

PLANNING PANEL – 5 DECEMBER 2012

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ITEM NO: 1.

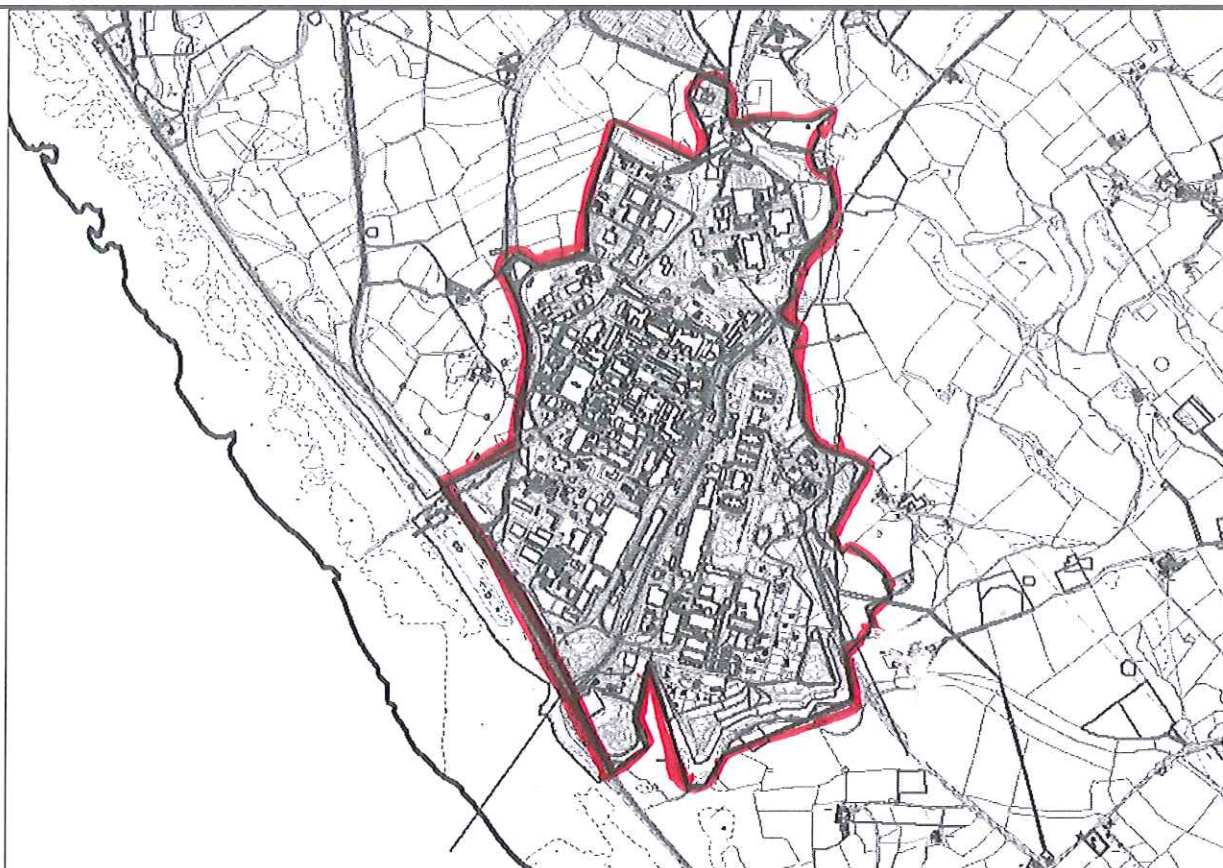


To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2273/OH1
<b>Application Type:</b>	Hazardous Substances : CBC
<b>Applicant:</b>	Sellafield Limited
<b>Application Address:</b>	SELLAFIELD, SEASCALE
<b>Proposal</b>	APPLICATION FOR HAZARDOUS SUBSTANCES CONSENT
<b>Parish:</b>	Beckermet with Thornhill, Ponsonby, Seascale
<b>Recommendation Summary:</b>	Approve Hazardous Substances



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## The Proposal

Consent is sought under the Planning (Hazardous Substances) Regulations 1992 (as amended) by Sellafield Ltd to store and use preparations of petroleum and toxic substances at the Sellafield nuclear licensed site.

A number of processes are operated on the site, some of which involve the use and storage of these hazardous substances as defined by the Regulations. It should be noted that the substances which are subject to this application are the same that have been in use on the site for many years. A previous consent was issued in 2009. (4/09/2024/0 refers) this application seeks to replace that.

It is the role of the Local Planning Authority in such instances to assess the degree of risk the storage and use of these substances pose to the surrounding community. The system is designed to ensure these substances can be kept and used in significant amounts on the site without posing a risk to the public.

#### Consultation Responses

Environment Agency – no objection. Aware that this is an existing COMAH site and the potential impacts of this establishment will be regulated under the COMAH Regulations by the Environment Agency.

Natural England - no comment.

Health and Safety Executive, Hazardous Installations Directorate - has concluded that the risks to the surrounding population arising from the proposed operation are so small that there are no significant reasons, on safety grounds, for refusing consent. They recommend that suitable conditions be attached to the grant of consent.

#### Assessment

Taking into account the above, and in particular the response from HSE, it is considered that the safety risks to the surrounding population arising from the proposed operations are so small that the proposal for the storage and preparation of the identified petroleum and toxic substances within the licensed Sellafield Nuclear Site is considered acceptable in compliance with the Planning (Hazardous Substances) Regulations 1992 as amended.

#### **Recommendation:-**

Approve Hazardous Substances Consent.

## Conditions

1. The hazardous substance(s) shall not be kept or used other than in accordance with the application particulars provided in the Hazardous Substances Consent Application Form, nor outside the areas marked for storage of the substance(s) on the plans which formed part of the application and Location Plan 'Sellafield Ltd Chemical Areas, N Penn, 06.03.12.'

Reason

In the interests of health and safety.

2. Sodium nitrate, Hydrazine Nitrate and Hydroxylamine nitrate shall be delivered and stored on the site as an aqueous solution of maximum strength 40% w/w.

Reason

In the interests of health and safety.

3. Consent is granted in accordance with the petroleum products sub categories set out in Table A (Part A, Category 36) of the HSE's consultation response dated 1 October 2012 (attached).

Reason

To ensure the necessary degree of precision and for the avoidance of doubt.

## Informative

The applicant's attention is directed to Section 29 of the Planning (Hazardous Substances) Act 1990 which makes it clear that nothing in any consent granted can require or allow the building or operation of an establishment which does not comply with the relevant statutory provisions and to the extent that any consent purports to require or allow any such thing it is void.

## Reason for Decision

An acceptable proposal to use and store petroleum and toxic substances within the licensed Sellafield nuclear site in compliance with the Planning (Hazardous Substances) Regulations 1992 (as amended).



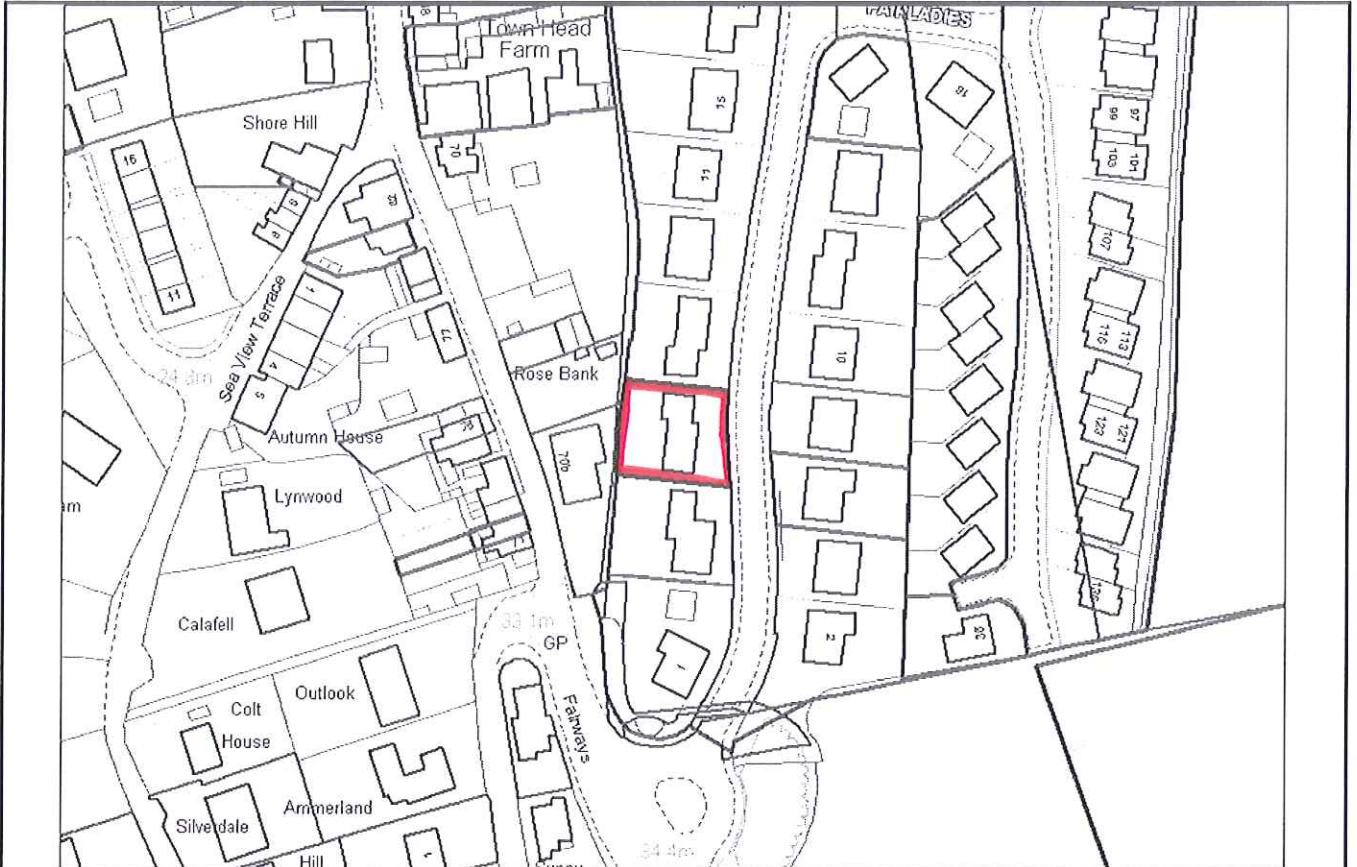
ITEM NO: 2.

To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2437/OF1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr C and Mrs G Mounsey
<b>Application Address:</b>	5 FAIRLADIES, ST BEES
<b>Proposal</b>	ERECTION OF DECKING AT REAR OF DWELLING (Retrospective)
<b>Parish:</b>	St. Bees
<b>Recommendation Summary:</b>	Approve



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## INTRODUCTION

At the last meeting Members resolved to carry out a site visit before determining this planning application. The site visit took place on Wednesday 21 November 2012.

This application relates to a detached two storey house located within the Fairladies estate in St Bees. The property is located towards the southern entrance of the estate and sits to the west of the road and in an elevated position above properties on Main Street.



## PROPOSAL

Planning permission is sought, in retrospect, for the erection of a raised decking area to the rear of this house. Photographs attached to the report illustrate this.

To the rear of the property is a flagged path/patio area, which runs along the extent of the rear elevation and has a maximum depth of 1.97m. The level of the garden then slopes down to the west and there are steps leading down to a small patio area.

The decking, which is of a natural timber construction, measures 4.3m in width and projects 3.0m beyond the existing patio/flagged path.

Given the steeply sloping nature of the rear garden the decking stands on timber legs. The platform itself sits 1.06m above the lower garden level and including the balustrade (0.94m), has a maximum height of 2.0m. It is the applicant's intention to block up the open area under the decking with sandstone.

At its closest point, the decking sits 5.6m from the rear boundary. Running along this boundary is a dark stained timber fence and some shrubbery. Beyond the rear boundary are two detached properties located along Main Street, the closer of the two being 70b Main Street, a detached bungalow. The eaves height of this bungalow is on a similar level to the top of the boundary fence. The outlines of windows in the rear elevation of the bungalow are partially visible through the existing fence.

Towards the north-western corner of the rear garden the rear boundary is shared with that of Rose Bank, a traditional detached house, the front elevation of which faces south. Within the curtilage of Rose Bank and in particular alongside the north-western corner of the application site are some mature trees which appear to be of an evergreen type. These offer a good degree of screening. When standing on the existing path towards the southern boundary of the application site you can see the one of the first floor windows within Rose Bank and part of a ground floor bay window.

## CONSULTATIONS

St Bees Parish Council – no comments received.

Two letters of objection have been received from the owners of the two adjoining properties to the rear. The grounds for objection can be summarised as follows:-

1. It would allow more of an intrusion to the overlooking of gardens and bedrooms. There is a view into two bedrooms of 70b Main Street when standing at the end of the decking.
2. The building of decking to the rear of the first five properties was contested when the estate was being built due to the intrusion of privacy. From this, the said houses were refused planning permission for decking. What stood then should stand now for the same reasons.
3. Objectors were assured at the time of the houses being built that some restriction would be put on the deeds to ensure the building of decking could not happen.
4. If this application were approved it could create a precedent and would give others the strength to apply.

## RELEVANT PLANNING HISTORY

Outline planning permission for the Fairladies residential development was granted in February 2000 (4/010/0785/001 refers). Detailed permission for plot 1, together with the layout of the estate as a whole including road and drainage details was then approved in April 2002 (4/01/0830/OR1 refers).

A detailed application for dwellings on plots 2-14 was then approved in March 2003 (4/02/1405/OR1 refers). Following this approval amended plans were then submitted in April 2003 seeking to raise the floor levels of the properties in order to comply with Part M of the then Building Regulations which required level access. As part of this, and in order to minimise the ground modelling between plots 2-14 and existing properties on Main Street, it was proposed to erect decking in lieu of flagged patios.

Following objections from adjoining property owners the timber decking was omitted from plots 2, 3 and 4 and instead it was proposed to construct steps from the rear door down to garden level. This amended scheme was subsequently approved by Members in July 2003 following a site visit.

None of these planning permissions were subject to restrictive conditions as regards decking.

It should be noted that the decking as constructed sits at this lower level, below the rear access door/steps.

## PLANNING POLICY

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and includes a presumption in favour of sustainable development. Seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings is encouraged as part of the goal of securing sustainable development.

The NPPF requires proposals to be determined in accordance with the development plan unless material considerations determine otherwise. It allows full weight to be given to relevant local plan policies until March 2013. Our Copeland Local Plan 2001-2016, adopted in 2006, falls into this category. In respect of this application key policies of the adopted Copeland Local Plan identified below remain relevant to the assessment of this application.

### Copeland Local Plan 2001-2016

DEV 6 'Sustainability by Design' advocates a sustainable form of design being achieved in all new developments. Amongst other things, DEV 6 requires development to show a high standard of design and choice of materials.

HSG 20 'Domestic Extensions and Alterations' presumes in favour of allowing domestic extensions and alterations provided the scale, design and materials respect the character of the parent property; they would not lead to a significant reduction in daylighting; they would not create security, privacy or overlooking problems and they would not result in a loss of 50% or more of the undeveloped curtilage.

### Emerging Local Planning Policies

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and the Council intends to submit to the Secretary of state on 31<sup>st</sup> October for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment there have only been 58 objections and the weight given to them should increase as the examination progresses. The document is currently due to be adopted in August 2013.

Policy DM18 'Domestic extensions and alterations', like that of HSG 8 above presumes in favour of allowing domestic extensions and alterations provided the scale, design and materials respect the character of the parent property; they would not lead to a significant reduction in daylighting; they would not create security, privacy or overlooking problems and they would not result in a loss of 50% or more of the undeveloped curtilage.

### ASSESSMENT

The key issue to consider in relation to this application is whether the decking, as erected, creates significant overlooking and privacy problems for the adjoining neighbours which substantially affects the standard of amenity they would normally expect from their dwellings.

When considering this, the arrangements that existed prior to the decking being erected must be taken into account. As stated earlier in the report an existing flagged path runs to the rear of the house and at one point measures some 1.97m in depth, which according to

the applicant is used as a seating area. When standing on this path at the far southern end of the garden a first floor window and part of a ground floor window in the front of Rose Bank are visible, albeit some 30+ metres distant at an oblique angle. In comparison, when standing on the new decking, given the abundance of evergreen trees, these windows are not visible nor is possible to look into its garden.

70b Main Street is a detached bungalow which sits at a significantly lower level than the decking. Consequently, the resultant outlook is over its roof as opposed to overlooking any private amenity space. That said, when looking down from the decking the outline of windows in the side elevation of 70b Main Street are partially visible through the close boarded timber fence, however, this would remain the case even if the decking were not there.

There is already some planting in front of the rear boundary fence which the applicant intends to strengthen. This would eventually screen all views through the fence and could be secured by way of a condition attached to the grant of planning permission.

On balance, whilst not condoning the retrospective nature of this application, it is considered that no additional overlooking of neighbouring properties and their gardens occurs as a result of this decking beyond what previously existed and as a result there is unlikely to be a significant adverse affect on the amenities of the neighbouring properties from overlooking. As a consequence the proposal is considered to be an acceptable form of development in compliance with the National Planning Policy Framework, adopted Copeland Local Plan Policies DEV 6 and HSG 20 and Policy DM18 of the emerging Core Strategy and Development Management Policies DPD. As such, approval is recommended.

**Recommendation:-**

Approve

**Condition**

1. Notwithstanding the submitted details received by the Local Planning Authority on 18 September 2012, additional screen planting shall be implemented along the western rear boundary details of which shall be submitted to and approved in writing by the Local Planning Authority within three months from the date of this decision notice and the approved planting scheme shall be implemented within six months from the date of this decision notice and so maintained thereafter.

Reason

To safeguard the amenities of the adjacent bungalow.

**Reason for Decision**

An acceptable form of development within the rear garden of this detached house is in accordance with Policies DEV 6 and HSG 20 of the adopted Copeland Local Plan 2001-2016 and the National Planning Policy Framework.

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ITEM NO: 3.

