

PLANNING PANEL

15 September 2010

AGENDA

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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

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.

ITEM NO: 1.



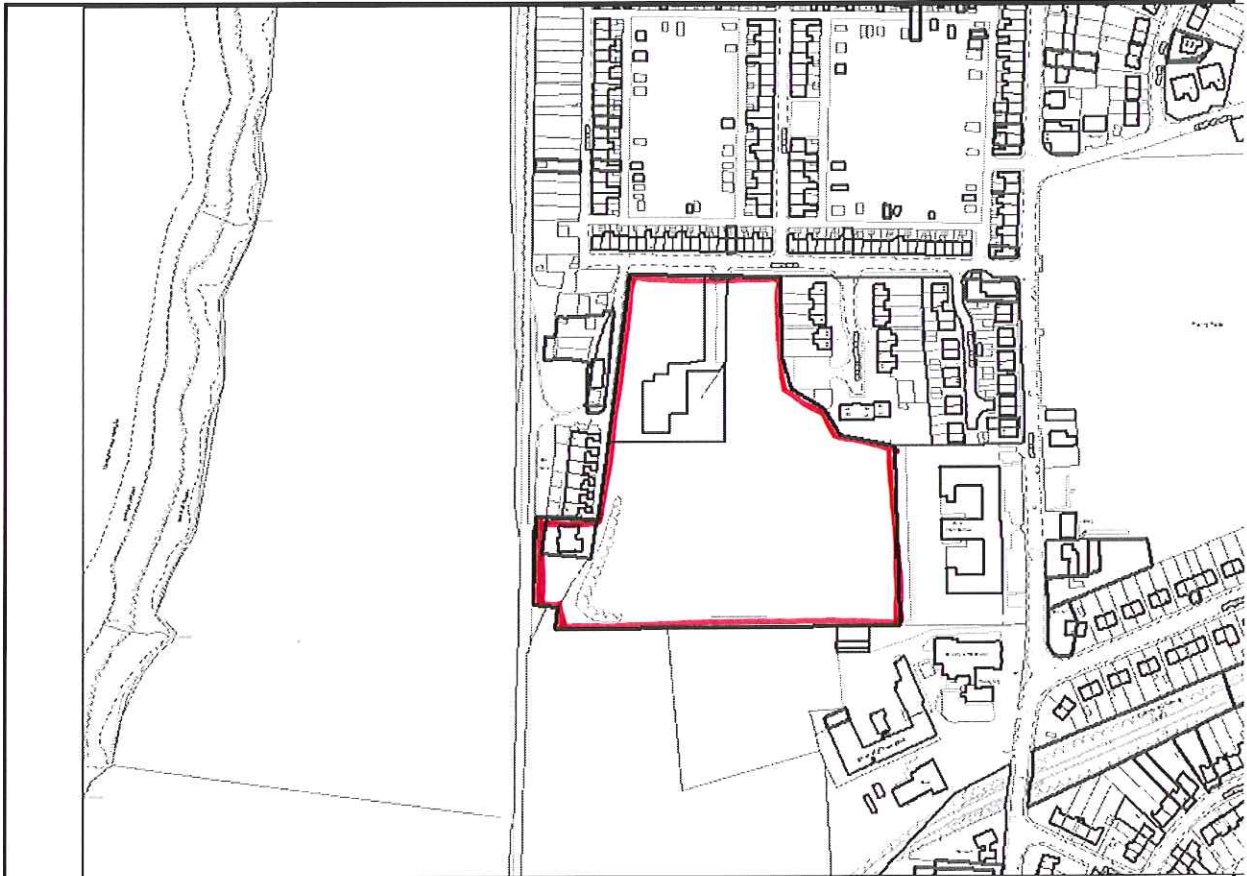
To: PLANNING PANEL

Development
Manager

Control

Date of Meeting: 15/09/2010

Application Number:	4/10/2127/001
Application Type:	Outline : CBC
Applicant:	Kells Development Co Ltd
Application Address:	FORMER WHITE SCHOOL, SOUTH ROW, WHITEHAVEN
Proposal	ERECTION OF 74 DWELLINGS, COMPRISING 31 SELF BUILD PLOTS 21 DWELLINGS FOR SALE 22 DWELLINGS FOR RENT OR SHARED OWNERSHIP
Parish:	Whitehaven
Recommendation Summary:	Approve subject to S106



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Members authorised delegated powers to approve this outline planning application for the redevelopment of the site to provide 74 houses at the Planning Panel meeting on 12 May 2010. This was on the basis that a Section 106 Agreement was drafted to control the occupancy of the 22 affordable units.

