

**PLANNING PANEL**

**25 JUNE 2008**

**AGENDA**

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## **STANDARD CONDITIONS**

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

### **Outline Consent**

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

### **Reserved Matters Consent**

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

### **Full Consent**

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

## RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

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1 4/07/2735/0

NEW HOUSING DEVELOPMENT OF 81 DWELLINGS  
POOLSIDE, PORT HAVERIGG, MILLOM, CUMBRIA.  
GRAISLEY PROPERTIES LTD

Parish Millom

- Have concerns regarding the siting of houses less than 25 metres from a pumping station and also concerns regarding the amount of houses for the site and access to and from the proposed development.

On the amended plans the Town Council have raised grave concerns regarding:-

1. The increase in traffic volumes using very narrow bridge
2. Insufficient affordable housing for local people
3. Flood risk regarding future of the coast as stated in the Shoreline Management Plans
4. Sewage management
5. Lack of public consultation on amended plans
6. Raised the issue of the "Merton Rule" regarding on-site renewable energy regeneration
7. Loss of amenities for local people

THE SITE

The development site is approximately 2.7 hectares in extent and is situated 0.3km east of Haverigg town centre. The site is bound on the south by sloping masonry with an area of beach leading to the Duddon Estuary, to the north by Haverigg village cricket club; to the east by agricultural land and the Port Haverigg caravan site and to the west by Haverigg Pool water course and the housing adjoining Pepperhall Walk footpath.

Access to the site is via a bridge leading to a tarmac and gravel roadway running from the west to east through the site giving access to the cricket ground, a water pumping station, a viewpoint car park and holiday village some way to the east. The Cumbria Coastal footpath runs along the southern boundary of the site alongside the slope down to the beach.

The site adjoins existing housing developments known as "Pepperhall Walk" and "The Front". The site was previously occupied by housing, referred to locally as "Concrete Square" and this is defined as

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previously developed (brownfield) land in the context of the Copeland Local Plan.

This is a full application following an earlier outline permission (4/03/1350/001) which has now lapsed. A similar application (4/06/2621/OF1) was submitted in 2006, but was withdrawn due to there being a need for an ecological assessment and a flood risk assessment. The application has now been re-submitted and is accompanied by a Design and Access Statement, Ecological Considerations Report and a Flood Risk Assessment.

THE PROPOSAL

The site is an area of undeveloped land, part of the site was previously occupied by pre fabs, known locally as "Concrete Square".

The 2.7 hectare site lies within the Haverigg settlement boundary and is allocated for residential development in the adopted Copeland Local Plan 2001-2016. The proposal is to develop a total of 81 dwellings, being a mix of apartments, terraces, semi-detached and detached properties at an average of 30 dwellings per hectare. The developer has identified two small areas of open space and the layout and future maintenance will be subject to conditions. There is also a viewpoint car parking area proposed for 15 cars.

Members had the opportunity to view the site at their site visit in January.

LOCAL PLAN

The Copeland Local Plan 2001-2016 was adopted in June 2006. The main Local Plan policies relevant to this application are:-

DEV 1	Sustainable Development and Regeneration
DEV 3	Local Centres
DEV 6	Sustainability in Design
HSG 2	New Housing Allocations
HSG 8	Housing Design Standards
HSG 9	Accommodation Special Needs
HSG 10	Affordable Housing in Key Services and Local Centres
TSP 6	General Development Requirements
TSP 8	Parking Requirements
SVC 1	Connections to Public Sewers
SVC 4	Land Drainage
ENV 16	Flooding
ENV 17	Derelict land
ENV 18	Contaminated land

Haverigg is classed as a "Local Centre" in the Local Plan and the site lies within the settlement limit. Part of the land was previously developed for housing purposes and is classed as brownfield. The site is allocated for residential development in the

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Copeland Local Plan (H49).

CONSULTATION RESPONSES

The Highway Authority has requested a Stage 1 Road Safety Audit. This can be provided through a condition. Consent will be required from the Environment Agency to outfall the highway water into the watercourse.

The County Council's Rights of Way Officer notes that Footpath 415009 runs through the site. This route should be treated as an asset, linking future residents to the public rights of way network and creating opportunities for informal recreation while providing a safe route to local facilities.

United Utilities (UU) have no objection in principle subject to conditions, provided the site is drained on a separate system, with only foul drainage being connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. Water mains and sewers cross the site and United Utilities will now allow building over and require easements for maintenance.

The Council's Engineer has raised concerns about development on Zone 3 and 2 land and feels that the developer should take account of possible climate change to avoid a possible increase in the risk of flooding in future years. The developer has dealt with this in the Flood Risk Assessment (FRA).

The Environment Agency (EA) do not object to the proposal on the grounds of flood risk, subject to certain conditions which are included in the recommendation. The EA notes that the outer limits of the site are within Flood Zone 3 and the central section of the site is within Flood Zone 2. The EA notes that the site is allocated in the Copeland Local Plan for housing development. The EA has not validated or checked the technical content of the site flood risk assessment, however, the Agency notes that the FRA uses the most appropriate and up to date information available at the time of writing. Through the submission of the site specific FRA the Environment Agency understands that the applicant is fully aware of flood risk and frequency and has satisfied themselves that the impact of any flooding will not adversely affect their proposals.

One of the mitigation measures suggested in the FRA is the raising of the existing coastal defences to an acceptable level to prevent overtopping. The existing rock armour was installed for erosion protection purposes, as opposed to flood protection. Tidal flood levels have changed since the time when the rock armour was installed (early nineties). The EA raises concerns about the long term maintenance of any improved sea defences.

The EA require a Land Contamination Study following current

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guidance, i.e. BS10175, Contaminated Land Report 11 "Model Procedures for the Management of Contaminated Land".

Material imported to the site in order to raise ground levels must be virgin material, or reprocessed inert material of an approved standard (British Standards) from a suitably authorised site. If waste material is to be used a Waste Management Licence or Exemption may be required to cover the deposit on the ground.

The EA states that otters are known to be present on Haverigg Pool. Otters are protected under the Wildlife & Countryside Act 1981, as amended under Annex ii of the Habitats Directive and are a European Protected Species and UK BAP priority species. As such EA requires that some habitat enhancement should be provided along the beck in order to provide a buffer from the development and to provide some protection from disturbance.

Natural England has concerns in relation to flood risk, in particular the proximity of some dwellings to the sea wall. English Nature advise that consideration should be given to future maintenance, including the effects of sea level rise and increased storm events. Any improvements to the sea wall should be made using land take on the landward side to the wall to avoid impacting on the European Marine Site. An allowance of 10 metres to increase the wall width and height might be a realistic starting point with a working area behind that.

In addition, Coastal Access, as required under Countryside and Rights of Way Act 2000, is taking forward the option of providing a national coastal corridor for public access. Housing adjacent to the sea wall would seriously impede the ability to meet this requirement.

English Nature point to the fact that the Land Restoration Trust has secured regeneration funding for improvements of the ecological assets of Haverigg Dunes, Hodbarrow Reserve and Millom Iron Works Local Nature Reserve. Providing an access link between these three areas is a key part of the project.

English Nature is now satisfied that natterjack toads are unlikely to be impacted by this proposal.

Cumbria Wildlife Trust objects to the application due to a lack of ecological information. The Trust is concerned that the development site has not been surveyed for reptiles. Protected species records from the Local Record Centre at Tullie House Museum indicates that reptiles have previously been found in this area. The ecological reports indicates that current ground conditions would be suitable for reptiles, particularly common lizard and slow worm. Reptiles are protected under the Wildlife and Countryside Act (1981) and are UK BAP species which makes it an offence to injure or kill them.

The Council's Landscape Officer approves of the landscaping proposals

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with minor comments which have been passed on to the architect.

There have been 10 individual letters of objection and an objection from the Haverigg Resident's Association (copy attached). The issues raised in the objections include:-

Lack of evidence of need

Insufficient low cost housing for local occupation

Increase in traffic volumes in village and inadequacy of bridge over river which is the only access and egress to the site

The amount of development on the site

Flooding and surface water drainage concerns

Raising of levels on site will cause off site drainage problems

Proximity of housing to pumping station

Lack of amenities in the village

Development will deprive local people of views over estuary

Overlooking of existing dwellings in Pepper Hall Walk

Concerns over "building line"

Existing rights of way criss cross the site

REPORT

The issues raised by this application include planning policy, the amount of development, flooding and mitigation measures, sewerage and surface water drainage, ecological issues, highways, access to the coast and design considerations.

Planning Policy

The site has previously had outline planning permission and is allocated for residential development in the Copeland Local Plan. The principle of residential development on this site is therefore established.

Amount of Development

The proposed density of development at 30 dwellings per hectare is acceptable and in accordance with the provisions in the Local Plan.

Flooding and Mitigation Measures



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Part of the site is within Flood Zone 3a and part in Zone 2. The Flood Risk Assessment (FRA) has considered future flood risk to the proposed development for the lifetime of the development thus taking into account climate change. The FRA has concluded that the site is not at risk of fluvial flooding from the adjacent main river, Haverigg Pool. The FRA has also concluded that surface water, generated via the creation of new impermeable areas, will not increase flood risk elsewhere through an increase in the rate of surface water disposal. Surface water from the site is to be disposed of to the sea via an appropriately designed surface water system, designed to remain operational at times of tide locking and so as not to allow tidal waters to access the site via the surface water infrastructure. The introduction of an adequate surface water management system for the development site has been detailed as a "Flood Mitigation Measure". The Environment Agency raise no objections.

There are issues raised in the FRA about tidal flooding and the fact that there is uncertainty in the wave climate data that was used and it is suggested that a wave modelling study is required to gain a better understanding of the wave climate at Haverigg and make a more robust assessment of overtopping. The scheme has been revised to leave a 20 metre wide corridor along the shoreline to allow for future coast protection measures within the site and a suitable working area.

#### Sewerage and Surface Water Drainage

The site should be drained on a separate system, with only foul drainage being connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. Concerns have been raised by residents about the inadequacy of the sewerage system, but United Utilities have considered these issues and raised no objections. The Town Council and residents have raised concerns regarding the siting of houses less than 25 metres from a pumping station and United Utilities has been consulted on this point, but have raised no objections.

#### Ecological

A Ecological Considerations Report has been prepared which assesses the impact of the proposed development on the ecology of the site. The assessment comprised a targetted desk study and extended Phase 1 survey. The study concluded that no protected species records were recovered from the 500m area of search centred on the site. The report makes a number of recommendations which are covered by conditions. English Nature has considered the report and has raised no objections to the development. The Cumbria Wildlife Trust, however, has objected to the proposal due to lack of ecological information in relation to reptiles. This issue is covered by a condition.

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Highways

The site has previously been granted outline planning permission for housing development and is allocated in the local plan. Thus the issues related to access and traffic considerations have previously been considered. A stage 1 Safety Audit and Developer's Response is required and this is covered by a condition.

Access to the Coast

The Cumbria Coastal Footpath runs alongside the coast through the site. This corridor has been increased, through amended plans, to include a clear 20 metre width away from the existing rock armour erosion defence works. This corridor will allow for future coast protection works if they are considered necessary, it will be an enhanced wildlife corridor, with improved public access and will allow for future development of a national footpath system.

Design Considerations

The Design and Access Statement sets out the design approach. It is to take architectural references for the new development sympathetically from its surroundings in terms of landscape, scale, materials and details. By fostering the local vernacular the aim is to perpetuate the building character of the area in order that the scheme fits in as part of the village rather as a foreign addition to it.

The proposed planting layout retains the natural vegetation (gorse, brambles and grasses) over most of the open space areas, trees and screen hedges have been selected and specified to suit the location and environment. Surface materials will be sympathetic in colour and texture to the vernacular range of Haverigg materials such as grey natural slate roofs and maintenance free wet dash renderings. Colour palettes will be limited and sensitively varied, sample panels will be provided for approval. Reconstituted stone base courses and dressings will reflect the colours of the indigenous stone and architectural detailing will echo the local tradition. Windows, external doors and screens will be timber with stain finish to compliment the colour palette. All finishes will be covered by condition.

CONCLUSION

The proposals are a variation in house types including terraces and semi detached properties with some detached dwellings of two, two and a half and three storeys giving different sizes and building forms to meet a cross section of needs.

This site has a number of constraints and is a difficult site to develop. However, with the recommended conditions, the development is considered to be acceptable. It is considered that the

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

Recommendation

Approve (commence within 3 years)

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

Location plan 1:2500: received 6 December 2007

Amended Site Layout TD620/001C Plan received 22 May 2008

House Type A Handed plans and elevations TD620/003 received 6 December 2007

House Type A1 plans TD620/004 received 6 December 2007

House Type A1 Handed plans and elevations TD620/005 received 6 December 2007

House Type B Plans and Elevations TD 620/006 received 6 December 2007

House Type C and CH Plans and elevations TD620/006 received 6 December 2007

House Type D plans and elevations TD620/009 received 6 December 2007

House Type E plans and elevations TD620/010 received 6 December 2007

House Type F plans and elevations TD620/011 received 6 December 2007

House Type G plans TD620/012 received 6 December 2007

House Type G elevations TD620/013 received 6 December 2007

Design & Access Statement received 6 December 2007

Floor Risk Assessment prepared by Scott Wilson received 6 December 2007

Ecological Survey prepared by Bowland Ecology received 6 December 2007

3. Notwithstanding the approved drawings, no development approved by this permission shall be commenced until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development approved by this permission shall be commenced until a Stage 1 Safety Audit and Developer's response is submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved scheme.

