

## 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

**PLANNING PANEL**

**4 FEBRUARY 2009**

**AGENDA**

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MAIN AGENDA

1 4/08/2318/0

OUTLINE APPLICATION FOR THE DEMOLITION OF  
EXISTING DWELLING AND ERECTION OF 11 DWELLINGS  
TARNBANK, BRAYSTONES, CUMBRIA.  
MR P LOCKHART

Parish                      Lowside Quarter

- Object. The road infrastructure is not suitable and it is a high density plot with a shortage of parking as most families now have two cars. Also concerned that there is no information about how many storeys high the dwellings would be as the existing house stands out above everything else and there may be flooding problems. Also query what is classed as affordable and how it could be policed. Request a site visit.

Outline planning permission is sought for the erection of 11 dwellings on an L-shaped site currently occupied by a large detached house, known as "Tarnbank", which is situated on a prominent elevated site at the northern edge of the village of Braystones.

The proposal would involve demolishing the house and erecting 11 dwellings in the extensive grounds to meet local housing needs. The indicative layout submitted with the application shows how this would be achieved by siting two detached houses at the front of the site with three blocks of three link houses around a cul-de-sac formation at the rear of the adjacent off street parking areas. Vehicular access would be via the existing point of access off the adjacent C4020 road taking the form of a new access road into the site leading to the turning head.

The application is accompanied by a supporting planning statement which puts forward the case for local need/affordable housing in this location and relies on a Housing Needs Survey that was commissioned and undertaken by a local planning consultant on behalf of the applicant in 2005, which covered the Parishes of Lowside Quarter and the adjoining St John's Beckermat.

The Housing Needs Survey concluded at the time that there was a housing need in the parish for 14 units. 11 of the respondents stated that they wish to live in Braystones with two wishing to live in the village. A copy is attached to this report together with a copy of the applicants agent's letter dated 9 October 2008.

The previous planning history relating to the site is relevant and material to the assessment of this proposal.

In 2006 outline permission was granted on this site for the demolition of Tarnbank and the erection of 6 new dwellings to meet local housing needs subject to conditions and the applicant entering

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into a Section 106 agreement with the Council which restricted the occupation of the dwellings to the local community of Lowside Quarter, St John's and St Bridget's Beckermets parishes and being sold or let within the definition of "affordable" (4/05/2219/001 refers).

A request to vary the terms of the S106, however, by deleting the affordable element from the agreement, which would have rendered it a housing site restricted by local occupancy only, was refused in July 2007 on the grounds that it was at variance with Policy HSG 11 which requires that both local need and affordability requirements must be met.

Six letters of objection have been received from neighbouring residents and owners. They express concerns on the following grounds:-

1. Insufficient information submitted to assess the effects of the proposal.
2. Will result in the overdevelopment and intensification of use of a small and narrow site.
3. Will have a detrimental impact on adjacent neighbours and the area as a whole.
4. Will increase problems of overlooking and loss of privacy to neighbouring dwellings.
5. Concern whether this is a suitable site for this type of development - affordable housing is usually provided in the more populated areas. Outside these areas it is usually to meet a more localised housing need.
6. Concern about the effective policing of any S106.
7. Lack of suitable amenities/local infrastructure in the hamlet, i.e. limited public transport, no shops, school or pub.
8. Impact on local landscape character.
9. High density development on this prominent, elevated site will be over dominant.
10. Will lead to an increase in traffic using the already substandard narrow roads in the hamlet.
11. Drainage - no details provided.
12. Query the validity of the housing needs survey - this was a private survey commissioned by the applicant and should be treated with extreme caution as Copeland's own Housing Needs Survey refers to only a slight demand for affordable housing. Not aware of

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anyone in Braystones who has completed this survey. There are plenty of properties available with a wide range of values. Question the motives to increase the number of dwellings from 6 to 11.

The Council's Drainage Engineer, in his consultation response, objects to the proposal on the grounds that no information regarding a suitable surface water drainage system or the method of dealing with foul sewage has been provided. The Highway Authority has also expressed concern about the design of the road within the site and parking provision which need to be addressed at the detailed stage.

The adopted Copeland Local Plan 2001-2016 identifies the site as being situated in the countryside outside any settlement boundary. Outside the designated key service and local centres new housing development will only be considered where it can be demonstrated that it meets an exceptional need as stated in the criteria specified in Policy DEV 4 : Development in the Countryside. Criterion 2 of this specifies local needs housing as one of these exceptions and refers to Policy HSG 11 : Affordable Housing in Rural Areas as being the relevant policy against which such applications should be considered. This is set out below:-

POLICY HSG 11 : AFFORDABLE HOUSING IN RURAL AREAS

"Where a proposed development is to meet a proven local need for affordable dwelling(s) planning permission may be granted in accordance with the requirements of Policy HSG 5. This policy will apply to all villages in the plan area and to be acceptable proposals must:

1. be on a site within or immediately adjoining the village and well related to its physical form
2. be supported by evidence to show that there is a need within the local community as a whole for such development or that the applicant individually has genuine local ties to the village and has genuine difficulty in finding an otherwise acceptable site within the terms of Policies HSG 1-4
3. comply with the sequential test set out in Policy DEV 4 and with other plan policies
4. be the subject of a planning obligation or condition which requires the occupation of the dwelling in perpetuity to be by households which conform to the requirements of Criteria 2 above

Affordable housing is defined in Planning Policy Statement PPS 3 "Housing" as including "social rented and intermediate housing, provided to specified and eligible households whose needs are not met by the market. Affordable housing should:-

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- Meet the needs of eligible households including availability at a cost low enough to them to afford, determined with regard to local incomes and local house prices
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

Social rented refers to housing owned and managed by local authorities and registered social landlords. Intermediate affordable housing is housing at prices and rents above those of social rent but below market price/rents and which meets the criteria.

It should be noted that the definition does not exclude homes provided by the private sector or without grant funding providing they meet this definition.

The Council's Housing Manager has provided a consultation response, a copy of which is attached. He has concerns whether the proposal can meet the term "affordable" as set out in PPS3, particularly in respect of setting the rents at a suitable level and the lack of a suitable mechanism put forward for doing this would mean that rents in effect could be at market levels. This would fail the definition of affordable. He also questions whether it has been demonstrated there is an identifiable need for affordable housing in this locality.

Assessing the application against Policy HSG 11, whilst it is acknowledged that it meets criterion 1 in that it is immediately adjoining the village, as well as criterion 3 with it comprising a brown field site, it fails to satisfactorily meet the other criteria. In the supporting Planning Statement the applicant's agent puts forward that the applicant is willing to enter into a S106 agreement to restrict occupancy to the local community of the parishes of Lowside Quarter, St John's and St Bridget's Beckermot but not to incorporate the definition of "affordability" which does not fully satisfy the requirements of the policy and, in particular, criterion 4. By not incorporating an affordability definition into the S106 agreement would result in inadequate control over the affordability of the new housing development. There is also concern that the evidence provided to demonstrate "local need" for the scheme now proposed is unreliable in that it relies totally on a housing needs survey commissioned by the applicant in 2005 and not on an independent survey undertaken by the Rural Housing Trust. The applicant has been invited to provide a new survey but has declined to do so. The consultation response from the Council's Housing Manager reaffirms this view. It is also relevant that there is no local support for the scheme as evidenced by the Parish Council's objection.