The purpose of this report is to advise Members of the detail of the Section 106 Agreement which has now been finalised with the applicant. The Agreement has been drafted to include three different options to reflect the problems that the applicants may encounter in obtaining agreement from a Registered Social Landlord (RSL) to fund the acquisition of the affordable units. This is due to the recent cuts in funding from the Homes and Communities Agency. The use of three options is considered to be the best way to secure affordable housing on the site in view of this context. Each option has been given a defined timescale to achieve before the next option can be considered.

The detail of the three options is listed below:-

Option 1

This is the preferred option and would involve the applicants constructing the affordable houses and then transferring the land onto a RSL who would then take full ownership of the units. The developer would have until 30th September 2011 to agree this option with a RSL before they would be allowed to proceed to Option 2.

Option 2

This option would involve the applicants constructing the affordable housing units which would thereafter be managed by a Registered Social Landlord. The applicant would retain ownership of them. This option, if applicable, has to be secured by 31 March 2012. If this option fails within this timescale then option three would have to be agreed by 31st July 2012.

Option 3

This option is the least preferred option and would result in the applicants building the affordable units and then taking over full management responsibilities for these affordable units themselves.

The Agreement includes a final cut off date of 31 December 2014 by which time all of the affordable units must be complete and ready for occupation.

All three options involve the affordable housing being split between rented units and units for sale at a discounted sale price of 20% below open market value. The Council would also retain some nomination rights. This proposed tenure differs from the original intention which was for the affordable houses to be offered on a rented or shared ownership basis.

The Agreement includes a requirement that the affordable units are secured in perpetuity.

Although the detail of the Section 106 Agreement is complex it is considered to be necessary to secure the provision of the affordable units on the site within a defined timescale.

Recommendation:-

That Members confirm their previous decision dated 26th May 2010 to approve outline planning consent given the change in the nature of the 22 dwellings forming the affordable housing on the site subject to the requirement to enter into the Section 106 Agreement and the following conditions:-

Conditions

1. The layout, scale, appearance and landscaping shall be as may be approved by the Local Planning Authority.

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. 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 latter of the following dates:-

- The expiration of THREE years from the date of this permission

or

- 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 comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. 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 prepared by MJN Associates, received on 08 March 2010
- Layout Plan, scale 1:500 prepared by RAB Engineering Ltd, received on 08 March 2010
- Transport Statement prepared by W.A. Fairhurst and Partners, received on 08 March 2010
- Residential Travel Plan prepared by W.A. Fairhurst and Partners, received on 08 March 2010
- Flood Risk Assessment prepared by Arc Environmental, received on 08 March 2010
- Phase 1 Desk Top Study Report prepared by Arc Environmental, received on 08 March 2010
- Design and Access Statement prepared by MJN Associates, received on 08 March 2010
- Design Brief prepared by MJN Associates, received on 22 April 2010

Reason

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

4. No dwellings shall be occupied until the estate road, including footways and cycleways to serve such dwellings, has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason

To ensure an adequate standard of development in the interests of highway safety.

5. 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.

6. There shall be no vehicular access to or egress from the site other than via the approved access.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

7. Before the development is / dwellings are occupied the existing access to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason

To minimise highway danger and for the avoidance of doubt.

8. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to and approved by the Local Planning Authority in writing before development commences. Any details so approved shall be constructed as part of the development.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

9. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason

To ensure that the access roads are defined and laid out at an early stage.

10. Before any development commences, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

11. Details of the proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

Reason

To ensure a suitable standard of crossing for pedestrian safety.

12. The extension of the frontage footway along the whole frontage of the site to South Row shall be completed before the dwellings hereby approved are occupied.

Reason

In the interests of highway safety.

13. Full details of the highway surface water drainage system shall be submitted to and approved by the Local Planning Authority in writing. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

14. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Details of how the scheme shall be maintained and managed after completion
- Details of the design parameters used and confirmation that climate change has been incorporated into the design.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

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

Reason

To ensure the provision of a satisfactory drainage scheme.

16. 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.

17. The approved Travel Plan shall be implemented in full in a timetable to be agreed in writing with the Local Planning Authority. The approved travel plan shall continue to be implemented as long as any part of the development is occupied.

Reason

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

Reason for Decision

An acceptable housing scheme on this allocated site which lies within the designated development boundary for Whitehaven in accordance with Policy CNL1 of the North West of England Plan Regional Spatial Strategy 2021, and policies DEV 2, DEV 4, HSG 2, and HSG 4 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 2.