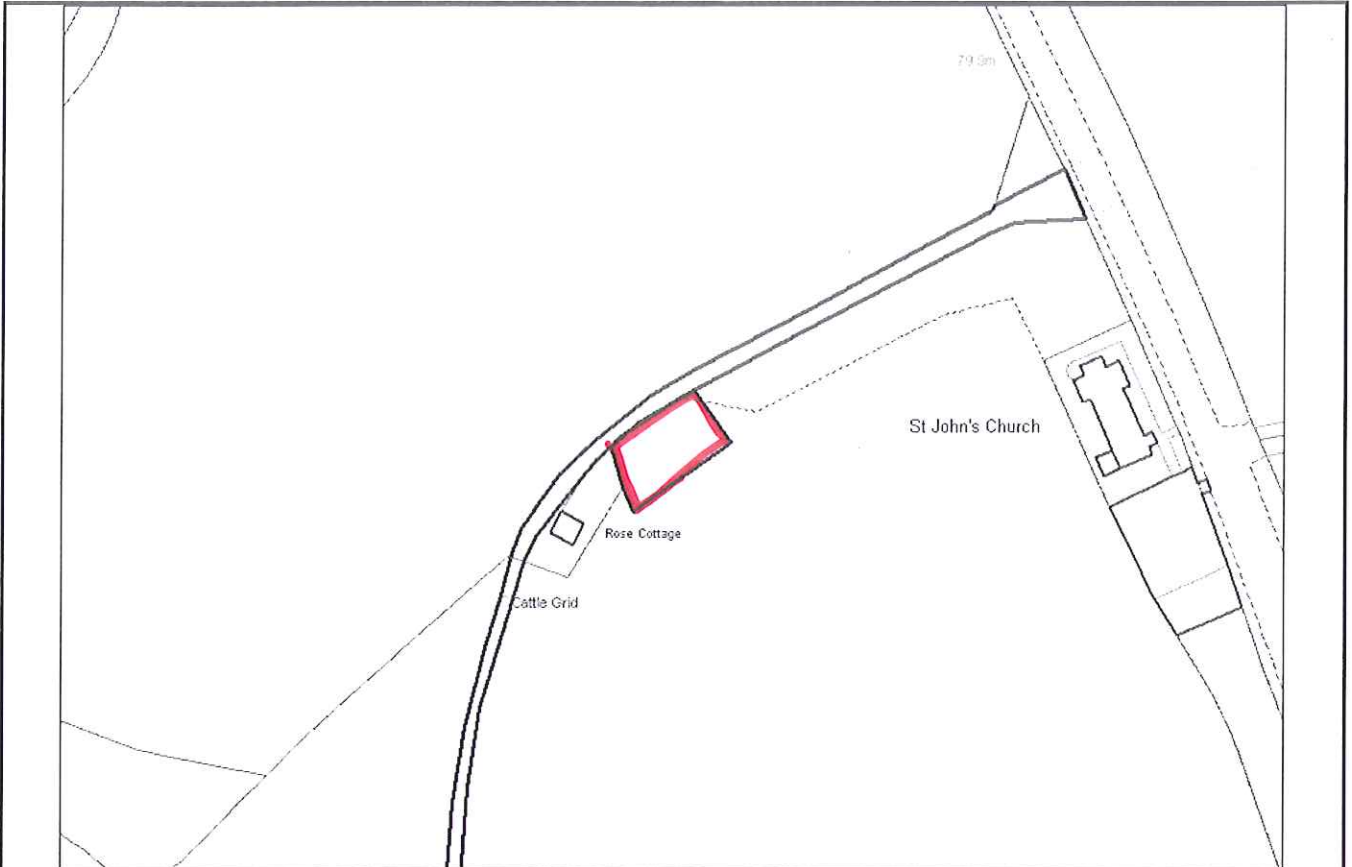


To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2445/001
<b>Application Type:</b>	Outline : CBC
<b>Applicant:</b>	Messrs Thompson
<b>Application Address:</b>	LAND ADJACENT TO ROSE COTTAGE, SPRINGFIELD FARM, BIGRIGG, EGREMONT
<b>Proposal</b>	OUTLINE APPLICATION FOR ERECTION OF SINGLE DWELLING FOR OCCUPANCY BY A FARM WORKER
<b>Parish:</b>	Egremont
<b>Recommendation Summary:</b>	Refuse



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### The Proposal

A proposal in outline for the erection of a new agricultural dwelling on this established working farm situated on the outskirts of the village of Bigrigg.

The site comprises a separate parcel of land, divorced from the main farm building group, situated next to Rose Cottage, a detached residence near the main farm entrance off the adjacent A595T road. Vehicular access to which would be via the bound surfaced singular track currently serving the farm and Rose Cottage.



The application is accompanied by an agricultural appraisal, a design and access statement and a report on sewage treatment and disposal.

The applicants (the farming partnership of Messrs Thompson; Mr Thompson Senior, his wife Wendy and their son Mr R. Thompson) currently run a 80 ha dairy farm in this location based on 80 head of cows as well as heifer breeding enterprise involving the production and sale of well bred dairy heifers. This is run from the main farm building group at Springfield comprising a range of traditional and modern farm buildings including a robotic milker. They also have an additional 18 ha of land off site at Moor Row.

The main farm house on the holding has four bedrooms and is situated within the farm building group. It is currently occupied by Mr Thompson Senior and his wife. Their son resides off site with his wife and young family and travels daily to the holding to work.

The case is put forward that there is a need for an additional agricultural workers dwelling on the holding for Mr R. Thompson, who currently runs the farm on a full time basis with the help of his father and mother who are semi retired and approaching retirement. This would house him and his young family and ensure the well being of livestock and the efficient running of the unit. It should be noted in this context that there are already three dwellings on the holding; the main farmhouse referred to above and two additional two bedroom dwellings. One of the latter is situated adjacent to the farm house and the other on the access road leading to the farm building group, next to the application site. It transpires that although these two dwellings are owned by the family they are rented out on a short term tenancy basis and not available for occupancy. Furthermore, they do not provide the size of accommodation required; four bedrooms to accommodate Mr R. Thompson`s growing family.

### **Consultations**

Egremont Town Council – no objection.

Highway Authority – no objection as the proposal is unlikely to have a significant material effect on the highway.

United Utilities – no objection.

## **Planning Policy**

### **National Planning Policy Framework (NPPF) / Copeland Local Plan**

The National Planning Policy Framework, which came into effect in March 2012, replaces Planning Policy Statement 7 'Sustainable Development in Rural Areas'. It sets out the Government's national planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this.

The NPPF is a material consideration in determining planning applications and requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

In terms of this application it specifically advocates supporting a rural economy and the promotion of the development and diversification of agriculture (Section 3, paragraph 28 refers). It also recognises that whilst isolated new homes in the countryside should generally be avoided essential need for agricultural workers to live permanently on or near their place of work in the countryside is a justifiable exception (Section 6, Paragraph 55).

It allows full weight to be given to relevant local plan policies until March 2013. The Copeland Local Plan 2001-2016 (Saved Policies June 2009), adopted in 2006, falls into this category. In respect of this application key policies of the adopted Copeland Local Plan identified below remain relevant to the assessment of this application.

DEV 1 Sustainable Development and Regeneration - requires all development proposals to accord with the local plan aims and objectives and is expected to contribute to achieving sustainable regeneration.

DEV 5 Development in the Countryside – sets out the specific types of development in the countryside that are permissible and includes essential agricultural development.

DEV 6 Sustainability in Design – advocates high quality sustainable design in all new development.

HSG 5 Housing outside Settlement Development Boundaries – only permits housing in the countryside where exceptional need cases have been demonstrated. It also advises that the relevant functional and financial / viability tests set out in Annex A of the former PPS 7 be employed in respect of new agricultural dwellings.

### **Emerging Local Plan**

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over

the summer and this has now been submitted to the Secretary of State for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment this will increase as the examination progresses and accordingly are afforded little weight in this report. The document is currently due to be adopted in August 2013.

In relation to this application the following Policies of the new document are considered relevant:

ST 1 Strategic Development Principles - sets out the fundamental principles to guide development in the Borough.

ST 2 Spatial Development Strategy - outlines the overall spatial strategy for the Borough. This seeks to restrict development outside settlement boundaries to that which has a proven requirement for such a location including provision for agricultural workers.

DM11 Sustainable Development Standards – aims to ensure that new development achieves high standards of sustainability.

#### **Assessment.**

Any new residential development in the countryside is subject to rigorous vetting. Although PPS 7 is no longer relevant with the advent of the NPPF it should be noted that in the absence of any new detailed guidance the approach set out in Annex A of PPS 7 has been adopted in assessing this application as advocated in key policy HSG 5 of the Copeland Local Plan. In this respect an independent agricultural appraisal has been commissioned which embodies this, a copy of which is attached.

The appraisal confirms that there is clearly an established existing functional need for three workers in association with the agricultural enterprise and that a second worker should be present on or immediately adjacent to the holding and that is accepted. Also the business is considered financially viable and likely to remain so and this is not disputed.

The main issue however, in this case is whether there is an essential need for a further new dwelling on the holding in association with the established farm business having regard to the existence of two additional dwellings on the holding that are within the ownership of the applicants/ family. The question remains as to whether one of these could be made available and is suitable as accommodation for the purpose of the application. The appraisal in this respect concludes that as the cottages are owned by Mr Thompson senior and his wife and are only let on a short term tenancy one could reasonably be made available within a relatively short period of time and could, if required, be extended to suitably house a second worker on the holding.

Taking the above into account it is considered that one of the two existing additional dwellings on the holding could adequately fulfil the need for a second workers

accommodation on the holding and as such that the essential need for a further new dwelling on the holding has not been demonstrated. As a result the proposal is contrary to Copeland Local Plan Policies DEV 5 and HSG 5 and the guidance contained in the NPPF.

**Recommendation:-**

Refuse

**Reason for Decision**

In the absence of proven agricultural need for an additional new dwelling on the holding, given the presence of existing dwellings on the farm which could fulfil this requirement, the proposal constitutes non essential development in the countryside contrary to adopted Copeland Local Plan 2001-1016 (Saved Policies June 2009) Policies DEV 5 and HSG 5 and the guidance contained in National Planning Policy Framework.

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ITEM NO: 4.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2460/OF1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Gold PD Ltd
<b>Application Address:</b>	SOMERSET HOUSE, 52 DUKE STREET, WHITEHAVEN
<b>Proposal</b>	CHANGE OF USE, ALTERATION AND EXTENSION OF BUILDING TO FORM 7 APARTMENTS
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



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## INTRODUCTION

This application relates to Somerset House, a large property which occupies a prominent location at the end of Duke Street. The building fronts on to Duke Street, but faces directly along Catherine Street. The property is adjoined to the east by Castle Park and to the west by the Cumberland Electrical Wholesalers property.

It is considered a significant heritage asset as it is a Grade II\* Listed Building and lies within the Whitehaven Conservation Area. It is currently vacant having previously been in use in 2011 as office accommodation for the Cumbria County Council social services.

## PROPOSAL

Planning permission and Listed Building Consent (applied for separately under application 4/12/2461/OL1) are sought for the change of use including alterations and extensions to form 7 apartments in the building.

In the main, any historical features left within the building are found either in the central stairwell area or the large rooms to the frontage. Due to works undertaken by previous owners to make the office space useable, many internal alterations have been made to the property and this has resulted in the loss of a significant amount of historical features.

To the ground floor the main access to the frontage would be retained and used for all of the proposed flats. The central stairwell area would remain as existing and form the communal area and provide access to the upper floor units, in addition to a lift which is to be added in the area adjoining the stairwell. Three flats are proposed to the ground floor, and then two flats will be located on both of the first and second floors. The basement area to the property will be retained for the services and as storage space for all of the apartments.

Within the ground floor of the property 3 two bedroomed apartments are proposed, all of which will include a kitchen, living room and bathroom. One unit would also include an en-suite bathroom. On the second floor, a further 2 two bedroomed apartments are proposed, one with a single en-suite and another with an en-suite to both bedrooms. Both units will comprise a living room, kitchen and main bathroom. Finally on the second floor, 2 two bedroom apartments are proposed, both with one en-suite bathroom, a main bathroom, kitchen and living room.

The majority of the works proposed under this application are within the existing building structure, with the exception of a small extension to the east elevation and the removal of a fire escape to the rear. The proposed extension measures 2.6m x 4.1m and is on the ground floor. It will adjoin an existing modern porch extension previously used as a disabled access to serve the office accommodation. The fire escape to the rear is a metal structure which accesses a door on the second floor of the building leading out onto an area of high level

curtilage land to the rear. It is proposed to remove the fire escape although the door will be retained, forming a Juliet style balcony to apartment no 6.

Additional plans have also been submitted to detail on each floor areas which have either lower ceilings or raised floor levels to incorporate insulation, fire proofing and soil pipes within the building. The plans also detail where any remaining cornice, architrave around the doors and timber window shutters are located within the building, and the details of how an arched feature doorway on the second floor will be blocked up.

No changes are proposed to the front elevation of the property and all of the existing sliding sash timber framed windows are deemed to be in appropriate condition to repair and repaint.

11 solar panels are proposed to be installed on to the inner roof slope, facing south west. Due to the double pitched roof design to the building, the solar panel will not be visible from any point.

Seven car parking spaces are proposed on land to the rear of the property, which would allow for one space per apartment. The parking area would adjoin and share an access with the car park for the adjoining Cumberland Electrical Wholesalers property which is access from Michael Street.

Currently negotiations are ongoing to agree a revised scheme that will allow the existing disabled access ramp from the former office use to be incorporated to provide the access for one of the ground floor apartments. In addition, use of the arched doorway on the second floor as a apartment access is currently being sought rather than being blocked up which is considered to be more sympathetic and will enable this feature to be retained and provide a functional entrance.

POLICY



## National Planning Policy

The Governments Planning Policies are set out in the National Planning Policy Framework (NPPF) which was introduced in March 2012.

The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 defines a social role as one of the three dimensions to sustainable development. Sustainable development involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. In this context, the reuse of a historic building within the Town Centre for residential accommodation is considered appropriate.

With regards to the section in the NPPF regarding the historic environment, it states:-

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’

It also states ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’.

## Local Planning Policy

The adopted Copeland Local Plan 2001-2016 seeks to achieve sustainable forms of development. Policy DEV 2 designates Whitehaven as being the key service centre where development should be focussed. Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 sets a preference for the development of brown field sites within the development boundary.

Policy DEV 6 is the Local Plan policy encouraging sustainable forms of design.

Policy EMP 7 is the Local Plan policy regarding the alternative use of employment sites. This states the development or change of use of land or premises currently or last in employment use to non-employment use will only be permitted if the proposed use meets the requirements of other plan policies and:

1. There is no current or likely future demand for the site or premises; or
2. The site or use gives rise to environmental problems which can be mitigated with an alternative use in accordance with Policy EMP6; or
3. It is the only viable means of retaining a building of architectural or historic interest; or
4. It is not an important part of a wider regeneration proposal or meets need established by the Local Plan in support of the Community Strategy and the wider community benefits outweigh the loss of employment land.

Policy ENV 26 of the Local Plan states that development within Conservation Areas or that which impacts upon the setting of a Conservation Area will only be permitted where it preserves or enhances the character or appearance of the Area and, if appropriate, views in and out of the Area. In particular it should:

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

Policy TSP 6 states that new development will only supported where appropriate access is provided for people with impaired mobility.

In the Whitehaven Town Centre and Harbourside Supplementary Planning Document adopted by the Council in September 2012, the building is listed as a development opportunity site, along with other currently vacant historical buildings of note within the Town Centre.

### Emerging Local Planning Policy

In addition, the Copeland Local Development Framework has now reached the stage of a pre-submission draft for a Core Strategy and Development Management Policies Development Plan Document. Within the policies section of this emerging strategy document, Policy ENV 4 will be the Council's policy regarding heritage assets. This states:-

The Council's policy is to maximize the value of the Borough's heritage assets by:

- A Protecting Listed Buildings, conservation areas, and other townscape and rural features considered to be of historic, archeological or cultural value.
- B Supporting proposals for heritage led regeneration, ensuring that any listed building or other heritage assets are put to an appropriate, viable and sustainable use.
- C Strengthening the distinctive character of the Borough's settlement, through the application of high quality urban design and architecture that respects this character and enhances the setting of listed buildings

Policy DM27 supports this policy, setting out the Council's approach to development which affects built heritage and archaeology.

### CONSULTATION RESPONSES

#### English Heritage

Do not have any comments to make on the application and it should be determined in accordance with national and local planning policy.

#### Highways Control Officer

No objections to this application but comment that the parking relies on access across adjoining land outside of the applicant's ownership.

Cumbria County Council Historic Environment Officer

Raise no objections to the proposal but request a condition is included that requires an archaeological building recording programme be undertaken prior to development commencing.

Conservation Officer

Raises no objections, subject to the ongoing amendment negotiations.

## ASSESSMENT

This area within the Town Centre is a mixture of residential and commercial premises; therefore the additional residential use would be appropriate to the location. In addition the historic use of the property was residential prior to it being converted into office accommodation.

With particular reference to Policy EMP 7, it is considered that the proposal is acceptable as the building had previously been for sale at an auction, failing to attract a buyer, prior to the current owners purchasing the building. In addition, it is likely that the proposed residential use is the only viable option for the re-use of the historic building.

The conversion scheme is sympathetic and has resulted from extensive negotiations with the applicants' agent. This has enabled the internal layout of the building to be reconfigured to ensure that the remaining historical features are retained. The existence of existing access ramp warrants its retention so that one of the apartments can be made fully accessible. To achieve this it will be necessary to reconfigure the internal layout of one of the ground floor apartments.

The applicants' agent has also been asked to retain an existing arched doorway on the second floor of the building which could function as a front doorway. This would ensure that this historic feature is retained in a sympathetic manner. It is likely that this modification would involve the loss of a proposed en-suite bathroom from this apartment. However given the Grade II \* status of the building this is considered to be appropriate in this case. Member will be updated on the outcome of these negotiations at the meeting.

Aside from the on-going negotiations regarding the scheme, the proposed residential use is unlikely to cause any demonstrable harm due to the previous use of this Listed Building. It also provides a suitable scheme which will repair and secure the future of this significant historic building.