Although there has been a previous approval for local need housing on this site, and this in itself is a material consideration to be taken



# HOUSING NEEDS QUESTIONNAIRE LOWSIDE QUARTER PARISH

## INTERPRETATION OF ANALYSIS

A questionnaire survey was undertaken in September/October 2005 to determine the extent of housing needs in Lowside Quarter parish. Following discussions with Copeland Planners, it was suggested that the survey should cover the parish of Lowside Quarter and the adjoining parish of St Johns Beckermat. A draft of the questionnaire was sent to Copeland Planners for comment before being circulated. A copy of the questionnaire circulated is attached as Appendix 1.

Approximately 800 questionnaires were hand delivered to addresses in the two parishes. A stamped addressed envelope was included and responses were requested within seven days. The detailed analysis of the returns is attached as Appendix 2.

298 questionnaires were returned, representing a 37% response, of which 73 (24.5% of those responding) indicated that someone in the household wished to set up home separately. 22 of these were within 1 - 2 years, 8 were 3 - 4 years, 11 were 5 - 6 years and 32 did not specify precisely when.

The reasons for wishing to set up home separately varied, but the largest group (25) indicated a desire for their first independent home.

41 were already home owners (but this did not differentiate between the head of the household and those seeking to move). 15 specified that they were living with parents, 4 were renting from a private landlord and 2 were in tied housing. 11 respondents did not complete this question.

59 respondents were not on housing benefit, whereas 9 indicated that they were.

53 described the property they were living in as in good condition, 15 fair condition and 2 in a poor state of repair. 23 had central heating and 35 double-glazing.

39 indicated that they wished to buy their next home and 15 said "no".

29 respondents lived in or near Thornhill; 24 Beckermat; 4 Egremont with 10 from within Lowside Quarter Parish.

When asked what price they could afford, 15 indicated between £70,000 - £80,000; seven between £80,000 - £90,000; four £90,000 - £100,000; one each in the ranges £110,00 - £120,000, £120,000 - £130,000 and £130,00 - £140,000; with nine in the range £140,00 - £150,000. 34 did not specify.

Nineteen respondents had income below £200 per week, with 34 above and 20 not responding. Fifteen respondents were currently renting and three paid under £40 per week, three £41 - £50 per week; five £51 - £60, three £61 - £70 and one £71 - £80.

45 were in full or part time employment and 6 in further or higher education. Four were employed and seeking work and 19 were retired.

Travel distances to work/college are relatively low. 21 are less than 5 miles with seventeen 5 - 10 miles.

Only two respondents required wheelchair access, 3 accommodation on one level, none sought sheltered accommodation, two needed help with personal care and two had other requirements.

When asked where they would choose to live, 38 replied Thornhill, 33 Beckermat, 10 Braystones, 9 Nethertown, one Middletown and 16 were not specific.

Where they lived now (35) or near to close family (22) were the main determinants of where people wished to live, with 17 near work/college and 12 being born and brought up there.

The types of accommodation required were; 23 seeking 3 bed house; 19 - 2 bed house; 14 - 2 bed bungalow; 13 - 3 bed bungalow; 10 - 4 bed house; 7 - 2 bed flat; 1 - 1 bed house; 4 - 4 bed bungalow; 2 - 3 bed flat and one 1 bed flat. Respondents were asked to tick all that applied.

## Conclusions

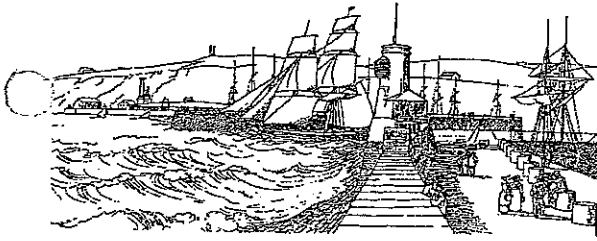
The survey has confirmed that there is a need for affordable housing in Lowside Quarter Parish. Eleven have indicated that they wish to live in Braystones (2 exclusively Braystones and 9 including Braystones with other areas). Additionally, two have mentioned only Nethertown and one Middletown, making 14 positive responses in Lowside Quarter. A further 14 have not been specific where they wish to live.

Of the fourteen showing an interest in low cost housing in Lowside Quarter Parish, 2 sought a one bed house; four a 2 bed house; three a 3 bed house; two a 4 bed house; one a 2 bed bungalow and one a 3 bed bungalow, with one unspecified. There were some multiple answers giving alternatives: - two 2 bed house, one 3 bed houses, one 4 bed house, one 2 bed bungalow, one four bed bungalow and one 2 bed flat.

Of the fourteen who were not specific where they wished to live within the survey area, there were four requests for a 3 bed house, one for a 2 bed bungalow, one for a 3 bed bungalow and eight who did not specify their requirements. Alternatives were given for a 1 bed house and a 2 bed house.

From a 37% response rate to the survey, there has been a positive response from 28 respondents who are seeking low cost housing within the next five years in the Lowside Quarter Parish area. Whereas it is not statistically accurate to interpolate results from a percentage return, it is highly likely that the need figure is significantly higher than that resulting from the survey.

The survey does prove a housing need in Lowside Quarter Parish for a minimum of fourteen housing units. In addition there are a further fourteen, which are needed within the area to the south of Egremont, which could include Lowside Quarter Parish. The need is for a mix of housing accommodation, as above, ranging from one to four bed houses and bungalows.



Whitehaven, Cumberland

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Date 9 October, 2008



Dear Mr. Pomfret,

Re: Outline Application for Demolition of Existing Dwelling and  
Erection of 11 Dwellings at Tarnbank, Braystones, Cumbria

Further to correspondence in early September, I should be grateful if you would now confirm whether the Council is in a position to proceed with this application.

Mr. Lockhart's position remains as set out in my letter of the 3<sup>rd</sup> September 2008. Mr. Lockhart is willing to discuss the terms of the Section 106 Agreement which provides for either :-

1. Letting of properties at an affordable rent subject to a clear and reasonable definition.
2. The sale of the properties at an affordable price. Again, the price should be defined by a clear and reasonable formula, which encourages the provision of a mix of housing types.

Mr. Lockhart considers it reasonable that at least one new dwelling on the site should be available for sale to the open market to replace the existing open market dwelling. The remaining ten houses should be divided equally between affordable units and affordable intermediate units. The affordable intermediate units would be subject to the locality clause only.

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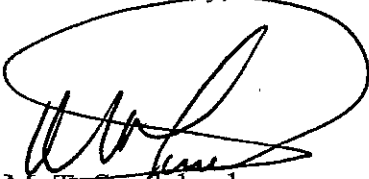
If you agree that the application should proceed on this basis, it would be helpful if we could agree terms for the Section 106 Agreement to be placed before the Planning Panel.

I have been discussing with local registered social Landlords regarding the provision of affordable housing through 106 Agreements generally. Due to the current banking crisis, lenders have withdrawn all mortgage products relating to shared equity or shared lease arrangements. Accordingly, registered social landlords are not entering into shared equity arrangements. Due to the high administrative costs and high risks associated with shared equity mortgage products, it is considered highly unlikely that they will be re-introduced to the market. Registered social landlords advise that they will only enter into arrangements for the sale or rent of affordable homes. This reflects the suggested proposal suggested by Mr. Lockhart.