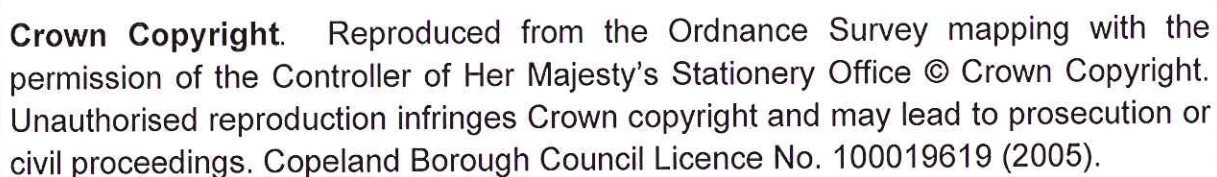


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 15/09/2010

Application Number:	4/10/2298/0F1
Application Type:	Full : CBC
Applicant:	Mr G Chapman
Application Address:	REAR OF 127 FRIZINGTON ROAD, FRIZINGTON
Proposal	CHANGE OF USE TO JOINERS WORKSHOP (RETROSPECTIVE)
Parish:	Arlecdon and Frizington
Recommendation Summary:	Site Visit



The site is located in the Frizington settlement, along Frizington Road to the south of the village. It is located to the rear of a terrace of 3 dwellings, adjoining a scrapyard to the north, and also a car garage. Located further to the north is a modern development of rural workshops.

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The application seeks retrospective permission for the change of use for a building to a joiner's workshop. The building is 9.7m x 9.7, with a height of 3.05m to the eaves and a height of 4.27m to the ridge. It is a timber frame clad with green box profile sheeting, with a grey box profile sheeting roof. Currently on the site there are two buildings, the other of which is a similar size to that applied for and does not have the benefit of planning permission together with a container which is to be removed from the site and some joinery materials. The site is approximately 370m² in size. The building is 10.0m from the rear elevation of the terrace.

A letter of objection has been received regarding the proposal, from the adjoining owner of the garage and scrapyard who have a dwelling on the adjoining site. The concerns raised are as follows: -

- The applicant has not received permission for either of the buildings on site.
- There are currently two businesses being run from the site.
- The applicant does not own the access and should not park vehicles on this area.
- The site is very untidy.

In order that all the material planning considerations can be taken into account associated with this retrospective development Members are recommended to carry out a site visit before reaching a decision.

Recommendation:-

Site Visit

ITEM NO: 3.



To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 15/09/2010

Application Number:	4/10/2323/0F1
Application Type:	Full : CBC
Applicant:	Abbeyfield (Whitehaven) Society
Application Address:	JOHNSON HOUSE, HILLCREST AVENUE, HILLCREST, WHITEHAVEN
Proposal	PROPOSED EXTENSIONS TO PROVIDE TEN 1 BED, 1 PERSON UNITS TOGETHER WITH KITCHEN EXTENSIONS, AMENITY SPACE, STORES & NEW CAR PARK (REVISED SCHEME)
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to Johnson House, a large detached building which is set within its own grounds on the Hillcrest residential estate. The property is run by the Abbeyfield Society, an independent sheltered housing society who aim to help the over 55s live independently in a caring environment.

Planning permission was granted for the erection of a substantial extension on the open land adjacent to the main building in 2008. This extension included both single and two storey elements and was designed to provide a total of seven independent units.

Members recently visited the site to assess the latest planning application for an extension to Johnson House.

PROPOSAL

Planning permission is now sought for a revised scheme which constitutes a substantial two storey extension to the south of the existing building. The extension will provide 10 additional rooms in addition to an extension to the existing kitchen and lounge facilities. The units are to be one bed roomed and each will include a lounge, kitchen and bathroom which are designed to provide independent living accommodation. The applicants have confirmed that the extension is required to meet an extended waiting list. The previous extension was based on the existing accommodation arrangements which comprise of bed sits with private facilities. The applicants have indicated that design standards have changed since 2008 and bed sits are no longer considered to be suitable for the future needs of the elderly.

The proposed extension is to be linked to the main building and will be constructed of materials to match the main building.

The existing building is currently served by a small car park which consists of 4 spaces and is accessed off Hillcrest Avenue via a surfaced lane. It is proposed to create an extension to this car park to provide an additional 7 spaces, one of which will be designated for disabled users.

The site adjoins Jericho Plantation to the south which is a substantial wooded area protected by a Tree Preservation Order. The application site extends towards the plantation and does have some implications for a number of trees. The extension will be erected in a largely cleared area forming part of the plantation with the majority of the trees affected being situated on its northern edge. It is likely that 10 of the existing trees will be removed to facilitate the development.

The application is accompanied by the following information:-

- Detailed layout and elevation plans
- A design and access statement
- A tree survey
- An arboricultural method statement

PLANNING POLICY

Policy HSG 18 of the adopted Copeland Local Plan 2001-2016 permits extensions to existing residential institution buildings provided they are of a scale, design and material which retains the character of the existing building and are compatible with its surroundings, do not create amenity problems for adjoining neighbours and there is adequate off street parking to serve the building.