The application is considered to be an acceptable conversion of this Grade II\* Listed Building within the Whitehaven settlement and town centre boundary to residential accommodation in accordance with Policies TCN 10, EMP 7 and ENV 26 of the adopted Copeland Local Plan 2001 – 2016 and the guidance contained within the National Planning Policy Framework on historic buildings. It is therefore 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 to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
  - Existing ground floor plans scale 1:50 drawing number 2012/14/03 Rev B received by the Local Planning Authority on 19 November 2012.
  - Existing first floor plans scale 1:50 drawing number 2012/14/04 Rev B received by the Local Planning Authority on 19 November 2012.
  - Existing second floor and basement plan scale 1:50 drawing number 2012/14/04 Rev B received by the Local Planning Authority on 19 November 2012.
  - Proposed ground floor plans scale 1:50 drawing number 2012/14/06 Rev D received by the Local Planning Authority on 19 November 2012.
  - Proposed first floor plans scale 1:50 drawing number 2012/14/07 Rev D received by the Local Planning Authority on 19 November 2012.

- Proposed second floor and basement plans scale 1:50 drawing number 2012/14/08 Rev D received by the Local Planning Authority on 19 November 2012.
- Floor and ceiling details scale 1:50 drawing number 2012/14/11 Rev D received by the Local Planning Authority on 19 November 2012.
- Sections and details scale 1:50 drawing number 2012/14/04 Rev D received by the Local Planning Authority on 19 November 2012.
- Proposed elevation plans scale 1:50 drawing number 2012/14/09 Rev B received by the Local Planning Authority on 19 November 2012.
- Existing and proposed site plan scale 1:500 drawing number 2012/14/02 Rev B received by the Local Planning Authority on 19 November 2012.
- Location plan scale 1:1250 drawing number 2012/14/02 received by the Local Planning Authority on 02 October 2012.
- Planning Statement received by the Local Planning Authority on 02 October 2012.
- Heritage Statement received by the Local Planning Authority on 02 October 2012.
- Planning Statement received by the Local Planning Authority on 02 October 2012.
- Design and Access Statement received by the Local Planning Authority on 02 October 2012.

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 proposed parking area is to be completed and available for use prior to development being occupied. Full details of the parking and boundary treatments to parking area to be submitted to and approved in writing by Local Planning Authority. The development shall be carried out strictly in accordance with the approved details and shall be so maintained thereafter.

Reason

In the interests of highway safety.

4. Full details of the proposed balcony to the rear of the property shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The balcony shall be constructed in accordance with the approved details and shall be so maintained thereafter.

Reason

For the avoidance of doubt.

5. Full details of the proposed solar panels shall be submitted to and approved in writing with the Local Planning Authority prior to the development commencing. The solar panels shall be strictly in accordance with the approved details and shall be so maintained thereafter.

Reason

For the avoidance of doubt

6. Details of the fire protection and sound insulation measures to be installed within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved fire protection and sound insulation measures shall be installed prior to the first occupation of any apartment hereby approved and shall be maintained at all times thereafter.

Reason

For the avoidance of doubt and to ensure that the proposed internal alterations will not adversely affect the character and appearance of this Listed Building.

7. Details of any ducting or flues associated with the ventilation of the bathroom and kitchen or the central heating system shall be submitted to and approved in writing by the Local Planning Authority. The approved ducting and flues shall be installed prior to the first occupation of the flat hereby approved and shall be maintained at all times thereafter.

Reason

For the avoidance of doubt and to ensure that the proposed internal alterations will not adversely affect the character and appearance of this Listed Building.

8. Full details of the proposed external ventilation for the development hereby approved shall be submitted to and approved in writing prior to the development commencing. Any works shall be completed in accordance with the approved details and shall be so maintained thereafter.

Reason

For the avoidance of doubt and to ensure that the proposed external alterations will not adversely affect the character and appearance of this Listed Building.

9. Prior to carrying out any of the construction works the existing building affected by the proposed development shall be recorded in accordance with a Level 2 survey as described by English Heritage's document Understanding Historic Building A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works 3 copies of the resultant level 2 survey report shall be furnished to the Local Planning Authority.

Reason

To ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development.

**Reason for Decision**

An acceptable proposal for the conversion of this substantial Grade II\* Listed Building within Whitehaven Town Centre Conservation Area into residential accommodation, which will not adversely affect the character or appearance of this Listed Building and provide a viable future use to preserve this heritage asset, in accordance with Policies DEV 6, TCN 10, EMP 7 and ENV 26 of the adopted Copeland Local Plan 2001-2016 and the provisions of the National Planning Policy Framework (March 2012).

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ITEM NO: 5.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2461/OL1
<b>Application Type:</b>	Listed Building Consent : CBC
<b>Applicant:</b>	Gold PD Ltd
<b>Application Address:</b>	SOMERSET HOUSE, 52 DUKE STREET, WHITEHAVEN
<b>Proposal</b>	LISTED BUILDING CONSENT FOR CHANGE OF USE, ALTERATION AND EXTENSION OF BUILDING TO FORM 7 APARTMENTS
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Approve Listed Building Consent (start within 3yr)



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## INTRODUCTION

This application relates to Somerset House, a large property which occupies a prominent location at the end of Duke Street.

It is considered a significant heritage asset as it is a Grade II\* Listed Building and lies within the Whitehaven Conservation Area. It is currently vacant having previously been in use in 2011 as office accommodation for the Cumbria County Council social services.

## PROPOSAL

Listed Building Consent and planning permission (applied for separately under application 4/12/2460/0F1) are sought for the change of use including alterations and extensions to form 7 apartments in the building.

In the main, any historical features left within the building are found either in the central stairwell area or the large rooms to the frontage. Due to works undertaken by previous owners to make the office space useable, many internal alterations have been made to the property and this has resulted in the loss of a significant amount of historical features.

To the ground floor the main access to the frontage would be retained and used for all of the proposed flats. The central stairwell area would remain as existing and form the communal area and provide access to the upper floor units, in addition to a lift which is to be added in the area adjoining the stairwell. Three flats are proposed to the ground floor, and then two flats will be located on both of the first and second floors. The basement area to the property will be retained for the services and as storage space for all of the apartments.

Within the ground floor of the property 3 two bedrooomed apartments are proposed, all of which will include a kitchen, living room and bathroom. One unit would also include an en-suite bathroom. On the second floor, a further 2 two bedrooomed apartments are proposed, one with a single en-suite and another with an en-suite to both bedrooms. Both units will comprise a living room, kitchen and main bathroom. Finally on the second floor, 2 two bedroom apartments are proposed, both with one en-suite bathroom, a main bathroom, kitchen and living room.

The majority of the works proposed under this application are within the existing building structure, with the exception of a small extension to the east elevation and the removal of a fire escape to the rear. The proposed extension measures 2.6m x 4.1m and is on the ground floor. It will adjoin an existing modern porch extension previously used as a disabled access to serve the office accommodation. The fire escape to the rear is a metal structure which accesses a door on the second floor of the building leading out onto an area of high level curtilage land to the rear. It is proposed to remove the fire escape although the door will be retained, forming a Juliet style balcony to apartment no 6.

Additional plans have also been submitted to detail on each floor areas which have either lower ceilings or raised floor levels to incorporate insulation, fire proofing and soil pipes within the building. The plans also detail where any remaining cornice, architrave around the doors and timber window shutters are located within the building, and the details of how an arched feature doorway on the second floor will be blocked up.

No changes are proposed to the front elevation of the property and all of the existing sliding sash timber framed windows are deemed to be in appropriate condition to repair and repaint.

11 solar panels are proposed to be installed on to the inner roof slope, facing south west. Due to the double pitched roof design to the building, the solar panel will not be visible from any point.

Currently negotiations are ongoing to agree a revised scheme that will allow the existing disabled access ramp from the former office use to be incorporated to provide the access for one of the ground floor apartments. In addition, use of the arched doorway on the second floor as an apartment access is currently being sought rather than being blocked up which is considered to be more sympathetic and will enable this feature to be retained and provide a functional entrance.

## POLICY

### National Planning Policy

The Governments Planning Policies are set out in the National Planning Policy Framework (NPPF) which was introduced in March 2012.

The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 defines a social role as one of the three dimensions to sustainable development. Sustainable development involves supporting

strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. In this context, the reuse of a historic building within the Town Centre for residential accommodation is considered appropriate.

With regards to the section in the NPPF regarding the historic environment, it states:-

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’

It also states ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’.

#### Local Planning Policy

Policy ENV 26 of the Local Plan states that development within Conservation Areas or that which impacts upon the setting of a Conservation Area will only be permitted where it preserves or enhances the character or appearance of the Area and, if appropriate, views in and out of the Area. In particular it should:

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

#### Emerging Local Planning Policy

In addition, the Copeland Local Development Framework has now reached the stage of a pre-submission draft for a Core Strategy and Development Management Policies

Development Plan Document. Within the policies section of this emerging strategy document, Policy ENV 4 will be the Council's policy regarding heritage assets. This states:-

The Council's policy is to maximize the value of the Borough's heritage assets by:

- A Protecting Listed Buildings, conservation areas, and other townscape and rural features considered to be of historic, archeological or cultural value.
- B Supporting proposals for heritage led regeneration, ensuring that any listed building or other heritage assets are out to an appropriate, viable and sustainable use.
- C Strengthening the distinctive character of the Borough's settlement, though the application of high quality urban design and architecture that respects this character and enhances the setting of listed buildings

Policy DM27 supports this policy, setting out the Council's approach to development which affects built heritage and archaeology.

## CONSULTATION RESPONSES

### English Heritage

Do not have any comments to make on the application and it should be determined in accordance with national and local planning policy.

### Cumbria County Council Historic Environment Officer

Raise no objections to the proposal but request a condition is included that requires an archaeological building recording programme be undertaken prior to development commencing.

Conservation Officer

Raises no objections, subject to the ongoing amendment negotiations.

## ASSESSMENT

The conversion scheme is sympathetic and has resulted from extensive negotiations with the applicants' agent. This has enabled the internal layout of the building to be reconfigured to ensure that the remaining historical features are retained. The existence of existing access ramp warrants its retention so that one of the apartments can be made fully accessible. To achieve this it will be necessary to reconfigure the internal layout of one of the ground floor apartments.

The applicants' agent has also been asked to retain an existing arched doorway on the second floor of the building which could function as a front doorway. This would ensure that this historic feature is retained in a sympathetic manner. It is likely that this modification would involve the loss of a proposed en-suite bathroom from this apartment. However given the Grade II \* status of the building this is considered to be appropriate in this case. Member will be updated on the outcome of these negotiations at the meeting.

Aside from the on-going negotiations regarding the scheme, the proposed residential use is unlikely to cause any demonstrable harm due to the previous use of this Listed Building. It also provides a suitable scheme which will repair and secure the future of this significant historic building. In addition, the historic use of the property is residential prior to it being converted into office accommodation.

The application is considered to be an acceptable conversion of this Grade II\* Listed Building to residential accommodation in accordance with Policies ENV 26 of the adopted Copeland Local Plan 2001 – 2016 and the guidance contained within the National Planning Policy Framework on historic buildings. It is therefore recommended for approval.

**Recommendation:-**

Approve

**Conditions**

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

Reason

To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) 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:-

- Existing ground floor plans scale 1:50 drawing number 2012/14/03 Rev B received by the Local Planning Authority on 19 November 2012.
- Existing first floor plans scale 1:50 drawing number 2012/14/04 Rev B received by the Local Planning Authority on 19 November 2012.
- Existing second floor and basement plan scale 1:50 drawing number 2012/14/04 Rev B received by the Local Planning Authority on 19 November 2012.
- Proposed ground floor plans scale 1:50 drawing number 2012/14/06 Rev D received by the Local Planning Authority on 19 November 2012.
- Proposed first floor plans scale 1:50 drawing number 2012/14/07 Rev D received by the Local Planning Authority on 19 November 2012.
- Proposed second floor and basement plans scale 1:50 drawing number 2012/14/08 Rev D received by the Local Planning Authority on 19 November 2012.
- Floor and ceiling details scale 1:50 drawing number 2012/14/11 Rev D received by the Local Planning Authority on 19 November 2012.
- Sections and details scale 1:50 drawing number 2012/14/04 Rev D received by the Local Planning Authority on 19 November 2012.
- Proposed elevation plans scale 1:50 drawing number 2012/14/09 Rev B received by the Local Planning Authority on 19 November 2012.
- Existing and proposed site plan scale 1:500 drawing number 2012/14/02 Rev B received by the Local Planning Authority on 19 November 2012.
- Location plan scale 1:1250 drawing number 2012/14/02 received by the Local Planning Authority on 02 October 2012.



- Planning Statement received by the Local Planning Authority on 02 October 2012.
- Heritage Statement received by the Local Planning Authority on 02 October 2012.
- Planning Statement received by the Local Planning Authority on 02 October 2012.
- Design and Access Statement received by the Local Planning Authority on 02 October 2012.

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. Full details of the proposed balcony to the rear of the property shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The balcony shall be constructed in accordance with the approved details and shall be so maintained thereafter.

Reason

For the avoidance of doubt.

4. Full details of the proposed solar panels shall be submitted to and approved in writing with the Local Planning Authority prior to the development commencing. The solar panels shall be strictly in accordance with the approved details and shall be so maintained thereafter.

Reason

For the avoidance of doubt

5. Details of the fire protection and sound insulation measures to be installed within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved fire protection and sound insulation measures shall be installed prior to the first occupation of any apartment hereby approved and shall be maintained at all times thereafter.

Reason

For the avoidance of doubt and to ensure that the proposed internal alterations will not adversely affect the character and appearance of this Listed Building.

6. Details of any ducting or flues associated with the ventilation of the bathroom and kitchen or the central heating system shall be submitted to and approved in writing by the Local Planning Authority. The approved ducting and flues shall be installed prior to the first occupation of the flat hereby approved and shall be maintained at all times thereafter.

Reason

For the avoidance of doubt and to ensure that the proposed internal alterations will not adversely affect the character and appearance of this Listed Building.

7. Full details of the proposed external ventilation for the development hereby approved shall be submitted to and approved in writing prior to the development commencing. Any works shall be completed in accordance with the approved details and shall be so maintained thereafter.

Reason

For the avoidance of doubt and to ensure that the proposed external alterations will not adversely affect the character and appearance of this Listed Building.

8. Prior to carrying out any of the construction works the existing building affected by the proposed development shall be recorded in accordance with a Level 2 survey as described by English Heritage's document Understanding Historic Building A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works 3 copies of the resultant level 2 survey report shall be furnished to the Local Planning Authority.

Reason

To ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development.

### **Reason for Decision**

An acceptable proposal for the conversion of this substantial Grade II\* Listed Building into residential accommodation, which will not adversely affect the character or appearance of this Listed Building and provide a viable future use to preserve this heritage asset, in accordance with Policy ENV 26 of the adopted Copeland Local Plan 2001-2016 and the provisions of the National Planning Policy Framework (March 2012).

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ITEM NO: 6.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2470/001
<b>Application Type:</b>	Outline : CBC
<b>Applicant:</b>	Mr B Wylie (Executor)
<b>Application Address:</b>	LAND AT THE COTTAGE, WOODEND, EGREMONT
<b>Proposal</b>	OUTLINE APPLICATION FOR ERECTION OF A LOCAL NEEDS DWELLING
<b>Parish:</b>	Egremont
<b>Recommendation Summary:</b>	Refuse



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## INTRODUCTION

This application relates to a raised garden area to the rear of Woodend Cottage, a detached house located along the A5086. The property lies within the small hamlet of Woodend, north of Egremont.

The site is bounded to the north, south and west by a dense hedgerow and planting. Beyond these boundaries are the existing detached dwellings of Springfontein, Mereseide and Cramond.

## PROPOSAL

Planning permission is sought, in outline, for the erection of a detached dwelling within this raised garden.

Access is indicated as being via the existing private access road that leads off Dalzell Street to the north of the site where there is an existing gate.

The application is accompanied by an indicative plan demonstrating how a detached dormer style bungalow could be accommodated within the site. This shows the new eastern side boundary of the site as being 4.7m from the rear elevation of Woodend Cottage.

The application is accompanied by a supporting statement which points out that the dwelling would take the form of an executive 2 bed bungalow which will ensure that it will not dominate the landscape and be in keeping with local character.

Whilst drainage, landscaping and external finishes are to be reserved to the details design stage, it is indicated within the application that materials used would reflect those of surrounding properties and it is proposed to retain existing boundary hedging to help screen the development and ensure the impact on neighbours is reduced.

As regards justification for the development, the main points set out within the supporting statements can be summarised as follows:-

1. This proposal would provide a two bedroomed executive bungalow, improving the range and quality of the Boroughs housing stock and the balance of the local housing market.
2. The Council have failed to demonstrate an up to date 5 year supply of housing. This development would aid the Council in meeting its annual housing supply targets in combination with ensuring all new development takes place within sustainable and accessible locations.
3. There is a clear need for affordable housing within Copeland and this proposal could help address this.
4. The proposal is for a local need dwelling and the applicant is willing for a legal agreement or condition to be imposed.
5. Woodend is located within 20 minutes walking distance of Local Centres Bigrigg, Cleator and Egremont and is therefore an advantageous location that can make use of local services within these neighbouring settlements. The site also has direct access onto the A5086 and is 50m of a bus stop with regular services to Egremont and Whitehaven.
6. This is an infill development located centrally within a residential complex. Well related to the landscape and does not intrude into open countryside.

7. The application site is underused garden and does not serve as an important amenity function.

## CONSULTATION RESPONSES

### Highways Authority

Recommend refusal on the basis that the submitted drawing shows the area to be landlocked. However, if the applicant can confirm that they have rights of access to the plot over the existing private road then they would require the access and connecting road to be suitably altered to a width wide enough to allow two vehicles to pass without risk of collision.

### Planning Policy Team

Woodend does not have a settlement boundary and therefore this application is for a new dwelling to be constructed in the open countryside. Policies DEV 5 and HSG 11 of the adopted Copeland Local Plan are to be referred to.

The applicant says that the proposal satisfies policy HSG11 in that it is for local needs housing. Whilst they provide figures in support of a shortage of affordable housing in the borough, which would need to be verified in any case, this argument does not satisfy HSG11. They are not able to say that the intended occupier has genuinely local ties to Woodend and 'has genuine difficulty in finding an otherwise acceptable site within the terms of Policies HSG1-4'. Neither do they provide evidence that there is a particular need in Woodend for this type of development rather than in the nearby Local Centres. The figures they provide are for Copeland as a whole. The applicant does need to be able to demonstrate one of these points in order for this application to be considered favourably.

