

PLANNING PANEL

11 JANUARY 2006

AGENDA

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STANDARD CONDITIONS

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

Outline Consent

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

Reserved Matters Consent

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

Full Consent

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

RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan - adopted June 1997

Copeland Local Plan 2001-2016 2nd Deposit Version

Copeland's Interim Housing Policy Statement, approved by Full Council on 15 June 2004

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

Department of Transport, Local Government and the Regions Circulars:-

In particular:

22/80	Development Control, Policy and Practice
15/88	Environmental Assessment
15/92	Publicity for Planning Applications
11/95	The Use of Conditions in Planning Permissions

Department of Transport, Local Government and the Regions:-

Planning Policy Guidance Notes

Development Control Policy Notes

Design Bulletins

MAIN AGENDA

1 4/05/2179/0

DEMOLITION OF EXISTING CINEMA AND CONSTRUCTION OF
15 NO. TWO BEDROOM APARTMENTS PLUS CAR PARKING
CASTLE CINEMA, BOOKWELL, EGREMONT, CUMBRIA.
PERSIMMON HOMES LTD.

Parish

Egremont

- Welcome this development which will enhance this area which has remained dilapidated for so long and hope it commences as soon as possible.

The principle for redeveloping this site for residential purposes was established by the grant of outline planning permission in October 2003 for demolition of the former snooker club/castle cinema building and the construction of six detached dwellings (4/03/1003/001 refers). Because the site lies within the Egremont Conservation Area, a concurrent Conservation Area consent to demolish the existing buildings was also granted (4/03/1030/OCI refers). This consent to demolish remains valid until 8 October 2008.

This current application seeks detailed approval to construct a total of 15 two-bedroomed apartments in the form of 2 three-storeyed blocks with 15 associated car parking spaces to the rear. This higher density development better reflects the guidance offered in Planning Policy Guidance Note 3 "Housing" whilst producing a design solution in keeping with adjacent three storeyed houses on the south (Bookwell Road) elevation.

In response to statutory consultation procedures no objections, in principle, have been raised by Cumbria Highways or United Utilities. However, the Environment Agency highlighted problems with local surface water infrastructure which has resulted in surface water flooding both upstream and downstream of the development site. After detailed investigation by Consulting Engineers on behalf of the applicants and subsequent appraisal, the Environment Agency now support the application subject to conditions being imposed on any subsequent grant of planning permission.

In response to statutory publicity afforded to the application, a single letter has been received from the residents of a neighbouring house welcoming the proposed demolition and site redevelopment.

In conclusion, now that the surface water disposal issue has been satisfactorily investigated and resolved, the proposed development is considered to represent a substantial enhancement of this presently dilapidated site within the Egremont Conservation Area, compliant with Policies HSG 4 and ENV 26 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Recommendation

Approve

2. No development approved by this permission shall be commenced until a scheme for the provision and maintenance of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
3. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within a) 8 metres of the top of any bank of watercourses, and/or b) 8 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.
4. The parking court and access lane shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross-sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is completed.
5. Details of all measures to be taken by the applicant to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
6. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.
7. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

The reasons for the above conditions are:-

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

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

In the interests of highway safety and environmental management.

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

Reason for decision:-

An acceptable scheme of residential development for this presently dilapidated site within Egremont Conservation Area in compliance with Policies HSG 4 and ENV 26 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

2 4/05/2219/0

OUTLINE APPLICATION FOR SIX DWELLINGS AFTER
DEMOLISHING TARNBANK
TARNBANK, BRAYSTONES, CUMBRIA.
MR P LOCKHART

Parish Lowside Quarter

Strongly object to demolition of Tarnbank, stating that:-

1. This is a substantial house that could be converted into 3 dwellings if extended on one end.
2. There is a lack of statement of local need.

At the last meeting Members resolved to refuse this application. As this resolution was contrary to the officer recommendation a decision was deferred to this meeting in accordance with para. 9.2 of the Planning Code of Conduct approved by Council on 5 March 2002.

In September 2004 an outline planning application to demolish Tarnbank and divide the site into 3 plots was withdrawn (4/04/2516/001 refers). Prior to the application being withdrawn Members had undertaken a site visit.

Tarnbank is a large, detached property occupying a prominent elevated site to the north of Braystones. Tarnside Caravan Park is located immediately to the north. The land to the south separates Tarnbank from Braystones village. However, this land is currently being developed for three detached dwellings (4/04/2168/0F1 refers).

This application seeks outline planning permission to erect 3 x 3 bedroomed link houses and 3 detached single storey dwellings. It is proposed to realign the existing access road and create a courtyard arrangement to serve five of the dwellings.

A single bungalow will be accessed directly from the adjacent public road. It should be noted that this is an outline application and the house types could vary in any subsequent detailed application.

In the Copeland Local Plan 2001 the site was located within the settlement boundary for Braystones. Accordingly, the proposal would have been considered as infill development. However, the Copeland Local Plan 2001-2016 has reclassified settlements and Braystones no longer has a settlement boundary.

The applicant seeks to rely on Policy HSG 11 of the Copeland Local Plan 2001-2016 2nd Deposit Version to justify the proposal as a form of affordable rural housing. As a previously developed site immediately adjoining the village it satisfies Criteria 1 and 3 of Policy HSG 11. In response to the Parish Council's comments the applicant's agent has pointed out that the existing house is in a state of extreme disrepair and does not lend itself to be sub-divided without substantial demolition, alterations and extension works which would not be economically viable.

Criterion 2 of Policy HSG 11 requires the proposal to be supported by evidence to show that there is a need for the development within the local community as a whole. The applicant has independently undertaken a housing needs survey in Lowside Quarter Parish and the adjoining Parish of St John's Beckermat. A copy of the questionnaire survey and report findings is appended to this report.

The housing need survey concludes that there is a housing need in Lowside Quarter for a minimum of fourteen units. This relates to a variety of house types and sizes. Eleven respondents to the survey wish to live in Braystones, two stating that Braystones is the sole place where they wish to live. However, only three respondents live in or closest to the village of Braystones. The majority of respondents state that their reason for wishing to move relates to the desire to establish their first independent home.

It should be noted that some housing need will be met through general housing provision. This includes housing allocations and existing permissions in Egremont which is the nearest key service centre. Similarly, Beckermat is a Local Centre with an allocated housing site and infill potential. Also, there are a number of existing permissions in Nethertown which will help meet some demand in the Parish.

During the life of the Copeland Local Plan 2001 very few permissions for housing development were granted in Braystones. This probably

resulted from a tightly drawn infill boundary restricting infill potential and the majority of the village being in an area of high flood risk.

The elevated nature of this site means that it is not subject to flood risk. This, together with its proximity to the physical form of the village and its previously developed status, make it the most viable site for further housing in Braystones.

If Members are minded to grant planning permission the consent should be subject to an obligation under Section 106 of the Town and Country Planning Act 1990. This obligation should ensure that the dwellings are restricted to persons living or working in the locality. Also, the housing should be affordable. Definitions of "locality" and "affordability" are contained within the Copeland Local Plan 2001-2016.

In this case the "locality" should be restricted to Lowside Quarter and St John's Beckermest Parishes. Given that this is a proposal submitted by a private developer the involvement of a social landlord or a shared equity scheme is considered unlikely. However, "affordability" could be secured by control of the rent or purchase price as outlined in the Copeland Local Plan 2001-2016.

As an indicator the average gross weekly pay in Copeland is £499.20. 3.5 times the local average income provides a purchase price of £90,854. Capping the purchase price at this level should ensure affordability for the majority of people who require housing in the area. However, properties subject to a restrictive Section 106 obligation may be difficult to mortgage or to secure a high percentage loan.

In determining this application Members should consider carefully whether the scheme will deliver genuinely affordable housing in the area for a sustained period of time.

Given the size and characteristics of the site it is likely to deliver a variety of house types and sizes. The incorporation of single storey accommodation should help meet various housing needs including those of the elderly and people with disabilities.

The Highway Authority comment that the road serving the development should be constructed to adoptable standards. Also, it is unclear whether there is adequate space within the site to meet car parking and turning standards.

It should be noted that this is an outline application. There is adequate space to provide turning and parking arrangements but this must be demonstrated at the detailed design stage. One dwelling would be served directly from the public road. It is likely that the remainder of the site could be served by a private driveway.

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On balance this site is considered to represent the most appropriate means of delivering affordable local needs housing in Braystones. The housing development would serve local housing needs at least for the duration of the Copeland Local Plan 2001-2016.

Recommendation

That subject to the applicant entering into an obligation under Section 106 of the Town and Country Planning Act 1990 requiring that:-

- i) The dwellings erected shall only be occupied by members of the local community as defined in the Copeland Local Plan 2001-2016. The definition of locality shall be restricted to the Parishes of Lowside Quarter and St John's Beckermat, and
- ii) The dwellings erected shall only be sold or let within the definition of affordability provided by the Copeland Local Plan 2001-2016.

Outline planning permission be granted subject to the following conditions:-

1. The siting, design and external appearance of the building/s, means of access thereto, and the means of disposal of surface water therefrom, shall be as may be approved by the Local Planning Authority.
2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-
 - (a) the expiration of five years from the date of this permission; or
 - (b) the expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. Notwithstanding the plans hereby approved full details of site layout, access and parking arrangements shall be submitted for approval by the Local Planning Authority at the detailed design stage.

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4. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
5. Details of the design, construction and drainage of the access road/driveway and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
6. The site shall be drained on a separate system with only foul drainage connected into the foul sewer.
7. Notwithstanding Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 no wall, fence or other means of enclosure shall be erected without the prior written consent of the Local Planning Authority.

Reasons for the above conditions:-

For the avoidance of doubt.

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

In the interests of highway safety.

To safeguard the amenities of the locality.

To ensure a satisfactory drainage scheme.

Reason for decision:-

An appropriate scheme to provide affordable rural housing compliant with Policy HSG 11 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

HOUSING NEEDS QUESTIONNAIRE

LOWSIDE QUARTER PARISH

INTERPRETATION OF ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusions

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

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

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

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

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

HOUSING NEEDS QUESTIONNAIRE LOWSIDE QUARTER PARISH

APPENDIX 1

PART ONE

1 Household age structure

Please enter the number in each group

Age group	male	female
0 - 14		
15 - 18		
19 - 25		
26 - 29		
30 - 44		
45 - 59		
60 - 65		
66 - 74		
74 +		

2 Household tenure

Please tick as appropriate

Home owner	
Rented from housing association	
Rented from private landlord	
In tied housing	

3 Second home ownership

Please tick as appropriate

This is my only home	
This is not my only home	
This is my main home	

4 How long have you lived in this home, village, Cumbria?

	Years
In this home	
In this village	
In Cumbria	

5 What type of housing, if any, do you think is needed in Lowside Quarter Parish?

Please tick as appropriate

Small family homes	
Homes for young people	
Homes for the elderly	
Homes for single people	
Large family homes	
Homes for disabled people	
Other	
No further homes	

6 Would you object to a small number of new homes in Lowside Quarter Parish?

Please tick as appropriate

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

7 Do you need or wish to move to another home in Lowside Quarter Parish?

Please tick as appropriate

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

8 Does anyone living with you need to move?

Please tick as appropriate

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

9 Have any former members of the household left the parish in the past five years?

Please tick as appropriate

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

10 What was their reason for leaving?

Please tick as appropriate

Lack of affordable housing	<input type="checkbox"/>
Lack of public transport	<input type="checkbox"/>
Take up employment elsewhere	<input type="checkbox"/>
Go to university, college or other training	<input type="checkbox"/>
Other	<input type="checkbox"/>

11 Do you, or anyone in your household, wish to set up home separately within the next:

Please tick as appropriate

1 - 2 yrs	<input type="checkbox"/>
3 - 4 yrs	<input type="checkbox"/>
5 - 6 yrs	<input type="checkbox"/>

If you answered question 11, please complete PART 2 of the questionnaire

PART TWO

12 What is your reason for wanting to move?

Please tick as appropriate

To be near work	
Currently renting – would like to buy	
Living in tied housing, need more security	
Private tenancy, need more security	
Private tenancy ending shortly	
Couple setting up home together	
First independent home	
Other	

13 What are your present housing circumstances?

Please tick as appropriate

Home owner	
In tied housing	
Renting from a private landlord	
Living with parents/relatives	

14 Do you receive housing benefit?

Please tick as appropriate

YES	
NO	

15 Condition of existing accommodation

Please tick as appropriate

Good condition	
Fair state of repair	
Poor state of repair	
Central heating	
Type of heating	
Double glazing	

16 Do you wish to buy your next home?

Please tick as appropriate

YES	
NO	

17 Which village do you live in or closest to?

18 If answering YES to question 16, what price could you afford?

Please tick as appropriate

£70,000 – £80,000	
£80,000 – £90,000	
£90,000 – £100,000	
£100,000 – £110,000	
£110,000 – £120,000	
£120,000 – £130,000	
£130,000 – £140,000	
£140,000 – £150,000	

19 What is your weekly income?

Please tick as appropriate

Under £100	
£101 - £150	
£151 - £200	
£201 - £250	
£251 - £300	
£301 - £350	
over £350	

20 If currently renting, what do you currently pay in weekly rent?

Please tick as appropriate

Under £40	
£41 - £50	
£51 - £60	
£61 - £70	
£71 - £80	
£81 - £90	
over £91	

21 Employment details

Please tick as appropriate

Working full time	
Working part time	
In full time further or higher education	
Unemployed, seeking work	
Unemployed, not seeking work	
Retired	
Other	

22 If you are in work, or travel daily to college etc, how far, each way, do you travel?

Please tick as appropriate

Work from home	
Work elsewhere within the parish	
Less than 5 miles	
5 – 10 miles	
11 – 15 miles	
16 – 20 miles	
21 – 25 miles	
26 – 30 miles	
Over 30 miles	

23 Do you need any special housing requirements?

Please tick as appropriate

Wheelchair access	
Accommodation on one level	
Sheltered accommodation with warden	
Help with personal care	
Other requirements	

24 Where would you choose to live?

Please tick all as appropriate

Braystones	
Nethertown	
Beckermest	
Thornhill	

25 Reasons for wanting to live in chosen area?

Please tick all that apply

Near to close family	
Near to work/college	
Live there now	
Lived there previously	
Born & brought up there	
Other	

6 Type of housing required

Please tick all that apply

1 bed house	
2 bed house	
3 bed house	
4 bed house	
1 bed bungalow	
2 bed bungalow	
3 bed bungalow	
4 bed bungalow	
1 bed flat	
2 bed flat	
3 bed flat	
4 bed flat	
Other	

THANK YOU FOR COMPLETING THIS QUESTIONNAIRE

PLEASE RETURN BOTH PARTS OF THE QUESTIONNAIRE IN THE STAMPED
ADDRESSED ENVELOPE ENCLOSED

ANALYSIS RESULTS

No. of questionnaires delivered	800
No. of questionnaires returned	298 (37%)
No. of Part 2 of questionnaire returned	73 (24.5% of all returned)

Do you, or anyone in your household, wish to set up home separately within the next:

1 - 2 yrs	22
3 - 4 yrs	8
5 - 6 yrs	11
Unspecified	32

What is your reason for wanting to move?

To be near work	7
Currently renting - would like to buy	3
Living in tied housing, need more security	0
Private tenancy, need more security	0
Private tenancy ending shortly	0
Couple setting up home together	6
First independent home	25
Other	12
Not specified	26

What are your present housing circumstances?

Home owner	41
In tied housing	2
Renting from a private landlord	4
Living with parents/relatives	15
Not specified	11

Do you receive housing benefit?

YES	9
NO	59

Condition of existing accommodation

Good condition	52
Fair state of repair	15
Poor state of repair	2
Central heating	23
Type of heating	
Gas	16
Electricity	1
Oil	2
Combi	1
Storage heaters	2
Double glazing	35
Not specified	4

Do you wish to buy your next home?