Although Policy HSG 8 relates specifically to housing design standards it does set out the minimum separation distances that should be achieved with residential properties in order to protect residential amenity.

Policy ENV 10 seeks to protect trees covered by a Tree Preservation Order from inappropriate development.

CONSULTATION RESPONSES

Highways Control Officer

There is insufficient turning space for cars entering and exiting parking bays 3 to 6. The aisle should be increased to 6 metres wide rather than the 5 metres shown on the submitted plan.

Once this point is satisfactorily resolved I would raise no objections to the proposals shown. Conditions should be attached to any planning permission to cover the construction, drainage and lighting arrangements of the car park.

Flood and Coastal Defence Engineer

The surface water drainage arrangements for any development site should be such that the volumes and peak flow rates of surface water leaving a developed site are no greater than the rates prior to the proposed development, unless specific off-site arrangements are made and result in the same net affect.

As it is intended to discharge both foul sewage and surface water run-off into adopted sewer system, United Utilities should be consulted to ensure that there is capacity within their systems and if so the discharge rates should be agreed with

them. Currently the adopted surface water sewer runs through the site and the adopted foul sewer is on the opposite side of Hillcrest Avenue.

It would be wise to insist that as part of any planning permission, existing connections from the site to the adopted sewers be investigated and any defects repaired. The unadopted sewers in the Hillcrest area are generally pitch fibre, which distort overtime, reducing capacity leading to problems. Any increased use of these sewers is likely to lead to an increase in problems, so addressing problems before they occur as part of any planning conditions would be the best way of avoiding future problems.

However it is important to take into account previous problems with development at Johnson House that has caused surface water problems to the adjacent property at 14 Hillcrest Avenue. Construction of the extension will have an effect on groundwater and surface flows and consequently could lead to additional problems affecting the adjacent property. It is essential then that the developer puts in place measures to prevent a recurrence of previous problems.

Landscape Officer

The existing trees have grown since the previous application in 2008. It is important that the submitted details reflect this change to allow a proper assessment to be carried out. An updated tree survey and tree protection plan should be submitted to enable the impact of this development on the protected trees to be made. A replanting scheme should also be secured to ensure that the trees lost as a result of this proposal are replaced.

Copeland Disability Forum

Given the use of the building at least one of the proposed units should be specifically designed for wheelchair use. The amenity space should also be accessible for wheelchair users and designated disabled parking provision should be included on the site.

Neighbours – a total of 27 letters of objection have been received from the local residents which raise the following points:-

- Disturbance and likely impact on protected wildlife which inhabits the woodland including red squirrels, bats and owls
- The existing drainage is problematic and is currently unadopted. It is inadequate to accept the additional flows that would result from this development
- Extra traffic would result from the development on a very busy route and also result in parking problems due to lack of onsite provision
- The proposed accommodation is now for permanent residents which is different to the previous occupancy proposed
- The extension is excessive in scale and will almost double the size of the existing building
- The design is out of keeping with the surrounding area
- The extension will have an adverse impact on the trees which are protected by a Preservation Order
- Loss of public land/amenity space
- Disruption during construction including noise, dust and general activity
- Devaluation of property within the locality
- Question the need for the extension especially when other residential homes are closing down
- Lack of consultation with local residents by the Abbeyfield Society

ASSESSMENT

The previous planning approval from 2008 permitted a substantial extension to this building. This planning permission is still live and consequently is a significant material planning consideration in the consideration of this application.

Although the current scheme is large in scale it is comparable to the previously approved scheme and would only result in a 5 % increase in the footprint of the extension. The main change now proposed is the inclusion of a full first storey level compared to the previous scheme which included both a single storey and a two storey section.

The extension proposed is of a simple design which reflects the appearance, scale and massing of the existing building. This is in accordance with Policy HSG 18 of the

adopted Copeland Local Plan which refers specifically to proposals to extend residential institutions.

The width of the extension has been reduced by 2 metres and this will result in a separation distance in excess of 25 metres with the nearest residential properties to the rear of the site. This separation distance is in excess of the 21 metres standard which is set out in Policy HSG 8 of the adopted Copeland Local Plan. The retention of an existing tree belt in this part of the site will also provide an element of screening. It is therefore likely that any adverse impact in terms of overlooking and loss of privacy will be minimal.

The access arrangements into the site remain unchanged and it is proposed to create an additional seven parking spaces to serve the development. This includes a designated parking bay for a disabled person which has been requested by the Copeland Disability Forum. Improvements to the width of the parking aisle have also been secured to provide adequate turning space within the site as recommended by the Highways Control Officer.

Drainage is one of the key issues raised by this application. The initial comments from the Councils Flood and Coastal Defence Officer acknowledge that there are ongoing drainage issues in this area and it is important that this development does not worsen the current situation.