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5. The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details including longitudinal sections shall be submitted to the Local Planning Authority and be approved in writing before any work commences on site. No work shall be commenced until a full specification has been approved in writing. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.
6. No dwellings shall be occupied until the estate road, including footways to serve such dwellings, has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.
7. Access gates, if provided, shall be hung to open inwards only away from the highway.
8. No development approved by this permission shall be commenced until details of all measures to be taken by the developer to prevent surface water discharging onto or off the highway is submitted to and approved in writing by the Local Planning Authority. Any approved works shall be implemented prior to development being commenced and shall be maintained operational thereafter.
9. The estate road shall be surfaced in bituminous or cement bound materials or otherwise bound and shall be constructed and completed before the development is completed.
10. The site shall be drained on a separate system with only foul drainage connected into the foul sewer.
11. No development approved by this planning permission shall commence until a scheme for the provision and implementation of a surface water regulation system is submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
12. All finished ground floor levels of dwellings shall be set at not less than 7.07 AOD.
13. No development approved by this planning permission shall commence until a wave modelling study is submitted to and be approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
14. No development approved by this planning permission shall be commenced until:-

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- (a) A desktop study has been carried out (following current guidance, i.e. BS10175, Contaminated Land Report 11 "Model Procedures for the Management of Contaminated Land") which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information; and using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
  - (b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
    - i. a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected
    - ii. refinement of the Conceptual Model
    - iii. the development of a Method Statement detailing the remedial requirements
  - (c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken
  - (d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on the site
15. All materials imported to the site in order to raise ground levels shall be virgin material, or reprocessed inert materials of an approved standard (British Standards) from a suitably authorised site.
16. No development approved by this planning permission shall be commenced until a plan showing proposed finished levels for the whole site is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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17. No development approved by this planning permission shall be commenced until a marginal strip of land is defined between the development and Haverigg Pool in accordance with the approved details.
18. The development shall implement all of the mitigation and compensation measures set out in the Ecological Considerations Report, prepared by Bowland Ecology, dated December 2006, and submitted as part of the planning application.
19. No development approved by this planning permission shall be commenced until a reptile survey has been undertaken on the site by a competent ecological surveyor and if reptiles are found on the site mitigation measures shall be implemented both within the site and off-site as necessary.
20. No development approved by this planning permission shall be commenced until a landscaping scheme is submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:-
  - (a) details of all boundary treatments, including planting and the exact locations, heights and materials of all fences and/or screen and retaining walls
  - (b) details of materials to be used in all hard surfacing
  - (c) planting details including species, heights, location and spacing
  - (d) a timetable for carrying out the scheme
21. The approved scheme shall be implemented within the first planting season following the commencement of occupation of the site. Any tree or shrub found dead or dying within five years of planting shall be replaced by specimens of similar type and size, to the satisfaction of the Local Planning Authority.
22. No development approved by this planning permission shall be commenced until a scheme of landscape maintenance is submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.
23. No development approved by this planning permission shall be commenced until agreement on the layout, future maintenance and timing of construction of the open spaces is submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed in accordance with the agreement.

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24. The viewpoint car park shall be made available for public use prior to the occupation of any dwellings.

The reasons for the above conditions are:-

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

For the avoidance of doubt

In the interests of visual amenity

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

In the interests of highway safety and environmental management

To reduce the increased risk of flooding

To prevent pollution of the water environment

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

To reduce the increased risk of tidal flooding

To protect ecological, recreation and amenity interests by providing a buffer between the development and the watercourse

To ensure the protection of protected reptile species

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

In order to maintain public access to the coastline

Reason for decision:-

The development accords with the provisions of the Local Plan and completes this brownfield residential development in Haverigg

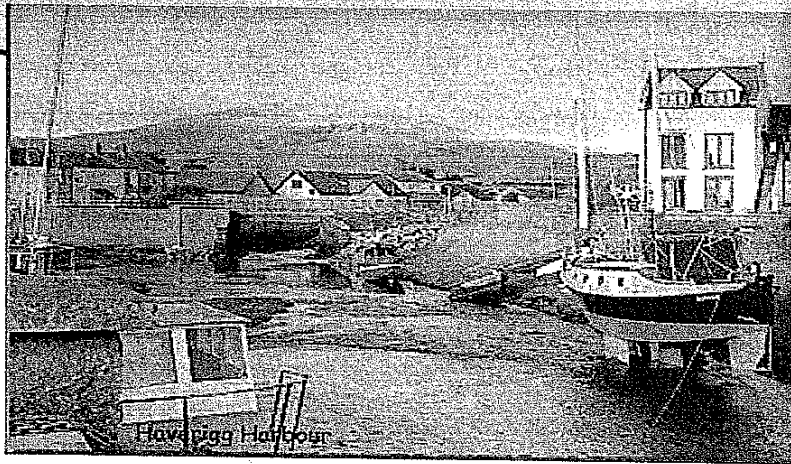
Notes:-

1. Attention is drawn to the fact that the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 with the Highway Authority.
2. The applicant's attention is drawn to the contents of the letter dated 28 May 2008 from United Utilities.

# HAVERIGG RESIDENTS ASSOCIATION

**Chair:**

Mrs. F. Wilson  
Chapel Cottage  
Bankfield Road  
Haverigg  
Millom  
Cumbria.



**Hon. Sec:**

Mrs. J. Roberts  
18 Poolside  
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26 May 2008

Mr. L. Cockcroft  
Planning Officer  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
Whitehaven. CA11 7SJ

COPELAND BOROUGH COUNCIL  
DEVELOPMENT SERVICES

28 MAY 2008

RECEIVED

Dear Mr. Cockcroft,

**Re: planning application 4/07/2735/0\*3**  
**83 Houses on Poolside, Haverigg.**

Please find enclosed an objection to the above planning application from the Committee of Haverigg Residents Association.

We would be grateful if you would acknowledge receipt of this objection and provide us with a status report of the application.

Yours sincerely

Jean Roberts  
Hon. Sec:



## **POOLSIDE DEVELOPMENT.**

### **Design and Access Statement - Aug. 2006**

The Development proposal states that the "research by the prospective developer has identified a need for predominately lower cost family homes and this is reflected in the development proposal."

- 1] Copeland Borough Council's Millom Housing Market Assessment 2006-11 shows the opposite, with over 200 houses vacant in the Millom area for more than six months. The Housing Market Assessment evidence is supported by local estate agents who have reported difficulties in selling properties in Millom.
- 2] The housing market is slowing down so that it is conceivable that only the most desirable properties will sell readily as demand falls off.
- 3] Any search by a prospective house purchases solicitor will show that the land at the time of the planning application is a zone 3a flood risk area. This could have an adverse effect on insurability which would have a knock-on effect on sales.
- 4] We dispute that a provision of just 12 houses out of 83 reflects any meaningful proportion.

**Design Approach** - states that the new development will be sympathetic to its surroundings in terms of scale etc: yet the land height is to be raised by an unspecified level above 6.77m AOD and the floor levels 300m above that. This means that the three storey houses would tower over the two storey houses and bungalows on Poolside where the floor height is as low as 5.2m AOD. Photo 1 shows the relative height of the land each side of the river. The arrow shows the minimum ground level proposed.

### **Flood Risk Assessment**

Para: 4.1 states that there is a 2m freeboard on the sea defences. Please see enclosed photos 1 and 2 which show that a freeboard of 1m is frequently the case at high water even in non storm conditions.

Para: 4.2. We are concerned that the height of the sea defences at present are 6.8 to 7.5m AOD which is the same as the height of the land, so that any overtopping of the defences would inundate the land.

Table 4.1 shows that the 0.5% probability tidal level by 2107 would flood the whole site by breaching the defences at their lowest point ie 6.8m AOD. See also Appendix A map 5.

Para: 4.3 gives us some concern when it refers to floodwater from the sewer surcharging into Haverigg Pool and accumulating in the scrubland adjacent, and we would like an explanation of this paragraph.

### **Wave Overtopping**

We are surprised that the applicant seeks approval for a development which is just a few metres from the waves, see photo 2, whilst admitting that they have no data at all on the wave overtopping on the site. The applicant agrees that the area is zone 3a flood risk and that the sea defences are inadequate (see para: 4.7). The applicant seeks approval on the promise that a survey of wave behaviour would be done if planning consent is granted.

Appendix C gives theoretical indication of the heights by which the sea defences need to be raised, which vary from 6.8m to 13.75m, a huge variation in the data, which is for Roa Island, not Haverigg.

The absence of reliable local information is a matter of great concern.

Finally, we draw your attention to Conclusions (para: 9.1).

### **Planning Policy para: 5**

It is interesting to note that the applicant has included an edited version of PPS25 Annex 5, in view of the applicant's admission that the flood risk is at Zone 3a. If the sequential test is to be used as indicated in PPS25 then this planning application should be considered unfavourably alongside any Zone 2 application. It would seem that the applicant is asking Copeland Borough Council to waive the rules of PPS25 on the vague promise of works which would raise the land from Zone 3 to Zone 2 at some unspecified time in the future. We feel that this is unsatisfactory in times like the present with an uncertain future for the solvency of the developers.

### **Site Runoff Calculation Sheets**

These sheets are very interesting but their conclusions seem to miss the point that the land height will be raised above the height of the Pepper Hall housing and the harbour bridge roadway. In view of the figures given for the runoff and the recommendations in the Ecology survey for a gradual seepage via a reed bed into Haverigg Pool, we are concerned that Pepper Hall and the Harbour bridge roadway could become the easiest path for runoff under certain conditions. These conditions being when the tide is above the proposed storm flaps, bearing in mind that 55% of the surface of the proposed development is impervious, not taking into account further impervious surfaces (eg: garden sheds, patios etc) added by the residents.

### **Site Layout Plan**

We feel that an extensive (and expensive) drainage system will be necessary. We note that the plans do not indicate whether the increased ground height is for the whole site - ie: would there be a ramped access from the bridge and Pepper Hall, or whether the raised height would be for the housing plots only with individual ramps from the estate roads. We note that no ramps are shown on the plan.

We also note that there is no provision for protection from cricket balls for houses 23 to 39. We feel that the onus is on the developer rather than the Cricket Club to provide adequate fencing, the stated height of 1.1m is insufficient especially as the ground floor windows of the proposed houses would be above the cricket club wall.

Photo: 3 shows the number of cars parked on the proposed development site when there is a cricket match in progress. A similar number of cars accompany the activity days held throughout the summer. Haverigg Residents Association would like to know what consideration Copeland Borough Council has for car parking provision if the development were to go ahead bearing in mind that the architects have designed the estate in such a way that every part is to be utilised in housing or residents parking.

### **Ecology**

The limited nature of the Ecology study does not fully reflect the wide variety of species on this site. In view of the total loss of habitat a more detailed study should be undertaken. One brief visit in the winter is not sufficient.

### **Conclusion**

Our main concern is this:-

Millom and Haverigg have an unfortunate history of unfinished developments. The site is one of the prime sites in the village, overlooking the sea and the approach to the harbour. It would be extremely detrimental to the village if the development were to be started and then halt due to an unsatisfactory wave height survey - ie: the expense of raising the sea defences and land height renders the development unviable. We hope that Copeland Borough Council Planning Committee decide to defer the application until a proper wave survey has been done and until plans can be shown which would benefit our community and the environment.

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3. The applicant's attention is drawn to the opportunities for recycling rainwater for use in flushing toilets and for alternative means of energy production, such as geothermal heating.
4. The applicant's attention is drawn to the contents of the letter dated 22 January 2008 from the Environment Agency.
5. If waste material is to be used in order to raise ground levels a Waste Management Licence or Exemption may be required to cover the deposit on the ground.
6. The applicant's attention is drawn to the landscaping comments of the Council's Landscape Officer dated 17 December 2007.
7. Footpath 415009 runs through the site. If any section of the definitive line needs to be relocated as part of the development, this will have to be diverted under the Town and Country Planning Act.

2 4/08/2120/0

ALTERATION TO EXISTING ASPHALT PLAYGROUND TO FORM  
MULTI-PURPOSE SPORTS SURFACE AND ASSOCIATED  
FLOODLIGHTING FOR SCHOOL, AFTER SCHOOL CLUBS &  
COMMUNITY USE  
SAINTS GREGORY & PATRICK, CATHOLIC INFANT SCHOOL,  
ESK AVENUE, WHITEHAVEN, CUMBRIA.  
THE SCHOOL GOVERNORS

Parish                      Whitehaven

Following a site visit on 14 May 2008 Panel Members were minded to refuse this planning application at the last meeting, contrary to Officer recommendation. In accordance with the Council's Planning Code of Conduct this is now brought back to the Panel for a final decision.

Following a site visit by Members planning permission for the erection of a wind turbine was approved within the grounds of this infants school in May 2006 (4/05/2778/0F1 refers).

Planning permission is now sought to alter the existing raised playground area to the east of the school to create a multi-purpose sports pitch with associated floodlighting. It is intended that the new facility will be utilised by the school, after school clubs and

MAIN AGENDA

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the wider community.

Measuring 44.6m in length by 26.4m in width, the overall footprint of the new sports pitch finished with synthetic turf will be 427 square metres larger than the existing playground. The existing asphalt playground is sited at the bottom of the sloping site with a grassed banking area above, fronting Bleng Avenue. The new pitch will be 7.0m wider than existing and, as such, it is proposed to excavate part of the grassed bank to allow for the increased pitch size and a retaining wall to be constructed. In addition, the existing stepped pedestrian access from Bleng Avenue will be re-sited closer to the southern boundary.

In terms of the floodlighting, it is proposed to erect six, 9.0m high columns, three to each side of the pitch. The lights are to be timed to switch off at 9.00pm.

Increased planting is proposed along the boundaries which run parallel to the rear of properties on Snebro Road and Esk Avenue. A letter from the headteacher of the school accompanying the application states that over the past 4 years 350 trees have been planted within the school grounds. All trees that are displaced by the building works will be matched like for like.

No objections have been received from Cumbria Highways and the Council's Environmental Health department.

A letter of support has been received from a Ward Councillor, a copy of which is appended to this report. In summary, he comments that the application complies with Local Plan Policies SVC 11 and SVC 14 which presumes in favour of new or expanded educational and recreational facilities and that the proposal will provide a much needed upgrade of the playground which is severely lacking in the standards for a modern school and in turn provide facilities for the wider community which will help achieve a healthier lifestyle for this officially deprived area.

A letter of support has also been received from the Council's Cultural Services Manager, a copy of which is appended to this report.

There is strong local opposition to this application with 20 letters of objection, a 40 name petition and a 10 name petition having been received. The grounds for objection can be summarised as follows:-

1. The proposals will worsen conditions already caused by the current school operations, making the living environment for local residents intolerable. Local residents already suffer clanging gates from 7am until 7.30pm on a regular basis.
2. The proposals will further intrude on the severe loss of privacy that already exists. The increased activities and spectators on

MAIN AGENDA

the grass bank will substantially increase the overview of the public to neighbouring properties and gardens.