YES	39
NO	15

Which village do you live in or closest to?

Beckermest	24
Braystones	3
Egremont	4
Haile/Calderbridge	1
Middletown	3
Nethertown	4
Thornhill	29
Whitehaven	1
Not specified	4

What price could you afford?

£70,000 – £80,000	15
£80,000 – £90,000	7
£90,000 – £100,000	4
£100,000 – £110,000	0
£110,000 – £120,000	1
£120,000 – £130,000	1
£130,000 – £140,000	1
£140,000 – £150,000	9
Not specified	34

What is your weekly income?

Under £100	4
£101 - £150	7
£151 - £200	8
£201 - £250	6
£251 - £300	6
£301 - £350	5
over £350	17
Not specified	20

If currently renting, what do you currently pay in weekly rent?

Under £40	3
£41 - £50	3
£51 ⁹ - £60	5
£61 - £70	3
£71 - £80	1
£81 - £90	0
over £91	0
Not specified	58

Employment details

Working full time	33
Working part time	12
In full time further or higher education	6
Unemployed, seeking work	4
Unemployed, not seeking work	0
Retired	19
Other	1
Not specified	6

If you are in work, or travel daily to college etc, how far, each way, do you travel?

Work from home	2
Work elsewhere within the parish	0
Less than 5 miles	21
5 - 10 miles	17
11 - 15 miles	5
16 - 20 miles	3
21 - 25 miles	0
26 - 30 miles	0
Over 30 miles	2
Not specified	23

Do you need any special housing requirements?

Wheelchair access	2
Accommodation on one level	3
Sheltered accommodation with warden	0
Help with personal care	2
Other requirements	2
Not specified	64

Where would you choose to live?

Please tick all that apply

Braystones	11
Nethertown	9
Beckermert	33
Thornhill	38
Middletown	1
Not specified	14

Reasons for wanting to live in chosen area?

Please tick all that apply

Near to close family	22
Near to work/college	17
Live there now	35
Lived there previously	3
Born & brought up there	12
Other	5
Not specified	13

Type of housing required

Please tick all that apply

1 bed house	5
2 bed house	19
3 bed house	23
4 bed house	10
1 bed bungalow	0
2 bed bungalow	14
3 bed bungalow	13
4 bed bungalow	4
1 bed flat	1
2 bed flat	7
3 bed flat	2
4 bed flat	0
Other	0

MAIN AGENDA

3 4/05/2551/0

REDEVELOPMENT OF JAMES PARK HOMES TO ALLOW FOR
THE SITING OF NO MORE THAN 36 PARK HOMES AND
GARAGES
SMITHFIELD CARAVAN SITE, SMITHFIELD ROAD,
EGREMONT, CUMBRIA.
MR A JAMES

Parish Egremont

- No objections as long as previous concerns regarding water drainage, landscaping and access are satisfactorily addressed.

Members visited this site on 28 September 2005.

The application seeks full planning permission to redevelop Smithfield Caravan site which has been established for over 45 years and is generally in a run down state. As evidenced at the site visit much of the redevelopment to site no more than 36 park homes, each with a detached single garage, has already taken place so that the application is, in essence, retrospective.

The submitted site layout plan shows 24 twin units and 6 single width caravans but this layout might well change in response to market demand to achieve a total number of units not to exceed 36.

In response to statutory consultation procedures no objections, in principle, have been raised by Cumbria Highways, the Environment Agency or United Utilities.

There is, however, a mineshaft (Gillfoot No 4) in the vicinity of the eastern site boundary. This requires more detailed investigation and subsequent remediation prior to any development being sited over or in its immediate vicinity. The applicant is aware of this and is willing to accept a condition being attached to any subsequent planning consent precluding the development of those plots along the eastern boundary which may be affected.

In land use policy terms the proposal accords with Policy HSG 21 of the Copeland Local Plan 2001-2016 2nd Deposit Version which supports the replacement of residential caravans by permanent chalets on existing sites of more than 10 caravans.

In conclusion, the proposal is considered to represent a significant improvement of this site in terms of the standard of residential accommodation provided and the environmental enhancement of the site as a whole for the wider benefit of the community as well as existing and future residents of the Smithfield site.

Recommendation

Approve

2. Permission in respect of site layout shall relate solely to the amended plan received by the Local Planning Authority on 1 November 2005.
3. Notwithstanding the approved site layout plan, no park homes shall be sited on plots 12-15 inclusive, adjacent to the eastern site boundary, unless and until a Risk Assessment Report has been obtained in respect of the presence of a mineshaft (Gillfoot No 4) and subsequent remedial measures as may be agreed in writing with the Local Planning Authority have been carried out in full.
4. Before the development hereby permitted commences on the site, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.
5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
6. Surface water shall be disposed of via a suitably designed infiltration system designed and constructed as recommended in CIRIA report 156 "Infiltration Drainage, Manual of Good Practice".
7. The site shall be drained on a separate system, with only foul drainage connected into the foul sewer.
8. Notwithstanding the approved site layout plan the site access shall remain as a dropped footway crossing and not radius kerbs as shown.
9. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

10. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

The reasons for the above conditions are:-

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

For the avoidance of doubt.

In the interests of safety.

To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health.

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

To ensure the satisfactory provision of drainage facilities to serve the proposed development.

In the interests of highway safety.

In the interests of amenity.

Reason for decision:-

The proposal is considered to represent a significant improvement of this site in terms of the standard of residential accommodation provided and the environmental enhancement of the site as a whole for the wider benefit of the community as well as existing and future residents of the site.

4 4/05/2741/0

GARAGE, KITCHEN, UTILITY AND BEDROOM EXTENSION
AND CONSERVATORY
29, CROSS LANE, WHITEHAVEN, CUMBRIA.
MR & MRS BENSON

Parish Whitehaven

A decision on this application was deferred at the last meeting to enable Members to carry out a site visit. The site visit took place on 15 December 2005.

Planning permission to extend this semi-detached house was refused in September 2005 (4/05/2529/0 refers). The reason for refusal was as follows:-

"By virtue of their siting, scale and design the proposed extensions and alterations will result in problems of overlooking and loss of privacy together with an adverse visual impact on neighbouring residential properties. Furthermore, the proposal results in a loss of available off-street parking to the detriment of highway safety and local amenity contrary to Policies HSG 8 and HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version."

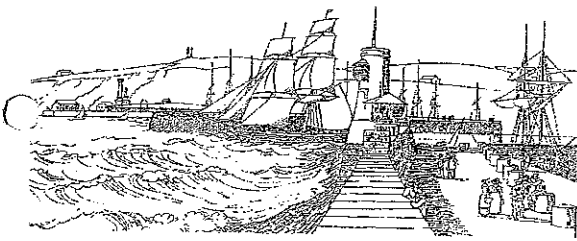
This revised application now seeks consent to extend this semi-detached house as follows:-

1. A front single storey "lean-to" extension to provide a porch and an adjoining 2.0m deep canopy over the front of the garage.
2. A two storey gable extension which would be 400mm from the boundary with the neighbouring property.
3. A 4.85m x 3.8m single storey rear extension to provide an enlarged kitchen, utility room and toilet. Again this element would be 400mm from the boundary.

Originally, this application also included a 3m x 3m rear conservatory with obscure glass in the side adjoining No. 31.

The Highways Authority comment that one of the proposed off-street car parking spaces is impractical. Two on-site car parking spaces are required, each measuring 6.0m x 2.4m, in addition to the garage which provides only 17.6 sq m internal floorspace. The property is situated opposite a junction where a reduction in parking standards is likely to pose a particular risk to highway safety.

Letters of objection have been received from neighbouring residents either side, copies of which are attached. The grounds for objection are summarised as follows:-



Whitehaven, Cumberland

H. F. T. GOUGH & CO.
SOLICITORS & COMMISSIONERS FOR OATHS

38/42 Lowther Street Whitehaven
Cumbria CA28 7JU
Tel. (01946) 692461
Fax. (01946) 692015
DX 62900 Whitehaven
www.goughs-solicitors.com
e-mail: admin@goughs-solicitors.com

The Development Services Manager,
Copeland Borough Council,
DX 62904,
WHITEHAVEN

Your ref

Our ref MAL/MTS//LG/11763N-1

Contact Mr. M. A. Little (Ext. 219)

Direct Line 01946 518319

E-mail mal@goughs-solicitors.com

Date 31 October, 2005

Dear Sir,

Re: Planning Application 4/05/2741/0
Proposed Garage, Kitchen Utility Room and Bedroom and Conservatory
29 Cross Lane, Whitehaven, Cumbria.

We are instructed by Mr. and Mrs. Nicholson of 31 Cross Lane, Whitehaven, to make representations in respect of the above Planning Application.

We are aware that the Council refused Planning Permission for a virtually identical scheme on the 14th September 2005, (4/05/2529/0). The reason for refusal was as follows:-

By virtue of the size, scale and design, the proposed extensions and alterations would result in problems of overlooking and loss of privacy, together with an adverse visual impact on neighbouring residential properties. Furthermore, the proposal results in a loss of available off-street parking to the detriment of highway safety and the local amenity, contrary to Policies HSG8 and HSG20 of the Copeland Local Plan 2001-2016 Second Deposit Version.

It is noted that the Scheme has now been amended to provide a canopy arrangement to the front elevation to allow for a slightly longer driveway, however, in all other respects, the Scheme is identical. Mr. and Mrs. Nicholson's concerns primarily relate to potential problems of overlooking, loss of privacy and visual impact on their property. The features of the Scheme, which the Council previously found to be unacceptable, are retained within this proposal.

Cont....

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PARTNERS

J. C. Taylor (*H. M. Coroner*) D. Ll. Roberts, Ll.B. *Solicitor - Advocate (Higher Courts Criminal)* R. J. Eastoe, BSc.
Claire Madden, Ll.B. * S.P.P. Ward, Ll.B. M.A. Little, Ll.B. ♦ Elizabeth C. Sandelands, Ll.B. Ryan T. Reed Ll.B.
Associate Solicitor: Roger J. Clayson Ll.B. *Legal Executives:* Denise Mounsey FILEX. Jacqui Herbert FILEX.

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♦ Member of the Children Panel * Advanced Member of the Family Law Panel ◊ SFLA Accredited Specialist * Member of APIL
* Member of the Criminal Law Solicitor Association

The proposal, in terms of the size and number of extensions, is considerable in the context of this relatively modest semi-detached house. The main element of the Scheme is a two storey extension to the gable with a single storey element extending 4.85 metres from the rear elevation. Although large, Mr. and Mrs. Nicholson have no specific objections to this element of the Scheme.

However, in addition to the substantial increase in accommodation, the Developer also seeks to erect a Conservatory immediately adjoining the boundary with 31 Cross Lane. It is considered highly likely that this development would give rise to problems of overlooking, loss of privacy and would have an adverse visual impact on 31 Cross Lane. There is a significant difference in levels between the ground floor level of the property and ground level. The submitted drawings do not accurately reflect this change in levels. From the existing patio doors there are five steps down to an existing raised patio, and then a further four steps down to garden level. The proposal would involve building this area up to the existing ground floor level, which would substantially elevate the Conservatory in relation to the neighbouring property. We enclose a drawing prepared by Mrs. Nicholson which adequately demonstrates the existing and proposed sections.

Mr. and Mrs. Nicholson are concerned that the proposed Conservatory would not only overlook their entire private garden area, but would also facilitate views directly into the rear windows of their property. It has been suggested to Mr. and Mrs. Nicholson that a Condition of the Planning Consent could secure translucent glazing in the elevation immediately adjoining their property. Given the height of the Conservatory, with a floor level of approximately 1.5 metres above the height of the adjoining garden area, and the location of the Conservatory immediately on the boundary, the problem of overlooking and the perception of overlooking could not be reduced to an acceptable level.

Furthermore, a brickwork and glazed structure of this height immediately adjoining the boundary would have a seriously adverse visual impact on the neighbouring property, and would represent an un-neighbourly form of development. In view of the previous reasons for refusal, it is considered that a grant of Planning Permission, including the Conservatory, would be difficult to justify. However, if the Council is minded to grant Planning Permission, accurate plans should be submitted showing the exact height of the Conservatory in relation to ground levels and neighbouring properties. Also, Mr. and Mrs. Nicholson would encourage the Planning Panel to visit the site to assess the likely impact the development would have on neighbouring residential properties.

Mr. and Mrs. Nicholson also have concerns regarding the proposed layout of the drainage system. The drainage, as plotted on the submitted plan, appears to be inaccurate. The Council will be aware that properties in this area have previously suffered substantial problems as a result of defective drainage. As Mr. Nicholson has chronic health problems two years ago a ground floor bathroom needed to be built at the rear end of the side of their property. There is concern that attempts to divert the drainage to the rear of the properties may result in the drainage system being jeopardised which would seriously affect his standard of living.

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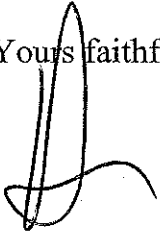
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We understand that the proposed parking arrangements fall below the standards recommended by the Highway Authority. Cross Lane already suffers from problems associated with on-street parking. Mr. and Mrs. Nicholson encourage the Council to secure amendments to avoid exacerbating existing problems.

The original refusal of Planning Permissions is well justified in light of Policy HSG20 of the Copeland Local Plan 2001-2006 (2nd Deposit Version) and the need to protect residential amenity. Mr. and Mrs. Nicholson encourage the Council to secure appropriate amendments to the Scheme to allow a form of development which does not affect the amenity of adjoining residents or the character of the area.

We should be grateful if you would present Mr. and Mrs. Nicholson's views to the Planning Panel when the application is considered.

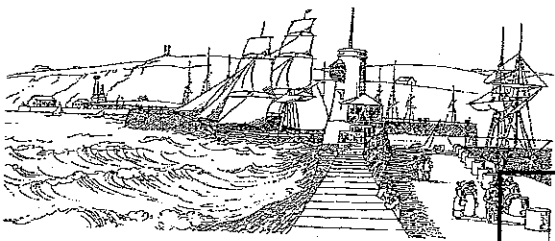
Yours faithfully,

A handwritten signature in black ink, appearing to be a stylized 'J' or 'N' with a long horizontal stroke extending to the right.

ENC

H. F. T. GOUGH & CO.
SOLICITORS & COMMISSIONERS FOR OATHS

38/42 Lowther Street Whitehaven
Cumbria CA28 7JU
Tel. (01946) 692461
Fax. (01946) 692015
DX 62900 Whitehaven
www.goughs-solicitors.com
e-mail: admin@goughs-solicitors.com



Whitehaven, Cumberland

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

01 DEC 2005

RECEIVED

Your ref

Our ref MAL/MTS/LG/11763N-1

Contact Mr. M. A. Little (Ext. 219)

Direct Line 01946 518319

E-mail mal@goughs-solicitors.com

Date 28 November 2005

Miss Rachel Carrol,
Copeland Borough Council,
The Copeland Centre,
Catherine Street,
Whitehaven, Cumbria,
CA28 7SJ
BY FAX – 01946 598306

Dear Miss. Carrol,

Re: Planning Application 4/05/2741/0
Proposed Garage, Kitchen, Utility Room and Bedroom and Conservatory
29 Cross Lane, Whitehaven, Cumbria.

Further to your letter dated 21st November we are instructed by Mr. and Mrs. Nicholson of 31 Cross Lane, Whitehaven to make representations in respect of the amended Planning Application.

The amended plan as submitted contains a number of technical errors. Whilst our Clients are pleased to note that the conservatory has been deleted from the site layout plan the conservatory still appears on the drawing showing the proposed west elevation. For clarity all reference to the conservatory should be deleted from the submitted plans. Also, your letter make reference to a separation distance of 500 mm between the rear extension and the boundary. On the site plan the distance between the single storey element to the rear elevation and the site boundary with 27 Cross Lane scales at only 200 mm. Clearly the site lay out plan should be revised to show the actual separation distance.