The applicant has submitted a full drainage report which has been designed to protect the adjoining properties that lie downhill from the site from surface water runoff. A new French drain is to be constructed to the rear of the building to intercept flows from the higher ground to the east. An existing surface water sewer is to be diverted around the new extension and this will be designed to have at least the same capacity as the existing sewer plus the additional development flow input. All rainfall run off from the extension will be retained into the diverted public sewer. It is also proposed to divert an existing public sewer to accept foul drainage. This diversion has been agreed with United Utilities. The Councils Flood and Coastal Defence Officer has been asked to comment on these detailed drainage proposals. Any response will be reported at the meeting.

In view of the acknowledged drainage problems within this locality Members are advised that the inclusion of the same condition that was imposed on the planning permission in 2008 would be appropriate if agreement cannot be reached on the

submitted scheme at this stage. This will ensure that this issue is fully resolved before any development takes place on the site.

The previous planning approval also allowed the removal of several trees from the open area of land adjacent to Johnson House in order to accommodate the extension. At that time Members resolved to accept this as there would be minimal impact on the plantation in terms of tree loss and wildlife as the main body of the trees will remain untouched. A number of conditions were imposed on the planning permission in 2008 to protect the main woodland during the development and also to ensure adequate replanting took place.

Although the current proposal will extend approximately 1 metre closer to the woodland than the previous scheme the applicants claim that there will be no additional tree loss than that previously approved. The Councils Landscape Officer has requested the submission of updated information to assess whether there have been any changes over the last two years to the health and overall height and girth of the trees to ensure that the root protection areas proposed are adequate. Provided that there has not been any significant change since 2008 there is considered to be minimal adverse impact on the plantation, in terms of tree loss and wildlife as the main body of trees will remain untouched. The conditions that were applied in 2008 can be imposed on any planning permission.

The applicants have also indicated that they are considering the formation of a Trust to manage the woodland and have held discussions with the Woodlands Trust, the Wildlife Trust and Natural England to engage their help and involvement.

Overall the main difference from previously approved scheme involves the addition of a full storey at first floor level. This is unlikely to have any significant change to previously approved scheme and consequently is considered to be an appropriate form of development.

Recommendation:-

Approve subject to the following conditions:-

Conditions

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

Reason

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

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Site location plan reference Abb09, scale 1:1250 received on 05 July
 - Site layout plan, scale 1:200, received on 05 July 2010
 - Ground floor plan reference AF07a, scale 1:100, received on 05 July 2010
 - First floor plan, reference AF08a, scale 1:100, received on 05 July 2010
 - Proposed elevations, reference Abb/05a, scale 1:100, received on 05 July 2010
 - Proposed elevations, reference Abb/06a, scale 1:100, received on 05 July 2010
 - Amended parking layout plan, scale 1:200, received on 26 August 2010
 - Design and access statement prepared by Calva Design, received on 05 July 2010
 - Tree constraints plan
 - Arboricultural method statement prepared by W. Robb Tree Services, received on 05 July 2010
 - Basic tree survey and report prepared by W. Robb Tree Services, received on 05 July 2010

Reason

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

3. Notwithstanding the submitted drainage details no development shall take place until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details before the extension is brought into use and shall be so maintained thereafter.

Reason

To ensure the provision of a satisfactory drainage scheme.

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

Reason

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

5. No development shall take place until a scheme showing construction details, surface finishes, drainage and lighting of the vehicular access, car parking and footpath hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details before the extension is brought into use.

Reason

To ensure the adequate construction of the access, car park and footpath in the interests of highway safety.

6. Trees T11-T23 inclusive, as identified on the tree survey and constraints plan, shall be retained. Adequate protection measures for the retained trees during the course of development, 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 which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason

To ensure adequate protection is afforded to the trees on the site which are subject to a Tree Preservation Order.

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 subject to a TPO and in the interests of visual amenity.

8. 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 the site which are subject to a Tree Preservation Order.

9. A hedgerow shall be planted around the new boundary of the extension in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The hedgerow as approved shall be planted before the development hereby approved is first brought into use.

Reason

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

Reason for Decision

An acceptable scale and design of extension to this established care home within an area covered by a Tree Preservation Order, in accordance with Policies ENV 10 and HSG 18 of the adopted Copeland Local Plan 2001- 2016

ITEM NO: 4.