3. The proposals for floodlighting are unacceptable. Lighting is to be installed on both sides of the pitch. It is inevitable that the lighting will cause general light pollution and a nuisance to neighbouring properties.
4. The indicated hours of operation are already exceeded by the current operations. Occupiers of neighbouring properties will experience noise and disruption for significantly increased periods.
5. Objectors have to suffer the supposedly noiseless windmill which is anything but noiseless. The windmill also causes a strobe lighting effect under certain conditions.
6. The parking facility will be totally inadequate for the expanded facility and will cause intolerable parking conditions for local residents. The existing car park is completely unused with staff, parents and visitors parking on Esk Avenue.
7. The current operation periods mean that residents get some relief from noise, disturbance and traffic issues. This proposal boasts "sustainable year round playing surface" operating seven days a week. Residents will have no relief from such detriments whatsoever.
8. The proposed tree planting for additional screening is farcical. The screening verge on the north side will be as little as 3.0m wide. No practical screening can be obtained by planting in such a narrow width.
9. This proposal duplicates other local proposals already in place. Whitehaven Amateurs have a floodlit facility less than 500 metres away and so do St Benedict's Rugby ground, both of which are available for community use.
10. Concern that the operation is changing from educational to commercial.
11. Complaints have been made on several occasions that users of the existing playground hurl litter and stones, together with obscene language at neighbouring residents. Supervisors of the playground make no attempt to control this behaviour. Increased use would inevitably result in increased abuse.

One objector has specifically requested their comments be read out to Members. A copy of the letter is appended to this report.

In response to comments raised a letter has been received from the applicant's agent confirming that the issue of light pollution has

MAIN AGENDA

been addressed with the floodlights being positioned so that light would not shine directly towards neighbouring properties and that they would be timed to turn off at 9.00pm, which the Council's Environmental Health department are satisfied with.

Out of school operating hours are intended, with the philosophy of the project based on that of a wider community use. Therefore if lights were switched off any earlier this would severely curtail club use outside working hours by the local adult population during the winter months. They do not consider 9.00pm to be exceptionally late and are aware of similar local facilities such as the Whitehaven Amateurs ground that are lit until 10.00pm.

Whilst it is noted that there are similar facilities within the locality that have late operating hours, they are not sited in such close proximity to residential properties. It is therefore recommended that should Members be minded to grant planning permission operating hours and the floodlighting shall be restricted until 8.00pm.

The Council's Landscape Officer comments that he has worked closely with the school to improve the local landscape via tree planting initiatives through the Tree Council grant aid. It is therefore imperative that all existing tree stock is protected and, as such, further information including arboricultural method statement and implications assessment, together with tree constraints and protections plans have been requested.

In response to these comments a tree survey has been undertaken by an independent firm. In summary a total of 67 trees are to be removed comprising 50 juvenile trees of various species at the southern and eastern end of the site, 3 juvenile trees to allow an access for construction traffic onto Bleng Avenue, 13 juvenile trees which are mostly cherry at the northern end of the site and 1 semi mature Alnus tree on the south western edge of the site between the proposed sports area and the school buildings.

The report comments that the trees are so juvenile that many of those marked for removal would actually transplant into new areas and therefore would not be lost.

The report indicates replanting along the boundaries to offer additional screening and create a sound and light barrier for neighbouring residential properties. It also indicates that prior to any construction work being started a substantial protective fence will be erected creating an exclusion zone from construction work.

The School has stated that it is in the process of purchasing additional land on Bleng Avenue to extend its grounds. The report indicates that it would be appropriate to transplant those trees marked for removal, where the species is appropriate, into this adjoining land.

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Whilst the Council's Landscape Officer comments that the removal and replanting of 67 trees is acceptable in principle, he is not convinced that there is sufficient space at this time within the school site to accommodate all the trees which are proposed for removal/replanting.

It has been confirmed by the agent that any trees that cannot be replanted within the school site can be donated to the Council's Parks department to replant within the local community. In addition to this they confirm that in any case it is the intention of the school to plant trees within the new land currently being negotiated.

Policy SVC 11 of the adopted Copeland Local Plan 2001-2016 provides a presumption in favour of new or extended educational and community facilities, subject to other plan policies.

Policy SVC 14 supports proposals for new or expanded outdoor recreation and leisure facilities provided that the development would not:-

1. be detrimental to the appearance of the local countryside or result in the loss of or harm to an area of landscape, wildlife or conservation importance
2. adversely affect the living conditions of local residents or those likely for occupiers of land allocated for residential development in the plan
3. create unacceptable traffic conditions in the vicinity of the site.

In addition to Local Plan policies, Planning Policy Guidance Note 17 "Planning for open space, sport and recreation" is also considered relevant to the determination of this application. Within PPG 17 outdoor sports facilities (with natural or artificial surfaces) including sports pitches, tennis courts, golf courses and school playing fields are all deemed as open spaces that may be of public value. PPG 17 states that Local Authorities should ensure that provision is made for local sports and recreational facilities and in doing so should seek to improve the value of, add to and enhance the range and quality of existing facilities.

Concerns have been raised regarding noise and disturbance. Planning Policy Guidance Note 24 "Planning and Noise" advocates the use of certain measures to limit noise exposure which can include screening by natural barriers and limiting operating time of the source.

In my opinion, subject to suitable conditions, the proposed scheme represents an acceptable form of development that will provide an additional recreation facility for this existing primary school and the wider community.



MAIN AGENDA

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Recommendation

Approve (commence within 3 years)

2. The multi-purpose sports surface hereby permitted shall not be open to the public after 8.00pm on any day unless otherwise agreed in writing by the Local Planning Authority.
3. The floodlights shall not be illuminated after 8.00pm on any day unless otherwise agreed in writing by the Local Planning Authority.
4. Before development commences full details of the proposed replanting scheme, including that along the boundaries with Esk Avenue and Snebro Road, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the exact number, species and location of the trees and make provision for the maintenance and replacement where necessary of any tree planted in pursuance of the scheme. The approved scheme shall be fully implemented before the sport surface is brought into full operational use.
5. Protective fencing shall be erected around the retained trees before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
6. Prior to development commencing full details of any ball stop fencing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with the approved details.

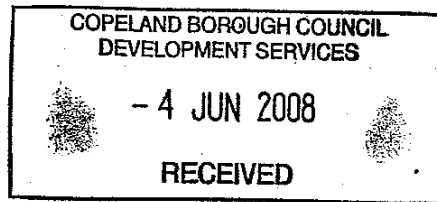
The reasons for the above conditions are:-

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

To safeguard the privacy and amenity interests of adjoining residents.

To ensure a satisfactory replanting scheme.

To protect trees during the construction period.



Cllr Paul Whalley  
58, Scotch Street  
Whitehaven  
Cumbria  
CA28 7PT

TEL 01946 691636

Ref RC/4/08/2120/0F1

June 3<sup>rd</sup> 2008

**ALTERATION TO EXISTING ASPHALT PLAYGROUND TO FORM MULTI-PURPOSE SPORTS SURFACE AND ASSOCIATED FLOODLIGHTING FOR SCHOOL, AFTER SCHOOL CLUBS & COMMUNITY USE.  
ST GREGORY & ST PATRICK, CATHOLIC INFANT SCHOOL, ESK AVENUE,  
WHITEHAVEN, CUMBRIA.**

To Chair of Planning & Panel Members.

As Ward Councillor for Mirehouse I was invited along to the site visit on the above Planning Application.

I now understand that against Officer Recommendation the above application has now been turned down at the re-convened meeting of the 28/5/2008. As such this means that the application has to come back to the Panel on the 25/6/2008 and it is at this meeting I would like to address the Panel on a number of issues that have arisen in the planning application document of 28/5/2008 as Ward Councillor & Consul tee.

Firstly may I draw the Panels attention to Policy SVC 11 of the Copeland Local Plan 2001-2016 this provides a presumption in favour of new or extended Educational and Community facilities, subject to other plan policies. It is my assertion that the above development certainly falls within this remit, and if our own Local Plan is to mean anything to the public then the application above should be approved as it falls within Policy SVC 11.

Secondly Policy SVC 14 supports proposals for new or expanded outdoor recreation and leisure facilities. This with the provision that the Development meets certain recommended criteria and it is not detrimental to local countryside, landscape, or wildlife conservation, does not adversely affect the living conditions of local residents, and also does not create unacceptable traffic conditions in the vicinity of the development. On these points Cumbria Highways had no objections, nor did our own Council Environmental Health Department.

It is also my understanding having spoken with the school that the conditions for the development laid down by the officers would be adhered to by the applicants, and as such the reasons given for acceptance by officers for this Development are entirely valid. This will provide a much needed upgrade of the playground which is severely lacking in the standards for a modern school and in turn provide facilities for the

wider community, and help to achieve a healthier lifestyle for this officially deprived area.

As Mirehouse Ward Cllr may I take this opportunity also to bring to the panels attention that as I understand it, this application falls squarely under planning law and ticks all the right boxes, a number of issues that were raised on the site visit for example, the funding of this development, concerns that it is changing from an educational to commercial use, duplicating facilities, the wind turbine that was erected at the school, should not be part of the decision making as they are immaterial however emotive they may be.

The following paragraph has caused me great concern since this development was put forward.

It has been brought to my attention that over zealous lobbying has taken place with both the public and Cllrs involved in stopping this development. While in these modern times lobbying has become the norm and in itself is not illegal. In this particular case it has been brought to my attention and not to put to fine a point on it, this lobbying has bordered on undue pressure and bullying by certain people to achieve their aims. This as I am sure panel members will agree has no place either in planning law/decisions, or in society in general.

I feel it is my duty as a Councillor to bring this information to the attention of the panel & officers as it could have directly effected the decision made by the panel.

With regards to the Environmental concerns, I would hope that concerns regarding the proposed lighting have been addressed by the applicants agents so that light would not shine directly towards neighbouring properties, and as I previously pointed out Copeland's Environmental Health Department are satisfied with this. May I remind panel members that this school has worked very closely with a number of Environmental agencies, plus it has a very close working relationship with the Councils own landscaping department, and as such has won many awards, and has been a regular winner in the green flags award. The School itself is regularly in the top echelon of the ofsted listings and it would be safe to say is well subscribed in pupil ratios.

I have tried to keep this letter well within the remit of the planning application that the panel are dealing with. Therefore I would ask the panel in considering this application to carefully note the planning advice by officers, and the planning law this application falls under, also Copeland Borough Councils own policies on this application.

Yours Sincerely

*P. Whalley*

Cllr Paul Whalley

Mirehouse Ward Councillor

**Copeland Borough Council**  
Whitehaven Commercial Park,  
Moresby Parks, Whitehaven,  
Cumbria CA28 8YD  
Tel: (0845) 0548600  
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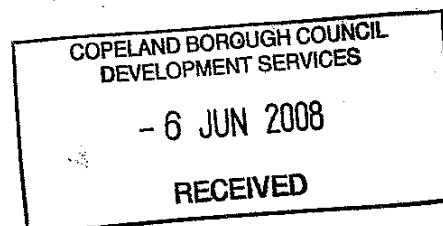


## LEISURE & ENVIRONMENTAL SERVICES

Head of Leisure & Environmental Services: Keith Parker

Mr T Pomfret,  
Development Services Manager,  
Copeland Borough Council,  
Catherine Street,  
Whitehaven,  
Cumbria, CA28 7SJ.

5<sup>th</sup> June 2008.



Dear Mr Pomfret.

**Re: Planning Application – St Gregory and St Patrick's Catholic Community  
School All Weather Pitch.**

I wish to support the above application for a new floodlit all weather sports pitch at the above location.

There are many barriers to participation in sport and physical activity within Copeland, with access to good quality suitable facilities being identified as an area in need of development. The proposed facility should be encouraged as it would allow greater opportunities for participation by the wider community. There are very few all weather playing pitches within Copeland, and those that already exist have vibrant programmes with little additional capacity.

In particular there is a need for a water based or sand based pitch, as this would be able to accommodate hockey.

In supporting this application I would expect the School to put suitable management arrangements in place, to prevent misuse and eliminate any 'nuisance' factor for the adjoining residential properties.

Yours sincerely,

**Cath Coombs,  
Cultural Services Manager.**

Direct Dial:

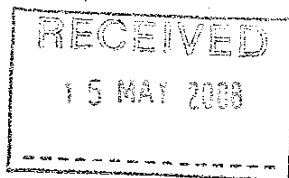
Email:



PARKS DEPARTMENT



INVESTOR IN PEOPLE



Mrs S McKeown  
140 Esk Avenue  
Whitehaven  
Cumbria  
LA28 8AJ  
15 MAY 2008

RECEIVED

Ref: RC/4/08/2120/0F1

Dear Chairman and panel members

Unfortunately I am away so am unable to personally voice my strong objections to the all weather play area and floodlights proposed for the infant school adjoined to my property.

I and the other immediate residents already suffer from the noise and disruption of traffic morning, noon, and night also the clanging of the gates. I also believe Mr Dwyer is selective with the truth in his article in the Whitehaven news as some of his staff refuse to use the car park and park outside our homes from 7am till late, and he seems to have forgotten that the morning nursery ends at 11:50 and the afternoon nursery starts at 12:10 so we have problems with cars at these times, I have enclosed photographs of all the staff cars parked on Esk Avenue whilst the community car park has ample spaces available, also of the chaos that arises on just one of the mornings and one photo taken at 9pm of people parked whilst using the community centre, there is no way that anyone using the proposed sports area will park anywhere other than outside our homes. If permission is given to the proposed sports area we the immediate residents will have no respite from noise and light pollution from 7 am till at least 9pm 7 days a week, I see no need for this amenity at the school as there is already a similar all weather facility approximately 500 meters from the school and as the noise from this can be heard in our area in the evenings I can safely assume that the noise levels of spectators and players will be horrendous from the planned sport area. My home is on a lower level (see photo taken from my bedroom) to the proposed sports area so screening with trees will only block out daylight from my garden and do absolutely nothing to alleviate the noise and light pollution from the proposed area we will lose any privacy that we now have both at the front and rear to our homes

This is the latest of a long line of schemes thought up by Mr Dwyer, the anything but noiseless windmill which creates a strobe lighting affect in my home at times, the community centre, the before and after school care that operates from 7am till 6/7pm, a shop and a Friday lunch club, which Mr Dwyer wants to extend to the weekends all of which cause disruption outside our homes and now he proposes an all weather sports area, I would like someone to clarify is this still an infant school or a business park as it seems this once quiet residential area is being turned into a business park with the School never closing.

I believe Mr Dwyer is abusing his position as head of St Gregory's Infant School by using the press and also sending letters with every child canvassing parents for support of his latest scheme. (See enclosed letter) I sincerely hope that these letters will not influence any of the panel as these people will not be affected by either the noise or light pollution also their children will move to other schools. With the proposed Pow Beck regeneration and sports village in the pipeline which will also be in easy walking distance to the school and for a far wider community I see no need for this proposed sports area other than to cause distress and lack of privacy to myself and fellow neighbours, and I sincerely hope that you will deny planning permission.

