning permission (4/04/2634/0) was granted to Tesco, with 22
conditions, in July 2005 for a replacement store with a gross
floorspace of 8,057 sq. m. The approval provided 520 car parking
spaces, a bus lay-by and involved the relocation of North Shore Road
onto the former boatyard site. This planning consent remains valid
until July 2010. The implementation of this consent depends upon the
closure of North Shore Road and the acquisition of land.

The Proposal

The new application proposes a gross floorspace of 7,572 sq. m.,
comprising 2,837 sq. m. of convenience goods, 1,666 sq. m. of
comparison goods, 258 sq. m. coffee shop, lobby, toilets, customer
services and 2,097 sq. m. of back up, i.e. staff, offices and
storage. In addition there is a 714 sq. m. glazed atrium for

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travelator/lifts to facilitate customer access to the store.

The retail area and servicing will be at first floor level with car parking underneath. The store will be built on stilts. There are 325 standard car parking spaces, 24 disabled spaces, 20 parent and child spaces and 29 additional spaces to the west of North Shore Road (for staff). The store is further forward towards Bransty Row, as suggested in the Broadway Malyan report, to provide a "gateway" feature to the town. A public plaza is planned in front of the store fronting onto Bransty Row, which will accommodate pedestrian and cycle traffic from the harbour and the town centre leading to the railway station. The front elevation of the store faces the harbour and the customer entrance aligns itself with the pedestrian route across the Bransty Row elevation of the store.

The plan shows land available for an integrated travel interchange at the station. (This needs to be assessed by the Highway Authority). An interim bus lay-by is provided to the west of North Shore Road, together with a relocated petrol filling station and some car parking. Pedestrian links from the bus station to the railway station are provided through the car park, under the store.

The height of the store will be 12.5m at ridge level. The undercover car parking area will not be enclosed and will provide relatively open views through the car park. Materials will be sandstone, glazing and white composite panels.

Access to the site will be provided from a new roundabout on Bransty Row with access to the car park and bus lay-by off a new roundabout on the junction with North Shore Road. The store will be serviced from the rear of the store. A further access will be provided on Bransty Row to provide egress from the car park and to serve the station and potential interchange.

It is recommended that Members visit this site prior to the application being determined, as there are a number of issues relating to this proposal. The main issues to be considered include:

- Relationship of the store to Bransty Row and the town centre
- Relationship of the store to the harbour
- Impact of the store on the town centre
- Relationship of store to transport interchange
- Temporary bus lay-bys
- Relocation of the petrol filling station
- Creation of public plaza and landscaping
- Highway issues relating to access and egress from the site
- Visual impact and materials.

Recommendation

Site Visit

CUMBRIA COUNTY COUNCIL

17 4/07/9011/0

EXTENSION OF HEIGHT AREA AND DURATION OF EXISTING
LANDSCAPING STORAGE OPERATIONS
SELLAFIELD, SEASCALE, CUMBRIA.
SELLAFIELD LIMITED

Parish St Bridgets Beckermest

THE SITE

The proposed site is within the Sellafield boundary and lies to the east of the site.

THE PROPOSAL

The application is for an increase in height, area and duration of existing landscaping storage operations known as Area H of the Calder Screen Embankment.

An extension to the current planning permission deadline is needed in order to continue operations beyond 31st July 2007. The application seeks to continue the operation for a further 10 years to 31st July 2017 and also to allow an increase in height (involving a maximum height increase of 10 metres) of the landscaping screen. The proposal would bring the capacity of the mound to 85,000 cubic metres, an increase of 15,000 cubic metres.

The materials will be sourced solely from clean, excavated spoil arisings from development operations elsewhere on the Sellafield site. This obviates the need for off site vehicle movements associated with such an operation. The landscaping screens the industrial landscape from external view, minimising its visual impact.

After final operations on Area H it is intended that the mound be hydro-seeded using a land reclamation grass seed mix. The inert spoil placed on this site will ultimately be utilised for the restoration of the Sellafield site.