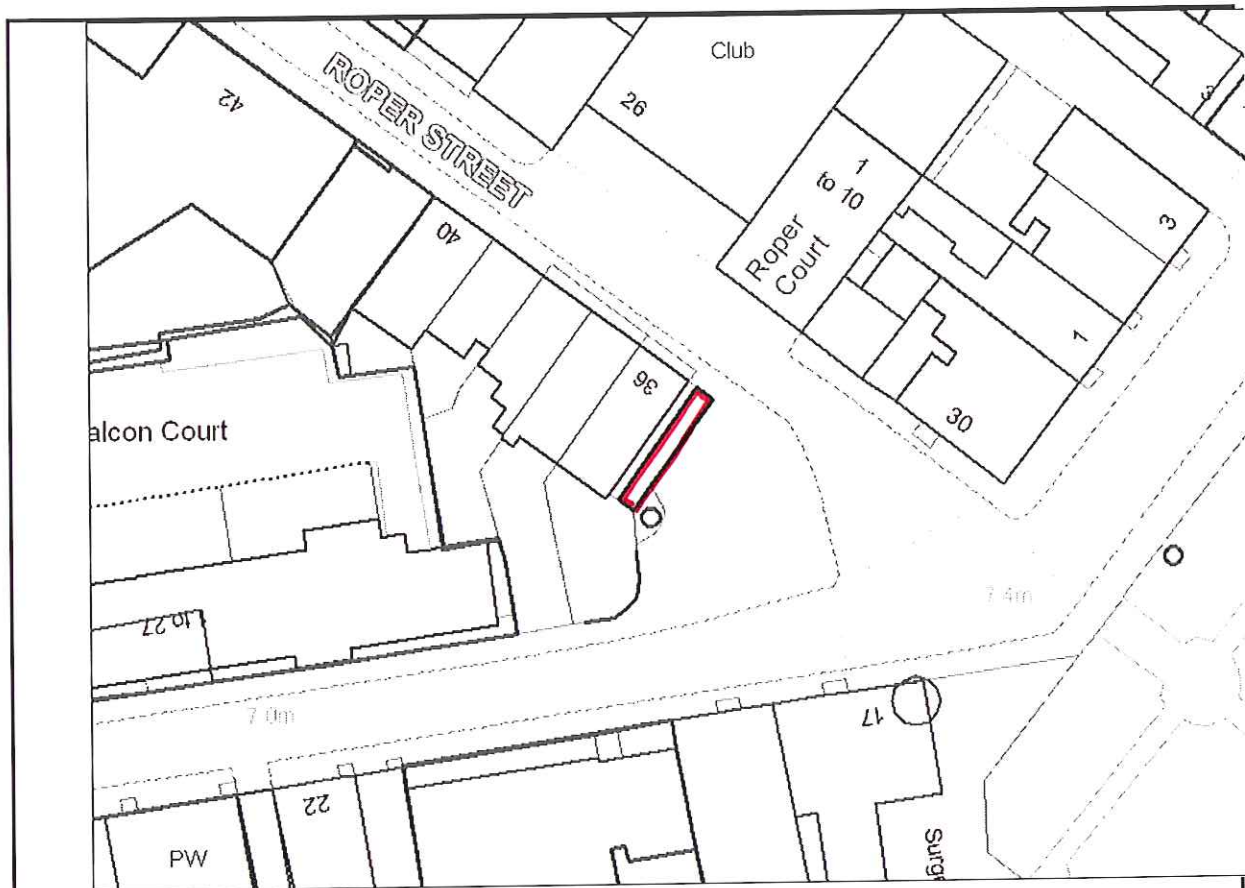


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 15/09/2010

Application Number:	4/10/2341/0F1
Application Type:	Full : CBC
Applicant:	Mr H Wormstrup (Whitehaven in Bloom)
Application Address:	LAND ADJOINING 36 ROPER STREET, WHITEHAVEN
Proposal	ERECTION OF THREE DISPLAY BOARDS
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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Planning permission is sought for the erection of three display boards on land adjoining 36 Roper Street, Whitehaven.

The site is located adjacent to the road junction of Roper Street and Irish Street and is an extended paving area which contains some planting and decoration. It adjoins the gable elevation of a dwelling, No 36 Roper Street, to the north west. In addition, the site is located within the Whitehaven Town Centre Conservation Area.

The application seeks planning permission for 3 display boards to be erected in an existing raised planting area to the north west of the site. Each board is 2.55m x 1.33m in size, with two located to the left of an existing tree, and the third on the right side. The planting area is raised approximately 0.5m off the ground. The boards are

to be erected in a metal frame, and would be located 1.2m distant from the blank gable elevation of no 36 Roper Street.

The boards have previously been on display attached to the Civic Hall building. The applicant has confirmed that they will be redesigned at some point in the future, but will continue to display community art work and are not to be used for any form of commercial advertising. In addition, they can be easily removed and may well be at certain times.

The application is required to be reported to the Planning Panel in accordance with the Council's scheme of delegation for the determination of applications due to the applicant being a Councillor.

The application is viewed as an acceptable proposal for the display of community art work in an appropriate location within the town centre. It is therefore considered to be in accordance with Policy ENV 26 of the adopted Copeland Local Plan 2001 - 2016, regarding development in Conservation Areas, and is recommended for approval.