Yours faithfully

S McKeown (Mrs)

*S. McKeown*

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Reason for decision:-

An acceptable form of development that will provide an additional facility to this existing primary school and the wider community in accordance with Policies SVC 11 and SVC 14 of the adopted Copeland Local Plan 2001-2016.

3 4/08/2133/0

DETACHED HOUSE  
PLOT 4, WINSTON CLOSE, MORESBY PARKS, WHITEHAVEN,  
CUMBRIA.  
MR B MACLEOD

Parish Moresby

- No comments received.

Outline planning permission for 19 no. dwellings was approved on this site adjacent to Railway Cottages, Moresby Parks in January 2005 (4/04/2782/001 refers).

In May 2007 reserved matters approval was granted for the detailed design of a detached bungalow on plot 4 fronting onto both Moresby Parks Road and School Brow (4/07/221/0R1 refers). This permission has not been implemented.

Full planning permission is now sought instead for the erection of a detached dwelling on plot 4 which is situated in the north eastern corner of this ongoing residential development site. The proposed dwelling takes the form of a two storey four bedroomed detached house with attached single storey garage.

In terms of external finishes the applicant wishes for these to be reserved for subsequent approval.

The Highways Authority has requested further details of the fencing and retaining wall arrangements to ensure highway safety is protected. In particular the visibility splay levels and the arrangements to stop a car going onto the site off the highway. Such details can be secured by way of condition.

Two letters of objection have been received, one from the owner of the adjoining property currently under construction and one from a nearby resident of of Railway Cottages. The grounds for objection can be summarised as follows:-

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1. The bedroom 2 velux window of the house on plot 5 is approximately 9.2m from the windows of the family room of plot 4. Policy HSG 8 requires 21m as it is a habitable room to habitable room.
2. The bedroom 2 velux window of the house on plot 5 is approximately 10m from bedroom 2 window in plot 4. HSG 8 requires 21m. As the property will be situated at a higher level to that on plot 5 this window will directly overlook a roof light serving the objector's daughter's bedroom. If the dwelling was moved closer to plot 3 this would provide better access to the garage and eliminate the overlooking.
3. There is no details of the boundary fence. Therefore, its impact on the School Brow junction visibility splays cannot be determined.

Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 sets out the criteria for housing design. The preamble to this policy states that the Council will expect to see general compliance with Policy HSG 8 in the design of new development.

In response to concerns raised an amended plan has since been received repositioning the dwelling further south within the plot so as to avoid overlooking. Whilst this results in a distance of 11.3m between a habitable room window of the proposed house and the blank gable end of the property on plot 3, rather than the 12.0m advocated by HSG 8, this is considered acceptable as it will mitigate potential overlooking in relation to plot 5 and will not have a detrimental impact on plot 3.

The principle of developing this site for residential purposes has already been established with the granting of outline permission in 2004. In my opinion the proposal represents an acceptable form of development on an approved housing plot and is therefore favourably recommended subject to suitable conditions.

Recommendation

Approve (commence within 3 years)

2. Permission in respect of site layout shall relate solely to the amended plans (Drawing Nos BM100-10 Rev A and BM100-20 Rev A) received by the Local Planning Authority on 22 May 2008.
3. Notwithstanding the submitted drawings, full details of all boundary treatments shall be reserved for subsequent approval by the Local Planning Authority before such works commence. The boundary treatments shall be carried out in accordance with the approved details and so maintained thereafter.

MAIN AGENDA

4. Full details of the proposed external finishes shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The dwelling shall be finished strictly in accordance with the approved details.
5. Before development of the building plot commences the access road and footways serving the plot shall be defined by kerbs and sub-base construction.
6. The dwelling hereby approved shall not be occupied until the estate road, including footways and cycleways serving the dwelling, have been constructed in all aspects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.
7. Access gates, if provided, shall be hung to open inwards only away from the highway.
8. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwelling is occupied.
9. 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.
10. The site shall be drained on a separate system, with only foul drainage connected into the sewer.

Reasons for the above conditions:-

For the avoidance of doubt

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

In the interests of highway safety and environmental management

To ensure a satisfactory drainage scheme

Reason for decision:-

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



MAIN AGENDA

4 4/08/2147/0

14 No APARTMENTS OVER 3.5 STOREY & 14 No  
DWELLINGS OVER 2.5 STOREY WITH ASSOCIATED  
LANDSCAPING & CAR PARKING WORKS  
LAND OFF, EAST ROAD, EGREMONT, CUMBRIA.  
MR M WYATT

Parish Egremont

- Object for the following reasons:-

1. Concern about the proposed access directly opposite the lonning leading to Wyndham Terrace and even more so now with the increase in dwellings from the original application of 8 to 16 apartments and 14 dwellings. Plus the increase in traffic from the nearby established York Place which accesses from Windrigg and Spedding Close which has its own access onto the busy East Road.
2. The traffic count carried out between 8am-9am and 5pm-6pm does definitely not reflect the flow of Sellafeld traffic.
3. It is over-intensive development for the area and a site visit is requested.

At the last meeting Members resolved to undertake a site visit as requested by the Town Council to fully appraise all the issues the application raises prior to determination. This took place on Wednesday 14 May 2008. The application was subsequently withdrawn from the agenda as a result of procedural errors that had come to light relating to land ownership. These have now been satisfactorily addressed.

Full planning permission is sought for the development of this prominent brownfield site to the north of Egremont, adjacent to the A595. The original application proposed to erect a large three and a half storey block comprising 16 two bedroomed apartments at the north of the site immediately adjacent to the existing 12 apartment block recently constructed known as Christie Place (4/06/231/0F1 refers). An amended plan reduces this to 14 apartments. This would be accompanied by a parking area to the rear providing 22 spaces. In addition 14 four bedroomed dwellings are to be erected in the form of three blocks of 3 terraced houses and one block of 5 terraced houses, all two and a half storeys high in a linear form with gardens fronting onto the trunk road and parking spaces in enclosed courtyards, at a rate of 2 per unit, behind. A staggered building line would be adopted to break up the regimented form and create visual interest. Proposed external finishes are non specific but include facing brickwork walls and tiled roofs.

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Vehicular access to this vacant, former chocolate factory site would be via East Road, almost opposite the access to Wyndham Terrace. A single access road would then lead from it adjacent to the rear boundary to serve the dwellings and apartment block. A Site Access Assessment and a Stage 1 Safety Audit accompany the application.

Three letters have been received from residents of Windrigg Drive, the existing residential development opposite, who raise the following concerns:-

1. Recognise residential building will be a much improved use of the wasteland.
2. Concern regarding the building and positioning of the four storey block of apartments.
3. Consensus by residents of Egremont that the recently built Christie Place (apartment block adjacent) is too tall, out of proportion to the skyline of other new houses built nearby, an eyesore and a blot on the landscape.
4. Feel strongly that the new four storey block of apartments is in further breach of consideration of the local residents. Particularly as Christie Place was only allowed on the casting vote of one Councillor.
5. The building will be in close proximity to and will overlook the houses at Windrigg infringing on privacy, cluttering the skyline and blocking our sunlight.
6. Objector and neighbours are happy with the smaller 3 storey town houses.
7. Would prefer to see more 3 storey dwellings. This would give a less cluttered skyline with a gradual decline in height southwards towards the A595/East Road roundabout and less infringement of privacy.

In response to the concerns raised, including those of the Town Council, the following comments are provided:-

1. Access/Increase in traffic. As confirmed in the paragraph below the proposal meets all the required highway safety standards.
2. Overintensive. The proposal does represent a high density scheme at a rate of over 60 dwellings per hectare. Paragraph 4.2.20 of the adopted Copeland Local Plan informs that this is outside the normal density requirements of 30-50 per hectare for the area. However, the fact that this figure is exceeded does not necessarily mean it is overintensive. A density of 50 plus dwellings to the hectare is acceptable in many urban locations particularly where a

MAIN AGENDA  
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high proportion of the use is given to apartment blocks which automatically raises the density level. This scheme meets all the required separation distances, parking and amenity space requirements and, as such, is not considered to be overintensive.

3. Height and position of the apartment block. It is proposed that the apartment block will be positioned immediately next to the existing three storey one on the same rear building line at a distance of some 8.0 metres and projecting some 4.0 metres in front. This is considered an acceptable location and will be at a distance of over 30 metres away from the rear of the nearest dwelling on Windrigg Drive which is well in excess of the 21 metres separation distance required by virtue of Policy HSG 8 of the adopted Copeland Local Plan 2001-2016. As such, the block is not perceived to have any significant adverse impact on the neighbouring dwellings. In view of the concerns raised regarding scale and impact an amended scheme has been submitted which now reduces the height of the block by some 2.5 metres so that it logically steps down into the site. Although it will still accommodate three and a half storeys it will be set at a lower level than the existing block.

Although not specifically allocated for housing within the adopted Copeland Local Plan 2001-2016 the site is situated within the settlement boundary of Egremont and the principle of residential development has been established via an extant full permission for 8 dwellings granted in October 2005. There were highway issues, however, with the previous application which are considered relevant. Originally permission was sought for 14 dwellings here which was amended to 8 in order to secure a permission. It was then the view of the Highway Authority that any more than 9 units served by a new access off East Road would not be supported. This application proposes a considerable increase in density to over 60 dwellings per hectare and is accompanied by a supporting Site Access Assessment and Stage 1 Safety Audit. The Highways Agency confirm that they now raise no objection to the proposal on highway grounds with all the previous relevant issues being satisfactorily addressed. The local Highway Authority had some initial concerns regarding the design of the roads within the scheme and an amended layout addresses this.

The Council's Drainage Engineer has expressed concern that there is inadequate information regarding surface water disposal and requests that a Drainage Impact Assessment be undertaken which takes into account the impact of discharging surface water run off downstream of the site. The site is situated in Flood Risk 1 Zone which is minimal risk. However, in view of the fact that water courses generally in Egremont are subject to flooding it is important to ensure that the development does not increase this risk and that an appropriate drainage scheme is in place. It is proposed to control this by condition.

Taking the above into account, the scheme for high density

MAIN AGENDA

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residential development is considered to be an acceptable use for this brownfield site subject to an extant consent and within the settlement boundary of the town. Furthermore it is considered to represent a reasonable scheme in terms of design, scale and layout in accordance with Policies DEV 6, HSG 4 and HSG 8 of the local plan.

Recommendation

Approve (commence within 3 years)

2. Permission in respect of the apartment block and site layout shall relate only to the amended plans; (Drawing numbers 1111/06 Rev C and 1111/05 Rev B received by the Local Planning Authority on 19 May 2008 and Drawing No. 111/02 Rev J received by the Local Planning Authority on 22 May 2008.
3. The site shall be drained on a separate system with foul drainage only connected into the foul sewer.
4. No development shall commence until a Drainage Impact Assessment and a detailed surface water disposal scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved detail before development commences.
5. No development shall commence until full details of a landscaping scheme, including planting specification, and a management plan incorporating a method statement and maintenance scheme in accordance with BS 4428 : 1989 Code of Practice for General Landscape Operations, has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in accordance with the approved details before the development is occupied and the management plan shall be carried out as approved.
6. No development shall take place until samples of the materials to be used in the external surfaces of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

MAIN AGENDA

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7. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment and 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.
  8. The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before any dwelling is occupied.
  9. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub-base construction.
  10. No dwellings shall be occupied until the estate road, including footways and cycleways to serve such dwellings, has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.
  11. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority in writing.
  12. Full details of the highway surface water drainage system shall be submitted to and approved by the Local Planning Authority prior to works commencing on site.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

To ensure a satisfactory drainage scheme.

MAIN AGENDA

To ensure the implementation of a satisfactory landscaping scheme.

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

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

In the interests of highway safety.

Reason for decision:-

The proposed scheme to erect a 14 apartment block and 14 terraced dwellings on this vacant brownfield site within Egremont represents an acceptable form of residential development in accordance with Policies DEV 6, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

5 4/08/2155/0

CHANGE OF USE FROM A COACH HOUSE TO 2 BEDROOMED  
HOUSE AND ERECTION OF GARAGE/COVERED WAY  
EXTENSION  
THE COACH HOUSE, CLEATOR GATE, CLEATOR, CUMBRIA.  
MR D WILLIAMS

Parish Cleator Moor

- No objections.

At the last meeting Members resolved to carry out a site visit before determining this application. The site visit took place on Wednesday, 11 June 2008.

Planning permission is sought to convert this former coach house fronting onto Main Street, Cleator into a two bedroomed dwelling. It is also proposed to modify an existing lean-to structure at the side of the main building to create a 3.7m x 5.7m garage which will be connected to the main building by a covered way. Vehicular access to the garage will be via an existing access lane which runs to the rear of Main Street.

In terms of accommodation the new unit will provide a living room, kitchen/diner and WC at ground floor level with two bedrooms and en-suite bathrooms above. External amenity space is provided for by way of the existing courtyard.

MAIN AGENDA

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The building has a number of traditional sandstone elevations. Sandstone recovered from the partial demolition of an existing covered area to the rear of the site will be utilised in the reconstruction of the front elevation. In addition to this an attractive arched window feature and wrought iron gates flanked by sandstone pillars are to be retained.

External finishes comprise sliding sash windows, timber panelled doors and blue Welsh slate roof.

As originally submitted the scheme incorporated the rear yard which currently serves the main property of 1 Cleator Gate. This has since been deleted to safeguard the external amenity space of this substantial property. In addition, two windows in the rear elevation are to be fitted with obscure glazing to prevent overlooking and loss of privacy of the rear yards serving neighbouring properties.

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

Three letters of objection have been received from neighbouring property owners, one of which is signed by five residents. The grounds for objection can be summarised as follows:-

1. Access/egress to the garage would appear impossible without encroaching on the boundaries of No 2 Cleator Gate. As such, inadvertent (or otherwise) mis-use of the garage entrance will deprive the residents of 2 and 3 Cleator Gate of any vehicular access/egress to their properties.
2. Nos 2 and 3 Cleator Gate have 3 children under 10 years of age. The additional traffic and associated manoeuvring required to gain access/egress to this garage will significantly increase the hazards while playing in and around the rear of their own properties.
3. There is already an increased volume of vehicular traffic using the private parking at 2 and 3 Cleator Gate as a turning circle or in some instances parking, mistakenly believing this area to be communal.
4. The private access road behind Main Street from No 74 to Cleator Gate is unmade. Any further increase in traffic would cause more frequent deterioration of the surface.
5. It is our understanding that the use of the private access is restricted. This would mean access for vehicles which currently do not have a right of way.
6. Additional windows will cause overlooking which will seriously invade already limited privacy.

