

PLANNING PANEL

30 APRIL 2008

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RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

STANDARD CONDITIONS

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

Outline Consent

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

Reserved Matters Consent

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

Full Consent

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

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1 4/07/2505/0

ERECTION OF FOUR BEDROOMED DETACHED HOUSE
PLOT 6, LAND ADJACENT TO, RAILWAY COTTAGES,
MORESBY PARKS, WHITEHAVEN, CUMBRIA.
MR N ARMSTRONG

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). Members will recall visiting the site in August 2007.

This application seeks consent for the erection of a detached dwelling on plot 6 situated in the north western corner of the site. The proposed dwelling takes the form of a four bedroomed detached house with integral garage and a games room incorporated into the roof space.

Proposed external finishes comprise facing brick and grey concrete roof tiles.

No objections have been received from statutory consultees.

Following receipt of the application last year, letters of objection were received from the residents of three neighbouring properties to the west. The grounds for objection at that time (August 2007) can be summarised as follows:-

1. The agreed drainage system for the field has not yet been completed and tested, ie the French drain has not been installed and, as such, full plans for this dwelling cannot yet be considered.
2. The temporary field drain was never extended to the north end of the field and has been covered over allowing water to collect at various areas around the development and not drain away as intended.
3. The field has been levelled out to a height that exceeds the rear boundary wall of Railway Cottages. Concerned that this will compromise the approved drainage system and is allowing excess rainwater to flow through these walls and into the gardens of Railway Cottages.
4. What provision has been put in place to prevent this infill from moving, slipping or generally resting against boundary walls? If new retaining walls are to be installed how will this affect

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drainage and how will the void between the walls be maintained/drained?

5. Concerns regarding the sources and nature of infill materials.

Determination of this application has since been left in abeyance in order for the two key issues of surface water drainage and imported infill materials to be investigated further.

Whilst the site has a long standing history of flooding it is important that new development does not exacerbate the problem further. Following lengthy consultations between the developer and the Council's Drainage Engineer a scheme has been agreed which includes the use of oversized pipes throughout the site together with the installation of a French drain along the perimeter with Railway Cottages.

The Council commissioned an independent survey of the site to determine if works have been carried out in accordance with approved details. The results of this report concluded that the French perimeter drain had not been installed deep enough. This has since been re-laid to a greater depth.

In terms of site infill materials, soil samples were taken from the site and following consultation with the Environment Agency and the Council's Environmental Health department the test results indicated relatively low levels of organic substances that should not adversely affect the health of future residents.

More recently, the Council has requested its retained drainage consultants to advise on surface water drainage issues specifically in respect of this plot in order to address, in particular, the concerns of a neighbouring resident as detailed in the appended copy of his letter dated 9 April 2008.

In consultation with the applicant's agent, the Council's Flood and Coastal Defence Engineer and the Council's retained drainage consultants a revised surface water drainage scheme for this plot has been submitted which, in the opinion of the Council's drainage consultants, should overcome the concerns of the neighbouring residents, specifically in relation to the proposed development of this plot. However, further validation of the existing French drain as regards levels and construction, including the associated retaining wall, have been requested from the developer and the response will, in turn, be validated by the Council's retained consultants. It is also recognised that off-site works are necessary beyond the southern extremity of the site involving third party land ownerships. The Council's Flood and Coastal Defence Engineer is actively investigating this matter with other relevant parties.

The principle of developing this site for residential purposes has already been established with the granting of outline permission in

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2004. This proposal adequately achieves the required separation distances, general standards of amenity and car parking as required by Policy HSG 8 and, as such, is favourably recommended.

Recommendation

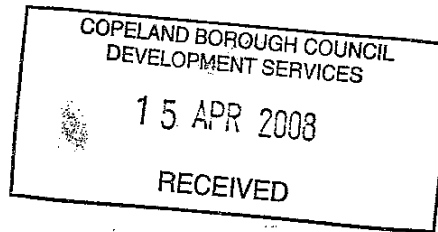
Approve (commence within 3 years)

2. Permission in respect of site layout and drainage shall relate solely to the amended plan (drawing no NA100-200 Rev B) received by the Local Planning Authority on 22 April 2008. The approved drainage works shall be carried out prior to the dwelling being occupied.
3. Permission in respect of floor plans and elevational treatments shall relate solely to the amended plans (drawing nos NA100-01 Rev A and NA100-02 Rev A) received by the Local Planning Authority on 30 August 2007.
4. Before development of the building plot commences the access road and footways serving the plot shall be defined by kerbs and subbase construction.
5. The dwelling hereby approved shall not be occupied until the estate road, including footways, serving the dwelling 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.
6. Access gates, if provided, shall be hung to open inwards only away from the highway.
7. 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.
8. 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.
9. The site shall be drained on a separate system, with only foul drainage connected into the sewer.
10. 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.

Mr M. Blackburn
1. Railway Cottages,
Lakesby Parks,
Whitehaven,
Cumbria.
CA28 8UY

Tony Pomfrett,
Development & Environment,
Copeland Borough Council,
The Copland Centre,
Catherine Street,
Whitehaven,
Cumbria.
CA28 7SJ

Your Ref : TP/SC/4/2007/2505/OF1



9th April 2008

Mr Pomfret,

Retaining wall and French drain extension along plot 6, Land adjacent to Railway Cottages.

Further to your letter dated 1st April 2008 regarding the above which you wish to take to the Council's Planning Panel on 30th April 2008, I wish to submit my objections to this application on the following grounds.

I would like to know why this drain extension is going to the Planning Panel, when the original drain it is attaching to did not. There are also many issues with the current drain that have not been resolved.

1. The same sized pipe is to be used that is currently installed in the unproven French drain which runs the length of the current development (225mm Hepline pipe - Stated on drawing L304/001/A, perforations uppermost).

The following question requires answering to establish where any rainfall will end up.

Where the perforations are within the pipe? - If they lay around only half the pipe the trench will have to fill to a depth of approx. 212mm before any water enters the pipe, however before it will happen the rainwater will flow through the porous block retaining wall.

2. Pipe laid 100mm above foundations; this will allow water to fill the trench as in item 1, allowing water to flow through the concrete blocks making up the retaining wall thus flowing into gardens of 1, Railway Cottages.
3. There is no water tight membrane around the field side of the wall, to prevent water flowing through the wall; however one has been placed on the foundations of the proposed house.
4. There are no elevations shown on the sketch, therefore a gradient can not be worked out to see if it meets the required fall to allow water to run away through the pipe.

5. The drawing states that there is an existing retaining wall, this is not the case the wall shown is my boundary / dividing wall and should not be use to support the new retaining wall in any way.
6. The original retaining wall drawing L304/001/A on which this is based, shows the wall to be 4 blocks high, this sketch shows the extension to be 5 blocks high, with what looks like a dividing wall on top. Could the correct information be made available?
7. Where has the dimension 939mm to the centre of my wall come from, what is the significance of this dimension, and should it not be to the back my wall, as my wall sits wholly within my property.
8. If this proposal is passed could you please advice how I am to maintain or inspect the condition of my wall, if the retaining wall is allowed to be installed as drawn on the sketch?
9. The French drain / retaining wall (Drawing L304/001/A) which is partly installed for the rest of the development is currently not finished and does not work. I have had large amounts of silt laden water cover my garden on several occasions since Christmas, this water is coming from the development.

There are many outstanding issues raised by myself, see attached 'e'mail.

It is approximately 9 weeks since I sent these original comments, I would have expected them to have been answered and reviewed by an independent body, before the extension was even considered.

Yours Sincerely

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The reasons for the above conditions are:-

For the avoidance of doubt.

In the interests of highway safety.

In the interests of highway safety and environmental management.

To ensure a satisfactory drainage system.

To retain control over boundary treatments in the interests of highway safety and visual amenity

Reason for decision:-

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

2 4/07/2728/0

THREE DETACHED DWELLINGS
FLEATHAM HOUSE, ST BEES, CUMBRIA.
FLEATHAM HOUSE

Parish St Bees

- Have strong objections.

Fleatham House is situated within the St Bees conservation area and is a key part of the landscape of the area. It contains the only wooded area of its type in St Bees and this is greatly valued by the local community. The Copeland Local Plan contains a number of Policies (ENV 10, 26, and 27) which are designed to protect conservation areas from inappropriate development and the Parish Council believes that this application should be refused in accordance with these policies.

The proposed development will cause damage to the trees on the site both during construction and in the longer term and will fundamentally change the character and appearance of the area. It cannot be said that the development will enhance the area in any way. Some trees will be affected during construction and previous experience suggests that there would be a series of applications for pruning/felling of trees as their growth becomes inconvenient for the new property owners. The damage to the trees will be

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permanent and replanting some trees in other places will not compensate for the loss of long-established woodland. When an application was made in 2006 for development on this site it was refused because of the unacceptable impact on the trees as recommended by Copeland's Landscape Officer. The Parish Council believes that little has changed since then and Mr Mellor's advice in his memo of 11 December 2007 suggests that he has not changed his view.

The Parish Council is also very concerned about the effect which further development will have on the surface water drainage system. In the last two or three years there have been serious flooding problems in the village during periods of heavy rain. Cumbria Highways has recently carried out a full drainage survey to identify the cause of the problems and the Parish Council received a detailed report from the Highways Engineer on the results of the survey. The conclusion of the survey report is that the drainage system is unable to cope with the demands now being placed upon it. It was constructed many years ago when the village was much smaller and new developments over the years mean that the capacity of the drains is no longer sufficient. The cost of the remedial work will be very substantial and it is unlikely that all the work required can be funded in the near future. In the circumstances it seems entirely inappropriate to allow further development which will only add to the demands placed on the drainage system.

The Parish Council understands that our Ward Councillor is calling for a further site visit to look at the situation in the light of the amended plans. The Parish Council supports this request and would welcome a further opportunity to discuss the plans with members of the Planning Panel before a decision is made.

This application was withdrawn from the Planning Panel agenda on 6th February 2008 at the request of the applicant to afford the opportunity to submit amended plans. An amended plan has since been submitted for consideration which deletes one house (Plot 1) from the scheme. The proposal is now for the erection of three detached dwellings on the site.

This application was deferred at the Planning Panel meeting on 5 March 2008 for a second site visit. This took place on Wednesday, 19 March 2008 and gave Members the opportunity to see the position of the proposed dwellings pegged out on site in relation to the trees. The trees to be felled were also clearly indicated. The applicant's arboriculturist, Bruce Hatton and Richard Mellor, the Council's Landscape Officer, were then present at the last meeting on 2 April 2008 to answer questions Members had in relation to the tree issues raised from the site visit. This, along with the first site visit of 22 January 2008, enabled Members to fully appraise all the relevant issues raised, particularly in terms of potential impact on the protected trees and the Conservation Area. As a result Members were minded to refuse this application contrary to Officer recommendation.

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In accordance with the Council's Code of Conduct the application is now brought back to the Panel for a final decision.

The issue of drainage was raised by Members at the last meeting following the Parish Council's concerns. In response to this it is stressed that statutory consultations have revealed no objections/issues raised regarding flooding specific to this site. The issue of flooding and drainage problems is generic to the village and as a result Members are strongly recommended, should they refuse the application, not to include reference to this in the grounds for refusal.

Full permission is now sought, via the amended scheme, for the erection of three detached dwellings on the existing tree lined and sloping lawned area which forms part of the grand entrance to this country hotel/restuarant in St Bees. The site is within St Bees Conservation Area and is substantially wooded, the trees being the subject of a Tree Preservation Order (TPO).

The three plots are located in a linear form on the north side of the drive with the individual houses fronting onto the driveway and vehicular access to each taken from it. Each detached property comprises a large four bedroomed two storey dwelling incorporating traditional elements of design in keeping with Fleatham House, which is Victorian. These include sandstone clad walls and features with natural slate roofs, timber doors and windows.

Previous planning history relating to this site is relevant. A full application to erect seven detached dwellings within the grounds, which was amended to four, was withdrawn in December 2005 (4/04/2223/0F1 refers). Individual applications for four detached dwellings were then refused, contrary to officer recommendation, in 2006 (4/05/2906/0F1, 4/05/2907/0F1, 4/05/2908/0F1 and 4/05/2909/0F1 refer) for the following reason:-

"The proposed development would adversely impact on the existing and future well being of trees protected by a Tree Preservation Order and the St Bees Conservation Area generally, at variance with Policies ENV 10, ENV 26 and ENV 27 of the adopted Copeland Local Plan 2001-2016."

Fourteen letters of objection have been received from local residents who express concern on the following collective grounds:-

1. Impact on village in terms of infrastructure and drainage. The existing system is already struggling to cope with the current level of surface water run off. The proposed development will increase this.
2. Question the need and demand for large executive type dwellings.
3. Development of the grounds would destroy the character of this

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impressive house.

4. Further development will only detract from the current desirability of the area and put undue stress on local facilities, especially the school.
5. Will add to the traffic problem in the area and the existing access is dangerous.
6. Adverse affect of building on the protected trees, particularly ground works.
7. Building of houses should only take place where it preserves or enhances the area - neither apply. If permission were granted it would open the floodgates to other applications.
8. Will affect the habitat of the local red squirrel.
9. Lead to the loss of the last wooded area in the village.
10. Proposal will not allow for the future growth of the trees.
11. In addition the resident of the dwelling opposite the former plot 1, whilst they view the amended scheme with relief, they do still wish to raise the following concerns:-
 - the dwelling on plot 2, particularly due to its elevated position and little ground cover, will affect their privacy
 - the road runs a few feet from their back wall and the extra influx of vehicles, especially during construction, may lead to severe damage
 - the road is in poor repair affected by root growth of adjacent protected trees; any improvement to the road is therefore likely to damage the trees
 - will remove the habitat for rooks and crows

A letter of objection has also been received from the local Ward Councillor, a copy of which is appended to this report.

The objections raised in respect of infrastructure are matters which have been addressed already via the local plan process. The question of need is also not a material planning consideration.

As regards access the Highway Authority raise concerns that the layout shows no improvement to the existing access arrangements which they consider could be detrimental to highway safety causing manoeuvring difficulties. It is considered improvements here, however, would have a detrimental affect on the character and appearance of the Conservation Area and would not be sanctioned.

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The concerns raised by the immediate neighbour are relevant in respect of Plot 2 as it is inevitable there will be some affect on neighbouring privacy by the presence of a house opposite. However, the required separation distance of 21 metres minimum between facing elevations of dwellings which contain habitable windows required by Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 is satisfied here with the nearest distance measuring 21 metres from the front elevation to the site boundary where it adjoins neighbouring plots on The Crofts.

In addition to the above, the key issues this application raises is the potential impact of the proposal on the existing protected trees and the Conservation Area generally. The amended scheme with the removal of plot 1 does represent a considerable improvement over the original submission reducing the intrusive visual impact from hard development on the conservation area and, in particular, the open sweeping character of the historic entrance to this country house. Previously any development here has been resisted because of its potential adverse impact on the character and appearance of the Conservation Area.

As regards the trees the arboricultural report submitted with the application submits that the general quality of the trees within the site is average to poor, that the sycamores have become invasive and elm disease is present and proposes a long term management plan which is included with the submission to ensure future tree cover. However, it does identify that the trees do have some amenity value and states that proposals for development should consider carefully any potential impact on the trees and that removal and replacement is phased to ensure continuity of cover. The root protection areas of the existing trees on the site, which are considered of critical importance when assessing proximity and impact of development on trees, have been depicted on the layout and demonstrate that the development could be accommodated with minimal impact. The trees that have been identified for removal are ones that could be justified on the grounds of good arboricultural management and these have been kept to a minimum. A total of fourteen replacement trees are recommended to replace those likely to be lost. The tree survey and management plan has been assessed by the Council's Landscape Officer. His view, taking into account the amendment, is that the overall tree cover still remains an integral part of the tree population and landscape amenity value of St Bees and considers that the development on this site will inevitably lead to the loss of further trees and should be refused. He is also concerned that any remaining trees will be affected by post development tree works applications and enquires how this can be mitigated against.