Our Clients remain concerned regarding the proposed off-street parking arrangements. The plan still refers to one parking space within the garage and two off-street parking spaces. For a dwelling of this size the Cumbria Design Guide advises that a minimum of two spaces should be provided within the curtilage of the dwelling. A garage may only form part of this provision if its minimum internal size is at least 3.0m x 7.0 m. This ensures it can accommodate domestic storage and the parking of a car. The internal measurements of the proposed garage are 3.2 m x 5.5 m therefore falling well below the Cumbria Design Guide standards. Externally, the drawing only

Cont....

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PARTNERS

J. C. Taylor (*H. M. Coroner*) D. Ll. Roberts, Ll.B. *Solicitor - Advocate (Higher Courts Criminal)* R. J. Eastoe, BSc.
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*Member of the Criminal Law Solicitor Association

Cont....(2)

shows an area capable of accommodating one car. Due to the front porch and the pier necessary to support the proposed canopy further car parking spaces cannot be accommodated. It appears obvious that by deleting the front porch and canopy arrangement two car parking spaces could easily be accommodated to the front of the property. A revised site layout should be provided demonstrating that two car parking spaces can be accommodated in the curtilage of the dwelling. This should include modifications to the existing access arrangements as the existing gateway will require widening to allow two cars to park side by side.

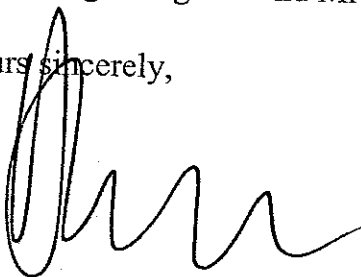
Our Clients consider it imperative that an appropriate level off-street parking is accommodated within the curtilage. The property is located directly opposite a junction and additional on street parking is likely to give rise to problems of highway safety. Furthermore, Cross Lane is a heavily trafficked residential road which not only serves the wider Hillcrest Estate but also provides access to Jericho Primary School. At peak times this section of Cross Lane is heavily congested and further on street car parking will only exacerbate these problems.

Notwithstanding our Clients concerns regarding the proposed front porch interfering with the required car parking arrangements. They also consider that the scale of the porch is excessive. The porch projects some 2 metres from the front elevation. Whilst a considerable number of similar houses on the Hillcrest Estate have front porches our Clients advise that all these porches only project approximately 1 metre from the elevation. The porch is likely to appear as a prominent feature which is inconsistent with the character of surrounding developments.

Our Clients remain concerned that the proposal still involves building over an existing sewer manhole and rodding point. The proposal does not include an accurate survey of the drainage arrangements. Allowing development to proceed on this basis is likely to result in the existing sewer being damaged and therefore unavailable to the adjoining properties which it serves. As we advised in our letter of the 31st October 2005 Mr. Nicholson suffers from chronic health problems. As a result, Mr. Nicholson cannot have the use of his ground floor bathroom jeopardised even for a very short period of time.

We understand that this Application will be reported to the Council's Planning Panel on the 7th December 2005. Given the relatively short time scale for comment we should be grateful if you would circulate Mr. and Mrs. Nicholson's representations to the Members of the Planning Panel should it prove that you cannot incorporate these comments within your Report. If you have any queries regarding Mr. and Mrs. Nicholson's concerns please do not hesitate to contact the Writer.

Yours sincerely,

A handwritten signature in black ink, appearing to be a stylized name, possibly 'A. M. Nicholson'.

25th November 05

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

Mr J. Burns

27 Brass Lane,
High Meadows,
Whitehaven
Cumbria
CA28 6TW

29 NOV 2005

Yours Ref. RC/4/05/2741/0F1

RECEIVED

To the planning officer,

Re extensions (proposed) at 29 Brass Lane,

I received the amended plans today the 24th November. It seems the porch/canopy is still proposed to be 2000m even though we understand instructions have been given to reduce it. The highways dept must make sure everything is done to their specifications because the Cross Lane/Jericho road junction is a major cause of traffic problems in the area, vehicles being parked a hazardly on the junction regardless of highway laws particularly on Jericho Road. We want the ~~the~~ north facing elevation to be as far away from the boundary line as possible because we are going to have a huge wall facing us

when we open our back door. The proposed actions will cause a wind tunnel between houses due to the narrower gap. No notice has been received from Mr. Benson in writing, by us, something he has to do according to the Party Wall Act. I am concerned that there will be additional hazards caused by building contractors vehicles coming and going, and parking outside our property blocking vision of the highway.

Yours sincerely
John Burns

MAIN AGENDA

-
1. The expanse of the gable extension and proximity to the neighbouring boundary will create a wind tunnel.
 2. The conservatory is raised and will result in a loss of privacy and also create an adverse visual impact.
 3. The conservatory will be un-neighbourly.
 4. Attempts to divert the drainage to the rear of the properties may result in the drainage system being jeopardised which would seriously affect the standard of living.
 5. The proposed parking arrangements fall below standards recommended by the Highway Authority.

In response to concerns raised, an amended plan deleting the conservatory and removing one of the proposed off-street parking spaces has been submitted.

Whilst the reduced scale of the extensions now proposed is welcomed the Highway Authority are still not satisfied that adequate off-street parking can be achieved and, as such, the proposal is at variance with Policy HSG 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Recommendation

Refuse

The proposal results in a loss of available off-street parking to the detriment of highway safety and local amenity contrary to Policy HSG 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

5 4/05/2744/0

ERECTION OF LARGE CONSERVATORY
BURGHLEY, RUEBERRY DRIVE, SEASCALE, CUMBRIA.
MR M PURKIS

MAIN AGENDA

Parish Seascale

- Object as it is out of keeping with surrounding properties and out of proportion in relation to the size of the property.

Planning permission is sought for a large conservatory extension to this detached property. As originally submitted the conservatory was 70 square metres in floor area and was attached to both the rear and side elevations. An objection was received from Seascale Parish Council and an amended plan showing a reduction in the conservatory size was requested.

An amended plan was subsequently received which showed a reduction in size to 45 square metres floor area to which the Parish Council maintain their objection.

Although the conservatory has been reduced in size, it would remain 0.2 metres from the boundary with the neighbouring dwelling and extend to nearly 14 metres in length. Due to the scale and siting of the conservatory it is considered that it dominates the existing dwelling and would create potential overlooking and loss of privacy problems for the neighbouring property and, as such, does not comply with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Recommendation

Refuse

By virtue of its location and scale the proposed conservatory would result in potential overlooking and resultant loss of privacy for the residents of the neighbouring property and would also constitute a visually dominant feature for the parent property at variance with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

6 4/05/2770/0

DETACHED GARAGE
81, MAIN STREET, FRIZINGTON, CUMBRIA.
MR A P RUSSELL

MAIN AGENDA

Parish

Arlecdon and Frizington

- Request a site visit. The location of the garage in relation to neighbouring properties is unclear.

In response to the Parish Council's request a decision on this application was deferred at the last meeting to enable Members to carry out a site visit. The site visit took place on 15 December 2005.

This application seeks consent to erect a detached garage within the curtilage of this detached house.

The 3.3m x 6m garage would be sited 1m from the boundary with an unmade track, and at its closest point would be 7.3m away from the neighbouring property. Externally, the proposed finishes would match the existing house.

Letters of objection have been received from an adjoining owner and from a resident who lives some 30m distant on the opposite side of Main Street. The grounds for objection can be summarised as follows:-

1. The creation of another access would worsen matters on this busy road.
2. The garage would block light into the neighbouring house.
3. There are house services beneath the site and any development would cause drainage and flooding problems.
4. Further building work would create noise nuisance.

Originally, the proposal included a new access and gates. Following adverse comments from the Highway Authority, this has since been deleted and they now raise no objections as the garage would be served via the existing access.

In my opinion the proposal represents an acceptable form of residential curtilage development in accordance with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Recommendation

Approve the application.

2. Permission shall relate solely to the amended plans received by the Local Planning Authority on 22 November 2005.

MAIN AGENDA

Reasons for the above conditions:-

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

For the avoidance of doubt.

Reason for decision:-

An acceptable form of development within the curtilage of an existing house in accordance with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

7 4/05/2777/0

ERECTION OF A DWELLING AND GARAGE
COVENESS BANK, SEASCALE, CUMBRIA.
MR A BRITTEN

Parish Seascale

- Object on the grounds that the site is very small and serviced by a private road and grassed farm track.

A decision on this application was deferred at the last meeting to enable Members to carry out a site visit. The site visit took place on 15 December 2005.

Planning permission is sought for a detached dwelling and garage at Coveness Bank, Seascale. In 1994 outline planning permission was granted for a dwelling on this triangular piece of ground following a site visit by Members (4/04/0055/001 refers). The site is adjacent to four terraced houses and is within the settlement boundary for Seascale.

A full application for a dwelling on the site was approved on 9 October 1997 (4/97/0573/0). This approval expired on 9 October 2002 and outline planning permission was again granted on 27 November 2002.

This current proposal is again for a three bedroomed dwelling but with a detached garage. Proposed external finishes comprise white dry dash rendered walls with red facing brick details and flat grey roof tiles.

Two letters of objection has been received from nearby residents. The

MAIN AGENDA

grounds for objection can be summarised as follows:-

1. The inconvenience and disruption that the development of this land would cause.
2. The size of the property would mean that it would not fit onto the plot.
3. The height of the building would impede their views and cause a loss of light to the garden.
4. The applicant does not have legal access to the property other than by foot.

In response to these concerns I would comment that rights of legal access are a civil matter whilst there is no right to a view under planning legislation.

However, following the site visit further discussions have taken place with the applicant's agent which have resulted in the submission of a revised plan whereby the dwelling has been relocated to the deeper northern end of the plot and a single detached rather than double garage constructed towards the southern end of the plot which will be excavated to the approximate level of the existing access track. This revised proposal is considered to represent a much improved development for this restricted plot and is favourably recommended accordingly.

The views of the Parish Council have been sought in respect of the revised proposal and will be reported verbally at the meeting.

Recommendation

Approve Reserved Matters

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.
2. Permission in respect of site layout shall relate solely to the amended plan (Drawing No. 2005.80.02A) received by the Local Planning Authority on 19 December 2005.
3. Access gates, if provided, shall be hung to open inwards only away from the highway.

MAIN AGENDA

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

Reasons for the above conditions:-

For the avoidance of doubt.

In the interests of highway safety.

Reason for decision:-

An acceptable development within the Seascale settlement boundary in accordance with Policy HSG 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

8 4/05/2792/0

EXTENSION TO EXISTING AGRICULTURAL BUILDING
WOODLAND NURSERIES, LOWCA, WHITEHAVEN, CUMBRIA.
BLOMFIELDS

Parish Lowca

- No comments received.

A proposal to erect a large agricultural building as an extension to the packing and handling plant at these established horticultural nursery premises. Situated on sloping land in the centre of the Nursery, the new development will replace an existing glasshouse/pumphouse.

The proposed extension measures 11.5m in width, 24m in length and 4.5m in height and almost doubles the size of the existing building. Of steel framed construction, it will have painted blockwork walls and green box profile cladding to match the adjoining building.

Letters have been received from the residents of two of the nearest dwellings to the south east of the site. Whilst they both raise no objections in principle, they express concern on drainage grounds as the nearby culvert which runs into Lowca Beck discharges onto the old railway line and constantly blocks up due to poor maintenance and floods in times of heavy rainfall. This also causes erosion of the

MAIN AGENDA

access road. They request that adequate drainage is put in place. Concerns are also expressed regarding the proposed working hours within the building and potential for noise from the trolleys being pushed around the site.

The applicants are aware of the concerns and point out that the Nursery is on a steeply sloping site. In response, they state that they are aware of the culvert grid blocking and clear it out at least 3 times a week. There will be no increased surface water discharge than with the existing buildings. United Utilities raise no objections to the proposal.

Concerns regarding the access road are noted. However the proposal will not create any more traffic along this route.

In respect of working hours and alleged noise nuisance, the extension will house work which is currently undertaken outside. It is therefore envisaged that there will be less potential for noise disturbance.

On balance, it is considered that the proposed extension is acceptable and accords with Policy EMP 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version

Recommendation

Approve

The reason for the above condition is:-

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

Reason for decision:-

The extension represents a satisfactory form of development on this established horticultural Nursery site, in accordance with Policy EMP 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

MAIN AGENDA

9 4/05/2793/0

NEW AGRICULTURAL ACCESS TO FIELD
FIELD ADJACENT TO, KEEKLE BARN, KEEKLE,
CLEATOR MOOR, CUMBRIA.
KEEKLE ESTATES LTD.

Parish Cleator Moor

- The access onto the highway remains a cause for concern and object to it being retrospective.

Permission is sought to create a new agricultural field access onto the B5295 Cleator Moor to Whitehaven Road. It is intended to serve the field adjacent to the conversions currently under construction at Keekle barn.

A previous application to replace the existing field access which abuts Keekle barn was withdrawn earlier this year (4/05/2458/0F1 refers). It transpired that the blocking of the existing access raised legal rights of way issues with an adjoining landowner. This application, however, proposes to retain the existing field access so that existing use rights are not affected. As a consequence no neighbour objections have been received.

The Highway Authority raise no objection to the proposal as the new access offers significant highway improvements over the existing arrangements in accordance with Policy TSP 2 of the Copeland Local Plan 2001-2016 2nd Deposit Version. This supports highway improvements which improve road safety and general highway conditions.

Recommendation

Approve

2. Visibility splays providing clear visibility of 90m x 2.4m x 90m measured down the centre of the access and the nearside channel line of the public highway shall be provided. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstructs the visibility splays that is above 1.5m high as measured from the nearside channel line of the public highway.

MAIN AGENDA

The reasons for the above conditions are:-

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

In the interests of highway safety.

Reason for decision:-

The creation of a new agricultural field access in this location represents a satisfactory form of development in accordance with Policy TSP 2 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

10 4/05/2794/0

CHANGE OF USE FROM CLASS 1 RETAIL TO CLASS 3
RETAIL (LICENSED RESTAURANT)
89-90, MAIN STREET, EGREMONT, CUMBRIA.
KEEKLE ESTATES LTD.

Parish Egremont

- Recognise the need for a high quality restaurant in Egremont but are concerned that this proposed restaurant is sited in a residential area. There is a major lack of parking facilities and the neighbours may suffer from late night disturbances. One particular neighbour would directly overlook the extension and with the kitchen proposed to be located at the rear, will suffer from the cooking smells rising directly up to their roof garden. Also concerned that retrospective permission was given for work carried out on the rear of the property and there is currently work ongoing without this application being agreed. If permission is granted would ask that restricted hours are imposed and that this is monitored over a period of time. However, feel strongly that a site visit is paramount before a final decision is made and that they be invited to attend.

A proposal to convert the ground floor of these vacant retail premises to a licensed restaurant. Formerly Fearons shoe shop, it is the intention that this large double fronted 3 storey terraced building will be converted to accommodate 17 tables (68 seated) with ancillary facilities including staff room, WC's, kitchen and bar. Externally a new traditionally styled shop front is proposed. A previous retrospective application to alter and extend the shop was approved in November 2004 (4/04/2715/0F1 refers).

MAIN AGENDA

Although situated on the Main Street the premises are within a quieter predominantly residential area of the town with dwellings adjoining either side and flats above. In addition to the Town Council's concerns and a letter from a Ward Councillor, 6 letters have been received from residents in the immediate vicinity. They object to the proposal on the following collective grounds:-

1. Noise levels late at night.
2. Disturbance - problems with drunks/vandalism.
3. Litter/refuse.
4. Smell. One of the adjoining properties in particular has a roof garden at the rear and its use is likely to be adversely affected by smells/refuse/noise.
5. Vermin.
6. Parking/deliveries. Residents occasionally have difficulty parking on street. The proposed development will exacerbate the situation.
7. Affect on property prices. They point out that this end of the Main Street is predominantly a residential area which is, on the whole, a quiet area.