MAIN AGENDA

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

- a) Issues relating to rights of access are not material planning considerations but matters to be resolved between landowners involved.
- b) No objections have been received from the Highway Authority regarding access, parking or traffic.
- c) The issue of overlooking has been resolved by way of an amended plan showing the incorporation of obscure glazing in the two rear elevation windows.

Policy HSG 15 of the adopted Copeland Local Plan states that 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

In my opinion the proposal satisfies the relevant policy criteria and will secure the reinstatement of this prominent building along Cleator Main Street.

Recommendation

Approve (commence within 3 years)

- 2. Permission shall relate solely to the amended plans received by the Local Planning Authority on 17 April 2008.

The reasons for the above conditions are:-

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



MAIN AGENDA

For the avoidance of doubt.

Reason for decision:-

An acceptable scheme to convert this former coach house into a single dwelling in accordance with Policy HSG 15 of the adopted Copeland Local Plan 2001-2016.

6 4/08/2197/0

EXCAVATE & ERECT SLURRY LAGOON & ASSOCIATED PIPE  
TRENCHWORK FROM FARM COMPLEX  
FIELD 0751, YEORTON HALL FARM, OAKLANDS,  
EGREMONT, CUMBRIA.  
MESSRS J & D HEWITSON

Parish St Johns Beckermat

- No comments received.

A major application for the construction of a very large open slurry lagoon measuring some 56 metres long by 41 metres wide and a depth of 4 metres on an isolated working farm near Beckermat. This will be sited in an existing field which currently forms part of the holding at a distance of some 740 metres away from the main farm building group.

The works will involve extensive engineering operations comprising earthworks to excavate the rectangular shaped lagoon, which will be lined with a geotextile membrane/liner. The resulting excavated material will then be used to form surrounding raised embankments with a 1 in 6 gradient which will then be grassed and used for livestock grazing as part of the existing field. A 2.0 metre high stock proof/safety fence will be erected at the top of the embankment to enclose the lagoon with access gates positioned on the south eastern side. An extensive length of pipeline, 90mm in diameter, will be laid at a depth of 600mm leading from the lagoon to an existing slurry tank within the main farm complex. Slurry will then be pumped from the farm via the pipe as opposed to moving it by tractor/tanker.

Vehicular access to the site is via the tarmaced road in the first instance which serves the farm and the St John's industrial estate and then via an existing farm track which leads to the field where the lagoon is to be sited. From this point the track will be extended to the lagoon.

MAIN AGENDA  
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The purpose of the lagoon is to provide a ready supply of slurry at the north western part of this large farm holding, where the largest portion of land is situated, for spreading when required as opposed to having to transport it this distance by tractor/tanker which has to take place currently all year round. A lagoon of this size with a normal working capacity of 5,400,000 litres will enable a 6 months supply to be held. The slurry can then be saved until the growing season when it can be applied to forage and grazing land in the surrounding area by umbilical injector. The land within and adjacent to the farm complex was not deemed suitable for the lagoon due to the disruption it would cause to existing drains and the proximity to a nearby open watercourse although economically and in the interests of the farm business this was not the preferred option.

There have been no objections raised to the proposal either from statutory consultees or interested parties as a result of the press and site notice.

DEV 6 and ENV 43 of the adopted Copeland Local Plan are the relevant policies against which this application should be assessed and the proposal is considered to satisfactorily comply with these. The former advocates general sustainability approach in design and the latter specifically governs the siting of agricultural slurry stores and lagoons. The proposal, to construct a large open slurry lagoon on this isolated greenfield site to the north of this existing farm holding, is considered to represent an appropriate form of agricultural development for which it has been demonstrated there is a genuine business need. Taking this into account, its location for this purpose is considered acceptable and is one which is unlikely to create a nuisance in terms of either pollution to watercourses or amenity given that there are no nearby residences.

Recommendation

Approve (commence within 3 years)

2. No development shall commence until full details of the proposed fence around the lagoon has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons for conditions:-

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

To ensure a satisfactory form of fencing in the interests of visual amenity

MAIN AGENDA

Reason for decision:-

The proposed construction of a lagoon in this isolated location as part of an existing large farm holding is considered to represent an acceptable form of development in compliance with Policies DEV 6 and ENV 43 of the adopted Copeland Local Plan 2001-2016

7 4/08/2218/0

OUTLINE APPLICATION FOR DEMOLITION OF CHURCH AND  
REPLACE WITH RESIDENTIAL DEVELOPMENT  
LOWCA METHODIST CHURCH, EAST CROFT TERRACE,  
LOWCA, WHITEHAVEN, CUMBRIA.  
MR G WORSNOP

Parish Lowca

- No comments received.

An application for outline planning permission for demolition and replacement with 4/5 houses on this site was withdrawn in February 2008 following concerns that this was an over intensive form of development (4/08/2039/001 refers).

This application now seeks outline planning permission to demolish this vacant Methodist church situated at the southern end of Lowca village and replace with a residential development. The site fronts directly onto the C4001 road which runs through the village and is bounded by an existing terrace of dwellings to the north and a detached bungalow to the south.

Whilst submitted in outline an indicative layout has been provided demonstrating how a terrace of three dwellings with associated off-street parking can be accommodated on the site. Overall, the layout shows a development built on a similar footprint to that of the existing church.

At present the site also accommodates a War Memorial. Although no comments have been received from the Parish Council in respect to this particular application, previous correspondences confirm that they are interested in relocating the War Memorial elsewhere within the village.

No objections have been received from statutory consultees, subject to conditions.

MAIN AGENDA  
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A single letter has been received from the owner of the adjacent property to the south. Whilst she raises no objections to the proposed buildings she has expressed concerns regarding the proposed parking and access. A copy of her letter is appended to the report.

Policy HSG 4 of the adopted Copeland Local Plan 2001-2016 states that within the defined limits of settlements proposals for housing redevelopment involving existing buildings or previously developed land will be permitted in accordance with provisions Table HS8 and subject to the requirements of other plan policies.

Policy SVC 12 addressed the loss of existing social and community facilities. In this case the church is now redundant with little prospect of ever being brought back into ecclesiastical use. If left as it is the church is likely to fall into disrepair in the future.

In my opinion, this scheme for housing redevelopment is considered to be an acceptable alternative use for this site, in keeping with the land use of the immediate locality.

Recommendation

Approve in Outline (commence within 3 years)

3. A 1.8m footway shall be provided along the frontage of this site to the U4113 to a standard suitable for adoption.
4. Details of all measures to be taken by the developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

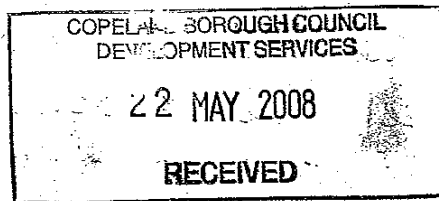
Reasons for conditions:-

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

In the interests of highway safety and environmental management

Reason for decision:-

An acceptable alternative use for this site within the settlement boundary of Lowca in accordance with Policies HSG 4 and SVC 12 of the adopted Copeland Local Plan 2001-2016



MRS SANDRA PARK  
LYNWOOD  
LOWCA  
WHITEHAVEN  
CUMBRIA

RE- OUTLINE APPLICATION FOR DEMOLITION OF CHURCH & REPLACE  
WITH RESIDENTIAL DEVELOPMENT, LOWCA METHODIST CHURCH,  
EAST CROFT TERRACE, LOWCA, WHITEHAVEN, CUMBRIA.

DEAR SIR/MADAM

I have recently received a letter from yourself with regards the above proposed development. I have studied the proposed outline application and I do not have any objections to the proposed buildings.

However, I do have concerns with both the proposed parking & access to the highway from these properties.

The area identified for parking is adjacent to the rear access of my property and I am concerned on how this access will be still guaranteed. With the potential properties you may have around 8 vehicles with only limited parking. The highway between East Croft & West Croft is already congested and I can only see vehicles parking within the lane and across my access.

The highway is also a problem. With the increased vehicles the entry/egress from the junction will be increased. This junction is already poor and visibility is hazardous both up & down the hill. I cannot see how the visibility splays can be met looking up the hill. I appreciate that the current church is not pleasing to the eye but I still feel that the

number of properties proposed is still excessive.  
This is more, due to the amount of potential vehicles  
and road safety. I feel the proposed application  
would be more suited to two properties and not the  
current proposed.

Thanks

Sandra Bul

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Please note:-

A public sewer runs along the western boundary of the site and United Utilities will not permit building over it. They will require an access strip of no less than 6 metres wide, measuring at least 3 metres either side of the centre line of the sewer for maintenance or replacement.

A water main runs along the western boundary of the site and United Utilities will not permit development in close proximity to it. They require an access strip of no less than 5 metres wide measuring at least 2.5 metres either side of the centre line of the water main for operating and maintaining.

With respect to condition 3 the footway will be provided within existing highway limits and therefore the developer will need to enter into an Agreement under the provisions of Section 278 of the Highways Act 1980. All costs associated with this agreement will need to be met by the developer.

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8 4/08/2220/0

EXTENSION TO EXISTING HOTEL WITHIN FOOTPRINT OF  
EXISTING BUILDING.  
BLACKBECK INN, BLACKBECK, EGREMONT, CUMBRIA.  
MS B TAYLOR

Parish Haile

- No comments received.

Planning permission is sought for an extension to the long established Black Beck Inn, Blackbeck, Egremont, which has been subject to recent minor applications for alterations to external walls and doors (4/05/2849/0 refers) and for a garage/laundry (4/04/2740 refers).

The hotel is situated adjacent to the A595, near to the roundabout at Blackbeck which provides the main access to Sellafield. It is a large detached building with an existing footprint of near 800 sq m, situated in 0.7 hectares of grounds. In addition, there are approximately 10 dwellings at Blackbeck, mostly located to the north east of the hotel.

This application would provide an additional 260 sq m of floor area at first floor level which would be utilised as 8 new bedrooms. The

MAIN AGENDA

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hotel currently has 22 rooms, of which 1 small room will be lost as part of the extension scheme to provide an overall total of 29 rooms.

The existing footprint of the building will not be altered as the development will be above an existing single storey flat roof section to the north west elevation. The proposed 8 new rooms will all have en-suite facilities and the majority will all have access to a private terrace or balcony area.

Externally, the walls will have a rendered finish, a tiled roof and doors and windows to match the existing hotel.

Despite the proposed first floor balconies there will be no loss of amenity to the neighbouring dwellings as no balconies have been situated on the north east elevation facing these properties and the extension will be approximately 30 metres distant to the nearest dwelling.

No letters of objection have been received to the proposal.

In terms of consultation responses, no objections have been raised by the Highways Agency, Cumbria Highways, United Utilities or the Environment Agency.

With regard to planning policy, the proposal is considered to comply with Policy TSM 3 of the adopted Copeland Local Plan 2001-2016 which covers extensions to hotel accommodation. This application is viewed positively as it provides additional hotel space in the area and allows for the existing use to suitably expand on this site. It is therefore recommended for approval.

Recommendation

Approve (commence within 3 years)

Reason for condition:-

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

Reason for decision:-

The proposal represents an acceptable extension to an existing hotel in accordance with Policy TSM 3 of the adopted Copeland Local Plan 2001-2016

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MAIN AGENDA

9 4/08/2225/0

REAR EXTENSION TO FORM CONFERENCE/DINING ROOM,  
STAFF AND STORAGE FACILITIES.  
THE CHASE HOTEL, CORKICKLE, WHITEHAVEN, CUMBRIA.  
MR B PROCTOR

Parish Whitehaven

This application proposes a substantial extension to The Chase, an established hotel within Corkickle Conservation Area in Whitehaven. Situated to the rear the two storey extension would provide storage facilities and a staff room at basement level with a large conference/dining room above. The existing single storey conference room which currently occupies part of the site will be demolished.

Externally the proposal will take the form of a modern rectangular extension measuring 22.5 metres in length by 10.0 metres in width. Finishes will comprise smooth painted rendered walls with raised rendered bands to the windows and doors along with painted timber windows/doors all under a pitched slate effect concrete tiled roof. The design utilises the changes in levels on the site with the extension being over a storey lower than that of the main hotel. The main conference room would be level with the existing ground floor with a basement below.

Whilst vehicular access to the site will be as existing, via the main hotel access, it is the intention to create an additional overflow parking area adjacent to the extension which will be finished with a permeable parking surface. The Highway Authority in their consultation response have requested further information regarding the car parking arrangements and the use of the proposed basement. An amended layout plan has now been submitted and re-consultation with the Highway Authority is currently underway.

Of relevance is the previous planning history relating to the site. In 2004 permission was granted for a function room extension which protruded out into what is now the extended car park (4/04/2474/0F1 refers). This has not been implemented. In 2006 alterations and extensions to the existing car park including a new retaining wall encompassing a raised patio was granted permission (4/06/2757/0F1 refers). This has now been constructed. It should be noted that there are outstanding surface water drainage issues that this latter work has raised which are yet to be fully resolved.

A letter of objection has been received from neighbouring developers who own land to the immediate rear for which there is an extant consent for one detached dwelling and a block of three apartments and a pending application for eight two bedroomed apartments (4/08/2251/0F1 - also reported on this agenda). They express the following concerns:-

MAIN AGENDA

1. Inadequate drainage -
  - i. If additional surface water is allowed to discharge into a drain whose condition is unknown it will exacerbate an already unsatisfactory situation created when the applicant discharged surface water from the recent car park extension into it. Conditions relating to the previous car park consent have not been satisfactorily complied with which highlights that the proposed outfall has not been proved to be adequate to take additional drainage.
  - ii. The ground conditions are not suitable for a soakaway system from the proposed overflow car park which will result in water discharging onto their land.
2. Inadequate parking on site for the proposed extension.
3. Insufficient details regarding refuse disposal and extraction given the proximity to approved and proposed residential units on their land.

A further two letters of objection have been received from the resident of a neighbouring dwelling to the south and a consultant acting on his behalf. These express concerns on the following summarised grounds:-

1. Noise from the function room and resultant adverse impact on neighbouring residences. There have been problems with noise from the existing function room in this location.
2. Traffic generation and parking.
3. Privacy. Function room extension is located immediately next to the neighbouring boundary wall with potential for overlooking. Whilst it is acknowledged there is an existing building here the proposal is significantly larger and 2.0 metres higher.
4. Overdevelopment and intensification of use of the site.
5. Detrimental impact on adjacent neighbours and the immediate area.
6. Will not preserve or enhance the appearance of the Conservation Area and will have an adverse impact on the setting of the hotel.