It is considered that the amended submission represents an acceptable form of development that can be achieved with minimal adverse impact in the conservation area and incorporates generally a good standard of local vernacular house design and layout. The accompanying

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arboricultural report demonstrates that whilst it is inevitable there will be some tree loss this will be minimal and will only affect already identified poor specimens. Furthermore, it is argued that the application would provide the opportunity to enhance the tree cover here by securing and encouraging the proper long term management of the trees within the grounds as well as strengthening and improving planting elsewhere in the grounds. Notwithstanding the Landscape Officer's comments I am of the opinion, therefore, that this proposal accords with Policies ENV 26 and HSG 4 of the adopted Copeland Local Plan 2001-2016 which support small scale housing development in such a sensitive location where the protection of trees is paramount.

In view of the fact however that Members, at the last Planning Panel meeting, were minded to vote against the application (a vote of 8 against and 1 for was recorded) if the final decision is to refuse then an appropriate wording for the decision notice would be:-

"The proposed residential development would adversely impact on the existing and future well being of trees protected by a Tree Preservation Order and the St Bees Conservation Area generally, at variance with Policies DEV 6, ENV 10, ENV 26 and ENV 27 of the adopted Copeland Local Plan 2001-2016."

On balance, however, I remain of the opinion that this small scale development can be successfully integrated within this environmentally and visually sensitive setting and favourably recommend the application accordingly.

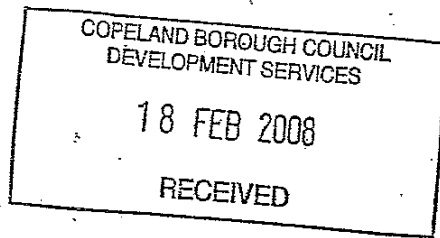
Recommendation

Approve (commence within 3 years)

2. The layout and number of dwellings shall be strictly in accordance with the amended plan, (drawing number 06/12/550-01a), received by the Local Planning Authority on 4 February 2008.
3. The setting out of each house shall be agreed with the Local Planning Authority on site before development commences.
4. A minimum separation distance of 1.0 metre shall be provided between the root protection area of any tree and any hard development, including vehicular access drives/parking areas, walkways and walls.

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5. Notwithstanding the submitted plan, a scheme incorporating additional planting to improve and strengthen the Tree Preservation Order within the grounds of Fleatham House along with a schedule of maintenance shall be submitted to and approved in writing by the Local Planning Authority before development commences. Planting shall be implemented in accordance with the approved scheme.
6. If within a period of two years from the completion of the development any retained or newly planted tree is uprooted, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no external alterations (including replacement windows and doors) or extension shall be carried out to the dwellings, nor shall any building, enclosure, domestic fuel container, pool or hardstanding be constructed within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.
8. 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.
9. 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 written consent of the Local Planning Authority.
10. The passing places created shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before construction of the dwellings commences.
11. The access drives and parking areas shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwellings are occupied.



Calder Park
Calderbridge
Seascale
CA20 1DN

18 February 2008

Dear Ms Morrison

Re: Application 4/07/2728/OFI
Building in the Ground of Fleatham House, St Bees.

Further to the resubmission of the above application; I am formally objecting to this application and would request that you add my letter to the planning agenda. I would also appreciate the opportunity to address the Planning Panel at the meeting when they determine the application.

Whilst I appreciate the layout of the proposed development has altered, the policies and principles remain the same, namely, ENV10, ENV26 and ENV27. These are Copeland Council's policies which the Planning Officer cited as reasons to refuse the last application. (This application was withdrawn by the Applicant). They are also the policies the committee considered before refusing the first application.

These policies are in place to afford protection of the landscape in areas where there are tree preservation orders or conservation areas.

A large number of St Bees residents have made representation to both myself as Ward Councillor and also to the Parish Council asking that we pass on their concerns to protect one of the last unspoilt areas of St Bees.

Extracts taken from the promotion web site for Fleatham House state:

- *Situated in private woodland looking out to St Bees cliffs on the West Cumbrian coast.*
- *If you are looking for bed and breakfast accommodation in a beautiful, peaceful and scenic location, close to the English Lake District, please look no further than Fleatham House.*
- *Fleatham House has provided exclusive accommodation for politicians and the business community for almost half a century.*

- *The two double rooms are to the front of the house overlooking the gardens and St Bees Head. All other rooms either overlook the wooded gardens or open countryside.*
- *Fleatham House is set in several acres of gardens, which you are free to roam, the only sound to disturb you is that of the birds. During the Spring and Summer months the gardens come alive with colour both from the trees and the borders.*

I am sure that I do not need to point out the obvious, that this application would destroy the peace and tranquillity of this area which people rely on our policies to protect.

If the Planning Officers' recommendation is to approve this application, then I strongly request another site visit for the benefit of the Planning Committee, the Parish Council and myself, without which it is unlikely to expect any sort of agreement on such a controversial site, particularly in the light of past reports from Mr Richard Mellor (Copeland Borough Council's Landscape Officer) which condemned any sort of development on this site.

Therefore, as Ward Councillor, I am formally requesting a site visit.

I thank you for your consideration of our objections.

Yours sincerely,



Councillor Norman Clarkson
St Bees Ward Councillor,

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12. Public Footpath No 423004 which runs along the southern boundary of the site shall remain unobstructed at all times.

The reasons for the above conditions are:-

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

For the avoidance of doubt

To ensure adequate protection is afforded to the trees on the site which are subject to a Tree Preservation Order

To strengthen and improve the Tree Preservation Order at Fleatham

In the interests of highway safety

To ensure public footpath 423004 remains unobstructed at all times

Reason for decision:-

The proposal represents a satisfactory form of housing development for this sensitive wooded site, which is subject to a Tree Preservation Order and within the St Bees Conservation Area, in accordance with Policies HSG 4, ENV 10 and ENV 26 of the adopted Copeland Local Plan 2001-2016

3 4/08/2049/0

THREE STOREY MODULAR BUILDING TO SERVE AS OFFICE
ACCOMMODATION
SELLAFIELD, SEASCALE, CUMBRIA.
SELLAFIELD LTD.

Parish St Bridgets Beckermat

- No comments received.

Full planning permission is sought for the construction of a three storey modular building to provide office accommodation for up to 360 people engaged in the retrievals support, legacy ponds and silos group to support Nuclear Decommissioning and Major Projects and to ensure there are sufficient facilities available to meet the future needs of the Clean Up Group.

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The proposed location is adjacent to building B64, outside the Separation Area but within the current UKAEA site boundary.

Over three levels of approximately 42m x 30m the internal office layout is mainly open plan accommodation with supporting meeting rooms, toilets and kitchen facilities. The building is fully compliant with the Disability Discrimination Act 1995 and Part M of the Building Regulations 2004, affording full access for people with disabilities with internal lift access to the upper two floors.

Designed to match existing surrounding buildings the elevations comprise grey coloured cladding panels and contrasting artic blue glazed areas. The overall height of the building is approximately 34 metres.

Located on the site of an existing 58 space car park the application states that these displaced spaces can be accommodated in the existing large car park to the west of B55 which is currently under utilised. Applying current parking guidelines of 1 car parking space for 30 sq m of floor space and allowing for full use of the car park to the west of B55, a shortfall of some 50 spaces would remain when the building becomes operational. This will be met by an extension to the car park to the west of B55 which will be the subject of a separate planning application.

The modular building has a projected lifespan of 25 years, the anticipated construction completion date being 2011.

In planning policy terms, Policy NUC 2 of the adopted Copeland Local Plan 2001-2016 supports developments within the licensed site boundary for or related to the nuclear fuel cycle where the development contributes to a long term strategy for the future management of the site. The proposed development accords with this policy.

However, on the grounds of sustainability and to stimulate the economic regeneration of the area the Council is committed to the transfer of office jobs currently provided within the site to locations outside the licensed site boundary, particularly town centres, by way of Policy NUC 3 of the adopted Copeland Local Plan which states that:-

"The relocation of non radioactive development from the site shall be undertaken in accordance with the Development Strategy Policies DEV 1 to 6. The following preferred locations are identified:-

- General office in the town centre or edge of town centre locations
- Nuclear technology related at Westlakes Science and Technology Park

MAIN AGENDA

- Workshops/processing operations on local employment sites."

The applicants have been requested to confirm that all of the potential 360 employees to be housed within this new development need to be accommodated on site and that dedicated associated on-site car parking is necessary as opposed to off-site at Yottenfews.

A copy of the applicant's letter of response dated 18 April 2008 is appended. I must say that the response is less than convincing. Whilst the need for the new office accommodation to facilitate Ponds and Silos decommissioning is fully recognised, the ongoing Accommodation Strategy being undertaken by Sellafield Ltd should determine whether all of the anticipated workforce actually require to be accommodated on site.

In conclusion, and notwithstanding that the applicants envisage a 25 year life for this modular building, I recommend that permission is limited to an initial period of 3 years in order to facilitate the completion and consideration of the corporate Accommodation Strategy for the licensed site. The subsequent renewal of planning permission can then be reassessed in the light of the report's findings.

Recommendation

Approve (commence within 3 years)

2. Permission shall expire on 30 April 2011. At or before the expiration of this period the modular office building shall be removed from the site and the ground reinstated in a manner to be agreed in writing with the Local Planning Authority unless the prior written consent of the Local Planning Authority has been obtained for its continued siting.

Reason for decision:-

The Local Planning Authority wish to be able to review the matter at the end of the limited period stated in the context of the applicant's ongoing Accommodation Strategy for the Sellafield licensed site.



18 April 2008

Tony Pomfret
Development Services Manager
Copeland Borough Council
Catherine Street
Whitehaven
Cumbria
CA28 7SJ

Sellafield Site

Sellafield, Seascale
Cumbria CA20 1PG
Tel: +44 (0)19467 28333
Fax: +44 (0)19467 28987
www.sellafieldsites.com

Direct tel: 019467 -74727

Direct fax:

Your ref: TP/SC/4/08/2049/OF1

Our ref:

Dear Tony,

Proposed Three Storey modular Building to Serve as Office Accommodation, Sellafield

Thank you for your letter of 25th March 2008.

The building is being specifically built to enable the Ponds and Silos decommissioning team to work effectively. This team is delivering the NII specification work to safely retrieve waste from B30 Ponds and B38 silos. Currently this team is based in an existing modular building at the south east corner of the site. This is more than 2km from the changeroom that gives them access to the project work face. This current location results in extremely inefficient working. As the work becomes more "hand on" the inefficiencies will increase, putting the delivery of the NII work programme at risk. The new modular building is adjacent to the changeroom and will eliminate these inefficiencies.

This existing modular building currently accommodates about 150 decommissioning staff (project managers, project team members and support staff who are required to be on site on a daily) and about 60 Resident engineers staff (who control the deployment of all contractors on site). This existing building is nearing the end of its useful life and will need to be demolished by 2010 to allow the construction of a new waste store (subject to a separate planning permission currently with John Pell in Cumbria County council)

In the planning application we identified that there would be 162 new employees and 198 existing employees located in the new modular building. Obviously this ratio is dynamic as team strength flex with circumstances. The delivery of the Ponds and Silos project is a significant volume of work above our current baseline. This will require external recruitment to deliver the project. Staff will either be recruited directly into the project or re-deployed from other areas of site (which will in turn require recruitment to back fill the vacancy)

Also in the application we require a new car park. This situation arises because the new modular building will be built on an existing car park (because the location has good access to utilities and services). The existing car park is needed for essential shift workers who operate the Magnox reprocessing plant. We therefore need to construct a new car park for these staff.

I trust that I have answered your questions. (I have also e-mailed you a copy of this letter.)

Commercial

Yours sincerely

Phil Kett
Head of Site Services
Sellafield Ltd

Copy

Keith Johnson (NDA)
Kate Smith (Sellafield Ltd)
Ian Massey (Sellafield Ltd)
John Parkes (Sellafield Ltd)
Alan Vicars (Sellafield Ltd)

MAIN AGENDA

4 4/08/2053/0

USE OF CAFE/BISTRO FOR WEDDING/FUNCTIONS IN
CONJUNCTION WITH ADJOINING CLOCK TOWER AND SECOND
FLOOR AS OFFICE/TRAINING FACILITIES NEW SINGLE
STOREY REAR EXTENSION WITH ROOF TERRACE ABOVE
4, MARKET SQUARE, MILLOM, CUMBRIA.
MR R S FEARON

Parish Millom

- No objections

Planning permission is sought for the change of use of this property to a function room on the first floor, the second floor as an office, and the roof to the single storey extension as smokers' area and an emergency escape.

The building is situated in the Market Square at Millom, adjoining the Clocktower building in the centre of the square. The Clocktower received planning permission in 2006 for a change of use to a civil wedding ceremonial area and related function suite on the first floor.

The building currently has a cafe to the ground floor, which has recently been granted change of use from a newsagents (4/07/2558/0F1 refers). The function room to the first floor would be internally joined to the Clocktower to provide additional space for functions and weddings, and the second floor as office space.

The rear at present is a small flat roofed extension and open garage/yard area. This application would see the kitchen area extended outwards to the rear boundary with an additional washing up area. The remainder of the ground floor area would be used as a bin store and the necessary space to accommodate rear escape stairs from first floor level. The space above this extension is to be used as an outdoor smoking area. The effective area of this is 3.1m x 5.9m but extending a further 1.5m x 4.2m to provide space for the access to the escape stair. An additional access to the roof terrace would be formed from the Clocktower, but no further external changes are proposed to the building.

Three letters have been received in respect of the proposal; one in support of the application and two objections. Copies of all three letters are appended. The grounds for objection can be summarised as follows:-

1. The development would include the rebuilding of a party wall which the adjoining owners object to.
2. The property is already internally linked to the adjoining Clocktower building.

MAIN AGENDA

3. The smoking area/roof terrace would cause issues regarding rubbish being blown into neighbouring properties.
4. It may be used as an outdoor eating area.
5. It would overlook their property.

In response to these concerns I would comment firstly that issues regarding party walls are outside the remit of Planning. Also, the internal building works that have been undertaken would be for Building Control to assess, not Planning.

The issue regarding potential littering is also not a material planning consideration as this could occur from the existing use but the points regarding overlooking and the use itself are material planning considerations. The use is stated as a smoking terrace, but this would not effectively stop any food or drink use. However, given the size and the intended purpose, it is unlikely that a food and drink use would be desirable. With regard to the use, this is considered a preferable alternative to people congregating under the Clocktower archway in the Market Square as a smoking area. The Council's Environmental Health Section have not made any representations on the proposal as the area is not an enclosed smoking "shelter" as such.

With regard to overlooking, the buildings are located across a rear alleyway which is a common situation in town centre locations. The overlooking situation from this point is not considered to be greatly detrimental or significantly different to the situation regarding adjoining properties.

The proposal, therefore, is considered as being in accordance with Policy EMP 4 of the adopted Copeland Local Plan 2001-2016 regarding extensions to employment uses and, as such, is favourably recommended.

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:-

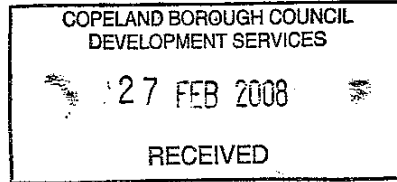
The proposal represents an acceptable extension to an existing business use in the centre of Millom Conservation Area in accordance with Policies EMP 4 and ENV 26 of the adopted Copeland Local Plan 2001-2016

Mrs Jane Margaret Micklethwaite MA LLB (Hons) (Open) BA (Hons)
16 Churchill Drive, Millom, Cumbria LA18 5DD
Tel: (01229) 77 2055 E-mail: jmmicklethwaite@aol.com

Support

(58)

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



25th February 2008

Dear Mr Pomfret

**Re: Planning Application 4/08/2053/0
Use of Café/Bistro for wedding functions in conjunction with adjoining Clock Tower,
4 Market Square, Millom**

I am writing in support of Mr Fearon's application for permission to convert the above said building. This would complement the marvellous work Mr and Mrs Fearon have already began at the Clock Tower Function Suite. It will also remove the last empty commercial premises in the Town Square, vastly improving the quality of the townscape.

