

## PLANNING PANEL- 2 FEBRUARY 2011

### AGENDA

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## STANDARD CONDITIONS

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

### Outline Consent

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

### Reserved Matters Consent

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

### Full Consent

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

## RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

ITEM NO: 1.

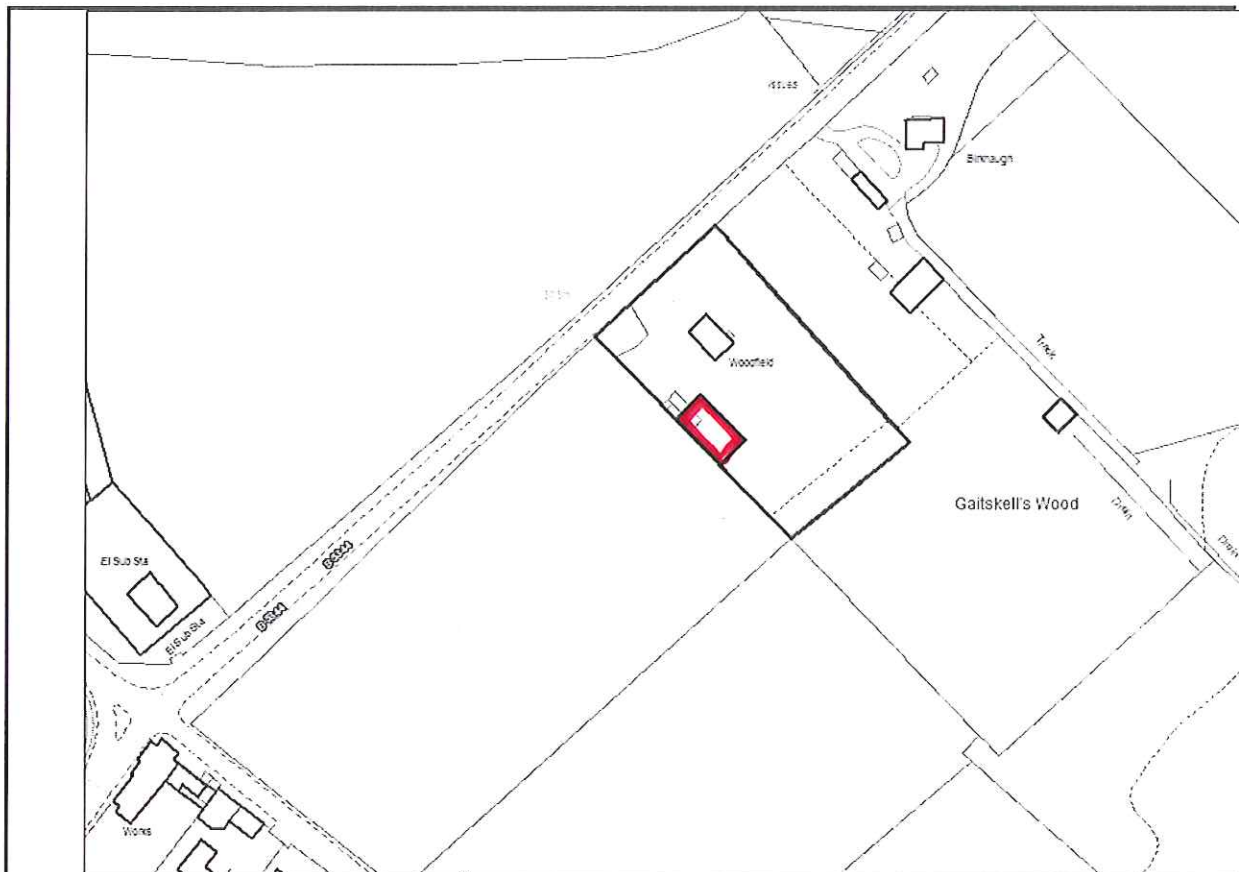


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 02/02/2011

<b>Application Number:</b>	4/10/2550/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr H Donnelly
<b>Application Address:</b>	WOODFIELD, GOSFORTH ROAD, SEASCALE
<b>Proposal</b>	ERECTION OF A DWELLING AS A DETACHED DEPENDANTS ANNEX
<b>Parish:</b>	Seascale
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



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## THE PROPOSAL

Planning permission is sought for the erection of a detached annexe within the extensive curtilage of a detached bungalow situated along the B5344, the main approach route into the Local Centre of Seascale.

Within the design and access statement the applicant's agent notes that the aim of the development is to provide long term accommodation for the applicant's son who has contracted a debilitating illness and now requires long term support and care.

There is an existing gated, splayed access to the site which leads onto a large surfaced driveway/parking area and beyond is a large lawned garden with a number of trees in the far southern corner. To the immediate east of the drive is the applicants existing bungalow, Woodfield, and to the southwest is a single storey

garage/store and large open fronted carport/store. Beyond these are open fields looking towards Seascale.

The site is well screened from the road and the nearest dwelling, Birkhaugh, given the existing mature hedgerows, trees and boundary treatments.

The building proposed will measure 14.65m in length, 5.7m in width and 4.9m in height and will cover the footprint of the existing open fronted store/carport which is to be demolished. There will also be a 2.0m wide scooter store attached to the North West side elevation of the annex.

Internally, the building will provide an open plan lounge/kitchen area and a bedroom with integral wet room. A decked/ramped area will be created at the front of the building to allow for access.

The proposed design is to facilitate an element of independence as well as being large enough to allow carers to be present when required.

From a design point of view the proposed annexe will relate well to the applicants existing bungalow and store, being finished externally with comparable facing and roofing materials. These include self coloured render, flat grey tiles and rosewood coloured UPVC double glazing.

The existing property is served by a septic tank which it is proposed to connect into.

The plans indicate that 4 trees will be removed to make way for the development.

## CONSULTATIONS

United Utilities have raised no objections provided the site is drained on a separate system, with only foul drainage connected into the foul sewer.

The Councils Landscape Officer has requested that the applicant submits an accurate site plan plotting all trees and identifying their species.

The Highways Authority have raised no objections.

No representations have been received from the Town Council.

No representations have been received in response to neighbour notification and statutory publicity procedures.

## PLANNING POLICY & ASSESSMENT

As the site is situated outside the settlement development boundary for Seascale, policies DEV 5 'Development in the Countryside', DEV 6 'Sustainability in Design' and HSG 5 'Housing outside Settlement Development Boundaries' of the adopted Copeland Local Plan 2001-2016 are considered relevant to the determination of this application. Policy HSG 5 presumes against allowing new housing development outside development boundaries except where it is required to meet exceptional circumstances. Where this criterion is fulfilled the development must comply with the sequential approach to development which favours the re-use of existing buildings and previously developed land as opposed to Greenfield land. In this case an existing store/carport will be demolished to make way for the development.