Paragraph 8 of the Planning Statement mentions para 49 of the NPPF, advising that housing applications should be considered in the context of the presumption in favour of sustainable development. This development is not considered sustainable as it is not located within the settlement boundary of a Key or Local Service Centre.

The paragraph then goes on to say that, by delivering a modest bungalow (2 bedroom) of high quality construction, the proposed dwelling will help to meet the need in the borough for smaller dwellings and executive housing. Executive housing is generally accepted to be larger i.e. 4+ bedrooms, 2+ reception rooms etc. The Council does not feel that this particular proposal fits into the executive home category.

The Planning Statement also says that the Council has failed to demonstrate a 5 year supply of housing land. In fact the Council does have a 5 year supply and figures were published in the 2010/11 Annual Monitoring Report (AMR) that demonstrated this. New figures will be published in the 2011/12 AMR, that will demonstrate a 5.3 year supply (taking into account the 20% buffer advised in the NPPF). In addition, the Council has recently published the

Strategic Housing Land Availability Assessment (SHLAA) that indicates where the Council would prefer to see development.

In summary, it is the opinion of the Planning Policy Team that the applicant has not provided enough evidence of the particular need within Woodend for this particular type of development or of the future occupiers genuine local ties to Woodend and their genuine difficulty in finding an otherwise acceptable site within the terms of policies HSG1-4. More information is needed.

Other

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

1. Development of this site would be inappropriate and out of character with the existing open space development of this area.
2. To “shoehorn” a new development into this small plot would have a significant visual impact on surrounding properties.
3. The topography of the site is such that the floor level of the proposed dwelling would be at eaves level with The Cottage and at such close proximity as to overshadow and dominate this property and Springfontein opposite.
4. The new dwelling would have no outlook
5. Development would destroy the garden serving The Cottage which is part of the local mining heritage, the house is at least 150 years old.
6. Access is to be over a private drive shared by five existing properties. The Cottage does not have a right of access along this private drive and the owners would be unwilling to grant this.
7. Residents have recently spent over £10,000 resurfacing the private road and the use of heavy vehicles during construction could easily do permanent damage to this.
8. The development would take up virtually the entire site leaving no room for a turning space or garage within the curtilage. The road is narrow at this point and to manoeuvre a vehicle onto a small parking area would be difficult and dangerous.
9. The turning area into the site does not appear big enough. One of the objectors owns the wall indicated as ‘visibility to the right’. Fear this will be damaged.



10. Contrary to what is stated, there is no mains sewer available. All existing properties are served by septic tanks.
11. Boundary and land ownership discrepancies. A triangular piece of land has already been absorbed into The Cottage without permission.
12. Had the proposal been to demolish and rebuild/enlarge the existing building, objections may not as been so forthcoming.
13. This is purely a money making exercise.

Egremont Town Council – no comments received.

United Utilities – no comments received.

## PLANNING POLICY

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the planning guidelines at a national level and includes a presumption in favour of sustainable development. The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies a social role as one of the three dimensions to sustainable development. It defines a social role as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations. Good design and high standards of residential amenity are also advocated.

Paragraph 49 clarifies that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 54 sets out that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

Paragraph 55 advocates that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It advises Local Planning Authorities to avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Paragraph 56 attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 58 clarifies that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and respond to local character and reflect the identity of local surroundings and materials.

Paragraph 60 recognises that it is proper to promote or reinforce local distinctiveness.

Paragraph 61 requires planning decisions to address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 64 clarifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The NPPF requires proposals to be determined in accordance with the development plan unless material considerations determine otherwise. It allows full weight to be given to relevant local plan policies until March 2013. The adopted Copeland Local Plan 2001-2016, falls into this category.

#### Copeland Local Plan 2001-2016

The adopted Copeland Local Plan 2001-2016 seeks to achieve sustainable forms of development, as required under the overarching policy of the Plan, Policy DEV 1 'Sustainable Development & Regeneration'. Policies DEV 2 and DEV 3 designate the key and local service centres where development should be focussed. Policy DEV 4 sets a preference for the development of brown field sites within the development boundary.

Policy DEV 5 'Development in the Countryside' relates to development in the open countryside and seeks to protect the character of the wider countryside outside designated key and local centres. New residential development is only permitted in such locations as an exception to meet essential agricultural, forestry or other rural business development or to meet local housing needs.

Policy DEV 6 'Sustainability in Design' sets out the sustainable design principles which all new development should adopt.

Policy HSG 5 'Housing Outside Settlement Development Boundaries' only permits housing outside defined settlement boundaries to meet exceptional circumstances arising from local social and economic conditions. Where these criteria are fulfilled then development should meet the sequential test with the preference for brownfield rather than greenfield land.

Policy HSG 8 'Housing Design Standards' sets out the design criteria for all new housing within the Borough. Amongst other things, HSG 8 requires certain separation distances between dwellings to be achieved, including a minimum of 21.0m between face elevations containing habitable room windows.

Policy HSG 11 'Affordable Housing' permits affordable housing to meet a proven local need in rural areas. It does require any dwelling to be on a site within or immediately adjoining the village and well related to its physical form and specifies that the applicants would have local ties to the village and have genuine difficulty in finding an otherwise acceptable site.

#### Emerging Local Planning Policies

The Core Strategy and Development Management Policies DPD which will replace most of the Policies in the Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and the Council intends to submit to the Secretary of state on 31<sup>st</sup> October for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment there have only been 58 objections and the weight given to them should increase as the examination progresses. The document is currently due to be adopted in August 2013.

Policy ST1 of the Core strategy sets out the fundamental principles that will achieve sustainable development. Among other things it seeks to ensure that development creates a residential offer which meets the needs and aspirations of the Boroughs housing markets and is focused on previously developed land away from greenfield sites.

Policy ST2 sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities. It advocates that development should be restricted outside defined settlement boundaries to that which has a proven requirement for such a location. In terms of housing it only permits housing that meets proven specific and local needs.

This policy identifies Woodend as being outside a defined settlement boundary and in respect of housing, the type and scale of development which is preferred in such small villages and settlements is described as being “development providing homes to meet the defined needs of the population with need for rural/non-settlement location to be proven in each case”.

Policy SS1 seeks to improve the housing offer across the Borough.

Policy SS2 seeks to achieve sustainable housing growth by focussing new housing development within accessible locations to meet the needs of the community.

Policy SS3 seeks to secure a balance mix of housing that meets identified needs. Although the need for a supply of executive houses is noted this policy seeks to focus this type of development in Whitehaven and its fringes and also the other main towns. It also states that a rural exception policy will be adopted in rural areas outside key and local centres to provide affordable housing that meets identified local need.

Policy DM10 requires new development to be of a high standard of design to enable the fostering of ‘quality places’. In doing so development should respond positively to the character of the site and its immediate and wider setting, paying careful attention to scale, massing and arrangement. Likewise, development should create and maintain reasonable standards of general amenity.

Policy DM11 seeks to ensure that development proposals reach high standards of sustainability.

Policy DM12 sets out specific design standards for new residential development, including the need to retain appropriate separations distances.

#### Other Material Considerations

The Strategic Housing Market Assessment (2011) forms part of the evidence base for the new Local Plan. It highlights a general lack of choice with the current housing stock and need for family homes and for housing to accommodate the ageing population. It identifies a need for a greater supply of good quality medium density housing as well as modern executive housing.

This site falls within the Parish of Egremont which in itself is divided into three areas, as regards affordable housing. These comprise Egremont, Bigrigg and Moor Row. The total net requirement for affordable housing up to 2015 within each of these areas is 4, 2 and 11 respectively.

Britain's Energy Coast Master plan acknowledges the shortage of large family homes within the Borough. It advocates enabling new aspirational and executive homes to be built as part of improving the overall housing offer. In particular it identifies areas of search around Egremont and Cleator Moor which have good transport connections and access to existing services as potential sites to provide executive type developments. The Master plan forms part of the evidence base for the LDF.

The Ministerial statement "Planning for Growth" is a material consideration. It sets out a strong presumption in favour of sustainable development and advocates a positive approach to development. When deciding whether to grant planning permission it encourages Local Planning Authorities to support enterprise and facilitate housing, economic and other forms of sustainable development.

## ASSESSMENT

The key aim of the NPPF is to achieve sustainable forms of development. The adopted Copeland Local Plan and the emerging policies of the Core Strategy and Development Management Policies DPD reflect this strategy and seek to focus new development in the major settlements and protect the open countryside. The emphasis is also on developing brownfield rather than greenfield land.

This application relates to an area of greenfield land which lies outside any settlement recognised within the Local Plan as being suitable for new residential development. On this basis this application falls to be determined against Policies DEV 5 and HSG 5 of the adopted Local Plan and Policies ST2, SS2 and SS3 of the emerging Local Plan. All of these policies only permit new residential development in the countryside under exceptional circumstances.

Although the justification put forward by the applicant's agent is noted this does not constitute exceptional circumstances which would warrant the approval of residential development outside any recognised settlement boundary. This development would take place on a greenfield site in an unsustainable location which is not near to the necessary services and facilities.

It is not essential that this development is provided in this location. It would appear there is more of a desire to develop this site as speculative as opposed to genuine local or affordable need.

Although it is acknowledged that there is an established need for a wide variety of housing types in Copeland, there is considered to be sufficient land with planning permission or allocated within the settlement boundaries of the Service Centres to provide for development needs. This includes 3 allocated sites to the north of Egremont North 1 (adj A5086) HA12, North 2 (adj A5086) HA13 and Gillfoot Mansion HA14. The findings of the Copeland Strategic Housing Land Availability Assessment support this opinion.

In addition to the above, whilst submitted in outline, as Local Planning Authority, we must be satisfied that the site is capable of accepting a suitable form of development that reflects the character of the locality, has an appropriate access and will not have an unacceptable adverse impact on existing residential amenity. This is not considered to be the case here. Development of this site would result in the loss of outdoor amenity space serving Woodend Cottage and would have an overbearing, oppressive impact on this existing property given the difference in land levels and particularly when considering the indicative layout plan, which suggests only a distance of 6.4 metres between the side elevation of the new dwelling and the rear elevation of Woodend Cottage which contains a bedroom window. Such a separation distance would fall well short of those set out in Policy HSG 8 of the adopted Local Plan and Policy DM12 of the emerging Development Management Policies DPD.

As regards local character, the existing properties within the immediate locality generally take the form of detached dwellings occupying generous curtilages, coupled with substantial landscaping and tree coverage. By comparison, development of this site would compromise this character, resulting in a cramped form of development, almost being 'shoehorned' in.

In terms of access, there is clearly a discrepancy as to whether or not there is a right to use the existing private access drive which runs parallel to the northern site boundary. Whilst access rights are not material planning considerations, in light of the recommendation from the Highways Authority, it has not been demonstrated that the development could provide a satisfactory access as required by Policy DEV 6 of the Local Plan.

In conclusion this is considered to be an unsustainable form of development which cannot be justified on exceptional grounds and is therefore recommended for refusal.

**Recommendation:-**

Refuse

**Reason for Decision**

In the absence of a demonstrable local or affordable need, the erection of a dwelling on a greenfield site in open countryside would represent an unsustainable, non-essential form of development which would be contrary to Policies DEV 1, DEV 5, DEV 6, HSG4, HSG 5 and HSG 11 of the adopted Copeland Local Plan 2001-2016, Policies ST1, ST2, SS1, SS2, SS3 and DM10 of the Copeland Local Development Framework Core Strategy and Development Management Policies DPD (May 2012) and The National Planning Policy Framework. Furthermore, by virtue of its location immediately to the rear of Woodend Cottage, served by an unacceptable access and within a generally low density development, the erection of a single dwelling would result in an cramped form of development which would adversely affect the living conditions and general amenity of the this existing property and the character of the locality in general.

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ITEM NO: 7.



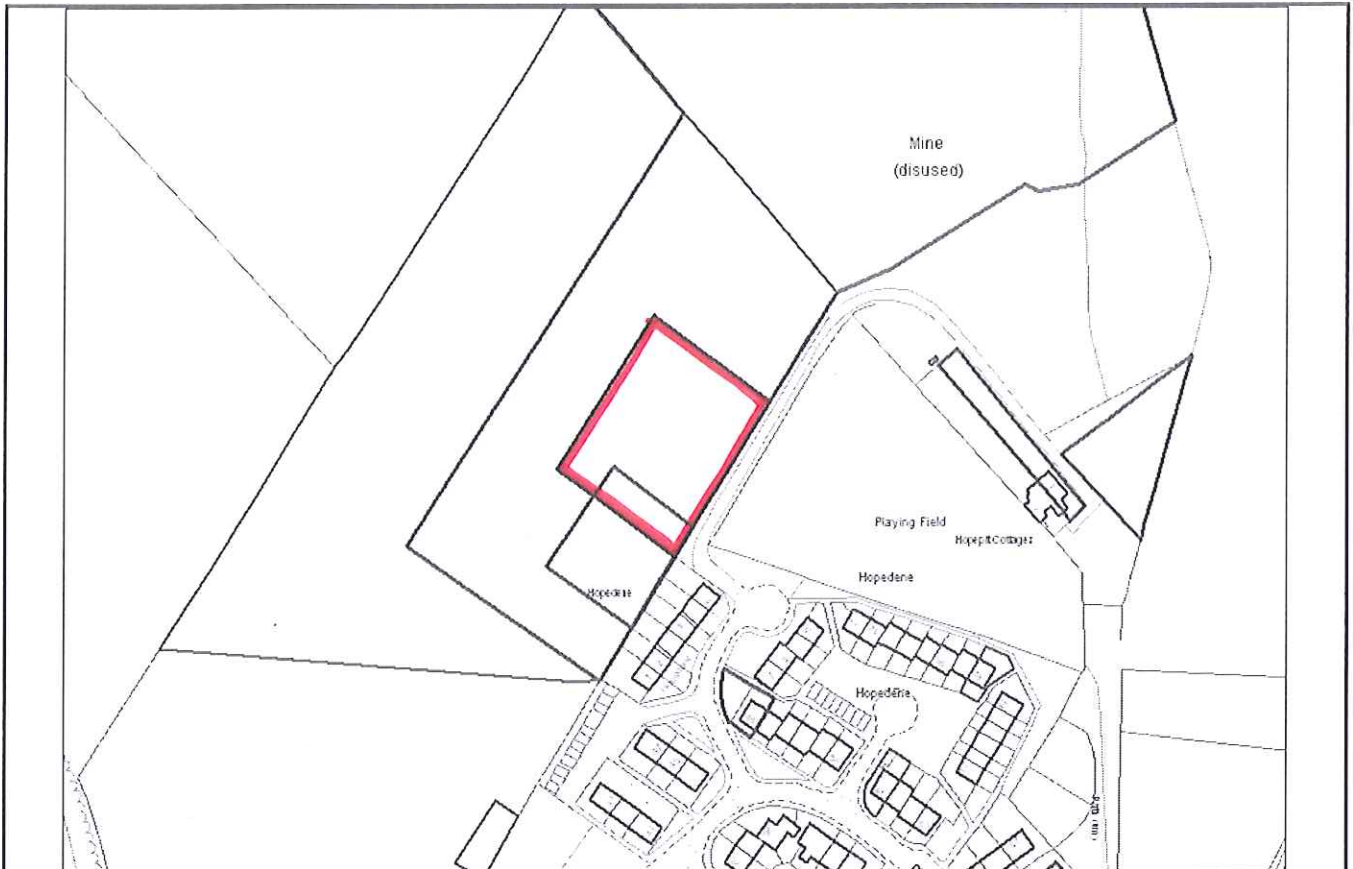
To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2473/OR1
<b>Application Type:</b>	Reserved Matter : CBC
<b>Applicant:</b>	High Grange Developments Ltd
<b>Application Address:</b>	LAND OFF HOPEDENE, MILL HILL, CLEATOR MOOR
<b>Proposal</b>	RESERVED MATTERS APPLICATION FOR PHASE 1 (7 DWELLINGS) INCLUDING ASSOCIATED INFRASTRUCTURE
<b>Parish:</b>	Cleator Moor
<b>Recommendation Summary:</b>	Approve Reserved Matters





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## INTRODUCTION

This application relates to an area of land which lies adjacent to the existing housing estate at Mill Hill. The land is currently allocated for residential development in the adopted Copeland Local Plan 2001-2016.

Outline planning permission was granted for the redevelopment of the site to provide 66 dwellings in August under reference 4/12/2259/001.

## PROPOSAL

This application seeks the approval of Reserved Matters for phase 1 of the development which comprises 7 units. The first phase is to be located immediately adjacent to the approved site entrance off Hopedene. The buildings will be arranged around a turning head to form a cul de sac off the main estate road.

A mix of dwelling types are proposed which comprise one 5 bedroomed and one 3 bedroomed detached houses, a 3 bedroomed bungalow and two pairs of 3 bedroomed semi detached units.

The houses are to be faced with red brick and have been designed with tiled pitched roofs. A private garden area is to be allocated to each property which will incorporate a paved driveway to serve each unit. The rear gardens are to be defined with a 1.8 metre high close boarded fence.

Access to the whole site is to be achieved from a single road leading off the existing road network which serves the Mill Hill estate. It is proposed to carry out improvements to the approach road in conjunction with the Highway Authority to accommodate the scale of development proposed. The details of these improvements were covered by conditions which were attached to the recent outline planning permission.

## CONSULTATION RESPONSES

### Town Council

Members continued to express their continued concern regarding the access route to the development site. A number of residents in the area have objected to the development due to the fact that the road at Hopedene is very narrow and not suitable for the volume of heavy traffic either during the construction phase (which may take years) or for the extra volume of residents cars when the new properties are occupied. A very narrow road will become a busy route situated next to a childrens play area. The Town Council supports the residents views and object to the proposal in its current form.

## United Utilities

No objections to the proposed development although a trunk mains pipe crosses the site. An easement of 20 metres should be maintained (10 metres each side of the centre of the main).

## Public Rights of Way Officer

The developer should note that a public footpath 403001 runs close to this location.

Other – 1 letter of objection has been received which raises concerns about loss of views, impacts on wildlife, the inadequacy of the access, excessive traffic movements within the estate and the lack of capacity in the drainage network to accommodate this development.