Local Planning Authorities appear to be adopting a flexible approach to deliver affordable housing. I remain of the opinion that Policy HSG11 of the Copeland Local Plan is sound and allows for flexibility. However, the narrative which defines "affordable" is now clearly obsolete if affordable housing is to be delivered the Council must be willing to consider alternative approaches other than the prescriptive application of the definition.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. T. Sandelands', enclosed within a large, hand-drawn oval.

M. T. Sandelands -

## Comments on Tarnbank Planning Application

It would appear that the applicant relies at least in part on the aspiration that the site might be classed as an "exception site." This means one on which there is a presumption on planning grounds against residential development but an exception is made and planning consent is given because of a proven local need for affordable housing in or close to the settlement where the site is situated.

The definition of affordable housing in PPS3 refers to "specified eligible households whose needs are not met by the market" and it must be available "at a cost low enough for them to afford, determined with regard to local incomes" and local housing costs. In other words, but meaning the same, households whose needs are not met by the market include people who cannot afford market housing costs.

The applicant's agent writes (in their letter dated 3/9/2008) that the rent shall be set at a level which a household with the average income for the Borough would be able to afford but it would also take account of market rents for comparable properties in the locality. He does not describe the mechanism that would be used to calculate rents for the properties the applicant wants to develop. Bearing in mind the definition in PPS3 ("Specified eligible households whose needs are not met by the market" and "at a cost low enough for them to afford") the absence of a lower rent setting mechanism would mean that the rents would be at market levels and these would fail the definition of affordable housing.

The applicant's agent refers to setting rents by some arrangement with the Council but the Council's position is that it will introduce Registered Social Landlords (RSLs) to sites on which affordable housing will be provided and the RSLs will provide the affordable homes. Where these are social rented units the rents will be regulated by the RSL's regulatory body year on year, to guarantee their continuing affordability.

The applicant's agent also writes that most of the site should be "divided between affordable units and affordable intermediate units." We therefore need to be clear about the meaning of the latter. Affordable intermediate units are defined in PPS3 as "Housing at prices and rents above those of social rent, but below market price or rents.....These can include shared equity products (e.g. Homebuy), other low cost homes for sale and intermediate rent."

If affordable intermediate units are higher than social rent but lower than market rent levels then affordable units must be at social rent values. In other words, RSL regulated rents. But if there are no RSL rented homes in the locality of Tarnbank then the applicant's reference to comparable rents in the locality will mean market rents. This would fail the definition of affordable units.

The applicant's agent will argue that PPS3 allows other organisations (not just local authorities and RSLs) to provide affordable housing. But the guidance adds a caveat,

which says – “provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant.” This means equivalent target guideline rents as determined by RSLs national rent regime. The flaw in the applicant’s proposal is that, once again, it does not contain a mechanism to ensure that the rents are set and regulated at a level which remains affordable for people on low incomes.

The conclusion is that rented homes must deliver rents at RSL levels year on year to be classed as affordable. Anything above this would fail the definition in PPS3. The site would also fail the test of an “exceptions site” if it cannot be demonstrated that there is an identified need for affordable housing in its locality.

If there is a desire to develop a majority of affordable housing on this site the applicant would introduce an RSL as provider and the latter would develop homes in accordance with the Homes & Communities Agency’s scheme development standards. The guidance allows other providers but the proposal as written would not deliver rents at RSL levels or homes built to RSL scheme development standards.

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into account in determining the application, it should be noted that this was for a maximum of 6 dwellings. At the time, it was recognised that there was no allocation in the mid Copeland area for housing and the scheme was justified on the basis of the evidence submitted and the accompanying S106 agreement. Now a further 5 dwellings are sought via this proposal with no additional evidence to substantiate the increase in numbers. Whilst it is accepted that the issue of affordable rural housing generally in the Borough may need to be addressed, this in itself is no justification for supporting the scheme now proposed.

On the basis of the above and, in particular, without a proven local need for the additional housing units now proposed and demonstrable measures to secure "affordability" the application is considered to be contrary to Policies DEV 5 and HSG 11 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Refuse

In the absence of a proven local need for the number of dwellings now proposed and demonstrable measures to secure affordability the proposed development is at variance with Policies DEV 5 and HSG 11 of the adopted Copeland Local Plan 2001-2016 and guidance provided in Planning Policy Statement 3 "Housing".

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2 4/08/2478/0

OUTLINE APPLICATION FOR 2 NO DWELLINGS  
LAND ADJACENT TO, 2, SILVERDALE STREET, HAVERIGG,  
MILLOM, CUMBRIA.  
MR & MRS W TAYLOR

Parish Millom

- No objections.

Outline planning permission is sought for two dwellings on land adjacent to 2 Silverdale Street, Haverigg, Millom.

The area of land is situated within Haverigg village on a single access street serving approximately 30 houses. The land is bordered on all sides by dwellings or residential curtilages. It has previously received planning permission for the construction of two dwellings on the site in 1981 (4/81/0308 refers).

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A previous application of the same title was withdrawn in August 2008 in order for objections relating to highways and flood risk to be fully addressed (4/08/2366/0 refers).

The area of land measures approximately 24m x 12m and the two dwellings would face onto, and have access from, Silverdale Street. Currently the site is unsurfaced and used by the applicant to park vehicles on.

Whilst only an outline application with all matters reserved, the applicant has submitted plans which detail two 3 bedroomed, two storey houses on the site which would meet the separation distances stated in Policy HSG 8 of the adopted Copeland Local Plan 2001-2016.

The application site is located within a Flood Zone 3 as indicated by the Environment Agency's Flood Map and, as such, the application must be accompanied by a Flood Risk Assessment (FRA), which it is. However, the application must be deemed to pass both the Sequential Test and Exception Test in the National Guidance Planning Policy Statement (PPS) 25 - "Development and Flood Risk" and until this was completed the Environment Agency raised an objection.

In this process the proposal must be checked against a relevant development plan, in Copeland's case the Local Plan, firstly to determine whether the land has been sequentially tested at plan level, which it has not, and if it is in a designated area for windfall development, which it is not. Then it must be compared to any other potential development or allocated sites within the settlement.

As Members will be aware, there is a large allocated housing site at Concrete Square, Haverigg, but this approved site is also on previously developed land and in the same category flood zone so this proposal does not rank any higher or lower in the use of land for housing as detailed in Policy DEV 4 of the adopted Copeland Local Plan 2001-2016. Therefore, this previous approval should not affect the decision on this application and it should be noted that there are no other allocated housing areas within Haverigg.

With regard to the Exception Test, the Council has considered the following points:-

- (a) The sustainability benefits of the development are firstly that it will provide additional affordable housing in Haverigg. With the large scale housing scheme at Poolside likely to take a substantial period of time to reach construction stage and no other areas of land in the settlement with extant planning permission, this development is considered to be to the benefit of the village. It will also ensure that the redevelopment of this area of waste ground will improve the surroundings for the residents of Silverdale Street. It should be noted that no representations have been received from neighbouring residents.



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- (b) The application site is previously developed land and also has had a previous planning permission for 2 dwellings in 1981 (4/81/0308/043 refers).
- (c) A Flood Risk Assessment has been submitted with the application which comments that the flood defence wall at Haverigg has reduced the chance of properties in the village flooding, and also makes recommendations to mitigate against flood risk.