The proposal is for the continuation of existing landscaping operations and no significant change to existing noise levels would be anticipated. There are no properties in the vicinity that would be affected.

Recommendation

That Copeland Council raise no objection to the proposal.

Schedule of Applications - DELEGATED MATTERS

✓ 4/07/2339/0	St Bees	DEMOLITION OF PLUMBERS STORE AND GARAGE, ERECTI OF A DWELLING 116A, MAIN STREET, ST BEES, CUMBRIA. MR M DAVISON
✓ 4/07/2353/0	Whitehaven	CONVERSION OF GROUND FLOOR OR PART OF BARN INTO AN EXTENSION TO HARRAS PARK FARM HARRAS PARK FARM, HARRAS MOOR, WHITEHAVEN, CUMBRIA. MR AND MRS N LANDELLS
✓ 4/07/2364/0	St Bees	CONVERSION OF PART ADJOINING FIELD FOR PARKING AREA FOR 5 DWELLINGS PART FIELD 6023, REAR OF ABBEY ROAD, ADJACENT TO SCALEBARROW HILL, ST BEES, CUMBRIA. MR D & MRS M POSTLETHWAITE
4/07/2402/0	Whitehaven	DRAINAGE WORKS AFFECTING ROOT SYSTEM OF ONE SYCAMORE TREE PROTECTED BY A TREE PRESERVATION 38, VICTORIA ROAD, WHITEHAVEN, CUMBRIA. MR A M SOLARIE
✓ 4/07/2418/0	Haile	DWELLING HOUSE HIGH CROFT, WILTON, EGREMONT, CUMBRIA. KR & DL ROUTLEDGE
✓ 4/07/2447/0	Whitehaven	CONSERVATION AREA CONSENT FOR DEMOLITION OF 1 2 3 IRISH STREET 1 2 & 3, IRISH STREET, WHITEHAVEN, CUMBRIA. KRISTIAN LTD
✓ 4/07/2357/0	Whitehaven	ERECTION OF PRE-CAST CONCRETE GARAGE 63, RANNERDALE DRIVE, WHITEHAVEN, CUMBRIA. MR B SCOTT
✓ 4/07/2361/0	Whitehaven	CONVERSION OF ATTIC AND ERECTION OF DORMER EXTENSION 50, CALDBECK ROAD, RED LONNING, WHITEHAVEN, CUMBRIA. S GOULDING
✓ 4/07/2365/0	Lowca	GARAGE MICKLAM HOUSE, LOWCA, WHITEHAVEN, CUMBRIA. MR R WRIGHT
✓ 4/07/2368/0	Cleator Moor	CONSERVATORY EXTENSION