In cases such as this, the first approach should be the consideration of a domestic extension to the existing dwelling. In support of this application the applicant's agent confirms that the possibility of extending the existing bungalow has been considered and ruled out due to the existing internal layout. He also confirms that the proposed building will partially occupy the footprint of the existing car ports/stores and will be linked to the garage/store which is to remain. These buildings have been on the site for 50 years.

On balance, and in recognition of this exceptional circumstance, it is considered that the proposed detached annexe, which has been modestly designed and will largely occupy the footprint of an existing carport/store, complies with the above policy criteria. As such, approval is recommended.

Notwithstanding this, should Members be minded to support the application it is recommended that a suitable condition be attached to ensure that the development remains ancillary to the main dwelling and cannot be sold or let separately as a permanent dwelling.



## **Recommendation:-**

### **Conditions**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

#### **Reason**

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Site layout plan (drawing no. 2010.438) received on 25 November 2010.
- Design & Access Statement (2010.438/AD) received on 25 November 2010.
- Amended elevations (drawing no. 2010.438.02A) received on 13 December 2010.
- Amended layout and block plan (drawing no. 2010.438.01A) received on 13 December 2010.

#### **Reason**

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Woodfield, Gosforth Road, Seascale, Cumbria, CA20 1HJ and shall not be let or sold as a separate permanent dwelling.

#### **Reason**

The detached annexe is not considered appropriate for use as a separate residential dwelling.

4. The site shall be drained on a separate system with foul drainage only connected into the foul sewer.

Reason

To ensure a satisfactory drainage scheme.

### **Reason for Decision**

In recognition of the applicants exceptional circumstances the proposed detached annexe, which will provide specialist accommodation ancillary to the residential use of the applicants existing bungalow Woodfield, is compliant with Policies DEV 5, DEV 6 and HSG 5 of the adopted Copeland Local Plan 2001-2016.

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ITEM NO: 2.

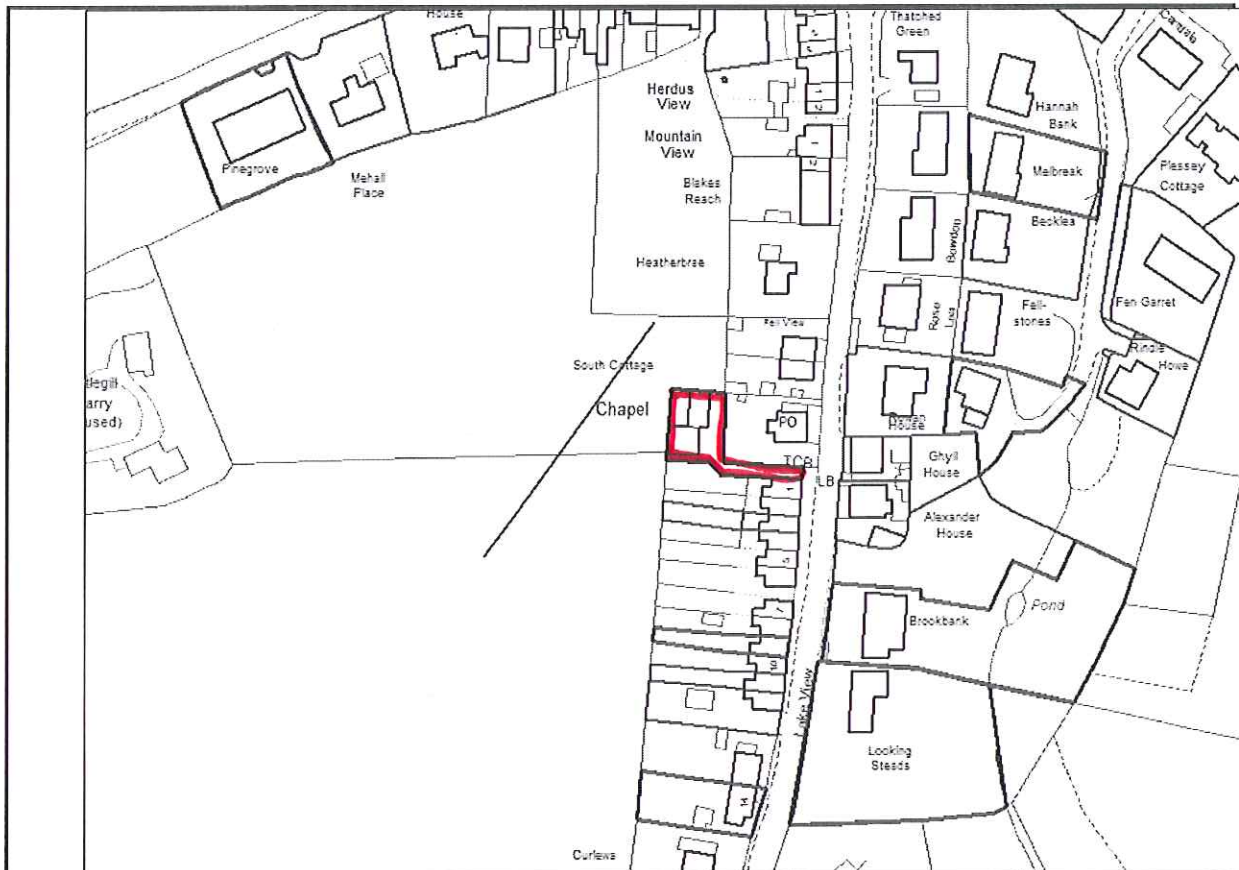


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 02/02/2011

<b>Application Number:</b>	4/10/2579/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr R Gould
<b>Application Address:</b>	KIRKLAND CHAPEL, KIRKLAND, FRIZINGTON
<b>Proposal</b>	CHANGE OF USE OF LAND TO FORM EXTENSION TO GARDEN AND CREATION OF HARD SURFACED AREA
<b>Parish:</b>	Lamplugh
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



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Planning permission is sought for the change of use of land to form an extension to a garden and the creation of a hard surfaced area at Kirkland Chapel, Lake View, Kirkland.

Planning permission was granted in October 2007 for the demolition of the hall adjoining the Chapel, the conversion of the existing Chapel to a dwelling and the construction of a two storey side extension. (4/07/2514/0 refers). The conversion of the property is currently on-going. The Chapel occupies an elevated position to the rear of the properties on Lake View which front onto the main road through Kirkland. The Chapel building fell into disuse during the early 1990's due to falling congregation levels and had remained unused prior to this development.

This application firstly seeks permission for a change of use of land for an extension to the curtilage of Kirkland Chapel onto agricultural land to the north of the property. The proposed extension is 4.0m x 14.4m in size, and will be used as additional grassed garden space. The land will be enclosed by a random stonework boundary wall.