The Highway Authority have also raised concerns regarding lack of public parking and consider that the proposal is likely to have a significant impact on the limited on-street parking facilities which are already extensively used by locals.

The relevant policy against which this application should be assessed is Policy TCN 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version. This generally supports food and drink uses in town centres providing certain criteria are satisfactorily met. This policy is set out below:-

"Proposals for food and drink uses in shopping areas will be permitted subject to the requirements of TCN 10 and other plan policies with particular attention to:

1. the likely impact on the character and amenity of the general area and on nearby residential properties as a result of noise, disturbance, litter, smell, sewer discharge or visual intrusion.
2. restrictions on late-night opening where late-night activity associated with the proposed use would be harmful to the general character and amenity of the area.
3. any venting of the premises not causing undue nuisance to

MAIN AGENDA

adjoining occupiers. An appropriately designed and sited external litter bin which must be emptied by the operators will be required in association with takeaway food outlets".

In view of the Town Council's request together with the level of concern generated by the local community it is recommended that Members visit the site prior to making a decision on this application.

Recommendation

Site Visit

11 4/05/2798/0

RETROSPECTIVE APPLICATION FOR GARAGE/WORKSHOP
WITH GAMES ROOM ABOVE
CEDAR HEIGHTS, SANDWICH, WHITEHAVEN, CUMBRIA.
MR P TURNBULL

Parish Whitehaven

Planning permission for a garage and workshop/store was granted in October 2003 (4/03/1034/OFI refers).

Retrospective planning permission is now sought for the development as built which comprises a detached garage/workshop with games room above. A first floor balcony measuring 2.1m x 6.8m is also proposed to the side elevation.

Although under construction, the balcony did not form part of the original application and, as such, an amended plan has been submitted. Neighbour notification procedures are therefore ongoing.

Externally, the 7.75m x 10.0m building has been finished to match the parent property.

Given the scale and design of the development, I recommend that Members visit the site before determining this retrospective application.

Recommendation

Site Visit

MAIN AGENDA

12 4/05/2803/0

REMOVAL OF CONDITION 2 ON PLANNING PERMISSION
4/05/2181
BARN B, GOOSEGREEN, LOW MORESBY, WHITEHAVEN,
CUMBRIA.
MR & MRS DUNS

Parish Moresby

- Express concerns regarding further dwellings at Low Moresby. Considers that the problems with flooding in the Howgate area are associated with the increase in dwellings at Low Moresby. The village has no proper services/facilities and it is felt that the County Council's original allocation for building was grossly over generous. They note that recent applications to increase the number of permanent dwellings in this area have been refused and considered that in the absence of a demonstrable housing need the proposal represents non-essential residential development in the countryside contrary to Policy HSG 5 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Planning permission was granted to convert this sandstone barn (and the one opposite) to 2 bedroomed holiday accommodation in June 2005 (4/05/2181/0F1 refers). The one opposite was subject of a separate consent (4/05/2182/0F1 refers). Consent is now sought to delete condition 2 of that permission which states:-

"The dwelling hereby approved shall be used only for holiday accommodation and not for permanent residential accommodation".

thereby converting it to a permanent residential dwelling. A previous application for the same was withdrawn in October 2005 (4/05/2734/0G1 refers).

An application to remove condition 2 of the planning permission relating to the barn opposite (barn C) is also before Members for determination on this agenda (4/05/2804/0G1 refers).

The proposed building forms part of a small group of buildings adjoining the applicant's dwelling with a detached stone barn opposite. Access is via an unmade track which serves some 30 dwellings.

Four letters of objection have been received from residents in the

MAIN AGENDA

vicinity. They object on the following grounds:-

- (a) There is no demonstrable need for permanent housing.
- (b) The site is better suited to holiday accommodation.
- (c) Condition of the shared lane will lead to an increased permanent usage of the laning which is already being used to maximum capacity.
- (d) Will exacerbate localised flooding from storm water discharging into a totally inadequate system. Object to further development which allows storm water discharge into the system until a sound system of controlled water discharge is constructed.
- (e) Affect on peace and privacy of residents of the neighbouring property "Tree Tops".

The applicant's agent has submitted a statement in support of the proposal which is appended to this report.

Policy HSG 17 of the Copeland Local Plan is the relevant policy against which this application should be assessed. This is set out below:-

"In rural areas proposals for the conversion of a building to residential use will be permitted so long as:

1. applicants can demonstrate that alternative employment, community or mixed uses are not viable
2. where the subject building is currently or last used for agriculture applicants can also demonstrate that there is no alternative site or premises available in the locality which better accords with the search sequence set out in Policy DEV 4
3. the building is structurally sound and capable of accepting conversion works without significant rebuilding, modifications or extensions
4. the building in its existing form is of a traditional construction and appearance and the proposed conversion works retain the essential character of the building and its surroundings. In this regard existing features of interest and external facing materials should so far as possible be retained
5. the building is located within or adjacent to a village or existing group of buildings
6. the building is served by a satisfactory access from the

04 NOV 2005

RECEIVED

4
TPA

TELFORD PLANNING ASSOCIATES

TOWN PLANNING CONSULTANTS, ISABELS HOUSE, BECKFOOT, SILLOTH, CUMBRIA, CA7 4LA
Phone: 016973 32361 Mobile: 07769 806787 Fax: 07092 276454 Email: eric_telford@hotmail.com

Head of Planning Services,
Copeland Borough Council,
Catherine Street,
Whitehaven,
Cumbria.

4 / 0 5 / 2 8 0 3 / 0 6 1

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

04 NOV 2005

RECEIVED

Wednesday, 02 November 2005

Dear Sir,

BARN B, GOOSEGREEN, LOW MORESBY.

I enclose an application to remove condition 2 from planning permission reference 4/05/2181 which restricted the occupation of the above property to holiday accommodation only.

Whilst the planning permission reflected what had been applied for, I have advised my clients that the building may be accepted for conversion to a permanent dwelling under the provisions of Policy HSG 17 of the 2nd Deposit Version of the Local Plan.

The following paragraphs will assess such a proposal against the 8 criteria set out in that Policy.

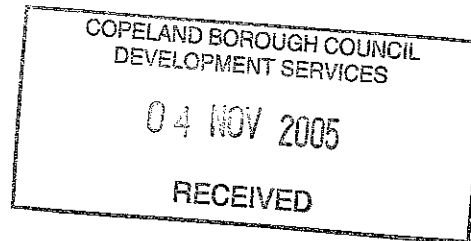
Employment, commercial or mixed use

The building is attached to the applicants dwellinghouse and is located in a courtyard where there is limited parking and turning space for commercial vehicles. Access to the site is through an area which is predominantly residential and it would be inappropriate to introduce a commercial workshop, however low key that use would be, in this location. Experience shows that craft workshops depend on an element of retail use to make the business viable. There would appear to be little demand for any form of community use at Goosegreen.

Agricultural use

The building is not in agricultural use and it is not known the last time such a use was operational from the site. As such, the proposal does not need to be assessed against the search criteria in Policy Dev 4.

TPA



Structural stability

Planning permission has already been granted for the conversion of the building to a dwelling and a structural survey was submitted with the application for that use. That survey concluded that ***this barn is structurally sound and provides a good base for conversion to a habitable dwelling.*** This conversion is capable without substantial rebuilding work being required. A further copy of that report is available if required to accompany this application.

Character of the building

The barn has a slate roof and rendered finish to match the dwellinghouse to which it is attached. The alterations to the building to enable the conversion to take place have already been approved and those details were considered to retain the essential character of the barn. The proposed single storey extension on the rear of the building is of a traditional design and reflects the overall character of the existing buildings on the site.

Location

As the Officer's report to the Development Panel, on the holiday accommodation application stated ***the proposal forms part of a small group of buildings which includes the applicants dwelling and a smaller stone barn which faces the site. Access is via an unmade track which serves approximately 30 other dwellings.*** The site forms an integral part of Low Moresby which is a small settlement although it is not defined as such in the housing policies in the Local Plan. However, Policy HSG17 does not require the building to be in a settlement but only ***within or adjacent to an existing group of buildings.***

Services and access

All public utility services are available at the site currently serving the applicants dwellinghouse.

The access to the site was considered to be acceptable for the use of the barn as a dwelling as holiday accommodation. It is generally accepted that there is more vehicular activity associated with a holiday use than with a permanent dwellinghouse. The access road currently serves some 30 dwellings at Low Moresby and the additional use by the proposed development will be insignificant. No work will be required to provide new roads or tracks to the site.

Amenity space

The dwelling to be formed from the conversion has a substantial private rear garden with parking for 2 cars in the communal courtyard to the front. The proposal provides all amenities as required by Policy DEV6 of the Local Plan.


TPA

Number of dwellings

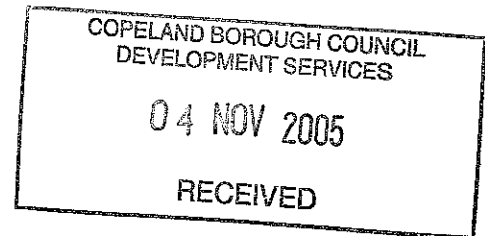
Due to the number of dwellings already in this area of Low Moresby it is considered that the conversion of the barn subject to the application will not substantially increase the number of dwellings in the settlement nor will the development be out of scale. The use of the building as a holiday dwelling is already approved and the impact of the use being as a permanent dwelling will be insignificant.

It would appear that the proposal meets all the criteria set out in Policy HSG17 and the use of the barn as a permanent dwelling is as acceptable as its use for holiday accommodation. I would invite you, therefore, to recommend that the condition be removed.

Yours faithfully,



Eric Telford



MAIN AGENDA

public highway network without the requirement for extensive private roads or tracks and domestic services such as a water supply and electricity must be readily available to the site

7. the conversions works incorporate reasonable standards of accommodation and amenity which should involve compliance with other plan policies
8. the number of dwellings proposed is appropriate to the scale of adjoining development and will not substantially increase the number of dwellings in the countryside.

It is considered that the applicants' supporting case fails to satisfy criterion 1 of this policy. It has not been demonstrated that alternative employment/community/mixed uses for this building are not viable. The preamble to the policy states how this should be addressed.

Proposals for permanent residential use such as this will only be considered where it is demonstrated that reasonable attempts have been made to market the property for business, service or community use. No such evidence has been provided. Also no local need case has been put forward to justify permanent residential use of the building.

Recommendation

Refuse removal of condition

In the absence of a proven local housing need together with the lack of demonstrable economic justification for permanent residential use, the removal of condition 2 on planning permission 4/05/2181/0F1 would result in non-essential housing development in the countryside contrary to Policy HSG 17 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

13 4/05/2804/0

REMOVAL OF CONDITION 2 ON PLANNING PERMISSION
4/05/2182
BARN C, GOOSEGREEN, LOW MORESBY, WHITEHAVEN,
CUMBRIA.
MR & MRS DUNS

MAIN AGENDA

Parish

Moresby

- Express concern regarding further dwellings at Low Moresby. Considers that the problems with flooding in the Howgate area are associated with the increase of dwellings at Low Moresby. The village has no proper services/facilities and it is felt that the County Council's original allocation for building was grossly over generous. They note that recent applications to increase the number of permanent dwellings in this area have been refused and considered that in the absence of a demonstrable housing need the proposal represents non-essential residential development in the countryside contrary to Policy HSG 5 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Planning permission was granted to convert this sandstone barn (and the one opposite) to 2 bedroomed holiday accommodation in June this year (4/05/2182/0F1 refers). The one opposite was subject of a separate consent (4/05/2181/0F1 refers). Consent is now sought to delete condition 2 of that permission which states:-

"The dwelling hereby approved shall be used only for holiday accommodation and not for permanent residential accommodation"

thereby converting it to a permanent residential dwelling. A previous application for the same was withdrawn in October 2005 (4/05/2735/)G1 refers).

An application to remove condition 2 of the planning permission relating to the barn opposite (barn B) is also before Members for determination on this agenda (4/05/2803/0G1 refers).

The proposed detached building forms part of a small group of buildings, with the applicants dwelling and attached stone barn opposite. Access is via an unmade track which serves some 30 dwellings.

Four letters of objection have been received from residents in the vicinity. They object on the following summarised grounds:-

- (a) There is no demonstrable need for permanent housing.
- (b) The site is better suited to holiday accommodation.
- (c) Condition of the shared lane will lead to increased permanent usage of the laning which is already being used to maximum capacity.
- (d) Will exacerbate localised flooding from storm water discharging into a totally inadequate system. Object to further development which allows storm water discharge into the system until a sound system of controlled water discharge is constructed.

MAIN AGENDA

- (e) Affect on peace and privacy on residents of the immediate neighbouring property "Tree Tops".

The applicant's agent has submitted a statement in support of the proposal which is appended to this report.

Policy HSG 17 of the Copeland Local Plan is the relevant policy against which this application should be assessed. This is set out below:-

"In rural areas proposals for the conversion of a building to residential use will be permitted so long as:

1. applicants can demonstrate that alternative employment, community or mixed uses are not viable
2. where the subject building is currently or last used for agriculture applicants can also demonstrate that there is no alternative site or premises available in the locality which better accords with the search sequence set out in Policy DEV 4
3. the building is structurally sound and capable of accepting conversion works without significant rebuilding, modifications or extensions
4. the building in its existing form is of a traditional construction and appearance and the proposed conversion works retain the essential character of the building and its surroundings. In this regard existing features of interest and external facing materials should so far as possible be retained
5. the building is located within or adjacent to a village or existing group of buildings
6. the building is served by a satisfactory access from the public highway network without the requirement for extensive private roads or tracks and domestic services such as a water supply and electricity must be readily available to the site
7. the conversion works incorporate reasonable standards of accommodation and amenity which should involve compliance with other plan policies
8. the number of dwellings proposed is appropriate to the scale of adjoining development and will not substantially increase the number of dwellings in the countryside".

It is considered that the applicants' supporting case fails to satisfy criterion 1 of this policy. It has not been demonstrated that alternative employment/community/mixed uses for this building are not



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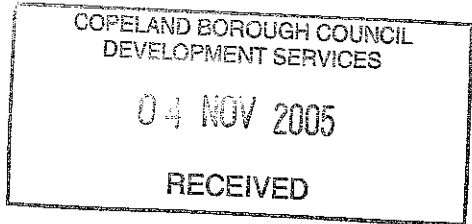
TELFORD PLANNING ASSOCIATES

TOWN PLANNING CONSULTANTS, ISABELS HOUSE, BECKFOOT, SILLOTH, CUMBRIA, CA7 4LA
Phone: 016973 32361 Mobile: 07769 806787 Fax: 07092 276454 Email: eric_telford@hotmail.com

Head of Planning Services,
Copeland Borough Council,
Catherine Street,
Whitehaven,
Cumbria.

4 / 0 5 / 2 8 0 3 / 0 6 1

Wednesday, 02 November 2005



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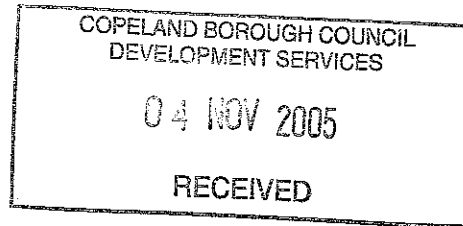
Employment, commercial or mixed use

The building is attached to the applicants dwellinghouse and is located in a courtyard where there is limited parking and turning space for commercial vehicles. Access to the site is through an area which is predominantly residential and it would be inappropriate to introduce a commercial workshop, however low key that use would be, in this location. Experience shows that craft workshops depend on an element of retail use to make the business viable. There would appear to be little demand for any form of community use at Goosegreen.

Agricultural use

The building is not in agricultural use and it is not known the last time such a use was operational from the site. As such, the proposal does not need to be assessed against the search criteria in Policy Dev 4.

TPA



Structural stability

Planning permission has already been granted for the conversion of the building to a dwelling and a structural survey was submitted with the application for that use. That survey concluded that *this barn is structurally sound and provides a good base for conversion to a habitable dwelling*. This conversion is capable without substantial rebuilding work being required. A further copy of that report is available if required to accompany this application.

