

STANDARD CONDITIONS

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

Outline Consent

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

Reserved Matters Consent

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

Full Consent

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

RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

SCHEDULE OF APPLICATIONS - CBC

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SCHEDULE OF DELEGATED DECISIONS

ITEM NO: 1.

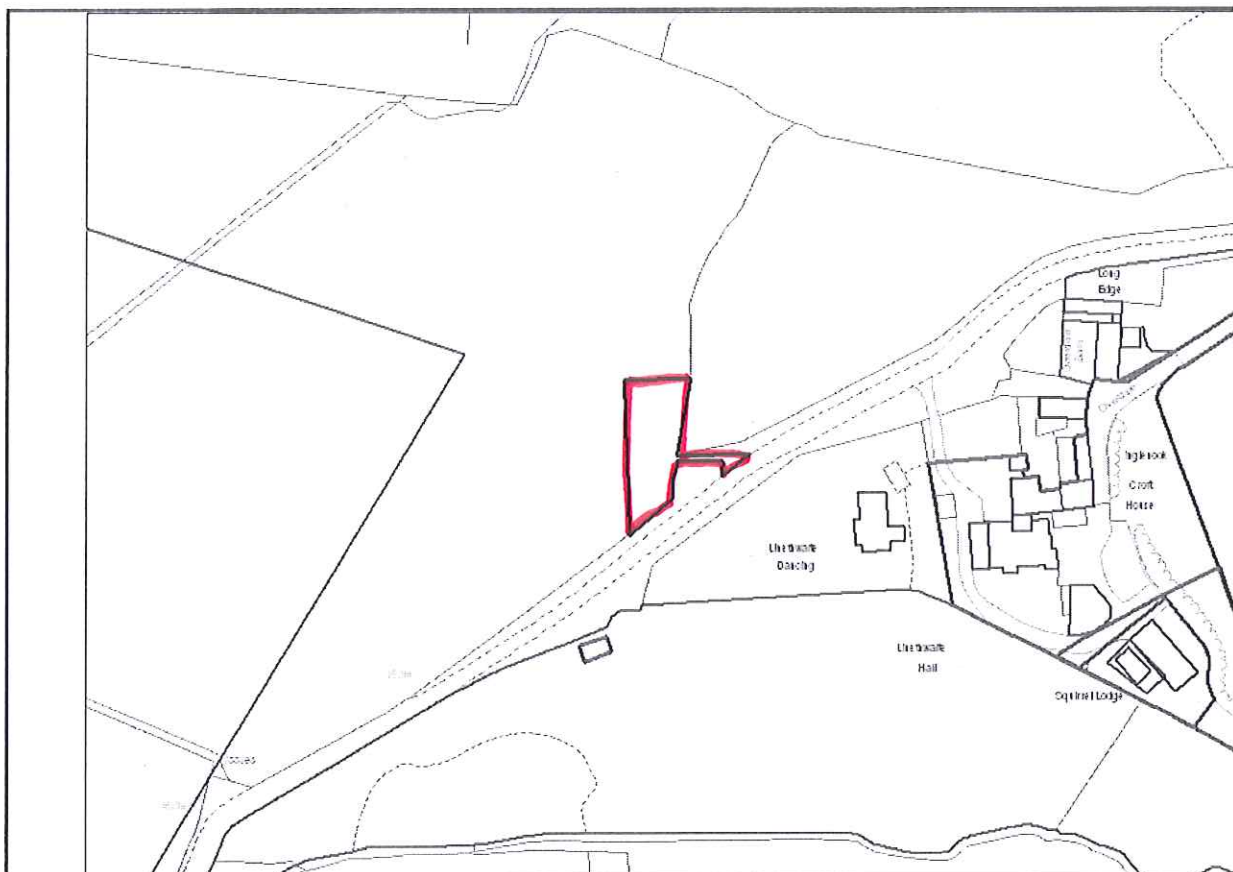


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 12/10/2011

Application Number:	4/11/2298/001
Application Type:	Outline : CBC
Applicant:	Thomsen Estates
Application Address:	LAND OPPOSITE LINETHWAITE, MOOR ROW (OFF THE C4009)
Proposal	OUTLINE APPLICATION FOR AGRICULTURAL DWELLING AND ADDITIONAL BUILDING FOR ANIMAL WELFARE & STORAGE
Parish:	St. Bees
Recommendation Summary:	Refuse



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INTRODUCTION

It was agreed at the Planning Panel of 20 July 2011 that Members would visit the site to appraise the complex issues this application, for a new agricultural workers dwelling on a green field site at Linethwaite, St Bees, raises prior to determination. The site visit took place on Wednesday 3 August 2011.

It was the intention to report the application for a decision at the last Planning Panel meeting in September however it was agreed at the last minute that the report be withdrawn in order to give the applicants adequate opportunity to respond to the agricultural appraisal undertaken on our behalf.

THE PROPOSAL

Permission is sought in outline for the erection of a new agricultural dwelling and a storage / livestock building on a green field site located opposite the hamlet 'Linethwaite', near St Bees. Vehicular access is via an existing agricultural access off the C4009 road leading to St Bees.

The applicants currently have an existing farming enterprise based at Scalegill Hall, a farm building group near Moor Row, comprising some 92ha with another 30ha at Coneyside and 9ha at Priorling, Calderbridge. There is an existing dwelling at this location which forms part of the group and is Grade II Listed but this has been unoccupied for a number of years.

The case is put forward that although the buildings are occasionally used at Scalegill the site is run down and blighted by the fact that the majority of the land is across the A595 and that this poses operational running difficulties for the farm particularly for moving livestock and agricultural machinery due to the constant high levels of traffic using this road. Reference is also made to the land and building group at Scalegill Hall being affected by its current employment land allocation in the adopted Copeland Local Plan 2001-2016 with the result that no investment has been made in it. It is currently run as a farm unit by a farm manager who resides off site which has in the past worked effectively. The manager however is approaching retirement and the applicants are concerned that, in addition to the aforementioned grounds, it will be difficult to employ a new farm manager unless good accommodation is provided alongside. The case put forward is set out in full in the attached statement.

CONSULTATIONS

St Bees Parish Council raise no objections to the application provided that a condition is attached restricting the dwelling to use by agricultural workers.

The Highways Authority request that a condition be imposed to any grant of planning permission requiring all matters relating to layout, means of access, parking and turning to be reserved for approval at the detailed planning stage.

United Utilities raise no objections.

In support the National Farmers Union (NFU) note that with the constant increase in traffic on the A595 and the distress to livestock the only logical solution would be to grant the business permission to construct a new agricultural workers dwelling and agricultural building on the west side of the A595. A copy of their letter is appended to the report.

An additional letter has also been received from the NFU in further support of the applicant in which they point out that whilst there is a house at Scalegill Hall it is not fit for purpose for current farming practices of the applicant due to reasons relating to the difficulties of transporting livestock across the busy A595, animal husbandry and security issues if farm buildings are separate from the farm house, and economic viability. A copy of this further letter is also appended for Members to consider.

A letter of support is also expected from the Country Landowners Association (CLA) which will be reported verbally to the Panel.

A single letter of objection has been received from a neighbouring Linethwaite property owner. The grounds for objection can be summarised as follows:-

1. The location is inappropriate and development would be visually intrusive in this part of the valley. It will be the first residential dwelling at low level in the valley between the A595 and St Bees. Maximum priority should be given to maintaining the St Bees Valley as an area of great landscape value and tranquil area.
2. The land is sloping and development would require a lot of excavation or backfilling thus altering the lie of the existing land.
3. This application is the forerunner of a much larger proposal. The applicant's state they can only afford to build a house at this stage rather than a full steading. This will be the first of many applications.

4. Access issues. Why can the access at the bottom of the field not be used which is level and less visually intrusive?
5. The application as a whole does not prove agricultural need. The application is solely based on an assumed figure need rather than an actual need for a manager's house.
6. The objector and his neighbours have never had any problems along the route from Scalegill to Linethwaite.
7. If permission is granted there will be movements from Linethwaite to Coneyside and Priorling, thus the net result is that traffic dangers and problems would not be reduced.
8. The manager's house does not need to be situated at Linethwaite to ensure animal welfare.
9. Consideration should be given to omitting Scalegill Hall from the Westlakes scheme. The objector cannot believe that a small corner of the scheme is so critical.
10. The Council should give great consideration to working closely with the applicant to explore all possible locations for a full steading.
11. At present not many people are aware of the final scale of the proposed farm. There would be justified anger from people who know and love the valley if the Council approved this application.

A further letter has also been received in which the objector raises additional comments in relation to the agricultural appraisal. This is attached.

PLANNING POLICY

Planning Policy Statement 7 'Sustainable Development in Rural Areas' sets out the national criteria and functional test that need to be satisfied for any new agricultural enterprise where a residential dwelling is proposed.

The following adopted Copeland Local Plan 2001-2016 Policies are also relevant:

DEV 5 Development in the Countryside - prohibits development in such locations unless certain exceptional grounds apply.

DEV 6 Sustainable Design – advocates high quality sustainable design in all new developments.

HSG 5 Housing Outside Settlement Boundaries – supports housing in the countryside only where exceptional need cases have been satisfactorily demonstrated.

ASSESSMENT

Any proposal such as this for the setting up of a new agricultural enterprise with a residential unit in the countryside is subject to rigorous vetting, irrespective of the fact it in effect involves the relocation of an existing farm unit, and has to satisfy the criteria set out in Planning Policy Statement 7 by passing the functional and financial viability test as well as the relevant local plan policies. In this respect an independent agricultural appraisal has been commissioned, a copy of which is also attached to this report. This confirms that there is clearly an established existing functional need on the holding to care for the livestock throughout the year which has a labour requirement of 2 full time workers and that the business is financially viable and likely to remain so. However, that alone does not necessarily justify the provision of a new farm house on the holding. There are other factors to take into account which are relevant to the assessment of this application. They include

the fact there is a dwelling already on the site, a grade II listed building, within the existing farm building group at Scalegill Hall which the applicants have chosen not to refurbish as in the past there has clearly been no need for this dwelling with the farm manager living off site.

In addition to providing guidance on assessing the functional and financial viability of a holding Annex A of PPS 7 asks specifically whether the functional need can be met by another existing dwelling on the holding or other accommodation in the area. It is identified that there is a need for one of the full time workers to be resident on or immediately adjacent to the holding – this is not disputed. However, the appraisal recognises that there is an existing dwelling on the holding at Scalegill Hall which is available to the farming business and could be made suitable after refurbishment. PPS 7 advocates that other relevant planning requirements are satisfied. In this respect the affect of the A595 is considered but discounted as animals and machinery can be successfully transported by appropriate management and timing of operations.

As regards the allocation of the site as employment land and whether it does actually have a blighting effect is disputed. If it does have such an effect it can be argued that it is at the applicants own choosing i.e. they would have a choice as to whether they permit future employment use of the site. The land is only allocated for employment land as it is adjacent to Westlakes Science Park. Westlakes Properties Ltd, operators of the site, have no compulsory purchase powers and following recent discussions have confirmed that it is unlikely that it will be developed in this location in the foreseeable future as there are existing vacant plots on the employment estate which would have to be taken up first and then there would be an intention to develop at the north end of the site on the allocations there to form an obvious link with the facility at Summergrove. It is therefore unlikely that this land would be required by them in the future.

Irrespective of whatever use the land is put to the fact remains there is a grade II listed building on the site which we should not lose sight of. This is an important heritage asset and permission would not be granted for its demolition. It is our view that it could be successfully refurbished and put to viable re-use as the main farmhouse for this agricultural unit.

Taking the above into account there is clearly a functional need for an agricultural dwelling on the holding and the enterprise is financially viable. However, as there is already an

existing dwelling on the holding at Scalegill Hall, albeit that extensive refurbishment is required prior to occupation, it is recognised that this could fulfil the need as borne out in the independent agricultural appraisal. On this basis, it is my opinion that the case for a new agricultural dwelling at Linethwaite cannot be justified. Whilst the additional comments recently put forward on behalf of the applicants by the NFU are noted these do not carry sufficient weight to alter my position.

Recommendation:-

Refuse

Reason for decision:-

In the absence of proven agricultural need, given the presence of a Grade II listed farmhouse at Scalegill Hall, albeit presently in a poor state of repair, the proposed new dwelling on this greenfield site constitutes non essential development in the countryside contrary to Policies DEV 5 and HSG 5 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and guidance contained in Planning Policy Statement 7 "Sustainable Development in Rural Areas".

23 JUN 2011

Agricultural Appraisal

For

Thomsen Estates

Calder Park

Calder Bridge

Seascale

CA20 1DN

Produced by

David Hetherington

Environmental And Planning Services

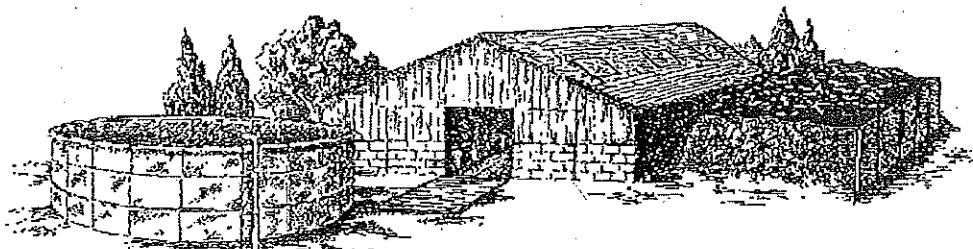
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Carlisle

CA2 6DA

Tel: 01228 521936

Mobile: 07810801082



near
Moor Row
Whitehaven

23 JUN 2011

Introduction

This report has been prepared on behalf of Thomsen Estates in relation to a proposal to erect an agricultural workers dwelling for a new farm manager, to look after land at Moor Row and at Coneyside, & Prior Ling, on the retirement of her current farm manager in two years time. This will be required as the present long serving manager has his own residence. The majority of the land is in a ring fence and runs south west from Moor Row.

The report is based on information provided by Mrs Clarkson ne Thomsen and is prepared in line with her instructions.

Location

The main block of land is at Scalegill Hall and extends to approximately 92ha. There are approximately 30ha at Coneyside, & 9ha at Priorling, giving a total of 131ha.

Background

Various farms and blocks of land totalling around 325ha were purchased in 1959 & the early 1960s by Mrs Clarkson's father. Around thirty years ago they employed Mr Tony Roper to help run the farm; initially he assisted Mr Neils Thomsen, but was soon made farm manager with Mr Neils Thomsen who had less farming experience assisting. When some land was sold off on Mr Thomsen senior's death in 1996 he worked on his own, with the help of Mr Neils Thomsen and casual labour at busy times such as lambing and when making silage and hay. When offered the position of farm manager Mr Roper had a house at Cleator Moor 4 miles away & did not want to move into Scalegill Hall which had been empty for a number of years. Mr Thomsen senior agreed to this arrangement provided it worked effectively and it has done, though things have become more difficult as Mr Roper has neared retirement age.

The uncertainty surrounding the future of the land to the east of the A595 (covered later) and the vast increase in traffic on the A595 in recent years has also made the effective running of the farm much more difficult. There are very high levels of traffic for long periods of the day, traffic coming to a standstill at peak times. The volume and speed of traffic on the road makes crossing it, with agricultural machinery which is large and slow moving, or even a Landrover to look livestock, dangerous and by far the greatest portion of the land lies on the opposite side of the road. This coupled with the possibility that the land could be requisitioned at any time for Westlakes has prevented any investment in the buildings at Scalegill Hall and the house has remained empty and boarded up.

Paragraph 4.2.1 of Copeland LDF Core Strategy and Development Policies Preferred Options - ER1 - Planning for the Nuclear Sector: D, talks of maximising opportunities and the Borough to become a centre of excellence for knowledge and skills with Sellafield and Westlakes as centres of research and development. 23 JUN 2011

4.5.1 Preferred Options – ER6 - Location of Employment: C, uses the words "Continue the development of Westlakes Science and Technology Park as the focus for a knowledge campus of International significance"

4.5.7 Refers to Westlakes as "A Flagship Site for High Value Business"

4.10.4 Preferred Options Policy ER11 – Developing Enterprise Skills: D, talks of "Further developing the mix of research, education and commercialisation at Westlakes Science and Technology Park"

Reasoning and Choice of Preferred Option

4.10.6 States that the Preferred Policy also promotes a key aim of the ECMP through further expansion at the Westlakes Science and Technology Park.

8.2 is a plan showing Westlakes as one of two Strategic Employment Sites in the Whitehaven Locality Area.

8.2.15 ST3 – Sites prioritised for development in the current Britain's Energy Coast programme:

"Westlakes Science and Technology Park – land already allocated in Local Plan to accommodate further areas of high specification development for research" indicated that the council have not lost interest in land owned by the Thomsen Estates.

8.2.18 Calls for a concentration on investing in strategic sites Westlakes being named specifically.

9.2.12 States that Westlakes Science and Technology Park "is a regionally important employment site, and of great importance to the Borough"

9.2.13 The Issues and Options Report when talking about Westlakes said "Most responses favoured continuing with the Local Plan approach, in recognition of the site's Flagship status"

Appendix 2: Glossary: Strategic Employment Sites In Copeland Westlakes comes under the category of "a Key employment site capable of accommodating major investment often of national or regional significance"

These and other points enclosed, from **Copeland LDF Core Strategy and Development Policies Preferred Options** shows the high value that Copeland Borough Council place on the Westlakes site and their obvious plans for it to expand in the future. This is why the Thomsen Estates are unwilling to invest large amounts of money into a site which could be taken from them at any time in the future.

They have been living under the cloud of the probable loss of land and buildings for a number of years. The LDF will take a considerable time to follow through and it is not planned to look at individual sites under the Preferred Options until April/May 2012 and this could take up to two years for consultations to be completed ready for the new LDP to be set out based on the LDF.

23 JUN 2011

Labour Requirements

Below are calculations showing the labour requirements of the farming business based on the area of land, 2 cuts of silage & the making of a small amount of hay, together with livestock numbers.

Item	ha		hrs	Total Hrs
Grass	131	@	4	524
1st Cut Silage	28	@	12	336
2nd Cut Silage	28	@	10	280
Hay	4	@	20	80
Suckler Cows	50	@	12	600
Followers	60	@	9	540
Lowland Ewes	500	@	5.2	2600
Tups	20	@	5.2	104
Hogs	60	@	3.3	198
Total Hours				5262
Labour Units				2.77

Working on the fact that the farming accounts show a profit & the formula that one labour unit equals 1,900 hours; the farm provides work for 2.82 labour units thus justifying an agricultural workers dwelling.