## PLANNING POLICY

### National Planning Policy

The Governments Planning Policies are set out in the National Planning Policy Framework (NPPF) which was introduced in March 2012.

The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 defines a social role as one of the three dimensions to sustainable development. Sustainable development involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations.

Paragraph 47 encourages Local Planning Authorities to provide market and affordable housing to meet evidenced needs. Paragraph 50 requires Local Planning Authorities to deliver a wide choice of high quality homes to meet the needs and demands of the community.

The NPPF confirms that development should be approved that accords with the development plan.

#### Local Planning Policy

The adopted Copeland Local Plan 2001-2016 seeks to achieve sustainable forms of development. Policy DEV 2 designates Cleator Moor as being one of the four key service centres where development should be focussed. Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 sets a preference for the development of brown field sites within the development boundary.

Policy DEV 6 encourages sustainable forms of design.

The site is allocated under Policy HSG 2 of the Local Plan for residential development.

Policy HSG 4 permits housing redevelopment within settlement boundaries. Policy HSG 8 sets out the design standards that all new housing developments should meet.

#### Emerging Local Plan

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and this has now been submitted to the Secretary of State for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment this should increase as the examination progresses. The document is currently due to be adopted in August 2013.

In relation to this application the following Policy of the new document is considered relevant:

- Policy ST2 outlines a spatial development strategy for the Borough. Cleator Moor is defined as one of four key service centres where new residential development should be focussed.
- Policy SS1 seeks to improve the housing offer within the Borough.
- Policy SS2 promotes sustainable housing growth to meet the needs of the community.
- Policy SS3 seeks to secure a range and choice of good quality housing
- Policy DM12 carries forward the standards for new residential developments that are currently set out in Policy HSG 8 of the Local Plan.

## ASSESSMENT

This site has been allocated for residential development for a number of years. It falls within the defined development boundary for Cleator Moor, which is designated as a Key Service Centre where new development should be focussed. The total number of 66 dwellings and the layout of the site have been agreed as part of the recent outline permission.

This application only seeks the approval of Reserved Matters for 7 houses which are to be located immediately adjacent to the site entrance off Hopedene. The proposed dwellings are of a simple design and meet the standards for new development set out in Policy HSG 8 of the adopted Copeland Local Plan 2001-2016.

Although the comments of the Town Council and the local neighbours are noted the highways issues relating to this development were fully considered by Members as part of the assessment of the outline application. Detailed conditions were attached to the outline planning permission to secure highway improvements. These matters are currently being discussed with the County Council and are subject to a legal agreement under the Highways legislation as the works fall outside the application site.

### **Recommendation:-**

Approve Reserved Matters

## Conditions

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

### Reason

To comply with Section 92 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:-
  - Location Plan, scale 1:2500, drawing number 06/11/542-02, received on 11 October 2012
  - Site Plan (Phase 1), scale 1:500, drawing number 06/11/542-09, received on 11 October 2012
  - Plots 6 and 7 Proposed Plans and Elevations, scale 1:100, drawing number 06/11/542-08, received on 11 October 2012
  - Plots 4 and 5 proposed Plans and Elevations, scale 1:100, drawing number 06/11/542-07, received on 11 October 2012
  - Plot 3 Proposed Plans and Elevations, scale 1:100, drawing number 06/11/542-06, received on 11 October 2012
  - Plot 2 Proposed Plans and Elevations, scale 1:100, drawing number 06/11/542-05, received on 11 October 2012
  - Plot 1 Proposed Plans and Elevations, scale 1:100, drawing number 06/11/542-04a, received on 20 November 2012
  - Design and Access Statement prepared by HFT Goughs and Co, reference 06/11/542-SPS/1, received on 11 October 2012

### 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. Before development commences representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

4. None of the dwellings hereby approved shall be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and brought into use. The vehicular access/turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

**INFORMATIVE**

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com) <<http://www.groundstability.com/>>

2. The applicant should note that the site is adjoined by public footpath number 403001

**Reason for Decision**

An appropriate form of residential development for this allocated site which is located within the development boundary for Cleator Moor in accordance with Policies DEV2, DEV 4, HSG 2, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016 and the provisions of the National Planning Policy Framework.

ITEM NO: 8.



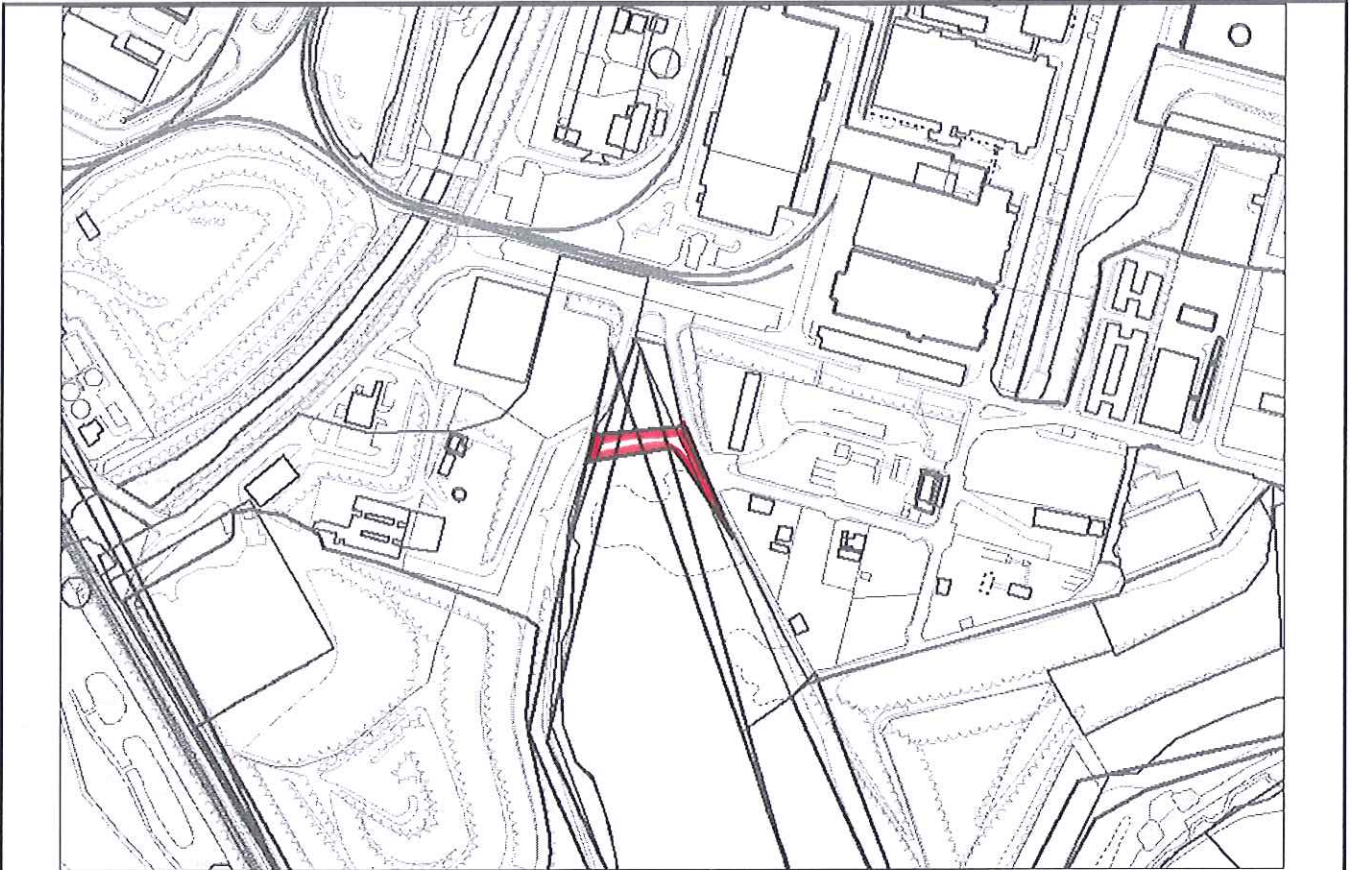
To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2476/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Sellafield Limited
<b>Application Address:</b>	AREA K, SELLAFIELD, SEASCALE
<b>Proposal</b>	RETROSPECTIVE APPLICATION FOR NEW FENCE AND STERILE ZONE
<b>Parish:</b>	Ponsonby
<b>Recommendation Summary:</b>	Approve





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## Introduction

As part of the overall Site Security Enhancement Programme (SSEP) it is proposed to replace and enhance the security fence around the licensed Sellafield Site. This will involve extending the boundary in some locations and the provision of a double fence line around the site. In some cases modifications to the existing fence are all that will be required whilst in others there will be complete new sections requiring the benefit of planning permission. The overall purpose is to provide a new enhanced and more secure boundary to the site.

Seven applications for the fences have been approved to date with one for area E, adjoining the site, still pending due to a holding Environment Agency objection which is nearing

resolution. It should be noted that in view of the tight timescales involved for delivering the programme work on site has already commenced. This application plus the other two on this agenda comprise the final batch of applications for the new fence line.

## **The Proposal**

This particular application is for a new section of fence, known as Area K, which is on the south western side of Calder Gate adjacent to the Golf Course. It is retrospective and is one of three on this agenda. The works comprise:

- Installation of a new double fence line amounting to a combined length of 170 metres.
- Creation of a 10 metre wide sterile zone within the double fence line surfaced in grey crushed stone.
- Due to the substantial change in levels of the sites topography the work will involve cut and fill and the creation of an embankment. This will fall in the same direction as existing ground levels.

In terms of detail the new fence will be constructed of steel galvanised post and mesh, topped with razor wire coils and green in colour. It will measure a total of 3.9 metres in height for this section.

This will adjoin a new area of fence I (4/12/2478/OF1 refers also on this agenda) to the immediate east.

## **Consultations**

Highway Authority – no objections as the proposal does not affect the highway in this location.

Office for Nuclear Regulation (ONR) – no comments.

Environment Agency – no comments.

## **Planning Policy**

National Planning Policy Framework (NPPF) / Copeland Local Plan

The National Planning Policy Framework, which came into effect in March 2012, sets out the

Government's current planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this. In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy.

The NPPF is a material consideration in determining planning applications and requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

It allows full weight to be given to relevant local plan policies until March 2013. The Copeland Local Plan 2001-2016, adopted in 2006, falls into this category. In respect of this application key policies of the adopted Copeland Local Plan identified below remain relevant to the assessment of this application.

DEV 1 Sustainable Development and Regeneration - requires all development proposals to accord with the local plan aims and objectives and is expected to contribute to achieving sustainable regeneration.

DEV 5 Development in the Countryside – aims to protect the countryside from inappropriate development but accepts that there are exceptions including existing employment sites.

DEV 6 Sustainability in Design – advocates high quality sustainable design in all new development.

### **Emerging Local Plan**

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and this has now been submitted to the Secretary of State for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment this should increase as the examination progresses. The document is currently due to be adopted in August 2013.

In relation to this application the following Policies of the new document are considered relevant:

ST 1 Strategic Development Principles - sets out the fundamental principles to guide development in the Borough.

ST 2 Spatial Development Strategy and ST 3 Strategic Development Priorities - outline the overall spatial and regeneration strategies for the Borough.

ER 1 Planning for the Nuclear Sector - supports developments contributing to the continuing future of the nuclear industry providing they are not unacceptably detrimental to the environment.

DM 1 Nuclear related Development – identifies principles that development in the nuclear sector should conform to.

### Assessment

Whilst it is acknowledged that the sheer extent and scale of the fence development overall will result in the loss of significant areas of established boundary landscaping which assimilated the industrialised nature of the site into the surrounding topography, and that the retrospective nature of this application is not to be condoned, it is recognised that such measures are required and have to take precedence in the interests of national security. Other relevant issues relating to lighting/ luminance where appropriate can be adequately controlled by the use of conditions.

Taking into account the above, the construction of a new perimeter security fence in this location, which is part of an overall Site Security Enhancement Programme for Sellafield, is considered to represent an acceptable form of development in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 and the National Planning Policy Framework.

### Recommendation:-

Approve

### Conditions

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:-

Design & Access Statement, by Sellafield Ltd, project no 35/09974, Area K, received 11 October 2012.

General Arrangement Plan, 0 BE 2802713 Mod A, scale 1:500, received 11 October 2012

Area K Section & Elevation, 1 BE 2802714 Mod A, scale 1:50, received 11 October 2012.

Signage for Fence around Area k, 1 be 2802716 Mod A, received 11 October 2012.

Location Plan, 1 BE2759261 Rev A, received 11 October 2012.

Reason

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

3. Details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority before they are brought into use. The lighting shall be installed in accordance with the approved details and so maintained thereafter.

Reason

To safeguard the amenities of the locality and minimise the risk of light pollution.

#### **Reason for Decision**

The construction of a new perimeter fence in this location, adjacent to part of the Golf Course, forms part of the overall Site Security Enhancement Programme for the licensed Sellafield nuclear site and as such represents an acceptable form of development in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.

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ITEM NO: 9.

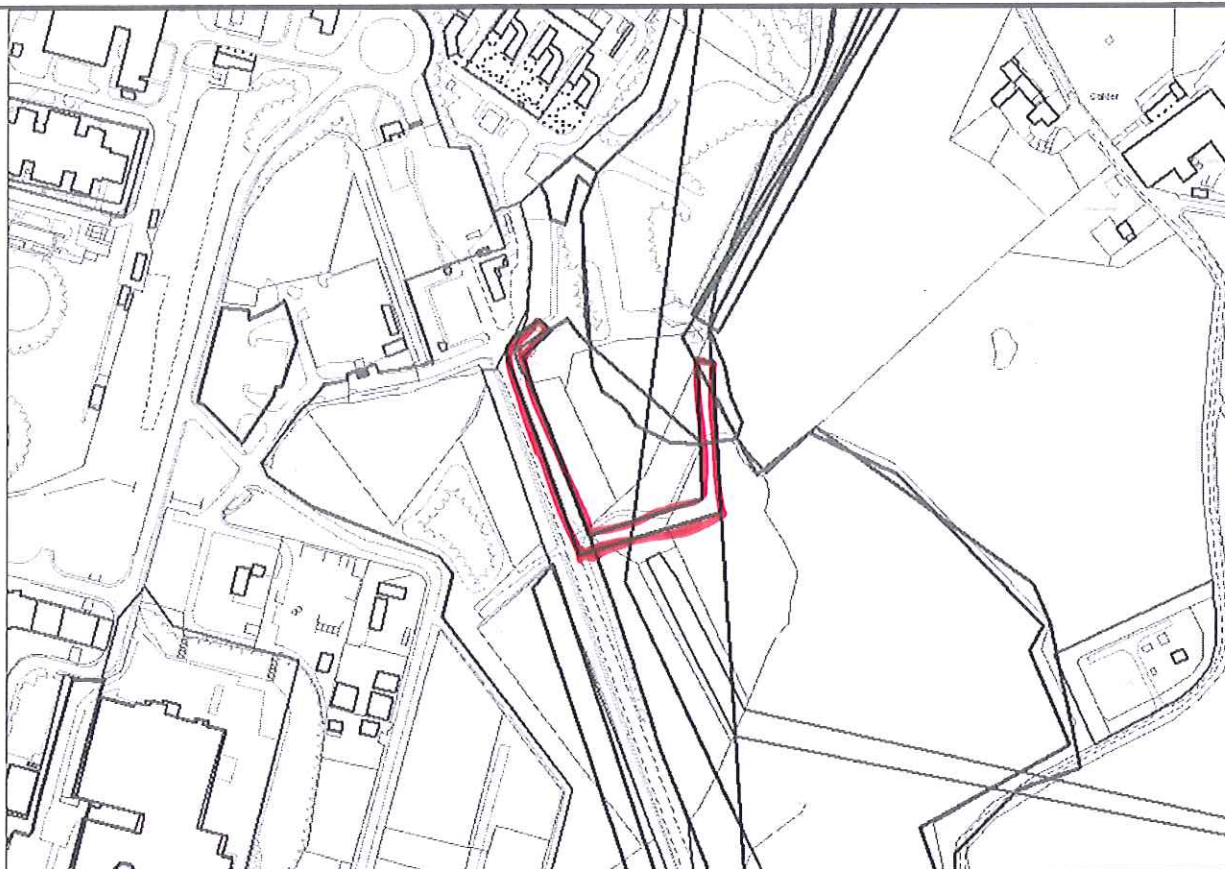


To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

Application Number:	4/12/2477/OF1
Application Type:	Full : CBC
Applicant:	Sellafield Limited
Application Address:	AREA J, SELLAFIELD, SEASCALE
Proposal	NEW FENCE, STERILE ZONE AND PATROL TRACK
Parish:	Ponsonby
Recommendation Summary:	Approve



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## Introduction

As part of the overall Site Security Enhancement Programme (SSEP) it is proposed to replace and enhance the security fence around the licensed Sellafield Site. This will involve extending the boundary in some locations and the provision of a double fence line around the site. In some cases modifications to the existing fence are all that will be required whilst in others there will be complete new sections requiring the benefit of planning permission. The overall purpose is to provide a new enhanced and more secure boundary to the site.

Seven applications for the fences have been approved to date with one for area E, adjoining the site, still pending due to a holding Environment Agency objection which is nearing

resolution. It should be noted that in view of the tight timescales involved for delivering the programme work on site has already commenced. This application plus the other two on this agenda comprise the final batch of applications for the new fence line.

## **The Proposal**

This particular application is for a new section of fence, known as Area J, which is on the east side of Calder Gate and is one of three on this agenda. The works proposed comprise:

- Installation of a new double fence adjacent to Area E and a single fence line adjacent to the highway leading back up to Calder Gate amounting to a total of 450 metres in length.
- Creation of a 10 metre wide sterile zone within the double fence line.
- Construction of a black tarmac patrol track approximately 2.7 metres wide on the Sellafield site side of inner fence.
- Felling of a substantial belt of trees adjacent and running to the highway.

In terms of detail the new fence will be constructed of steel galvanised post and mesh, topped with razor wire coils and green in colour. It will measure a total of 3.7 metres in height.

This will adjoin a new area of fence E (approval for which is currently outstanding) to the east.

## **Consultations**

Highway Authority – requested additional information to ensure that the highway is not affected by the application. A verbal update will be provided to the Panel.