Character of the building

The barn has a slate roof and rendered finish to match the dwellinghouse to which it is attached. The alterations to the building to enable the conversion to take place have already been approved and those details were considered to retain the essential character of the barn. The proposed single storey extension on the rear of the building is of a traditional design and reflects the overall character of the existing buildings on the site.

Location

As the Officer's report to the Development Panel, on the holiday accommodation application stated *the proposal forms part of a small group of buildings which includes the applicants dwelling and a smaller stone barn which faces the site. Access is via an unmade track which serves approximately 30 other dwellings*. The site forms an integral part of Low Moresby which is a small settlement although it is not defined as such in the housing policies in the Local Plan. However, Policy HSG17 does not require the building to be in a settlement but only *within or adjacent to an existing group of buildings*.

Services and access

All public utility services are available at the site currently serving the applicants dwellinghouse.

The access to the site was considered to be acceptable for the use of the barn as a dwelling as holiday accommodation. It is generally accepted that there is more vehicular activity associated with a holiday use than with a permanent dwellinghouse. The access road currently serves some 30 dwellings at Low Moresby and the additional use by the proposed development will be insignificant. No work will be required to provide new roads or tracks to the site.

Amenity space

The dwelling to be formed from the conversion has a substantial private rear garden with parking for 2 cars in the communal courtyard to the front. The proposal provides all amenities as required by Policy DEV6 of the Local Plan.


TPA

Number of dwellings

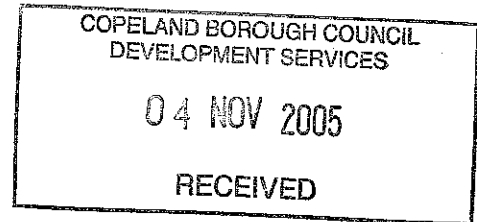
Due to the number of dwellings already in this area of Low Moresby it is considered that the conversion of the barn subject to the application will not substantially increase the number of dwellings in the settlement nor will the development be out of scale. The use of the building as a holiday dwelling is already approved and the impact of the use being as a permanent dwelling will be insignificant.

It would appear that the proposal meets all the criteria set out in Policy HSG17 and the use of the barn as a permanent dwelling is as acceptable as its use for holiday accommodation. I would invite you, therefore, to recommend that the condition be removed.

Yours faithfully,



Eric Telford



MAIN AGENDA

viable. The preamble to the policy states how this should be addressed.

Proposals for permanent residential use such as this will only be considered where it is demonstrated that reasonable attempts have been made to market the property for business, service or community use. No such evidence has been provided. Also no local need case has been put forward to justify permanent residential use of the building.

Recommendation

Refuse removal of condition

In the absence of a proven local housing need together with the lack of demonstrable economic justification for permanent residential use, the removal of condition 2 on planning permission 4/05/2182/0F1 would result in non-essential housing development in the countryside contrary to Policy HSG 17 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

14 4/05/2807/0

SUBSTANTIAL DEMOLITION AND REPLACEMENT OF BARN AS
3 NO. DWELLINGS
KEEKLE BARN, KEEKLE, CLEATOR MOOR, CUMBRIA..
KEEKLE ESTATES LTD.

Parish Cleator Moor

- Recommend refusal on the grounds this was intended to be a barn conversion but is now more a new build which Members find unacceptable. Road safety issues remain in this area and the risk of flooding could pose potential problems.

Following an earlier site visit by Members planning permission to convert this redundant sandstone barn to provide four dwellings was granted in August 2004 (4/04/2498/0F1 refers). A revised design scheme was approved in March 2005 (4/05/2036 refers).

Without any notification/consultation with the planning department the building was subsequently substantially demolished in favour of new build which is now at an advanced stage.

The current application seeks to regularise this unacceptable situation but relates to the provision of 3 dwellings instead of 4. An accompanying letter from the applicant's architect states that the actions taken are partly as a result of advice from the Council's

MAIN AGENDA

Building Control Section and partly on the instruction of Cumbria County Council's Highways Department as the existing structure did not provide engineering support to the road as previously expected by the Highway Authority.

The design solution is very similar to that previously approved with natural slate for the roof covering and the elevation facing the road frontage being clad using reclaimed sandstone.

Whilst the actions of the developers are deplorable, I do not consider there to be sufficient grounds for refusal of this application to, in effect, rebuild the previous structure. In reaching this conclusion I am mindful of an appeal decision in 2002 which granted approval for the rebuilding of a sandstone building for residential use at High Godderthwaite Farm, Blackbeck, Egremont following its unauthorised demolition pursuant to the grant of planning permission for conversion to a dwelling (4/02/0401/0F1 refers).

Adequate on-site car parking is available and Cumbria Highways raise no objections accordingly.

A single letter of objection has been received on behalf of a neighbouring landowner, the sole grounds for objection being trespass which is not a material planning consideration.

Recommendation

Approve subject to the following conditions:-

2. New windows abutting the highway and within 2.44m of the footway surface shall be of a type that cannot open outwards over the highway.

The reasons for the above conditions are:-

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

In the interests of highway safety.

Reason for decision:-

An acceptable design solution for the substantial rebuild of a traditional, redundant agricultural building to accommodate three new dwellings.

MAIN AGENDA

15 4/05/2814/0

CONVERSION OF EXISTING BARN INTO HOLIDAY UNIT
ORCHARD BROW, HAILE, EGREMONT, CUMBRIA.
MISS B HAYWOOD

Parish Haile

- No comments received.

Planning permission is sought to convert an existing stone barn to provide four bedroomed holiday accommodation at Orchard Brow, Haile.

The subject building is within the built-up part of the village although there is no settlement boundary for Haile identified in the Copeland Local Plan 2001-2016 2nd Deposit Version.

Along with the conversion, the proposal includes a two storey extension to the rear of the building which features a large glazed area of approximately 7.0 x 3.6 metres. The extension would also have a large window in the south elevation.

A letter of objection has been received from an adjacent resident whose concerns can be summarised as follows:-

- (a) new openings in both the existing barn and the extension would overlook his property.
- (b) That a permanent residence would be preferable to a holiday let.
- (c) That there is no parking provision.
- (d) That the development would have a negative effect on his house value.

Whilst house price changes are not a material planning consideration, it must be noted that no parking provision has been shown as part of the proposal. No highway response has yet been received regarding the proposed conversion scheme.

Policy HSG 17 of the Copeland Local Plan 2001-2016 2nd Deposit Version relates to conversion to dwellings in rural areas and requires that the proposed conversion works retain the essential character of the building and its surroundings. It is considered that the extension, and, in particular, the large glazed area, does not retain the character and traditional appearance of the barn and, as such, is considered to be contrary to Policy HSG 17.

Recommendation

Refuse

MAIN AGENDA

By virtue of the substantial extension and, in particular, the amount of glazed area, the proposed development would not retain the essential character and appearance of the building and, as such, is contrary to Policy HSG 17 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

16 4/05/2816/0

OUTLINE APPLICATION FOR THREE BEDROOM BUNGALOW
FLOSH MEADOWS, CLEATOR, CUMBRIA.
RICHARD W MULHOLLAND

Parish Cleator Moor

- 1. Request a site visit to confirm there would be no visual intrusion.
- 2. Are of the view that the conditions imposed on the original application have not been met.
- 3. Concern has been expressed by the public over this development. A building on this plot would be too close to nearby properties.

At the last meeting members acceded to the Town Council's request and agreed to visit the site. This took place on Thursday 15 December 2005.

This application seeks outline permission for the erection of a detached three bedroomed bungalow on a small plot of land situated at the entrance to the Flosch Meadows estate.

Formerly identified as an area for landscaping the level grassed site is bounded to the east by the rear garden boundaries of neighbouring dwellings 1 and 2 Cross Grove and to the west by the estate road and the access road to 5 Flosch Meadows. To the north it adjoins the boundary of 5 Flosch Meadows and to the south the A5086. A large mature tree, the subject of a Tree Preservation Order, occupies a considerable portion of the site to the south.

The estate has a complex planning history. In brief, outline consent was originally granted for the estate in 1993 (4/93/0593 refers). A further outline consent for three plots on the southern part of the field was approved in 1995 (4/95/0321 refers). A separate application for two bungalows on the northern part of the field was refused later that year but was subsequently allowed on appeal (4/95/0605/001 refers). The site to which this application relates was never specifically identified for any development.

An indicative layout accompanies the application showing how a small,

MAIN AGENDA

three bedroomed bungalow and vehicular access can be accommodated on the site whilst a more than adequate separation distance of 23 metres can be achieved between the proposed dwelling and the rear of No 1 Cross Grove, it is reduced substantially to some 8.5 metres from the rear of 2 Cross Grove. Policy HSG 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version requires that a minimum of 12.0 metres be provided between facing elevations of dwellings containing windows of habitable rooms and a gable or windowless elevation. This proposal falls well short of that requirement. It should be noted that the proposed dwelling at this point is shown to be situated only in front of part of the existing dwelling at No 2, comprising the garage and kitchen/dining room with the remaining direct outlook being unaffected. However, it is considered, on balance, that there will be considerable impact on this dwelling in terms of visual intrusion, loss of privacy and light significantly affecting the day to day living /amenity standards of the residents.

A mature common English oak tree, which is subject to a Tree Preservation Order, is situated to the south end of the site. The Council's Landscape Officer has confirmed that this is a healthy and vigorous specimen of significant amenity value which requires specific protection. The siting of the proposed dwelling encroaches within the drip line of this tree by some 2.0 metres. As any development would be required to be outside this drip line it would, in practice, substantially reduce the available area for development. As submitted, the proposed development would adversely impact on the health of this protected tree.

The Highway Authority have pointed out that the estate access is substandard. Visibility at the junction with the A5086 would require upgrading which may involve the removal of several protected trees.

The site is considered to offer significant amenity benefits to both Cross Grove and Flosch Meadows properties. The site is not specifically defined as an area of Landscape Importance or Recreation/Amenity Space in the Copeland Local Plan. That said, however, Policy DEV 7 provides that development should avoid the loss of or damage to important open spaces. The site represents an attractive visual feature at the entrance to the estate and creates a general sense of openness. It is also used as a children's play area.

Five letters have been received from neighbouring residents together with a Copeland Councillor objecting to the application on the following collective grounds:-

- a) Hedgerow planting along the boundary of Cross Grove and Flosch Meadows has not been implemented as part of the previously approved scheme.
- b) The site was originally intended as an open aspect for the benefit of Cross Grove and Flosch Meadows.

MAIN AGENDA

-
- c) Any dwelling would result in an imposing eaves and roof line creating a visibly intrusive structure close to rear boundaries of 1 & 2 Cross Grove which is out of character.
 - d) Adverse effect on the protected tree within the site as the development encroaches on the drip line.
 - e) The plot is small in size and its shape and location make it unsuitable for development.
 - f) Adverse affect on neighbouring properties' privacy and light, especially No 2 Cross Grove. Views and outlook will be dominated by the close proximity of the dwelling.
 - g) Only green space on the estate and is used by local children to play on.

In conclusion, the site is considered to be an important area of open space situated at the entrance to the estate and should be afforded protection accordingly. It is also demonstrated that a dwelling in this location, by virtue of its encroachment on the drip line, would adversely affect the health of the protected tree situated within the site. Furthermore, due to the restricted nature of the plot, it is considered insufficient to accommodate a dwelling to reasonable development standards without having a significant impact on the neighbouring dwelling in terms of visual impact, loss of privacy and light.

Recommendation

Refuse

The proposed development would result in the loss of an important area of public open space which makes a significant contribution to the locality and, as such, would be contrary to Policy DEV 7 of the Copeland Local Plan 2001-2016 2nd Deposit Version. It would also have an adverse impact on the health of the protected tree within the site, contrary to Policy ENV 10 of the Plan. Furthermore, development of the site is likely to result in loss of light, overlooking and a resultant loss of privacy for the neighbouring residents of 2 Cross Grove.

MAIN AGENDA

17 4/05/2817/0

5 NO. TWO BEDROOM APARTMENTS
PLOTS 5-7, GARLIESTON COURT, CORKICKLE,
WHITEHAVEN, CUMBRIA.
REED GRAHAM DEVELOPMENTS LTD

Parish Whitehaven

Planning permission was granted for eleven 4/5 bedroomed town houses on this 0.32 ha site in May 2003 (4/03/0310/0F1 refers).

In May 2005 a scheme to revise the layout of plots 5 and 6 was approved (4/05/2192/0F1 refers). However, this has not been implemented.

Permission is now sought to revise the scheme for plots 5-7 to create 2 bedroomed apartments with accommodation over three floors. On-site parking for eight cars is included in this scheme.

The design and external finishes would be in keeping with dwellings already constructed on this site. The roofs would be covered using natural slate with painted rendered walls and upvc sash windows.

A single letter of objection has been received from a neighbouring resident situated to the rear of the site who expresses concerns regarding overlooking and loss of privacy. A copy of the objector's letter is annexed to this report, as is a response from the applicants' agent.

Originally, the proposal incorporated three balconies to the rear elevation. Whilst the rear elevation of the proposed development does not directly face the rear elevation of the objector's property, one of the first floor balconies had the potential to cause problems of overlooking and resultant loss of privacy.

In response to these concerns an amended plan has now been received showing the omission of this balcony.

In my opinion this amended scheme materially addresses the concerns raised and, as such, the proposal accords with Policy HSG 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Recommendation

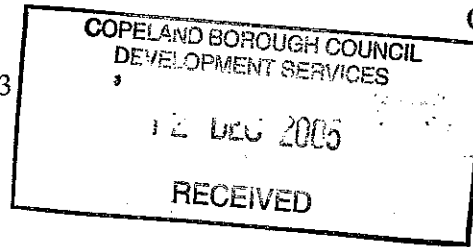
Approve

2. Permission in respect of floorplans and elevational treatments shall relate solely to the amended plan (drawing no. 2311-02-C) received by the Local Planning Authority on 20 December 2005.

Lyndhurst,
3 Victoria Terrace,
Corkickle,
Whitehaven,
CA28 8AB.

Your reference: 4/05/2817/0*001*3

7 December 2005



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

For the attention of Mr T Pomfret

Dear Sir,

5No. two-bedroom apartments – Plots 5-7 Garleston Court, Corkickle

I refer to your letter dated 25 November 2005 inviting representations in response to the above planning application. I object to the proposed development for a number of reasons.

By way of background, as you know when planning permission was originally granted for terraced dwellings on these plots our property was owned by Whitehaven Hospital and was in use as a training centre for the mentally handicapped. Since then the circumstances have materially altered as planning permission has been granted for the use of No. 3 as a single dwelling and it is now our family home. Furthermore, I am not against the development of this site in principle and have not objected when consulted in the past. However, in my view, this new proposal would have a materially greater detrimental effect on our living conditions than the schemes that have gone before.

I consider that the proposal would unacceptably harm our privacy. Unlike the previously approved schemes, which included relatively small bedroom windows above ground floor level in the rear elevation, the proposal includes a number of large patio door openings serving living rooms, which lead out onto balcony areas. In addition the rear elevation of the proposal would be significantly closer to our rear boundary than the previously approved schemes.

Based on the developer's drawings I estimate that the rear elevation of the proposal would be within around 7 metres of the rear elevation of No. 3. Furthermore, a number of the proposed windows would face directly towards two large habitable room windows in the rear elevation of the main dwelling, one at ground floor level and one at first floor level, over a distance of around 13 metres. Clearly this separation distance is significantly less than normal standards, around 21 metres, for new development. Whilst I recognise that the previously approved schemes were also closer than 21 metres, to allow the separation distance to be eroded further by the current proposal, particularly when the circumstances regarding the occupancy of No. 3 have changed, in my view, is unacceptable.