I wish to express support for the business venture and believe this to be reasonable use of a building within the Millom Conservation Area. The internal design of the Clock Tower Function Suite is visionary, aesthetically pleasing and shows respect for the historic architecture. Mr and Mrs Fearon have done a superb job on the external appearance of the Clock Tower. The slate has been sandblasted clean and the graffiti removed. It is a joy to see an elegant building restored to its former glory. They have complied with ENV 26 of Copeland Plan, in that they have not substantially altered the external appearance of the building, but have enhanced the appearance of the area, in doing the restorative work.

"Development within Conservation Areas --- will only be permitted where it preserves or enhances the character or appearance of the Conservation Area ---. In Particular it should;

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

Similarly I believe the assimilation of the adjoining shop will improve the quality of the townscape. The building of the roof-top terrace reveals architectural vision and substantially improves the visual appearance of the area. I am confident that Mr and Mrs Fearon will achieve the same architectural quality and ensure that the building will blend in with/complement the existing function suite.

In considering development proposals within conservation areas, local planning authorities are to ensure that s. 72 (1) Listed Buildings and Conservation Areas Act 1990 "special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the local area". The status of Millom Town Square as a Conservation Area is a material planning consideration in determining planning applications in the area. I believe this application is in accordance with the areas particular architectural and historic interest and enhances the appearance of the Conservation Area.

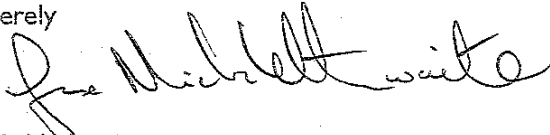
Mrs Jane Margaret Micklethwaite MA LLB (Hons) (Open) BA (Hons)
16 Churchill Drive, Millom, Cumbria LA18 5DD
Tel: (01229) 77 2055 E-mail: Jmmicklethwaite@aol.com

Millom needs to attract new business if it is to prosper. Enterprising people are to be commended for investing their capital in the town. The function suite with its offices and extension will provide local jobs and be of benefit to surrounding business in the square, like the hairdressers and the County Court Hotel. The overall enhancement of the appearance of the area is more likely to attract tourists, which will give a positive boost to trade in general. The business also provides the town and surrounding rural hinterland with a much needed service. Whilst there is a Registry Office serving the utilitarian purpose of performing civil weddings, couples getting married generally want a place that provides a sense of occasion in a pleasant environment. Millom's Registry Office is not the most romantic place in which to tie the knot!

The above is of relevance to Copeland's commitment to regeneration in the borough. It also complies with S.39 of the Planning and Compulsory Purchase Act 2004 and Government Policy with regard to PPS I Regional Spatial Strategies (2004) allowing for integration of planning policy with other regional strategic initiatives, which includes the principle of sustainable development and regeneration.

Please could you add this letter of support to the planning file and publish it in the relevant Planning Schedule. I thank you for considering this matter.

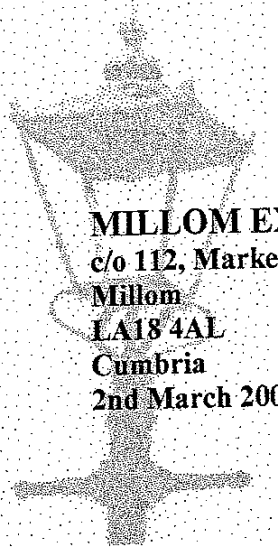
Yours sincerely



Mrs Jane Micklethwaite

cc: Millom Town Council

52



MILLOM EXHIBITION AND RETAIL CENTRE LTD
c/o 112, Market Street
Millom
LA18 4AL
Cumbria
2nd March 2008

TEL: (01229) 773232 /
773303

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES
- 4 MAR 2008
RECEIVED

Copeland Borough Council
Development Services
The Copeland Centre
Catherine Street
Whitehaven
Cumbria
CA28 7SJ

Dear Sir/Madam

Re: Application for Planning Permission Ref. No: 4/08/2053/0F1 Mr. R. S.Fearon: 4, Market Square, Millom

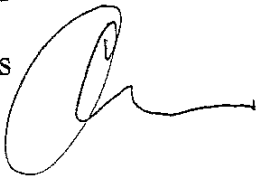
As owners of the adjoining property, we, the directors, wish to object to the granting of planning permission on the following grounds:

1. New access links between the Clocktower building and the Café/Bistro have already been knocked through some months previous to this application. We have already informed you of this in previous letters, outlining the applicant's complete disregard for planning regulations when they affect adjoining properties.

1. The plans received from CBC offices show that the proposed rebuilding of the 'defective single storey areas to the rear' intend to use the wall of our building, the former Market Hall, as the support for their rear extension.

WE ABSOLUTELY REFUSE THEM PERMISSION TO DO THIS and insist that the plans be amended to show a separate boundary wall for their proposed rebuild.

Yours faithfully

pp The Directors 

59

Kim O'Brian and Robert Postlethwaite
The Bakehouse
18 St Georges Terrace
Millom
Cumbria
LA18 4BD
22nd February 2008
Home telephone: 01229 771385
The Bakehouse telephone: 01229 772614

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES
26 FEB 2008
RECEIVED

Simon Blacker
Copeland Borough Council
The Copeland Centre
Catharine Street
Whitehaven
Cumbria

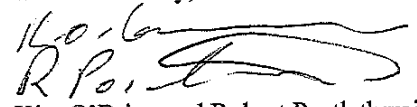
Dear Simon,
Regarding the planning application reference 0/08/2053/0 at 4 Market Square, Millom, by Craig and Green Architects.

As owners of The Bakehouse in St Georges Terrace we share a rear aspect with the proposed development. We are happy that a new business wants to set up in town, we know it is needed, and have no objections to the core of the proposals.

We do however have to strongly voice our objections to the roof terrace on the rear extension. This part of the development would overlook our property and we believe that it will invade our privacy. The need for an outside eating facility, that would allow rubbish and food stuffs to be blown/thrown into our premises and the health and safety implications that it would bring to our work place, is of small practical use to any future business. We do not have the weather for an outside eating facility. Millom is hardly in the south of France and such a small possible benefit for the business weighed against the large potential impact it would have on our established business is, in our opinion, grounds for our objections to this small part of the proposed business.

I believe the planning officer should reject this, and only this part of the development, on these grounds.

Yours Sincerely,



Kim O'Brian and Robert Postlethwaite.

MAIN AGENDA

5 4/08/2082/0

CONVERSION OF ONE DWELLING TO 3 No DWELLINGS WITH
NEW ACCESS ARRANGEMENT TO FRONT & REAR
THE WARREN, HAYESCASTLE ROAD, DISTINGTON,
CUMBRIA.
MR A CLAY

Parish Distington

Permission is sought to convert an existing large house situated off Hayescastle Road in Distington to create three separate dwellings.

The house is currently one large, two storey home which has been extended over a period of time, with large gardens to the front and rear and a wooded portion of land adjoining the site to the north. Outline applications for one dwelling on a paddock land to the rear and three dwellings on part of the front garden and the wooded area to the side, which accompanied this proposal, have recently been withdrawn to enable a flood risk assessment and a detailed surface water drainage scheme to be prepared.

The dwelling which comprises many small rooms ideally lends itself to the proposed vertical split to provide three two storey units, each comprising three bedrooms. The scheme also involves various external alterations either in the form of improvement or refurbishment works including the installation of solar panels; new gable roofs to replace flat roofs; demolition of single storey extensions and the construction of a porch to serve one of the units on the rear/west elevation. Alterations on the east elevation comprise the removal of a porch and balcony, installation of a new garage door and the blocking-up of existing openings.

The units will have front and rear gardens with parking available to serve each. Vehicular access to the two units (5 & 6) nearest Hayescastle Road will be shared from the existing footbridge which currently provides agricultural access to the rear paddock. This will lead to a pair of new detached garages serving these units with parking provision in front. Access to the third unit (4) would be from the front of the building via a new access road which would be constructed to a standard to serve the three dwellings adjacent that were originally proposed in outline and have now been withdrawn (application no 4/08/2083/001 refers).

Seven letters have been received from local residents who object to this proposal on the following collective grounds. It should be

MAIN AGENDA

noted that these are generic and also applied to the two outline applications for a total of 4 new dwellings adjoining the site - which have now been withdrawn:-

1. Flooding - Concern that to add any more dwellings to the flood zone here would increase the risk of flooding to neighbouring properties, especially if surface water is to be drained into the adjacent stream which runs alongside the site and is prone to flooding. Also, there is a propensity for the sewer and road drains to flood. All require an upgrade before further development is allowed.
2. Access and Parking - Vehicular access along this narrow road, which is partly private, is currently a problem with tractors, horse boxes, parked cars and visitors regularly using it with no turning facility. Any additional traffic onto it would make the situation worse. Request that the grassed area in front be used to widen the road.
3. Access to two of the units would be via a footbridge off the private part of the road. This has only been agreed as bridleway access to a field and the owner would not wish to see this altered.
4. Views and outlook would be affected for nearby residents.
5. Nuisance and disruption caused by the construction process.

In response to these concerns the following comments are provided:-

1. Localised flooding is an issue in this location. The Council's Flood and Coastal Defence Engineer initially raised objections to all three applications originally submitted and this is the main reason why the two outlines have now been withdrawn. He is concerned on the grounds that the proposed developments are likely to increase the flood risk to other properties in the area. However, in respect of this particular application for the conversion of an existing building, he agrees that on its own this is unlikely to significantly increase the amount of surface water run-off generated.
2. Whilst vehicular access is restricted on this road the Highway Authority raise no objection to the proposal subject to appropriate conditions.
3. Issues regarding ownership and legal rights are civil matters to be resolved by the parties concerned.
4. Views and outlook are not material planning considerations. Likewise, any disruption caused by construction.

The site is situated within the settlement boundary for Distington as

MAIN AGENDA

designated in the adopted Copeland Local Plan 2001-2016. Policy HSG 15 is the relevant policy for the sub-division of large houses in urban areas such as this. This permits conversion providing there is:-

- adequate internal space without extensive alterations or additions
- adequate off-street parking and external amenity space
- conversion works retain the character of the building
- the works do not create amenity problems for adjacent residents

It has been demonstrated that the proposed scheme satisfies the criteria of the above policy, meeting the required standards of amenity and does not significantly adversely affect neighbouring residents. Also, flooding is not considered to be an issue with no significant increase in surface water discharge envisaged.

Recommendation

Approve (commence within 3 years)

2. Details of the proposed crossings of the highway verge and/or footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be commenced until the details have been approved and the crossings constructed.
3. Details of all measures to be taken to prevent surface water discharging onto or off the highway shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter
4. The access drives and parking areas shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwellings are occupied.
5. The access road shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

MAIN AGENDA

6. Full details of the garage block to serve units 5 and 6 shall be submitted to and approved in writing by the Local Planning Authority before development commences. The garage block shall be constructed in accordance with the approved details before the units are occupied.
7. Any access gates erected shall open inwards only away from the highway.

Reasons for the above conditions:-

In the interests of highway safety

To retain control over the appearance of the garage in the interests of local amenity

Reason for decision:-

The sub division of this large house to provide 3 residential units represents an acceptable conversion scheme within the settlement boundary of Distington in accordance with Policy HSG 15 of the adopted Copeland Local Plan 2001-2016

6 4/08/2093/0

ERECTION OF 4 No TERRACED HOUSES
MAIN STREET, DISTINGTON, CUMBRIA.
MRS P MAGUIRE

Parish Distington

- Members had concerns with regards to the size of this development on what appears to be a very small plot of land and also to the fact that it is very close to the main entrance to the village from the North. Members felt that it would be advantageous for a site meeting to be held in order that the scope of the development could be fully understood before a final decision is taken.

At the last meeting Members resolved to accede to the Parish Council's request for a site visit before determining this application. The site visit took place on Wednesday, 16 April 2008.

Outline planning permission to demolish an existing barn and construct a pair of semi-detached properties on this site fronting Main Street, Distington was approved in November 1996 (4/96/0545/001 refers). Detailed planning permission for the erection of a pair of

MAIN AGENDA

semi-detached houses was then approved in June 2004 (4/04/2376/0F1 refers). A subsequent detailed application for a terrace of three dwellings was then approved in April 2007 (4/07/2114/0F1 refers). Following this last approval the site has been cleared and a substantial retaining wall constructed to the rear of the site.

Having acquired additional land to the west of the site planning permission is now sought to erect a terrace of four, two bedroomed dwellings with associated car parking on this now vacant site.

The dwellings are of a simple design offering accommodation over two storeys with small porches to the front elevation. The terrace will be set back between 1.0m and 3.6m from the carriageway edge allowing for a private area to the front of each dwelling. The dwellings will be sited between 4.6-5.0m from the existing retaining wall allowing for rear private amenity spaces.

External finishes comprise painted rendered walls with smooth cement surrounds, slate roof coverings, white UPVC mock sash windows and painted hardwood doors.

A car parking and associated turning area is proposed to the west of the site providing off-street parking for a total of eight vehicles. Access to the parking area is directly off Main Street.

No objections have been received from the Highways Authority and United Utilities, subject to conditions being attached to any subsequent approval.

There is strong local opposition to this application with five letters of objection and a 115 name petition having been received. The grounds for objection can be summarised as follows:-

1. Since building work has commenced the site has been plagued with landslips, building problems, broken promises and rudeness to local residents. Problems were shown on Border News because the Police and Council had to be called in to make the site safe.
2. The site groundwork is unsafe and as far as the objector is aware has never been checked and is a health hazard and safety nightmare. People are left with their gardens dug out, a shed demolished, a pets grave and memorial destroyed, no access to their front gates and a 25ft drop. Four houses will mean more digging out and more upset.
3. The applicants should repair the damage they have already done before applying to do more and suggests that the area should be filled in and put back to what it was before as it has been an eyesore for long enough.
4. Four houses and more parking spaces will create a danger to public safety. The access to the car park would be near bus

MAIN AGENDA

stops, the A595 junction and directly opposite an existing vehicular access, thus creating further problems on what is already a busy and dangerous junction with limited visibility.

5. Cannot understand why a person would want to buy and live in a property that backs onto a 25 ft high concrete wall with just a parking space and very little garden space.
6. The boundary hedge and a tree have been removed giving neighbouring properties full view of the site and allowing people to overlook existing gardens above the site.
7. People getting in and out of their cars in the car park will have full view into the property opposite resulting in a loss of privacy.
8. Inaccuracy of plans with the location plan showing the house on the left touching the footpath and the block plan not.
9. The railings/fences around the site at present are not secure.
10. Flooding has not been addressed on the application forms. Properties in this area have flooded due to the culvert not being large enough. If these properties were built more flooding would be caused.
11. Interference with existing gas lines.
12. Impact on property values.

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

1. Issues relating to the structural safety of the site and the retaining wall will be covered under the Building Regulations application.
2. No objections have been received from Cumbria Highways and United Utilities with regards to the access, parking and drainage arrangements.
3. Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 requires a minimum distance of 21.0m between facing elevations containing habitable room windows in order to prevent overlooking. The proposal adequately achieves the required separation distances, general standards of amenity and car parking required by Policy HSG 8.
4. Issues relating to property values are not material planning considerations.

The principle of developing this site for residential purposes has already been established with the granting of outline consent in 1996

MAIN AGENDA

and detailed approvals in 2004 and 2007 respectively. This application seeks to increase the number of dwellings from three to four which, in my opinion, represents a more efficient use of the site compliant with Policies HSG 4 and HSG 8 and, as such, is favourably recommended.