Office for Nuclear Regulation (ONR) – no comments.

Environment Agency – no comments.

## **Planning Policy**

National Planning Policy Framework (NPPF) / Copeland Local Plan

The National Planning Policy Framework, which came into effect in March 2012, sets out the Government's current planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the



planning system is to contribute to the achievement of this. In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy.

The NPPF is a material consideration in determining planning applications and requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

It allows full weight to be given to relevant local plan policies until March 2013. The Copeland Local Plan 2001-2016, adopted in 2006, falls into this category. In respect of this application key policies of the adopted Copeland Local Plan identified below remain relevant to the assessment of this application.

DEV 1 Sustainable Development and Regeneration - requires all development proposals to accord with the local plan aims and objectives and is expected to contribute to achieving sustainable regeneration.

DEV 5 Development in the Countryside – aims to protect the countryside from inappropriate development but accepts that there are exceptions including existing employment sites.

DEV 6 Sustainability in Design – advocates high quality sustainable design in all new development.

### **Emerging Local Plan**

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and this has now been submitted to the Secretary of State for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment this should increase as the examination progresses. The document is currently due to be adopted in August 2013.

In relation to this application the following Policies of the new document are considered relevant:

ST 1 Strategic Development Principles - sets out the fundamental principles to guide development in the Borough.

ST 2 Spatial Development Strategy and ST 3 Strategic Development Priorities - outline the overall spatial and regeneration strategies for the Borough.

ER 1 Planning for the Nuclear Sector - supports developments contributing to the continuing future of the nuclear industry providing they are not unacceptably detrimental to the environment.

DM 1 Nuclear related Development – identifies principles that development in the nuclear sector should conform to.

### Assessment

A key issue in this particular location is the fact that the construction of the fence will involve the substantial loss of an established belt of tree planting adjacent to Calder Gate. Whilst it is acknowledged that the sheer extent and scale of the fence development overall will result in the loss of significant areas of established boundary vegetation / landscaping, including this, which currently serves to assimilate the industrialised nature of the site into the surrounding topography, it is recognised that such measures are required and have to take precedence in the interests of national security. Other relevant issues relating to lighting/ luminance and surfacing where appropriate can be adequately controlled by the use of conditions.

Taking into account the above, the construction of a new perimeter security fence in this location, which is part of an overall Site Security Enhancement Programme for Sellafield, is considered to represent an acceptable form of development in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 and the National Planning Policy Framework.

### Recommendation:-

Approve

### Conditions

1. 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:-

Design and Access Statement, by Sellafield Ltd, project no 35/09974, Area J, received 11 October 2012.

General Arrangement Plan, 0 BE 2802646 Rev A, scale 1:500, received 11 October 2012.

Location Plan for Second Batch of Six Planning Proposals for New Fence, 1 BE2759258

Rev B, received 11 October 2012.

Signage for Fence around Area J, 1 BE 2802648 Mod A, received 11 October 2012.

Section & Elevation for Fence Proposal, 1 BE 2802647 Mod A, SCALE 1:50, received 11 October 2012.

Reason

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

2. Details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority before they are brought into use. The lighting shall be installed in accordance with the approved details and so maintained thereafter.

Reason

To safeguard the amenities of the locality and minimise the risk of light pollution.

**Reason for Decision**

The construction of a new perimeter fence in this location, adjacent to Calder Gate, forms part of the overall Site Security Enhancement Programme for the licensed Sellafield nuclear site and as such represents an acceptable form of development in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.

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ITEM NO: 10.

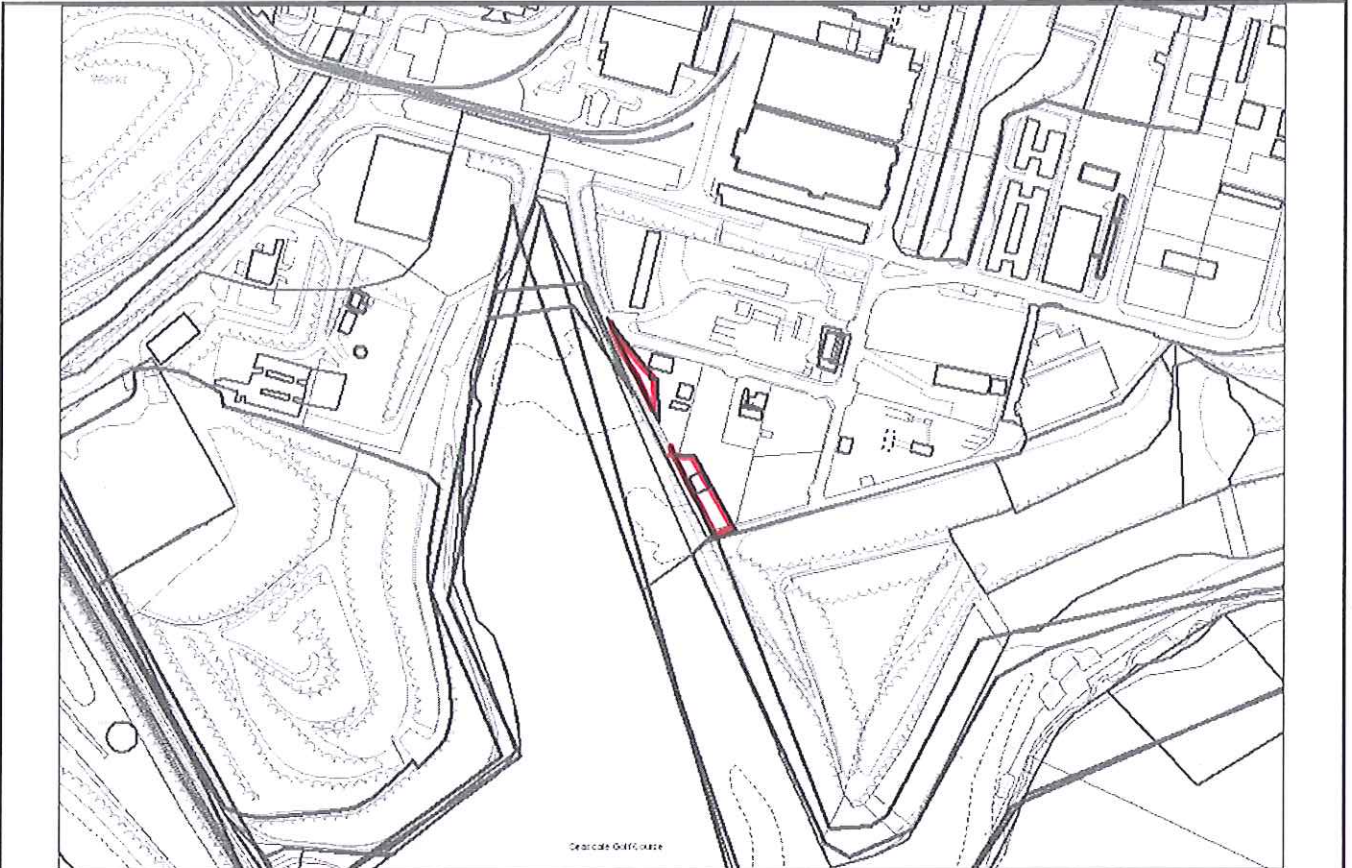


To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2478/OF1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Sellafield Limited
<b>Application Address:</b>	AREA I, SELLAFIELD, SEASCALE
<b>Proposal</b>	RETROSPECTIVE APPLICATION FOR NEW FENCE, STERILE ZONE & PATROL TRACK
<b>Parish:</b>	Ponsonby
<b>Recommendation Summary:</b>	Approve



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## Introduction

As part of the overall Site Security Enhancement Programme (SSEP) it is proposed to replace and enhance the security fence around the licensed Sellafield Site. This will involve extending the boundary in some locations and the provision of a double fence line around the site. In some cases modifications to the existing fence are all that will be required whilst in others there will be complete new sections requiring the benefit of planning permission. The overall purpose is to provide a new enhanced and more secure boundary to the site.

Seven applications for the fences have been approved to date with one for area E, adjoining the site, still pending due to a holding Environment Agency objection which is nearing

resolution. It should be noted that in view of the tight timescales involved for delivering the programme work on site has already commenced. This application plus the other two on this agenda comprise the final batch of applications for the new fence line.

## **The Proposal**

This particular application is for a new section of fence, known as Area I, which is on the south western side of Calder Gate adjacent to the Golf Course. It is retrospective and is one of three on this agenda. The works comprise:

- Installation of a new inner fence line approximately 160 metres in length.
- Creation of a 5 metre wide sterile zone between the existing and proposed fence lines surfaced in grey crushed stone.
- Erection of a 1.1 metre high stock fence 5 metres from the existing outer fence which will form the boundary of a clear zone. This clear 5 metre wide zone will be surfaced in porous grey stone to ensure vegetation growth is kept to a minimum.

In terms of detail the new fence will be constructed of steel galvanised post and mesh, topped with razor wire coils and green in colour. It will measure a total of 3.9 metres in height for this section.

This will form a new section of fence between Area K (4/12/2476/OF1 refers also on this agenda) to the immediate west and Area D (4/12/2305/OF1 refers – already approved) to the east.

## **Consultations**

Gosforth and Ponsonby Parish Council's - no objection.

Highway Authority – no objections.

Office for Nuclear Regulation (ONR) – no comments.

Environment Agency – no comments.

## **Planning Policy**

National Planning Policy Framework (NPPF) / Copeland Local Plan

The National Planning Policy Framework, which came into effect in March 2012, sets out the

Government's current planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this. In terms of delivering sustainable development paragraphs 18, 19 and 20 are relevant and advocate this. They emphasise the commitment towards building a strong, competitive economy.

The NPPF is a material consideration in determining planning applications and requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

It allows full weight to be given to relevant local plan policies until March 2013. The Copeland Local Plan 2001-2016, adopted in 2006, falls into this category. In respect of this application key policies of the adopted Copeland Local Plan identified below remain relevant to the assessment of this application.

DEV 1 Sustainable Development and Regeneration - requires all development proposals to accord with the local plan aims and objectives and is expected to contribute to achieving sustainable regeneration.

DEV 5 Development in the Countryside – aims to protect the countryside from inappropriate development but accepts that there are exceptions including existing employment sites.

DEV 6 Sustainability in Design – advocates high quality sustainable design in all new development.

### **Emerging Local Plan**

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and this has now been submitted to the Secretary of State for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment this should increase as the examination progresses. The document is currently due to be adopted in August 2013.

In relation to this application the following Policies of the new document are considered relevant:

ST 1 Strategic Development Principles - sets out the fundamental principles to guide development in the Borough.

ST 2 Spatial Development Strategy and ST 3 Strategic Development Priorities - outline the overall spatial and regeneration strategies for the Borough.

ER 1 Planning for the Nuclear Sector - supports developments contributing to the continuing future of the nuclear industry providing they are not unacceptably detrimental to the environment.

DM 1 Nuclear related Development – identifies principles that development in the nuclear sector should conform to.

### Assessment

Whilst it is acknowledged that the sheer extent and scale of the fence development overall will result in the loss of significant areas of established boundary landscaping which assimilated the industrialised nature of the site into the surrounding topography, and that the retrospective nature of this application is not to be condoned, it is recognised that such measures are required and have to take precedence in the interests of national security. Other relevant issues relating to lighting/ luminance where appropriate can be adequately controlled by the use of conditions.

Taking into account the above, the construction of a new perimeter security fence in this location, which is part of an overall Site Security Enhancement Programme for Sellafield, is considered to represent an acceptable form of development in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 and the National Planning Policy Framework.

### Recommendation:-

Approve

### Conditions

1. 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:-

Design & Access Statement, by Sellafield Ltd, project no 35/09974 Area I, received 12 October 2012.

General Arrangement Plan 0 BE 2802643 Mod A, scale 1:500, received 12 October 2012.

Location Plan for Second Batch of Six Planning Proposals for New Fence, 1 BE2759258

Rev B, received 12 October 2012.

Area I Section & Elevation for Fence Proposal, 1 BE 2802644 Mod A, scale 1:50,



received 12 October 2012.

Signage for Fence around Area I, 1 BE 2802645 Mod A, received 12 October 2012.

Location Plan, 1 BE2759257 Rev A, received 12 October 2012.

**Reason**

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

2. Details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority before they are brought into use. The lighting shall be installed in accordance with the approved details and so maintained thereafter.

**Reason**

To safeguard the amenities of the locality and minimise the risk of light pollution.

**Reason for Decision**

The construction of a new perimeter fence in this location, adjacent to part of the Golf Course, forms part of the overall Site Security Enhancement Programme for the licensed Sellafield nuclear site and as such represents an acceptable form of development in accordance with Policies DEV 1, DEV 5 and DEV 6 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.

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ITEM NO: 11.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2481/OF1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	GVA Dixon Webb
<b>Application Address:</b>	37-39 NEWLANDS AVENUE, MIREHOUSE, WHITEHAVEN
<b>Proposal</b>	APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED DEMOLITION
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Approve Demolition



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## INTRODUCTION

This application relates to a detached building which fronts onto Newlands Avenue. The building has been vacant since September 2010. It was last in use as a commercial office and prior to that as a small retail unit.

This application is being reported to the Panel as it relates to a building under the Council's ownership.

## PROPOSAL

This application gives prior notification of the intention to demolish the existing building. Once demolished the rubble will be separated and any that can be recycled or reused elsewhere will be transported away from the site. The remainder will be broken up and disposed of as land fill.

Once the concrete slab foundation has been removed it is proposed to reinstate the site using top soil.

## CONSULTATION RESPONSES

Highways Control Officer

No objections from a highway point of view subject to a condition which requires the closing off of the existing access and the reinstatement of the highway crossing and boundary.

## PLANNING POLICY

### National Policy

The National Planning Policy Framework (NPPF) was introduced in March 2012.

The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 17 outlines a number of core planning principles. One of these requires LPAs to seek to secure a good standard of amenity for all existing and future occupants of land and buildings..

Paragraph 196 of the NPPF clarifies that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

#### Local Policy

Policy DEV 2 of the adopted Copeland Local Plan 2001-2016 defines Whitehaven as a key service centre where new development will be focussed.

Policy DEV 6 seeks to secure sustainability in design, including the creation of a strong sense of place and the provision of a high standard of general amenity.

Policy SVC 14 permits the creation of new outdoor recreation facilities.

#### Emerging Local Plan

The Local Development Framework's Core Strategy and Development Management Policies DPD will replace most of the policies in the Copeland Local Plan 2001-16 is now at an advanced stage of production. Consultation on the Pre-Submission Draft took place over the summer and this has now been submitted to the Secretary of State for Public Examination.

The Policies in the Core Strategy and Development Management Policies DPD are a material consideration when determining planning applications. Whilst they should be given limited weight at the moment this should increase as the examination progresses. The document is currently due to be adopted in August 2013.

In relation to this application the following Policy of the new document is considered relevant:

Policy SS5 promotes the creation of open space.

## ASSESSMENT

This building is deemed to be surplus to requirements and it has been established that there is no interest in letting it following a marketing exercise. The building has previously suffered some water damage during the winter of 2010 which caused extensive superficial damage throughout a number of different rooms. There are also currently major concerns over vandalism and ongoing security and maintenance issues whilst the property remains vacant. On this basis the demolition of this building is considered to be justified in the case.

Demolition is now classed as falling within the definition of development following a recent court case. The applicant is only required to give prior notification of demolition. This does not permit the Local Planning Authority to object to the removal of the building but does ensure that the method of demolition is satisfactory. In this case the submitted details are considered to be adequate.

### **Recommendation:-**

Approve

### **Conditions**

1. The demolition 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. Within two months of the demolition of the building hereby permitted the land shall be restored in accordance with the details submitted with the application.

#### Reason

For the avoidance of doubt and in the interests of the visual amenity of the area.

3. Within 3 months of the building being demolished the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be

reinstated in accordance with the details which have been submitted to and approved by the Local Planning Authority.

Reason

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

**INFORMATIVE**

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com) <<http://www.groundstability.com/>>

2. No works shall commence on any part of the highway until an appropriate permit has been obtained which allows such works to take place. Enquiries should be made to Cumbria Highways, Highways Depot, Joseph Noble Road, Lillyhall Industrial Estate, Workington, CA14 4JH, Tel: 01946 506559.

**Reason for Decision**

The proposed demolition of this vacant building is justified and will provide an additional area of open space adjacent to an existing recreation facility which will enhance the appearance of the locality in accordance with Policies DEV 6 and SVC 14 of the adopted Copeland Local Plan 2001-2016 and the provisions of the National Planning Policy Framework (March 2012).

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ITEM NO: 12.