The Environment Agency has now commented further that while they now wish to remove their objection, they wish to ensure that the applicant is fully aware that their development site is located within Zone 3A, which is a high probability flood zone, and have satisfied themselves with the level of risk. As such, they should ensure that this does not adversely affect their future proposals for the development. The applicants have responded that they are aware of and fully accept the potential flood risk.

On balance, and in light of the above points, the proposal is considered to be in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016, and is therefore recommended for approval.

Recommendation

Approve in Outline

- 3. Permission in respect of site layout shall relate solely to the amended plan (0864/01 Rev B) received by the Local Planning Authority on 29 October 2008. Development shall be carried out in accordance with the approved details.
- 4. The access drives shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the dwellings are occupied.
- 5. Access gates, if provided, shall be hung to open inwards only away from the highway.
- 6. 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 dwellings being completed and shall be maintained operational thereafter.
- 7. The site shall be drained on a separate system, with foul drainage only connected into the foul sewer.

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- 8. Full details of the proposed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority before development commences.
- 9. All mitigating measures recommended in the revised Flood Risk assessment by Bleasdale Wand dated 17 December 2008 shall be incorporated into the development.

The reasons for the above conditions are:-

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

For the avoidance of doubt

In the interests of highway safety

To obtain a satisfactory drainage system

To mitigate any potential flood risk

Reason for decision:-

The proposal represents an acceptable infill development on previously developed land in a residential area within Haverigg in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016

3 4/08/2579/0

ERECTION OF TWO BEDROOMED BUNGALOW  
LAND TO REAR OF, DEVONSHIRE ROAD, MILLOM,  
CUMBRIA.  
MR D FRY

Parish

Millom

- No comments received.

Planning permission is sought for the erection of a two bedroomed bungalow on land to the rear of Devonshire Road, Millom.

Planning permission would see the erection of a two bedroomed dwelling in this 789 sq m site. It would measure 20m x 9m in size, with a height of 2.5m to the eaves and 5.4m to the ridge. Internally, this space would provide a kitchen, living room, study,

MAIN AGENDA  
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dining room, utility, two bedrooms and a bathroom. External finishes would comprise white spar dash with brick quoins and window surrounds, grey tiles to the roof and white uPVC windows and doors. The front elevation is proposed to have a small entrance porch in the same materials.

The access to the dwelling would be off Devonshire Road from a 30m driveway located between Nos 118 and 120 Devonshire Road. There would be a separation distance of 27 metres to the rear elevation of Nos 120 and 122 Devonshire Road with only allotment gardens located to the rear of the site.

The proposed driveway would provide adequate turning and parking space for 2 cars for the dwelling whilst leaving adequate turning space and 2 parking spaces for the existing dwelling. No objections have been received to the proposal, and the Highways Authority has no objections, subject to conditions.

While the siting of the dwellings is not ideal, being situated to the rear of Nos 120 and 122 Devonshire Road, the siting alone is not sufficient ground to refuse as seen with other applications such as at Springfield Road, Bigrigg (4/06/2747/0 refers) and at High Road, Kells (4/06/2411/0 refers). In addition, a dwelling in a similar situation was given approval further along Devonshire Road in 2002 (4/02/1210/0 refers), being to the rear of No 136.

In Policy terms, the site is located within the settlement boundary for Millom and is previously developed land. The proposed development meets all the necessary separation distances and has an acceptable access and sufficient parking and turning space. Should Members be minded to approve the application, however, a condition will be included to ensure the removal of the caravan once the dwelling is completed.

Therefore, it is considered that the application represents acceptable infill development in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

2. The caravan shall be removed from the site prior to the dwelling being occupied.
3. Access gates, if provided, shall be hung to open inwards only away from the highway and be recessed no less than 4.5m as measured from the highway edge of the adjacent carriageway.

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- 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 the development being commenced. Any approved works shall be implemented prior to the dwelling being completed and shall be maintained operational thereafter.
- 6. Details of the proposed soakaway shall be submitted to and approved in writing by the Local Planning Authority before development commences.

The reasons for the above conditions are:-

The Local Planning Authority would not wish to see the long term siting of a residential caravan in this location

In the interests of highway safety

To ensure a satisfactory drainage system

Reason for decision:-

The proposal represents an acceptable infill development in a residential area within the Millom settlement boundary in accordance with Policy HSG 4 of the adopted Copeland Local Plan 2001-2016

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4 4/08/2582/0

VARIATION OF CONDITION 3 OF 4/92/0529/0 TO EXTEND  
OPENING HOURS FROM 6.00 A.M. TO 9.00 P.M. MON-FRI  
& 7.00 A.M. TO 9.00 P.M SATURDAY & SUNDAY  
(RETROSPECTIVE)  
195, MEADOW ROAD, MIREHOUSE, WHITEHAVEN, CUMBRIA.  
MARTIN MCCOLL LIMITED

Parish Whitehaven

Permission is sought in retrospect to extend the approved opening hours of this established convenience store situated within an existing residential area of Whitehaven. The shop is situated by residential properties and immediately adjoins an existing dwelling which is currently empty. The main elevation faces onto Meadow Road, the main route through the estate.

Planning permission was originally granted for a change of use of

MAIN AGENDA  
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part of the ground floor of a dwelling to a shop in 1985. A further approval in 1992 permitted the relocation of the shop into an adjacent single storey garage and the roofing over of the intervening passageway between the garage and the house to use as a store, (4/92/0592 refers). Condition 3 of that permission stated "The shop shall not open between 9.00 pm and 8.00 am on day day" thereby seeking to control the opening hours. It transpires, however, that this has not been adhered to with the shop regularly opening at 6.00 am, some 2 hours earlier than the approved opening time. This application now seeks to regularise the situation by applying for a 6.00 am opening time Monday to Friday and 7.00 am on Saturdays and Sundays.

Two letters of objection have been received from the residents of the two neighbouring semi-detached dwellings to the south. They object to the application on the following grounds:-

1. Constant nuisance and disturbance the shop creates from early morning deliveries/opening hours. It already opens at 6.00 am and during this time deliveries of milk, bread and newspapers are received. Also, customers cars pulling up/banging doors/sounding horns causes a lot of noise and disturbs sleep.
2. Generates a constant stream of traffic parking on the double yellow lines outside the store and their properties causing noise and obstruction to other road users. Also raises safety issues for school children crossing the road to catch the school bus which picks up at the bus stop opposite.
3. There is a major litter problem with the shop - the use creates a lot of litter which is an eyesore and overflows into the objectors' gardens.
4. Encourages groups of young children and teenagers to congregate outside the shop which causes noise and disturbance to neighbouring families.
5. Request that more reasonable opening hours be granted of 8.00 am until 6.00 pm.

The accompanying Design and Access Statement puts forward the case in support of the proposal that the store does provide a much needed and valuable service to local residents and passers by. Whilst that is acknowledged the benefit of allowing/regularising two additional hours of opening early in the morning has to be weighted against the potential adverse affect on the amenity of residents living next door and in close proximity to the shop. In addition to the impact on the neighbours to the south it also has to be taken into consideration the possible effect of this extension on any future residents of the adjoining house to the north, particularly as the main shop entrance is situated at a 90 degree angle to the front elevation of this property, adjacent to the main living room.