The formula for calculating labour units is taken from the SAC handbook.

LAND OPPOSITE LINETHWAITE, MOOR ROW
REPORT ON A PROPOSED PERMANENT AGRICULTURAL WORKER'S
DWELLING

Cumbria County Council
Parkhouse Building
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August 2011

**LAND OPPOSITE LINETHWAITE, MOOR ROW - REPORT ON A PROPOSED
PERMANENT AGRICULTURAL WORKER'S DWELLING**

1.0 Introduction

1.1 This report has been prepared at the request of Copeland Borough Council, who on 7 July 2011 asked if I would report on the agricultural need in relation to a proposed permanent agricultural worker's dwelling on land opposite Linethwaite, Moor Row.

1.2 I met Mrs Clarkson on behalf of the applicant, Thomsen Estates, on 26 July 2011 and inspected the farm steading at Scalegill Hall. The following information was provided on behalf of the applicant.

Part 1 – The Existing Situation

2.0 Land Occupied

2.1 The applicant currently farms the following areas of land.

2.1.1 Scalegill Hall and Shaw Farms which extend to approximately 93 ha [230 acres] of land. Of this area, around 12 ha [30 acres], including the farm house and farm steading at Scalegill Hall, are situated to the east of A595 trunk road. This leaves by far the bigger proportion of around 81 ha [200 acres] in a ring fence to the west of the A595 opposite Linethwaite.

3.1.4 60 gimmer hogs. These are the young female sheep kept on for breeding the following year.

3.1.5 11 breeding rams.

3.1.6 24 Store hogs.

4.0 Cropping

4.1 This is an all grass farm with approximately 28 hectares of the grassland being made into silage in two cuts each year which is used for winter feed for the livestock. The remainder of the farm is in grass for grazing the livestock.

5.0 Farm Buildings

5.1 The farm buildings are all located at the Scalegill Hall steading and comprise a traditional range of stone built buildings and barns under slate roofs. These are now used generally for storage purposes.

5.2 Adjacent is a range of steel portal framed buildings which provide housing accommodation for the cattle in the winter months.

5.3 Silage is stored on a hardcore area as big bales and there is an above ground slurry storage tank.

8.2 At that point in time she will not have a worker living in reasonable proximity to the landholdings. She therefore advised that she needed to provide accommodation to be able to employ a suitable worker and for that worker to be on hand to deal with out of hours emergencies, including calving cows and lambing ewes.

8.3 She went on to advise of two particular difficulties why she proposed not to refurbish the existing dwelling and steading at Scalegill Hall these are:-

8.3.1 The presence of the, at times, very busy A595 trunk road in close proximity to Scalegill Hall makes it extremely difficult to move livestock and farm machinery across this road to the majority of the landholdings to the west.

8.3.2 She understood that for a number of years, the farm steading, farm dwelling and adjacent land at Scalegill Hall have been zoned for future employment purposes in connection with West Lakes Science Park. She therefore did not wish to invest in repairing, maintaining and improving the farm buildings and farmhouse at Scalegill Hall when those properties could be required for the development of West Lakes Science Park in the future. She believed her property could be taken from her under some form of compulsory purchase powers.

ewes are lambing in the spring. There will also be a need to care for the animals throughout the year particularly the younger animals.

- ii) *The need relates to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement.*

I have calculated the labour requirement on this farm based on the existing numbers of livestock and cropping practices and can advise that there is a labour requirement of around 2 full time workers which includes the use of contractors for specialist tasks.

- iii) *The unit and the agricultural activity concerned have been established for at least three years have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.*

This farming business has been established in excess of 3 years.

Financial viability can be defined as offering a competent person the prospective of a sufficient livelihood.

In practice this can mean a net farm income after all expenses such as feed, fertiliser and property maintenance at least equivalent to an average agricultural workers minimum wage which is currently in the region of £15,500 per annum.

control of the applicant but it would appear that at the applicant's choosing, has remained unoccupied for many years. It is therefore currently unsuitable for occupation by a farm worker on this holding due to its present condition but could be suitable for such use after refurbishment.

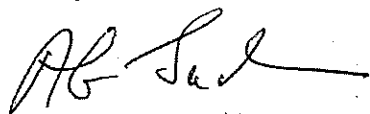
- v) *Other normal planning requirements for example in relation to access or impact on the countryside are satisfied.*

These are normally beyond my instructions but in relation to the issue of the presence of the, at times, busy section of A595 road adjacent to Scalegill Hall, I appreciate the difficulties of getting livestock and farm machinery across this road. However, a good number of farms in this County face similar problems and manage to operate their businesses successfully by transporting animals and timing their field operations.

If crossing the A595 is such a difficult issue then it has to be assumed the proposal is to cease to operate the farm steading at Scalegill Hall and relocate/replace those existing farm buildings opposite Linethwaite.

If the farm steading is to be relocated to opposite Linethwaite, then the farm business will have to face considerable expenditure in replacing the accommodation provided by the fairly extensive existing range of farm

1. There is a clearly established existing functional need in relation to these landholdings in relation to the care of the livestock. The functional test is therefore met.
2. I have calculated the labour requirement on this farm to be 2 full time workers and therefore the labour requirement test is met.
3. This business is financially viable and has a clear prospect of remaining so and therefore the financial test is met.
4. Of the 2 full time workers required to operate this business, 1 should be resident on or immediately adjacent to this holding.
5. The existing dwelling at Scalegill Hall is available to the farming business to house this 1 worker and could be suitable after appropriate refurbishment.
6. Difficulties encountered in crossing the A595 road can be mitigated against by transporting animals and timing field operations.
7. The potential loss of the house, farm buildings and adjacent land at Scalegill Hall is under the control of the applicant. In my view, any disposal will constitute evidence of lack of need for a dwelling as paragraph 5 Annex A PPS7.



A G Jackson BSc FRICS FAAV
10 August 2011

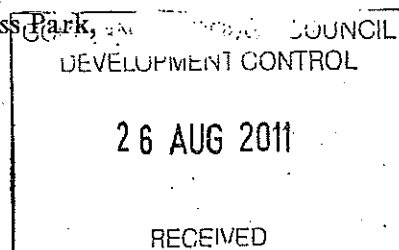
COMPLIANCE WITH RICS PRACTICE STATEMENT SURVEYORS ACTING AS EXPERT WITNESSES

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 3rd Edition effective from 1 January 2009 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion; and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement*; and
- (iii) That the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'.



D J Jones & J M Cosker
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Our Ref: Thomsen Estates
Your Ref:
Direct Line: 01900 823066
E-mail: Cockermouth@nfumutual.co.uk
Date: 24th August 2011

Dear Sir/Madam,

**REFERENCE: THOMSEN ESTATES & PROPOSED AGRICULTURAL
WORKER'S DWELLING NEAR MOOR ROW, WHITEHAVEN**

I write with reference to the above proposal for a new Agricultural Worker's dwelling from our member Mrs Yvonne Clarkson of Thomsen Estates.

I have studied both reports compiled by David Hetherington and also Alan Jackson in relation to the application and do not plan to cover issues of common agreement such as the labour unit calculation and the forthcoming retirement of the current farm manager who has his own house. I would however like to draw to the attention of the planning committee the following factors which I feel should be given very significant emphasis in the decision making process.

Road Traffic Safety.

As the reports detail the vast majority of the land which makes up Scalegill Hall and Shaw Farm lies to the west of the A595, whilst the old farmhouse and range of buildings is to the east. As you will no doubt be aware the A595 has a notorious history as being classed as the most dangerous road in the country in terms of serious accidents and fatalities. The poor safety record of the road is highlighted by signs erected on the route stating "1245 casualties in 5 years". Just a few months ago a motorcyclist was killed only yards from the junction used by our members.

The relentless flow of traffic past the end of the land between the Farmhouse and Buildings and the main block of land is effected hugely by the commuter traffic from Sellafield with shift patterns meaning a steady stream from 6am to 10pm. In the past our members were able to obtain assistance from the police when needing to move livestock from one side of the A595 to the other, but this service has been removed and a number of animals and sheepdogs have been killed in recent years due to impatient or speeding drivers.

The farm's business is now more than ever concentrated on meat production from sheep and the need to move them from one side of the road for lambing, shearing and general husbandry and welfare reasons is making the position untenable. Clearly a new agricultural worker's dwelling on the same side of the road as the majority of the grazing land, along with an appropriate general purpose livestock, implement and crop store would ensure our

The NFU champions British farming and provides professional representation and services to its farmer and grower members.

Registered in England No. 245E

Supported by:



NFU Mutual



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members and the new farm manager would be able to provide their animals with an even greater level of care. This would also benefit the animals in the reduction of stress caused by unnecessary movements in livestock trailers or on foot. The traffic flow would also not be impeded ensuring less disruption to commuters and the local economy.

Scalegill Hall Farmhouse & Buildings

From a practical and economic point it would seem far more viable to establish an agricultural worker's dwelling on the preferred site to the west of the A595 than spend considerable sums on the existing property which is in a very poor state. The fact that the land and the farmstead are now classified as a Brown Field site for likely future development/expansion of the West Lakes Science Park and other nuclear related companies has resulted in a major concern that development on this side of the road would not only adversely effect the running of the farm business and its future profitability after the current farm manager's retirement, but also such investment could be subject to a compulsory purchase order at some point in the not too distant future. Clearly with the perilous state of the economy few financial institutions would be willing to lend money to our members once made aware of a possible compulsory purchase order hanging over them with no idea as to what they would receive via compensation.

In summary both reports agree to the need for an agricultural property being available to a future farm manager following the retirement of Mr. Roper both in terms labour units and animal well-being. However with the constant increase in traffic on the A595 the only logical solution to the continuing disruption on what is a vital trunk road for the economy of West Cumbria and the distress to livestock would be to grant the business of Thomsen Estates permission to construct an new agricultural worker's dwelling and agricultural building on the west side of the A595.

Yours Faithfully,



Jim Cosker BA Hons Cert CII

Group Secretary for the West Cumbria Branches of the NFU.





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Date: 26 September 2011

TO WHOM IT MAY CONCERN

Dear Sirs,

Ref. Thomsen Estates – Scalegill Hall

We write further to our letter of support in connection with the above application and understand that the council are minded to reject this application on the grounds that there is presently a farm house at Scalegill Hall and that there is no proven agricultural need to construct a new farm house on the opposite side of the road. In response to these comments, we would state that whilst there is a house (structurally sound, but internally in a poor state of repair), it really is not fit for purpose in relation to the current farming practices of our member. As was stated in our earlier letter this is due to a number of reasons:

1) **Health & safety issues** – The continual movement of livestock from the East to the West (and vice versa) over the A595 is “an accident waiting to happen”. Livestock are either loaded into vehicles and transported across the road or are driven on foot across this trunk road. In the past, our members have been able to call upon the Police to assist in traffic control. However in recent years they have been unable to help due to manpower/budget constraints. This is obviously a health and safety matter both with regards to the livestock and the farm workers who are involved. The road safety issues that were mentioned in our earlier letter are obviously still all valid and it is the huge increase in the volume of traffic now present on the A595 (primarily due to the development of Sellafield and West Lakes) which has meant that the buildings on the east side of this road are no longer fit for purpose.

2) **Animal husbandry** – we understand that the planning authority may be happy to allow the construction of a farm building on this site. But that does not really solve the problem, particularly with regards to security and animal husbandry. When animals are inside for lambing/calving and veterinary treatment, it is best for the farmer / farm worker to also be nearby to assist should any problems arise, particularly overnight. In addition, animals housed in a remote farm building (away from any dwelling) is a very attractive proposition for any would be thieves. The theft of livestock, particularly sheep, has increased dramatically over recent years.

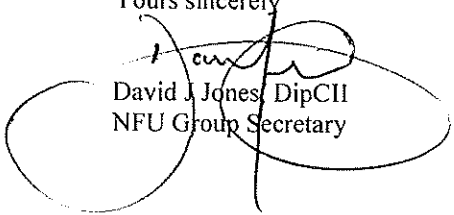
3) **Economic viability** – As was proved in the agricultural appraisal produced by David Hetherington, there is an economic need for an agricultural dwelling on this holding and as 90% of the land attached to the holding is on the west side of the A595 it makes complete sense for a dwelling to be erected there. The current situation adds many hours of work time and expense to the running of this unit, in what are extremely difficult economic trading times and if this position is not allowed to change, then the long term economic viability of this particular business has to be in jeopardy.

4) Finally, whilst there are other farms in the county with land either side of an “A” road, what is unusual in this case is the overall % of land across the road from the main farm house and buildings, which makes the
Continued.....

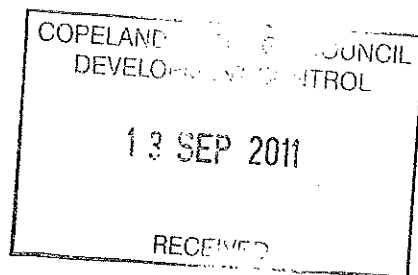
whole set up more difficult to manage. Indeed, in other parts of the County, particularly when the A66 has been extended / duelled, many farmers have been fortunate enough to have tunnels built under the road for their livestock to use, thus avoiding the need to cross the road at all.

I trust you find the above to be in order and if you feel we can be of any further assistance in this matter please do not hesitate to contact us.

Yours sincerely



David J. Jones, DipCII
NFU Group Secretary



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01946-810478

8/9/2011

Mr J A Pomfret
Development Control Manager
The Copeland Centre
Catherine St
Whitehaven
CA28 7SJ

Dear Mr Pomfret

Application 4/11/2298/001 – Linethwaite

I wrote to you and Heather Morrison on the 8/8/2011 objecting to the above Application. On the 7/9/2011 I visited Copeland Offices and had a full read of the working file relating to the Application. As a result I have some additional comments to make.

Mr Alan Jackson's Report

Item 8.4 - In this the Applicant clearly stated to Mr Jackson that it was the intention to relocate the farming enterprise to the west of the A595 and the proposed dwelling and general purpose building would become the centre of the farm buildings at that location.

(Comment - This confirms my suspicion that the Application is the first of many at that location.)

Item 9.2 (iv) - "... 1 full time worker to be based on or adjacent to the farm. The existing building would be suitable after refurbishment"

(Comment - The existing building is a Grade II building and should not be demolished to make way for Westlakes.)

Item 9.2 (v) -

a) Mr Jackson clearly agrees that the A595 is a busy road but that is not an argument for relocation as the problems encountered are no worse than at many other farms. By organisation and timing of movements they manage the problem.

b) Mr Jackson says that the argument in the Application about the threat of compulsory purchase is "unfounded"

c) Mr Jackson suggests that the Council should check if the Scalegill Hall area was put forward, by the Applicant, for inclusion in the Westlakes plan.

(Comment – a) Mr Jackson confirms my view that traffic movement problems have been overstated. b) Mr Jackson clearly implies that the Applicant's arguments about the "threat" of Westlakes are overstated c) The Council should check this out as it may put the Application in a different light.)

Screen Print No 5 (at back of file)

This shows the land owned by the Thomsom Estates.

(Comment – I find it incredible that, given all the land owned and knowing that their intention was to relocate the entire farm , that the location in the Application was chosen..)

I understand that the Planning Meeting is set for 5pm on 14/9/2011. I would like the following to be considered:-

- 1) The Comments and Conclusion in my letter of the 8/8/2011 are still applicable.
- 2) Mr Jackson's report agrees with many points in my letter.
- 3) As I understand it Westlakes' preferred direction of expansion is towards Summergrove. Any expansion towards Scalegill may never happen.
- 4) Scalegill Hall is Grade II and should be renovated if possible
- 5) Scalegill Hall should be deleted from the Westlakes plan . This would negate the need for the Application.
- 6) I find it incredible that the site on the Application was chosen given the other land that is owned by the Applicant and he knowing that it was his intention to relocate the entire farm enterprise as well.
- 7) The Application and the subsequent relocation of the farming enterprise is totally inappropriate for the site.
- 8) The Application should be rejected totally and Scalegill Hall removed from the Westlakes Plan.

Yours sincerely



J D Peel

ITEM NO: 2.