In addition to the extended curtilage the application proposes an area of hardstanding to the frontage of the property to be used for parking. The area of land is currently an unsurfaced pedestrian access measuring 25.0m x 4.0m in size. The pedestrian access narrows to a gateway onto Lake View which will remain while the proposed vehicular access will connect onto the rear lane of the terrace of adjoining properties next to the site. The previous application in 2007 did not have any finished surface specified for the access.

Three letters of objection have been received regarding the proposal, two from neighbouring residents and one from the Lamplugh Parish Council. The concerns raised are summarised as follows: -

- The applicant is suspected to not own the land where the proposed parking area is located.
- The area of land was not included within the site on the previous application.
- The parking space would obstruct the right of access to the Chapel.
- The use of the area as a parking area for the dwelling will cause disruption to the residents of Lake View because of the use of the access to the rear of their properties.
- The proposal also details the inclusion of a below ground Calor Gas storage tank that could ignite.
- A wall has been partially demolished to provide access to the Chapel and the applicant should be made to reinstate this.
- Between the front boundary to the Chapel and Chapel House to the east of the site an area on planting has not been undertaken.
- The additional area of garden land will overlook the garden of an adjoining property.

In terms of other consultation responses, Cumbria Highways have raised no objections to the proposal.

With regards to the issues raised by local residents and the Parish Council, civil matters cannot be taken into account when reaching a decision on a planning application. Whilst the issue of the land ownership has been brought into question, it

is noted that the planning application forms appear to be accurate. Therefore there is no issue to address further and that the same pedestrian access was included within the red line area on the 2007 planning application. In addition, in email correspondence the agents have confirmed that the applicant has established that there is a full legal right of access and title to his land via the non-adopted rear access. This is sufficient information to reach a decision on the application.

On the other points raised, during consideration of the previous planning application the local residents commented that the proposed use of on-street parking for residents of the Chapel would cause additional parking problems in the vicinity. The inclusion of a hard standing area would resolve this previous issue and it is noted that the Highway Authority have raised no objections to the proposal. The right of access as mentioned is the pedestrian path leading to the Chapel for access when it was in use. It is not formally identified as a public footpath. Again, if the local residents feel this has been used as a right of way and wish to get it identified as such, this cannot be resolved during this planning application procedure. The partial demolition of the wall to provide access would not require planning permission. Therefore, the applicant would not be required to reinstate this regardless of the decision on this planning application. The screen planting required by a condition of the 2007 approval must be carried out prior to the occupation of the property which, as mentioned, is currently under refurbishment.

On the final points raised the proximity of the gas tank to residential properties will need to comply with the Building Regulations and, if approved, permitted development right can be removed on the additional area of land to ensure no additional building or structures can be erected on the property without the prior consent of the Council.

The proposed change of use to additional garden land and the formation of the hardstanding area is viewed as an acceptable proposal compliant with policies DEV6 and HSG 20 of the adopted Copeland Local Plan 2001 – 2016 and, as such, is recommended for approval.

**Recommendation:-**

Approve

## Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

### Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) Permission shall relate solely to the following plans as received on the respective dates and development shall be carried out in accordance with them:-

- Drawing number G1024/011A Scale 1:100 received by the Local Planning Authority on 18 January 2011.
- Ordnance Survey Site Location Plan Scale 1:1250 received by the Local Planning Authority on 13 December 2010.

### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 3) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no building, enclosure or hardstanding shall be constructed within the area of extended curtilage hereby approved without the prior written consent of the Local Planning Authority.

### Reason

In the interests of amenity.

## Reason for Decision

The proposed change of use to additional garden land and the formation of the hardstanding area are acceptable in accordance with policies DEV6 and HSG 20 of the adopted Copeland Local Plan 2001 – 2016.





ITEM NO: 3.



To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 02/02/2011

<b>Application Number:</b>	4/10/2589/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr D and Mrs B Cox
<b>Application Address:</b>	SITE ADJACENT TO 160 ENNERDALE ROAD, CLEATOR MOOR
<b>Proposal</b>	PROPOSED NEW BUILD OF SIX 2 BEDROOMED RESIDENTIAL FLATS (RE- SUBMISSION)
<b>Parish:</b>	Cleator Moor
<b>Recommendation Summary:</b>	Refuse



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Planning permission is sought for the erection of a new build block of six 2 bed roomed residential flats on land adjacent to 160 Ennerdale Road, Cleator Moor. The application is a resubmission of an application of the same title which was refused planning permission at the Planning Panel meeting on 18 August 2010 (4/10/2294/0F1 refers) for the following reason:-

' By virtue of the size of the building and its siting in close proximity to neighbouring properties the proposed development would result in an over dominant form of development and have a negative impact on the street scene within Ennerdale Road, which is contrary to policies DEV 6 and HSG 4 of the adopted Copeland Local Plan 2001 – 2016.'

The proposed residential development for private rented accommodation would be located on this vacant site within the main street through the settlement. It is situated

between a terrace of dwellings to the north, a recently closed children's nursery to the south, and is opposite a line of terraced dwellings. There is an area of open grassed land to the rear of the site and it is the former location of a Presbyterian church building, demolished approximately 15 years ago.

An application was approved in 1995 for the demolition of the church and the erection of a pair of two bedroomed semi-detached dwellings on the site (4/95/0307/001 refers). The site is approximately 350m<sup>2</sup> in size and is located near to the Cleator Moor Town Centre boundary.

The application seeks permission for a 3 storey block on the site which would contain 6 flats, each of which would contain 2 bedrooms, a bathroom and a large open plan living/kitchen/dining area. The building would be 13.45m x 11.15m in size, with a height of 7.70m to the eaves and 10.10m to the ridge. There would be a distance of 1.8m to the gable elevation of the adjoining residential property to the north, 160 Ennerdale Road, with an existing pathway remaining between the buildings. To the south there would be a separation distance of 1.45m to the gable of the vacant, former nursery. This is a former church hall Sunday school building, with three large church type window openings in the gable elevation.

Externally the building would be finished with a smooth self coloured render with a darker coloured render band surround to the windows, doors and plinth, timber double glazed sash windows and grey concrete interlocking tiles. To the frontage the building would be set back approximately 1.8m from the rear of the footpath adjoining the road, with the area between the building and the pavement detailed as providing a level access to the building. To the rear of the site there would be a communal area to provide space for a drying area and a bin store.

With regard to the impact of the building in the street scene the proposed development is located between the single storey adjacent building and a two storey semi-detached dwelling. The eaves height of the building would be approximately 3.0m higher than the nursery and 2.8m higher than the adjoining residential property, 160 Ennerdale Road. In terms of the ridge height, it is 1.7m higher than the nursery and 3.2m higher than the adjoining residence. In addition, the building protrudes 2.7m to the rear of No 160 adjoining the majority of the rear garden area. There are some three storey buildings located along Ennerdale Road, but none immediately adjoining the site.

The proposal differs from that previously refused as the overall building height has been reduced by 0.4m, the footprint of the building has been moved further forward to the rear of the footway so it is in line with the frontage of the nursery building, the front porch has been removed and the building has reduced window sizes in the second floor.