Recommendation

Approve (commence within 3 years)

2. Full details of the existing rear and proposed side retaining walls/structures shall be submitted to and approved in writing by the Local Planning Authority before development commences. The retaining walls/structures shall be constructed in accordance with the approved details before construction of the dwellings commences and shall be so maintained thereafter.
3. The development shall not commence until visibility splays providing clear visibility of 2.4 x 45 metres measured down the centre of the car park access and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
4. Access gates, if provided, shall be hung to open inwards only away from the highway.
5. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
6. The vehicular crossings over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.
7. The car park shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before any of the dwellings are occupied.

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The reasons for the above conditions are:-

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

To safeguard the structural and amenity interests of neighbouring properties and land

In the interests of highway safety and environmental management

To ensure a suitable standard of crossing for pedestrian safety

Reason for decision:-

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

7 4/08/2100/0

REPLACEMENT DWELLING
GREENSYKE LODGE, LAMPLUGH, CUMBRIA.
MR G McAVOY

Parish Lamplugh

- Object for the following reasons:-

1. The plot is small and any rebuild should be on the same scale as existing
2. It is not sympathetic to surrounding house designs
3. It is out of scale to the plot
4. Appears to be a purely speculative development
5. There is no identified local need.

Consent is sought to erect a three bedroomed, two storey house on an existing plot within the sporadic settlement of Lamplugh. The site is currently occupied by a single storey substandard bungalow and adjoins a linear group of dwellings to the immediate south of Greensyke Farm. Vehicular access is via a private shared driveway with the neighbouring dwelling from the adjacent unclassified road which in turn is served from the A5086.

MAIN AGENDA

The existing bungalow is of single brick construction and has a shallow pitched roof which currently does not comply with Building Regulations. It is also considered to be of limited architectural merit, being a former agricultural building used for housing livestock in connection with the neighbouring farm. It was converted to a dwelling in the mid 1980's. Extensive refurbishment would be required to improve it and in view of the limited standard of internal accommodation currently provided this is not considered a feasible option. It is therefore proposed to replace it with a larger three bedroomed house with an attached single garage to the side, which reflects the local vernacular in design, albeit on a larger footprint. The house is also repositioned so that it sits at right angles and centrally on the plot as opposed to being offset, which allows the provision of a better standard of accommodation. Adequate parking and turning provision will remain with ample amenity space and established garden land to the front. Materials to be used include painted wet dash rendered walls and a grey tiled roof.

Two letters have been received from the immediate neighbours who express concern or object.

The residents of the adjoining farm to the north are concerned that:-

1. The dwelling would look straight onto their farm business. They stress that this is a working farm and it would be an invasion of the day to day work that is involved running it, i.e. from 6.00 am to 6.00 pm in the winter and 6.00 am to 10.00 pm in the summer, 7 days a week.
2. There is also the noise of machinery and animal smells to consider. They do not want complaints on these grounds.
3. The boundaries may not be correct.
4. The site does not have the space for three parked cars which would probably lead to cars parking on the road and obstructing the visibility from their neighbouring farm and field access.
5. Do not object to a replacement dwelling being built on the correct boundaries but would prefer a bungalow as opposed to a house.

The immediate neighbours of the existing dwelling to the west object to the proposal on the following summarised grounds which it is claimed highlight the fundamental unsuitability of the dwelling and the extent of its detrimental impact on them leading to a reduction in the quality of life from their home:-

1. The agent has not used professional architectural services to develop the outline proposal.

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2. Specific restrictive covenants have not been taken into consideration, i.e. regarding vehicular access.
3. There are significant inaccuracies in land title/ownership with regard to boundaries and access which show the development in a more favourable manner.
4. Substantial inaccuracies in the position/location of the existing dwelling - some 3 metres to the south.
5. Site location and footprint of neighbouring dwelling, Greensyke, are inaccurate.
6. Selective and artistic use of scale on the drawings minimises the understanding of the impact on Greensyke and the highway. The internal layout is cramped and lightless leading to "footprint creep".
7. Written statement in support states that the new dwelling is in approximately the same location as the existing - this is misleading and moves it to within 3 metres of the neighbouring property Greensyke.
8. There is no realistic access around the property - less than 3 feet is proposed.
9. It is a speculative proposal.
10. Details on the application form are incorrect - the applicant has discussed the proposal with the objector.
11. Proposal is not sympathetic to the planning permission granted in 2007 to Greensyke for a first floor extension with specific reference to the lawn and rear patio.
12. Proposal is not sympathetic with the Greensyke compound and does not address the balance of the property, the gardens or overall ambience.
13. Proposed dwelling achieves views over the Lamplugh fells to the considerable detriment and expense of those from Greensyke.
14. Right to light - proposal is likely to have a material and detrimental impact on the trees and gardens of Greensyke due to lack of light severe enough to kill foliage and render the land sterile, removing the ability to use the lawn and rear patio area. Removal of light and views is contrary to the free use and enjoyment of Greensyke land. Light will be reduced leaving the dining room and kitchen unserviceable and rendered in darkness.
15. Not in keeping with the local vernacular - high density urban development.

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16. Proposed materials not in keeping with Greensyke. A slate roof, sandstone frontage and hardwood garage doors would be appropriate.
17. Windows will directly overlook Greensyke and the farm and light levels will be affected on lower levels by existing boundaries, farm access/traffic, silage compound. The Juliet balcony conflicts with the local style. Light in the upper storey is at the expense of light to Greensyke. Privacy of Greensyke must be maintained and windows on the north and west elevation must be designed to ensure this.
18. Access and parking arrangements are unsafe and likely to cause road traffic injury - vehicles will have to reverse down the drive onto the road. This will increase the risk to the young family of Greensyke and Greensyke Lodge.
19. Proposal does not show proximity to actively managed livestock buildings on the farm.
20. Parked cars on the road will restrict access/visibility from the neighbouring farm access which will impact on the day to day running of the farm.
21. Lack of a gate across the entrance will significantly impact on the farms' movement of livestock and the constrained footprint of the dwelling will not facilitate the fitment of gates. Gates are required and must open inwards.
22. There are inadequate statements in the submission - including diversions of rights of way are required; there has been a discussion with neighbours; there will be a change to parking; proposed dwelling borders a working farm, in terms of floorspace there is gain to Greensyke Lodge and loss to the farm.
23. Internal arrangement of the dwelling is severely constricted which will lead to a demand to increase the footprint when detailed construction plans are made. This will increase the detrimental impact of the development further and is likely to be catastrophic to Greensyke.
24. Proximity of the development will affect the structural stability and maintenance of Greensyke - it is too close for routine maintenance and inspections to be carried out.
25. Construction of a two storey dwelling will remove electricity and telephone services to Greensyke.
26. Connection of the dwelling to Greensyke's septic tank is untenable due to the increase in flow. Separate septic tank provision will be required.

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27. Water services are provided by the neighbouring dwelling - separate mains water services are required.
 28. Oil and waste storage must be sympathetic to the compound, not visible from the main road or stored in a location that attracts rodents to the neighbouring dwelling.
 29. Dwelling is proposed as a family house - no play area provision. The residual footprint is inadequate for the play needs of children with most of the available land given over to the footprint of the new development, the lawn area being small and enclosed with bushes.

In response to these objections the following comments are offered:-

1. There already exists a dwelling in this location next to a working farm. This application seeks only a replacement dwelling so the situation in terms of use will not significantly change. It is envisaged that there will be no direct impact on the amenity enjoyed by the farmhouse which is situated some distance away on the other side of the farmyard.
2. Issues raised regarding disputed boundaries, access rights, restrictive covenants are civil/legal matters and not relevant planning considerations.
3. The replacement dwelling is on a larger footprint than the original in terms of ground floor habitable accommodation and the attached single garage to the side does extend it closer to the neighbouring dwelling to the west. The gable end of the proposed garage, which is a blank elevation, is situated 1.0 metre away from the side boundary of the property and 3.0 metres from the nearest blank side elevation of Greensyke which is considered acceptable and commensurate with Policy HSG 8 of the adopted Copeland Local Plan 2001-2016.
4. Inaccuracies on the plans, forms and statements - the submission clearly represents what is being proposed and is considered adequate in planning terms.
5. Privacy and Light - planning permission was granted in 2007 (4/07/2416/0F1 refers) for the reinstatement of the first floor of the neighbouring property, Greensyke, along with the construction of a detached double garage. On the east facing elevation which looks out towards the application site a terrace is proposed at ground floor level along with French windows leading out onto it, formed from extending the existing dining room window. In terms of distance the French windows (what is currently one of the existing dining room windows) would be situated 6.6 metres away from the side boundary with the application site and, according to the block plan submitted, would directly look out onto the single storey 1.0 metre wide side porch/entrance of the new dwelling.

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This in turn measures some 3.9 metres away from the corresponding side boundary to the west, making a total of 10.5 metres separation distance between them. There is a side window proposed here in the new dwelling which could be fitted with obscure glass as an adequate mitigation measure. The first floor wall would have a separation distance of 11.5 metres at this point and contains a landing window which similarly could be required to be of obscure glazing. It should be noted that under the terms of the housing design policy (HSG 8 of the Local Plan) the rooms the windows serve would not be classed as habitable. Although the normal required separation distance here would be 12 metres the proposed dwelling is considered to be positioned at a reasonable distance (10.5 and 11.5 metres away) from the neighbouring property and, as a result, unlikely to have a significant adverse affect on privacy and light afforded to the neighbouring property. Similarly, the concern regarding the affect on light to the kitchen window which faces south onto the garden of the parent property and does not directly overlook the application site is considered to be minimal. Whilst there will inevitably be some affect on light and privacy and hence the amenity the neighbouring dwelling currently enjoys, this is not considered to be so significantly adverse to justify refusal.

6. Views are not relevant material planning considerations and should be disregarded.
7. The design of the dwelling and the materials proposed are considered acceptable in this rural location comprising a fairly standard two storey house under a grey tiled roof with painted wet dash rendered walls. The Juliet balcony on the front at first floor level which overlooks the garden is also considered to be an acceptable design feature with no adverse affect perceived on neighbouring privacy.
8. Access and parking. The block plan demonstrates that there is adequate access, parking and manoeuvring space accompanying the dwelling to which the Highway Authority raise no objections.
9. Whilst a gate may be advisable in the interests of good neighbourliness it is not something which can be insisted upon in this instance.
10. Issues raised regarding work affecting neighbouring dwellings' structural stability, services etc are matters between the two parties concerned and not relevant to planning.
11. It is demonstrated that the plot can accommodate the size of dwelling proposed leaving adequate amenity space to the front for use as garden/play area.

Policy HSG 14 is the relevant Local Plan policy against which this application should be assessed. This permits such replacement

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dwellings outside designated settlement boundaries providing the following criteria are met:- that the proposal is not the result of temporary permissions; would not conflict with public health or safety; or the appearance or potential improvement in the countryside; is not derelict; still exists and is not a protected wildlife habitat. Although the proposal satisfactorily meets these criteria the replacement dwelling is larger than the one it replaces. However, it should be taken into account that this replaces a substandard dwelling of single storey construction which arguably has no architectural merit. This scheme proposes a three bedroomed, two storey dwelling with an attached single garage which is modest in size in terms of current standards and it has been demonstrated that the plot can accommodate a dwelling of this design and size without causing demonstrable harm to neighbouring properties.

Recommendation

Approve (commence within 3 years)

2. The first floor landing window and ground floor hall/porch window on the west elevation of the dwelling shall be fitted with obscure glass and so maintained thereafter.
3. The driveway, parking and turning area shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwelling is brought into use.

The reasons for the above conditions are:-

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

To safeguard the amenities of the neighbouring dwelling

In the interests of highway safety

Reason for decision:-

The proposal represents an acceptable design and scale of replacement dwelling in this rural location in accordance with Policies HSG 8 and HSG 14 of the adopted Copeland Local Plan 2001-2016

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8 4/08/2107/0

PROPOSED EXTENSIONS & ALTERATIONS TO PROVIDE
INDEPENDENT SELF SUPPORTIVE CARE UNITS, NEW
KITCHEN/LAUNDRY/BOILER ROOM FACILITIES AND
ENLARGED DINING & LOUNGE FACILITIES WITH NEW CAR
PARK AND ACCESS ROAD
JOHNSON HOUSE, HILLCREST AVENUE, HILLCREST,
WHITEHAVEN, CUMBRIA.
THE ABBEYFIELD SOCIETY

Parish Whitehaven

A major extension is proposed to Johnson House, an existing Abbeyfield Home which provides sheltered accommodation for older people at Hillcrest, Whitehaven. Comprising a large detached property situated in its own grounds within this residential estate, it is the intention to construct a large extension to the south side which will almost double its size. This will be both single and two storeyed and provide a total of seven independent care units, a two bedroomed housekeeper's flat and ancillary facilities. Internal reorganisation and improvement of some of the existing facilities will also take place.

Vehicular and pedestrian access to the site will remain as existing off Hillcrest Avenue with a 6 bay car parking area adjacent to the existing car park to accommodate any potential increase in cars visiting the site, which the Highway Authority raises no objection to.

Proposed external finishes to the new build will comprise coloured wet dash rendered walls and grey concrete tiles to match the existing.

The site adjoins Jericho Plantation to the south which is a substantially wooded area protected by a Tree Preservation Order (TPO). The application encroaches on part of this area and may have implications for some of the trees. The Council's Landscape Officer has requested further information including an arboricultural method statement, implications assessment, tree constraints and protection plan which will enable a thorough assessment of the impact of the proposal on the protected trees to be made. This is awaited.

United Utilities have objected as a public sewer crosses the site. The applicant's agent is currently negotiating its diversion.

This application has raised strong feelings within the local community. To date 27 letters of objection have been received. Concern is expressed on the following collective grounds:-

1. Visual intrusion, loss of light and privacy and views to immediate neighbours.

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2. The site is a haven for wildlife, including red squirrels. Any development would impact on their habitat and compromise the ecostructure.
3. The development would be too big and look out of place.
4. The proposed development would lead to the loss of valuable local amenity as it is the only green space on the estate.
5. Devaluation of surrounding houses.
6. Adverse impact on the protected trees - any extension should not encroach on the TPO.
7. Loss of a playground for local children.
8. Both the surface water drainage and sewerage systems on the Hillcrest estate are inadequate. This development will exacerbate the situation causing increased flooding to neighbouring houses. When Johnson House was built it caused a lot of local flooding leading to civil court action with the developer to address the situation. New systems should be put in place before any building work is allowed.
9. Existing right of way across the plantation may be affected.
10. Both the extension and car park will increase the area for surface water run off and affect the water table, increasing the risk of flooding.
11. Construction activity will cause noise disturbance to local residents.

In view of the level of local concern and the material planning issues the application raises in respect of drainage and impact on the adjacent TPO it is recommended that Members visit the site to fully appraise the situation prior to making a decision.

Recommendation

Site Visit

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9 4/08/2112/0

REVISED APPLICATION FOR ERECTION OF 21 DWELLINGS
COMPRISING 4 BUNGALOWS, 4 TERRACED HOUSES, 13
DETACHED HOUSES, HARDSTANDINGS, GARAGES AND
ASSOCIATED WORKS
GHYLL BANK, LOWCA, WHITEHAVEN, CUMBRIA.
PERSIMMON HOMES LANCASHIRE

Parish Lowca

- No reply to date.

The development site was formerly a pre fab development at Ghyll Bank, Lowca. Outline planning permission was granted for residential development on the site in November 1994. The development is around a straight cul-de-sac which has bungalows developed on either side at the southern end.

This application is a resubmission of a similar proposal which was granted planning permission in October 2007 (4/07/2520/0 refers). The new application comprises four 3 bedroomed dormer bungalows opposite existing bungalows; four 2 bedroomed terraced houses; seven 3 bedroomed detached houses and six 4 bedroomed houses. The four terraced houses have 6 parking spaces between them and apart from two of the bungalows, which have outdoor parking for two cars each, the remainder of the development has one garage plus drive space per property. The bungalows and the majority of the detached dwellings are shown to have "optional" conservatories. The only difference from the earlier application is that the four terraced dwellings have been interchanged with a pair of semi detached dormer bungalows.