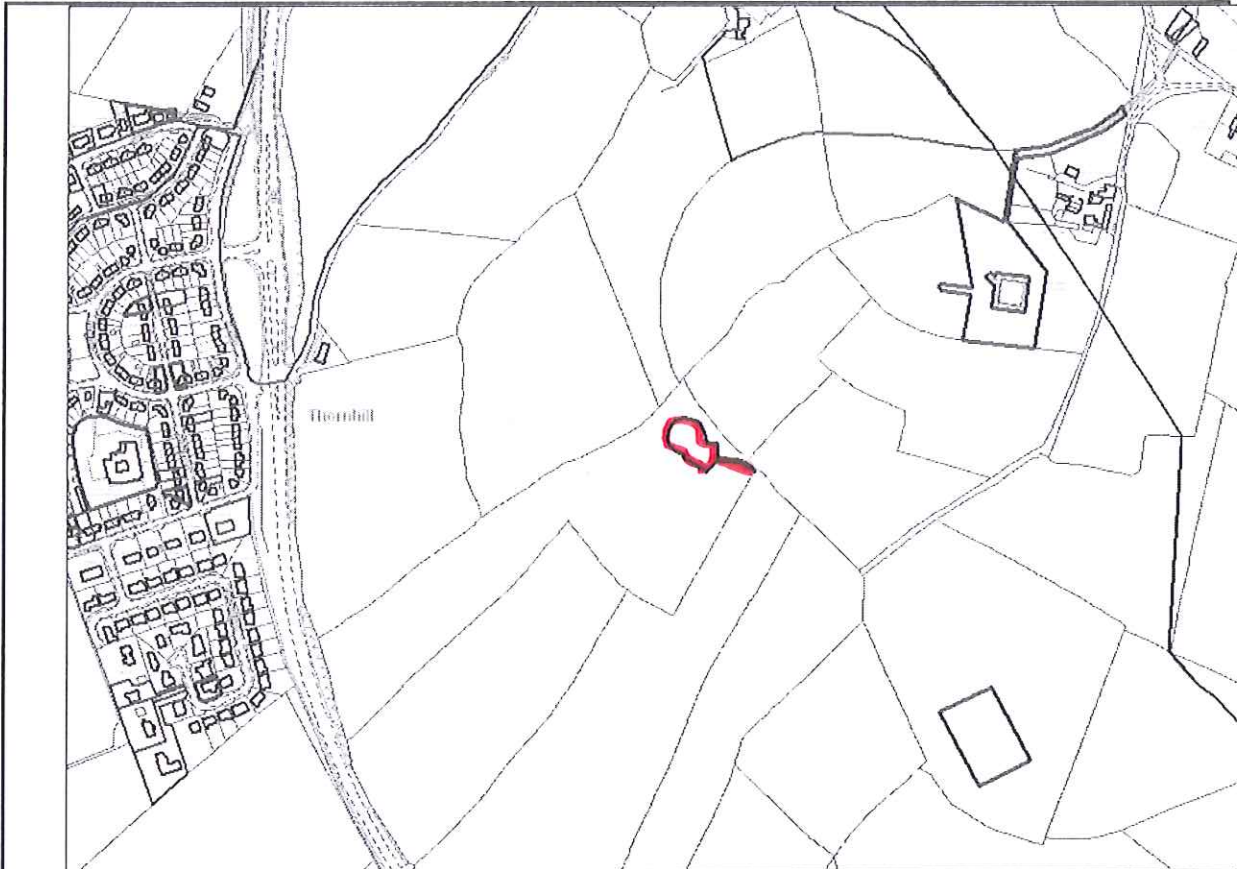


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 12/10/2011

Application Number:	4/11/2361/0F1
Application Type:	Full : CBC
Applicant:	Mr R Sherwen
Application Address:	LAND AT HIGH THORNY, CARLETON, EGREMONT
Proposal	ERECTION OF A WIND TURBINE
Parish:	Haile
Recommendation Summary:	Refuse



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INTRODUCTION

At the last Planning Panel on 14 September 2011 Members agreed to visit the site in order to fully appraise all the relevant and material planning considerations the application raises prior to its determination. The site visit took place on Wednesday 28 September 2011.

THE PROPOSAL

Planning permission is sought to erect a single 500kw wind turbine on an elevated greenfield site to the south of High Thorny Farm near Carleton, a small hamlet to the south of Egremont.

It is proposed to locate the turbine on an isolated site comprising agricultural land some 240 metres south of High Thorny farm and 250 metres to the east of the A595 and the neighbouring village of Thornhill.

In terms of detail the proposed turbine will comprise three blades situated on top of a 55.6m high tower resulting in a total height of 79.6m including tower, hub and blades. Externally the turbine will be finished in a pale grey matt colour. The purpose of the facility is to reduce the farms financial overheads and reduce carbon emissions.

Vehicular access is via an existing hard core track leading from Beckermets Industrial Estate, some 550 metres in length, directly to the field where the turbine is proposed. From there a new 35 metre long section of access road will be constructed within the field to link the turbine site to the existing track. Connection cables to the local grid will be via underground ducting.

The application is accompanied by a Planning Statement & Environmental Report, Visual Impact Assessment, Noise Assessment, Shadow Flicker Assessment and a Habitat Survey. The site location is justified in the applicants supporting case on the basis that it would provide the necessary balance between capturing the wind resource and protecting the local environment. They consider that the proposal would have a moderate to low impact on the landscape and that visually the turbine would only have a localised impact to northbound traffic over half a kilometre on the stretch of the A595. The noise and shadow flicker assessments conclude that the proposal complies with established guidelines and it would have no shadow or noise impacts on residential amenities of adjoining properties. The Habitat Survey concludes that there would be little impact on any important or protected habitat.

CONSULTATIONS

The following consultation responses have been received to date:

Haile Parish Council strongly object to this application. The height of the turbine is monstrous and would have a visual impact for the majority of the parish. Following the recent distribution of a parish plan questionnaire to the entire parish there was a strong consensus that the building of wind farms in the parish would be totally unacceptable.

The Highway Authority raise no objections.

The Ward Councillor for Beckermest requested a site visit be carried out before the application is determined given that she has been contacted by a large number of concerned residents from Thornhill, Beckermest, Haile and Carleton and further afield which has now been undertaken. She will exercise the right to speak to the Planning Panel on this issue.

Environmental Health Officer – has raised some initial concerns on potential noise and wind shear effect a detailed response is awaited and will be reported verbally to the Panel.

There is strong local opposition to this application. To date over 240 letters of objection, as well as a 40 signature petition, have been received from residents of Carleton, Thornhill, Egremont, Haile, Wilton, Calderbridge, Braystones, Ravenglass, Lowca, Lamplugh and Asby. The grounds for objection can be summarised as follows:-

1. Visual impact. This structure would dominate what is a rural landscape and would be sited 130m above sea level. As such, it would be visible from miles around and would be a blot on the landscape and inevitably have a detrimental impact on the view enjoyed by so many residents.
2. Noise. The turbine would be acoustically intrusive in a predominantly rural area where there is at present little ambient noise. The noise would be irritating to those living nearby.
3. Shadow flicker. The turbine will cast shadows on nearby houses.
4. Biodiversity. The turbine could be harmful to buzzards, barn owls, swallows, herons and bats.

5. Precedent. This rural location has not been designated for industrial development and if the application should be approved it would open the door for other turbines to be erected and encourage many more landowners to apply for wind turbines on agricultural land.
6. The aim is to supply electricity into the National Grid not just for the owner of High Thornys use and therefore is totally unnecessary.
7. There will be no economic benefit to the area. It will not provide local job opportunities.
8. Whilst not in the Lake District National Park this area increasingly relies on tourism to boost the economy. The development will put blight on the area.
9. Health & Safety guidelines state that no turbines should be within 2.5 kilometres of any inhabited properties. People live 350m from this proposed turbine.
10. There have been cases of turbines blowing over in Carlisle and Carnforth. What safety and insurance guarantees would be given?
11. Health. People living close to turbines can suffer from wind turbine syndrome/vibro-acoustic disease symptoms of which include sleep problems, headaches, dizziness, nausea, anxiety, anger, depression, tinnitus and heart conditions.
12. Accuracy of the reports. The data supplied by various environmental reports is flawed. Vantage point photos have been taken from the road and none have been taken from the village of Thornhill. One of the closest buildings, Windscales Reservoir, is currently being converted into a family home, this has been omitted.
13. The site is accessible only by narrow country lanes.
14. Land ownership/boundary issues.

15. Business and property values would be harmed.
16. Limited time given to objectors to comment. 'Open Government' should involve giving adequate time to consider.
17. Concerns regarding the publicity of the application and the lack of site notices.
18. Turbines are expensive have been taken down in Germany as they proved inefficient. The government should be looking at hydro-electric and sea power as Cumbria has the ability to provide these without destroying the landscape.

For the purpose of clarification it should be noted particularly in the context of the third party submissions received (objections), that the grid reference for this application that originally appeared on the Council's website as part of the weekly list of planning applications was incorrect – showing the position of the turbine some 20 metres further to the west than that proposed. Following investigations this was found to be due to an error with our GIS mapping system and can confirm that the grid reference shown on file is correct. Until the matter is resolved with GIS all grid references for planning applications have temporarily been removed from the weekly list. It is envisaged that this probably would potentially have affected only a small proportion of the objections received.

PLANNING POLICY

The following documents are considered relevant and material to the assessment of this application:

Planning Policy Statement 22 (PPS22) 'Renewable Energy' sets out the Governments Policies for renewable energy which local planning authorities should take into account when making decisions on planning applications. Planning for Renewable Energy: A Companion Guide to PPS22 provides practical advice as to how these policies can be implemented. Key Principle 1 of PPS22 paragraph (i) and (iv) are particularly relevant, the former cites that 'Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and

environmental, economic and social impacts can be addressed satisfactorily` whilst the latter; `the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.` The Companion Guide also advises on how to evaluate renewable energy applications in order to arrive at an objective view and that landscape and visual effects should be assessed on a case by case basis.

Cumbria Wind Energy Supplementary Planning Document, adopted 2008, developed jointly by the Cumbrian local planning authorities to support policy implementation and provide consistent guidance for wind energy development provides locational guidance for wind farm development; acknowledges that Cumbria has a high quality environment and advocates that future decisions are made against a robust assessment of landscape capacity based on landscape character, sensitivity and value.

Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) are specifically relevant. The former supports renewable energy developments and sets out the criteria against which all proposals for renewable energy are to be considered. This is set out below:

`Proposals for any form of renewable energy development must satisfy the following criteria:

1. That there would be no significant adverse visual effects.
2. That there would be no significant adverse effects on landscape or townscape character and distinctiveness.
3. That there would be no adverse impact on biodiversity.
4. That proposals would not cause unacceptable harm to features of local, national and international importance for nature or heritage conservation.
5. That measures are taken to mitigate any noise, smell, dust, fumes or other nuisance likely to affect nearby residents or other adjoining land users.
6. That adequate provision can be made for access, parking and any potentially adverse impacts on the highway network.
7. That any waste arising as a result of the development would be minimised and dealt with using a suitable means of disposal.
8. There would be no adverse unacceptable conflict with any existing recreational facilities and their access routes.

9. That they would not give rise to any unacceptable cumulative effects when considered against any previous extant planning approvals for renewable energy development or other existing/ approved utility infrastructure in the vicinity.

Policy EGY 2 refers specifically to wind energy and requires that such proposals meet the criteria set out in EGY 1 above as well as providing for the removal of the turbines when they cease to be operational and site restoration.

The recent Draft National Policy Framework, published 25 July 2011, advocates an overall presumption in favour of sustainable development. It cites that the primary objective of development management is to foster the delivery of sustainable development and not hinder or prevent it. It also reinforces the assertion that the planning system is plan-led and that local plans are the starting point for the determination of any planning application – as is the case in the assessment of this application. However, as this is only a consultation document and is likely to be subject to change before it is adopted little weight is given to it in the consideration of this application.

ASSESSMENT

It is accepted in this instance from the supporting documentation accompanying the application that it is likely there would be no negative effects of erecting such a large single turbine in this location in relation to the issues of ecology, noise, shadow flicker, aviation and communications, transport and access and heritage / archaeology as detailed below:

- 1) Ecology: Given that the land is farmed / disturbed and the site is over 50m from an existing hedgerow and does not have any special wildlife designation the turbine is unlikely to adversely affect any wildlife interests. The Habitat Survey concludes that there would be little impact on any important or protected habitat. It notes that there may be potential for the turbine to have some effect on skylark population but there are similar habitats in the surrounding survey area that should allow the population to move if disturbed. Providing the turbine is sited at least 50 metres away from the hedgebanks there is unlikely to be a significant impact on barn owl and bat populations.
- 2) Noise: The supporting case contends that any noise arising from the turbine in operation would be below the recommended level and would have no impact on surrounding properties - this is awaiting verification by our Environmental Health Officer.
- 3) Shadow Flicker: The accompanying assessment concludes that the only property that may be affected is that of High Thorny which is the applicants own dwelling and even so this is considered to be negligible.
- 4) Aviation and Communications. No MOD or aviation concerns are envisaged. Telecommunications and television interference investigations have revealed that the proposed turbine would have no impact on services in the area.
- 5) Transport and Access. Access to the site already exists and the Highway Authority raise no objections to the proposal. Whilst construction would increase traffic

movements to the site this would only be temporary. Operational traffic will be insignificant.

- 6) Heritage and Archaeology. There are no conservation areas, ancient monuments or listed buildings likely to be affected in the vicinity.

However, despite the above there are significant concerns relating to landscape and visual effects of the proposal which are material and deemed to carry considerable weight as assessed below:

Impact on the Landscape.

The effect of the proposed wind turbine on the character and appearance of the surrounding rural landscape is considered to be the key issue in assessing this application.

The site comprises an elevated green field, location, open in character.

Cumbria Landscape Character Guidance and Toolkit, March 2011, identifies the site and land in the vicinity as Type 5 'lowland low farmland' – a large scale open landscape which is sensitive to both incremental and planned development and agricultural change. The vision is that the key feature as a well maintained working landscape will be conserved and enhanced. There is concern that without careful control wind energy schemes could change the areas character. It advocates that wind energy development should be carefully sited and designed to prevent this becoming an energy landscape and specifically advises that prominent locations should be avoided and appropriate mitigation employed. This proposal is for a tall structure, some 79.6 metres in overall height, in a prominent and elevated location which is wide open to views from both the immediate and wider locality. It is noted that there are telegraph poles sited further down the field, which only serve to accentuate the turbines height, being relatively small in scale compared to the turbine. Other vertical structures in the vicinity, with the exception of the Sellafield complex some 5.4 km to the south, are absent. Thus, in my opinion, the proposed turbine would constitute an isolated and prominent feature incongruous in its surroundings and, as a result, have a materially harmful effect on the character and appearance of the surrounding rural landscape contrary to criterion 2 of Policy EGY 1 of the local plan.

Visual Impact

In terms of visual impact it is considered that the siting of one large 79.6 metre high turbine, which is larger than the average domestic turbine, in such a prominent rural location on an elevated site on the rise of a hill in open countryside some 250 metres east of the A595 and the predominantly residential settlement of Thornhill and 240 metres to the south of the

applicants farm group, would have an unacceptable adverse visual impact on the immediate and wider rural landscape at variance with criterion 1 of Policy EGY 1 of the local plan.

Conclusion

Taking the above into account, it is considered that the effect of the proposal on the landscape and its visual impact in this instance outweigh the positive benefits. In my opinion the proposed siting of a large turbine in such a prominent and visually sensitive setting in open countryside would have a materially harmful effect on the character and appearance of the surrounding rural landscape contrary to Policy EGY 1 of the local plan.

Recommendation:-

Refuse

Reason for Decision

The proposed siting of one large turbine, some 79.6 metres in overall height, would introduce an isolated, prominent feature, incongruous in its surroundings, which would have a materially harmful effect on the character and appearance of the surrounding rural landscape contrary to Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the advice contained in Planning Policy Statement 22 "Renewable Energy".

ITEM NO: 3.



To: PLANNING PANEL

Development Control Manager

Date of Meeting: 12/10/2011

Application Number:	4/11/2373/0F1
Application Type:	Full : CBC
Applicant:	Magnus Homes
Application Address:	MARK HOUSE, STRAND STREET & PARK NIGHTCLUB, DUKE STREET, WHITEHAVEN
Proposal	DEMOLITION AND PART RETENTION OF EXISTING BUILDING AND REDEVELOPMENT OF SITE TO PROVIDE 43 DWELLINGS AND COMMERCIAL UNITS
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to a prominent site which lies adjacent to the harbour within the Conservation Area. The site is currently occupied by the former swimming baths which was last in use as a nightclub and also Mark House, a former office building. Both of the existing buildings are vacant and their condition has deteriorated over recent years.

Members deferred this application at the August meeting to enable them to visit the site. The site visit took place on 31 August 2011.

PROPOSAL

Planning permission is sought for the redevelopment of the site to provide a mixed use development comprising 43 flats, and approximately 4000 sq metres of commercial space. The majority of the existing structures are to be demolished to facilitate this redevelopment. The only structures which are to be retained as part of the development are perimeter wall and the tower/cupola of the original Victorian public bath house which fronts onto Duke Street.

The submitted scheme was the winning entry in the international design competition that was administered by the Royal Institute of British Architects in 2010. Following on from the competition the scheme has been amended following pre application discussions with Officers.

The proposed building will vary in height across its length and will extend up to a maximum six storeys. The building is of a modern design which includes large sections of glazing. It will be finished externally with white render and the windows will be constructed of powder coated metal.

A car park is to be created within the basement to provide 75 spaces which will be accessed using an existing vehicular entrance off Strand Street. The parking spaces are to be allocated for use by both residents of the flats and also office workers.

The proposed development will occupy the majority of the site and has been designed to have separate frontages to both the Millenium Way and Strand Street. The proposed commercial space is capable of subdivision into smaller units if required and will be accessed exclusively from Strand Street. The residential units will be accessed off Millenium Way by either internal courtyards or external staircases. The retained part of the former swimming pool building is to be used as a retail/café unit which will be accessed off Duke Street using the original entrance to the building. An outdoor seating area is to be created on the harbour frontage to serve this unit,

It is proposed to remove the existing trees and grass on Millenium Way and replace this with a hard surfaced area which will accommodate some seating.

The following information has been submitted with the application:-

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

- an archaeology report
- a contamination report
- an ecology and bat survey
- a transport assessment

CONSULTATION RESPONSES

Natural England

Given the nature and scale of this proposal Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and the submitted plans on account of the impact on designated sites.

Strategic Planning Manager

Support the proposal as it would help to regenerate a prominent harbourside site and provide an active frontage onto Strand Street.

The site is identified as a Town Centre Development Opportunity site in the adopted Copeland Local Plan 2001-2016 and its development is consistent with the Town Centre policies. The proposal incorporates a good mix of commercial and residential uses. Additionally the design of the building follows guidance set out in the development guide for the site in that it retains the facade of the public baths, is more than 3 storeys high and reinforces the route between Strand Street and the harbour.

The development offers an opportunity to secure some of the improvements along Strand Street that are included within the Whitehaven Streetscapes initiative that has been compiled by the County Council.

Car parking should achieve the required standard of one space per residential unit as set out in the Parking Guidelines in Cumbria.

Archaeology

The site lies within an area of archaeological potential. Although the ground has been partly disturbed by the former buildings outside these areas archaeological remains are likely to survive which would be destroyed by the proposed development. I therefore recommend

that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development.

Copeland Disability Forum

Have requested confirmation on the following points:-

- The number of designated disabled car parking spaces
- The impact of the supporting columns within the car park on the use of these car parking spaces
- Details of the gradient of the ground in front of the building on Millenium Way to ensure that it is suitable for wheelchair users
- Clarification that the flats and external circulation spaces are suitable for wheelchair users

English Heritage

The application site occupies an extremely prominent location in the Whitehaven Conservation Area. The majority of the existing buildings on the site have a negative impact on the conservation area and there is a clear opportunity to enhance the significance and distinctiveness of the conservation area through an appropriate form of development. However, despite the opportunity presented by the architectural competition that resulted in the current proposal we are concerned about the impact on the character and appearance of the conservation area and limited understanding of the distinctiveness of Whitehaven represented by the proposed scheme.