In terms of consultation responses the Highway Authority have commented that the highway implications of the proposal need to be carefully considered, with no onsite parking provision in an area where on street parking is restricted and the only form of parking for many adjacent properties it is likely to exacerbate an existing problem. The Town Council have raised concerns that there is no parking provision in the plan, and commented that a member of the public has also raised concerns about the overall height of the building. The Council's Conservation and Urban Design Officer has advised that his comments from the previous application still remain valid for this proposal. He has concluded that 'the mass height and scale of the proposal is too large for the site and its built setting. The over development of the site will adversely affect the general character and appearance of the road and will have a significantly harmful impact of its neighbours.'

In planning terms, the site is situated within the settlement boundary for Cleator Moor as designated in the adopted Copeland Local Plan 2001 – 2016 and as such Policy DEV 6 "Sustainability in design" and HSG 4 "Housing within Settlement Boundaries" are the policies against which this application should be assessed. The former advocates a high standard of design and general amenity in development proposals and the latter permits new house building in settlement boundaries where appropriate. While it is noted that the separation distances in Policy HSG 8 are not met in relation to the properties opposite the development site, the majority of the surrounding traditional properties on Ennerdale Road also do not meet this requirement.

DEV 6 comments that planning permission will only be granted for development which:

- by design and choice of location creates or maintains reasonable standards of general amenity

- shows a high standard of design and choice of materials where building scale, density and proportion, landscaping and overall layout contribute to creating or maintaining a strong sense of place

It is considered that this resubmitted application again does not comply with the above policy as the design consisting of a three storey block and large footprint reduces the current standards of general amenity afforded to both adjoining properties and, in addition, the building scale and proportion is considered to negatively impact on the Ennerdale Road street scene. The applicant was advised prior to the resubmission that the proposed three storey development on the site would not be supported.

In summary, it is considered that the site is not suitable for the residential development as proposed. It is acknowledged that the site would be suitable for development in some form; in particular residential, as previously indicated by the 1995 planning approval. A two storey development would be considered more preferable for this gap site along Ennerdale Road. The proposed development is considered an over-dominant feature in this location and is overbearing in relation to the adjoining properties.

The proposal is therefore viewed as contrary to Policies DEV 6 and HSG 4 of the adopted Copeland Local Plan 2001 – 2016 and is recommended for refusal.

#### **Recommendation:-**

Refuse

#### **Reason for Decision**

The mass, height and scale of the proposal is too large for the site and its built setting. The overdevelopment of the site would adversely affect the general character and appearance of the road which had its character established by the mid- to early C18th and would have a significantly harmful impact on its neighbours, is contrary to policies DEV 6 and HSG 4 of the adopted Copeland Local Plan 2001 – 2016.

ITEM NO: 4.



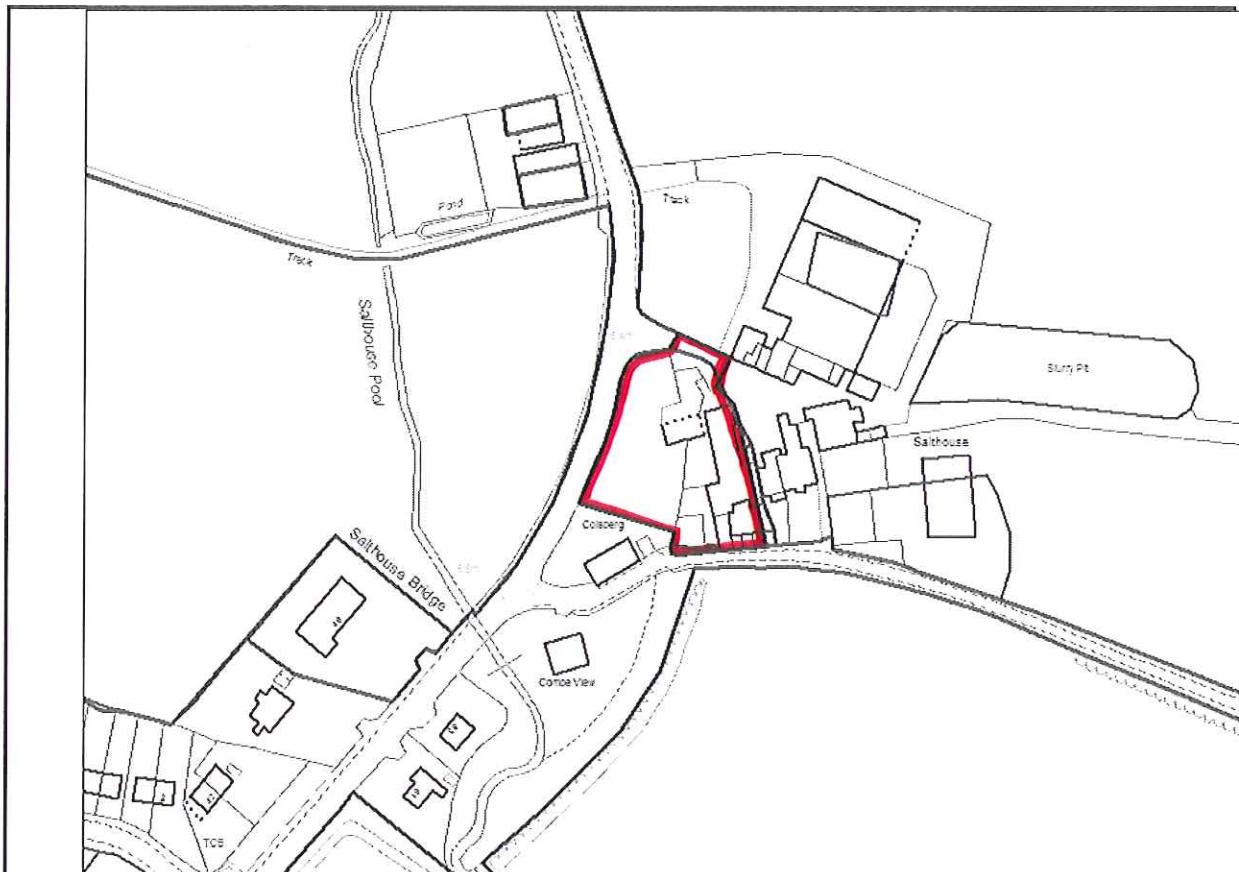
To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 02/02/2011

<b>Application Number:</b>	4/10/2596/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Neil Price Limited
<b>Application Address:</b>	SALTHOUSE FARM, SALTHOUSE ROAD, MILLOM
<b>Proposal</b>	APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE AN EXTANT PERMISSION (4/08/2030/0) FOR RESIDENTIAL DEVELOPMENT IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION
<b>Parish:</b>	Millom
<b>Recommendation Summary:</b>	Approve (commence within 3 years)





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## THE PROPOSAL

Outline planning permission was granted in August 2006 (4/06/2477/001 refers) for a small residential development of eight dwellings at Salthouse Farm on the northern outskirts of Millom. Full planning permission for eleven dwellings was then approved in 2008 (4/08/2030/0F1 refers).