		22, TRUMPET ROAD, WATH BROW, CLEATOR MOOR, CUMBRIA. MR K DAVISON
✓	4/07/2370/0	St Bees REMOVAL & REBUILDING TWO STOREY EXTENSION TO TH REAR, NEW ROOF OVER PART OF THE HOUSE 51, MAIN STREET, ST BEES, CUMBRIA. MR C MOORHOUSE
	4/07/2372/0	Whitehaven FIRST FLOOR EXTENSION 33, CRUMMOCK AVENUE, WOODHOUSE, WHITEHAVEN, CUMBRIA. S JONES
✓	4/07/2376/0	Egremont KITCHEN, BEDROOM, SHOWER ROOM AND PORCH EXTENSI 18, SUNNYSIDE, EGREMONT, CUMBRIA. MR AND MRS B CAINE
✓	4/07/2380/0	Cleator Moor FAMILY ROOM, GARAGE AND BEDROOM EXTENSION 49, MILL HILL, CLEATOR MOOR, CUMBRIA. MR AND MRS WROE
✓	4/07/2381/0	Arlecdon and Frizington FORMATION OF A DRIVE ONTO A HIGHWAY 4, LINGLA BANK, FRIZINGTON, CUMBRIA. MR J NOCTOR
✓	4/07/2382/0	Cleator Moor CONSERVATORY CHIMNEYS, JACKTREES ROAD, CLEATOR MOOR, CUMBRIA MR A FRANCIS
✓	4/07/2384/0	Whitehaven ERECTION OF KITCHEN AND BATHROOM EXTENSION (266 HIGH ROAD) AND REMOVAL OF FLAT ROOF AND FITTING 266 & 264, HIGH ROAD, KELLS, WHITEHAVEN, CUMBRI MR A GILL
✓	4/07/2388/0	Arlecdon and Frizington ERECTION OF TWO STOREY EXTENSION TO SIDE (AFTER REMOVAL OF EXISTING GARAGE) AND SINGLE STOREY 2, PHEASANTS RISE, ROWRAH, CUMBRIA. MR & MRS KIGHT-GREEN
✓	4/07/2389/0	Whitehaven ERECTION OF SMOKING CANOPY AWNING (RETRACTABLE) TO THE REAR 80, LOWTHER STREET, WHITEHAVEN, CUMBRIA. WHITEHAVEN R.L.F.C.
✓	4/07/2390/0	Whitehaven ERECTION OF SUNROOM AND ROOFING OVER BALCONY 71, ELIZABETH CRESCENT, BAY VISTA, WHITEHAVEN, CUMBRIA.

Schedule of Applications - DELEGATED MATTERS

✓ 4/07/2394/0	Cleator Moor	MR & MRS D HASLETT 2 No GARAGES LAND BETWEEN PLOTS 2 AND 3, JACKTREES ROAD, CLEATOR MOOR, CUMBRIA. MR C HUDDART
4/07/2405/0	Cleator Moor	TWO STOREY GABLE EXTENSION 20, GREYSTONE PLACE, CLEATOR MOOR, CUMBRIA. MR AND MRS D TAYLOR
4/07/2408/0	Whitehaven	PORCH TO FRONT ELEVATION 70, VALLEY PARK, WHITEHAVEN, CUMBRIA. MR AND MRS M FARRER
✓ 4/07/2411/0	St Bees	CONSERVATORY TO REPLACE EXISTING CONSERVATORY 123, MAIN STREET, ST BEES, CUMBRIA. MR A KEEP & MR G SHORT
✓ 4/07/2417/0	Whitehaven	EXTENSION TO PROVIDE CONSERVATORY 23, JAMES DRIVE, MIDGEY, WHITEHAVEN, CUMBRIA. MR D SISSON
✓ 4/07/2419/0	Egremont	SECTIONAL GARAGE (WITH BASE) GARDEN OPPOSITE 25, OLD SMITHFIELD, EGREMONT, CUMBRIA. JOHN JOSEPH WOODEND
4/07/2420/0	Whitehaven	DOUBLE STOREY EXTENSION TO DWELLING INCLUDING CONSERVATORY, ERECTION OF SINGLE DETACHED GARAG 6, CARTGATE ROAD, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR I MAKIN
4/07/2425/0	Whitehaven	CONSERVATORY TO REAR OF PROPERTY 29, NORTH ROAD, BRANSTY, WHITEHAVEN, CUMBRIA. MR AND MRS R SMITH
✓ 4/07/2437/0	Moresby	EXTENSION 18, EAGLES WAY, MORESBY PARKS, WHITEHAVEN, CUMBRIA. MR P COAN
✓ 4/07/2453/0	Egremont	EXTENSION TO EXISTING GARAGE 7, NELSON SQUARE, EGREMONT, CUMBRIA. MR B CAINE