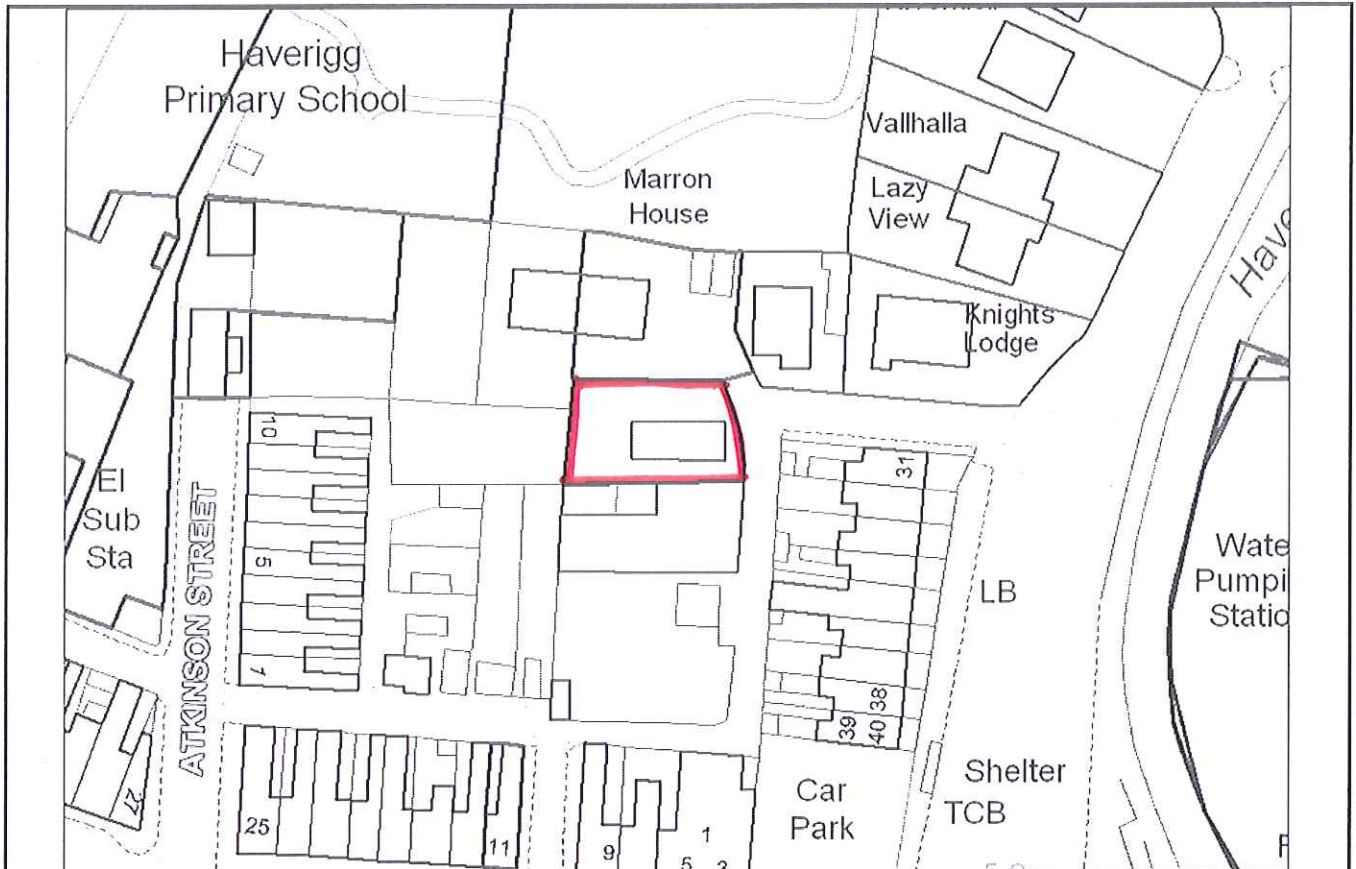
To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2501/OF1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	GVA Dixon Webb
<b>Application Address:</b>	FORMER HAVERIGG COMMUNITY CENTRE, POOLSIDE, HAVERIGG, MILLOM
<b>Proposal</b>	APPLICATION FOR PRIOR NOTIFICATION OF PROPOSED DEMOLITION
<b>Parish:</b>	Millom
<b>Recommendation Summary:</b>	Approve Demolition





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## INTRODUCTION

This application relates to small detached pre-fabricated building which sits to the rear of dwellings at Poolside, Haverigg. The building is vacant and was last in use as the Haverigg Community Centre.

A new purpose built community centre has been built within the village, known as the Lighthouse Centre. This opened in January 2012.

This application is being reported to the Panel as it relates to a building under the Councils ownership.

## PROPOSAL

This application gives prior notification of the intention to demolish the existing building. It is proposed to first strip out the asbestos and all services and then demolish the building and remove all floor slabs. Once this is complete it is proposed to landscape the site.

It is anticipated that the demolition works will commence in January 2013.

## CONSULTATION RESPONSES

The Highways Authority raise no objections as it is considered that the proposal does not affect the highway.

Millom Town Council – no comments received.

Environmental Health – no comments received.

## PLANNING POLICY

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was introduced in March 2012.

The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 17 outlines a number of core planning principles. One of these requires LPAs to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 196 of the NPPF clarifies that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

### Local Policy

Policy DEV 3 of the adopted Copeland Local Plan 2001-2016 defines Haverigg as a local centre where small scale development which helps to sustain local services, meets local needs and supports rural businesses will be permitted.

Policy DEV 4 defines boundaries around the key service and local centres of the Borough and indicates the physical limit development appropriate for each town and village. The subject building falls within the defined boundary for Haverigg.

Policy DEV 6 seeks to secure sustainability in design, including the creation of a strong sense of place and the provision of a high standard of general amenity.

Policy SVC 12 presumes against the loss of existing social or community facilities where there is a demand for that facility that is unlikely to be met elsewhere.

## ASSESSMENT

This building is deemed to be surplus to requirements following the development of the new purpose built Lighthouse Centre within the village. The building is of no architectural merit and has been vacant for sometime resulting in the deterioration of its condition and general repair. On this basis demolition is considered to be justified in the case.

Demolition is now classed as falling within the definition of development following a recent court case. The applicant is only required to give prior notification of demolition. This does not permit the Local Planning Authority to object to the removal of the building but does ensure that the method of demolition is satisfactory. In this case the submitted details are considered to be adequate.

### **Recommendation:-**

Approve

### **Conditions**

1. The demolition 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. Within two months of the demolition of the building hereby permitted the land shall be restored in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason

For the avoidance of doubt and in the interests of the visual amenity of the area.

**Reason for Decision**

The proposed demolition of this vacant building is justified in light of the new purpose built Lighthouse Centre community facility having opened within the village in accordance with Policies DEV 3, DEV 4, DEV 6 and SVC 12 of the adopted Copeland Local Plan 2001-2016 and the provisions of the National Planning Policy Framework (March 2012).

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ITEM NO: 13.

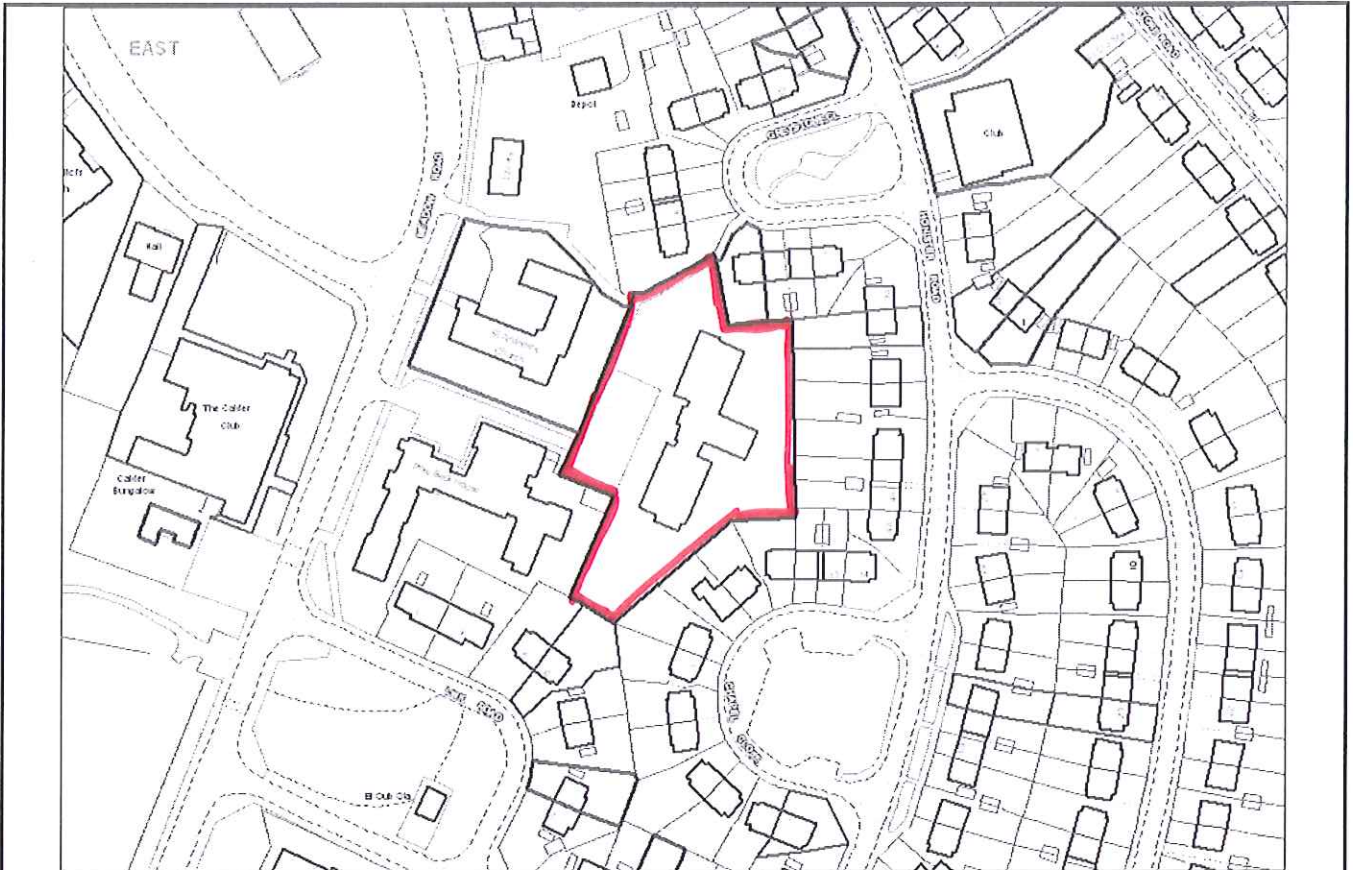


To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2515/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Home Group Developments Ltd
<b>Application Address:</b>	FORMER POWBECK COURT SITE, MIREHOUSE, WHITEHAVEN
<b>Proposal</b>	RESIDENTIAL DEVELOPMENT COMPRISING OF 10 NEW HOMES
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Site Visit



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## INTRODUCTION

This application relates to site of the former Pow Beck Court, Meadow Road, Mirehouse, Whitehaven. The site is currently a vacant grassed area following the demolition of the two storey 22 unit sheltered housing facility in June 2008 that previously occupied the site.

A concurrent application for the redevelopment of the former Calder Club site to provide 17 no. dwellings has also been submitted and forms a separate item on this agenda (4/12/2516/0F1 refers).

## PROPOSAL

Planning permission is sought for the redevelopment of the site to provide a residential development comprising 10 residential units. The site is located on an area of land to the rear of the Pow Beck House nursing home, also adjoining the rear boundary of St. Andrews Church.

The proposed new dwellings are 2 bedroomed bungalows, to be occupied by residents aged 55 and older. The 10 units will be constructed in a curved design on the 0.35 hectare site. A green open space for common usage is included to the front of the dwellings, with private rear garden space for each property divided with timber fencing.

Externally the building will be finished with red facing brick to the walls and the pitched roof will be red concrete to match the brick colour. All the windows will be of a timber construction and will have a painted finish.

The existing shared access with Pow Beck House would be used for the development, with a parking place to the front of the site for each property.

The following information has been submitted with the application:-

- detailed layout and elevation plans to illustrate the proposed development
- a design and access statement
- a desktop study report
- a landscaping plan and schedule
- a Code for Sustainable Homes assessment

As this application relates to a major redevelopment proposal on a currently vacant site within a residential area it is appropriate for Members to visit the site before reaching a decision.

Recommendation:

Site Visit

ITEM NO: 14.



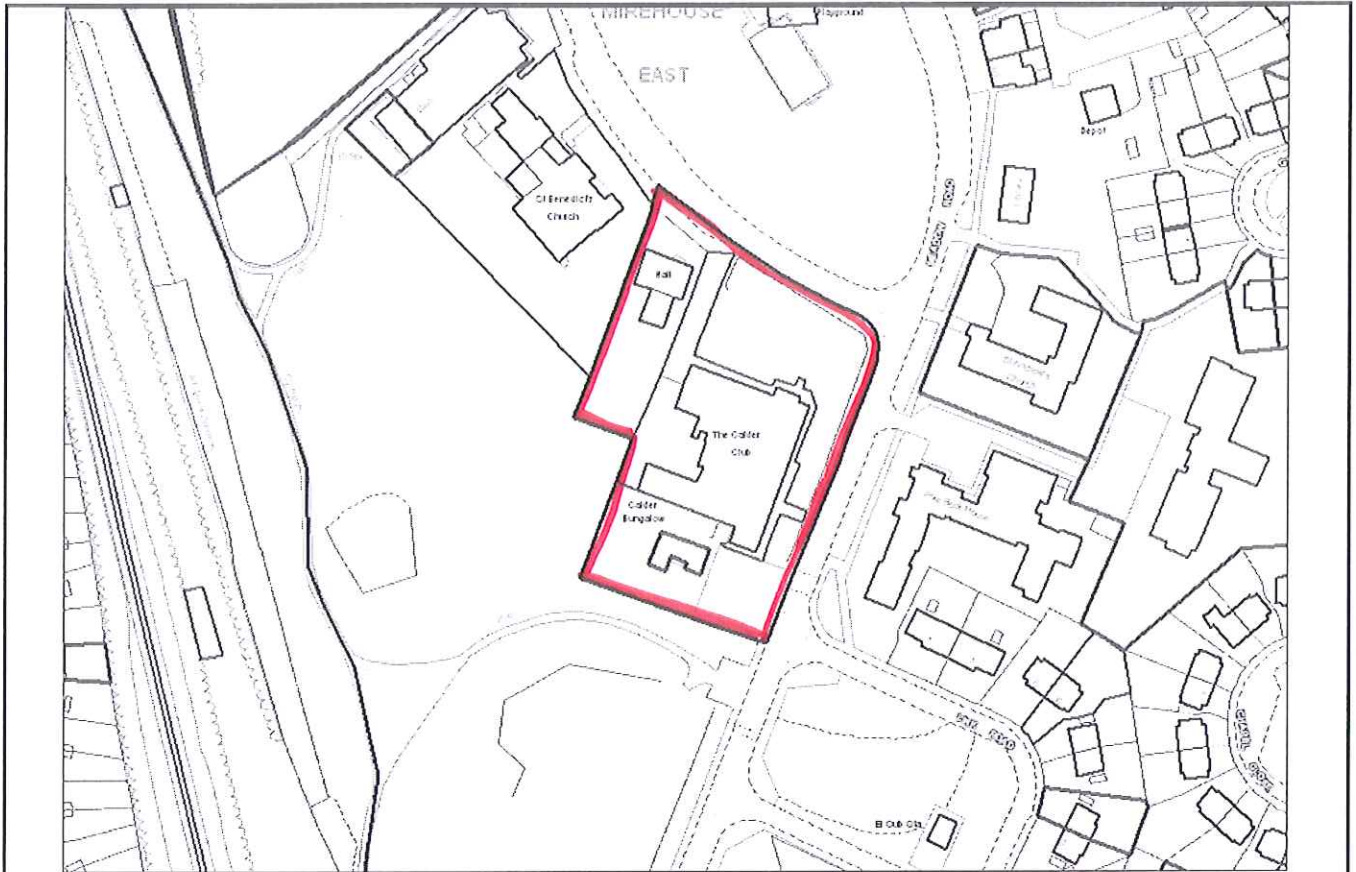
To: PLANNING PANEL

Development Control Section

Date of Meeting:

<b>Application Number:</b>	4/12/2516/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Home Group Developments Ltd
<b>Application Address:</b>	FORMER CALDER CLUB SITE, MEADOW ROAD, MIREHOUSE, WHITEHAVEN
<b>Proposal</b>	RESIDENTIAL DEVELOPMENT COMPRISING OF 17 NEW HOMES
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Site visit





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**Recommendation:-**

**Site visit**

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ITEM NO: 15.

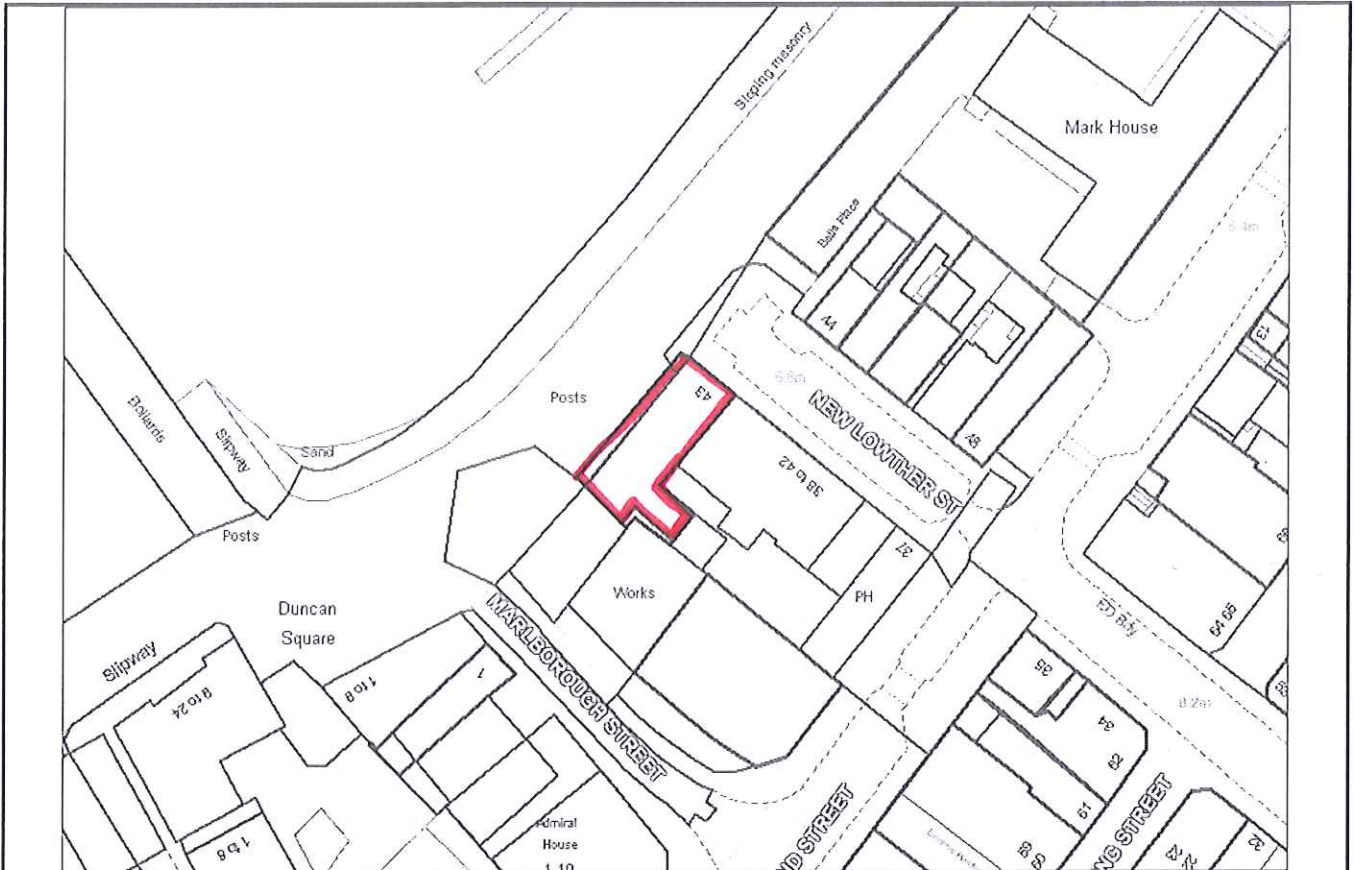


To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2517/OF1 4/12/2518/OC1
<b>Application Type:</b>	Full & Conservation Area Consent: CBC
<b>Applicant:</b>	Dobies Cumbria Properties Limited
<b>Application Address:</b>	FORMER YWCA, 43 LOWTHER STREET, WHITEHAVEN
<b>Proposal</b>	PART DEMOLITION AND RE-DEVELOPMENT INTO NINE APARTMENTS
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Site Visit



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## INTRODUCTION

This application relates to the former YWCA building which occupies a prominent location at the end of New Lowther Street. The building lies within the Whitehaven Conservation Area and faces onto Millenium Way on the harbour front.