This application seeks to extend the time limit of this latter permission which is due to expire on 3 April 2011. There has been an ongoing dialogue with the developers over the past few months as they seek to fulfil the requirements of the pre-commencement conditions attached to the 2008 permission.

At present the site is partly paddock area and part occupied by farm buildings which would be demolished to make way for the development. These have become redundant in farming terms as the farm has constructed new agricultural buildings in order to meet modern farming standards.

In terms of detail, the approved scheme involved the construction of one detached and ten semi-detached houses. Seven of the houses would front onto Salthouse Road with the access and the remaining four houses to the rear. External finishes would comprise grey rough cast rendered walls with stone elevations to the porches, natural grey slated roof coverings and white upvc windows and doors.

## CONSULTATIONS

No representations have been received in response to neighbour notification and publicity procedures.

The Highways Authority confirms they have no objections to the proposed extension of time subject to securing the usual highway conditions.

No comments have been received from Millom Town Council, Cumbria County Council or United Utilities regarding this particular application. However, United Utilities have raised no objections to details submitted recently in respect of conditions 8 and 9 of the existing approval which related to drainage. There is also an ongoing dialogue with the Councils Flood and Coastal Defence Engineer.

Likewise, an archaeological desk-based assessment and building recording report was submitted under the existing approval with a view to discharging condition 6. However, following consultation with Cumbria County Councils Historic Environment Officer, he confirmed that the condition was twofold and therefore requires the second element, an archaeological evaluation, to be carried out.

## PLANNING POLICY

New legislation introduced on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No 3) (England) Order 2009 (SI 2009 No. 2261) now permits such applications for extensions to the time limits for implementing existing planning permissions. This is a temporary measure introduced to make it easier for developers to keep planning permissions that are in danger of lapsing alive for longer during the economic recession so that they can be implemented more quickly when economic conditions improve. Only one extension to each permission is permissible. The application has to be for exactly the same development already approved - no alteration or variation from it is allowed.



In assessing such applications the guidance provided in the document 'Greater Flexibility for Planning Permissions' (DCLG, November 2009) is of specific relevance. It advocates that a constructive and positive approach be taken towards applications which improve the prospect of sustainable development being taken forward quickly. Also as the question of the principle of the development has already been established by the original consent and cites that this should not be revisited unless policies or other material considerations have changed significantly to justify otherwise.

The Copeland Local Plan 2001-2016 was adopted in June 2006. The main Local Plan policies relevant to this application are DEV 1 Sustainable Development and Regeneration, DEV 2 Key Service Centres, DEV 6 Sustainability in Design, HSG 4 Housing within Settlement Development Boundaries, HSG 8 Housing Design Standards and TSP 6 General Development Requirements.

## ASSESSMENT

Millom is classed as a "Key Service Centre" in the Local Plan and the site lies within the settlement limit. Although the land has been used for farming purposes it must be regarded as Greenfield land as defined by Planning Policy Statement (PPS) 3 "Housing". Under the terms of Policy HSG 4 of the Local Plan housing proposals will generally only be permitted where they involve existing buildings or previously developed land.

In this case however, the principle for developing the site for residential purposes has been established by the granting of outline and full planning permission in 2006 and 2008 respectively. There has been an ongoing dialogue with the developers as they seek to fulfil the requirements of the pre-commencement conditions attached to the 2008 permission. To date, condition 7, which required the barns to be surveyed for the presence of bats, has been complied with. On this basis it is considered reasonable that a three year extension of the permission be acceded to.

## **Recommendation:-**

### **Conditions**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

#### **Reason**

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission in respect of site layout, site access and the rumble strip shall be solely in accordance with plans P002 E, P009 and P010 received by the Local Planning Authority on 29 February 2008.

#### **Reason**

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Access gates, if provided, shall be hung to open inwards only away from the highway.

#### **Reason**

In the interests of highway safety.

4. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use.

#### **Reason**

In the interests of highway safety.

5. Before development commences details of all measures to be taken to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval in writing. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

#### **Reason**

In the interests of highway safety and environmental management.

6. No development shall commence within the site until the applicant has

secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

**Reason**

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

7. The site shall be drained on a separate system with foul drainage only connected into the foul sewer.

**Reason**

To ensure a satisfactory drainage scheme.

9. Before development commences further details of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

**Reason**

To ensure a satisfactory scheme of surface water disposal from the site.

**Reason for Decision**

It is considered that an extension to the 4/08/2030/0F1 permission for 11 dwellings on this site within Millom for a further three years will secure and facilitate the future development of the site in accordance with national legislation and DCLG guidance 2009 'Greater Flexibility for Planning Permission.'

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ITEM NO: 5.

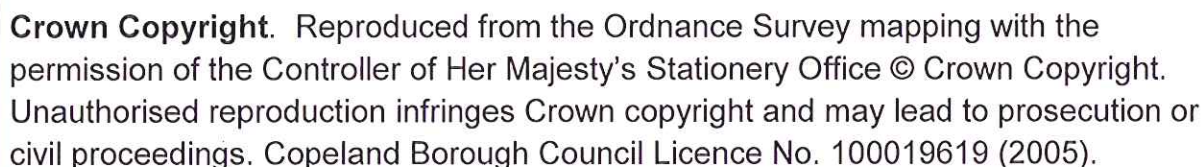


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 02/02/2011

<b>Application Number:</b>	4/10/2598/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr H Gillham
<b>Application Address:</b>	FORMER CASTLE CINEMA SITE,BOOKWELL,EGREMONT,
<b>Proposal</b>	APPLICATION TO REPLACE AN EXTANT PLANNING PERMISSION (4/05/2179/0), DEMOLITION OF EXISTING CINEMA & CONSTRUCTION OF 15 No TWO BEDROOMED APPARTMENTS PLUS CAR PARKING.
<b>Parish:</b>	Egremont
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



expired on 6 January 2011.

In terms of detail, the approved scheme involved the construction of 15 two bedroomed apartments in the form of 2 three-storeyed blocks with 15 associated car parking spaces to the rear. This higher density than that approved at outline stage will result in a more efficient use of land, as advocated by Planning Policy Statement 3 "Housing" whilst producing a design solution in keeping with adjacent three storeyed houses adjoining the south of the site.

## PLANNING POLICY

New legislation introduced in October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No 3) (England) Order 2009 (SI 2009 No. 2261) now permits applications for extensions to the time limits for implementing existing planning permissions. This is a temporary measure introduced to make it easier for developers to keep planning permissions that are in danger of lapsing alive for longer during the economic recession so that they can be implemented more quickly when economic conditions improve. The application has to be for exactly the same development already approved - no alteration or variation from it is allowed.