The scale and mass of the proposal would have a significant impact on the character and appearance of the Conservation Area and on the important views across the Conservation Area as a whole. The proposed building would be similar in height to Pears House and stand above the established roofscape of the town centre. The proposals would introduce a formal building line to the harbour and while this approach is consistent with the character of Strand Street, it would not sustain the distinctiveness of the more informal building line and enclosure to the harbour which reflects the historic relationship between the harbour and town centre. Despite attempts to articulate the harbour frontage with the three tower elements, from an oblique angle along the length of the harbour promenade the scheme would be read as a single mass, the scale and grain of which would not appear to understand the townscape context of Whitehaven.

The cupola of the baths building would be retained, however its contribution to the street scene would be compromised by the proximity of the projecting glazed bays.

Overall the proposals would have a dominating impact on the character and appearance of the Conservation Area. Little consideration appears to have been given to the impact on the wider views from the north and south of the harbour, the Old Quay and the higher ground above the Beacon.

Copelands Conservation/Urban Design Consultants – North of England Civic Trust

The proposed building extends the redevelopment of the harbour frontage which is now adding a new layer of architectural activity into the town. It is undeniably modern in terms of appearance, shape and articulation. I have no objections to the principle of introducing contemporary architecture into the town, particularly where it will not adversely impact upon the core of the Georgian planned town where historic layout could be compromised as new well designed architecture can introduce vitality and aesthetic diversity. I have no objections to the general appearance and architecture composition of the proposed development. Whilst it would have been better to have greater exposure of the cupola which would lead to a better balance between the retained frontage and the new build I accept that the surviving bits of the baths have been successfully incorporated into the function of the development. Basically I am pleased that the historic/architecturally significant parts of the building are to be retained and will continue to make a significant contribution to the Duke Street elevation.

The relationship between the new development and the listed buildings is critical, both in terms of the buildings and their setting. The design and details should deliver an appropriate backdrop. It would have been beneficial to enliven the rendered finish on this elevation through the introduction of some glazing which would visually narrow the block, reduce its visual impact in relation to the listed buildings and provide some animation.

Now that the pedestrian arcade through the building has been deleted it is important to make every attempt to secure views through the building to create visual links between Strand Street and Millenium Way. The use of the ground floor for retail/office use is very welcome and will enliven both Millenium Way and Strand Street.

The harbour side frontage is busy with substantial modelling. Strand Street does not have the same degree of architectural activity with large areas of flat render and limited window

openings. The three set backs on the lower floors of this elevation is a reflection of the historic terraced pattern which is appropriate.

Public realm works will need to be thoroughly thought through. The external space on the harbour frontage blends into Millenium Way and the proposed scheme should unite rather than divide the two. The proposals look to be along the right lines but specifications will need to be conditioned.

Places Matter

Overall this is a well designed, appropriate and robust scheme which sets the standard for all future developments in this important harbourside location as well as the wider environs of Whitehaven, bringing to the forefront the value and importance of high quality design.

The proposed building presents a strong frontage to Millenium Way providing an animated and interesting elevation and cleverly uses a stepped section to maximise harbour views and give an appropriate scale and height to both Millenium Way and Strand Street, as well as successfully separating residential and commercial access.

The treatment of hard landscaping on the Millenium Way has been improved from earlier plans and the proposals are now a much clearer and well defined solution which we support. The curved wall and steps have been simplified to create a more approachable frontage and provides clarity to the residential access points whilst encouraging public use and movement between the higher and lower levels. We particularly like the stair plinths which we feel reinforce the interaction between public and private whilst clearly providing a more domestic feel that the residents can identify with.

We still have some issues with the entrance to the underground car park on Strand Street which is to be widened. This will distract from the continuity of the street and we would encourage the use of a continuous pavement treatment which will still allow for vehicle use as recommended by the "Manual for Streets". Issues relating to the retention of the trees and highway signs along the road frontage need to be resolved.

The success of this development will rely on the quality of the materials used and this should be carefully controlled. Due to the sites coastal and exposed location the building is particularly vulnerable to weathering so the materials should be appropriate for this location and of the highest standards.

Environment Agency

Contaminants may exist on the site which result from the materials previously used to heat the former swimming pool and building. These warrant further investigation. This can be covered by a condition.

As the site lies within the vicinity of Midgey Gill which is a culverted main river which runs down Duke Street and outfalls into the inner harbour flood defence consent will be required from the Environment Agency.

United Utilities

As confirmation has been provide by the agent that surface water will be connected into the existing storm drain which will discharge into the sea no objections are raised to this application.

Flood and Coastal Defence Engineer

The development falls within Flood Zone 1 and PPS 25 defines that all uses of land are appropriate in this zone.

The development falls within an area that is susceptible to a lesser and intermediate extent of surface water flooding. If surface water is to discharge into Midgey Gill then consent will be required from the Environment Agency.

Foul sewage is to be discharged into the main sewer. Providing that the discharge rates of foul sewage from the development are within the capacity of the adopted sewer network and United Utilities accept the foul sewage from the site then I would have no objections to this arrangement.

Highways

Following the submission of additional details by the applicants agent there are no highways objections to the proposal subject to conditions which require the highways modifications

to be completed before the development is occupied, the preparation of a travel plan by the occupants of the office accommodation, the provision of adequate visibility splays at the site entrance and the implementation of suitable measures to prevent surface water discharging onto or off the highway.

Other

Four letters of objection have been received from local residents. Their main concerns are as follows:-

- This is an unsympathetic building which will create a massive frontage onto the harbour which will be out of keeping with the Georgian Town
- The development extends onto public land
- The development will create a solid structure across the harbour frontage which will create a barrier between the harbour and the town
- The development will result in the loss of the only trees on the harbour frontage
- The gantry steps on the harbour frontage will create a physical and visual intrusion into the public space and also affect the amenity of adjoining property
- The building is excessive in height and will block views of the harbour
- The development will have an adverse impact on the adjoining listed buildings, in particular the Black House
- Any construction works are likely to affect the foundations of the adjoining listed buildings which are unlikely to have robust foundations due to the age of these buildings
- The proximity of the development to the adjoining listed buildings will not allow access to the rear wall for repair and maintenance

PLANNING POLICY

National Policy

Government guidance set out in Planning Policy Statement 1: Delivering Sustainable Development establishes sustainable development as the core principle underpinning planning.

Planning Policy Statement 4: Planning for Sustainable Growth encourages LPAs to adopt a positive and constructive approach towards planning applications for town centre development which secures sustainable economic growth.

Planning Policy Statement 5: Planning for the Historic Environment seeks to conserve the historic environment and existing heritage assets and sets out various Development Management policies.

Policy HE 7 sets out the criteria that relates to applications for all heritage assets. LPAs are required to determine the significance of the asset and the impact on their significance. New development should make a contribution to local distinctiveness and the role of heritage in enhancing economic viability/sustainability of communities.

Policy HE9 sets a presumption in favour of conserving designated assets and seeks to ensure that approval should only be given if the loss of the asset and the new development delivers substantial public benefits.

Policy HE10 requires LPAs to weigh the harm to the setting of the heritage assets against any wider public benefits of the application.

West Cumbria has been established as Britain's Energy Coast. A Master Plan has been produced which lists a package of projects that will be used as a springboard for the regeneration of West Cumbria. These include new employment sites.

Local Plan Policy

The following planning policies within the adopted Copeland Local Plan 2001-2016 are relevant to this proposal:-

DEV 1 – Sustainable Development and Regeneration. This policy seeks development to contribute to achieving a sustainable regeneration of the Borough.

DEV 2 – Key Service Centres. This policy defines Whitehaven as the key service centre within the Borough

DEV 6 – Sustainability in Design. This requires all new development to be of a high quality and respectful to the historic environment.

DEV 8 – Major Development. This policy relates specifically to major development.

EMP 5 – Employment Uses in Key Service Centres. This policy encourages appropriately scaled employment development or redevelopment within town centres.

TCN 4 – Town Centre Design. This policy requires new development to be of a high standard of design which is accessible to all users, achieves appropriate car parking standards and does not involve the loss of groups of trees or wildlife

TCN 9 – Whitehaven Town Centre Strategy. This establishes a strategy for new development which emphasizes the role of Whitehaven as the principal settlement within the Borough.

TCN 10 - Whitehaven Town Centre. This policy defines the uses that are appropriate within the town centre.

TCN 12 - Town Centre Opportunity Development Sites. This policy identifies the Mark House site as an appropriate development site where commercial, retail and residential uses are appropriate.

ENV 5 – Protected Species. This policy seeks to ensure that development will not have an adverse impact on relevant species.

ENV 26 - Development in and Affecting Conservation Areas. This policy seeks to ensure that any new development will preserve or enhance that character and appearance of the Conservation Area.

TSP 6 – General Development Requirements. This policy only permits development where the access and travel needs created by the development can be met.

TSP 7 – Transport Assessments and Travel Plans. This policy requires major applications to be accompanied by the appropriate assessments to ensure that it will not have any adverse impact on the highway network.

The adopted Whitehaven Town Centre Conservation Area Character Appraisal identifies the site as part of the North Harbour character area. This area has continually expanded and developed to enable it to meet the towns changing maritime, industrial and commercial demands.

Mark House is identified as a building which fails to make a positive contribution to the area. It also acknowledges that Strand Street is characterised by unattractive rears of buildings and also derelict sites and vacant buildings. These elements combine to create an extremely incoherent and incomplete streetscape which does little to enhance the character or appearance of the town centres Conservation Area.

As part of the Conservation Area Appraisal a development guide has been produced for this site. The purpose of this guide was to encourage appropriate high quality development on the site and the enhancement of the special historic character of this part of the town. It sets the following criteria as a guide to development:-

- Good quality architecture that improves and enhances the character of the Conservation Area
- Retains the facade of the former public baths as part of a comprehensive scheme for the site
- Maintain and reinforce a route between Strand Street and the harbour
- Introduce active frontages on the harbour, Duke Street and Strand Street
- Architectural emphasis to be placed upon the north east corner
- Acknowledge the nearby listed buildings on New Lowther Street and Duke Street and do not detract from or overwhelming their setting
- New development to be taken up to the back of the footpath
- New buildings to be a minimum of three storeys in height
- Any new buildings higher than three stories to be of high quality, justified in urban design terms and fully considered from all vantage points.

ASSESSMENT

This site occupies a very prominent location on the harbour front. It is currently occupied by several derelict buildings, the majority of which have a negative effect on the conservation area.

The submitted scheme seeks to redevelop the area to produce a high quality modern development which will result in a significant improvement to this part of the Conservation Area

The site is allocated as a Development Opportunity site within the adopted Copeland Local Plan 2001-2016 which establishes the principle of redeveloping the site. The mix of commercial and residential uses is also considered to be acceptable in this town centre location.

Main issue is whether the proposed building is suitable in terms of scale and design for this prominent location. The submitted scheme was the winning entry in an international design competition which was administered by RIBA. Representatives from CABE, English Heritage and the North of England Civic Trust were involved in the selection process. The owner of the site has commissioned the winning architect to progress the proposals and subsequent discussions with Officers have resulted in various positive changes to the scheme. The proposal has also been subject to a significant amount of consultation including a design review panel by Places Matter.

Given this process the comments raised by English Heritage are disappointing and contrast markedly with the comments received from Places Matter and also the Council's own design advisor (NECT).

This part of the town has changed in terms of function and appearance over recent years to reflect the changing industrial economy of the town. The harbour is now a significant leisure asset to the town in terms of activity and public access in addition to making a valuable contribution to the town's economy. The application site lies in the transition between the harbour and the Georgian town and is considered to be suitable for modern development without adversely impacting upon the core of the Georgian planned town.

The submitted scheme is consistent with the guidelines for development set out in the design guide that accompanies the Conservation Area Appraisal. In particular it retains the facade of the former public baths which has been incorporated into the new development and which provides an aesthetic and historic anchor around which new development can be accommodated. It will introduce strong active frontages to both the harbour, Duke Street and Strand Street which are welcome. The building has also been designed to take account of its immediate context. In particular to reflect the transition between the town centre and the harbour. This is emphasized by the different approaches taken to the Millenium Way and Strand Street frontages. The Strand Street frontage has been design at a lower height to engage with the existing street. The Millenium Way elevation is significantly higher to reflect and address the large expanse of the harbour. The harbour frontage undulates in height and has been designed to drop down to meet the listed buildings on New Lowther Street on its southern edge. Whilst it would have been preferable to have additional window openings on the southern elevation to break up the massing of the building the applicants agent has confirmed that this is not possible under the current fire regulations in such close proximity to the existing residential properties.

Although the proposal will result in the loss of the existing trees along Millenium Way, these will be replaced with a hard landscaped area which is more appropriate to this harbour side location and will provide a suitable solution to the change of levels along this part of the site. This will enhance the existing public realm on the harbour frontage.

It is anticipated that the existing trees on Strand Street will be retained provided that they do not interfere with visibility from the access point into the basement car park. Some pruning works may be required to achieve this which will have to be agreed with the County Council as the trees lie on highway land. Alternatively a phased scheme for the replacement of these trees may be more appropriate in consultation with the County Council. This would provide a more appropriate species of tree that will not grow too large and will help with issues of visibility in the longer term.

The comments raised by Copeland Disability Forum have been taken into account by the applicant's agent who has confirmed that 45% of the residential car parking spaces could be converted to disabled spaces if required and that the structural columns will be fitted with contrasting coloured banding as requested. He has also confirmed that all internal and external spaces will meet accessible space standards and the ground in front of the building adjoining Millenium Way will be accessible to wheel chair users.

Overall this scheme represents a high quality contemporary design which is considered to be appropriate for this part of the town and will consolidate the regeneration of the harbour and bring significant economic benefits to the town centre.

Recommendation:-

Approve subject to

Conditions

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

Reason

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

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Location Plan, Scale 1:2500, reference 001, received on 29 July 2011
 - Block Plan, scale 1:1000, reference 002, received on 29 July 2011
 - Car Park Plan Level -01, scale 1:200, reference SK-01-01 Rev D, received on 29 July 2011
 - Plans Level 00, scale 1:100 and 1:200, reference SK-01-02 rev C, received on 29 July 2011
 - Plans Levels 01 and 02, scale 1:100 and 1:200, reference SK-01-03 rev F, received on 29 July 2011
 - Plans levels 03 and 04, scale 1:100 and 1:200, reference Sk-01-04 Rev E, received on 29 July 2011
 - Plan Level 05, scale 1:100 and 1:200, reference SK-01-05 Rev E, received on 29 July 2011
 - Proposed drainage Plan, scale 1:200, reference (52) 001, received on 29 July 2011
 - Proposed Landscaping Plan, scale 1:250, reference 003 Rev A, received on 24 August 2011
 - Proposed Elevations, scale 1:200, reference 005, received on 29 July 2011
 - Proposed Sections, scale 1:200, reference 006, received on 29 July 2011
 - Context Drawings, scale 1:500 and 1:1000, reference 004, received on 29 July 2011
 - South West Elevation, scale 1:200, received on 19 September 2011
 - Plan Level 02, scale 1:250, received on 19 September 2011
 - Plan Level 04, scale 1:250, received on 19 September 2011

- Accessible Parking Plan, scale 1:300, received on 19 August 2011
- Access Arrangements Plan (level 001), received on 19 August 2011
- Design and Access Statement compiled by Richard Murphy Architects, received on 29 July 2011
- Desk Based Archaeological Assessment compiled by North Pennines Archaeology Ltd, reference 1375/11, dated 05 May 2011
- Transport Assessment compiled by Colin Buchanan, reference 19909-01-1, dated July 2011
- Wildlife Survey compiled by Thurston Watson Ecology Consultancy Ltd, reference WD 0711, dated July 2011
- Phase 1 Desk top Study (Contamination) Report compiled by Arc Environmental, reference 09-103, dated 19 July 2011

Reason

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

3. The development shall not be occupied until all of the highways modifications have been completed in all respects and brought into use.

Reason

In the interests of highway safety

4. If the site is developed for office accommodation then the occupants will need to develop and implement a staff travel plan. The travel plan must be submitted to and approved in writing by the Local Planning Authority before the office accommodation is first occupied.

Reason

In the interests of highway safety and to aid the delivery of transport objectives.

5. The development shall not commence until visibility splays providing clear visibility of 33 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general

development of the site commences so that construction traffic is safeguarded.

Reason

To ensure provision of adequate visibility splays in the interests of highway safety.

6. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

This written scheme will include the following components:

- I. An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- II. An archaeological recording programme the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation.

Reason

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

7. Where the results of the programme of archaeological work referred to in the above condition make it appropriate, there shall be carried out within two years of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason

To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development.

8. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason

To protect the water environment from contamination.

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

Reason

To ensure a satisfactory drainage scheme.

10. The development shall implement all of the mitigation and compensation measures set out in the Wildlife Survey Report, prepared by Thurston Watson Ecology Consultancy Ltd, reference WD 0711, dated July 2011, and submitted as part of the planning application.

Reasons

To protect the ecological interests evident on the site.

11. Before development commences representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. These details should include full specifications, weathering tests where available and colour treatments. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

12. Prior to the development commencing a sample panel of all the proposed external materials shall be constructed on the site for the written approval of the Local Planning Authority. This panel shall be of sufficient size to indicate the method of jointing and coursing to be used.

Reason

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

13. No development shall be carried out on the site which is the subject of this permission until full details of the construction and methods of tying the new building into the former swimming bath building which is to be retained on the site have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out otherwise than in full accordance with such approved details.

Reason

To ensure that the character and appearance of the former swimming baths building is not adversely affected by reason of the appearance of the type and colour of the materials to be used in the proposed development.

14. No development shall be carried out on the site which is the subject of this permission until full details of a specification for any repairs to the former swimming baths building have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out otherwise than in full accordance with such approved details.

Reason

To ensure that the character and appearance of the former swimming baths is not adversely affected by reason of the appearance of the type and colour of materials to be used in the proposed development.

15. No development shall be carried out on the site which is the subject of this permission until full details of a specification for the following items have been submitted to and approved in writing by the Local Planning Authority.

1. windows
2. doors
3. balustrades to all balconies
4. external staircases
5. rainwater goods.

Development shall not be carried out otherwise than in full accordance with such approved details.