Recommendation:-

Approve

Conditions

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

Reason

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

2. The boards shall be used for the display of community art work only and for no form of commercial advertising whatsoever.

Reason

Commercial advertising displays would be inappropriate in this predominantly residential part of the Whitehaven Town Centre Conservation Area.

Reason for Decision

An acceptable proposal for the display of public art in an appropriate location in accordance with Policy ENV 26 of the adopted Copeland Local Plan 2001 – 2016.

ITEM NO: 5.

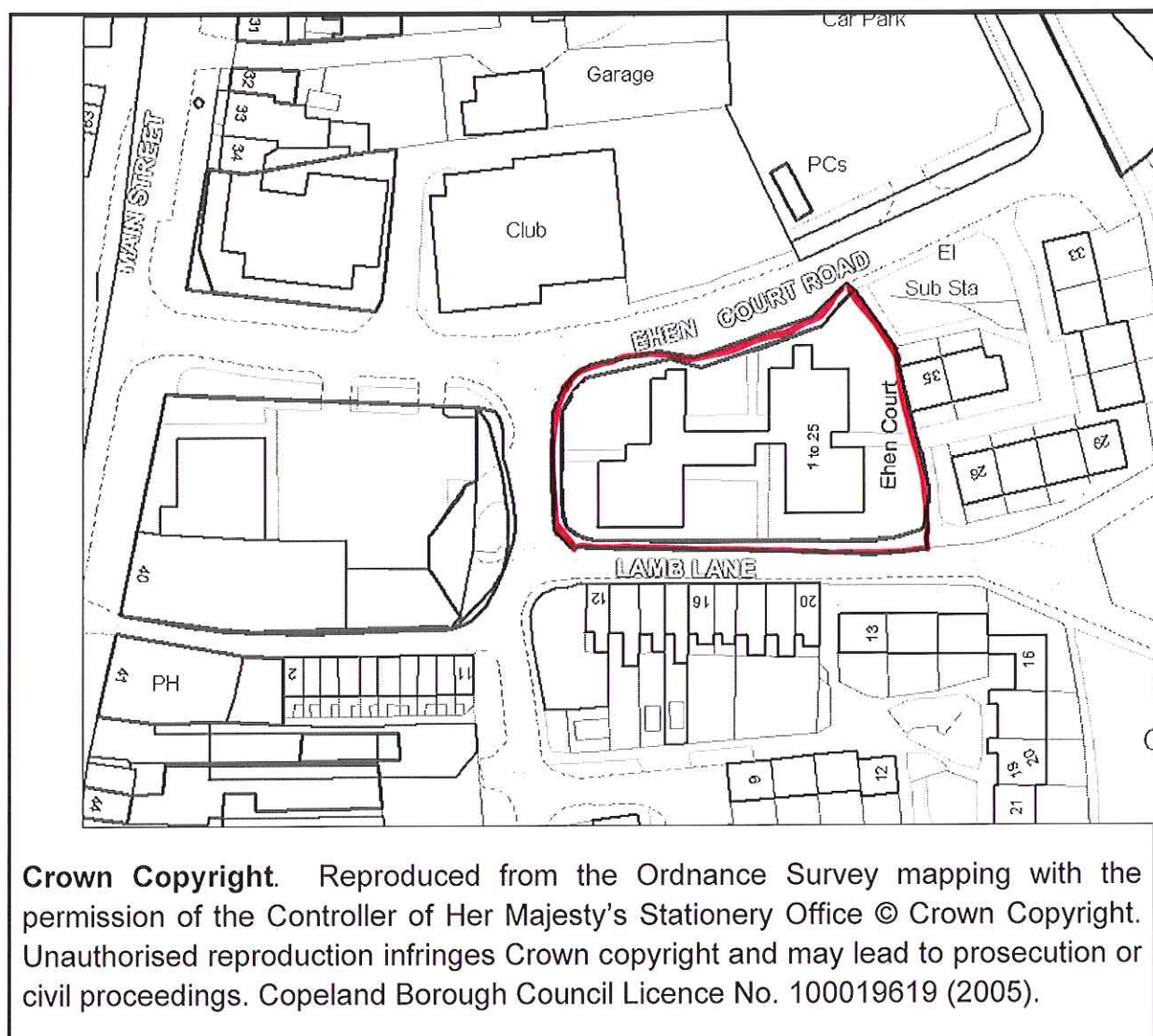


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 15/09/2010

Application Number:	4/10/2348/0F1
Application Type:	Full : CBC
Applicant:	Home Group Housing Association
Application Address:	FORMER EHEN COURT SITE, EHEN COURT ROAD, EGREMONT
Proposal	NEW BUILD ERECTION OF 22 TWO/THREE STOREY, TWO BEDROOMED APARTMENTS FOR THE OVER 55's INCLUDING IN-CURTILAGE PARKING SPACES AND EXTERNAL GREEN LANDSCAPING (RE-SUBMISSION)
Parish:	Egremont
Recommendation Summary:	Approve (commence within 3 years)



Planning permission is sought to redevelop the former Ehen Court site in Egremont to provide 22 no. 2 bedroomed apartments for the over 55's. The proposal also incorporates onsite parking and landscaping. A model of the proposal has been produced and is available for inspection.