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Policy TCN 14 : "Village and Neighbour Shopping" of the adopted Copeland Local Plan is the main policy against which this application should be assessed. This recognises the need for such facilities in local communities subject to the effect on amenity of nearby residents being taken into account.

In this instance, it is my opinion that the likely adverse impact on neighbouring properties from noise and disturbance generated by the extra early morning opening hours would have an unacceptable affect on residents' living conditions and would outweigh any benefits to the local community and for this reason the application cannot be supported.

If Members are minded to agree with the officer recommendation and refuse the application authority is sought to seek compliance with the existing opening hours.

Recommendation

Refuse amendment of condition

The noise and disturbance likely to be generated from the early morning activity as a result of the proposed extended opening hours of this convenience store would have an adverse impact on the amenity of the adjoining and nearby residents and would be harmful generally to the character and amenity of the area contrary to Policies TCN 14 and DEV 6 of the adopted Copeland Local Plan 2001-2016.

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5 4/09/2005/0

OUTLINE APPLICATION FOR A DWELLING. CHANGE OF USE OF LAND TO THE REAR FROM AGRICULTURAL TO DOMESTIC FOR NEIGHBOURING DWELLING & PROVISION OF SHARED ACCESS AND PARKING.  
LAND ADJACENT TO LINDLEY HOUSE & NO 7,  
SKELSCEUGH ROAD, WINDER, FRIZINGTON, CUMBRIA.  
MRS L SAVAGE

MAIN AGENDA

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Parish

Arlecdon and Frizington

- No comments received.

In October 2008 an outline planning application for the erection of a detached dwelling and change of use to garden land was withdrawn (4/08/2474/001 refers).

A revised application has now been submitted again seeking outline planning permission for the erection of a single dwelling on garden land adjacent to two existing dwellings fronting Skelsceugh Road at Winder. In order to overcome the previous grounds for concern the applicant has now purchased additional garden land for this house. In addition, a shared access arrangement is now proposed which will provide an off-street parking area for No 7.

In terms of the proposed change of use a 3.5m deep by 25.0m long strip of grazing land to the rear of the site is to be changed from grazing land into domestic garden land to serve the new dwelling and extend the existing rear garden of No.7. This would make the rear boundaries of the gardens consistent with that of the adjacent Linley House and several other properties along the road.

Within the application it is stated that the dwelling is to be occupied by the applicant's mother who currently resides in No. 7 and due to health issues she requires a bungalow with living and sleeping accommodation at ground floor level. The location of such a dwelling directly adjacent to the applicant's house will also allow for much needed support in the long term.

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

In planning policy terms the site is situated outside any settlement boundary defined by the adopted Copeland Local Plan 2001-2016. Accordingly, Policy DEV 6 presumes against allowing new housing development in the countryside unless essential needs grounds are demonstrated or the proposal relates to a replacement dwelling.

The site itself constitutes an infill plot with a direct road frontage flanked by housing on either side. A similar application within the side garden of 12 Skelsceugh Road was refused by the Council in 2003 (4/03/0143/0 refers) and subsequently allowed on appeal in January 2004 (APP/Z0923/A/03/1128939 refers). Within the appeal decision it was noted that whilst policies to protect the countryside have been strengthened over recent years, there is scope within both national and local policy objectives to recognise that sensitive infilling of small gaps within established groups of houses may be appropriate. It was also noted that such development would be wholly consistent with the established use and character of the immediate surroundings.

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Additionally, guidance contained in both Planning Policy Statement 3 "Housing" and Planning Policy Statement 7 "Sustainable Development in Rural Areas" advocates the effective use of previously developed land. In order to justify refusal it has to be demonstrated that the proposal would cause harm.

Whilst submitted in outline an indicative layout has been provided demonstrating how a detached dwelling with integral garage could be accommodated on the site whilst achieving the minimum separation distances required by Policy HSG 8.

I am therefore of the opinion that the erection of a dwelling on the infill plots accords with both local and national policy objectives and, as such, is favourably recommended.

Recommendation

Approve in Outline (commence within 3 years)

3. Permission in respect of site layout shall relate solely to the amended plans (drawing nos. 2008.313.LP and 2008.313.01C) received by the Local Planning Authority on 15 January 2009.
4. All matters relating to the layout of the site the means of access, parking and turning within the site shall be reserved for approval at the detailed planning stage.

Reasons for the above conditions are:-

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

For the avoidance of doubt

In the interest of highway safety

Reason for decision:-

An acceptable form of infill housing development within this established group of dwellings in accordance with Policies DEV 6 and HSG 8 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Statements 3 "Housing" and 7 "Sustainable Development in Rural Areas".

Note:-

A public sewer runs to the west of the site and United Utilities will not permit building over it. They will require an access strip of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issues of "Sewers for adoption".



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6 4/08/9011/0

REMOVAL OF 4 PREFABRICATED CABINS & ACCESS STAIR,  
MAKE GOOD THE SITE FOR A NEW 3 STOREY BUILDING TO  
SERVE AS A PLANT ROOM. RELOCATE ONE OF THE  
EXISTING PREFABRICATED SINGLE STOREY CABINS TO  
SERVE AS SITE ACCOMMODATION. INSTALL 3 REMAINING  
PREFABRICATED BUILDINGS AS TEMPORARY SITE  
ACCOMMODATION  
SELLAFIELD WORKS, SELLAFIELD, SEASCALE, CUMBRIA.  
SELLAFIELD LIMITED

Parish St Bridgets Beckermert

The proposal is within the Separation Area (SEP), inside the Sellafield site and involves the removal of 4 prefabricated buildings to be replaced by a 3 storey building. The location of this development is set well within the site. The new building will accommodate a plant room at ground level and offices at first and second floors to accommodate health physics staff and shift team leader support.

The proposed 3 storey building will be significantly smaller than surrounding buildings. The elevational treatments and materials will harmonise with existing buildings nearby. The elevations will be in grey blocks with silver cladding and dark grey trimmings to the front elevation. The glazing will be blue, to reflect sunlight. External doors will be blue and the roof covering will be a grey colour liquid plastic membrane coating.

One of the existing prefabricated cabins is to be relocated on site to serve as site accommodation and the other 3 are to be used as temporary site accommodation.

The proposed development is the result of a requirement by the Nuclear Installation Inspectorate to remove all waste from the existing silo by 2016. The nature of the building's location and the materials used to satisfy seismic requirements has given the building a design life of 20 years.

Pedestrian access will be via an existing high-level walkway. Existing vehicular access routes will be maintained. No car parking will be provided. The existing car parking arrangements for the site are to be applied with access to the site by company provided transport in order to maintain an un-congested and safe site, in accordance with the Sellafield Travel Plan.

The current application is supported by a brief Statement of Environmental Issues which covers the following topics:-

Air Quality and Climate

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Noise  
Geology, Hydrogeology, Soils, Contaminated Land  
Hydrology, Water Quality and Flood Risk  
Ecology and Nature Conservation  
Landscape and Visual Amenity

The proposed development is set well within the Sellafield site and the building is modest in comparison with many of the nearby buildings. It will not have any visual or operational impact outside the site. There are no planning objections to the proposals.