The Copeland Local Plan 2001-2016 was adopted in June 2006. The main Local Plan policies relevant to this application are DEV 1 Sustainable Development and Regeneration, DEV 2 Key Service Centres, DEV 6 Sustainability in Design, HSG 1 Existing Planning Permissions, HSG 4 Housing within Settlement Development Boundaries, HSG 8 Housing Design Standards, ENV 26 Development in and affecting Conservation Areas and TSP 6 General Development Requirements. Egremont is classed as a "Key Service Centre" within the Local Plan and the site lies within the settlement limit. The site was previously developed and is therefore classed as Brownfield. The site is allocated for residential development in the Local Plan (H17).

## CONSULTATIONS

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

The Highways Authority raise no objections subject to previous conditions being included.

Cumbria County Councils Historic Environment Officer is in receipt of the latest Archaeological report undertaken in December 2010 and is satisfied that whilst limited remains of an 18<sup>th</sup> Century tannery were revealed, the conditions and survival of these was poor and there is a low potential of retrieving additional significant archaeological information from the site. He confirms that the requirements of the archaeological condition (condition 7 of planning permission 4/05/2179/0f1) have been fulfilled.

## ASSESSMENT

In assessing such applications the guidance provided in the document 'Greater Flexibility for Planning Permissions' (DCLG, November 2009) is of specific relevance. It advocates that a constructive and positive approach be taken towards applications which improve the prospect of sustainable development being taken forward quickly. Also as the question of the principle of the development has already been established by the original consent and cites that this should not be revisited unless policies or other material considerations have changed significantly to justify otherwise.

In conclusion, in order to secure and facilitate the future development and substantial enhancement of this presently dilapidated site within the Egremont Conservation Area, it is recommended that a three year extension of the 2005 planning permission be acceded to.

## **Recommendation:-**

### **Conditions**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

#### **Reason**

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development approved by this permission shall be commenced until a scheme for the provision and maintenance of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

#### **Reason**

To ensure a satisfactory scheme of surface water disposal from the site.

3. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within a) 8 metres of the top of any bank of watercourses, and/or b) 8 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

#### **Reason**

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

4. The whole of the access area bounded by the carriageway edge, entrance gates, splays, parking court and access lane shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross-sections, shall be submitted to and approved in writing by the Local Planning Authority 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.

#### **Reason**

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



5. Before development commences details of all measures to be taken to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval in writing. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

**Reason**

In the interests of highway safety and environmental management.

**Reason for Decision**

It is considered that an extension to planning permission 4/05/2598/0F1 for a further three years will secure and facilitate the future redevelopment and enhancement of this presently dilapidated site within Egremont Conservation Area in accordance with national legislation and DCLG guidance 2009 'Greater Flexibility for Planning Permission.'

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ITEM NO: 6.

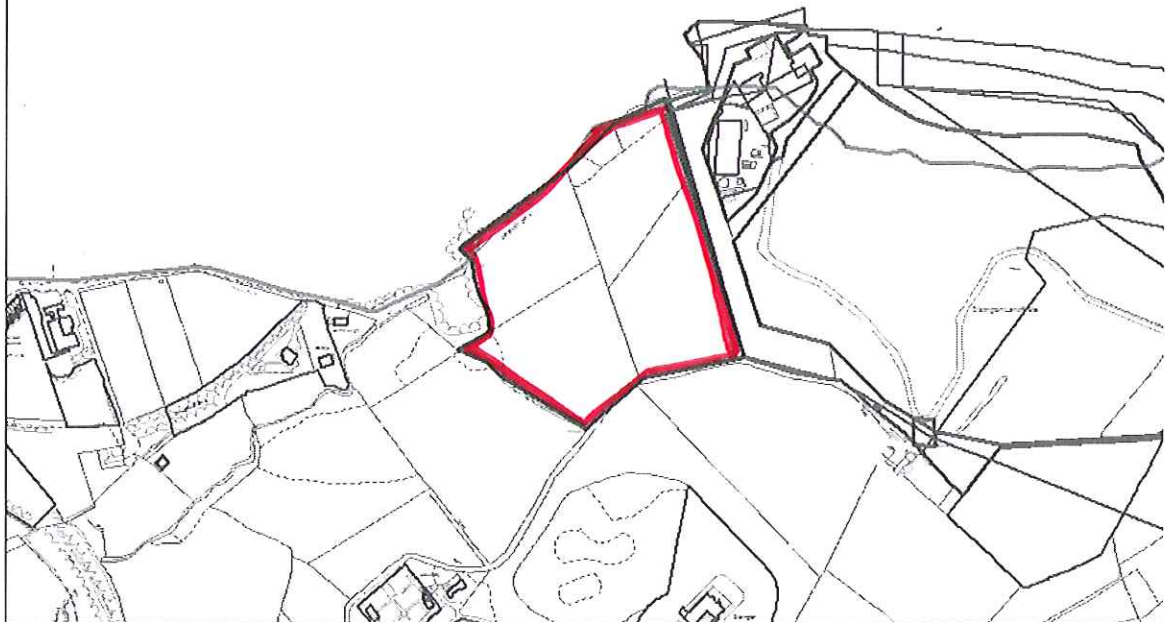


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 02/02/2011

<b>Application Number:</b>	4/10/9018/0F2
<b>Application Type:</b>	Full : County
<b>Applicant:</b>	Mr Charles Riddell
<b>Application Address:</b>	LAND ADJACENT TO LANDFILL SITE,DISTINGTON,WORKINGTON,
<b>Proposal</b>	WASTE TRANSFER AND MATERIALS RECYCLING FACILITIES
<b>Parish:</b>	Distington
<b>Recommendation Summary:</b>	County Council Approved



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## INTRODUCTION

Planning permission was granted for the development of a waste transfer and materials recycling facility on this site in 2010 under reference 4/10/9008. This decision is subject to a challenge under judicial review. This current duplicate application has been submitted by the applicants in the event that the judicial review results in the current permission being quashed.

## PROPOSAL

The site is located immediately to the south of the former Alcan site and to the west of the Distington landfill site.

The site covers a total area of 5.95 hectares. Of this area 1.9 hectares would be used to develop the facility and the remaining 4 hectares would be used for landscape planting and ecological enhancements. This will consist of woodland planting belts along the western and southern boundaries to provide appropriate additional screening.

The proposal comprises of the following elements:-

- A household waste transfer and clean materials recovery building which would measure 90m x 42 m and would be a maximum height of 14.4m.
- A mixed waste materials recovery facility which would measure 60 m x 36 m and would have a maximum height of 11.3 metres.
- A number of storage bays which would be constructed of pre cast concrete retaining walls covered by a mono pitch roof. The footprint of the bays would measure 60 m x 18 m and would have a maximum height of 18m.
- An office/welfare building which would cover a footprint of 18.5m x 9 m
- Access would be achieved by creating a spur from the existing entrance to the landfill site which is accessed off the Lillyhall Trading Estate.