Schedule of Applications - DELEGATED MATTERS

4/07/2345/0	Moresby	DETACHED HOUSE PLOT 5, LAND ADJACENT TO, RAILWAY COTTAGES, MORESBY PARKS, WHITEHAVEN, CUMBRIA. MR AND MRS D RICKERBY
4/07/2378/0	Arlecdon and Frizington	PROPOSED DETACHED DWELLING AND DETACHED GARAGE PLOT 48, RHEDA PARK, FRIZINGTON, CUMBRIA. MR AND MRS P GRAHAM
4/07/2397/0	Moresby	CHANGE OF USE TO ALLOW FOR USE AS BED AND BREAKFAST IN PART OF THE HOUSE CROFT HILL, QUALITY CORNER, MORESBY, WHITEHAVEN CUMBRIA. ANDREW CRAYTON & JOANNE LOCKWOOD
4/07/2415/0	St Bees	INSTALLATION OF A 5m TOWER EXTENSION WITH ANTENNAS & 1 x 1.8m GROUND BASED DISH ANTENNA ARQIVA TRANSMITTING STATION, IVY HILL BANK TOP, ST BEES, CUMBRIA. ARQIVA
4/07/2416/0	Lamplugh	REINSTATEMENT OF 1st FLOOR ACCOMMODATION, CONSTRUCTION OF NEW DOUBLE GARAGE & DEMOLITION GREENSYKE, LAMPLUGH, CUMBRIA. MR M TINDALE
4/07/2423/0	Arlecdon and Frizington	CHANGE OF USE TO BEAUTY SALON ON GROUND FLOOR & ONE BEDROOM FLAT ON FIRST FLOOR 148, MAIN STREET, FRIZINGTON, CUMBRIA. EMMA INGAMELLS
4/07/2442/0	Arlecdon and Frizington	GLAZED INFILL EXTENSION TO PROVIDE COVERED PLAY AREA/ENTRANCE ST JOSEPHS PRIMARY SCHOOL, YEATHOUSE ROAD, FRIZINGTON, CUMBRIA. ST JOSEPHS PRIMARY SCHOOL GOVERNORS
4/07/2454/0	Distington	2 X FASCIA SIGNS, 1 X DOUBLE SIDED PROJECTING SIGN CO-OP FOOD STORE, 53-55, MAIN STREET, DISTINGTO CUMBRIA. CWS RETAIL FINANCIAL SERVICES
4/07/2363/0	Millom	CONSTRUCTION OF FOUR DWELLINGS ROTTINGTON ROAD/, LINCOLN STREET, MILLOM, CUMBRIA. SHELDON PROPERTY DEVELOPMENTS LTD
4/07/2366/0	Haile	CONVERSION OF FARMHOUSE AND OUTBUILDINGS TO RESIDENTIAL 5 BEDROOMED HOUSE AND GARAGE PLOT 1 (No 3), WILTON MEWS, WILTON, EGREMONT,

Schedule of Applications - DELEGATED MATTERS

		CUMBRIA. MR AND MRS S HUNTER
✓ 4/07/2401/0	Millom Without	ERECT FIRST FLOOR EXTENSION TO BEDROOM AND GROU FLOOR CONSERVATORY EXTENSION HIGHFIELD, THE HILL, MILLOM, CUMBRIA. MR M SHARP
✓ 4/07/2426/0	Seascale	DEMOLISH OLD PORCH AND REPLACE WITH NEW ONE 63, GOSFORTH ROAD, SEASCALE, CUMBRIA. MR T FAIL
✓ 4/07/2436/0	Seascale	DEMOLISH OLD PORCH AND REPLACE WITH A NEW PORCH 65, GOSFORTH ROAD, SEASCALE, CUMBRIA. C M LONGRIDGE
✓ 4/07/2431/0	St Bridgets Beckermat	RENEWAL OF TEMPORARY PLANNING PERMISSION (4/02/0680) FOR A PREFABRICATED RUBB SHELTER FO SELLAFIELD, SEASCALE, CUMBRIA. BRITISH NUCLEAR GROUP
✓ 4/07/2433/0	Ponsonby	RENEWAL OF TEMPORARY PLANNING PERMISSION (4/04/2572) FOR PREFABRICATED BUILDING TO SERVE SELLAFIELD, SEASCALE, CUMBRIA. BRITISH NUCLEAR GROUP