Recommendation

Permission be granted

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7 4/08/9012/0

ERECTION OF A LITTER CAGE AND ITS SUBSEQUENT USE  
AS A WASTE TRANSFER STATION FOLLOWING CLOSURE OF  
THE LANDFILL SITE FOR A PERIOD OF NO MORE THAN 18  
MONTHS  
DISTINGTON LANDFILL SITE, PITWOOD ROAD,  
LILLYHALL INDUSTRIAL ESTATE, WORKINGTON, CUMBRIA.  
MR C RIDDELL

Parish

Distington

This planning application is for a litter cage/temporary waste transfer station, vehicle manoeuvring areas and vehicular access to the facility. The proposal is two fold, comprising the erection of a litter cage to be used during the remaining operational life of the landfill site and the subsequent retention of the litter cage and its use as a short term (maximum 18 months) waste transfer station following completion of the landfill site.

The litter cage would comprise a clay bund enclosing an area 30m x 40m on three sides. The bund would be 2m high. Steel stanchion supports would be placed within the bund which would support 75mm square mesh netting on three sides and on the top of the structure. The overall height of the structure including the bunds would be 7 metres. A reinforced concrete slab would be constructed to form the base of the area enclosed by the net. The pad would be laid to a fall, draining to a collection sump. The sump would discharge to a lined area of the landfill site.

The application site is an area of the landfill site which is

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currently used to store skips/containers and wastes awaiting removal off-site - principally fridges, tyres and asbestos wastes. Prior to the development of the cage the site would be cleared of all remaining containers and wastes which would be taken off-site. This location is well away from the village of Distington. The area was identified as a suitable location for the litter cage as:-

- (a) The site is served by the existing internal site road.
- (b) The site provides a flat and level area for the development of of a cage.
- (c) The site's location at the southern extremity of the landfill site means that it would have minimal interference with landfill site operations and restoration phasing.
- (d) The site is set at lower levels than the remainder of the landfill and is well screened by existing trees
- (e) The proposed location is remote from sensitive receptors.

The existing site road currently provides vehicular access to this part of the site and this access would be improved to assist traffic flow. An area to the front of the cage would be surfaced with hardcore to provide an area for vehicle manoeuvring.

At present, the method of managing the landfill site to avoid waste escaping the site during windy conditions is to monitor wind speeds on a daily basis and take appropriate action in the case of higher wind speeds. The action to be taken depends upon the type and amount of waste being accepted and the characteristics of the wind such as direction and whether or not it is gusting. Where the tip face is close to areas of litter netting and the wind direction is in the direction of the netting, then the decision may be to continue to operate the site. Similarly, if the waste types being accepted are those of a nature unlikely to become easily entrained in the air then the decision may be to continue operating the site. Ultimately, however, it may be necessary to close the site. The site was closed for a two week period in January 2008 because of high wind speeds. Closure of the site has a number of effects:-

- (a) It disrupts the refuse collection service.
- (b) It results in an immediate loss of business and potentially a loss of customers.
- (c) Frequent closures will delay the completion and capping of cells and ultimately delay the completion and restoration of the site.

The use of litter cages as a location for depositing and temporary storing wastes during windy conditions is a common and successful solution adopted by many landfills throughout the UK. This solution

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is now proposed for the Distington landfill site. The cage would provide an area enclosed with netting on three sides with a netted top. Any light fractions of waste that would become airborne would be contained within the cage and prevented from escaping the site. This facility would avoid having to close the site regularly over the autumn, winter and spring periods and divert wastes to other waste management facilities.

It is also proposed that the cage would become a temporary Waste Transfer Facility.

Cumbria Waste Management currently fulfils the contract for the disposal of the residual domestic waste following kerbside collection of recyclables in Allerdale and Copeland. The disposal of this waste is by deposit in the Distington landfill site. The landfill also accepts a range of commercial, industrial and construction wastes arising in the local area, inert wastes and wastes from Household Waste Recycling Centres. The approximate proportions of materials are:-

Domestic waste - 50%  
Waste from HWRC's - 11%  
Industrial and Commercial wastes - 22%  
Inert wastes - 11%  
Cover and cappings - 5%

In order to avoid penalties, new waste management facilities will be required to manage residual municipal wastes. Cumbria County Council as Waste Disposal Authority has decided that the way to secure the delivery of these facilities is to appoint a Strategic Service provider who will be awarded the contract for the long term management of municipal waste in the County. The likely strategy for municipal waste management is based upon the development of two Mechanical Biological Treatment (MTB) facilities. The proposed location for the MBT plants is the Hespian Wood Waste Management Complex, north of Carlisle and one in the south of the County, probably in the Barrow area. A series of transfer stations would be developed throughout the County as points to bulk up material for efficient haulage to the MBT plants. The development of the two MBT plants and associated transfer facilities to manage municipal waste will inevitably take some time. There will need to be a number of transitional stages between the current arrangements for the management of municipal waste and the completion and operation of the facilities. The provision of landfill capacity for the disposal of wastes in West Cumbria will be provided by utilising the remaining airspace at Distington Landfill for the first year, thereafter utilising the litter net facility to transfer waste until the permanent MRF/transfer facility is operational.

When the permanent MRF is available, CWM are preferred contractors for the transfer of waste to the MBT plant at Hespian Wood or the similar plant which is to be developed in the south of the county.

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It is evident, given the limited duration of the remaining capacity at the Distington Landfill, that completion of the permanent transfer facility will not be achieved before the permitted airspace at the landfill is exhausted. CWM has identified a suitable site for the permanent MRF/transfer facility and is in the process of securing an option on the land. It is hoped that a planning application could be prepared and submitted for this proposal within three to six months. However, the process of obtaining the relevant permissions and permits will be required before construction can commence. It is possible that it could take up to 18 months/two years to complete this process. The landfill capacity will be exhausted by mid to late 2009. Given the anticipated timescales above it could be mid to late 2009 before the facility would be operational and the waste that is currently deposited to the landfill will need to be managed for a short interim period.

The preferred option is to retain the litter cage for a short period following completion of the landfill and to use it for bulking up wastes received at the site for more efficient transfer to other CWM facilities. The cage would provide an enclosed area for the transfer of all wastes presently disposed of at the landfill. It must be stressed that this option would very much be a short term expedient to allow CWM to retain their current customer base and fulfil their contractual obligations whilst the permanent MRF/Transfer Station is developed. It is anticipated that this operation would only take place for up to a year. This application seeks the use of the litter cage as a temporary transfer facility for up to 18 months to allow for any slippage in the anticipated programme for the development of the permanent facility. When the MRF/Transfer Station has been developed the removal of the cage and access could be completed swiftly and site restoration completed within six months thereafter.

All waste transfer and storage would take place within the netted area. It is intended that wastes are removed from the site the same day as arrival. In some instances this may not be possible such as where wastes arrive towards the end of the working day. In such circumstances, wastes would be stored overnight in containers and removed from site the following working day. Odorous wastes would be removed as quickly as possible to minimise the potential for odour release. The site would operate for the same hours as is currently permitted at the landfill site, which are:-

0700 to 1900 Mondays to Fridays  
0700 to 1730 Saturdays and Sundays

Existing vehicle patterns delivering waste to the Distington site would remain unchanged. Vehicles would enter the site and check in at the weighbridge. They would then be directed to the temporary transfer facility. Vehicles would reverse into the cage and deposit

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their loads and then exit the cage. The deposited waste would be stored and bulked up for transfer.