The site would operate to the same hours as the landfill site which is currently 07.00 to 19.00 Mondays to Fridays and 07.00 to 17.30 Saturdays and Sundays. It is anticipated that the proposal would result in an estimated 25 visits to the site per day in addition to the current volumes which visit the landfill site.

The applicants have submitted a statement in support of the application which sets out the need for the development.

This proposal forms part of the Cumbria strategy for municipal waste management and is the result of changes to the way in which the Government requires waste to be managed in the UK. The majority of waste generated within Allerdale and Copeland is currently disposed of to the Distington landfill site. The Landfill Allowance Trading Scheme (LATS) introduced by the Waste and Emissions Trading Act 2003 limits the amount of municipal waste that can be disposed of by

landfill. These limits decrease on an annual basis and penalties are in place if permitted volumes are exceeded.

In order to avoid these penalties new waste management facilities will be required to manage residual municipal waste. Two Mechanical Biological Treatment (MBT) facilities are currently under construction at Hespian Wood, Carlisle and Sowerby Woods Industrial Estate in Barrow. A series of transfer stations will need to be developed throughout the County close to points where significant amounts of domestic waste are generated. These would act as reception points at which waste material would be bulked up for efficient transfer to MBT plants at which the waste would be processed. Until the MBT plants are operational waste will continue to be disposed of at landfill sites.

This application would also provide an opportunity for the secondary sorting of the wastes arising from Household Waste Recycling Centres (HWRC). The physical of the three existing HWRC sites within Copeland and Allerdale mean that they cannot accommodate the variety of containers that modern household waste recycling centres provide for segregated wastes for recycling. As a result these centres generate mixed wastes that contain a high proportion of recyclable materials. The development of a waste transfer facility provides an opportunity to create an area within which mixed wastes from household waste centres can be deposited and sorted for the recovery of recyclable materials. This would reduce the volumes of waste that need to be landfilled or processed. There are currently no material reprocessors in Cumbria so all recyclable materials have to be transported over long distances for processing.

## ASSESSMENT

Whilst the scale of the proposed waste transfer facility cannot be accommodated within the boundary of the existing landfill site this proposal is, in essence, an extension of the northern area of the landfill site. In this location the new facility would be able to take advantage of the existing infrastructure associated with this site for e.g. the weighbridge and wheel wash facilities. It also complies with the criteria set out in the relevant planning policies which require waste sites to be near to the source of the waste generated. It has good access to the highway network and is sufficiently separated from any residential properties. On the basis that adequate landscaping can be implemented to minimise the visual impact of the buildings within

the local area and mitigation measures can be employed to protect the adjacent wildlife site and minimise noise, odours and dust nuisance then this site appears to be an appropriate location for this type of use.

**Recommendation:-**

No Objections subject to the implementation of adequate measures to mitigate any noise, odours and dust nuisance, the preservation of the adjoining County wildlife site and also the implementation of a full landscaping scheme to reduce the visual impact of the proposal.

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<b>Application Number</b>	4/10/2436/0F1
<b>Applicant</b>	Reays Coaches Limited
<b>Location</b>	5 & 6 ENNERDALE MILL, EGREMONT
<b>Proposal</b>	CHANGE OF USE FROM AN ENGINEERING WORKSHOP WITH OFFICE ACCOMMODATION TO A COACH DEPOT INCLUDING OFFICE ACCOMMODATION
<b>Decision</b>	Approve
<b>Decision Date</b>	19 January 2011
<b>Dispatch Date</b>	19 January 2011
<b>Parish</b>	Lowside Quarter

<b>Application Number</b>	4/10/2502/0F1
<b>Applicant</b>	Friends of Millom Ironworks
<b>Location</b>	LAND NEAR TO MILLOM IRONWORKS LNR, BORWICK RAILS, MILLOM
<b>Proposal</b>	CREATION OF TWO NATTERJACK TOAD BREEDING POOLS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	21 January 2011
<b>Dispatch Date</b>	21 January 2011
<b>Parish</b>	Millom

<b>Application Number</b>	4/10/2507/001
<b>Applicant</b>	Mr J Todd
<b>Location</b>	GARDEN OF 30 PARK DRIVE, MIDGEY, WHITEHAVEN
<b>Proposal</b>	OUTLINE APPLICATION FOR A DWELLING (RESUBMISSION)
<b>Decision</b>	Approve in Outline (commence within 3 years)
<b>Decision Date</b>	20 January 2011
<b>Dispatch Date</b>	20 January 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2511/0F1
<b>Applicant</b>	Mr C Spencer
<b>Location</b>	LACKERTON BARN, GATRA FARM, LAMPLUGH
<b>Proposal</b>	ERECTION OF TWO TIMBER CHALETs WITH ASSOCIATED PARKING AND GROUNDWORKS TO BE USED AS HOLIDAY LETTING ACCOMMODATION
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	10 January 2011
<b>Dispatch Date</b>	10 January 2011
<b>Parish</b>	Lamplugh

<b>Application Number</b>	4/10/2534/OG1
<b>Applicant</b>	Mr D Simpson
<b>Location</b>	LAND ADJACENT TO MILL PARK, THE GREEN, MILLOM
<b>Proposal</b>	APPLICATION FOR REMOVAL OF CONDITION 9 FOLLOWING GRANT OF PLANNING PERMISSION (4/01/0125/0) RESTRICTING ACCESS ON ESTATE ROAD
<b>Decision</b>	Approve removal of condition
<b>Decision Date</b>	22 December 2010
<b>Dispatch Date</b>	22 December 2010
<b>Parish</b>	Millom Without

<b>Application Number</b>	4/10/2536/OF1
<b>Applicant</b>	Ms L Harris
<b>Location</b>	WHITEHAVEN AMATEUR BOXING CLUB, ESK AVENUE, MIREHOUSE, WHITEHAVEN
<b>Proposal</b>	PROPOSED DEMOLITION OF EXISTING PREMISES AND THE ERECTION OF A NEW BUILDING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	10 January 2011
<b>Dispatch Date</b>	10 January 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2538/OF1
<b>Applicant</b>	Hanratty Scrap Metals
<b>Location</b>	13, 15, & 17 ALBION STREET, WHITEHAVEN
<b>Proposal</b>	ERECTION OF 2.4M HIGH SECURITY FENCE
<b>Decision</b>	Approve
<b>Decision Date</b>	19 January 2011
<b>Dispatch Date</b>	19 January 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2546/OF1
<b>Applicant</b>	Mrs F Huck
<b>Location</b>	SANDY BANK, COULDERTON, EGREMONT
<b>Proposal</b>	APPLICATION TO REPLACE AN EXTANT PLANNING PERMISSION (4/07/2714/0) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION FOR THE ERECTION OF BEACH BUNGALOW
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	13 January 2011
<b>Dispatch Date</b>	13 January 2011
<b>Parish</b>	Lowside Quarter