As detailed above there are outstanding issues yet to be satisfactorily addressed that this application raises which include parking provision and drainage. In view of this and the concerns expressed in respect of location and proximity to residential property it is recommended that Members visit the site to fully appraise the situation prior to making a decision.

Recommendation

MAIN AGENDA

Site Visit

10 4/08/2231/0

LAWFUL DEVELOPMENT CERTIFICATE FOR RESIDENTIAL USE  
14, KILNSIDE, DISTINGTON, CUMBRIA.  
MR K GALLACHER

Parish                      Distington

- No comments received.

A Lawful Development Certificate (LDC) is sought for the use of this land at 14 Kilnside, Distington as a single residential plot. If approved, LDC's confirm the use is lawful in planning terms.

The planning merits of the use are, however, not relevant to the consideration of such applications and therefore should not be taken into account. The onus is on the applicant to provide proof of the use. The relevant test of evidence is "the balance of probability". If the Local Planning Authority is provided with information satisfying them of the lawfulness of the use, at the date of the application, a certificate must be issued to that effect.

In support of the application a copy of the applicant's agent's statement and newspaper extracts are attached. In summary, the site was formerly occupied by a 2 storey dwelling house built as socially rented accommodation in the late 1940's. Having been purchased under the right to buy legislation the dwelling was then demolished in error in October 2002.

No objections have been received in response to statutory consultations.

In view of the evidence provided this land has demonstrably been the site of a former single dwellinghouse for more than four years before the date of this application and, as such, a Lawful Development Certificate for an Existing Use should be granted.

Recommendation

Approval of Certificate of Lawfulness

**APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE 7 MAY 2008****SITE OF PROPERTY FORMERLY KNOWN AS 14 KILNSIDE DISTINGTON****SUPPORTING EVIDENCE.**

1. This application has been made to seek recognition of this site as a plot of land with a beneficial use as a residential unit (single 2 storey dwelling house).

The site was formerly occupied by a dwelling built as social rented accommodation in the late 1940's. Subsequently the site was purchased under right to buy legislation.

2. The dwelling on this site was demolished in error on October 23<sup>rd</sup> 2002 and to this end evidence is attached of this demolition in the form of an extract from the News & Star dated 24<sup>th</sup> October 2002.
3. Also attached is a deed plan showing registration of the dwelling with the land registry. This plan shows the dwelling in situ.
4. On the basis of this information it is maintained that the application is reasonable and should be granted.

MJN 2 May 2008

7 MAY 2008

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# News & Star

Thursday, October 24, 2002

www.newsandstar.co.uk

35p

**NEWSFLASH: TWO U.S. SNIPER SUSPECTS ARRESTED - P8**

## SORRY....WE'VE DEMOLISHED THE WRONG HOUSE

**Horrificed  
owner  
watches  
builders'  
£20,000  
mistake**

EXCLUSIVE By Dean Herbert

A WEST Cumbrian woman watched in disbelief as bungling builders demolished her house by mistake.

Rosalie Beatty, of Distington, had rushed to her empty home in Kilnside yesterday morning after a neighbour told her workmen had started knocking down her semi-detached property.

The contractors who had flattened her former family home confessed they had mistaken it for another property for demolition 500 yards away in Baris Road because of its "dilapidated" state.

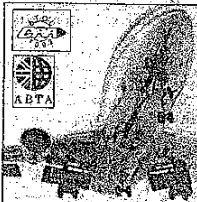
Mrs Beatty had moved out of the



**Builders' bungle:** The house in Kilnside, Distington, is reduced to rubble by contractors Thomas Armstrong. One worker at the scene said: 'It's just an honest mistake. We got the wrong house. There's nothing more to be said.'

PICTURE: DEAN HERBERT

Turn to page 2



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4/08/2231/0E1  
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LOCAL NEWS

www.newsandstar.co.uk

# They knocked down my house and they won't even say sorry



**Rosalie Beatty:** She is due to meet contractors Thomas Armstrong on Tuesday to pursue her demand for compensation for her destroyed home

GEORGE CARRICK

By Dean Herbert

**DISTRAUGHT** West Cumbrian woman Rosalie Beatty today demanded an apology from the bungling contractors who demolished her house by mistake.

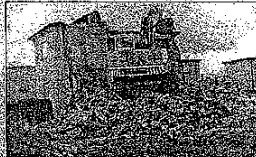
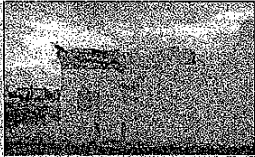
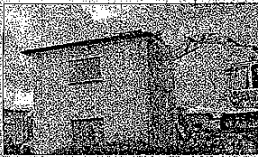
Flimby-based building contractors Thomas Armstrong have already admitted they got the wrong house when they knocked down Mrs Beatty's semi-detached property in Distington on Wednesday.

But she is fuming that they have still not apologised or shown any remorse for their actions, which has reduced the £20,000 house she used to live in to a pile of rubble.

"They have not said as much as 'sorry'," she told the *News & Star* today. "I do expect - and demand - that they apologise for this and that I am compensated."

"I haven't been able to shut my eyes since it happened - and I'm not in that good health to begin with. I am devastated by all of this. It's knocked me back 12 months."

Mrs Beatty owns the demolished



**Going, going, gone:** The property on Kilnside, Distington, is torn down on Wednesday. DEAN HERBERT

house and had lived there since 1970 but had moved out last year and is currently living in another property in Distington.

Armstrongs had been contracted to demolish two semi-detached houses on Baris Road, Distington, directly opposite Mrs Beatty's empty property. But instead they flattened her Kilnside building, 500 yards away across a field.

Mrs Beatty could only look on in disbelief after a neighbour told her that her property was being demolished on Wednesday morning after Armstrongs claimed that it looked "dilapidated" enough to be destroyed.

Luckily, the family had removed all valuables from the house and disconnected the electricity to avoid paying council tax and bills while it stood empty. She had lived there with her mother, brother, sister and niece, renting it from the council until the family bought it in 1999.

Mrs Beatty moved out last year after getting married, but fielded onto the property for sentimental reasons. "There were a lot of good memories in that house," she said. "We all lived there for a long time but it's just gone in a flash through sheer stupidity."

She also revealed that her sister, Marion Greatorex, from Blackpool,

had been planning to redecorate the house and move back to Distington.

"She has always talked about coming home but now that's been made impossible," said Mrs Beatty. "It would have been ideal for her to visit her children in Scotland and Blackpool. She is absolutely gutted about what has happened here. She can't believe it."

Thomas Armstrong will have talks with the family on Tuesday to try to agree on a settlement for the damage but the company refused to comment on whether they had taken any disciplinary action against the workers responsible for the mistake.

**'There were a lot of good memories in that house. We all lived there for a long time but it's just gone in a flash through sheer stupidity'**

COPELAND BOROUGH COUNCIL

4/08/2231/0E1

RECEIVED

## Tragedy of ex-policeman who died after drinking binge

By Staff Reporter

A FORMER police officer died of liver failure after a drinking binge which left him more than seven times over the drink-drive limit.

Malcolm Farrer, who was 49 and lived at King's Drive, Egremont, was found dead by his wife after a heavy drinking session on July 16.

An inquest in Whitehaven heard how a doctor's examination of Mr

Farrer's body revealed that there were 592 milligrammes of alcohol in 100 millilitres of his blood.

Mr Farrer had served in the police force for almost 20 years in Macclesport, Basing and Cleator Moor, after training as a fitter and turner at Sellafield in the Seventies.

He had started drinking heavily in 1989 after the death of his mother, the inquest heard.

Mr Farrer developed a serious drink problem in 1990 after his brother suffered a tragic accident in which he had an epileptic fit while decorating and drowned in paint. His grandmother also died of cancer that year.

In a statement Mr Farrer's wife Mary said that his drinking had got progressively worse and he had retired in 1994 because of "stress and panic attacks".

On the night of his death he had been drinking very heavily, leaving the house at one point to buy more drink from a corner shop. He was also seen pouring himself a large

whisky early in the morning as Mrs Farrer got ready for work.

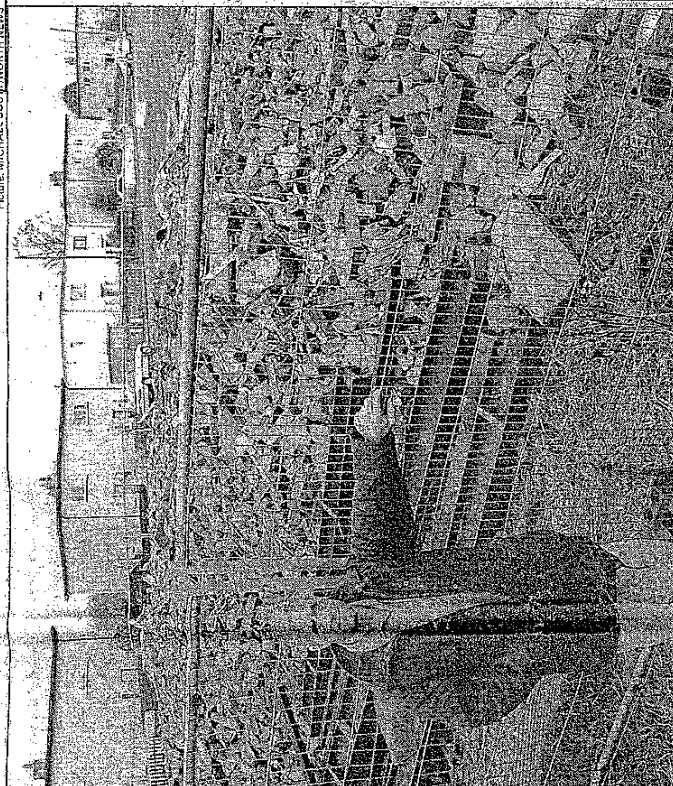
She returned to find her husband dead on his sofa at around 9.30pm after walking the family dog.

The inquest heard how Mr Farrer had been warned by doctors that drink would kill him. Coroner John Taylor recorded a death due to dependency on alcohol.

RECEIVED

*We were really happy there and now it's been reduced to a pile of rubble*

Picture: MICHAEL SCOTT/NORTH NEWS



# Crash, bang, wallop and whoops...

Demolition job done and dusted: if only the wrecking crew had got the right house. Nigel Bunham reports

**A** West Cumbrian family was seeking legal advice this week after builders demolished their house by mistake.

The first that co-owner Marion Greaux knew about it was when a neighbour told her that the house in Distingham, a village near Workington, had been demolished.

"I don't believe it," said Mrs Greaux, 60. "I thought I was joking. The house was temporarily unoccupied but I was planning to move in and redecorate it."

Someone was knocking it down, she realised. "I don't know who," she said. "I don't know when."

When she went to see the demolition site, she found a semi-detached house after which she had been told was not the right one.

After the demolition was completed and the site fenced off, it emerged that Thomas Armstrong Construction Ltd, a local firm, had been instructed to demolish the house.

Mrs Greaux had been contacted by a man who said he was from the firm. She had agreed to let him work on the house.

She had been told that the house was being demolished to make way for a new house.

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By the time she had got there, it was too late to stop the work and the demolition had to continue to ensure the safety of the site.

It is an honest mistake, says a spokesman for the firm. "We were instructed to demolish the house," he says.

The firm has agreed to pay compensation to the family.

Mrs Greaux, who owns a house in Blackpool, says she had moved out of the house last year to live in a property near her sister's.

She had been told that the house was being demolished to make way for a new house.

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On brother John Gallacher, whose sister Marion was planning to return to the family home.

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MAIN AGENDA

11 4/08/2235/0

TWO STOREY GABLE EXTENSION & SINGLE STOREY REAR  
EXTENSION, NEW VEHICULAR ACCESS  
46, GOSFORTH ROAD, SEASCALE, CUMBRIA.  
MISS J BROWN

Parish                      Seascale

- Comments awaited.

Planning permission is sought for a two storey gable extension, a single storey rear extension and new vehicular access at 46 Gosforth Road, Seascale.

The property is semi-detached and is located centrally within Seascale. To the front is a large area of land under shared ownership with the adjacent three dwellings. The north of the site is bounded by a footway leading to Santon Way and there is a large garden area to the rear.

The two storey extension to the side measures 3.8m x 6.3m and is proposed to be a kitchen/utility at ground floor and a bedroom and bathroom at first floor. To the rear, the single storey extension is for a family room which measures 3.0m x 10.3m.

The application also seeks permission for a new vehicular access to the property, as there currently is only a footpath access. This and the three neighbouring dwellings are served by an access leading to three garages at the south of the properties.

The proposed driveway would be 3 metres wide and approximately 33m long, with a turning space to the front of the house. A strip of mature hedgerow would be removed to the site frontage along with some trees within the site. The access would join the main road through Seascale through a bus layby.

The Parish Council have expressed concerns on the application regarding the position of the access and the loss of hedges and trees that the creation of the new access and driveway will cause. A Highway Authority response is awaited.

In order for Members to fully appraise this application, particularly in respect of the proposed vehicle access arrangements, a site visit is recommended before the application is determined.

Recommendation



MAIN AGENDA

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Site Visit  
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12 4/08/2237/0

OUTLINE APPLICATION FOR FOUR DWELLINGS  
BLYTHE PLACE GARDENS, SEA MILL LANE, ST BEES,  
CUMBRIA.  
MR R BROWN

Parish                      St Bees

- No objections provided that it is on the same basis as the previous approval and the dwellings are single storey.

Outline permission is sought to erect four detached dwellings on vacant land, formerly a horticultural nursery, situated between Nethertown Road and Seamill Lane in St Bees. The site extends to 0.25 hectares in area and comprises mainly flat land which steeply rises to the eastern boundary where it adjoins Nethertown Road. In the centre is situated the applicant's own bungalow known as "Wyndhowe" which is to remain and is excluded from the application site.

Vehicular access would be off Seamill Lane, via an existing access that has been upgraded to highway standards. Approval of these details are sought as reserved matters as part of this submission to which the Highway Authority raise no objections. It is intention that this access will serve all four dwellings in addition to the existing one on site.

The application seeks in effect a renewal of consent, the previous outline for the same lapsed in March this year (4/08/2237/001 refers). This submission only differs from that application in so far as it seeks alterations to the boundary of the site. In this respect it excludes a parcel of land to the south which was previously included in plot 3 as well as some minor realignments. The indicative layout plan has also been altered to show how four bungalows can be accommodated on the site as opposed to houses.