From the proposed rear facing windows above ground floor level residents of the proposed flats would overlook the entire area of our small rear/side garden, which is the only private amenity space available to us. The patio doors and balconies are of particular concern in this regard as they are far more likely than a normal sized window to act as a focal point where residents will gather for significant periods of time. Furthermore, since the balconies serve flats and effectively provide out door space for the residents, this activity is likely to take place for relatively long periods of the day during the summer when we are more likely to want to use our own garden.

In my judgement due to its close proximity, height and width the proposal would also be overbearing when seen from our garden and the monolithic structure would significantly increase the feeling of enclosure we would experience in comparison with the previously approved schemes when using our garden and rear facing living room. In my view, it would be overdominant and unneighbourly.

The proposal would be positioned to the southeast of No. 3. With reference to the *Building Research Establishment Report – Site layout planning for daylight and sunlight-a guide to good practice*, the proposal, due to its close proximity, height and position, would also noticeably reduce the morning sunlight received by rear and side facing habitable room windows positioned towards the back of the house. These include main living room and kitchen windows.

Overall, I consider that the proposal would unacceptably harm our living conditions and its impact would be materially greater than the schemes previously approved by the Council.

The design of the proposal fails to take proper account of the surroundings, and falls well short of what could be considered to be good design. As you know *Planning Policy Statement 1: Delivering Sustainable Development* indicates that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities for improving the quality of an area and the way it functions, should not be accepted. *Planning Policy Guidance Note 3: Housing* encourages development that would make more efficient use of land, but not at the expense of the quality of the environment. Whilst I am not familiar with the Copeland Development Plan I feel sure that it contains policies which reflect the aims of national guidance by seeking to ensure that development does not have an unacceptable effect on the amenities currently enjoyed by residents, as this proposal would.

Given the harm that would result from the proposal I hope that the Council will refuse planning permission in this case.

Yours faithfully,



Ian Jenkins

Rachel Carrol

From: philip.brooks@day-cummins.co.uk
Sent: 13 December 2005 15:20
To: Rachel Carrol
Subject: Plots⁹5-7 Garlieston Court, Corrigickle, Whitehaven

FAO Rachel Carrol, Planning Officer

Your ref: RC/4/05/2817/0F1

Thankyou for advising us of the correspondence received from a neighbouring resident in relation to this application. With regard to the potential concern relating to privacy & nearby properties, we comment as follows:-

- 1) From the outset the proposed development has been designed taking into account the proximity of existing neighbouring properties, and recently built new developments. Directly opposing sightlines between the proposal and the existing properties to the rear have been minimised to mitigate potential overlooking.
- 2) 'Cappella Casa': It is acknowledged that the proposal is within the 21.0m zone for opposing windows in habitable rooms. In mitigation we note that the property 'Cappella Casa' is built on significantly lower ground and as such, usual sightlines from the proposed apartments will be on more of a horizontal level, looking over the rooftop of 'Cappella Casa'. We would also note that the nearest visible opening on the closest facing gable-end is an external door, rather than a window.
- 3) 'Victoria Terrace': The proposal is physically positioned within the development site in such a way that no walls are directly facing those of the existing Victoria Terrace properties. In addition, the second floor bedroom is designed with a dormer window rather than a balcony, to reduce potential overlooking. We would note that the first floor balcony is only slightly higher than the road level and sightlines to the rear of the nearest property (3 Victoria Terrace) are prevented by the existing boundary walls. The westernmost balconies present an oblique viewing angle (more acute than 45 degrees) in relation to Victoria Terrace - our considered opinion is that this sufficiently reduces sightlines to/from the existing houses' windows.
- 4) All the balconies are proposed to have close-centre balustrading and a guard-rail at 1100mm above floor level in accordance with Building Regulations. Consequently it is emphasised that the balconies are configured to take advantage of more distant views (towards the town centre & harbour). It is also offered that the actual balconies are unlikely to be in frequent use, as they are positioned facing northwest to benefit primarily from late evening sun (in summer) & distant views. For most of the time, the french-windows will be kept closed and permanently visually shielded by the balustrading.

We trust the above assists in addressing the concerns raised, please contact us should you require further information.

Philip Brooks BA(Hons) BArch(Hons)
for
Day Cummins Limited

Day Cummins Limited is a Limited Company, Registered in England Number 4021 353 and whose Registered Office is at
Unit 4A, Lakeland Business Park, Cockermouth, Cumbria. CA13 0QT

3. Permission in respect of site layout shall relate solely to the amended plan (drawing No. 2349-03) received by the Local Planning Authority on 9 December 2005.

Reason for conditions:-

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

For the avoidance of doubt.

Reason for decision:-

An acceptable form of residential development on an approved housing site in accordance with Policy HSG 8 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

Note:

An outstanding matter relating to the visibility splay at this junction needs to be resolved by the applicants.

18 4/05/2822/0

ALTERATIONS AND EXTENSIONS FOR GARAGE AND HOBBIES
ROOM OVER
1, THE VILLAS, EGREMONT, CUMBRIA.
MR S TOOMEY

Parish

Egremont

- No objections as long as there is neighbour consultation.

This application seeks consent to construct a two-storey extension to the side of this semi-detached house to accommodate a garage and a hobbies room facility above.

Internally a separate staircase is also proposed. The applicant has submitted a letter justifying the need for this staircase, a copy of which is appended to this report.

Externally, the proposed finishes would match the existing house.

No adverse comments have been received from statutory consultees. However, a single letter of objection has been received from a neighbouring resident who expresses concerns regarding construction

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

02 DEC 2005

RECEIVED

Stuart Toomey
1 The Villas
Egremont
Cumbria
CA22 2AU
01946 820105

1ST December 2005

Dear Mrs P A Pomfret

I am writing to you regarding your letter dated 30th November 2005. Ref no PP/4/05/2022/0F1 in which you have asked me for some answers in writing about my proposed extension. Please find below these answers but I am also including some queries about your letter: -

1, The proposed extension is for our own use and will not be used as a separate dwelling. Access to the first floor is via a staircase in the garage, which can only be accessed by walking through either the front roller shutter door or the door at the back. This would mean that you would have access to my vehicles, tools, freezer and tumble drier etc. There would also be nowhere to park for a third party, plus the privacy in my back garden would be overlooked. I also work shifts and will be coming and going at odd times, making noise in the early morning and late at night.

2, Regarding the two staircases, If you look at the plan marked 'First Floor Proposed' the staircase which runs between the two bedrooms is actually the original staircase that goes from the first floor to my loft. The door, which goes to the extension, is actually in the airing cupboard under these stairs and is accessed by the bedroom.

3, Regarding the length of the garage, the architect has designed it so that we can get both our cars in end to end. I have a Mazda pickup, which is over 5 meters long, and my wife has a 5 door Polo. Shortening the length would mean we could only park one car in there which defies the object of the garage.

4, The proposed first floor extension is designed to be for storage and hobbies. I like woodworking and carving but at this present moment in time I have nowhere to work other than outside. Power tools, wood and rain don't mix, plus it gets dark and cold at night. I also have a lot of fishing and shooting equipment, power tools and tools which at the moment are stored all over my house. The purpose of the extension is so that all of this equipment and tools can be stored in one place and out of the house, out of the reach of my daughter. It will also mean that when I come home with wet and muddy gear I don't have to trail it through the house. This is the reason for the staircase in the garage; otherwise I would have to trail through my kitchen, along the hallway, up the stairs, through my daughter's bedroom and into the airing cupboard under the stairs to access the first floor extension.

5, You also mentioned in your letter about why do I need extra space when I have a three-storey house and a garage outside. Firstly the garage outside my property is rented and costs a lot each year. If we build a garage we would like to give this up, plus my car won't fit in it. Secondly the third storey of my house which is the loft is

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

- 9 DEC 2005

RECEIVED

4/05/2822/0.

(P)

Mr Ian McDonald
3 The Villas
Egremont
Cumbria
CA22 2AU

Pat,

Re our telephone conversation regarding planning application for an extension to No 1 The Villas Egremont. I would like to register my objection to the proposed work. The reasons for my objection are based on my ownership of the road in front of and piece of land adjacent to Mr Toomeys. The plans show the east facing wall of the extension right to the boundary which would require the use of my land for scaffold and materials to complete the build. As Mr Toomey has seen fit not to consult with me on this issue he has no idea if I would grant such use. Also the 4m garage he intends to build facing the road which belongs to me may cause access problems due to the fact that I will be parking 2 cars in this area. Although I would always allow vehicular access this would only be for 1 vehicle width e.g. the width of a council garage. This would not stop him having access for 2 vehicles but only one at a time. I gathered from our conversation that Mr Toomey gave you the impression that the land to the east of the proposed extension is a public right of way through which I have to grant him access to rear of his house. This is not the case. It is private property and if Mr Toomey builds his extension as he proposes then it is himself who is denying any outside access to the rear of his property. Furthermore the aforementioned land is an area where I intend to build a garage some time in the future myself. I would like to know if Mr Toomeys extension would cause me any planning permission problems at some later date as the close proximity of 2 such structures would make any maintenance almost impossible for either of them. Until all of the above issues have been addressed, either between Mr Toomey and myself or through solicitors I feel that I would not be able to withdraw this objection. I look forward to hearing from you regarding the above.

Yours Faithfully,
Ian McDonald.



7/12/05

MAIN AGENDA

and land ownership. A copy of his letter is also appended to this report.

In my opinion the scheme accords with Policy HSG 20 of the Copeland Local Plan 2001-2016, 2nd Deposit Version.

Given that a separate staircase is proposed, if Members are minded to grant approval, I recommend that this be subject to a suitable occupancy condition.

Recommendation

Approve

2. The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 1 The Villas, Egremont and shall not be sold or let separately.

The reasons for the above conditions are:-

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

To ensure that non conforming uses, including a separate dwelling, are not introduced into the area.

Reason for decision:-

An acceptable extension to this existing dwelling in accordance with Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

19 4/05/2824/0

OUTLINE APPLICATION TO DEMOLISH EXISTING DWELLING
HOUSE AND CONSTRUCTION OF REPLACEMENT DWELLING
HOUSE
SANDYBANK, COULDERTON BEACH, EGREMONT, CUMBRIA.
ARNDT & IRENE PEDERSEN

11 Jan 06
MAIN AGENDA

Parish Lowside Quarter

- No comments received.

A proposal, in outline, to demolish and replace a chalet on Coulderton Beach. The existing chalet is of timber construction clad with felt which is now in a dilapidated state and beyond reasonable repair.

In principle, the proposal accords policies TSM 6 and HSG 24 of the Copeland Local Plan 2001-2016 2nd Deposit Version. Both of these policies support the replacement of beach chalets for holiday purposes only, subject to the applicant entering into a Section 106 agreement to restrict future occupation.

As the neighbouring chalets are of single storey construction it is considered that any proposed new development on this plot should also be single storey.

Recommendation

That outline planning permission be granted subject to the applicants entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to restrict occupation of the accommodation for holiday purposes only and subject to the following conditions:-

1. The siting, design and external appearance of the building/s, means of access thereto, and the means of disposal of surface water therefrom, shall be as may be approved by the Local Planning Authority.
2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission.
3. The development hereby permitted shall be commenced not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
2. The dwelling shall be of single storey construction.

The reasons for the above conditions are:-

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

To safeguard the character and appearance of the dwelling and its environs in the interests of amenity.

MAIN AGENDA

Reason for decision:-

A satisfactory proposal to demolish and replace an existing beach chalet in accordance with Policies TWM 6 and HSG 24 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

20 4/05/2833/0

CHANGE OF OPENING HOURS TO 12 MIDNIGHT ON SUNDAY,
MONDAY, TUESDAY AND WEDNESDAY AND TO 3AM
THURSDAY, FRIDAY AND SATURDAY
5, DUKE STREET, WHITEHAVEN, CUMBRIA.
MR V ALKAN

Parish Whitehaven

Permission is sought to extend the opening hours of these established hot food takeaway premises situated close to the Strand Street/Tangier Street/Duke Street junction in the town centre. Extended opening hours until 12 midnight on Sundays, Mondays, Tuesdays and Wednesdays, and until 3.00am on Thursdays, Fridays and Saturdays are proposed. The premises are currently required to close by 1.30am on Thursdays, Fridays and Saturdays and by 12 midnight on Sundays, Mondays, Tuesdays and Wednesdays (planning permission 4/99/0194/0F1 - condition 2 refers).

The problems associated with hot food takeaways opening beyond 1.30am have recently been highlighted by Cumbria Police. A report to the Planning Panel in October 2005 identified that several town centre hot food takeaway businesses, including this one, were breaching their permitted opening hours by continuing to trade at weekends beyond the permitted closing time of 1.30am. As a consequence enforcement action was sanctioned and Breach of Condition Notices were served on this and other businesses in breach of their respective planning consents on 5 November 2005. The requirements of the Notice were such that the takeaways were given 28 days within which to comply with the permitted opening hours. No further action has been taken in respect of the breaches pending the outcome of this and other planning applications to extend their opening hours.

A letter of objection to the proposed extended opening hours has been received from Cumbria Police, a copy of which is attached to this report.

The Council, as Local Planning Authority, has consistently refused planning applications for town centre hot food takeaways to open

CUMBRIA CONSTABULARY

Fax: 01946 517899
Telephone: 01946 692616

Area Commander
Chief Superintendent R. Smith



Please ask for: Sgt 807 Farnworth

The Police Station
Scotch Street
WHITEHAVEN
Cumbria CA28 7NN

My Reference:
Your Reference:

8th December 2005

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



Dear Mr Pomfret,

Planning Application 4/05/2833/0 – Chattanooga, 5 Duke Street – request for later opening

I am writing following our meeting and previous letter and also refer to previous communication with Michael Sandelands, planning officer regarding the late opening of several Hot Food Takeaway premises in Duke Street and Tangier St., Whitehaven. I now wish to object formally to the application by Mr Alkan to open until 3am Thurs, Fri, Sat.

As previously outlined, below is the history of my dealings with several of the takeaways so far.

On 15th April 2005, having received a list of the permitted hours for each takeaway from Mr Sandelands, I visited all of them and gave them a copy of the list of opening hours for each premises. Despite this the following premises were still open for business at 0215hrs the following morning: Chattanooga, Milano, Mr Pizza and Indian Spice, Duke Street and Napoli Pizza, Strand Street, Whitehaven.

I therefore recontacted Mr Sandelands and on 19th May 2005 he wrote to all the Hot Food Takeaway premises outlining their respective permitted opening times and warning them of the consequences of failure to close on time.

This had absolutely no effect on several of the premises, which have continued to stay open every weekend until 2.30am and beyond.

The main persistent offenders are Chattanooga, Milanos, Mr Pizza and more recently Marmaris on Tangier Street, which has subsequently opened.

Duke Street, Whitehaven is the worst street in West Cumbria for violent crime!
Tangier Street, Whitehaven is the third worst street in West Cumbria for violent crime!
(No 2 is Washington Street, Workington)

Whitehaven's nightclubs empty at 2am and we have several hundred people in the relatively small area of Duke Street and Tangier Street junction. Many of these people are drunk and this causes nuisance, disorder and violent crime. This is where the offending hot food takeaway premises are located and because they are still open when the nightclubs have closed the crowds of drunken people remain out in the open air in the area of Duke Street and Tangier Street and nuisance, disorder and violent crime occurs.

On occasions we have managed to close all the Takeaway Premises before the clubs have emptied and the disorder has been dramatically reduced as the crowds dispersed quickly.

Historically we have had the burger van 'Big Bri's Fries' situated on Tangier Street but Brian has ceased trading and there are now no hot food takeaways legally opening past 1.30am.

Our aim is to ensure that all the takeaways in Whitehaven are shut at 1.30am (as per current planning permission) so that all the customers have left all the premises by the time the public houses and nightclub customers come out onto the streets, many of whom are under the influence of alcohol. This will prevent violent crime, nuisance and disorder in this area.