Reason

To ensure that the character and appearance of the surrounding area is not adversely affected by reason of the appearance of the type and colour of the materials to be used in the proposed development.

16. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works shall include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping shall be carried out in accordance with the approved details.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

INFORMATIVES

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com <<http://www.groundstability.com/>>

2. With respect to condition 3 listed above the developer will need to enter into an Agreement under Section 278 of the Highways Act 1980 to ensure the highway works are completed. These works will include but not limited to the formation of lay bys, the relocation of traffic signs, lights and bollards, widening and removal of accesses, traffic regulation orders, licences and permits.

All costs associated with the Section 278 Agreement will be met by the developer. To progress this matter further the developer should contact Karl Melville on telephone number 01946 506025.

3. The archaeology works required by conditions 6 and 7 above must be commissioned and undertaken at the developer's expense.
4. Any works to the existing trees along Strand Street including any phased replacement shall be agreed with Cumbria County Council Highways Department and shall be funded entirely at the applicant's expense.

Reason for decision:-

The redevelopment of this site to provide residential and office accommodation will enhance the character and appearance of this part of the conservation area and also provide significant economic benefits to Whitehaven town centre in accordance with policies DEV 1, DEV 2, DEV 6, EMP 5, TCN 4, TCN 9, TCN 10, TCN 12, ENV 5 and ENV 26 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 4.

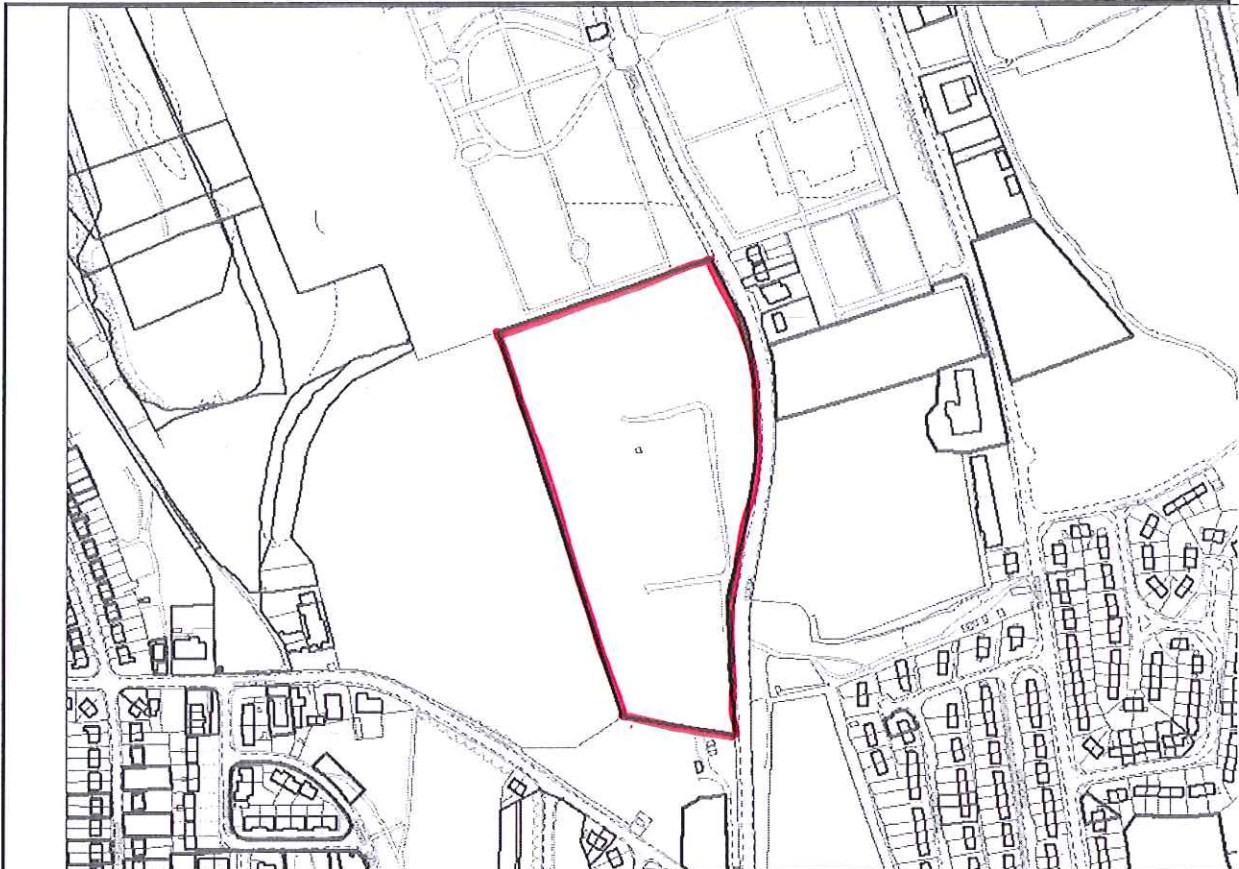


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 12/10/2011

Application Number:	4/11/2375/001
Application Type:	Outline : CBC
Applicant:	West Cumbria Land LLP
Application Address:	LAND AT LOW ROAD, WHITEHAVEN
Proposal	APPLICATION TO EXTEND EXTANT PLANNING PERMISSION (4/06/2457/0 - OUTLINE APPLICATION FOR 114 DWELLINGS) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION
Parish:	Whitehaven
Recommendation Summary:	Approve in Outline (commence within 3 years)



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The Proposal

Outline consent was originally granted in September 2006 for 114 dwellings comprising detached, semi detached, terraced houses and apartments on this sloping brownfield site off Low Road, Whitehaven. (4/06/2457/001 refers)

Formerly a workhouse and hospital occupied the 3.24 ha site which has been vacant since the 1960's and is now extensively covered with scrub vegetation. It is bounded to the north by Whitehaven Cemetery, Low Road to the east, Woodhouse Road to the south and open land to the west.

An indicative layout accompanies the application and demonstrates that a variety of house types can be adequately accommodated on the site to normal spacing standards.

Vehicular access would be via two junctions onto Low Road with the main one to the south

serving some 90 dwellings and a secondary one to the north serving 24 flats

Consultations

Highway Authority - no objection subject to the retention of conditions 14 and 15 of the 2006 permission which reserve the details of the access and carriageway design. They are satisfied however that condition 16 which relates to the provision of visibility splays can be omitted.

No neighbour representations have been received.

Planning Policy

The following adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) policies are considered relevant to the assessment of this application.

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

DEV 2 Key Service Centres – advocates that most development in the borough will be focussed on Whitehaven and the three smaller key service centres.

DEV 4 Development Boundaries – identifies the boundaries of key service centres / local centres and permits development within them subject to an order of priority.

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

HSG 1 Existing Planning Permissions – the site is designated as Housing Site H9 under this Policy and as previously developed land is brownfield.

HSG 4 Housing within Settlement boundaries – permits suitable proposals for housing redevelopment involving existing buildings / previously developed land within the settlement boundaries.

Also relevant and material to the assessment of this application is legislation introduced in 2009 which now permits such applications for extensions to time limits for implementing existing permissions providing it is for exactly the same development as previously approved. Guidance in assessing such proposals is provided in the document 'Greater Flexibility for Planning Permissions' (DCLG 2009).

Assessment

In assessing such applications the DCLG 2009 guidance is specifically relevant and advocates a constructive and positive approach towards such applications which improve the prospect of sustainable development being implemented. In this particular case the principle of development has already been established by the outline consent and the proposal to extend the time limit by a further three years raises no adverse material considerations. Local plan Policies DEV 6 which advocates sustainability in new design, DEV 4, HSG 1 and HSG 4 which permit appropriate development on brownfield sites within the settlement boundaries against which the original application was assessed still apply and, as such, the proposal is considered still to represent an acceptable form of development in this location.

Recommendation:-

Approve in outline

Conditions

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

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate solely to the amended Development Layout Plan (Rev A) received by the Local Planning Authority on 10 August 2006.

Reason

For the avoidance of doubt.

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

Reason

To ensure a satisfactory drainage scheme.

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

Reason

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

5. No development approved by this permission shall be commenced until a desk top study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk for on site contamination. The desk study should include sufficient documentary research to enable a thorough understanding of the history of the site, including past and present uses. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they shall be implemented in accordance with the assessment to the satisfaction of the Local Planning Authority.

Reason

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

6. No development shall commence until it has been agreed with the Local Planning Authority which trees shall be retained on the site and incorporated as a feature of the development. A detailed tree survey shall be carried out confirming this and identifying the position, species, size, and health of each tree and submitted to the Local Planning Authority for approval in writing.

Reason

To safeguard the character and appearance of the development and adequately protect the retained trees on the site in the interests of amenity.

7. Before development commences, details of the specification and position of fencing for the protection of the retained trees from damage during the course of development shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected and so maintained in accordance with the approved details until completion of the development. No vehicles, plant or machinery shall be driven or placed within the areas enclosed by such fencing, nor shall any ground levels be altered or any excavation made, without the prior written approval of the Local Planning Authority.

Reason

To adequately protect the existing trees on site which are considered worthy of retention in the interests of visual amenity.

8. No tree within the site shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped without the prior written consent of the Local Planning Authority. Any such approved topping or lopping shall be carried out in accordance with the British Standards on Tree Work BS 3998 and BS 5837.

Reason

To adequately protect the existing trees on site which are considered worthy of retention in the interests of visual amenity.

9. If within a period of two years from the completion of the development any retained tree is uprooted, destroyed, or dies, another tree shall be planted at the same place. That tree shall be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

Reason

To adequately protect the existing trees on site which are considered worthy of retention in the interests of visual amenity.

10. Full details of the soft landscaping works including planting plans and written specifications of plants, species, sizes and densities, shall be submitted to and approved in writing by the Local Planning Authority. Landscaping shall be carried out in accordance with the approved details.

Reason

To enhance the appearance of the development in the interests of visual amenities and to ensure a satisfactory landscaping scheme.

11. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To ensure the implementation of a satisfactory landscaping scheme.

12. Before development commences adequate protection measures for the retained trees including the erection of fencing, and the installation of weight bearing root barrier membranes and appropriate ventilation / irrigation systems shall be undertaken in accordance with British Standard BS 5837. Details of such protection methods in the form of a method statement shall be submitted to and approved in writing by Local Planning Authority.

Reason

To adequately protect the existing trees on site which are considered worthy of retention.

13. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to and approved in writing by the Local Planning Authority. Any such approved means of access shall be completed in accordance with the approved details before any of the dwellings are occupied.

Reason

In the interests of highway safety.

14. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal / cross sections, shall be submitted to and approved in writing by the Local Planning Authority before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current *Cumbria Design Guide*. Any works so approved shall be constructed before the development is complete.

Reason

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

INFORMATIVE - COAL FIELD STANDING ADVICE

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
<<http://www.groundstability.com/>>

Reason for Decision

Extending the time limit for implementation of the original outline consent 4/06/2457/001 for 114 houses on this brownfield designated housing site for a further three years is considered acceptable in accordance with adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) Policies DEV 6 , HSG 1 and HSG 4 and DCLG 2009 Guidance 'Greater Flexibility for Planning Permissions'.

ITEM NO: 5.

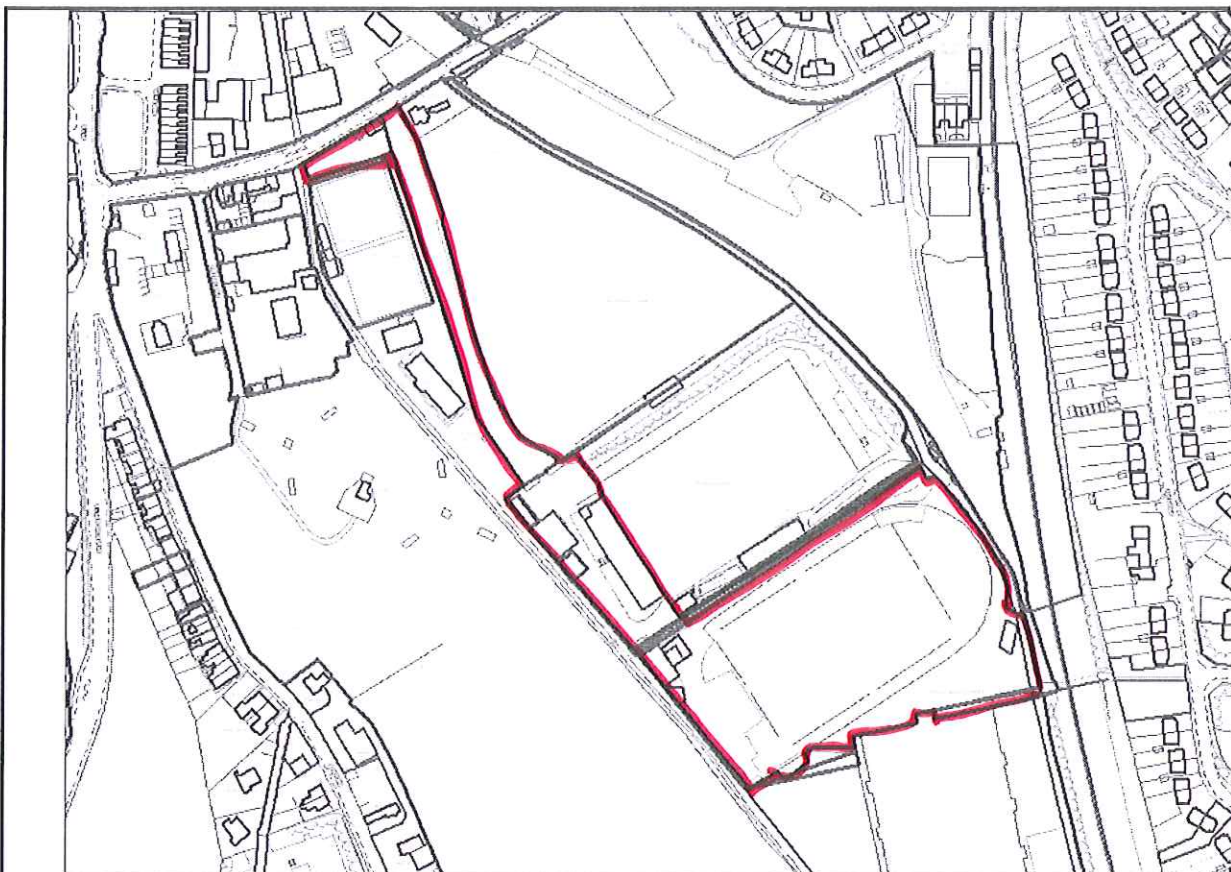


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 12/10/2011

Application Number:	4/11/2377/0F1
Application Type:	Full : CBC
Applicant:	Whitehaven Football Club Limited
Application Address:	COUNTY GROUND, COACH ROAD, WHITEHAVEN
Proposal	NEW STADIUM (3,200 CAPACITY) WITH ASSOCIATED GRANDSTAND AND CLUBHOUSE FACILITIES, ANCILLARY ACCOMMODATION, PITCH, FLOODLIGHTING, MODIFIED ACCESS, LANDSCAPE WORKS, GARAGES, FENCING, AN ELECTRICAL SUB STATION, COACH/CAR/CYCLE PARKING AND A WIND TURBINE
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application seeks permission for a redevelopment of the facilities at the County Ground, Coach Road, Whitehaven. The site is currently the ground for the Whitehaven Football Club and is located to the south of the town centre, within the Whitehaven settlement boundary.

The proposed development site covers an area of 2.8 hectares and is in an area known as Pow Beck Valley. Pow Beck Valley is home to existing sporting and recreation facilities and has been identified as a key regeneration opportunity site for Whitehaven. A significant aspect of this is the regeneration of the existing recreational facilities and the potential to develop the area as a 'sports village'.

Currently on the site is the football pitch, two small stands, a club house building and a parking area. It is to the south of the Whitehaven Rugby League Recreation Ground facility, and has a separate access from the rugby ground, along the C2C cyclepath to the north of the site, also used by an all weather football pitch.

The application was reported to the Planning Panel meeting on 17 August 2011 with a recommendation that Members undertake a site visit prior to determination. This visit took place on 31 August 2011.

PROPOSAL

The application seeks consent for a 3,200 capacity stadium with associated grandstand and clubhouse facilities. It is intended that the Stadium will be a shared facility between Whitehaven Amateur Football Club (WAFC) and Whitehaven Rugby League Football Club (WRLFC).

The land to the immediate north of the proposed stadium site is currently occupied by the existing WRLFC ground (Recreation Ground). A small drainage channel known as the Corkickle outfall runs between the proposed new stadium site and the existing WRLFC ground. The land to the immediate south of the proposed development site is occupied by WAFC's all weather sports pitch and two currently unused tennis courts. The C2C cycleway runs along the eastern boundary of the site, and beyond this lies West Cumbria Coastal Railway Line and the residential area of Corkickle. The site access which runs from the proposed stadium to Coach Road forms the northern part of the application site, with Pow Beck, a watercourse about 2.0m wide, running alongside much of the western boundary.

The proposed development site also incorporates the existing WRLFC ground, the south west stand (the Kells End Stand) of which will be demolished. It is proposed that the other spectator stand and terracing surrounding the existing WRLFC ground will remain in situ and that this pitch will be used as a training ground, for both the football and rugby clubs once the new stadium is complete.

The proposed stadium would provide covered spectator accommodation along the north west and south west sides of the pitch with a capacity of 2,380. As submitted, the north east and south east lengths of the pitch would remain open, but with grassed bunding to be constructed to provide enclosure.

Until such time as funding becomes available, the open sides of the pitch will accommodate standing spectators (approximately 820) along an area of tarmac between the pitch and bunding area. The total spectator capacity of the proposal is therefore 3,200. The scheme has been designed, however, to allow for the use of temporary seating along the open sides of the pitch. It is anticipated that this would increase the spectator capacity of the stadium to 5000 persons in the case of special matches or other 'one-off' events. The scheme is designed such that the permanent capacity of the stadium can be increased to 8,000 – 10,000 with the addition of stands and associated facilities on the south east and north east sides. This would be a second phase of development which would require a separate planning application.

With regard to materials, aluminium clad walls are proposed for the stadium building, with blue engineering brick dwarf walls. The internal walls and terracing within the stands will be constructed in pre-cast concrete. The roof will be aluminium standing seam liner deck roof system, with roof support tension cables fixed to the floodlight structures. Windows in the stadium building will be aluminium framed glazed curtain wall window system to match the aluminium cladding.