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 1 Existing Planning Permissions
- HSG 8 Housing Design Standards
- TSP 6 General Development Requirements
- TSP 8 Parking Requirements
- SVC 1 Connections to Public Sewers
- SVC 4 Land Drainage

Lowca is classed as a "Local Centre" in the Local Plan and the site lies within the settlement limit. The site has good accessibility to a good range of shops, services, education and employment opportunities and has good access to public transport. Planning permission exists on the site for 11 dwellings and for 21 dwellings and the site is allocated for residential development in the Local Plan. The land is currently vacant and is compatible with development in the area and represents a residential density of 39

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dwellings per hectare. Access to the site is via a constructed cul-de-sac.

United Utilities have responded that land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system. The connection of highway drainage from the proposed development to the public wastewater network will not be permitted.

It is considered that the 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 appropriate for the site. The changes from the earlier approval are not substantial and are considered to be acceptable. 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 received on the respective dates:-

Location plan GBL.PO3 received 7 March 2008
Layout/block plan 161/100 Rev E received 7 March 2008
Floor plans GIL.07A.PO1 received 7 March 2008
Floor plans DIC.07A.PO1 received 7 March 2008
Floor plans DOL.07A.PO1 received 7 March 2008
Floor plans GIL.07A.PO3 received 7 March 2008
Floor plans CHE.07A.PO1 received 7 March 2008
Elevations GIL.07A.PO2 received 7 March 2008
Elevations DIC.07A.PO2 received 7 March 2008
Elevations DOL.07A.PO2 received 7 March 2008
Elevations GIL.07A.PO4 received 7 March 2008
Elevations CHE.07A.PO2 received 7 March 2008
Conservatory elevations and plans CON.07A.SDM07 received 7 March 2008
Fencing layout 161/200 Rev B received 7 March 2008
Surface treatments 161/210 Rev C Fencing layout 161/200 Rev B received 7 March 2008
Surface water drainage plan 1445/002/C4 received 7 March 2008
Foul drainage plan 1445/003/C4 7 March 2008
Design and Access Statement received 7 March 2008
Transport Statement received 7 March 2008
Stage 1 Road Safety Audit and Designer's response received 7 March 2008
Contamination report received 7 March 2008

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3. Notwithstanding the approved drawings, no development shall take place until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development approved by this permission shall be commenced until the access and parking requirements have been constructed, drained and lit in accordance with the approved details. Any such access and parking provision shall not be removed or altered without the prior written consent of the Local Planning Authority.
5. Land drainage or subsoil drainage water shall not be connected into the public sewer system directly or by way of private drainage pipes.
6. No development approved by this planning permission shall be commenced until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:-
 - (a) details of all boundary treatments, including planting and the exact locations, heights and materials of all fences and/or screen and retaining walls
 - (b) details of materials to be used in all hard surfaces
 - (c) planting details including species, heights, location and spacing
 - (d) a timetable for carrying out the scheme
7. The approved landscaping scheme shall be implemented within the first full planting season following the commencement of occupation of the site. Any tree or shrub found dead or dying within five years of planting shall be replaced by specimens of similar type and size to the satisfaction of the Local Planning Authority.
8. Before development commences a scheme of landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping scheme shall be carried out in accordance with the approved schedule.

The reasons for the above conditions are:-

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

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For the avoidance of doubt

In the interests of visual amenity

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

To prevent pollution of the water environment

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

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

Reason for decision:-

The development accords with the Local Plan and completes this small residential development in Lowca. The proposal is similar to an application which was granted planning permission in October 2007

Notes:

1. The applicant's attention is drawn to the contents of the letter dated 1 April 2008 from United Utilities
2. 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.
3. The connection of highway drainage from the proposed development to the public wastewater network will not be permitted.

10 4/08/2117/0

PROPOSED DEMOLITION OF OLD CHURCH, ERECTION OF 3
TERRACED DWELLINGS
LAND ADJOINING 129, MAIN STREET, FRIZINGTON,
CUMBRIA.
RMG DEVELOPMENTS

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Parish Arlecdon and Frizington

- No comments received.

Planning permission is sought to redevelop this prominent site on the corner of Main Street and Yeathouse Road, Frizington currently occupied by a derelict church. It is proposed to erect a terrace of three dwellings offering accommodation over three storeys. The dwellings will be set back 1.0m from the footway edge and a 600mm boundary wall erected to the site frontage.

In terms of accommodation each unit will provide a living room, kitchen/diner and WC at ground floor level, two bedrooms and a bathroom at first floor level and an additional bedroom incorporated into the roof space.

External finishes comprise rendered walls, grey roof tiles and white UPVC windows. Each unit will have a rear private garden area.

As originally submitted a terrace of four dwellings with front porches was proposed. The Highways Authority recommended refusal of this scheme as it would have restricted visibility at the road junction and they were not satisfied that adequate off-street parking could be achieved.

Having deleted the end unit and the front porches, the amended scheme safeguards the highway visibility and provides for four off-road parking spaces accessed off Yeathouse Road.

A single letter of objection has been received from an adjoining owner to the east who is concerned that their property is not clearly indicated in the plans and that the proposal will result in a reduction in sun light to their private yard which they use frequently.

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 HSG 8 and subject to the requirements of other plan policies, in particular HSG 8 which sets out the design criteria for new dwellings.

In my opinion the amended scheme materially addresses the issues raised by the Highways Authority, adequately achieves the required separation distances, general standards of amenity and car parking as required by Policy HSG 8 and will secure the redevelopment of this prominent Main Street site. As such, the proposal is favourably recommended.

Recommendation

Approve (commence within 3 years)

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2. Permission shall relate solely to the amended plans received by the Local Planning Authority on 21 April 2008.
3. The site shall be drained on a separate system, with foul drainage only connected into the foul sewer.

Reasons for the above conditions:-

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

For the avoidance of doubt

To ensure a satisfactory drainage scheme

Reason for decision:-

An acceptable small scale housing proposal that will facilitate the redevelopment of this prominent derelict site adjacent to Frizington Main Street in accordance with Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016

11 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 by Members planning permission for the erection of a wind turbine was approved within the grounds of this infants school in May 2006 (4/06/2226/0F1 refers). Prior to this an application to extend and alter the existing school, change of use of open land into a school play area and upgrade the public car park including lighting and CCTV was approved in April 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 schools clubs and

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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 backing area above, fronting Bleng Avenue. As such, it is proposed that part of the grassed bank be excavated to allow for the increased pitch size and a retaining wall constructed. In addition, the existing stepped pedestrian access from Bleng Avenue will be re-sited.

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 southern perimeter which runs parallel to the rear of the properties on Snebro Road. A letter from the headmaster 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.

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 protection plans have been requested. Such details have yet to be received.

No objections have been received from Cumbria Highways.

Consultations with the Council's Environmental Health Department are ongoing.

There is strong local opposition to this application with 20 letters of objection and a 40 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 from clanging gates from 7.00 am until 7.30 pm 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 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

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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 period means 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 from 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.

In response to comments raised a letter has been received from the applicant's agent confirming that the issue of light pollution has 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 9.00 pm. 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 winter months. They do not consider 9.00 pm to be exceptionally late and are aware of similar local

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facilities at Whitehaven Amateurs ground that are lit until 10.00 pm.

They also note that additional planting is proposed to the sides and rear of the school to provide supplementary screening to neighbouring properties.

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.

In particular, Policy DEV 6 sets out the criteria for achieving sustainable design. The preamble to this policy states that all development proposals will be assessed against the need to maintain standards of general amenity, avoiding nuisance or disturbances by way of noise and ensuring reasonable levels of privacy in domestic environments.

Given the strength of local opposition and to afford Members the opportunity to consider all the issues raised, it is recommended that a site visit be carried out before determining this application.

Recommendation

Site Visit

12 4/08/2122/0

TWO STOREY SIDE EXTENSION WITH REAR SINGLE STOREY
SUN LOUNGE
5, MUNROE AVENUE, MILLOM, CUMBRIA.
MRS L BROCKBANK

Parish Millom

- No objections.

Planning permission is sought for domestic extensions at 5 Munroe Avenue, Millom.

The dwelling is situated in a cul-de-sac of ten houses on the edge of Millom with open fields to the rear.

The proposal consists of a two storey extension to the side of the dwelling and a single storey lounge to the rear. The extension to the side measures 7.4m x 4.5m, consisting of a garage and a bedroom above. To the frontage a canopy is proposed covering over the

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garage and the front door which would protrude 0.6m. However, this structure would still be over 5 metres away from the front boundary.

The proposed sun lounge would be located to the rear of the garage at the furthest point away from the adjoining dwelling. This measures 2.2m x 4.7m. The extensions would have a dash finish to the walls with grey tiled roof to match the existing dwelling.

Four letters of objection have been received from residents within the cul-de-sac. However, three letters are in support of the owner of an adjoining dwelling, whose property is situated at a 90 degree angle to the application site. Their concerns can be summarised as:-

1. The development would block the view from the back door to the dwelling.
2. The proposal will cause a loss of value to the adjoining property.
3. The parking situation in the Avenue is currently bad.

In response to these issues I would comment that firstly, the loss of a view or the possible devaluing of a property are not material planning considerations. Secondly, I would comment that the application site is situated at a much lower level so there will be no issues with regard to loss of light. Also, the applicant has submitted amended plans incorporating a hipped roof to the two storeyed extension which will further reduce its impact on the neighbouring property.

With regard to the parking situation the Highways Authority raise no objections subject to conditions being included in any subsequent grant of planning permission.

The proposal is considered to be in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. Permission in respect of elevational treatments shall relate solely to the amended plan received by the Local Planning Authority on 22 April 2008. Development shall be carried out in accordance with the amended details.
3. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use.

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4. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reasons for the above conditions:-

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

For the avoidance of doubt

In the interests of highway safety

Reason for decision:-

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

13 4/08/2126/0

CONVERSION OF AN EXISTING GARAGE/WORKSHOP TO FORM
A SINGLE DWELLING
33, JOHN COLLIGAN DRIVE, BOWTHORN, CLEATOR MOOR,
CUMBRIA.
MR C STAFFORD

Parish Cleator Moor

- No objections.

An application to convert an existing detached garage to a domestic dwelling was withdrawn in January 2008 due to a lack of information (4/08/2730/0F1 refers).

This application again seeks planning permission to convert an existing detached garage/workshop into a single dwelling. The existing garage/workshop is sited to the rear of, and within the curtilage of the applicant's existing end link property, 33 John Colligan Drive and is accessed off an existing turning circle.

In order to achieve adequate living accommodation it is proposed to extend the south facing gable end of the existing 10.8m x 5.75m garage/workshop by a further 3.3m in length.

MAIN AGENDA

In terms of external alterations it is proposed to replace the existing garage door with a window and door, incorporate patio doors to the side elevation and remove two windows from the rear elevation which faces the existing dwelling. The extension will be finished externally to match the existing building which includes pebble dash rendered walls, concrete roof tiles and UPVC windows and doors.

The Highways Authority have requested that the proposed off-road car parking arrangements to both the existing dwelling and new dwelling be clarified. These should include at least 2 spaces for each property. In addition to this it has been requested that the applicant clearly defines the proposed boundaries and curtilage areas of the proposed and existing properties. No further information has been received.

Letters of objection have been received from two neighbouring property owners. The grounds for objection can be summarised as follows:-

1. If this application is approved how long will it take before the owners convert it into a dormer bungalow which may have windows overlooking the objector's bedroom window, so removing their privacy.
2. The garage should never has been allowed given the size it is, never mind allowing it to become a bungalow.
3. If the application is approved can the objectors be assured that there will be no further extensions or alterations to the building in the future.
4. When the original consent was given for the large garage it was assumed this is what it would remain as it is directly behind one of the objector's properties.

Policy HSG 15 of the adopted Copeland Local Plan 2001-2016 sets out the criteria for conversion schemes in urban areas. It 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;

MAIN AGENDA

4. the conversion works retain the character of the building; and
5. no alterations or associated works create amenity problems for residents of adjacent properties."

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

In my opinion the proposal fails to satisfy the above criteria insofar as it would lead to a lowering of housing standards for the parent property through the loss of amenity space, access and off-street parking. Furthermore, a detached single storey dwelling in this location would be out of keeping with existing two storey link and semi-detached properties and the locality in general. As such it is recommended that the application be refused.

Recommendation

Refuse

By virtue of its scale, design and siting within the curtilage of an existing end link house, the proposed single storey detached dwelling would lead to an unacceptable reduction in residential standards, off-street parking and general amenity for the parent property and be out of character with the locality in general, contrary to Policies DEV 6 and HSG 15 of the adopted Copeland Local Plan 2001-2016.

14 4/08/2131/0

LAWFUL DEVELOPMENT CERTIFICATE FOR EXISTING USE
AS A SINGLE DWELLING
ALDER LEYS, LOW LEYS FARM, LAMPLUGH, CUMBRIA.
MR P SALKELD

MAIN AGENDA

Parish

Lamplugh

- No comments received.

A Lawful Development Certificate (LDC) for use of this building within the existing farmstead of Low Leys, Lamplugh as a single dwelling is sought.

Where an unauthorised change of use from a building to a dwelling house has been in place for four or more years it is immune from enforcement action. 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 the 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 is attached. In summary, planning permission for the conversion of an existing barn to holiday accommodation at this farm was approved in December 2002 (4/02/1264/0 refers). Having completed the conversion works the applicant then took up residence in this property on a permanent basis on the 1st December 2003 given that this accommodation was more suited to his family needs.

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

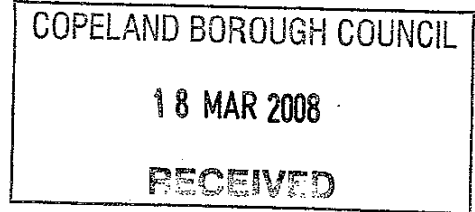
In view of the evidence provided this building has demonstrably been in use as a single dwelling for more than four years and, as such, a Certificate of Lawful Development should be granted.

Recommendation

Approval of Certificate of Lawfulness



4 / 0 8 / 2 1 3 1 / O F 1



STATUTORY DECLARATION

BY

PHILIP SALKELD

March 2008



Chartered Town Planners

56



4 / 0 8 / 2 1 3 1 / 0 F 1

STATUTORY DECLARATION BY PHILIP SALKELD

I, Philip Salkeld of Alder Leys, Lamplugh, Workington, CA14 4SG do solemnly and sincerely declare as follows:

1. In 2002 full planning permission was granted by Copeland Borough Council for the conversion/extension of buildings at Low Leys Farm, Lamplugh to form holiday accommodation. I attach as Document 1 a copy of the consent issued by the Council dated the 18th December 2002. The only conditions attached to that consent refer to a time limit for commencement and the provision of on site parking.
2. Further to the above planning consent being granted I commenced work on the construction of the new unit in early 2003 after receiving Building Control permission for the detailed plans.
3. As work progressed on the site it became clear to myself and my wife that the new house under construction provided a far better standard of accommodation for our purposes than the existing farmhouse at Low Leys Farm. We therefore decided to move into the new unit when it was complete and use the original farmhouse, which provided far more accommodation, for holiday letting purposes.
4. In December 2003 we therefore took occupation of the unit on a permanent basis.
5. In support of this contention I attach as Document 2 a letter from our insurance company dated 7th January 2004 and addressed to the new house which notes that the new householders policy was taken out on the 21st November 2003 for the dwelling. I also attach as Document 3 a BT invoice dated November 2003 addressed to myself at the new house where the new telephone had already been installed.
6. Because there was still some small jobs to be finished on the site we did not receive the completion notice attached as Document 4 from the Building Control Department until the 2nd March 2004, although the completion date on the Certificate is the 6th February 2004.
7. Later that year it became clear to us that we should have alerted the Rating Officer with regard to our occupation and we therefore approached the appropriate Officer in August 2004 and told him of our occupation of the dwelling. You will note from their letter dated 9th August 2004 which I attach to this statement as Document 5 that the effective date of the alteration to the Council listing was the 21st December 2003.