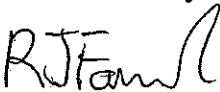
I promised that we would provide evidence of late opening on a number of occasions and I asked that you take action against the Hot Food Takeaway Premises, which have continued to stay open late despite the warnings given.

I now have several video clips, which show the problems caused by late opening of takeaways in Duke Street, Whitehaven. If we manage to close the other takeaways on time and Chattanooga becomes the only takeaway open when the clubs close, the problems we currently deal with inside and outside the takeaway at 2am will be even worse

I therefore ask that this application be refused. I will happily bring our video evidence of the crowds on Duke Street to any planning hearing regarding Takeaways.

Please advise me of any planning applications to extend the hours Hot Food Takeaways are open, as this will have an adverse effect on Crime and Disorder in Whitehaven Town Centre.

Yours sincerely



Sgt 807 Richard Farnworth

beyond 1.30am, and these have been successfully upheld on appeal.

Members should be aware that the Council's Licensing Sub-Committee approved an application on 2nd December 2005 under the Licensing Act 2003 to permit an extension of the licensing hours for this takeaway, and two others; 14 Duke Street and Milano Pizza until 2.30am on Thursdays, Fridays and Saturdays; until 1.00am on Sundays and 12 midnight on Mondays, Tuesdays and Wednesdays.

However, determination of this application must be based solely on its planning merits and should not be unduly influenced by decisions taken under entirely separate legislation.

The issues of noise and disturbance likely to be created by any additional early morning use are material in this case. Policy TCN 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version presumes in favour of town centre food and drink uses. The policy does, however, provide for restrictions on late night opening where late night activity associated with the proposed extended hours would be harmful to the general character and amenity of the area.

It is considered that the early morning opening of the premises beyond those hours currently permitted would exacerbate problems of noise and general disturbance, which is likely to have an adverse impact on the character and amenity of the area.

Recommendation

Refuse removal of condition

The proposed extended opening hours would result in an increase in late night noise and disturbance harmful to the character and the amenity of the area contrary to Policy TCN 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

21 4/05/2834/0

AMENDMENT OF PLANNING CONDITION TO PERMIT OPENING
TO 1AM ON SUNDAYS AND TO 3AM ON THURSDAY, FRIDAY
AND SATURDAYS
MILANO PIZZA HOUSE, GLOBE HOUSE, DUKE STREET,
WHITEHAVEN, CUMBRIA.
MR M PANAHI

Permission is sought to extend the opening hours of these established hot food takeaways premises situated within Globe House adjacent to the Strand Street/Tangier Street/King Street/Duke Street junction in the town centre. Extended opening hours until 1am on Sundays and until 3.00am on Thursdays, Fridays and Saturdays are proposed. The premises are currently required to close by 1.00am on Thursdays, 1.30am on Fridays and Saturdays and by 12 midnight on all other nights (planning permission 4/94/0865/0F1 - condition 2 refers).

The problems associated with hot food takeaways opening beyond 1.30am have recently been highlighted by Cumbria Police. A report to the Planning Panel in October 2005 identified that several town centre hot food takeaway businesses, including this one, were breaching their permitted opening hours by continuing to trade at weekends beyond the permitted closing time of 1.30am. As a consequence enforcement action was sanctioned and Breach of Condition Notices were served on this and other businesses in breach of their respective planning consents on 5 November 2005. The requirements of the notice were such that the takeaways were given 28 days within which to comply with the permitted opening hours. No further action has been taken in respect of the breaches pending the outcome of this and other planning applications to extend their opening hours.

A letter of objection to the proposed extended opening hours has been received from Cumbria Police, a copy of which is attached to this report.

The Council, as Local Planning Authority, has consistently refused planning applications for town centre hot food takeaways to open beyond 1.30am, and these have been successfully upheld on appeal.

Members should be aware that the Council's Licensing Sub-Committee approved an application on 2nd December 2005 under the Licensing Act 2003 to permit an extension of the licensing hours for this takeaway, and two others; 5 and 14 Duke Street until 2.30am on Thursdays, Fridays and Saturdays and 1.00am on Sundays and 12 midnight on Mondays, Tuesdays and Wednesdays.

However, determination of this application must be based solely on its planning merits and should not be unduly influenced by decisions taken under entirely separate legislation.

The issues of noise and disturbance likely to be created by any additional early morning use are material in this case. Policy TCN 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version presumes in favour of town centre food and drink uses. The policy does however provide for restrictions on late night opening where late night activity associated with the proposed extended hours would be harmful to the general character and amenity of the area.

CUMBRIA CONSTABULARY

Facsimile: 01946 517899
Telephone: 01946 692616

Area Commander
Chief Superintendent R. Smith

Please ask for: Sgt 807 Farnworth

My Reference:
Your Reference:

The Police Station
Scotch Street
WHITEHAVEN
Cumbria CA28 7NN



8th December 2005

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

Dear Mr Pomfret,

Planning Application 4/05/2834/0 – Milano Pizza, Globe House, Duke Street – request for later opening

I am writing following our meeting and previous letter and also refer to previous communication with Michael Sandelands, planning officer regarding the late opening of several Hot Food Takeaway premises in Duke Street and Tangier St., Whitehaven. I now wish to object formally to the application by Mr Panahi to open until 3am Thurs, Fri, Sat. and 1am on Sundays. As previously outlined, below is the history of my dealings with several of the takeaways so far.

On 15th April 2005, having received a list of the permitted hours for each takeaway from Mr Sandelands, I visited all of them and gave them a copy of the list of opening hours for each premises. Despite this the following premises were still open for business at 0215hrs the following morning: Chattanooga, Milano, Mr Pizza and Indian Spice, Duke Street and Napoli Pizza, Strand Street, Whitehaven.

I therefore recontacted Mr Sandelands and on 19th May 2005 he wrote to all the Hot Food Takeaway premises outlining their respective permitted opening times and warning them of the consequences of failure to close on time.

This had absolutely no effect on several of the premises, which have continued to stay open every weekend until 2.30am and beyond.

The main persistent offenders are Chattanooga, Milanos, Mr Pizza and more recently Marmaris on Tangier Street, which has subsequently opened.

Duke Street, Whitehaven is the worst street in West Cumbria for violent crime!
Tangier Street, Whitehaven is the third worst street in West Cumbria for violent crime!
(No 2 is Washington Street, Workington)

Whitehaven's nightclubs empty at 2am and we have several hundred people in the relatively small area of Duke Street and Tangier Street junction. Many of these people are drunk and this causes nuisance, disorder and violent crime. This is where the offending hot food takeaway premises are located and because they are still open when the nightclubs have closed the crowds of drunken people remain out in the open air in the area of Duke Street and Tangier Street and nuisance, disorder and violent crime occurs.

On occasions we have managed to close all the Takeaway Premises before the clubs have emptied and the disorder has been dramatically reduced as the crowds dispersed quickly.

Historically we have had the burger van 'Big Bri's Fries' situated on Tangier Street but Brian has ceased trading and there are now no hot food takeaways legally opening past 1.30am.

Our aim is to ensure that all the takeaways in Whitehaven are shut at 1.30am (as per current planning permission) so that all the customers have left all the premises by the time the public houses and nightclub customers come out onto the streets, many of whom are under the influence of alcohol. This will prevent violent crime, nuisance and disorder in this area.

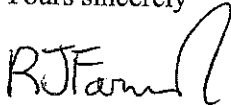
I promised that we would provide evidence of late opening on a number of occasions and I asked that you take action against the Hot Food Takeaway Premises, which have continued to stay open late despite the warnings given.

I now have several video clips, which show the problems caused by late opening of takeaways in Duke Street, Whitehaven. If we manage to close the other takeaways on time and Milano becomes the only takeaway open when the clubs close, the problems we currently deal with inside and outside the takeaway at 2am will be even worse

I therefore ask that this application be refused. I will happily bring our video evidence of the crowds on Duke Street to any planning hearing regarding Takeaways.

Please advise me of any planning applications to extend the hours Hot Food Takeaways are open, as this will have an adverse effect on Crime and Disorder in Whitehaven Town Centre.

Yours sincerely



Sgt 807 Richard Farnworth

MAIN AGENDA

It is considered that the early morning opening of the premises beyond those hours currently permitted would exacerbate problems of noise and general disturbance, which is likely to have an adverse impact on the character and amenity of the area.

Recommendation

Refuse removal of condition

The proposed extended opening hours would result in an increase in late night noise and disturbance harmful to the character and the amenity of the area contrary to Policy TCN 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

22 4/05/2835/0

AMENDMENT OF PLANNING CONDITION TO PERMIT OPENING
TO 1AM ON SUNDAYS AND TO 3AM THURSDAY, FRIDAY AND
SATURDAYS
14, DUKE STREET, WHITEHAVEN, CUMBRIA.
MR A R LOTFMANESH

Parish

Whitehaven

Permission is sought to extend the opening hours of these established hot food takeaway premises situated on Duke Street within the town centre. Extended opening hours until 1am on Sundays, 3.00am on Thursdays, Fridays and Saturdays are proposed. The premises are currently required to close by 1.30am on Fridays and Saturdays and by 12 midnight on Sundays - Thursdays inclusive (planning permission 4/99/0327/0F1 - condition 2 refers).

The problems associated with hot food takeaways opening beyond 1.30am have recently been highlighted by Cumbria Police. A report to the Planning Panel in October 2005 identified that several town centre hot food takeaway businesses, including this one, were breaching their permitted opening hours by continuing to trade at weekends beyond the permitted closing time of 1.30am. As a consequence enforcement action was sanctioned and Breach of Condition Notices were served on this and other businesses in breach of their respective planning consents on 5 November 2005. The requirements of the notice were such that the takeaways were given 28 days within which to comply with the permitted opening hours. No further action has been taken in respect of the breaches pending the outcome of this and other planning applications to extend the opening hours.

A letter of objection to the proposed extended opening hours has been

CUMBRIA CONSTABULARY

Facsimile: 01946 517899
Telephone: 01946 692616

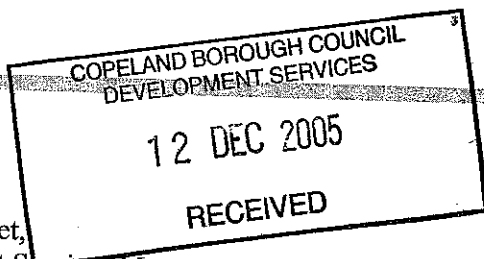
Area Commander
Chief Superintendent R. Smith



Please ask for: Sgt 807 Farnworth

The Police Station
Scotch Street
WHITEHAVEN
Cumbria CA28 7NN

My Reference:
Your Reference:



8th December 2005

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

Dear Mr Pomfret,

Planning Application 4/05/2835/0 – Mr Pizza/SFC 14 Duke Street – request for later opening

I am writing following our meeting and previous letter and also refer to previous communication with Michael Sandelands, planning officer regarding the late opening of several Hot Food Takeaway premises in Duke Street and Tangier St., Whitehaven. I now wish to object formally to the application by Mr Lotfmanesh to open until 3am Thurs, Fri, Sat and 1am Sunday.

As previously outlined, below is the history of my dealings with several of the takeaways so far.

On 15th April 2005, having received a list of the permitted hours for each takeaway from Mr Sandelands, I visited all of them and gave them a copy of the list of opening hours for each premises. Despite this the following premises were still open for business at 0215hrs the following morning: Chattanooga, Milano, Mr Pizza and Indian Spice, Duke Street and Napoli Pizza, Strand Street, Whitehaven.

I therefore recontacted Mr Sandelands and on 19th May 2005 he wrote to all the Hot Food Takeaway premises outlining their respective permitted opening times and warning them of the consequences of failure to close on time.

This had absolutely no effect on several of the premises, which have continued to stay open every weekend until 2.30am and beyond.

The main persistent offenders are Chattanooga, Milanos, Mr Pizza and more recently Marmaris on Tangier Street, which has subsequently opened.

Duke Street, Whitehaven is the worst street in West Cumbria for violent crime!
Tangier Street, Whitehaven is the third worst street in West Cumbria for violent crime!
(No 2 is Washington Street, Workington)

Whitehaven's nightclubs empty at 2am and we have several hundred people in the relatively small area of Duke Street and Tangier Street junction. Many of these people are drunk and this causes nuisance, disorder and violent crime. This is where the offending hot food takeaway premises are located and because they are still open when the nightclubs have closed the crowds of drunken people remain out in the open air in the area of Duke Street and Tangier Street and nuisance, disorder and violent crime occurs.

On occasions we have managed to close all the Takeaway Premises before the clubs have emptied and the disorder has been dramatically reduced as the crowds dispersed quickly.

Historically we have had the burger van 'Big Bri's Fries' situated on Tangier Street but Brian has ceased trading and there are now no hot food takeaways legally opening past 1.30am.

Our aim is to ensure that all the takeaways in Whitehaven are shut at 1.30am (as per current planning permission) so that all the customers have left all the premises by the time the public houses and nightclub customers come out onto the streets, many of whom are under the influence of alcohol. This will prevent violent crime, nuisance and disorder in this area.

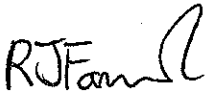
I promised that we would provide evidence of late opening on a number of occasions and I asked that you take action against the Hot Food Takeaway Premises, which have continued to stay open late despite the warnings given.

I now have several video clips, which show the problems caused by late opening of takeaways in Duke Street, Whitehaven. If we manage to close the other takeaways on time and **Mr Pizza/SFC** becomes the only takeaway open when the clubs close, the problems we currently deal with inside and outside the other takeaways at 2am will transfer to Mr Pizza/SFC

I therefore ask that this application be refused. I will happily bring our video evidence of the crowds on Duke Street to any planning hearing regarding Takeaways.

Please advise me of any planning applications to extend the hours Hot Food Takeaways are open, as this will have an adverse effect on Crime and Disorder in Whitehaven Town Centre.

Yours sincerely



Sgt 807 Richard Farnworth

received from Cumbria Police, a copy of which is attached to this report.

The Council, as Local Planning Authority, has consistently refused planning applications for town centre hot food takeaways to open beyond 1.30am, and these have been successfully upheld on appeal.

Members should be aware that the Council's Licensing Sub-Committee approved an application on 2nd December 2005 under the Licensing Act 2003 to permit an extension of the licensing hours for this takeaway, and two others; 5 Duke Street and Milano Pizza until 2.30am on Thursdays, Fridays and Saturdays; until 1.00am on Sundays and 12 midnight on Mondays, Tuesdays and Wednesdays.

However, determination of this application must be based solely on its planning merits and should not be unduly influenced by decisions taken under entirely separate legislation.

The issues of noise and disturbance likely to be created by any additional early morning use are material in this case. Policy TCN 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version presumes in favour of town centre food and drink uses. The policy does however provide for restrictions on late night opening where late night activity associated with the proposed extended hours would be harmful to the general character and amenity of the area.

It is considered that the early morning opening of the premises beyond those hours currently permitted would exacerbate problems of noise and general disturbance, which is likely to have an adverse impact on the character and amenity of the area.

Recommendation

Refuse removal of condition

The proposed extended opening hours would result in an increase in late night noise and disturbance harmful to the character and the amenity of the area contrary to Policy TCN 14 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

EXTENSION AND DORMER ROOMS
80, RANNERDALE DRIVE, WHITEHAVEN, CUMBRIA.
MR A KARIM

Parish Whitehaven

This application seeks consent to extend this dilapidated property in the following way:-

1. A 2.5m x 3.6m rear extension to create a utility room.
2. A first floor gable extension above the existing garage and proposed utility room, with a rear dormer. Internally this element would provide for an additional bedroom and bathroom.
3. A dormer to the front elevation, which would accommodate a sixth bedroom.

Externally, the proposed finishes and windows would match the existing house.

A single letter of objection has been received from a neighbouring resident whose property is immediately to the rear. The grounds for objection are summarised below:-

1. The extension would block natural light into his home.
2. The proposal would not be in keeping with surrounding properties.
3. Car parking issues.