Within the proposed stadium a number of additional facilities will be provided, the majority of which will be located over two floors in the south west stand/clubhouse. These facilities consist of:-

- A main entrance/reception
- 4 team changing rooms and 2 referee changing rooms
- An administration office
- Sales and ticketing office
- A laundry room
- 3 separate toilet blocks
- An accessible changing room, shower and WC
- Medical room
- 3 Bars
- A VIP bar
- A VIP Function room/ Meeting room for 38 people

- A Players Lounge
- A Function/Conference room for 160 people
- 3 No Executive boxes/meeting rooms

Also included within the application is a wind turbine which will be located to the northern end of the proposed main car parking area, adjacent to the training pitch. The turbine will be mounted on a 15m column and will be of the helical type. In addition, the proposed development includes rain water harvesting, solar water heating and air source heating.

The application site incorporates the vehicular and pedestrian access to the existing WRLFC stadium. This is currently an un-adopted tarmac road (incorporating informal parking) which branches off Coach Road. The junction with Coach Road is to be improved to give the visibility splays required for vehicles exiting the site. The pavement will also be improved and widened involving the demolition and relocation of existing garages adjacent to the site access. The western line of the access road will run along the line of the existing access road, except where adjacent to the Whitehaven Bowling Club. At this point the carriageway will be widened to allow for improvements to the existing parking arrangements for users of this Club. The eastern edge of the access road will be provided with a new kerb and car parking spaces. The access road will be tree lined and lit by new street lamps. The proposal incorporates 192 car parking spaces, with 19no. disabled access car parking spaces provided immediately adjacent to the Clubhouse.

The C2C route as previously mentioned currently provides vehicular access to the existing WAFC pitches and facilities. The proposal will see that this day to day vehicular traffic is removed from this stretch of the C2C as sole public vehicular access to the new stadium for both uses will be via the improved access off Coach Road. The C2C will, however, provide a secondary emergency vehicular access to the site. The removal of vehicular traffic off the C2C is considered an improvement for pedestrian and cyclist safety.

In addition to the main stadium building a double garage and an electrical substation building are to be constructed. The garage is located to the north west of the site, adjacent to Coach Road, and is a replacement for the garage building to be demolished to improve the visibility at the point of access as mentioned above. The substation will be located to the west of the access road, adjacent to the new stadium. Both will be constructed with blue engineering bricks to the walls and pitched slate roofs.

Both the existing WRLFC ground and the access road are in the ownership of the Whitehaven Social Welfare Scheme. The existing WAFC facilities are in the ownership of the applicant.

In terms of environmental constraints, the site of the proposed Copeland Community Stadium lies in Flood Zone 1. However, part of the main site access off Coach Road lies in Flood Zone 3.

The following documents have been submitted with the application:

- Statement of Community Involvement
- Flood Risk Assessment
- Outline Drainage Strategy
- Utility Strategy
- Extended Phase 1 Habitat Survey
- Bat Survey report
- Japanese Knotweed Survey and Mitigation Plan
- Invasive Plant Species Supplementary Report
- Landscape and Visual Appraisal
- Noise Assessment
- Lighting Assessment
- Transport Statement
- Framework Travel Plan
- Traffic Management Plan
- Emergency Flood Evacuation Plan
- Ground Report Desk Study
- Ground Investigation Factual Report
- Ground Report - Interpretive
- Archaeology and Cultural Heritage Desk Based Assessment
- Asbestos Survey
- Proposed wind turbine specification

CONSULTATION RESPONSES

The development has been advertised in the local press and three site notices have been displayed, 2 at the Coach Road access points and one adjacent to the pedestrian access on

Calder Avenue.

Highways Control Officer

Raises no objections to the proposal, subject to a condition relating to access construction and two conditions regarding the submission and implementation of a travel plan.

Environment Agency

Raise no objections to the proposal. However, have commented that a programme of further investigative works, groundwater/leachate analysis, groundwater contour plots and risk assessment are required in relation to potential contaminants in the land.

With regard to flood risk, they have commented that irrespective of the current or proposed flood zones on the site they do not object on this particular point.

Copeland Borough Council Planning Policy

Comment that the Policy section support the proposal as it would help deliver a major item in the Whitehaven Regeneration Programme and is identified in the Copeland Local Plan 2011 – 2016 as a Strategic Employment Opportunity Site. The proposal is in accordance with the Pow Beck Valley Development Brief SPD which was adopted by the Council in January 2008 to assist the regeneration of the site.

Flood and Coastal Defence Engineer

Based on the information provided, he is in favour of the application as:-

- The development is appropriate in line with the flood risk, as outlined in PPS25.
- The development will reduce flood risk to the Coach Road area, where existing flooding occurs due to insufficient capacity within the public sewer.
-

He has also commented that as the access to the stadium lies within Flood Zone 3a and it was recommended that a flood warning and evacuation plan needed to be developed which have been submitted with the application.

United Utilities

Initially objected to the proposal but have removed this following the submission of amended drainage details.

Natural England

Raise no objections to the proposal, subject to conditions relating to biodiversity.

Copeland Disability Forum

Have commented that a number of the issues originally raised at pre-application stage have been integrated into the proposal. However, they also raise the following issues:-

- Ask if accessible spaces could be designated adjacent to the current ground/proposed training ground.
- Request that flexible seating could be provided adjacent to the accessible areas in the stand.
- Would ask to be re-consulted when details are available regarding levels/gradients.

Sport England

They do not wish to raise an objection and consider that the proposed grandstand, clubhouse and associated facilities are an improvement on the existing facilities. In addition, the proposal does not involve the loss of any grass pitches.

Cumbria County Council Historic Environment Officer

Has considered the information and does not wish to make any comments or recommendations on the proposal.

Cumbria County Council Fire Protection

Have no comments to make on the proposal.

Cumbria County Council Spatial Planning

Have no comments to make on the proposal.

Two letters of objection have been received regarding the proposal. The first letter raises concerns from a resident in the nearby vicinity of the ground regarding the impact of construction traffic on his property and queries whether the parking provision is sufficient. The issues raised in the second letter can be summarised as:-

- The stadium as proposed is not large enough for Super League standard
- The stadium will not have a decent atmosphere due to having only two built sides.
- The costs involved are too high.

PLANNING POLICY

The following planning policies within the adopted Copeland Local Plan 2001-2016 are relevant to this proposal:-

DEV 1 – Sustainable Development and Regeneration. This policy seeks development to contribute to achieving a sustainable regeneration of the Borough.

DEV 2 – Key Service Centres. This policy defines Whitehaven as the key service centre within the Borough

DEV 6 – Sustainability in Design. This requires all new development to be of a high quality and respectful to the historic environment.

DEV 8 – Major Development. This policy relates specifically to major development.

ENV 5 – Protected Species. This policy seeks to ensure that development will not have an adverse impact on relevant species.

ENV 16 – Flooding. This policy ensures that development should not be at risk from flooding.

TSP 5 - Cycleways, Footways and Bridleways. The policy aims to extend and improve the cycle and footway network in the borough.

TSP 6 – General Development Requirements. This policy only permits development where the access and travel needs created by the development can be met.

TSP 7 – Transport Assessments and Travel Plans. This policy requires major applications to be accompanied by the appropriate assessments to ensure that it will not have any adverse impact on the highway network.

TSP 8 - Parking Requirements. This policy sets the acceptable standards of parking required for development.

SVC 13 - Protection of Open Spaces and Facilities. This policy seeks to protect areas of public and private areas of recreation space from development.

SVC 14 - Outdoor Recreation and Leisure Facilities. This policy seeks to support proposals for new or expanded recreation facilities.

EGY 1- Renewable Energy. This policy sets out the criteria that must be met for all forms of renewable energy.

EGY 2 - Wind Energy. This policy sets out the criteria that must be met for a wind energy development.

Pow Beck Valley Supplementary Planning Guidance (SPD). This is the council's adopted SPD regarding any development in the Pow Beck area which was adopted by the Council in January 2008 and forms part of the Local Development Framework.

The purpose of producing the document was to assist the regeneration of the Pow Beck Valley with the aim of bringing together all the previous background work which has been undertaken in this area; and to inform developers and other interested parties of the constraints and opportunities presented by the Pow Beck Valley area. In addition, it also indicates the type of development expected by the Council. A key objective of the regeneration of the Pow Beck Valley is to redevelop and make improvements to recreational facilities in this area including the Whitehaven Rugby League Football Club (WRLFC) as part of regenerating the surrounding area. The SPD states that the regeneration of the area should build on the twin aspirations to achieve improved sports facilities and provide commercial floorspace for future employment uses.

ASSESSMENT

The adopted Copeland Local Plan 2001 – 2016 designates this area as urban greenscape protection for both recreation/amenity and landscape importance. Policy SVC 14 refers to outdoor recreation and leisure and states that proposals for new or expanded outdoor recreation and leisure facilities will be permitted subject to the requirements of other plan policies and subject to criteria including landscape, wildlife or conservation importance, residential amenity and traffic conditions. These criteria are met by the development proposals as evidenced by the reports undertaken and mitigation measures identified; the distance to any residential properties in the vicinity and finally the vehicular access works included within the proposal are considered to be an improvement on the current situation. This also includes the removal of vehicular traffic from the C2C cyclepath as the main access to the football pitches.

Policies EGY 1 and EGY 2 relate to the wind turbine that is proposed on the site. The policies are supportive of small scale turbines such as this in the location identified.

As mentioned above, the Pow Beck Valley Development Brief SPD was adopted by the Council in January 2008. The application proposals are considered to accord with the SPD in terms of land use and design considerations. In particular, the key aim of achieving new recreation facilities for both football and rugby clubs serving the wider community is met by this application. In addition, the SPD envisaged that the cycle path will ultimately become cycle only, which is achieved under the terms of this proposal.

The proposals will be a significant enhancement to the built environment in the Pow Beck Valley and will make a substantial contribution to the regeneration plans for the area. It will also be a welcome improvement to the facilities of the rugby and football clubs, hopefully enabling both to progress through the leagues. The proposals include community facilities which will be available for local groups to hire and for functions etc which will help to increase revenue for both clubs.

CONCLUSION

This scheme is considered to be an acceptable form of development which will enhance the sports facilities available on the site for the benefit of the wider community. This is consistent with the aims of Local Plan policy.

Whilst not included within this application, the proposed Community Stadium also forms part of the wider aspiration to regenerate the Pow Beck area for a sports and recreation village in accordance with the Pow Beck Valley Development Brief SPD. It is considered that the proposal achieves a number of the aims of this Local Development Framework Document and will hopefully encourage further development in the Pow Beck area in the future.

It is therefore recommended for approval.

Recommendation:-

Approve

Conditions

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

Reason

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

Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
- Design and Access Statement received by the Local Planning Authority on 04 August 2011
 - Planning Statement received by the Local Planning Authority on 04 August 2011
 - Statement of Community Involvement received by the Local Planning Authority on 04 August 2011
 - Flood Risk Assessment received by the Local Planning Authority on 04 August 2011
 - Outline Drainage Strategy received by the Local Planning Authority on 04 August 2011
 - Utility Strategy received by the Local Planning Authority on 04 August 2011
 - Extended Phase 1 Habitat Survey received by the Local Planning Authority on 04 August 2011
 - Extended Phase 1 Habitat Survey Addendum received by the Local Planning Authority on 04 August 2011
 - Bat Survey report received by the Local Planning Authority on 04 August 2011
 - Japanese Knotweed Survey and Mitigation Plan received by the Local Planning Authority on 04 August 2011
 - Invasive Plant Species Supplementary Report received by the Local Planning Authority on 04 August 2011
 - Landscape and Visual Appraisal received by the Local Planning Authority on 04 August 2011
 - Noise Assessment received by the Local Planning Authority on 04 August 2011
 - Lighting Assessment received by the Local Planning Authority on 04 August 2011
 - Transport Statement received by the Local Planning Authority on 04 August 2011
 - Framework Travel Plan received by the Local Planning Authority on 04 August 2011
 - Traffic Management Plan received by the Local Planning Authority on 04 August 2011
 - Emergency Flood Evacuation Plan received by the Local Planning Authority on 04 August 2011
 - Ground Report Desk Study received by the Local Planning Authority on 04 August 2011
 - Ground Investigation Factual Report received by the Local Planning Authority on 04 August 2011
 - Ground Report - Interpretive received by the Local Planning Authority on 04 August 2011
 - Archaeology and Cultural Heritage Desk Based Assessment
 - Asbestos Survey received by the Local Planning Authority on 04 August 2011
 - Proposed wind turbine specification received by the Local Planning Authority on 04 August 2011
 - Existing site plan – L(01)01D received by the Local Planning Authority on 04 August 2011
 - Proposed site plan – L(02)58R received by the Local Planning Authority on 04 August 2011

- Proposed site plan (detailed 1 of 4) - L(02)59 – 1B received by the Local Planning Authority on 04 August 2011
- Proposed site plan (detailed 2 of 4) - L(02)59 – 2B received by the Local Planning Authority on 04 August 2011
- Proposed site plan (detailed 3 of 4) - L(02)59 – 3B received by the Local Planning Authority on 04 August 2011
- Proposed site plan (detailed 4 of 4) - L(02)59 – 4B received by the Local Planning Authority on 04 August 2011
- NW and SE Elevations L(03)31A received by the Local Planning Authority on 04 August 2011
- Garage Elevations – L(03)12 received by the Local Planning Authority on 04 August 2011
- General Arrangement – Ground Floor Plan (L(02)60M received by the Local Planning Authority on 04 August 2011
- General Arrangement – First Floor Plan (L(02)61M received by the Local Planning Authority on 04 August 2011
- General Arrangement – Roof Plan (L(02)62M received by the Local Planning Authority on 04 August 2011
- Clubhouse Floor Plans - L(02)63L received by the Local Planning Authority on 04 August 2011
- NW Stand Floor Plans - L(02)64J received by the Local Planning Authority on 04 August 2011
- Landscape Proposals General Arrangement Plan - L(90)0001C received by the Local Planning Authority on 04 August 2011
- SW and NE Elevations L(03)32A received by the Local Planning Authority on 04 August 2011
- Elevation 01a North West Elevation - L(03)01b received by the Local Planning Authority on 04 August 2011
- Elevation 01b North West Elevation - L(03)02b received by the Local Planning Authority on 04 August 2011
- Elevation 01c North West Elevation - L(03)03b received by the Local Planning Authority on 04 August 2011
- Elevation 02a South West Elevation - L(03)04B received by the Local Planning Authority on 04 August 2011
- Elevation 02b South West Elevation - L(03)05B received by the Local Planning Authority on 04 August 2011
- Elevation 03a South East Elevation - L(03)06B received by the Local Planning Authority on 04 August 2011
- Elevation 03b South East Elevation - L(03)07B received by the Local Planning Authority on 04 August 2011
- Elevation 03c South East Elevation - L(03)08B received by the Local Planning Authority on 04 August 2011
- Elevation 04a North East Elevation - L(03)09B received by the Local Planning Authority on 04 August 2011
- Elevation 04b North East Elevation - L(03)10B received by the Local Planning Authority on 04 August 2011

- Elevations 05 & 06 South East Elevation - L(03)11B received by the Local Planning Authority on 04 August 2011
- Landscape Proposals (1 of 6) – L(92)0001C received by the Local Planning Authority on 04 August 2011
- Landscape Proposals (2 of 6) – L(92)0002C received by the Local Planning Authority on 04 August 2011
- Landscape Proposals (3 of 6) – L(92)0003C received by the Local Planning Authority on 04 August 2011
- Landscape Proposals (4 of 6) – L(92)0004C received by the Local Planning Authority on 04 August 2011
- Landscape Proposals (5 of 6) – L(92)0005C received by the Local Planning Authority on 04 August 2011
- Landscape Proposals (6 of 6) – L(92)0006C received by the Local Planning Authority on 04 August 2011
- Proposed Stadium Illustration - L(05)01A received by the Local Planning Authority on 04 August 2011
- Topographical Survey (1 of 5) X-002-AP1 received by the Local Planning Authority on 04 August 2011
- Topographical Survey (2 of 5) X-003-AP1 received by the Local Planning Authority on 04 August 2011
- Topographical Survey (3 of 5) X-004-AP1 received by the Local Planning Authority on 04 August 2011
- Topographical Survey (4 of 5) X-005-AP1 received by the Local Planning Authority on 04 August 2011
- Topographical Survey (5 of 5) X-006-AP1 received by the Local Planning Authority on 04 August 2011
- Preliminary Drainage Plan Section A061313 011B received by the Local Planning Authority on 23 September 2011.
- Preliminary Drainage Plan Section A061313 010B received by the Local Planning Authority on 23 September 2011.

Reason

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

3. The 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.

Reason

In the interests of road safety.

4. Within 6 months of the development (or any part thereof) opening for business, the

developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason

To aid in the delivery of sustainable transport objectives.

5. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the occupier and submitted to the Local Planning Authority for approval.

Reason

To aid in the delivery of sustainable transport objectives.

6. The development shall not be brought into use until all of the highways modifications have been completed in all respects.

Reason

In the interests of highway safety

7. Prior to the development commencing, full details of the proposed street lights shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance within the approved details.

Reason

For the avoidance of doubt.

8. Prior to the development being brought into use, the proposed car parking arrangements shall be fully completed and available for use and shall be maintained as such at all times thereafter.

Reason

In the interests of highway safety.

9. Full details of the proposed earth bund to the north east and south east sides of the ground, including design and levels, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The development shall be undertaken strictly in accordance within the approved details.

Reason

For the avoidance of doubt.

10. No development approved by this permission shall be commenced until a programme of further investigative works, groundwater/leachate analysis, groundwater contour plots and risk assessment has been undertaken and agreed in writing by the Local Planning Authority. If remediation measures are necessary they shall be implemented in accordance with the assessment to the satisfaction of the Local Planning Authority.

Reason

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

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

Reason

To ensure a satisfactory drainage scheme.

12. Before development commences representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full specifications, weathering tests where available and colour treatments. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

13. Prior to the development commencing a sample panel of all the proposed external materials shall be constructed on the site for the written approval of the Local Planning Authority. This panel shall be of sufficient size to indicate the method of jointing and coursing to be used.