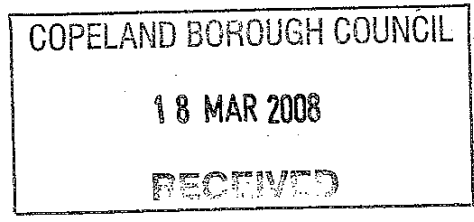
8. In summary I can confirm that myself, my wife and family have continuously occupied the house and grounds shown edged red on the plan attached as Document 6 since December 2003, and I understand that I therefore now qualify for a Certificate of Existing Lawful Use.

and I make this declaration conscientiously believing the same to be true and pursuant to the Statutory Declarations Act 1835

[Handwritten signature]
.....

declared at *Hayport*, Cumbria on this day the *7th* March 2008
before me, Solicitor/Commissioner for Oaths

[Handwritten signature] (Solicitor)
.....
Solicitor



COPELAND BOROUGH COUNCIL

①

Catherine Street, Whitehaven, Cumbria CA28 7NY

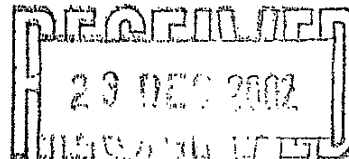
App No 4/02/1264/0

Town and Country Planning Act 1990.

NOTICE OF GRANT OF PLANNING PERMISSION

4 / 08 / 2131 / 0 F 1

GLEN BEATTIE
ALPHA DESIGN
UNIT 7N LAKELAND BUSINESS PARK
COCKERMOUTH
CUMBRIA. CA13 0QT.



BARN CONVERSION/EXTENSION (INCORPORATING
EX-GRANNY ANNEXE) TO FORM HOLIDAY ACCOMMODATION
LOW LEYS FARM, LAMPLUGH, CUMBRIA.
MR & MRS P SALKELD

The above application dated 14/11/02 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions :

1. The development hereby permitted shall be commenced within FIVE years from the date hereof.
2. On-site parking shall be provided in accordance with the amended plan received by the Local Planning Authority on 4 December 2002.

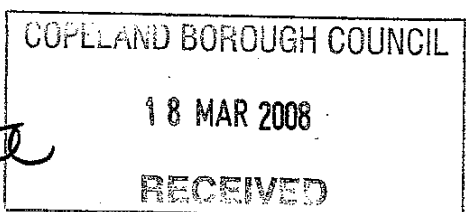
The reason for the above condition is:-

For the avoidance of doubt.

The following development plan policy is relevant to the above decision:-

Policy TSM 5 of the Copeland Local Plan, adopted June 1997.

Please read the accompanying notice



B. White

18 Dec 02

Head of Development and Environment

*This is Dec. (refusal) in the
Declaration of Philip Salkeld made
by me this 7th March 2008*

*Sforza
Salkeld*

4 / 08 / 21 31 / OF 1

2

snic

D Jones & J Cosker
NFU, Unit 2A
Lakeland Business Park
COCKERMOUTH
Cumbria
CA13 0QT



NFU Mutual

Tel 01900 823066
Fax 01900 823888
Email GCUMBW@NFUMUTUAL.CO.UK

Mr. & Mrs P & E Salkeld
Alder Leys
Lamplugh
Workington Cumbria
CA14 4SG

COPELAND BOROUGH COUNCIL
18 MAR 2008
RECEIVED

07/01/2004

Page 1

TO ENSURE YOUR CONTINUED PROTECTION INSURANCE
PREMIUMS MUST BE PAID PROMPTLY

Date	Reference	&	Description	Debit	Credit
21/11/2003	W8K57497		Householders NEW POLICY	412.73	
	New Policy				
07/01/2004	W8K57856		Householders NEW POLICY	131.67	
	New Policy				

*This is Sect 2 referred to in the document
of Philip Salkeld made
by me
from the March 2008 PD in full
14/01/04.
SJK -
Salkeld*

Totals 544.40
Current balance due 544.40

**Make your money work harder with
NFU Mutual's select range of
Investments**
Call us for more information or visit our website on
www.nfumutual.co.uk

IF YOU WISH TO DISCUSS YOUR
INSURANCES, PLEASE DO NOT
HESITATE TO CONTACT OURSELVES.
PLEASE RING 01900 823066

60

NFU Mutual is regulated by the Financial Services Authority
Introducers on behalf of NFU Mutual for life, pension and unit trust business.

More connections. More possibilities.

4 / 0 8 / 2 1 3 1 / 0 F 1

3

Your account and bill number
LC 2378 8099 Q003 5L

MR P SALKELD
ALDER LEYS
LAMPLUGH
WORKINGTON
CA14 4SG

22742 622



Date
17 November 2003

If you have a query
please see reverse for
our contact details.

COPELAND BOROUGH COUNCIL

18 MAR 2008

RECEIVED

BT Together Option 1

Bill for 01946 862411

Total now due £ 43.59

*Please make sure we receive the total now due by
28 November 2003*

BT Together Option 1

- the 6p hour plan
- Your benefits include:
 - UK calls 6p for up to an hour per call at Evenings and Weekends (1p per minute afterwards)
 - UK calls 3p per minute during the Daytime
 - Discounted international calls
 - 5% discount on calls made to mobile phones
- For more information see BT Update enclosed with this bill. Exclusions apply. See Terms and Conditions

BT is a member of Otelo, the
Telecommunications Ombudsman.
Tel: 0845 0501614 (local rate).
www.otelo.org.uk

This is Dot 3 referred to in the
Statement of Philip Salkeld
made before me this 7th March 2008
S. Jones
Justice



18 MAR 2008

RECEIVED

Date
17 November 2003

Your account and bill number
LC 2378 8099 Q003 5L

Your phone number
01946 862411

3

Summary and detail

4 / 0 8 / 2 1 3 1 / 0 F 1

Bill totals	Cost of calls	£ 0.09	see below
	Your benefits	£ 0.00	see page 3
	Service charges	£ 37.01	see page 3
	VAT	£ 6.49	see page 3
	Total	£ 43.59	

This is a summary of your main bill totals, together with where to find information of each total.

Cost of calls £ 0.09

These are the totals for all your calls. These totals take account of your reduced call rates.

Type of call	Total number of calls	Total duration	Total cost
Daytime	1	00:00:17	£ 0.042
Evening & Weekend	1	00:00:54	£ 0.051

Your benefits £ 0.00

Service charges £ 37.01

Package fees/line rental £ 37.01

Date/period	Description	Cost
1 Nov-31 Jan	Package fees/line rental fees	5.10
1 Nov-31 Jan	BT Together Option 1 - The 6p hour plan	31.91
	Total	37.01

VAT £ 6.49

This is the summary of your VAT. If you require a tax invoice for VAT recovery purposes, please call us free on 0800 150 111.

VAT rate	Charge (ex VAT)	Total VAT
17.5%	£ 37.10	£ 6.49

PD in full
21/4/03
cheque 108
62

43.59
38.84

COPELAND BOROUGH COUNCIL

18 MAR 2008

RECEIVED

4 / 0 8 / 2 1 3 1 / 0 F 1

(4)

Copeland Borough Council

Development and Environment Directorate

P.O. Box 19, The Council Offices, Catherine Street, Whitehaven,
CA28 7NY



Certificate of Completion

THE BUILDING ACT 1984
THE BUILDING REGULATIONS 1985

Building Regulations Ref No: 4/03/0105/1

Location: LOW LEYS FARM, LAMPLUGH, WORKINGTON, CUMBRIA Plot No. 1

Details of Work: CONVERSION TO DWELLING

Deposit of Particulars:

Full plans were/~~a building notice was~~* deposited under the Building
Regulations made under Section 1 (3) of the Building Act.

Completion Date: 06 Feb 2004

Compliance with the Building Regulations:

It is hereby certified that the building works described above have
been inspected and so far as the Authority has been able to ascertain
the requirements of the Building Regulations (which were in force at
that time) were satisfied.

M. Brennan

Signature:
(Authorised Officer)

Date: 02 Mar 2004

* Delete as applicable

MR & MRS P SALKELD
LOW LEYS FARM
LAMPLUGH
WORKINGTON
CUMBRIA. CA14 4SG.

*This is doc 4 referred to in the
Statement of Philip Salkeld
made before me for March 200
Sfora
Salkeld*

BC23



If you have any queries regarding this certificate please contact
the Building Control Section on (01946) 852638

BC23



COPELAND BOROUGH COUNCIL
 18 MAR 2008
 RECEIVED

G Chetwood FRICS Dip Rating
 Valuation Officer

5

Ulverston

Glynis House 4 / 08 / 2131 / OF 1
 Brogden Street
 Ulverston
 Cumbria
 LA12 7AT

Mr & Mrs Salkeld
 Alder Leys
 Lamplugh
 Workington
 Cumbria
 CA14 4SG

Your Reference :
 Our Reference : 0920/BA/7322/127
 Please Ask For : Rachel Livesey
 Contact Numbers: Tel 01229 897100
 Fax 01229 897199
 Date : 9 August 2004

Dear Sir/Madam,

COUNCIL TAX : NOTICE OF MAKING A NEW ENTRY IN THE VALUATION LIST

I have altered the Valuation List by making the new entry shown below because your property comprises a dwelling for Council Tax purposes and it is not shown in the Valuation List.

Billing Authority : COPELAND
 Reference Number : 14L088A01-
 Address : ALDER LEYS, LAMPLUGH, WORKINGTON, CUMBRIA, CA14 4SG
 Band : E
 Effective Date of Alteration : 21 December 2003

The band is based on the estimated open market value of the property at 1 April 1991 subject to certain statutory assumptions. The enclosed leaflet explains the importance of this Notice, and the appeals system.

If you do not agree with this Notice, you may appeal against the new entry and/or the effective date. If you wish to appeal please let me know and I will send you a 'proposal form'. Your proposal must reach me within 6 months from the date of this Notice.

If you have any questions please contact the person named above, who will be happy to help you. Questions about paying Council Tax should, however, be made to your local Council, shown above as the Billing Authority. They have already been notified of this change.

Yours faithfully,

G Chetwood
 G Chetwood FRICS Dip Rating
 Listing Officer.

Enc.

VO 7702 (2000 v 3)

*This is Doct S referred to in the
 Deed of Philip Salkeld
 made before me for 18th Dec 2003*
G Chetwood
Salkeld

664



MAIN AGENDA

15 4/08/2132/0

NEW DWELLING HOUSE
PLOT 4, BLYTHE PLACE GARDENS, SEAMILL LANE,
ST BEES, CUMBRIA.
MR G SHAW

Parish St Bees

- No comments received.

Full permission is sought for the erection of a two storey dormer style detached dwelling on a fairly level triangular shaped plot, formerly part of a commercial horticultural nursery on Seamill Lane within a predominantly residential area of the village of St Bees.

The proposal comprises a family sized dwelling on two floors with the four bedrooms, a bathroom and landing accommodation on the upper floor contained in the roof space facilitated by the construction of three large dormer extensions on the west and north elevations. On the ground floor the main living area is provided with a kitchen/family room, a living room, dining room, entrance lobby, utility room and an integral single garage.

Parking is provided at the front of the garage with vehicular access via a recently constructed shared access from Seamill Lane serving this and the adjacent three plots as well as the existing property "Wyndhow" which sits immediately behind.

The dwelling is situated on a plot which is sited immediately in front of an existing bungalow and next to traditional semi detached houses. The accompanying block plan, however, demonstrates that it can be adequately accommodated on site in accordance with all the required separation distances from neighbouring dwellings as set out in Policy HSG 8 of the adopted Copeland Local Plan 2001-2016.

External materials to be used include roof tiles to match the existing bungalow, painted wet dash rendered walls and uPVC or white painted timber doors and windows.

A detailed Design and Access Statement accompanies this application and the applicants, in a supporting letter, specifically request that this be appended to this report for Members to read and take into account in reaching any decision.

The planning history relating to this site is relevant. Outline consent for four dwellings on this and three neighbouring plots was granted in 2005 (4/05/2011/001 refers). This has just recently lapsed and a renewal is awaiting registration pending the submission of further information. The outline, it should be noted, was a controversial application with local objections raised and at the time Members benefitted from a site visit. They concurred with the

MAIN AGENDA

view of the officers at the time that the impact of any new dwellings on the existing ones neighbouring the site and in the vicinity was a key issue and supported the imposition of a condition to restrict the height of any subsequent new development in the area to single storey. Condition 3 of the outline consent therefore requires that "the dwellings shall be of single storey construction". This measure was in direct response to concerns raised by neighbouring residents to mitigate against the potential adverse impact of any new dwellings in respect of proximity, overlooking and loss of privacy. It is considered that any dwellings other than single storey would not be an appropriate form of development in this location because of their likely impact on neighbouring dwellings.

Also of relevance is the fact that full planning permission for a large two storey split level dwelling on plot 2 was refused in December last year (4/07/2657/0F1 refers) on the following grounds:-

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

An appeal against this decision has been lodged with the Planning Inspectorate and the outcome is awaited which will have implications for the future development of the site.

A letter has been received from the residents of the two storey semi detached dwelling which adjoins the site to the south. They wish to comment on the application as follows:-

1. The Design and Access Statement describes the bungalow "Wyndhow" behind as a dormer bungalow which is misleading. It has the shape and height of a standard bungalow with additional accommodation created in the roof void. It has been described as such to justify the application.
2. To allow two storey dwellings on this site is contrary to the spirit of the original outline permission which restricted dwellings to single storey.
3. Do not object to a single storey dwelling but a two storey dwelling will significantly change the nature of the outlook of Blythe Place Gardens and from our own perspective.
4. Concern that once approval is given it will open the floodgates for other two storey dwellings on the site.
5. The site to the south is described as bounded by a stone wall. In fact this is only for the first 4 yards with the rest of the

132 Main Street
St. Bees
Cumbria
CA27 0DE

16th April 2008

ATTENTION OF MS H MORRISON

Copeland Borough Council
Planning Department
The Copeland Centre
Catherine Street
Whitehaven
Cumbria
CA28 7SJ

Dear Ms Morrison

RE: Mr G Shaw - Plot 4, Blythe Place Gardens, St. Bees


I understand the above planning application goes to the Planning Panel on the 30th April.

I would like it noted as a request in your report, that I would like all panel members to read the Design and Access Statement or have it read out by yourself, before any decision is made regarding the application. The statement covers everything relevant to the plot and its surroundings.

I will be attending the meeting.

Thank you

Regards



Graham Shaw

Design and Access Statement.

**Plot 4 Residential Development Land Adjacent to Blythe Place
Seamill Lane St.Bees, Cumbria. for Graham and Julie Shaw.**

The existing site.

The existing site was granted outline planning approval by Copland Borough Council in 2005 for residential development.

**Copeland Borough Council Ref. 4/05/2011/0 OUTLINE APPLICATION
FOR FOUR DWELLINGS BLYTHE PLACE GARDENS, ST.BEES, CUMBRIA.
04/01/05 Applicant Address: R BROWN. WYNDHOWE BLYTHE PLACE
GARDENS ST BEES CUMBRIA**

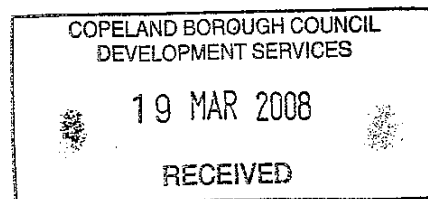
This design and access statement is to support a full detailed application specifically for Plot 4 of the development, which is the plot west of the existing bungalow belonging to Mr R Brown, the original applicant for the outline application.