## PROPOSAL

Planning permission and Conservation Area Consent are sought for the partial demolition and redevelopment of the site to provide a residential development comprising 9 apartments. The proposed demolition involves the removal of the majority of the building with the exception of the north east gable wall fronting onto New Lowther Street which is to

be retained as part of the scheme. The replacement building is to occupy a larger footprint than the existing structure and will project forward onto the land which is currently owned by the Harbour Commissioners by a maximum of 3 metres.

The new building is to be four storeys in height and has been designed with a pitched roof. The total height of the building will be 14 metres to ridge height.

Externally the building will be finished with rendered walls and a slated pitched roof. All the windows will be of a timber construction and will have a painted finish. The building has been designed to reflect the other traditional building forms elsewhere along the harbour frontage. Two large panels of glazing have been included in the design to mark the division between the existing gable and the new building and also to highlight the main entrance into the building.

The proposed apartments would comprise 3 three bed apartments, 5 two bed apartments and 1 one bed apartments. Each apartment will have a balcony, all of which will face towards the harbour.

The following information has been submitted with the application:-

- detailed layout and elevation plans to illustrate the proposed development
- a design and access statement
- a structural report

As this application relates to a major redevelopment proposal on a prominent harbour frontage site within the Conservation Area it is appropriate for Members to visit the site before reaching a decision.

**Recommendation:-**

Site Visit

ITEM NO: 16.



To: PLANNING PANEL

Development Control Section

Date of Meeting: 05/12/2012

<b>Application Number:</b>	4/12/2530/OF1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Harry Walters & Livesey
<b>Application Address:</b>	FORMER G & M SUPPLIES, IVY MILL, MAIN STREET, HENSINGHAM, WHITEHAVEN
<b>Proposal</b>	DEMOLITION OF EXISTING BUILDING TO FACILITATE REDEVELOPMENT OF THE SITE TO FORM A FUEL FORECOURT WITH AN ASSOCIATED CONVENIENCE STORE AND PARKING; ERECTION OF A LINK TO REAR OF EXISTING SHOP; EXISTING SHOP TO BE CONVERTED INTO TWO SMALL RETAIL UNITS WITH A FURTHER PART USED FOR SHOP STORAGE
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Site Visit



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## INTRODUCTION

This application relates primarily to site of the former G & M Supplies unit at Ivy Mill, Main Street, Hensingham, Whitehaven. The site is occupied by the single storey building currently used for a catering and kitchen supplies business, with access to the front of the site onto Hensingham Main Street. Also included within the development site is the single storey Spar retail unit to the south of Ivy Mill, fronting onto Richmond Hill Road.

## PROPOSAL

Planning permission is sought for the redevelopment of the site to provide a petrol filling station with an associated convenience store and parking on the site. The proposed new convenience store would replace the existing Spar retail unit, which would subsequently be converted into two smaller retail units available for let and an addition section to be retained to be used for storage and deliveries for the new store. This would then be connected into the new store by a link building at a first floor level due to the different level in the sites. The existing parking and access arrangements to Richmond Hill Road would remain as existing.

The new convenience store would be a single storey building located to the rear of the site, providing a retail area of 232m<sup>2</sup>. 23 parking spaces, including 2 disabled spaces would be located to the side and the front of the building. Externally the building will be finished with dark grey powder coated aluminium with a light grey colour on the window frames.

The petrol forecourt would be located 15m from the front elevation of the building, further to the northwest of the site. This would consist of 4 pump units, allowing 8 cars to refuel at any one point. Further to the North West the existing access onto Main Street will then be widened to allow a two way access with improved visibility.

The petrol forecourt area would be covered by a canopy 16.0m x 14.3m in size with a 6.0m total height.

The following information has been submitted with the application:-

- detailed layout and elevation plans to illustrate the proposed development
- a design and access statement
- a noise impact assessment
- a transport assessment
- a desktop study report
- a site investigation report

As this application relates to a major redevelopment proposal on a site within a residential area it is appropriate for Members to visit the site before reaching a decision.

**Recommendation:-**

Site visit

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## List of Delegated Decisions

**Selection Criteria:**

**From Date:** 29/10/2012

**To Date:** 26/11/2012

**Printed Date:** Tuesday, November 27, 2012

**Printed Time:** 8:56 AM

<b>Application Number</b>	4/12/2345/0F1
<b>Applicant</b>	Mr and Mrs D Nicholson
<b>Location</b>	PLOT 5, FORMER LEGION SITE, BRANSTY ROAD, BRANSTY, WHITEHAVEN
<b>Proposal</b>	TWO STOREY DETACHED DWELLING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	29 October 2012
<b>Dispatch Date</b>	31 October 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2378/0F1
<b>Applicant</b>	Port Haverigg Holiday Village
<b>Location</b>	MIDTOWN FARM, MAIN STREET, HAVERIGG, MILLOM
<b>Proposal</b>	NEW PERMISSION TO REPLACE AN EXTANT PERMISSION - CONVERSION, ALTERATION & EXTENSION OF EXISTING BUILDINGS TO CREATE 10 NO. NEW DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAY ALTERATIONS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	31 October 2012
<b>Dispatch Date</b>	1 November 2012
<b>Parish</b>	Millom

<b>Application Number</b>	4/12/2395/0F1
<b>Applicant</b>	Mr G Charlton
<b>Location</b>	PLOT 3, ADJACENT TO CLARACK HOUSE, SCALEGILL ROAD, MOOR ROW (4 RUSPER DRIVE)
<b>Proposal</b>	ERECTION OF DWELLING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	30 October 2012
<b>Dispatch Date</b>	30 October 2012
<b>Parish</b>	Egremont

<b>Application Number</b>	4/12/2416/0F1
<b>Applicant</b>	Whitehaven Amateur Football Club
<b>Location</b>	WHITEHAVEN A.F.C., THE COUNTY GROUND, COACH ROAD, WHITEHAVEN
<b>Proposal</b>	WIDENING OF EXISTING PRIVATE ACCESS ROAD & NEW FENCE TO EASTERN BOUNDARY
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	29 October 2012
<b>Dispatch Date</b>	29 October 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2428/0F1
<b>Applicant</b>	Mrs S Preston
<b>Location</b>	99 MAIN STREET, HENSINGHAM, WHITEHAVEN
<b>Proposal</b>	CHANGE OF USE FROM EXISTING GROUND FLOOR OFFICE TO 3 BEDROOMED SELF-CONTAINED FLAT
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	7 November 2012
<b>Dispatch Date</b>	7 November 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2429/0L1
<b>Applicant</b>	Mrs S Preston

<b>Location</b>	99 MAIN STREET, HENSINGHAM, WHITEHAVEN, CUMBRIA
<b>Proposal</b>	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH CHANGE OF USE FROM EXISTING GROUND FLOOR OFFICE TO 3 BEDROOMED SELF-CONTAINED FLAT
<b>Decision</b>	Approve Listed Building Consent (start within 3yr)
<b>Decision Date</b>	7 November 2012
<b>Dispatch Date</b>	7 November 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2430/OF1
<b>Applicant</b>	Mr and Mrs A Park
<b>Location</b>	PLOT AT 2 WYNDHAM PLACE, EGREMONT
<b>Proposal</b>	ERECT TWO 3 BEDROOMED DWELLINGS
<b>Decision</b>	Refuse
<b>Decision Date</b>	30 October 2012
<b>Dispatch Date</b>	1 November 2012
<b>Parish</b>	Egremont

<b>Application Number</b>	4/12/2431/OF1
<b>Applicant</b>	Mr C Robinson
<b>Location</b>	PLOT 2, FORMER LEGION SITE, BRANSTY ROAD, BRANSTY, WHITEHAVEN
<b>Proposal</b>	ERECTION OF A FOUR BEDROOMED DETACHED DWELLING HOUSE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	7 November 2012
<b>Dispatch Date</b>	7 November 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2432/OF1
<b>Applicant</b>	Sellafield Limited
<b>Location</b>	SELLAFIELD, SEASCALE
<b>Proposal</b>	VARIATION OF CONDITION 2 OF TEMPORARY PLANNING PERMISSION 4/07/2670 FOR A TWO STOREY OFFICE BUILDING TO ALLOW A FURTHER FIVE YEARS FOR SITE OPERATION
<b>Decision</b>	Approve
<b>Decision Date</b>	12 November 2012
<b>Dispatch Date</b>	12 November 2012
<b>Parish</b>	Beckermest with Thornhill

<b>Application Number</b>	4/12/2436/OF1
<b>Applicant</b>	Mr R Yetts
<b>Location</b>	LAND ADJACENT TO METHODIST CHURCH, GOSFORTH ROAD, SEASCALE
<b>Proposal</b>	FOUR BEDROOMED PROPERTY WITH INTEGRATED BALCONY (REVISED SCHEME)
<b>Decision</b>	Approve
<b>Decision Date</b>	8 November 2012
<b>Dispatch Date</b>	9 November 2012
<b>Parish</b>	Seascale

<b>Application Number</b>	4/12/2438/OF1
<b>Applicant</b>	Barratt Manchester

<b>Location</b>	THE LOOMS HOUSING DEVELOPMENT, FRIZINGTON ROAD, FRIZINGTON
<b>Proposal</b>	SUBSTITUTION OF HOUSE TYPES ON PLOTS 24, 25, 46, 47, 49, 50, 51 & 52
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	9 November 2012
<b>Dispatch Date</b>	12 November 2012
<b>Parish</b>	Arlecdon and Frizington

<b>Application Number</b>	4/12/2439/0F1
<b>Applicant</b>	Mr A Matterson
<b>Location</b>	LAND AT BLACK HOW, SEASCALE
<b>Proposal</b>	SHEEP SHED & STORAGE ENCLOSURE
<b>Decision</b>	Refuse
<b>Decision Date</b>	14 November 2012
<b>Dispatch Date</b>	14 November 2012
<b>Parish</b>	Seascale

<b>Application Number</b>	4/12/2440/001
<b>Applicant</b>	Glasson Estates
<b>Location</b>	LAND AT OAK CRESCENT/RANNERDALE DRIVE, WHITEHAVEN
<b>Proposal</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING REVISED SITING FOR FOOTPATH AND LANDSCAPED AREA (REVISED SCHEME FOR 4/09/2477)
<b>Decision</b>	Approve in Outline (commence within 3 years)
<b>Decision Date</b>	12 November 2012
<b>Dispatch Date</b>	14 November 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2440/001
<b>Applicant</b>	Glasson Estates
<b>Location</b>	LAND AT OAK CRESCENT/RANNERDALE DRIVE, WHITEHAVEN
<b>Proposal</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING REVISED SITING FOR FOOTPATH AND LANDSCAPED AREA (REVISED SCHEME FOR 4/09/2477)
<b>Decision</b>	Approve in Outline (commence within 3 years)
<b>Decision Date</b>	12 November 2012
<b>Dispatch Date</b>	14 November 2012
<b>Parish</b>	Moresby

<b>Application Number</b>	4/12/2441/0L1
<b>Applicant</b>	Whitehaven Bangladeshi Community Centre
<b>Location</b>	2 COLLEGE STREET, WHITEHAVEN
<b>Proposal</b>	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH ALTERATION OF SECOND FLOOR ROOMS BY PARTITION TO PROVIDE A FLAT
<b>Decision</b>	Approve Listed Building Consent (start within 3yr)
<b>Decision Date</b>	14 November 2012
<b>Dispatch Date</b>	14 November 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2442/0L1
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<b>Applicant</b>	Mrs S Brook
<b>Location</b>	3 OAKBANK, WHITEHAVEN
<b>Proposal</b>	LISTED BUILDING CONSENT FOR REPLACEMENT FIREPLACE IN LOWER GROUND FLOOR DINING ROOM
<b>Decision</b>	Approve Listed Building Consent (start within 3yr)
<b>Decision Date</b>	7 November 2012
<b>Dispatch Date</b>	7 November 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2443/0F1
<b>Applicant</b>	Mr D Brockbank
<b>Location</b>	MOSS SIDE, HAVERIGG, MILLOM
<b>Proposal</b>	LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING USE - DWELLING HOUSE INCORPORATING GRANNY QUARTERS
<b>Decision</b>	Approve
<b>Decision Date</b>	14 November 2012
<b>Dispatch Date</b>	14 November 2012
<b>Parish</b>	Millom

<b>Application Number</b>	4/12/2446/0F1
<b>Applicant</b>	Miss L McKinnon
<b>Location</b>	76 WHINLATTER ROAD, MIREHOUSE, WHITEHAVEN
<b>Proposal</b>	ERECTION OF A SHED IN REAR GARDEN
<b>Decision</b>	Approve
<b>Decision Date</b>	13 November 2012
<b>Dispatch Date</b>	14 November 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2447/0F1
<b>Applicant</b>	Cumbria County Council
<b>Location</b>	CROSS KEYS DAY CENTRE, SENHOUSE STREET, WHITEHAVEN
<b>Proposal</b>	PROVISION OF A SMALL LEAN-TO GREENHOUSE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	7 November 2012
<b>Dispatch Date</b>	7 November 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2448/0F1
<b>Applicant</b>	Story Homes
<b>Location</b>	MAGELLAN PARK, HIGH ROAD, WHITEHAVEN
<b>Proposal</b>	CHANGE OF DETAILS OF APPROVED PLANS (PLOT SUBSTITUTION) TO PLOTS 85, 86 & 87
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	7 November 2012
<b>Dispatch Date</b>	7 November 2012
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/12/2449/0F1
<b>Applicant</b>	Mr M Groggins
<b>Location</b>	26 PARK VIEW, CASTLE CROFT, EGREMONT
<b>Proposal</b>	CONSERVATORY/SUN ROOM ON SIDE OF PROPERTY (RETROSPECTIVE)
<b>Decision</b>	Approve
<b>Decision Date</b>	29 October 2012

<b>Dispatch Date</b>	31 October 2012
<b>Parish</b>	Egremont

<b>Application Number</b>	4/12/2450/0F1
<b>Applicant</b>	Mr L Greggain
<b>Location</b>	33 PINEWOODS, GILGARRAN, DISTINGTON
<b>Proposal</b>	ERECTION OF MOTORCYCLE STORE & FITNESS ROOM
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	13 November 2012
<b>Dispatch Date</b>	23 November 2012
<b>Parish</b>	Distington

<b>Application Number</b>	4/12/2451/TPO
<b>Applicant</b>	Copeland Borough Council
<b>Location</b>	ST MARYS & ST MICHAELS CHURCH, SOUTH STREET, EGREMONT
<b>Proposal</b>	REMOVAL OF ONE WHITEBEAM & ONE HORSE CHESTNUT TREE & CROWN REDUCTION OF TWO LIME TREES WHICH ARE SITUATED WITHIN A CONSERVATION AREA
<b>Decision</b>	TREE PRESERVATION APPROVE
<b>Decision Date</b>	19 November 2012
<b>Dispatch Date</b>	23 November 2012
<b>Parish</b>	Egremont

<b>Application Number</b>	4/12/2456/0F1
<b>Applicant</b>	British Telecommunications plc
<b>Location</b>	TELEPHONE EXCHANGE, HOLMROOK
<b>Proposal</b>	ALTERATION TO FORM ADDITIONAL EXTERNAL ENTRANCE TO ENGINE ROOM
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	9 November 2012
<b>Dispatch Date</b>	23 November 2012
<b>Parish</b>	Drigg and Carleton

<b>Application Number</b>	4/12/2457/0F1
<b>Applicant</b>	Ms J Fox
<b>Location</b>	CATGILL COTTAGE, EGREMONT
<b>Proposal</b>	REPLACEMENT OF EXISTING PORCH TO PROVIDE W.C. AND CLOAKS CUPBOARD
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	31 October 2012
<b>Dispatch Date</b>	1 November 2012
<b>Parish</b>	Lowside Quarter

<b>Application Number</b>	4/12/9003/0F2
<b>Applicant</b>	LLW Repository Ltd
<b>Location</b>	LOW LEVEL WASTE REPOSITORY, DRIGG
<b>Proposal</b>	ERECTION OF EXTENSION TO OFFICE ACCOMMODATION AND ASSOCIATED WORKS
<b>Decision</b>	County Council Withdrawn
<b>Decision Date</b>	14 November 2012
<b>Dispatch Date</b>	14 November 2012
<b>Parish</b>	Drigg and Carleton

<b>Application Number</b>	4/12/9004/0F2
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<b>Applicant</b>	Cumbria Waste Management Ltd
<b>Location</b>	YEATHOUSE QUARRY, YEATHOUSE, FRIZINGTON
<b>Proposal</b>	VARIATIONS OF CONDITIONS 1 & 3 OF PLANNING PERMISSION 4/09/9012 FOR EXTENSION TO OPERATIONAL TIME OF HWRC SITE
<b>Decision</b>	County Council Approved
<b>Decision Date</b>	13 November 2012
<b>Dispatch Date</b>	13 November 2012
<b>Parish</b>	Arlecdon and Frizington