A contentious issue has been the restriction of the design of the dwellings on the site to single storey only, which was a condition of the original outline permission. There have been two full applications both for two storey dwellings on plots 2 and 4 which have been refused on grounds relating to their height, resultant visual impact and affect on neighbouring properties (4/07/2657/0F1 and 4/08/2132/0F1 refer). A full application for a two storey detached

MAIN AGENDA  
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dwelling on plot 3 is currently pending (4/07/2273/0F1). It should also be noted that an appeal decision on plot 2, which is situated next to Wyndhowe to the north, is currently awaited.

Two letters have been received from neighbours who adjoin the southern boundary of the site. They express the following concerns regarding the proposal:-

1. Object to the original application and to the whole idea of additional dwellings being built in Seamill Lane given that access and frequency of traffic in summer is already difficult and small children regularly play in the lane there.
2. Also there is no need for additional dwellings in St Bees which is even more relevant now that Fairladies Farm development is all but complete.
3. Furthermore it is generally recognised that there will be a huge reduction in the workforce at Sellafield during the next 10 years with the likelihood of surplus housing as workers and their grown up children emigrate from the area in search of work and careers.
4. Original outline approved in principle the building of single storey dwellings only. Dormer bungalows are two storey dwellings and therefore should not be permitted. This single storey dwelling rule should be reaffirmed as this will retain the open aspect nature of the site.
5. Loss of privacy resulting from a dwelling on plot 3. This plot is considerably higher than the land upon which the objector's property is built and any dwelling will look down into the rear garden and windows of her house.
6. Will result in the loss of natural drainage as a large area of land will be covered in tarmac/concrete and is concerned that the neighbouring dwelling will become a natural drainage route for any run off particularly from plot 3. The village already suffers from drainage/flooding problems during heavy rainfall.
7. Will increase the amount of traffic by up to 8 vehicles on what is a narrow and increasingly busy road. Proposed access is on a blind corner and Seamill Lane is used as a pedestrian access to the south beach.

The following comments are offered in response to these objections:-

1. Whilst it is noted that there will be a small increase in traffic as a result of the development this is not considered to be on a such a scale that it would adversely affect highway safety. The point of access and the improvements undertaken are all in accordance with Highway Authority standards.

MAIN AGENDA

2. The issues of need for further dwellings is not a relevant material consideration here. This is a matter which is taken into account during the local plan/local development framework process.
3. The issue raised regarding restricting any development on the site to single storey, given the previous planning history, is relevant and material. If permission is granted it would be appropriate for it to be subject to the same restrictive condition.
4. It is inevitable that the construction of any dwelling to the rear of the objector's property, especially given the difference in land levels, will have an impact. However, this application is in outline only and any detailed applications for the site would have to demonstrate that the minimum separation distances between facing elevations can be satisfactory achieved which are designed to protect privacy/amenity.
5. Drainage. This is also a relevant consideration and details of the proposed surface water drainage scheme would be covered by condition should permission be granted.

In planning policy terms the site is situated within the settlement boundary for the village as designated in the adopted Copeland Local Plan 2001-2016 although it is not specifically identified for housing. In this respect it comprises a windfall site which has had the benefit of a previous consent, the principle of housing on the site, therefore, has already been established given that the original outline permission has only recently lapsed.

It has been demonstrated that four detached dwellings can be accommodated on the site in accordance with the normal development standards as regards the provision of a satisfactory access, parking and positioning of the dwellings on the site. Policies DEV 6 and HSG 4 are the relevant local plan policies and taking into account the above it is considered that the proposal satisfactorily complies with these and is therefore recommended favourably.

Recommendation

Approve in Outline (commence within 3 years)

3. The dwellings shall all be of single storey construction.
4. The site shall be drained on a separate system with foul drainage only connected to the foul sewer.
5. Full details of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the site. The scheme shall be completed in accordance with the approved plans.

MAIN AGENDA

6. Access to the site shall be in accordance with the site entrance layout plan (Rev.Oct.06) and all modification works shall be completed before any of the dwellings are occupied.
7. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed with the Local Planning Authority.
8. Details of all measures to be taken to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval in writing prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
9. No development shall commence until a scheme showing the construction details, surface finishes, drainage and lighting of the private shared driveway has been submitted to and approved in writing by the Local Planning Authority. The scheme hereby approved shall be carried out in accordance with the approved details before any of the dwellings are occupied.

Reasons for conditions:-

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

To minimise the impact of the development on existing neighbouring properties

To ensure a satisfactory drainage scheme for the disposal of surface water

In the interests of highway safety

Reason for decision:-

An acceptable outline proposal for four detached dwellings on this windfall site within the settlement boundary of St Bees in accordance with DEV 6 and HSG 4 of the adopted Copeland Local Plan 2001-2016

MAIN AGENDA

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13 4/08/2245/0

CHANGE OF USE FROM GRAZING TO GARDEN  
REAR OF, 1 2 & 3, JOHNSON CLOSE, SANDWITH,  
WHITEHAVEN, CUMBRIA.  
MR KENNEDY, MR KIDDIE & MR BIRD

Parish                      Whitehaven

Planning permission is sought for a change of use from grazing land to garden land at the rear of Nos. 1, 2 and 3 Johnson Close, Sandwith, Whitehaven. The five dwellings comprising Johnson Close received planning permission in 2001 (4/01/0414/0 refers), and these three plots were granted planning approval by reserved matters applications in 2004 and 2005 (4/04/2876/0, 4/05/2342/0 and 4/04/2351/0 refers). An application was also refused at the last meeting for a change of use of agricultural land to garden at the rear of 5 Johnson Close (4/08/2182/0 refers).

The application for No. 5 would likely have been supported in principle but the area of land applied for was considered too large as it was an area of land similar in size to this application for three dwelling curtilages and some of the land was to the rear of an adjoining property which would likely have an adverse effect on the amenity and enjoyment of this property.

The dwellings are situated centrally within the village of Sandwith and are the three northerly plots on this development. To the north it is bordered by the Lighthouse access road and to the south by 4 Johnston Close.

The area of land to the rear that is subject to the change of use application measures 2081 sq m or 0.20 hectares. This area would then be apportioned between the three dwellings. The rear boundaries are currently separated by post and wire fences.

No. 4 Johnson Close already benefits from an extended rear garden and it is recognised that incorporating some of the agricultural land to the rear as part of the residential curtilage would improve the amenity standards afforded to each dwelling.

However, approval would enable the applicants to construct certain buildings or structures as Permitted Development that the Council would have no control over, which may have an adverse effect on the enjoyment of the adjoining dwellings. It is therefore recommended that a condition should be included in any grant of permission to remove Permitted Development rights for the area of land in question.

Overall, the proposal is considered to accord with Policies DEV 6 and HSG 20 of the adopted Copeland Local Plan 2001-2016 and, as such, is recommended for approval.

MAIN AGENDA

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Recommendation

Approve (commence within 3 years)

2. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no building, enclosure, structure, domestic fuel container, pool or hardstanding shall be constructed within the area of extended curtilage hereby approved without the prior written consent of the Local Planning Authority.
3. Full details of any proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the proposed works are commenced. The works shall be carried out strictly in accordance with the approved details and so maintained thereafter.

Reasons for conditions:-

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

In the interests of amenity

Reason for decision:-

The proposal represents an acceptable extension to these three domestic curtilages in accordance with Policies DEV 6 and HSG 20 of the adopted Copeland Local Plan 2001-2016

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14 4/08/2251/0

8 NO TWO BEDROOMED APARTMENTS  
LAND ADJOINING, GARLIESTON COURT, CORKICKLE,  
WHITEHAVEN, CUMBRIA.  
REED GRAHAM DEVELOPMENTS LTD

## MAIN AGENDA

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Parish

Whitehaven

Permission is sought to develop a 0.14 ha area of vacant land to the rear of The Chase Hotel, formerly part of the hotel grounds, as a finite extension to the adjacent Garlieston Court housing development.

The proposed development comprises eight two bedroomed apartments in the form of two large three storey blocks each containing three apartments and a two storey block containing two apartments. A key feature of the three storey blocks on the front elevations is the bay style windows into which are incorporated Juliette style windows on the first floor from the lounge with a balcony above on the second floor. Similarly a first floor balcony is also proposed above the bay window on the front elevation of the two storey block.

External finishes to be used include painted rendered walls, natural slate roofs and UPVC sliding sash style windows and doors. All of which match those used in the adjacent housing development.

The three blocks are so arranged in a courtyard layout with parking alongside and adjacent for a total of twelve cars, which represents a ratio of 1.5 spaces per unit. Vehicular access will be via the existing estate road serving Garlieston Court off Back Corkickle. This would involve breaking through the existing sandstone boundary wall at the bottom of Garlieston Court to the courtyard parking area. The surface here will comprise block paving with soft landscaping alongside. A new 1.4m wide footway will also be provided from the site running the length of Garlieston Court access road to its junction with Back Corkickle to provide a pedestrian link. Junction improvements to the access with Back Corkickle is also proposed as part of the application.

The planning history relating to this site is relevant. This proposal comprises a resubmission, a previous application for this development was withdrawn in April to enable a Stage 1 Safety Audit to be compiled as required by the Highway Authority (4/08/2116/0F1 refers). This now accompanies the application and confirmation that this is acceptable is awaited from the Highway Authority. The principle of residential development on the site has, it should be noted, already been established by virtue of an extant permission for a block of 3 two bedroomed apartments and a detached 4 bedroomed house. This was granted in 2006, 4/06/2585/0F1 refers.

A key issue to consider on the site is the existence of established trees likely to be affected by the development. It is proposed to fell two trees alongside the Garlieston Court access road flanking the boundary with the neighbouring hotel car park. The arboriculturist's report submitted with the application identifies these as being in poor health and recommends they be removed with adequate replacement planting. The existing mature specimen tree adjacent to the entrance to Galieston Court with Back Corkickle will

MAIN AGENDA  
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remain as this has considerable amenity value. Root protection measures are proposed to limit any damage during alteration works to the access. In order to protect the established trees on the south eastern boundary a 5/6m buffer zone is proposed. The Council's Landscape Officer raises no objection and is satisfied that the works meet all the relevant criteria needed to ensure protection of the trees on the site including adequate replanting.

There are outstanding surface water drainage issues apertaining to this site. The Council's drainage engineer needs to be satisfied that flood risk is not increased and has requested further information/drainage calculations, which is currently being addressed.

As regards the layout it is considered that the positioning of the apartment blocks on the site allows maximum separation distances to be achieved particularly in respect of the proposed balconies from neighbouring dwellings on both the Garlieston estate and Calder Avenue to the rear.

In terms of planning policy the site is situated within the settlement boundary for Whitehaven and Corkickle Conservation Area as designated in the adopted Copeland 2001-2016, and was formerly part of the grounds belonging to the neighbouring hotel. The relevant local plan policies against which the proposal should be assessed are DEV 6, HSG 4, HSG 8 and ENV 26 collectively these permit high quality designed small scale rounding off of housing development in appropriate locations which positively enhance the appearance and character of the Conservation Area.

In summary, taking the above into account, the proposed scheme is considered to represent an acceptable design and scale of new housing development in this sensitive setting in accordance with the aforementioned local plan policies.

## Recommendation

Approve (commence within 3 years)

2. The proposed footway fronting Garlieston Court, Drawing No. 2719/06/C refers, shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall commence until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.



MAIN AGENDA

3. No dwellings shall be occupied until the proposed footway along Garlieston Court has been completed in accordance with the approved scheme.
4. No dwelling shall be occupied until the highway improvement works at the junction of Garlieston Court and Front Corkickle have been completed to the satisfaction of the Local Planning Authority.
5. Replacement planting of the two trees to be felled shall be carried out in accordance with Section 5 : Landscaping of the Design and Access Statement accompanying the application received by the Local Planning Authority on 15 May 2008.
6. If within a period of two years from the completion of the development any retained or newly planted tree is uprooted or destroyed, or dies, another tree shall be planted at the same place. That tree shall be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.
7. Adequate protection measures for the retained trees during the course of development, including the erection of fencing and the installation of weight bearing root barrier membranes and appropriate ventilation/irrigation systems, shall be undertaken in accordance with British Standard BS 5837, details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
8. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason for conditions:-

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

In the interests of highway safety

To ensure adequate protection is afforded to the trees on the site in the interests of the amenity of Corkickle Conservation Area

MAIN AGENDA

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Reason for decision:-

The proposal to erect 3 blocks of 8apartments to the adjacent access serving Garlieston Court represents an acceptable form of development in accordance with Policies DEV 6, HSG 4, HSG 8 and ENV 26 of the adopted Copeland Local Plan 2001-2016

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15 4/08/2254/0

BEDROOM AND LIVING ROOM EXTENSION, INCLUDING  
INTERNAL ALTERATIONS  
10, FERN WAY, THE HIGHLANDS, WHITEHAVEN, CUMBRIA.  
MR AND MRS M OTTY

Parish                      Whitehaven

Planning permission is sought to erect a three storey extension to the side of this four bedroomed semi-detached house situated at the end of a cul-de-sac within the Highlands residential estate.

Measuring 4.5m in width by 9.8m in length the proposed extension will be in line with the existing house frontage, will project 2.2m beyond the existing rear elevation and will more than double the size of the existing property.

At its closest point the side of the extension, with the second floor Juliette balcony will be sited 2.2m from the boundary with the neighbouring bungalow to the north. At present this is in a blank gable end. This neighbouring bungalow is in a slightly elevated position and, as such, the side of the subject property is clearly visible from both the bungalow and its garden. The proposal will take the property 4.8m closer to this neighbouring bungalow. Photographs illustrating this are appended to the report.

Internally, the extension will provide a utility room and additional living room at ground floor level, allow for two larger bedrooms and a store at first floor level and allow for a larger bedroom at second floor level. Externally the proposed finishes are pebble dash render and facing brick walls, concrete roof tiles and white UPVC double glazed windows and doors. The ground floor utility room will be served by a garage door to the front elevation. With the exception of the pebble dash render the external finishes would match those of the existing house.

Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 presumes in favour of proposals for extensions and alterations to existing

MAIN AGENDA

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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 where 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 overlooking problems for residents of either the parent property or adjacent dwellings.
4. They would not result in a loss of 50% or more of the undeveloped curtilage of the parent property.

In terms of character and appearance this cul de sac consists of semi-detached properties, none of which at present have been extended. Whilst it is considered that this property could accommodate development of an appropriate scale, this proposal, which more than doubles the size of the existing house, is likely to appear as an over-intensive form of development harmful to the character of the parent property and adjoining development. Furthermore, the introduction of a Juliette balcony at second floor level within close proximity to the neighbouring bungalow, Cairnsmore, is considered likely to have a detrimental impact in terms of overlooking and resultant loss of privacy.