Wastes transferred from the site would go to other landfill facilities operated by the CWM group, principally Flusco Quarry Landfill near Penrith or the Hespian Wood Waste Management Park north of Carlisle. The facility size has been designed to manage the current waste input level at the Distington landfill which is around 90,000 tonnes per annum. However, it is not expected to retain the current volume of waste throughout due to the general continuing downward trend of waste volumes. It is anticipated that throughput would be around 60,000 to 65,000 tonnes per annum.

CONCLUSION

This proposal is two fold; initially to provide the litter cage during the operational phase of the landfill and then, following completion of the landfill, to provide a short term temporary waste transfer facility. The first element of the proposal provides for improved operational standards at the landfill site allowing the site to continue to provide a waste management service during periods of high wind at a time when the highest and most exposed site levels are being achieved. The short term use of the litter cage as a transfer station would provide the applicants with a means to increase efficiency of waste haulage, if this proves to be necessary, whilst alternative long term facilities are to be developed.

The latest expression of local planning policy indicates that existing waste management sites are suitable locations for transfer facilities. The transfer station would be seen in the context of a number of other facilities and infrastructure that would remain on the landfill following completion of restoration. It is envisaged that the development would have no significant adverse impacts on local communities and would secure employment for 5 staff. The waste transfer proposal does not fit neatly with current or emerging planning policy where transfer would be permitted to facilitate materials reuse and recycling. However, the proposal should be viewed as a short term expedient, maintaining local competition whilst alternative facilities, which are required for waste management strategy for the County as a whole, are developed.

The Environmental Health Officer has been consulted separately by the County Council and any comments will be reported to the Panel.

Recommendation

That Copeland Borough Council raise no objections to the application for the Litter Cage and Temporary Waste Transfer Station for a period of no more than 18 months following the closure of the landfill site.

CUMBRIA COUNTY COUNCIL

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8 4/08/9013/0

FORMATION OF 7 NUMBERED BOREHOLES INCLUDING  
TEMPORARY CONSTRUCTION COMPOUNDS  
LOW LEVEL WASTE REPOSITORY, NEAR DRIGG, SEASCALE,  
CUMBRIA.  
LLW REPOSITORY LTD

Parish Drigg & Carleton

This is one of two applications for boreholes in relation to the Low Level Waste site. The LLWR will eventually accept no more waste and will be closed. As part of the strategy for site closure an Environmental Safety Case (ESC) is to be completed and submitted to the Environment Agency (EA) by May 2011 as part of the sign-off from the EA. The ESC must demonstrate the long term integrity of the site and that there will be no contamination beyond the site boundaries. In order to provide data for the ESC, it is necessary to monitor the groundwater conditions, assess geology, hydrogeology and to model potential contaminant migration pathways. The boreholes will allow the collection of this important data.

Five of the boreholes are located within the Drigg Coast SSSI/Special Area of Conservation (SAC). This area of coastal dune is currently grazed by sheep owned by the tenant farmer. The remaining two boreholes are located in the open farmed pastureland outside the boundary of the SSI/SAC.

Prior to drilling the boreholes, a temporary barrier will be installed around the borehole locations within the SSSI/SAC and a programme of reptile/amphibian trapping undertaken. Once the area has been cleared of species, a secure, fenced, temporary construction compound will be established at each location and a sandbagged area will be installed around the perimeter of the whole work area. This will include a waterproof membrane over plywood sheeting preventing arisings from the drilling operations running into the surrounding ground. Any spoil arising from the boreholes will be bagged and removed from the site.

Each borehole will comprise an unlined well shaft approximately 50m in depth. On completion of drilling a permanent well of approximately 50mm in diameter will be formed within the borehole. A brick built cover approximately 900mm x 600mm x 450mm high with a secured manhole cover will be constructed over it. Future access to the wells will be required for routine monitoring and maintenance up to 12 times a year.

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The construction works are expected to take 4 months to complete. Vehicular access during the construction period will be necessary, using the existing track which runs parallel to the coastline from Shore Road, but will be kept to a minimum. There will be 4 vehicle movements each way per day. The nearest dwelling is situated more than 250m from the nearest borehole. Working hours will be during daylight hours only, between 7.30am and 6.30pm, with no site lighting required. No drilling will begin before 8.30am in relation to the borehole closest to the nearest dwelling. No weekend or public holiday working is envisaged.

CONCLUSION

The application proposes a series of boreholes to obtain data necessary to complete the Environmental Safety Case. The application has been subject to discussions with Natural England and a method statement setting out proposed working practices has been agreed with them in order to ensure there is no significant impact on the SSSI/SAC. The proposals are also considered to be acceptable in terms of highways, archaeological impact and residential amenity. The proposals are in accordance with development plan policies and represent a development of significant importance in terms of providing data for the ESC.

The Environmental Health Officer has been consulted separately by the County Council and any comments received will be reported to the Panel.

Recommendation

That Copeland Borough Council raise no objections to the proposed formation of seven boreholes around the Low Level Waste site.

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9 4/08/9014/0

FORMATION OF 7 NUMBERED MONITORING BOREHOLES  
INCLUDING TEMPORARY CONSTRUCTION COMPOUNDS  
NORTH AND EAST OF THE,  
LOW LEVEL WASTE REPOSITORY, NEAR DRIGG, SEASCALE,  
CUMBRIA.  
LLW REPOSITORY LTD (C/O AGENT)



## CUMBRIA COUNTY COUNCIL

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Parish

Seascale

This is one of two applications for boreholes in relation to the Low Level Waste site. The LLWR will eventually accept no more waste and will be closed. As part of this strategy for site closure an Environmental Safety Case (ESC) is to be completed and submitted to the Environment Agency (EA) by May 2011 as part of the sign off from the EA. The ESC must demonstrate the long term integrity of the site and that there will be no contamination beyond the site boundaries. In order to provide data for the ESC, it is necessary to monitor the groundwater conditions, assess geology, hydrogeology and to model potential contaminant migration pathways. The boreholes will allow the collection of this important data.

The boreholes are located within areas of agricultural fields with the exception of one which is in an agricultural yard. Access to the boreholes will be made from existing access tracks and the public highway.

Prior to drilling the boreholes, a secure, fenced, temporary construction compound will be established at each location and a sandbagged area will be installed around the perimeter of the whole work area. This will include a waterproof membrane over plywood sheeting preventing arisings from the drilling operations running into the surrounding ground. Any spoil arising from the boreholes will be bagged and removed from the site.

Each borehole will comprise an unlined well shaft approximately 50m in depth. On completion of drilling a permanent well of approximately 50mm in diameter will be formed within the borehole. A brick built cover will be constructed over it. Future access to the wells will be required for routine monitoring and maintenance up to 12 times a year.

The construction works are expected to take 4 months to complete. Vehicular access during the construction period will be necessary, using the existing accesses and tracks but will be kept to a minimum. There will be 4 vehicle movements each way per day. The nearest dwelling is situated more than 100m from the nearest borehole. Working hours will be during daylight hours only, between 7.30 am and 6.30 pm, with no site lighting required. No drilling will begin before 8.30am in relation to the boreholes closest to the nearest dwelling. No weekend or public holiday working is envisaged.

**CONCLUSION**

The application proposes a series of boreholes to obtain data necessary to complete the Environmental Safety Case. The proposals are considered to be acceptable in terms of access and highways, visual impact and residential amenity. The proposals are in accordance with development plan policies and represent a development of significant importance in terms of providing data for the ESC.