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

- (a) Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version supports proposals for the extension and alteration to existing dwellings. This is subject to criteria to ensure that there would be no significant reduction in daylighting available to adjacent dwellings.
- (b) The rear of this property is already in close proximity to the rear of the objector's property with a separation distance of 5m increasing to 10.0m. In my opinion increasing the size of this property further would result in a significant reduction in daylighting available to the objector's property.
- (c) Furthermore, given that the proposal would create a six bedroomed house, the Highway Authority recommend off-street car parking provision for a minimum of three cars. The space proposed would measure 12.5m in length and would significantly reduce the already limited amenity space and, as such, would represent an overintensive

form of development on this site.

Recommendation

Refuse

By virtue of its size, design and siting, the proposed extension would have an adverse dominant affect on the neighbouring property to the rear, particularly in terms of loss of daylighting, contrary to Policy HSG 20 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

24 4/05/2859/0

CONVERSION OF GARAGE TO RETAIL SHOP
49, MAIN STREET, PARTON, WHITEHAVEN, CUMBRIA.
MS D ANDERSON & MR J CURWEN

Parish Parton

- No comments received.

Planning permission is sought to change the use of this domestic garage to a retail shop. The proposed shop would be a general store selling a range of convenience goods.

Externally the existing flat roof would be replaced with a pitched roof and a white upvc shop front would replace the existing timber garage door.

Situated to the rear of No. 49 Main Street the proposed shop would be accessed by a shared driveway which also serves two properties to the rear which form part of a terrace of three houses.

In order to fully assess the likely impact of the proposed development on neighbouring properties it is recommended that Members visit the site prior to the application being determined.

Recommendation

Site Visit

25 4/05/2861/0

FAMILY UNIT ATTACHED TO BARN
BOWTHORN BARN, BOWTHORN FARM, BOWTHORN,
CLEATOR MOOR, CUMBRIA.
MR P CARTMELL

Parish Cleator Moor

No objections.

Planning permission is sought to attach a self-contained family unit to the gable end of this detached dwelling to provide accommodation for the applicant's father.

Internally, the 11.1m x 4.7m family unit would provide a lounge, kitchen and w.c. at ground floor level and a bedroom and en-suite bathroom at first floor level. Externally, the proposed finishes and windows would match the existing house.

The site is located outside the settlement boundaries as defined by Policy DEV 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version. Accordingly, the proposal should be considered within the context of Policy HSG 5, which states that new housing development will not be permitted except where it is required to meet exceptional circumstances arising from local social and economic conditions.

The applicant has submitted a letter in support of the application, a copy of which is appended to this report. Reference is made to medical conditions, of which evidence has been provided.

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

In my opinion, sufficient information has been provided in order to support the proposal. In these circumstances, however, it is considered appropriate to restrict future occupation of the new accommodation.

Recommendation

Approve

2. The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Bowthorn Barn, Bowthorn Road, Cleator Moor, and shall not be sold or let separately.

BOWTHORN FARM
CREATOR ROAD
CUMBRIA
CA25 5JF

(R)

20/11/05
COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES
24 NOV 2005
RECEIVED

Dear Miss Carol,

I am writing this letter to

support our application for the proposed Granny
flat attached to our dwelling.

My Father in law - Mr Thomas Cartmel
is a widower who currently lives alone.

He has suffered from depression for many
years and is finding it increasingly difficult
to cope in his home alone. After discussion
with his GP and other family members,
we feel that the ideal ^{Solution.} ~~situation~~ would be
to add a self-contained extension to our
home. This would allow him to live in
close proximity to the family - yet by
having his own entrance he would be
able to maintain some degree of

We are striving to keep this extension as an integral part of our property - all services will come from our home, so that we can alleviate Mr. Cartmell's anxieties regarding bill payments.

Yours sincerely,

Louise Cartmell

The reasons for the above conditions are:-

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

Permission has been granted as an exception to established planning policies in recognition of the special needs of the applicant.

Reason for decision:

The proposal represents an acceptable form of development required to meet proven local need, in accordance with Policy HSG 5 of the Copeland Local Plan 2001-2016 2nd Deposit Version.

26 4/05/2878/0

CHANGE OF USE FROM AGRICULTURE TO LEISURE FOR 3
LOG CABINS FOR HOLIDAY LETTING
SPRINGBANK FARM, HIGH WALTON, ST BEES, CUMBRIA.
MR AND MRS S J WOODMAN

Parish St Bees

- No comments received.

Permission is sought to site three timber chalets in the grounds of this isolated farm for holiday letting purposes. The attached letter sets out the applicant's supporting case.

It is proposed to locate the cabins on land to the north of the farmhouse, behind an existing stock building and polytunnel. Two buildings will have to be resited to accommodate the proposed development.

Vehicular access will be via the existing farm entrance from the adjacent St Bees Road (C4009) which will require highway improvements. A new access road within the farm will have to be created along with a parking and turning area to serve the chalets.

Policy TSM 4 of the Copeland Local Plan 2001-2016 2nd Deposit Version is the relevant policy against which this application should be assessed. This policy is set out as follows:-

"Proposals for new holiday caravan, chalet and/or camping sites

COPELAND BOROUGH COUNCIL
- 9 DEC 2005
RECEIVED

SPRINGBANK FARM
HIGH WALTON
ST BEES
CA22 2TY

2ND DECEMBER 2005

PLANNING APPLICATION FOR 3 LOG CABINS

We plan to run this holiday let as a on-farm / wildlife experience. Springbank is an extensively run farm, which we have developed for rare-breeds and wildlife.

Though currently our main income is from a commercially run free-range egg unit we have the following rare breeds.

- A nationally recognised flock of Scots Dumpy hens.
- Portland and Manx sheep
- 21 Beef Shorthorn cows.

We have planted 5 acres of woodland (1992), and are on the Countryside Stewardship scheme. This has enabled us to restore the traditionally stone-faced hedge banks and hedges, and dig a pond. We are part of a special project in the St Bees valley to provide wetland for birds such as lapwings, skylarks and yellow wagtails. We do not use artificial fertilisers and try to minimise the use of herbicides. All of these policies have led to a wide range of wildlife on the farm.

Mammals

Badger, roe deer, foxes (not encouraged), rabbit, hare, voles and possibly otter.

Birds

Barn owl, tawny owl, buzzard, sparrow hawk, heron, lapwing, partridge, green woodpecker, skylark, warbles, finches, thrushes, gold crest, yellow hammer and much more.

Though we need to do more work to provide public- friendly access, we believe our proposal could provide an exciting and interesting holiday experience.

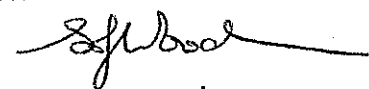
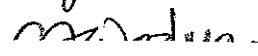
The guests would be able to collect their own eggs, and be able to take part or observe various farm activities during the year. This could include:- feeding chicks, lambing, shearing, hay-making, hedge laying and tree planting. There is scope for specific visits and demonstrations such as walking stick making, spinning, jam and butter making.

We would provide a specific farm walk with descriptions of interesting features, down to the wood, for wildlife enthusiasts. This could link in nicely to visits to the Ospreys and St Bees Head.

There is the possibility that we could get a grant for this under the Rural Enterprise Scheme. For this we need an approved planning application, and a proposal to go towards the next Board in February. With my husband being made redundant from Huntsman in June (2004) we need to diversify to produce sufficient income from the farm. We would plan to plant more trees and shrubs in appropriate places to improve the screening of both the stock buildings and the cabins.

We hope we have provided you with sufficient information. We can provide you with detailed drawings of the actual cabins if that is necessary (by the end of the year).

Carole and Steve Woodman


 85

MAIN AGENDA

or extensions to existing sites will be approved subject to conforming with the requirements of sustainable design set out in Policy DEV 7 and satisfying the following criteria:-

1. the proposed site is well related to an existing settlement and the main highway network
2. the proposed site possesses a high level of natural screening which, where necessary, is capable of reinforcement and extension
3. the proposal does not adversely affect areas of undeveloped coastline.

The proposal raises the issue as to whether it is an appropriate form of tourism development in the countryside. In view of this it is considered that it would be beneficial for Members to visit the site prior to determining the application.

Recommendation

Site Visit

Schedule of Applications - DELEGATED MATTERS

4/05/2766/0	Whitehaven	CHANGE OF USE FROM OFFICE TO SHOP AND FLAT ABOVE 11 ST GEORGE'S TERRACE, MILLOM THOMAS DIXON
4/05/2760/0	Calderbridge	DEMOLITION OF EXISTING SUB- STANDARD STRUCTURE & CONSTRUCTION OF NEW UTILITY/STORE ROOM & GARAGE BANK FOLD, CALDERBRIDGE MR & MRS GLAISTER
4/05/2784/0	Millom	ERECT GROUND FLOOR DINING ROOM EXTENSION & TWO STOREY UTILITY/BEDROOM EXTENSION 60 LOWTHER ROAD, MILLOM MR T LAMPITT
4/05/2779/0	St John's Beckermet	ERECTION OF DETACHED GARAGE LITTLE CHESTERS TOO, BECKERMET MR & MRS BOOTH
4/05/2790/0	Egremont	SINGLE STOREY REAR EXTENSION 13 SPRINGFIELD GARDENS, BIGRIGG MR & MRS READ
4/05/2774/0	Parton	KITCHEN/UTILITY EXTENSION & CONSERVATORY BRAEMAR, BREWERY BROW, PARTON MR GARE
4/05/2781/TPO	Frizington	APPLICATION TO TRIM BACK OVERHANGING BRANCHES ON TREE PROTECTED BY A TREE PRESERVATION ORDER 14A ELMSIDE, RHEDA CLOSE, FRIZINGTON MR & MRS EILBECK
4/05/2813/0	Whitehaven	CONSERVATORY ON REAR OF PROPERTY 20 THE OVAL, MIREHOUSE, WHITEHAVEN MR & MRS MCQUIRE
4/05/2806/0	Egremont	EXTENSION TO SIDE OF DWELLING 21 LING ROAD, EGREMONT MR & MRS THOMAS
4/05/2800/0	Whitehaven	GARAGE & CONSERVATORY 1 SPOUT HOUSE, SANDWITH, WHITEHAVEN MR & MRS CORLEY
4/05/2799/0	Egremont	BATHROOM EXTENSION TO REAR 77 PENZANCE STREET, MOOR ROW MR & MRS JENKINSON

Schedule of Applications - DELEGATED MATTERS

4/05/2791/0	Egremont	ERECTION OF STORM PORCH TO FRONT ELEVATION OF BUNGALOW SEVEN C'S, COULDERTON BEACH, COULDERTON MR WATSON
4/05/2786/0	Frizington	TWO STOREY EXTENSION TO EXISTING HOUSE 25A RHEDA CLOSE, FRIZINGTON MR LEWTHWAITE
4/05/2796/0	St Bees	EXTENSION TO REAR OF DWELLING, DORMER TO 2 ND FLOOR 118 MAIN STREET, ST BEES MR D J BROWN & MRS J M MILES
4/05/2763/0	Lowca	TWO STOREY EXTENSION TO EXISTING DWELLING 7 GHYLL BANK, LOWCA, WHITEHAVEN LYNSEY PIGGOTT
4/05/2808/0	Egremont	DETACHED DWELLING & GARAGE PLOT 12, LARCH COURT, MOOR ROW MR & MRS SWEENEY
4/05/2783/0	Whitehaven	NON-ILLUMINATED ADVERT SIGN 22/23 CHURCH STREET, WHITEHAVEN WEST CUMBRIA SAMARITANS
4/05/2812/0	Lowca	DWELLING HOUSE & GARAGE PLOT 2, FORMER GARAGE SITE, LOWCA, WHITEHAVEN A FOX
4/05/2771/0	Whitehaven	ERECTION OF TWO STOREY EXTENSION 1 MAPLE GROVE, VALLEY PARK, WHITEHAVEN MR & MRS CARR

Schedule of Applications - DELEGATED MATTERS

- 4/05/2755/0 Whitehaven
CONTRACTORS DEPOT AND STORES
PLOT A, RED LONNING INDUSTRIAL ESTATE,
WHITEHAVEN, CUMBRIA.
MAYSON BROS. LTD.
- 4/05/2788/0 Whitehaven
BALL STOP ATTACHED TO FENCING 5M HIGH TIMBER
PALISADE FENCE 1800MM HIGH STEEL PALISADE FENCE
LAND BEHIND, & ALONG SIDE OF FOOTBALL PITCH,
SEATHWAITE AVENUE, MIREHOUSE, WHITEHAVEN,
CUMBRIA.
MIEHOUSE A.F.C.
- 4/05/2809/0 Whitehaven
CHANGE OF USE FROM HOUSE OF MULTIPLE OCCUPATION
(8 NO. BEDSITS) TO A SINGLE DWELLING
1, SPRINGFIELD VILLAS, HENSINGHAM, WHITEHAVEN,
CUMBRIA.
MR & MRS A FOX
- 4/05/2811/0 St Johns Beckermest
LISTED BUILDING CONSENT TO TAKE DOWN EXISTING A
REBUILD IN RENDERED BRICK AND BLOCK RE-USING
YEORTON HALL, EGREMONT, CUMBRIA.
J W HEWITSON
- 4/05/2805/0 St Johns Beckermest
EXTENSION TO SIDE AND REAR OF DORMER BUNGALOW
BROWHEAD, BANKFIELD, BECKERMET, CUMBRIA.
MR & MRS STRAIN
- 4/05/2750/0 Whitehaven
DETACHED HOUSE
PLOT 14, THE HOLLINS ESTATE, WHITEHAVEN, CUMBRIA
H K DEVELOPMENTS LTD.
- 4/05/2761/0 Whitehaven
REAR EXTENSION
62, VICTORIA ROAD, WHITEHAVEN, CUMBRIA.
MR & MRS T HALLIGAN
- 4/05/2785/0 Egremont
4 2-BEDROOMED TERRACED DWELLINGS
FORMER GARAGE, PENZANCE STREET, MOOR ROW,
CUMBRIA.
MR L FITZSIMONS
- 4/05/2531/0 Whitehaven
DEMOLITION OF UPHOLSTERY WORKSHOP AND ERECTION
TWO BEDROOM DWELLING
FRONT CORKICKLE, WHITEHAVEN, CUMBRIA.
MR & MRS LEACH
- 4/05/2765/0 Millom
GARAGE AND INTERNAL ALTERATIONS
12, BUTTERMERE DRIVE, MILLOM, CUMBRIA.
MR & MRS GILES

Schedule of Applications - DELEGATED MATTERS

4/05/2787/0	Millom	OUTLINE APPLICATION FOR ONE TWO-STOREY DWELL LAND SITUATED ON, ST GEORGES ROAD, MILLOM, CUMBRIA. DENISE WHITEHEAD
4/05/2789/0	Haile	DWELLING HOUSE HIGH CROFT, WILTON, EGREMONT, CUMBRIA. K R & D L ROUTLEDGE
4/05/2795/0	Millom Without	RETAIN SECTIONAL CONCRETE AGRICULTURAL IMPLEMEN SHED AND 3 TIMBER SHEDS/HEN HOUSES FIELD OS 8400, GREEN ROAD, THE GREEN, MILLOM, CUMBRIA. MR W R STEPHENSON
4/05/2797/0	St Bridgets Beckermert	GROUND FLOOR BREAKFAST ROOM WITH UTILITY AND SHOWER ROOM PLUS FIRST FLOOR BEDROOM ENLARGEMEN HILL GREEN, SELLAFIELD ROAD, BECKERMET, CUMBRIA MR & MRS S OLIVER
4/05/9014/0	Millom	SINGLE STOREY EXTENSION AND REFURBISHMENT OF PA OF AN EXISTING SCHOOL BUILDING TO CREATE NETWOR MILLOM SCHOOL, SALTHOUSE ROAD, MILLOM, CUMBRIA. CUMBRIA COUNTY COUNCIL