Reason

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

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works shall include hard surfacing, means of enclosure, finished levels or contours etc Landscaping shall be carried out in accordance with the approved details. The agreed works shall be carried out in the first available planting season.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

15. The development shall implement all of the mitigation measures set out in the Bat Survey Report, prepared by WYG dated June 2011, and submitted as part of the planning application.

Reason

To protect the ecological interests evident on the site.

16. The development shall implement all of the mitigation and compensation measures set out in the outline Japanese Knotweed Mitigation Plan, prepared by WYG dated August 2011, and submitted as part of the planning application.

Reason

To protect the ecological interests evident on the site.

17. The development shall implement all of the mitigation and compensation measures set out in the Extended Phase 1 Habitat Survey report, prepared by WYG dated February 2010, and submitted as part of the planning application.

Reason

To protect the ecological interests evident on the site.

Reason for Decision

The development is deemed to be compliant with the relevant policy objectives of the Copeland Local Plan 2001-2016 and the Pow Beck SPD and will make a positive contribution to the regeneration of the Pow Beck area, encouraging further development. It is considered to be an acceptable form of development which will enhance the sports facilities available on the site for the benefit of the wider community.

ITEM NO: 6.

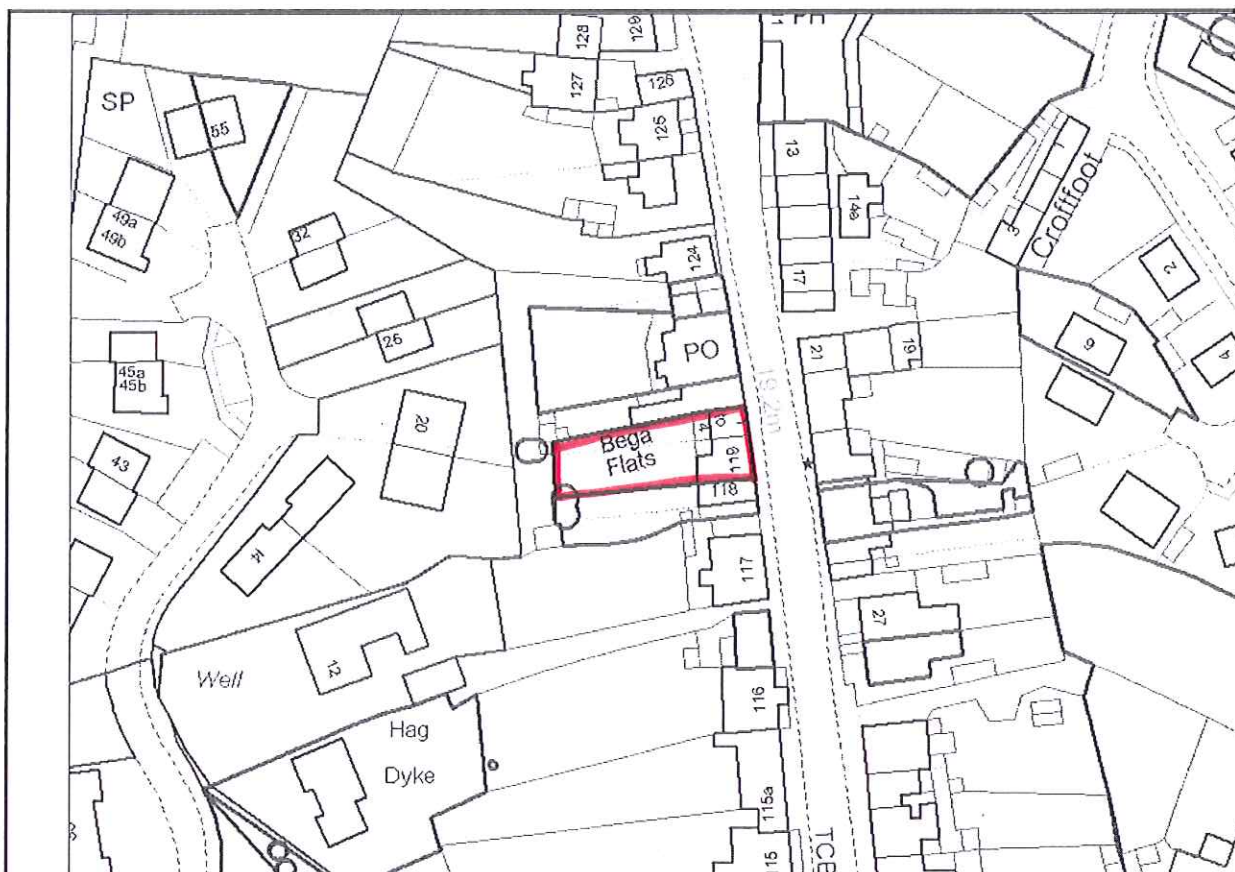


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 12/10/2011

Application Number:	4/11/2381/0F1
Application Type:	Full : CBC
Applicant:	Mitre Housing Association
Application Address:	BEGA FLATS, 119-120 MAIN STREET, ST BEES
Proposal	CONVERSION OF 4 NO. BEDSITS INTO 2 NO. DWELLING HOUSES
Parish:	St. Bees
Recommendation Summary:	Approve (commence within 3 years)



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PROPOSAL

Planning permission is sought to convert this mid terraced two storey property situated along St Bees Main Street from four bedsits into two houses.

Internally, each of the new houses will have a kitchen/diner, living room and toilet at ground floor level and bathroom and bedrooms above. One of the houses will have three bedrooms and the other will have two bedrooms.

As with the existing arrangement, parking would be on-street.

Aesthetically, the existing building does not make a positive contribution to this conservation area setting. At present, the front elevation has dashed walls and white upvc windows and doors. There are also four white upvc utility meter boxes on the front elevation.

As part of the scheme it is proposed to introduce more appropriate external finishes to the front elevation in the form of self coloured smooth rendered walls with contrasting surrounds and painted timber windows and doors. The arrangement of openings within this elevation will remain unchanged.

To the rear, existing ground floor window openings will be opened up and installed with bi-fold patio doors. At first floor level the two central window openings will be replaced with patio doors and Juliette balconies with glazed panels. Again this elevation will be finished with smooth render and timber windows and doors. A small element of timber cladding will be introduced to this elevation.

CONSULTATIONS

The Highways Authority - raise no objections as it is considered that the proposal will be unlikely to have a material effect on existing highway conditions.

St Bees Parish Council - express the following concerns:

- the conversion will lead to a reduction in the number of units of accommodation.
- the flats were intended to provide single person accommodation suitable for elderly people who no longer wanted or needed larger properties but wanted to stay within the local community.
- their position close to the Post Office and shop make it ideal for those less mobile.
- there is very limited social rented housing within St Bees and none specifically designed for elderly people.
- the Housing Association does not state what measures they have taken to advertise the vacancies and Parish Councillors are unaware of any local advertisements.
- the Housing Needs Survey undertaken by Copeland Borough Council last year shows that there are a number of people in the village who want smaller scale accommodation and the Parish Council believes that the demand for properties of this type should be investigated further before any approval is given.

Housing Services Manager – The Councils Housing Services Manger confirms that the Strategic Housing Market Assessment, which was completed at the end of 2010, identified a need for 7 more affordable lettings per annum in St Bees from 2011 to 2015. None were identified as one bed flats for older people. The identified need for additional lettings was

for people below retirement age. There was found to be a need for 3 x 1 beds, 2 x 2 beds, 1 x 3 bed and 1 x larger.

He also notes that there is a shortfall in open market housing options for older people in the Whitehaven and surrounding areas. However, the housing association is not addressing the open housing market but the market for affordable rented accommodation.

Nine letters of objection have been received from local St Bees residents. Collectively, they express the following concerns:

1. The proposal will reduce the availability of low cost housing in the village for elderly people.
2. St Bees Housing Association owned and managed the flats for ageing single persons usually with village connections until they were taken over by Mitre Homes. The former Chair of St Bees Housing Association feels that Mitre is betraying the tenants and prospective tenants.
3. These were purpose built flats, designed solely for senior citizens. There was a need for these flats when they were first converted and that need is still very necessary today.
4. The flats are ideally located in the Main Street, very close to the Post office, shop, public transport and near the village hall.
5. The existing flats are all on one floor. Changing them will result in bedrooms and bathrooms being upstairs, an additional problem for the elderly.
6. Elderly residents will be responsible for cleaning and furnishing four extra rooms, maintaining the garden and using stairs. A burden for the less mobile resident.
7. Mitre have made little effort to find new tenants and objectors hear that applications for new tenants have been refused in the past.
8. These flats should be returned to the responsibility of the Priory Church at St Bees where local knowledge would surely find worthy tenants.
9. This proposal is thoughtless and is causing distress to the tenants, one of whom is 83. Where will they go?
10. Will the current tenants be given security of tenure and will the rent remain the same?

11. The proposal will add to the already extensive parking problems along Main Street and on Seacroft Drive as two family homes could have four cars.
12. The new living rooms will face Main Street where they will get no privacy.
13. There are numerous three and four bedroom houses already for sale in the village. There is not a need for more.

In response to the concerns raised the applicant's agent confirms that Mitre Housing Association carried out a stock condition survey on the four bedsits in 2005. This indicated that they fail to meet the Decent Homes Standards and require investment of at least £40,000 - £50,000 to bring them up to the required standards.

A detailed demand study subsequently carried out in 2009 identified a number of concerns in relation to the long term suitability of the bedsits. The demand study concluded that the bedsits were, and will continue to be difficult to let and fail to meet the real levels of demand for social housing in St Bees which is overwhelmingly for family housing.

In terms of parking, they believe that the demand for spaces would not increase as the number of properties would reduce from four to two.

In their opinion the proposed scheme would make a significantly greater contribution to both the Main Street and the village in terms of appearance and character.

PLANNING POLICY

The following adopted Copeland Local Plan 2001-2016 policies are considered relevant to the assessment of this application:

Policy DEV 3 'Local Centres' identifies St Bees as a Local Centre and the property lies within the development boundary for the village as set out in Policy DEV 4 'Development Boundaries'. This policy gives priority to the development of previously developed land and buildings rather than Greenfield land.

Policy DEV 6 'Sustainability in Design' advocates a high standard of sustainable design being achieved in all new developments.

Policy HSG 4 'Housing within Settlement Development Boundaries' permits proposals for housing redevelopment involving existing buildings or previously development land in accordance with the provisions Table HS8 and subject to the requirements of other plan policies.

Policy ENV 26 'Development in and affecting Conservation Areas' only permits development where it preserves or enhances the character or appearance of the Area.

In addition to the above, Planning Policy Statement 3 (PPS3) 'Housing' is also a relevant to the assessment of this application.

PPS3 recognises that a key characteristic of a mixed community is a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. As such, proposals for affordable housing should reflect the size and type of affordable housing required.

PPS 3 also recognises that conversions of existing housing can provide an important source of new housing.

ASSESSMENT

There is no question that from an aesthetic point of view the proposed scheme would result in a marked improvement to what currently exists. This property occupies a prominent location along St Bees Main Street and the introduction of more traditional finishes will certainly enhance the immediate locality and the wider conservation area in general.

It would appear that the main cause for concern to local residents relates to tenure and the upset the proposed works may cause to the two existing tenants. The original development of the bedsits was carried out pre 1974 and it is therefore not clear if the intended use was solely for elderly people and whilst not a material planning consideration, the applicants have confirmed that the intention is to decant the two existing tenants into temporary accommodation until the works are completed when they will be able to return.

Having sought specialist advice from the Councils Housing Services Team, they confirm that the identified need for affordable lettings in St Bees are for people below retirement age and that out of the 7 per annum identified, there is a need for 3 x 1 beds, 2 x 2 beds, 1 x 3 bed and 1 x larger. It is therefore considered that the proposed development would not have an adverse impact upon affordable rented accommodation within St Bees.

On the basis of the above it is considered that the proposed redevelopment of these sub-standard bedsits accords with policies in the adopted Copeland Local Plan and Planning Policy Statement 3 'Housing' and approval is therefore recommended.

Recommendation:-

Approve

Conditions

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

Reason

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

Reason for Decision

An acceptable form of housing redevelopment in accordance with Policies DEV 2, DEV 4, DEV 6, HSG 4 and ENV 26 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Statement 3 'Housing'.

ITEM NO: 7.

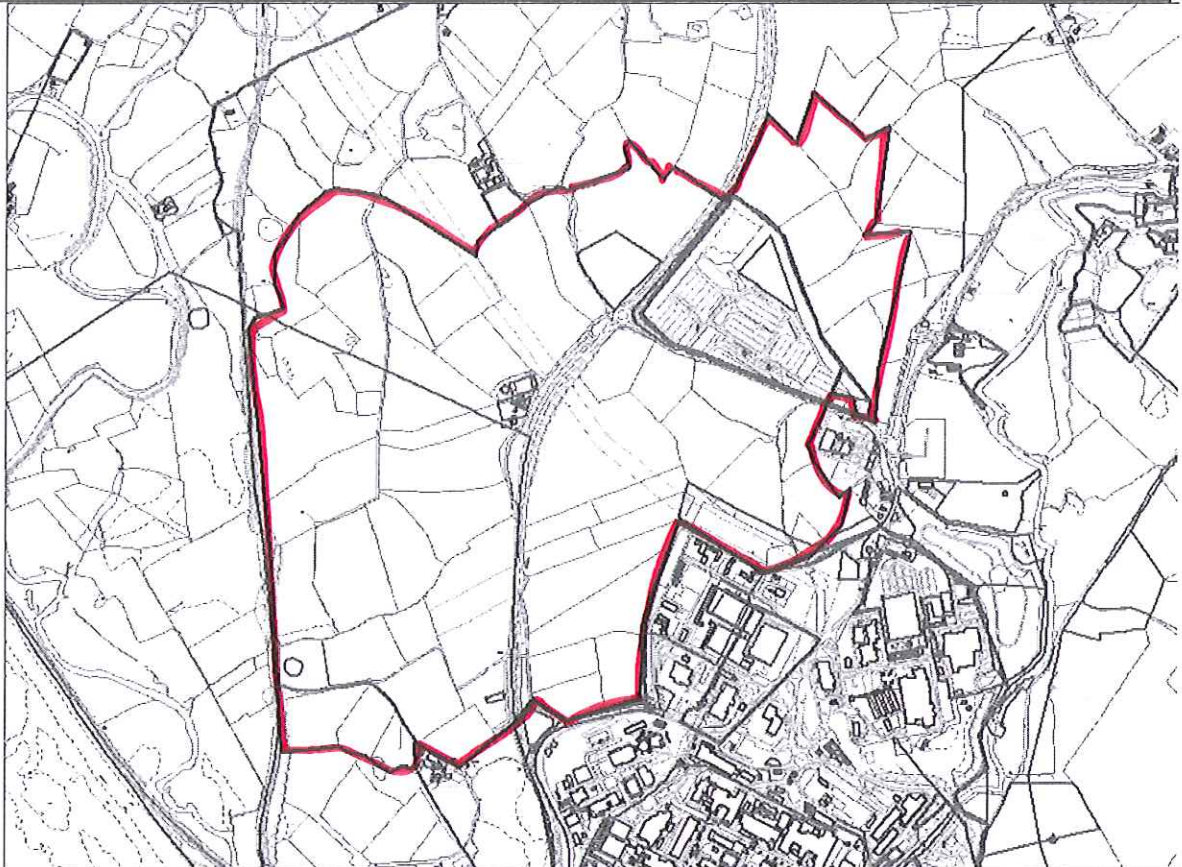


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 12/10/2011

Application Number:	4/11/2432/0F1
Application Type:	Full : CBC
Applicant:	NuGeneration Ltd
Application Address:	LAND TO NORTH & WEST OF SELLAFIELD, SEASCALE
Proposal	TEMPORARY SITE INVESTIGATION & CHARACTERISATION WORKS INCLUDING THE DRILLING OF BOREHOLES, ASSOCIATED COMPOUND AREAS, INSTALLATION OF MONITORING EQUIPMENT & OTHER ASSOCIATED WORKS
Parish:	Beckermest, Ponsonby
Recommendation Summary:	Delegated subject to no objection



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THE PROPOSAL

Planning permission is sought to carry out temporary site investigation and characterisation works on an extensive area of land, covering just over 190ha, to the north and west of the existing Sellafield licensed nuclear site.

Members will be aware that in October 2010 the Government confirmed through the publication of the National Policy Statement for Nuclear Power Generation (EN – 6) that the Sellafield site was one of the eight locations suitable for a new nuclear power station. The land which is subject to this application is identified within this policy as a 'location of potential new build area' and it is necessary to carry out site investigation works to gain a detailed understanding of the site and its suitability for any proposed nuclear new build.

The site itself includes the Yottenfews car park but is largely undeveloped agricultural land. There are four farm steadings on the site, three clustered in the south and one in the north.

The main access road leading from the A595 at Black Beck to the Sellafeld main gate bisects the site. Yottenfews lane and Nursery Road also penetrate the site together with a farm track to the southwest. Access to the site investigation area will primarily come from the north on the Blackbeck – Sellafeld route, then on to the access road to Tarn Head Farm. It is also noted within the application that three bus services currently stop adjacent to the Sellafeld site, using routes that pass through the site investigation area.

It is proposed to use an existing farmyard at Tarn Head Farm, to the south of the site, for the site compound. An existing area of hardstanding will accommodate areas for storage and temporary portacabins to provide on-site offices. These structures themselves are permitted under part 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and therefore do not require the benefit of planning permission.

The works proposed will involve the drilling of boreholes, associated compound areas and the installation of monitoring equipment.

In total there will be around 100 boreholes dotted around the site, five of which will measure up to 150m in depth. The remaining boreholes will measure between 50m and 65m in depth. Up to 60 of the boreholes, together with eight pumping wells, will have monitoring equipment installed in them and retained for future groundwater analysis and monitoring.

Each of the five deep investigative boreholes may require a compound area which will be 20m by 20m area of gravel over a membrane. These will be secured by 2.0m high mesh fencing.

In terms of development above ground there will either be a brickwork enclosure or surface casing installed around those boreholes that are to be retained for future monitoring. The brickwork enclosures will measure 80cm x 80cm x 80cm and will be covered with a lockable cast iron cover. The surface casing will be 30cm in diameter, extend 30cm to 70cm above ground level and have a metal cap secured with a padlock.