The application site is triangular between the new access road to plot 3 and the main access road, Seamill Lane.

The site has a slight gradient from north to south that does not impact on the design.

The original site access to the north of the site is the only real access point and has been determined at outline approval for the whole site of 5 dwellings. This design will be completed by the original developer before works on any of the building plots begins as conditioned in the outline approval.

The original site was part of Mr. Brown's market garden. And the landscaping reflects this use although for some time part of the site has been part of the private garden to his bungalow Willowhowe. To the south of the site is a pair of semi detached houses fronting onto Sea Mill Lane. To the other side of the road directly to the north is Dale Cottage which is a three storey dwelling and to the west is Sea Breezes which was formerly a bungalow but has been converted



to a two storey dwelling, a house, presumably with the full planning consent of Copeland Borough Council.

At present the site is stripped bare and ready to build on with the new road base in place. It is a condition of the original outline approval that the road shall be complete before any of the new homes can be occupied. All the required services are available mainly in the road adjacent to the site, Seamill Lane. There will be an agree service right of way 2 metres wide along the southern boundary of the application site to enable plot 3 to connect to all the services.

The site is bounded on the south by a stone wall which will remain, it is bounded along Seamill lane by a hedge that will be removed and replaced with a brick wall approximately 1200 mm high above road level. The house will form the eastern boundary with a wall to enclose the rear yard.

The Design Brief.

The applicants wished to fulfil their desires to build their own home. They wish to build a family home in St. Bees and were fortunate enough to procure the application site from Mr. Brown the original developer. They have simple living requirements appropriate to a family unit for the 21st. century.

- A garage for the family car with space for visitors on the drive. This would be essential to avoid any congestion on Sea Mill Lane which is narrow and passing can only be achieved in a couple of strategic places and even then only with caution. It is noted that the original scheme for four houses included a provision to enable all four sites to be able to turn onsite to avoid manoeuvres on the Main highway and to minimise the impact of additional traffic on the Lane.
- 4 Bedrooms of a reasonable size with an en-suite shower room for the main bedroom. This will suite the family needs and the Shower room will relieve time pressure on the use of the main bathroom.

- Living room. To have access to the other living spaces in the house and if possible take advantage of a long view, in this case up the road to the north.
- Kitchen and family room with a separate dining room.
- A Utility room. This should accommodate the laundry and "white furniture" requirement particularly where the kitchen may be linked with the family room.
- A bathroom.
- Good links between the inside and outside of the building to enable full practical use of the gardens.
- Specific Building regulations challenges. In addition to the basic requirements the house was to comply with or exceed the needs of the current Building Regulations with regard in particular to Part L. Consideration had to be given to the Building Regulations Part M. Accessibility.
- Planning Policy and Conditions. The Building was to meet the Copeland Borough Council policy guidelines and any conditions applied on the outline approval in the responsibility of the applicants where not retained as the responsibility of the main site developer Mr. Brown.
- The dwelling was to be sustainable and to as high a quality of design that could be achieved economically and practically.
- The materials to be selected for the external finish of the build where to be appropriate to the building style and site location.
- The dwelling was to take account of and be appropriate to the site contour and the character and scale of the existing built environment.
- It was a condition of the sale with Mr Brown that the designs to be submitted for the approval of the local authority first met with

his approval. Mr. Brown has confirmed to the applicants that he is satisfied with the design.

The Design Process

The design was to evolve from the brief and the site analysis.

Pre-consultation with the planning authority.

There was a condition that the building should be single storey. The applicant consulted the local planning authority to discuss this condition and it was agreed such a condition may be inappropriate given the nature of the surrounding built environment and this was indeed being challenged by appeal by the developers of plot 2. In this case the clients have opted for a dormer bungalow which should meet the needs of the planning authority as it is similar in scale to the existing dormer bungalow belonging to Mr. Brown.

Site Particulars informing the design.

The site is basically triangular triangular

The house is designed with all the main room windows carefully situated on the front and west elevation to comply with the privacy distances laid out in the councils policies. Where for instance the kitchen window may have overlooked the side yard behind the garage to the south this has been designed to look to the west. Any other windows than those stated will be fitted with obscure glazing as they do not serve habitable rooms and only need to meet the requirement of ventilation, not light, in non-habitable rooms.

There will be a minimum two metre space at the rear of the bungalow to allow for services to Plot 3.

The site was the major design consideration and resolving the particular site restrictions has been the major contributing factor in the form of the development.

By taking these site limitations and making sound practical judgements the design has developed to achieve the best solution to the applicants brief and satisfies all of their aspirations and may in fact exceed them!

Other Design Considerations

When addressing the needs of Part M of the Building Regulations the site because of its flatness produces few problems with access and level access will be easy to achieve with a ground floor toilet off the front hall. Where it has been possible to include provision under Part M. the design has taken account of this. Light and power sockets will be at the appropriate heights.

The drive to the garage has been designed to ensure cars are parked fully clear of the main access to plot 3 and visitors cars can park to the front of the site.

In order to meet the provision of Part L of the Building Regulations with regard to the DER meeting the TER provision has been made in the design for solar heating panels to be installed on the roof of the building, should the fully detailed thermal analysis of the buildings construction and apparatus require this provision.

External Appearance

Apart from the use of solar panels on the roof the other effect of the building regulations on the external appearance of the building will be the use of double glazing throughout.

On considering the external materials of the building consideration was given to the built environment of the proposals. The local vicinity has new and old housing with a mixture of smooth render, wet dash dry dash render, bricks and sandstone masonry to walls, windows are of every variety and shape, and roof have slates, and a variety of tiles from flat to rolled. This variety does not tie the applicant to any particular style and they have determined they would like the building to be in wet dash painted render with brick plinth and details. The exact type texture and colour of bricks will be presented to the authority for their approval prior to works commencing should approval be forthcoming.

Tiles will be used on the roof and again presented for approval.
Windows will be determined by calculation of U values and the local authority will be informed of the selected material and advised of the colour

Access

Site accessibility has been raised earlier and the sever site restrictions for full Part M compliance have been considered. Motor vehicle access has been addressed and the need to park both the site requirement and visitors cars on the site has been dealt with by the applicant

Vehicular traffic movement beyond the restraints of the site it is understood were considered and dealt with as part of the outline approval for the whole site.

Addressing Council Policy matters.

MAIN AGENDA

boundary being a hedge which should be retained if any approval is granted.

Taking into account the above it is considered that the height and design of the dwelling would be totally out of character in this location and contrary to the condition of the original outline which required any dwelling on this plot to be single storey. The grant of outline permission sought to minimise the impact of any new dwellings here on existing neighbouring properties by keeping them as low as practically possible (i.e. bungalows), both visually and in terms of overlooking. It is considered that the proposed two storey dormer dwelling fails to do this, contrary to Policies DEV 6 and HSG 4.

Recommendation

Refuse

By virtue of its two storey design the proposed dwelling in this location will have an unacceptable impact, both visually and in terms of overlooking, on existing neighbouring properties contrary specifically to condition 3 of the Notice of Grant of Outline Planning Permission dated 30 March 2005 (reference 4/05/2011/001) which restricted development here to single storey and generally to Policies DEV 6 and HSG 4 of the adopted Copeland Local Plan 2001-2016.

16 4/08/2134/0

OUTLINE APPLICATION FOR ERECTION OF 4 DWELLINGS
WITH DETAILS (RESERVED MATTERS) FOR PLOT LAYOUT
AND NEW ACCESS, NEW GARAGE FOR EXISTING BUNGALOW
LAND TO REAR OF SANTANA VILLA, CROSSFIELD ROAD,
CLEATOR MOOR, CUMBRIA.
MRS T JACQUES

Parish Cleator Moor

- No objections.

In 1978 outline planning permission for residential development in fields 4307, 4000 and 4900 to the rear of Crossfield Road was refused by the Local Planning Authority but allowed on appeal in December 1980 (4/78/1319/003 refers). This consent was never implemented.

Full planning permission to develop the portion of site fronting Crossfield Road for one bungalow was then approved in September 1986 (4/86/0838/0 refers). This permission was implemented and is

MAIN AGENDA

occupied by the applicant.

Outline planning permission is now sought for the erection of 4 detached dwellings on land to the rear of the built up frontage of Crossfield Road. Whilst part of the site is occupied by an existing garage, the majority is agricultural land within the applicant's ownership. Given that the existing garage serving Santana Villa would be demolished to make way for the new development it is also proposed to erect a new detached garage to the rear of this existing bungalow.

Whilst submitted in outline, the applicant seeks approval of layout and access at this stage. In terms of layout four detached dwellings are indicated around a central turning head. Plot 1 will be situated directly behind two existing bungalows on Crossfield Road. At its closest point the dwelling on plot 1 would be 18.5m away from an existing conservatory.

In terms of vehicular access it is proposed to utilise the existing access which runs along the side of and serves the applicant's existing property.

No objections have been received from statutory consultees, subject to conditions being attached to any subsequent approval.

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

1. When the objectors purchased their land in 1970 they were informed that the field behind was undermined with old mine workings with the field hedgerow having dropped in one corner. Mineshafts are now being capped in the nearby woods.
2. This is a green belt area.
3. The road narrows significantly and is used by a variety of large farm vehicles, heavy goods wagons and domestic vehicles. Concerns that new dwellings would exacerbate this existing problem and that the access to the bowling green is directly opposite.
4. There have been occasions in the past when emergency vehicles have struggled to gain access because of existing parking, which worsens when the bowling green is in use.
5. For many years now, parking on Crossfield Road has increasingly restricted the flow to single file resulting in difficulty getting in and out of driveways.
6. The parking area behind Santana Villa as shown on the plans appears to be somewhat restricted. Dyno-Rod, a business which provides a 24 hour service, is based at Santana Villa with several related vehicles frequently parked on Crossfield Road.

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7. Crossfield Road is popular with cyclists and walkers joining the cycleway and safety should be a consideration.
8. Concerns regarding drainage of the proposed land. Problems have occurred over the years including flooding of the greenhouse, back lawns and paths of Tregarron. This situation worsened when the garage was built. Assurances should be made that the development sites does not add to this problem.

In terms of land use policy, Policy DEV 4 of the adopted Copeland Local Plan provides that subject to policies in the Local Plan, development will be permitted within the boundaries in the following order of priority:-

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

Policy HSG 4 goes on to state 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 HSG 8 and subject to the requirements of other plan policies. The preamble to this policy states that no greenfield alternatives will be permitted under the windfall provisions.

It is worth noting that there are several allocated housing sites within the Cleator Moor area including the former haulage depot at Aldby Farm (H54), of which a detailed application for part of this site is currently being considered (4/08/2127/0F1 refers). In addition to this there is a designated housing site for a total of 48 dwellings off Birks Road (HA08).

Planning Policy Statement (PPS) 3 "Housing" is also considered material to the determination of this application. It states that there is no presumption that planning permission should be granted because of a previous approval, particularly if the original permission proposal did not deliver the policy objectives of this PPS.

Whilst the site is within the settlement boundary for Cleator Moor it is considered to be greenfield land. Furthermore, the site is considered to be a backland site by nature, with no direct road frontage and shared access facilities. Consequently development on this site would disrupt the character of Crossfield Road which is linear in nature. This was also noted in the appeal decision of the 1978 outline planning application (4/78/1319/003 refers). The Inspector inferred that development on this site would inevitably alter its character from a road with houses on either side more to

MAIN AGENDA

that of an urban road.

In addition to this it is considered that development on this site would adversely impact on the amenities of existing properties, particularly in terms of overlooking the rear private garden and conservatory of Springvale.

For the reasons above I consider the proposed development to be at variance with Policies DEV 4, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Statement 3 (PPS3).

Recommendation

Refuse

The proposal represents non-essential development on Greenfield land. Furthermore, by virtue of its location and layout to the rear of an established road frontage development with shared access facilities, the development would be out of character with the locality and adversely impact on the amenities of existing residential properties in terms of overlooking and loss of privacy and, as such, is at variance with Policies DEV 4, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016, together with Planning Policy Statement (PPS) 3 "Housing".

17 4/08/2135/0

CHANGE OF USE FROM FORMER SCHOOL PREMISES & HOUSE
TO RESIDENTIAL, TO PROVIDE 10 NO TWO BEDROOMED
DWELLINGS
EAGLESFIELD, BEACH ROAD, ST BEES, CUMBRIA.
MR C SAWYER

Parish St Bees

- No comments yet received.

Permission is sought to extend and refurbish this substantial 3 storeyed Victorian property, the front part of which is currently in use as a single dwelling. Situated in an elevated position fronting onto Beach Road in St Bees, it is intended to convert the premises to provide a total of 10 two bedroomed apartments. This will involve extending and altering the rear flat roofed dormitory block as well as retaining the front "domestic scale" dwelling with the addition of dormer extensions.

Vehicular access will be achieved by modifying the existing access to

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the west to serve 15 on-site car parking spaces, 7 of which will be sited on the east side of the property and accessed by an underpass created through the existing building. The existing secondary access to the east will be blocked-up.

A previous application to convert part of this property and construct a substantial new extension to the rear, in place of the dormitory block, was refused in September 2006 (4/06/2262/0F1 refers) for the following reason:-

"Due to the substandard design of the access and the restricted site frontage there is inadequate visibility for vehicles emerging from the site, representing a risk to highway safety contrary to Policies DEV 7 and HSG 8 of the adopted Copeland Local Plan 2001-2016."

This application differs from the previous submission insofar as it involves extending and altering the dormitory block as opposed to demolishing it and replacing it with a contemporary new build; blocking the existing access to the east; reducing the number of units to 10, as well as further modifications to the western access.

To date, a single letter has been received as a result of neighbour notification consultations. This is from a consultant acting on behalf of the residents of five neighbouring properties who comment as follows:-

1. Support the principle of re-use of the building for residential purposes.
2. Pleased that the side access is not to be used as this will maintain privacy and use rights.
3. Clarification is sought as to what the hatched area is adjacent to the access. Residents wish to maintain the ability to access their driveways and maintain the ability to park on the road side for visitors/residential parking.
4. Arrangements for waste bins need to be reviewed as some parking bays will not be usable when bins need to be taken for collection.
5. Disabled parking should be specified.
6. The plans do not show the proposal in relation to adjacent properties. A detailed layout plan showing adjacent properties is required to assess the full impact of the development on these dwellings, particularly in relation to Policy HSG 15 which requires that no alteration works create amenity problems for residents of adjacent properties.
7. The principal concern relates to scale and massing of the proposed rear extension. The proposed elevation to the south

MAIN AGENDA

shows that the roofline will be considerably higher than the existing profile of Eaglesfield. This will create a very dominant aspect to the Beach Road frontage totally out of character with the existing roof line. If this is required, suggest excavation to the existing ground level of Eaglesfield would be more appropriate. This would reduce impact on the street scene and to adjacent properties in respect of privacy and amenity of rear gardens.

- 8. Significant impact from the presence of balconies on the rear elevation. This will enable occupants of the flats to overlook neighbouring rear gardens. This is unacceptable and these should be removed, including the Juliet windows.

A Highway Authority response is still awaited.

In view of the local concerns expressed regarding design and impact of the rear refurbishment scheme as well as the issues the previous application raised in relation to highway safety, it is recommended that Members visit the site again to fully appraise this new proposal prior to the application being determined.

Recommendation

Site Visit

18 4/08/2147/0

16 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 Close and Spedding Close which has its own access onto the busy East Road.
- 2. The traffic count carried out between 8.00 am - 9.00 am and 5.00

pm - 6.00 pm does definitely not reflect the flow of Sellafield traffic.