CUMBRIA COUNTY COUNCIL

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The Environmental Health Officer has been consulted separately by the County Council and any comments received will be reported to the Panel.

Recommendation

That Copeland Borough Council raise no objection to the proposed formation of seven boreholes around the Low Level Waste site.

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Schedule of Applications - DELEGATED MATTERS

4/08/2540/0	St Bees	AMEND APPLICATION FOR APARTMENT BLOCK TO INCLUDE PROVISION OF EXTERNAL DECKING AREA TO THE GROUND PLOTS 14, 14A, 14B & 14C, FAIRLADIES, ST BEES, CUMBRIA. R LIGHTFOOT
4/08/2551/0	Whitehaven	CHANGE OF USE OF 1ST FLOOR TO BAR AND PART OF BOAT YARD TO REAR TO LICENSED PREMISES ERECTION TAYLORS TAVERN, 18, TANGIER STREET, WHITEHAVEN, CUMBRIA. MSSRS S & J BROWN
4/08/2537/0	Egremont	SINGLE STOREY REAR EXTENSION  45, DALZELL STREET, MOOR ROW, WHITEHAVEN, CUMBRIA. DR K WEBB
4/08/2539/0	Whitehaven	CHANGE OF USE OF ADJOINING PLANTING AREA TO DOMESTIC GARDEN AND ERECTION OF SINGLE STOREY 14, JUBILEE ROAD, RED LONNING, WHITEHAVEN, CUMBRIA. MR G REAY
4/08/2543/0	St Bees	PROPOSED ALTERATIONS AND EXTENSIONS  MAYFIELD, FINKLE STREET, ST BEES, CUMBRIA. S TAYLOR
4/08/2544/0	St Bees	LISTED BUILDING CONSENT FOR PROPOSED ALTERATION AND EXTENSIONS MAYFIELD, FINKLE STREET, ST BEES, CUMBRIA. S TAYLOR
4/08/2545/0	Whitehaven	SINGLE STOREY WC & UTILITY EXTENSION  13, EARLS ROAD, BRANSTY, WHITEHAVEN, CUMBRIA. MR & MRS MCKEOWN
4/08/2547/0	Whitehaven	SINGLE STOREY EXTENSION TO PROVIDE GARAGE/UTILITY & FRONT PORCH, INCLUDING CHANGE OF USE OF COMMO 8, MUNCASTER ROAD, WHITEHAVEN, CUMBRIA. MR K HAMMEL
4/08/2550/0	Whitehaven	TWO STOREY EXTENSION COMPRISING GARAGE & BEDROOMS, SINGLE STOREY REAR EXTENSION TO FORM 15, HOLLYBANK, THE HIGHLANDS, WHITEHAVEN, CUMBRIA. MR V SHIPLEY
4/08/2552/0	St Bridgets Beckermat	DOUBLE GARAGE  HOLM HILL, SELLAFIELD ROAD, BECKERMET, CUMBRIA. MR J REA

Schedule of Applications - DELEGATED MATTERS

4/08/2553/0	Egremont	REAR SINGLE STOREY EXTENSION 5, NELSON SQUARE, EGREMONT, CUMBRIA. MR J NOLAN
4/08/2554/0	Whitehaven	KITCHEN, UTILITY, BATHROOM, BEDROOM EXTENSION 1, JERICHO ROAD, HIGH MEADOWS, WHITEHAVEN, CUMBRIA. MR P OSTRIDGE
4/08/2556/0	Whitehaven	SINGLE STOREY EXTENSION TO FRONT OF HOUSE 4, CENTRAL ROAD, KELLS, WHITEHAVEN, CUMBRIA. MR C STRICKLAND
4/08/2557/0	Whitehaven	REAR CONSERVATORY 87, THORNTON ROAD, HIGH MEADOWS, WHITEHAVEN, CUMBRIA. MR R SENIOR
4/08/2560/0	Whitehaven	SINGLE STOREY REAR EXTENSION FOR DISABLED PERSON 2, NORTH ROW, KELLS, WHITEHAVEN, CUMBRIA. MR E PIPER
4/08/2562/0	St Bees	SINGLE STOREY EXTENSION TO SIDE 8, ABBOTTS WAY, ST BEES, CUMBRIA. MR J KENNEDY
4/08/2563/0	Egremont	PROPOSED SMOKING SHELTER & 1.8 METRE HIGH ACOUSTIC FENCE TO REAR BOUNDARY THE KINGS ARMS, 41, MAIN STREET, EGREMONT, CUMBRIA. ADMIRAL TAVERNS (CHESTER)
4/08/2565/0	Cleator Moor	KITCHEN EXTENSION & CONVERSION OF GARAGE TO FORM NEW PLAYROOM 21, HEATHCOTE PARK, CLEATOR MOOR, CUMBRIA. MR B FLEMING
4/08/2566/0	Whitehaven	TWO STOREY GARAGE, UTILITY & BATHROOM EXTENSION 1, SEAVIEW, RICHMOND HILL ROAD, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR AND MRS AMOR
4/08/2570/0	St Bridgets Beckermat	FELL ONE LABURNUM TREE WITHIN CONSERVATION AREA (RETROSPECTIVE) HOLM HILL, SELLAFIELD ROAD, BECKERMET, CUMBRIA. MR J REA
4/08/2541/0	Arlecdon and Frizington	CONVERSION OF MACHINE HOUSE TO SINGLE DWELLING,

Schedule of Applications - DELEGATED MATTERS

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		ERECTION OF DETACHED GARAGE AND CHANGE OF USE LONSDALE FARM, MAIN STREET, FRIZINGTON, CUMBRIA MR J GATE
4/08/2555/0	Cleator Moor	LISTED BUILDING CONSENT FOR REPLACEMENT OF TWO EXTERNAL FIRE DOORS PHOENIX HOUSE, 3-5, JACKTREES ROAD, CLEATOR MOOR, CUMBRIA. MS J CROWE
4/08/2561/0	Whitehaven	ERECTION OF TWO CANOPIES OVER EXISTING PLAY AREA  ABC DAY NURSERY, CATHERINE STREET, WHITEHAVEN, CUMBRIA. ABC EARLY LEARNING LTD
4/08/2564/0	Whitehaven	50% CROWN REDUCTION OF ASH TREE  JERICHO PLANTATION, HILLCREST, WHITEHAVEN, CUMBRIA. COPELAND BOROUGH COUNCIL
4/08/2534/0	Millom	SINGLE STOREY REAR EXTENSION  1, ENNERDALE CLOSE, MILLOM, CUMBRIA. MR S MOSSOP
4/08/2542/0	Haile	CONSTRUCTION OF EXTENSION TO THE GABLE OF AN EXISTING DOMESTIC DWELLING TO PROVIDE ADDITIONAL HAILE MILL, HAILE, EGREMONT, CUMBRIA. MR D CRAYSTON
4/08/2548/0	Millom	ERECTION OF A PAIR OF THREE BED SEMI-DETACHED HOUSES LAND OFF, ARGYLE STREET, MILLOM, CUMBRIA. MR H JORDAN
4/08/2568/0	Millom	GARAGE  OLD CROSS, KNOTT END, MILLOM, CUMBRIA. MR C BROWN