If a requirement of the farmer using the land, a 1.5m high post and wire fence may be erected around each brick enclosure/metal casing or marker posts may be installed to indicate the boreholes location. These would comprise a 1.8m high timber post and painted white.

It is anticipated that the works will be carried out over a 12 month period throughout 2012 however, this timescale may need to be extended and any grant of planning permission

would need to reflect this. A maximum of 50 personnel will be on site at any one time. Should Members be minded to support the application it is proposed to restrict the general hours of working on the site by limiting activities between the period of 7.00am and 7.00pm. No temporary lighting is proposed.

The site is not within an area of designated landscape. However, the Low Church Moss Site of Special Scientific Interest (SSSI) lies adjacent to the north-western boundary. The Planning Statement accompanying the application confirms that the contractors will be informed of the SSSI and areas of ecological sensitivity and that a local ecological consultant will attend the fieldworks on a two-weekly basis or more often if required. The consultant will advise NuGen of any steps required to be taken by the contractor and also oversee their delivery.

CONSULTATIONS

This application is subject to extensive consultation. To date the following responses have been received:

Beckermest Parish Council – raise no objections at this stage (but are concerned at the lack of liaison/involvement and will be asking for a meeting with the applicants NuGen).

Office for Nuclear Regulation – a holding response has been received confirming that the development is within the area covered by the Site Emergency Plan and it will therefore be necessary to consider whether or not the development can be satisfactorily incorporated into the Emergency Plan.

The Highways Authority – raise no objections subject to a standard condition being imposed.

Scientific Officer – raises no objections and confirms that to the best of his knowledge no industrial activity has taken place on the site so the risk of chemical contamination is low. If, however, any evidence of contamination is identified, work should stop and the Council be informed prior to any remediation being agreed.

Environmental Health Officer – raises no objections and recommends that a standard noise condition be attached to any subsequent grant of planning permission.

Head of Nuclear and Energy Development – confirmed that he has no specific comments to make on the proposal.

Publicity/neighbour notification responses - two letters have been received in response to neighbour notification and publicity procedures. One received from the occupants of a neighbouring residential property to the east of the site at Calderbridge raises no objections in principle, provided the works are carried out between the hours of 8am and 5pm. The second, from a Beckermest resident, raises the following objections:-

1. Church Moss SSSI - Pollution of watercourses and groundwater springs which will inevitably occur if any construction activities are permitted within the watershed draining into Church Moss. Pollution may affect not only wildlife in Church Moss SSI but also the River system into which it drains.
2. River Ehen catchment area - The site is worryingly close to the River Ehen Flood zone and it will be a great challenge for NuGen to construct and operate their reactor without polluting the river. Development could therefore endanger a range of species including the Atlantic Salmon, Trout, the Freshwater Mussel, wildfowl, natterjack toads, newts and barn owls. No construction activities should be permitted within the catchment area of the River Ehen and especially not the part of the site containing springs which will naturally drain into the Church Moss SSSI.
3. Infrastructure – the West Coast is not well served by road and rail. Roads are mostly single carriageway and travel through extensive built up areas with speed restrictions. There is inadequate transport infrastructure for the Sellafield site and the local roads around Beckermest, already used by commuter and construction traffic as a 'rat run' will be further affected if this proposal is permitted. Before any construction activities are permitted these longstanding transport problems must be addressed. Access to the proposed borehole construction site must be restricted so that the inadequate roads around Beckermest are not used.

Consultation responses are still awaited from the Office of Nuclear Regulation, the Environment Agency, United Utilities, Ponsonby Parish Council and Cumbria County Councils Historic Environment Officer.

PLANNING POLICY & ASSESSMENT

Policies DEV 1, DEV 5, DEV 6, DEV 7 and ENV 2 of the adopted Copeland Local Plan 2001-2016 are considered relevant to the assessment of this application.

Policy DEV 1 'Sustainable Development and Regeneration' only permits development proposals if they accord with the Council's Local Plan Aims and Objectives. All development is expected to contribute to achieving a sustainable regeneration of the Borough where social progress and economic growth combine with prudent use of resources and protection and enhancement of the quality of the environment.

Policy DEV 5 'Development in the Countryside' seeks to protect the quantity and character of the wider countryside and sets out the types of development that will be permitted outside the defined boundaries of the Key Service Centres and Local Centres which includes energy related development.

Policy DEV 6 'Sustainability in Design' advocates a high standard of sustainable design being achieved in all new developments.

Policy DEV 7 'Planning Conditions and Obligations' recommends the imposition of conditions where necessary when granting planning permission to ensure that the development meets with the policy aims of the Plan.

Policy ENV 2 'Nature Conservation Sites of National Importance' seeks to protect SSSI sites from development that will have a direct or indirect adverse effect.

In terms of regional policy, the North West Regional Spatial Strategy recognises the national significance of the nuclear industry in West Cumbria, its supply chains and labour markets. In particular, Policy CNL2 'Sub-Area Development Priorities for Cumbria' recognises that efforts should be made to exploit the potential offered by a local workforce with expertise in the field of nuclear research, development and decommissioning.

At a national level, the National Policy Statement for Nuclear Power Generation (EN-6) believes that any new nuclear power stations consented under the Planning Act 2008 will play a vitally important role in providing reliable electricity supplies and a secure and diverse energy mix as

the UK makes the transition to a low carbon economy. Within this policy the Sellafield site was confirmed as one of the eight locations suitable for a new nuclear power station and that the land which is subject to this application is identified within this policy as a 'location of potential new build area'. It should be noted, however, that this National Policy Statement, taken together with the overarching National Policy Statement for Energy (EN-1) provides the primary basis for decisions taken by the Infrastructure Planning Commission (IPC) on applications it receives for nuclear power stations and does not specifically relate to applications such as this for site investigations.

Through the use of suitable conditions to limit any disturbance likely to be caused to local residents and the wider amenity it is considered that the site investigation works, which are deemed necessary to gain a detailed understanding of the site and its suitability for any proposed nuclear new build, comply with the above local, regional and national policies.

It must be emphasised that this application relates solely to site investigations for the purposes of gathering information. If Members are minded to support this application it would not infer support for any subsequent application for new nuclear build on the site.

Given that the application is subject to extensive consultations, which are ongoing, it is recommended that authority be delegated to the Development Control Manager to grant planning permission subject to no adverse comments being received from statutory consultees.

Recommendation:-

That delegated authority be given to the Development Control Manager to grant planning permission subject to no adverse comments being received from statutory consultees.

Conditions

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

Reason

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

2. All drilling operations shall be completed within two years from the date of commencement on site.

Reason

To ensure the duration of the drilling works does not have an unduly unacceptable impact on the amenities of the locality.

3. Within six months from the date when the boreholes are no longer being used for monitoring purposes the boreholes shall have been filled in and their sites and surrounds shall have been restored to their former condition.

Reason

In order to safeguard the amenities of the locality.

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

- Site location plan drawing no. 001, received on 8 September 2011.
- Indicative plan showing location of works reinstated after drilling/testing, drawing no. 007, received on 8 September 2011.
- Indicative plan showing location of monitoring equipment to be left in place, drawing no. 006 Rev A, received on 30 September 2011.
- Site Investigation Works – Planning Statement (Job No. 217308-02, Draft 3 dated 7 September 2011), prepared by ARUP and received on 8 September 2011.

Reason

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

5. No operations shall take place outside the hours of 7:00 to 19:00 on any day unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of neighbouring residents/properties.

6. All plant, machinery and vehicles used on site shall be maintained and silenced at all times in accordance with the manufactures recommendations.

Reason

To safeguard the amenity of local residents by ensuring the noise generated in minimised and so does not constitute a nuisance outside the boundaries of the site.

7. The equivalent continuous noise level (LAeq) attributable to the approved operations shall not exceed 55 dB(A) at any noise sensitive property.

Reason

To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site.

For the purposes of condition 7:-

- The noise levels expressed as LAeq 1hr freefield. Any measurements to check compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.
 - Free field shall be defined as a point 3.5 metres in front of the facade of any noise sensitive property facing the site investigations operations.
 - A noise sensitive property shall be defined as any building outside the site used as a dwelling where the occupants are likely to be adversely affected by an increase in noise levels.
8. Details of any proposed floodlighting to be used on site shall be submitted to and approved in writing by the Local Planning Authority prior to it being brought into operational use on site.

Reason

To safeguard the amenity of local residents by ensuring that light generated does not constitute a nuisance outside the boundaries of the site.

Informatives:

- All development works carried out on, or affecting agricultural land shall be conducted having regard to the Defra "Code of Good Agricultural Practice".
- In the interest of highways safety the public highway should be kept clean of any mud or other debris from the sites.
- The applicant is reminded that the Low Church Moss Site of Special Scientific Interest (SSSI) lies adjacent to the northwest corner of the site. SSSI's are legally protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CROW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006.

Reason for decision:-

An acceptable proposal to carry out site investigation and characterisation works in accordance with Policies DEV1, DEV 5, DEV 6 and DEV 7 of the adopted Copeland Local Plan 2001-2016, Policy CNL 2 of the North West Regional Spatial Strategy 2008 and National Planning Policy Statements EN - 1 and EN -6.

List of Delegated Decisions

Selection Criteria:

From Date: 06/09/2011

To Date: 03/10/2011

Printed Date: Monday, October 03, 2011

Printed Time: 8:28 AM

Application Number	4/11/2344/001
Applicant	Slingshot Group Ltd
Location	FORMER COUNCIL YARD, HOLBORN HILL, MILLOM
Proposal	APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE EXTANT PERMISSION 4/08/2261 (OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION
Decision	Approve in Outline (commence within 3 years)
Decision Date	8 September 2011
Dispatch Date	8 September 2011
Parish	Millom

Application Number	4/11/2348/0F1
Applicant	Mr S Miah
Location	CURRY SPICE, MARKET SQUARE, MILLOM
Proposal	CHANGE OF USE OF PART STORE AREA INTO HABITABLE ACCOMMODATION (TO BE USED IN CONJUNCTION WITH RESTAURANT)
Decision	Approve (commence within 3 years)
Decision Date	9 September 2011
Dispatch Date	9 September 2011
Parish	Millom

Application Number	4/11/2353/0F1
Applicant	Mr and Mrs A Lester
Location	PLOT 15, FORMER WHITE SCHOOL, KELLS, WHITEHAVEN
Proposal	ERECTION OF A DWELLING
Decision	Approve (commence within 3 years)
Decision Date	12 September 2011
Dispatch Date	12 September 2011
Parish	Whitehaven

Application Number	4/11/2357/0F1
Applicant	Mr D Lyall
Location	MIDDLE LEYS, LAMPLUGH
Proposal	CONVERSION OF BARN TO CREATE 2 No. HOLIDAY LETS & ERECTION OF SINGLE GARAGE
Decision	Approve (commence within 3 years)
Decision Date	7 September 2011
Dispatch Date	7 September 2011
Parish	Lamplugh

Application Number	4/11/2368/0F1
Applicant	James Fisher Nuclear Ltd
Location	10/14 BRIDGE END INDUSTRIAL ESTATE, EGREMONT
Proposal	SITE FOOTPATH TO BOUNDARY, SECURITY FENCE TO SITE (RE-SUBMISSION)
Decision	Approve (commence within 3 years)
Decision Date	21 September 2011
Dispatch Date	21 September 2011
Parish	Egremont

Application Number	4/11/2369/0F1
Applicant	Mrs S Francis
Location	3 THE WARREN, HAYESCASTLE ROAD, DISTINGTON
Proposal	CHANGE OF USE FROM PRIVATE HOUSE TO PRIVATE HOUSE WITH BED & BREAKFAST (5 GUEST ROOMS)
Decision	Approve (commence within 3 years)
Decision Date	19 September 2011
Dispatch Date	19 September 2011
Parish	Distington

Application Number	4/11/2370/0L1
Applicant	Mr D Herbert
Location	CAUDER HOUSE, CALDERBRIDGE, SEASCALE
Proposal	LISTED BUILDING CONSENT FOR EXTENSION AT FIRST FLOOR LEVEL
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	19 September 2011
Dispatch Date	19 September 2011
Parish	Ponsonby

Application Number	4/11/2372/0B1
Applicant	Mr N Woodhouse
Location	LAND ADJACENT TO MILLOM CRICKET CLUB, ST GEORGES ROAD, MILLOM
Proposal	AMEND CONDITION 5 (ESTATE ROAD) OF PLANNING APPLICATION 4/11/2034/0F1 (9 DWELLINGS & NEW ACCESS ROAD)
Decision	Approve amendment of condition
Decision Date	19 September 2011
Dispatch Date	19 September 2011
Parish	Millom

Application Number	4/11/2378/0F1
Applicant	Mr and Mrs H Scott
Location	LA BELLE VUE, FRIZINGTON ROAD, CLEATOR MOOR
Proposal	CHANGE OF USE FROM FARM LAND TO GARDEN TO FORM EXTENSION OF DOMESTIC CURTILAGE
Decision	Approve (commence within 3 years)
Decision Date	29 September 2011
Dispatch Date	29 September 2011
Parish	Cleator Moor

Application Number	4/11/2379/0F1
Applicant	Mr D Bowick
Location	WOODEND GARDENS, MIREHOUSE ROAD, WHITEHAVEN
Proposal	EXTENSION TO EXISTING WILDLIFE POND
Decision	Approve (commence within 3 years)
Decision Date	19 September 2011
Dispatch Date	19 September 2011
Parish	Whitehaven

Application Number	4/11/2382/TPO
Applicant	Carlisle Diocese
Location	WOODLAND TO REAR OF 25 WOODLANDS AVENUE, JERICHO PLANTATION, HILLCREST, WHITEHAVEN
Proposal	FELLING OF TWO ASH TREES AND ONE SYCAMORE TREE PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	29 September 2011
Dispatch Date	29 September 2011
Parish	Whitehaven

Application Number	4/11/2384/0F1
Applicant	Mr and Mrs A Walker
Location	28 CHURCHILL DRIVE, MORESBY PARKS, WHITEHAVEN
Proposal	ERECTION OF SINGLE STOREY EXTENSION TO SIDE
Decision	Approve (commence within 3 years)
Decision Date	7 September 2011
Dispatch Date	7 September 2011
Parish	Moresby

Application Number	4/11/2385/0F1
Applicant	Mr and Mrs N Hodgson
Location	9 BRANSTY ROAD, BRANSTY, WHITEHAVEN
Proposal	ERECTION OF DECKED AREA WITH GLASS BALUSTRADE & STEPS
Decision	Approve (commence within 3 years)
Decision Date	7 September 2011
Dispatch Date	7 September 2011
Parish	Whitehaven

Application Number	4/11/2386/0C1
Applicant	Magnus Homes
Location	PARK NIGHTCLUB (DUKE STREET) & MARK HOUSE (STRAND STREET), WHITEHAVEN
Proposal	CONSERVATION AREA CONSENT FOR DEMOLITION OF OFFICE BLOCK, NIGHT CLUB BUILDING & PARTIAL DEMOLITION OF VICTORIAN BATH HOUSE (IN CONJUNCTION WITH APP. NO. 4/11/2373 - DEVELOPMENT OF SITE TO PROVIDE 43 DWELLINGS & GROUND FLOOR COMMERCIAL UNITS)
Decision	Approve Conservation Area Consent (within 3yrs)
Decision Date	23 September 2011
Dispatch Date	23 September 2011
Parish	Whitehaven

Application Number	4/11/2388/0F1
Applicant	Mrs M Henderson
Location	COLEDALE, CROSSGATES, LAMPLUGH
Proposal	FIRST FLOOR BEDROOM EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	7 September 2011
Dispatch Date	7 September 2011
Parish	Lamplugh

Application Number	4/11/2389/0F1
Applicant	Mrs R Knight
Location	LOW MEADOWS, LOW BROADLEYS, CALDERBRIDGE, SEASCALE
Proposal	GRANNY FLAT EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	7 September 2011
Dispatch Date	7 September 2011
Parish	Haile

Application Number	4/11/2392/0F1
Applicant	Mr A Hadley
Location	9 CHURCH HILL, HENSINGHAM, WHITEHAVEN
Proposal	REPLACEMENT GARAGE AND SINGLE STOREY EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	23 September 2011
Dispatch Date	23 September 2011
Parish	Whitehaven

Application Number	4/11/2394/0G1
Applicant	Western Lakes Ltd
Location	WHITEHAVEN GOLF CLUB, RED LONNING, WHITEHAVEN
Proposal	REMOVAL OF CONDITION RE LANDSCAPING FROM PLANNING PERMISSION 4/08/2009/0 FOR THE ERECTION OF AN IMPLEMENT SHED
Decision	Approve
Decision Date	23 September 2011
Dispatch Date	23 September 2011
Parish	Whitehaven

Application Number	4/11/2399/0A1
Applicant	Mr Kemal Eren
Location	STAR TAKEAWAY, 44 MAIN STREET, EGREMONT
Proposal	ADVERTISEMENT SIGN (RETROSPECTIVE)
Decision	Approve Advertisement Consent
Decision Date	26 September 2011
Dispatch Date	26 September 2011
Parish	Egremont

Application Number	4/11/2402/0F1
Applicant	Mr D Herbert
Location	CAUDER HOUSE, CALDERBRIDGE, SEASCALE
Proposal	EXTENSION AT FIRST FLOOR LEVEL
Decision	Approve (commence within 3 years)
Decision Date	26 September 2011
Dispatch Date	26 September 2011
Parish	Ponsonby

Application Number	4/11/2403/OF1
Applicant	Mr J Quayle
Location	35 OVEREND ROAD, RICHMOND, WHITEHAVEN
Proposal	ERECTION OF TWO STOREY SIDE EXTENSION AND PORCH TO FRONT
Decision	Approve (commence within 3 years)
Decision Date	26 September 2011
Dispatch Date	26 September 2011
Parish	Whitehaven

Application Number	4/11/2408/OF1
Applicant	Mr C R Blomfield
Location	ROMA, STAMFORD HILL, LOWCA, WHITEHAVEN
Proposal	ERECTION OF DETACHED DOMESTIC GARAGE
Decision	Approve (commence within 3 years)
Decision Date	26 September 2011
Dispatch Date	26 September 2011
Parish	Lowca