3. It is over intensive development for the area and a site visit is requested.

This is a major application for the development of this prominent site to the north of Egremont, adjacent to the A595. Formerly a chocolate factory, vehicular access to this vacant brownfield site would be via East Road. It is proposed to erect a large three and a half storey block comprising 16 two bedroom apartments at the north of the site immediately adjacent to the existing 12 apartment block recently constructed known as Christie Place 4/06/2131/0 refers). This would be accompanied by a parking area providing 22 spaces. In addition 14 four bedroom dwellings are to be erected in the form of three blocks of 3 terraces and one block of 5 terraces, all two and a half storeys high in a linear form with gardens fronting onto the trunk road and parking spaces, at a rate of 2 per unit, behind. Proposed external finishes are non specific but include facing brickwork walls and a tiled roof.

To date two 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 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.

MAIN AGENDA

-
8. If the 4 storey block of apartments is unavoidable it would be much less intrusive to residents if it were built at the southern end of the site where they would not overlook anyone.
 9. Would fail to enhance Egremont Market Town Status, and counter productive to work already in progress.
 10. Routing of vehicles via Windrigg Close should not be considered if the safety case for the access is not proven.

Although not specifically allocated for housing within the adopted Copeland Local Plan 2001-2016 the site is situated within the settlement boundary 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. Highway Authority comments in respect of this application, which proposes a considerable increase in density to 30 units and is accompanied by a Stage 1 Safety Audit, are awaited.

In view of the nature of the local concern raised and the objections of the Town Council, it is recommended that Members accede to the request of the Town Council and visit the site to fully appraise all the relevant planning issues prior to determining the application.

Recommendation

Site Visit

CUMBRIA COUNTY COUNCIL

19 4/08/9003/0

TRANSIENT STORAGE OF LOW LEVEL RADIOACTIVE WASTE
CONTAINERS
LOW LEVEL WASTE REPOSITORY, DRIGG, CUMBRIA.
LOW LEVEL WASTE REPOSITORY LTD.

Parish Drigg & Carleton

THE SITE

The application site is a rectangular area of land occupying a central position within the Low Level Waste Repository (LLWR) site, upon which a crate processing building and associated hardstanding previously used in conjunction with the now completed Plutonium Contaminated Materials (PCM) retrievals project currently stand. The site is enclosed by a fence which is approximately 2.8m in height.

THE PROPOSAL

Low Level waste is currently transported to the LLWR principally by rail and once on site containers are unloaded and checked to ensure they comply with the site Conditions for Acceptance. The containers are then grouted and transported to Vault 8.

The transient store will be used to temporarily accommodate ISO Freight containers that have been unloaded from LLW delivery transport prior to being grouted and moved to the vaults. This will avoid the accumulation of containers on the existing railway siding. It will also be used to stockpile waste containers during periods when the grouting facility is undergoing maintenance/refurbishment. The transient store is designed to store approximately 200 containers, stacked to a maximum of two high. This will ensure that the visual impact of the operation is minimised even during extended maintenance periods.

The (Copeland Council) Nuclear Working Group

On 10 April 2008 the Nuclear Working Group (NWG) considered the planning application. The following comments from the NWG are passed to the Planning Panel for their consideration:-

In general, the Nuclear Working Group supports the application, as there appears to be three main benefits to the local community as a result of the proposed new storage area. Firstly, it will be located further inside the existing site and therefore further away from the village. Secondly, it will be concealed by site features and existing topography within the site thus facilitating a better visual amenity. Finally, the site would make use of an existing brownfield site.

CUMBRIA COUNTY COUNCIL

However, the Nuclear Working Group is concerned that the application implies that the operation of the storage will be temporary, during the interim period until the completion of Vault 9 although the application is for "full permission" rather than temporary. Therefore, NWG Members believe that a condition should be sought for a 2 year temporary permission. Finally, as the transient store would make use of the area previously used in the plutonium transfer project, how does the new permission application relate to the previous temporary planning conditions?

The PCM was approved in 1999 with 27 conditions. These have been revised a few times since. The latest revision was in 2006 which was for a limited period expiring on 31 December 2010. All PCMs shall be removed from the Drigg Storage Depot by 30 September 2007 and within 3 months a scheme for decommissioning of the new buildings, the drum store and the magazines shall be submitted to the CCC for approval. It is considered that the current application is a separate issue and the PCM can be dealt with in isolation.

As noted by the NWG, the proposal will have clear benefits:-

1. It will be located further inside the LLWR site area and, therefore, will be further physically off-set from Drigg village.
2. Its visual impact will be lessened compared to the existing situation where the containers are stored in the railway sidings.
3. The store will make beneficial use of a former development site.

Recommendation

That no objection be raised to the proposal, but that planning permission should be subject to a condition restricting the permission to a temporary, two year period, until Vault 9 is available.

COPELAND BOROUGH COUNCIL

20 4/08/2109/0

FELL AND REMOVE FOUR TREES WITHIN MILLOM
CONSERVATION AREA (RETROSPECTIVE)
CAR PARK, ST GEORGES ROAD, MILLOM, CUMBRIA.
OPEN SPACES SECTION

Parish Millom

- No objection.

Consent in retrospect is sought for the felling and removal of four trees within the Millom Conservation Area.

The trees, all of which are Poplars, were situated along the boundary of the main Council car park in the centre of Millom.

Due to the size of the trees the roots had lifted the car park surface causing substantial damage and a trip hazard in places. The applicant has stated that no root pruning programme would alleviate the problem due to the maturity of the trees and may also cause long term stability issues.

The comments from the Council's Landscape Officer are attached to this report. He is satisfied that the works were necessary and does not suggest replanting as the same situation may arise in the future.

Whilst the retrospective nature of the application is not to be condoned, there has been a genuine reason for the works being undertaken in order to maintain and protect the town's main parking facility. The proposal is considered in the context of Policy ENV 27 of the adopted Copeland Local Plan 2001-2016, which states:-

"Proposals to fell trees in Conservation Areas will not be permitted unless required in the interests of public safety."

This proposal is considered to accord with this policy and, as such, is favourably recommended.

Recommendation

Approve



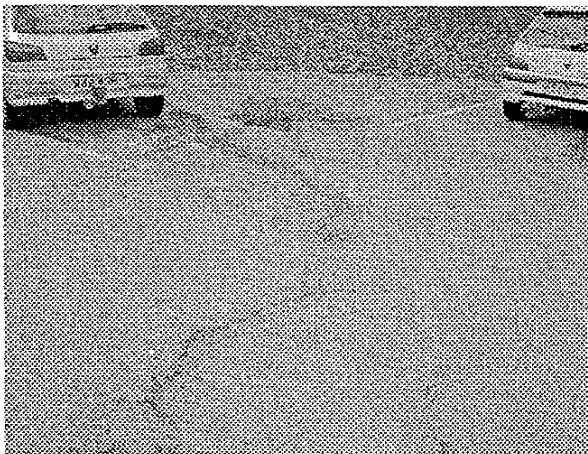
Memo

From: Richard Mellor
To: Simon Blacker
My ref. 4/08/2109/0*1
Date: 31st March 2008
Subject: Fell and remove four trees within Millom conservation area (retrospective)
Car Park, St Georges Road, Millom, Cumbria

Dear Simon,

Thank you for the information, which relates to the above planning application, which was received on the 31st March.

I can now confirm that the four trees which were removed from the car park on St Georges Road, were removed due to each one having an extensive root system, which was lifting the car parking surface causing potential health and safety hazards for the users of this facility (Please see below photo which is one of many). Due to the nature of this location, there will not be any replacement planting at this stage as to avoid any reoccurrence of such problems



Sincerely,
Richard Mellor
Landscape Officer

Schedule of Applications - DELEGATED MATTERS

		CO-OP FOOD STORE, LECONFIELD STREET, CLEATOR MOOR, CUMBRIA. CWS RETAIL FINANCIAL SERVICES
4/08/2075/0	Whitehaven	OUTLINE APPLICATION FOR DETACHED HOUSE SIDE GARDEN OF, 48, HOLLY TERRACE, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR & MRS G ROSE
4/08/2087/0	Whitehaven	STEEL FRAMED BUILDING FOR LAMBING EWES AND GENERAL PURPOSE FOR AGRICULTURE LAND AT, SANDWITH, WHITEHAVEN, CUMBRIA. MR R WHITTON
4/08/2089/0	Egremont	EXTENSION TO EXISTING BARN TO INCLUDE A LEAN-TO LAMBING SHED ADJACENT TO, MONTREAL FARM, MOOR ROW, CUMBRIA. MR R A BOWEN
4/08/2110/0	Whitehaven	INSTALL TWO MICROWAVE ANTENNAE ON ROOF SIR CHRISTOPHER HARDING HOUSE, NORTH SHORE ROAD WHITEHAVEN, CUMBRIA. THUS plc
4/08/2123/0	Whitehaven	PROPOSED CONSERVATORY EXTENSION TO PROVIDE ADDITIONAL LIVING ACCOMMODATION BETHANY HOUSE, 20, CORKICKLE, WHITEHAVEN, CUMBRIA. MR D DITCHBURN
4/08/2021/0	Millom	ERECTION OF 3 BEDROOMED DETACHED HOUSE PLOT 2, THE OLD LOCOMOTION SHED, BORWICK RAILS, MILLOM, CUMRIA. MR G JAKUBOWSKI
4/08/2045/0	Millom	ADVERT CONSENT FOR 1 FASCIA SIGN & 1 PROJECTING SIGN 33-35, LAPSTONE ROAD, MILLOM, CUMBRIA. CWS FINANCIAL SERVICES
4/08/2047/0	Gosforth	ERECTION OF PERMANENT MARQUEE WESTLAKES HOTEL, GOSFORTH, CUMBRIA. MR G ARMSTRONG
4/08/2050/0	Millom	NEW REFRIGERATION PLANT TO REAR YARD AREA, WITH 2.2M HIGH WELD MESH SECURE CAGING AROUND 33-35, LAPSTONE ROAD, MILLOM, CUMBRIA. THE CO-OPERATIVE GROUP
4/08/2060/0	Millom	THREE BEDROOMED DETACHED HOUSE

Schedule of Applications - DELEGATED MATTERS

		DR G BICKERTON
4/08/2099/0	Moresby	ERECTION OF FRONT AND REAR PORCHES GHYLL HEAD COTTAGE, LOW MORESBY, WHITEHAVEN, CUMBRIA. MR M MIDWOOD
4/08/2101/0	Whitehaven	GARAGE ATTACHED TO SIDE OF HOUSE 25, COPELAND AVENUE, MIREHOUSE, WHITEHAVEN, CUMBRIA. MR J CLARK
4/08/2103/0	Whitehaven	ERECTION OF A DETACHED GARAGE (RETROSPECTIVE) WOODLAND VIEW, CORNER OF, LOOP ROAD SOUTH & HILLCREST AVENUE, WHITEHAVEN, CUMBRIA. MR L MASON
4/08/2105/0	Cleator Moor	TWO STOREY EXTENSION 1, EAST DENT COTTAGES, CLEATOR, CUMBRIA. MR AND MRS P GORMAN
4/08/2106/0	Egremont	ERECTION OF TWO CONCRETE SECTIONAL GARAGES 8, OLD SMITHFIELD, EGREMONT, CUMBRIA. MR T FERGUSON
4/08/2108/0	Whitehaven	GROUND FLOOR EXTENSION & GARAGE 49, SPRINGFIELD AVENUE, HIGH MEADOWS, WHITEHAVE CUMBRIA. MR T WILKINSON
4/08/2121/0	Whitehaven	ERECTION OF A SMOKING SHELTER (RETROSPECTIVE) O'CONNOR FENCING, MORESBY INDUSTRIAL ESTATE, MORESBY PARKS, WHITEHAVEN, CUMBRIA. O'CONNOR FENCING LIMITED
4/08/2059/0	Egremont	GENERAL PURPOSE BUILDING (AGRICULTURAL) & PROVI MAXIMUM OF 12 POULTRY SHEDS/COOPS, MOVABLE FOR FIELD ADJACENT TO, WOODEND TO MOOR ROW ROAD, MOOR ROW, CUMBRIA. MR D & MRS C LEE
4/08/2063/0	Whitehaven	CHANGE OF USE FROM VACANT OFFICES 1st & 2nd FLOORS INTO 2 No TWO BEDROOMED APARTMENTS 60/62, LOWTHER STREET, WHITEHAVEN, CUMBRIA. MR T ROWE
4/08/2067/0	Cleator Moor	2 INTERNALLY ILLUMINATED FASCIA SIGNS, 1 x MENU BOARD, 1 x TOTEM MENU BOARD & 1 x CAR PARK SIGN

Schedule of Applications - DELEGATED MATTERS

4/08/2058/0	Cleator Moor	REAR CONSERVATORY 72, MAIN STREET, CLEATOR, CUMBRIA. MRS B BURNS
4/08/2064/0	Lamplugh	INSTALLATION OF FIRST FLOOR DECK GOODWOOD COTTAGE, COCKAN FARM, KIRKLAND, FRIZINGTON, CUMBRIA. MR A MITCHELL
4/08/2065/0	Egremont	DEMOLISH EXISTING GARAGE & CONSTRUCT NEW GARAGE CONSERVATORY EXTENSION ALVA HOUSE, MOOR ROW, CUMBRIA. MR J HIGGINS
4/08/2069/0	Whitehaven	DEMOLITION OF EXISTING SUB-STANDARD GARAGE, ERECTION OF NEW DOUBLE GARAGE 2, THE RETREAT, WHITEHAVEN, CUMBRIA. MRS C TUPMAN
4/08/2070/0	St Johns Beckermeth	ERECTION OF SINGLE STOREY CONSERVATORY TO REAR PROPERTY 60, WODOW ROAD, THORNHILL, EGREMONT, CUMBRIA. MR R JACKSON
4/08/2073/0	Cleator Moor	REPLACEMENT GARAGE 5, BOWTHORN ROAD, CLEATOR MOOR, CUMBRIA. MR B FOWLER
4/08/2080/0	Arlecdon and Frizington	DOUBLE STOREY EXTENSION 61, MILL STREET, FRIZINGTON, CUMBRIA. MR L WOOD
4/08/2084/0	Egremont	ERECTION OF BEDROOM ABOVE EXISTING GARAGE 69, KINGS DRIVE, GULLEY FLATTS, EGREMONT, CUMBRIA. MR L HURST
4/08/2091/0	Parton	DETACHED GARAGE AND BOUNDARY WALL 57, CRIFFEL ROAD, PARTON, WHITEHAVEN, CUMBRIA. MR & MRS PARRY
4/08/2092/0	Cleator Moor	EDWARDIAN CONSERVATORY HALDEN, FRIZINGTON ROAD, CLEATOR MOOR, CUMBRIA. MR AND MRS BURROW
4/08/2095/0	St Bees	UTILITY ROOM EXTENSION SHOREHILL, 82A, MAIN STREET, ST BEES, CUMBRIA.

Schedule of Applications - DELEGATED MATTERS

		PLOT 1, THE OLD LOCOMOTION SHED, BORWICK RAILS, MILLOM, CUMBRIA. MR G KERSHAW
4/08/2068/0	Millom	REMOVE EXISTING GARAGE, CONSTRUCT NEW GARAGE, GARDEN STORE & W.C. LAUREL COTTAGE, WHITRIGGS CLOSE, HAVERIGG, MILLOM, CUMBRIA. MR S RILEY
4/08/2074/0	Millom	ERECTION OF A PAIR OF SEMI-DETACHED HOUSES IN A REVISED FORM HOLBORN HILL, MILLOM, CUMBRIA. MR A GARDNER & MR P QUIRK
4/08/2076/0	Millom Without	AMENDMENTS TO THE APPROVED PLANS FOR BARN CONVERSION TO NEW DWELLING, ORIGINAL APPLICATIO BARN ADJACENT TO, WOODS FARM COTTAGE, THE HILL, MILLOM, CUMBRIA. MR S TOWNDROW
4/08/2078/0	Millom	DEMOLITION OF EXISTING SINGLE STOREY TOILET/BATHROOM & SHED & REPLACE WITH NEW 13, COOK ROAD, MILLOM, CUMBRIA. MR S YOUNG