<b>Application Number</b>	4/10/2548/0F1
<b>Applicant</b>	Mr E Granford
<b>Location</b>	LEEWARD, DRIGG, HOLMROOK
<b>Proposal</b>	SINGLE STOREY SIDE & REAR EXTENSIONS AND LOFT CONVERSION WITH DORMERS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	19 January 2011
<b>Dispatch Date</b>	19 January 2011
<b>Parish</b>	Drigg & Carleton

<b>Application Number</b>	4/10/2551/0L1
<b>Applicant</b>	Miss S Taylor
<b>Location</b>	MAYFIELD, FINKLE STREET, ST BEES
<b>Proposal</b>	LISTED BUILDING CONSENT FOR RELOCATION OF REAR GATE (RETROSPECTIVE)
<b>Decision</b>	Refuse Listed Building Consent
<b>Decision Date</b>	14 January 2011
<b>Dispatch Date</b>	14 January 2011
<b>Parish</b>	St. Bees

<b>Application Number</b>	4/10/2552/0O1
<b>Applicant</b>	Mr A Clay
<b>Location</b>	PLOT 5, THE WARREN, HAYESCASTLE ROAD, DISTINGTON
<b>Proposal</b>	APPLICATION FOR NEW PLANNING PERMISSION TO REPLACE EXTANT PERMISSION TO EXTEND TIME LIMIT FOR IMPLEMENTATION (4/08/2341/0O1) FOR NEW DWELLING
<b>Decision</b>	Approve in Outline (commence within 3 years)
<b>Decision Date</b>	17 January 2011
<b>Dispatch Date</b>	17 January 2011
<b>Parish</b>	Distington

<b>Application Number</b>	4/10/2558/0F1
<b>Applicant</b>	Mr C Lane
<b>Location</b>	DENT VIEW, THE GREEN, NETHERTOWN
<b>Proposal</b>	ERECTION OF BEACH BUNGALOW (RE-SUBMISSION)
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	17 January 2011
<b>Dispatch Date</b>	17 January 2011
<b>Parish</b>	Lowside Quarter

<b>Application Number</b>	4/10/2559/OA1
<b>Applicant</b>	James Fisher Nuclear Services
<b>Location</b>	14 BRIDGE END INDUSTRIAL ESTATE, EGREMONT
<b>Proposal</b>	ADVERTISEMENT CONSENT FOR THE ERECTION OF TWO FASCIA SIGNS
<b>Decision</b>	Approve Advertisement Consent
<b>Decision Date</b>	20 January 2011
<b>Dispatch Date</b>	20 January 2011
<b>Parish</b>	Lowside Quarter

<b>Application Number</b>	4/10/2561/OF1
<b>Applicant</b>	Mr S Jackson
<b>Location</b>	XANADU, HARRAS MOOR ROAD, WHITEHAVEN
<b>Proposal</b>	KITCHEN, UTILITY, BATHROOM EXTENSION & CONVERSION OF GARAGE TO BEDROOM & GARDEN SHED TO OFFICE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	21 January 2011
<b>Dispatch Date</b>	21 January 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2562/OF1
<b>Applicant</b>	Mr D Allison
<b>Location</b>	2 SCURGILL TERRACE, EGREMONT
<b>Proposal</b>	ERECTION OF EXTENSION TO REAR TO PROVIDE KITCHEN, W.C. & STORE WITH BATHROOM OVER
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	24 January 2011
<b>Dispatch Date</b>	24 January 2011
<b>Parish</b>	St. Bridget Beckermest

<b>Application Number</b>	4/10/2562/OF1
<b>Applicant</b>	Mr D Allison
<b>Location</b>	2 SCURGILL TERRACE, EGREMONT
<b>Proposal</b>	ERECTION OF EXTENSION TO REAR TO PROVIDE KITCHEN, W.C. & STORE WITH BATHROOM OVER
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	24 January 2011
<b>Dispatch Date</b>	24 January 2011
<b>Parish</b>	St. John Beckermest

<b>Application Number</b>	4/10/2563/TPO
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<b>Applicant</b>	Open Spaces
<b>Location</b>	CASTLE PARK, FLATT WALKS, WHITEHAVEN
<b>Proposal</b>	SECTIONAL DISMANTLING OF ONE HORSE CHESTNUT TREE SITUATED WITHIN A CONSERVATION AREA
<b>Decision</b>	Approve
<b>Decision Date</b>	10 January 2011
<b>Dispatch Date</b>	10 January 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2566/TPO
<b>Applicant</b>	Open Spaces
<b>Location</b>	CAR PARK, SENHOUSE STREET, WHITEHAVEN
<b>Proposal</b>	CROWN THINNING OF ONE ALDER TREE SITUATED WITHIN A CONSERVATION AREA
<b>Decision</b>	Approve
<b>Decision Date</b>	10 January 2011
<b>Dispatch Date</b>	10 January 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2569/OF1
<b>Applicant</b>	Jenny Taylor
<b>Location</b>	15 KEEKLE TERRACE, KEEKLE, CLEATOR MOOR
<b>Proposal</b>	SINGLE STOREY REAR EXTENSION TO TERRACED PROPERTY
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	24 January 2011
<b>Dispatch Date</b>	24 January 2011
<b>Parish</b>	Weddicar

<b>Application Number</b>	4/10/2575/OF1
<b>Applicant</b>	Mrs D Catwell
<b>Location</b>	48 TOMLIN AVENUE, MIREHOUSE, WHITEHAVEN
<b>Proposal</b>	TWO STOREY EXTENSION FOR KITCHEN AND BEDROOMS AND FRONT PORCH
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	24 January 2011
<b>Dispatch Date</b>	24 January 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2578/OF1
<b>Applicant</b>	Mr G M & Mrs J Housby
<b>Location</b>	CROFT HOUSE, MAIN STREET, BECKERMET

<b>Proposal</b>	APPLICATION TO REPLACE AN EXTANT PLANNING PERMISSION (4/07/2701/0F1) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION FOR THE CONVERSION OF GARAGE AND OUTBUILDING TO GRANNY FLAT & GARAGE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	24 January 2011
<b>Dispatch Date</b>	24 January 2011
<b>Parish</b>	St. Bridget Beckermest

<b>Application Number</b>	4/10/2580/0F1
<b>Applicant</b>	The Head and Governors
<b>Location</b>	ST JAMES C OF E JUNIOR SCHOOL, WELLINGTON ROW, WHITEHAVEN
<b>Proposal</b>	EXTENSION TO HEAD TEACHERS OFFICE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	24 January 2011
<b>Dispatch Date</b>	24 January 2011
<b>Parish</b>	Whitehaven