In my opinion this proposed extension fails to satisfy the relevant policy criteria and, as such, is recommended for refusal.

Recommendation

Refuse

By virtue of its scale, siting and design and the proposed three storey extension represents an over intensive form of development out of character with the parent property and adjoining development. Furthermore, the proposed second floor Juliette balcony is likely to cause demonstrable harm to occupants of neighbouring residential properties in terms of overlooking and resultant loss of privacy at variance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

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CAIRNSMORE

BOUNDARY

SUBJECT PROPERTY



VIEW FROM CAIRNSMORE GARDEN



MAIN AGENDA

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16 4/08/2256/0

EQUESTRIAN CENTRE COMPRISING OF STABLE BLOCK,  
W.C., FLOODLIT MENAGE 50m X 25m, NON-FLOODLIT  
MENAGE 40m X 20m, OFFICE/FIRST AID ROOM/BREAK  
ROOM

PLOTS 5 AND 6, HAWS LANE, HAVERIGG, MILLOM,  
CUMBRIA.

MISS V HAYES

Parish                      Millom Without

- No comments received.;

Planning permission is sought for an equestrian centre comprising of a stable block, w.c., two menages and an office/break room at Plots 5 and 6, Haws Lane, Haverigg, Millom.

The area of land extends to approximately 5 hectares and is located between Haverigg and the coast. It is a rectangular area bounded by fields on two sides, an access lane to the south west and houses on North Lane to the north west.

Within the site would be a menage measuring 40m x 20m, a floodlit menage measuring 50m x 25m, a block containing 12 stables and a caravan to be used as an office/first aid/break room.

A new access track and hardstanding for parking would also need to be created.

In order for Members to fully appreciate the application in the context of its surroundings a site visit is recommended before the application is determined.

Recommendation

Site Visit

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MAIN AGENDA

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17 4/08/2261/0

OUTLINE APPLICATION FOR DEVELOPMENT OF 23  
DWELLINGS  
FORMER COUNCIL YARD, HOLBORN HILL, MILLOM,  
CUMBRIA.  
MR J CHIBLEY

Parish                      Millom

- No comments received.

Outline planning permission is sought for a development of 23 dwellings at the former Council yard, Holborn Hill, Millom, with the layout and access to be approved at this stage.

The area of land measures approximately 0.35 hectares and is located to the North of Millom in the area known as Holborn Hill. It is bounded by housing on two sides and Bay View, the access road to Pannatt Hill, to the north and east. There are large variances in the levels within the site to the surrounding land of up to 5 metres in places.

Originally a quarry, the last lawful use of the site was as a Cumbria County Council highways depot. In 1998 the site was transferred into private ownership and was briefly occupied by travellers. Planning permission to use the land for the siting of caravans was refused in December 1998 (4/98/0715/0 refers).

In 2004 permission was sought and approved in outline for residential development on the site (4/04/2607/0 refers) which has now expired. It was previously referenced in the adopted Copeland Local Plan 2001-2016 as housing site H57 when the outline permission was still valid.

Included in the application is a proposed site layout plan which details 23 three storey dwellings, all incorporating a third bedroom in the roofspace. They are mainly in a terraced form, but in offset groups of 4 to improve the aesthetics of the development with a central access through the site. The dwellings will be of a similar size to existing terraced houses in the area.

The proposal includes a new access to the site from Bay View, with the existing access located on the junction between Holborn Hill and Bay View closed-off.

In order for Members to fully appreciate the application in its surroundings a site visit is recommended before the application is determined.

Recommendation

25 Jun 08

MAIN AGENDA

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Site Visit

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Schedule of Applications - DELEGATED MATTERS

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4/08/2194/0	Whitehaven	DETACHED 4 BEDROOMED DORMER BUNGALOW & DOUBLE GARAGE OLD POLICE HOUSE, 181, HIGH ROAD, KELLS, WHITEHAVEN, CUMBRIA. MRS J TUNSTALL
4/08/2219/0	Distington	CONSTRUCTION OF NEW AMBULANT STEPS AND ACCESSIB PATH TO IMPROVE DISABLED ACCESS TO CHURCH CHURCH OF THE HOLY SPIRIT, CHURCH ROAD, DISTINGTON, CUMBRIA. K B RICHARDSON
4/08/2222/0	Cleator Moor	TWO STOREY KITCHEN/BEDROOM EXTENSION TO REAR, SINGLE STOREY PORCH/WC TO FRONT, GARAGE TO REAR TORA LEE, BIRKS ROAD, CLEATOR MOOR, CUMBRIA. MR P MCGONAGLE
4/08/2173/0	St Johns Beckermat	SINGLE STOREY EXTENSION  SARAMAN, BANKFIELD, BECKERMET, CUMBRIA. MR S LOWTHIAN
4/08/2178/0	Cleator Moor	SINGLE STOREY DINING ROOM EXTENSION  1, HILDEN ROAD, CLEATOR, CUMBRIA. MR SIMPSON & MISS RILEY
4/08/2191/0	Whitehaven	EXTENSION TO REAR COMPRISING LIVING ROOM, BEDRO WITH EN-SUITE & CONSERVATORY 110, CAMBRIDGE ROAD, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR LITTLE
4/08/2193/0	Whitehaven	LISTED BUILDING CONSENT FOR EXTERNAL OUTLET FOR NEW COMBI BOILER TO REAR OF PROPERTY REAR OF 57, CHURCH STREET, WHITEHAVEN, CUMBRIA. MR A CLEAVER
4/08/2195/0	Whitehaven	REAR SECOND STOREY EXTENSION TO PROVIDE ADDITIONAL LIVING SPACE & 2 NEW ROOFLIGHTS TO T 17, WELLINGTON ROW, WHITEHAVEN, CUMBRIA. MR & MRS UNDERWOOD
4/08/2196/0	Cleator Moor	TWO STOREY EXTENSION TO DWELLING  1, CLAYTON AVENUE, CLEATOR MOOR, CUMBRIA. N W BRICKLAYING LIMITED
4/08/2199/0	Egremont	KITCHEN & BEDROOM EXTENSION  6, ST JOHNS TERRACE, BIGRIGG, EGREMONT, CUMBRIA MR N WOODBURN
4/08/2200/0	Whitehaven	TWO STOREY EXTENSION



		2, HOMEWOOD ROAD, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR N MCQUIRE
4/08/2201/0	Whitehaven	PLAYROOM & BEDROOM EXTENSION
		112, WHINLATTER ROAD, MIREHOUSE, WHITEHAVEN, CUMBRIA. MS L BORROWDALE
4/08/2203/0	Whitehaven	GARAGE
		PLOT 1B, WHITEPARK GARAGE SITE, SCOTCH STREET, WHITEHAVEN, CUMBRIA. MR C STARKIE
4/08/2208/0	Whitehaven	TO ADD ADDITIONAL OXYGEN STORAGE COMPOUND, ADJACENT TO EXISTING WEST CUMBERLAND HOSPITAL, HENSINGHAM, WHITEHAVE CUMBRIA. MR G PINCHES
4/08/2209/0	Arlecdon and Frizington	REMOVAL OF GARAGE, ERECTION OF SINGLE STOREY KITCHEN/UTILITY/WC EXTENSION 17, MURTON PARK, ARLECDON, FRIZINGTON, CUMBRIA. MR C BEWLEY
4/08/2210/0	Egremont	SINGLE STOREY EXTENSION TO DWELLING.  64, DENT VIEW, EGREMONT, CUMBRIA. MR E BROADBENT
4/08/2211/0	Whitehaven	DOUBLE STOREY EXTENSION TO DWELLING.  3, WOODSIDE CLOSE, WHITEHAVEN, CUMBRIA. MR A STEEL
4/08/2130/0	St Bees	CROWN REDUCE BEECH AND SYCAMORE TREES WITHIN CONSERVATION AREA KHANDALLAH HOUSE, HIGH HOUSE ROAD, ST BEES, CUMBRIA. MRS A ROBERTS
4/08/2172/0	Whitehaven	ALTERATIONS AND CHANGE OF USE OF REDUNDANT BETTING SHOP TO TWO BEDROOMED DWELLING HOUSE 6, CHURCH LANE, HENSINGHAM, WHITEHAVEN, CUMBRIA WOODEND GARAGE
4/08/2185/0	Moresby	3 FASCIA SIGNS, 1 X TOTEM, 1 X DOUBLE SIDED MONOLITH, 1 X MONOLITH HOWGATE HOTEL, HOWGATE, WHITEHAVEN, CUMBRIA. WHITBREAD GROUP plc
4/08/2186/0	Whitehaven	GENERAL PURPOSE AGRICULTURAL BUILDING FOR STORA OF MACHINERY & GRAIN

Schedule of Applications - DELEGATED MATTERS

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		WILSON PIT YARD, BYERSTEADS ROAD, SANDWITH, WHITEHAVEN, CUMBRIA. MR T WEST
4/08/2227/0	Whitehaven	REVISED DETAILS FOR HOUSE AND GARAGE  WOODLAND VIEW, LOOP ROAD SOUTH, WHITEHAVEN, CUMBRIA. MR L MASON
4/08/2229/0	Arlecdon and Frizington	CONSERVATORY AT REAR OF RETAIL UNIT TO FORM NEW COFFEE SHOP EATING AREA (RETROSPECTIVE) BIRKETT FENCING LTD, CHAPEL ROW, ROWRAH, FRIZINGTON, CUMBRIA. MRS J WATTS
4/08/2230/0	Whitehaven	CONSERVATORY EXTENSION  MAYFIELD SCHOOL, MORESBY ROAD, HENSINGHAM, WHITEHAVEN, CUMBRIA. LYNNE BROWNRIGG
4/08/2143/0	Millom	INSTALLATION OF ROLLER SHUTTERS TO FRONT DOOR & MAIN WINDOW, DUTCH AWNING TO FRONT OF PROPERTY. PATTONS FAMILY BUTCHER, 28, WELLINGTON STREET, MILLOM, CUMBRIA. MR G PATTON
4/08/2160/0	Millom	TWO STOREY SIDE EXTENSION  43, VICTORIA STREET, MILLOM, CUMBRIA. MR & MRS T YOUNG
4/08/2162/0	Egremont	ERECTION OF CANOPY OVER PLAY AREA.  ABC NURSERIES, ST BRIDGETS LANE, EGREMONT, CUMBRIA. ABC NURSERIES
4/08/2167/0	Haile	FIVE BEDROOMED DORMER BUNGALOW AND GARAGE  PLOT 3, THE CROFT, WILTON, EGREMONT, CUMBRIA. MISS L ZARRINI
4/08/2170/0	Egremont	TO ILLUMINATE THE LANDMARK CEMETERY BUILDINGS T THE NORTH ENTRANCE OF EGREMONT BETWEEN THE HOUR NORTH ROAD, EGREMONT, CUMBRIA. EGREMONT TOWN COUNCIL
4/08/2171/0	Egremont	TO ILLUMINATE THE REMAINS OF THE NORMAN CASTLE BETWEEN THE HOURS OF DUSK & MIDNIGHT EGREMONT CASTLE, BOOKWELL, EGREMONT, CUMBRIA. EGREMONT TOWN COUNCIL
4/08/2174/0	Haile	AGRICULTURAL IMPLEMENT SHED

		FIELD ADJACENT TO, 6, HAILE PARK, HAILE, EGREMONT, CUMBRIA. MR P TELFORD
4/08/2175/0	Lowside Quarter	DOMESTIC WIND TURBINE
		DALEGARTH, BRAYSTONES BEACH, BECKERMET, CUMBRIA MRS J RILEY
4/08/2180/0	Egremont	LISTED BUILDING CONSENT TO ILLUMINATE CEMETERY BUILDINGS BETWEEN THE HOURS OF DUSK & MIDNIGHT NORTH ROAD, EGREMONT, CUMBRIA. EGREMONT TOWN COUNCIL
4/08/2181/0	Egremont	LISTED BUILDING CONSENT FOR ILLUMINATION OF THE REMAINS OF THE NORMAN CASTLE BETWEEN THE HOURS EGREMONT CASTLE, BOOKWELL, EGREMONT, CUMBRIA. EGREMONT TOWN COUNCIL
4/08/2184/0	Millom Without	ERECT TWO STOREY & SINGLE STOREY EXTENSION AND INSTALL NEW SEPTIC TANK TO REPLACE EXISTING LOW HESTHAM HALL, MILLOM, CUMBRIA. T JOPSON & SON
4/08/2192/0	Egremont	CHANGE OF USE FROM FORMER RESTAURANT TO LAUNDERETTE 89-90, MAIN STREET, EGREMONT, CUMBRIA. MISS C WHITFIELD
4/08/2202/0	Egremont	2X NON-ILLUMINATED FOLDED ALUMINIUM FASCIAS, 1X INTERNALLY ILLUMINATED PROJECTING CROSS. 67, MAIN STREET, EGREMONT. BOOTS GROUP PLC
4/08/2212/0	Millom	CHANGE OF USE FROM AGRICULTURAL LAND TO DOMESTIC GARDEN. 1, WINDY NOOK, MOOR END, HAVERIGG ROAD, MILLOM, CUMBRIA. MRS M LANCASTER
4/08/2223/0	Millom Without	AMENDMENT TO PREVIOUS APPROVALS 4/05/2076/0 & 4/07/2020/0 TO REPOSITION PREVIOUSLY APPROVED 4 DUDDON BRIDGE FARM, DUDDON BRIDGE, MILLOM, CUMBRIA. G & J DEVELOPMENTS LTD
4/08/2228/0	Haile	LEAN-TO EXTENSION TO EXISTING LIVESTOCK SHEDS  BRAYSHAW FARM, HAILE, EGREMONT, CUMBRIA. MR H MOORE
4/08/2216/0	Ponsonby	RENEWAL OF TEMPORARY PLANNING PERMISSION FOR TWO PREFABRICATED BUILDINGS TO SERVE AS ACCESS SELLAFIELD, SEASCALE, CUMBRIA.

		SELLAFIELD LIMITED
4/08/2217/0	Ponsonby	RENEWAL OF TEMPORARY PLANNING PERMISSION FOR TW STOREY PREFABRICATED BUILDING TO SERVE AS OFFIC SELLAFIELD, SEASCALE, CUMBRIA. SELLAFIELD LIMITED
4/08/2236/0	St Bridgets Beckermet	RENEWAL OF TEMPORARY PLANNING PERMISSION FOR A SINGLE STOREY PORTAKABIN OFFICE ACCOMMODATION SELLAFIELD, SEASCALE, CUMBRIA. SELLAFIELD LTD