A previous application was withdrawn in July this year pending a detailed tree survey (4/10/2211/0f1 refers). In anticipation of this revised submission Members took the opportunity to visit the site on Wednesday 14 July 2010.

The former sheltered housing scheme, which dated back to the 1970's consisted of bedsit units which could not be brought up to today's required standards. Consent for demolition was approved earlier this year (4/09/2537/0F1 refers) and this has now been completed and the site cleared.

The development itself takes the form of a two and three storey development with communal courtyard and parking area accessed off Lamb Lane. The main pedestrian entrance to the building will occupy the north-western corner of the site, visible from Main Street. The car park will provide parking for a total of 11 cars, 2 of which will be accessible spaces.

The three storey section of the development will be concentrated along the northern side of the site. The scale then tapers down to two storey along the southern side which runs parallel to existing two storey terraced houses on Lamb Lane.

At its closest point the development will be 11.0m from the front elevations of houses on Lamb Lane and 4.9m from the bungalows on Ehen Court Road to the east. The south-eastern corner units have also been redesigned and will now be sited 13.2m from the eastern side boundary, 3.9m further away than originally proposed.

Each apartment will have two bedrooms, open plan living and kitchen areas and a bathroom. Walled refuse areas are to be provided for within the site.

Proposed external finishes comprise a red/brown facing brick, zinc panelling, concrete tiles and dark stained timber windows and doors. A sample board accompanies the application and is available for inspection.

8no. water butts will be installed in the rear courtyard to be used by residents for gardening with the supply directed from rainwater collected from the roof.

There are eight trees within the existing site, one of which is a mature Beech tree (T6) the amenity value of which is considered to be an important consideration. In order to accommodate the development it is proposed to remove four cherry trees (T1-T4) and 1 sycamore tree (T7). In order to offset the loss of five trees an extensive landscaping scheme is proposed. This includes the planting of four native trees (Birch, Hawthorn, Hazel and Rowan) and six ornamental trees together with the planting of native shrubs and native ground flora.

At the 26 May 2010 meeting, Members supported a proposal to serve an emergency Tree Preservation Order on 16 trees within the application site and that adjacent. Since then there has been a good working dialogue with the applicant's agent and an amended scheme has now been submitted redesigning the south-eastern corner of the building to ensure the root protection area of tree T6 is safeguarded. The Council's Landscape Officer is now fully supportive of the scheme. A report will be put to panel at the October meeting to formalise the protection of those trees which are to be retained.

CONSULTATIONS

Egremont Town Council – no objections

United Utilities – no objections subject to conditions

Scientific Officer – sensitive end use, so contaminated land desk study is required.

The Highways Authority – no objections subject to conditions.

Landscape Officer – is now satisfied with the revised layout which takes into account the 20% root protection area (7.8m) of tree T6 and raises no objection to the removal of five trees (T1-T4 and T7) as their loss will be offset by the extensive landscaping scheme proposed.

Flood and Coastal Defence Engineer – the Flood Risk Assessment is comprehensive and covers all aspects of flooding that may affect the development. It concludes that the risk of fluvial flooding to the site is low. The recommendations within the FRA should be followed and where existing drainage is to be retained, this should be surveyed and any defects rectified. Discharge of surface water from the site will be to the main surface water sewer as the site is not suitable for soakaways and connection to a watercourse is not practical.

Five letters of objection have been received from neighbouring residents on Lamb Lane and Ehen Court Road. The grounds for objections can be summarised as follows:-

1. The building is too near the existing bungalows and given the three storey height and existing trees, these bungalows will feel hemmed in and a claustrophobic feeling created.
2. Overshadowing and loss of light, particularly in summer when the trees have bloomed. Has a shadow report been included?
3. The building is nearly a third higher than the previous building.
4. Why can't the new build be on the outline of the old building? Why can't the 3 storey part be opposite Lamb Lane? Bungalows or a two storey building would blend in better.
5. The roof elevation will look out of style with surrounding buildings. The majority of neighbouring buildings are low rise. There will be an abrupt transition between the one storey bungalows and this three storey development.
6. Loss of privacy.
7. Lamb Lane is a busy, narrow lane with on-street parking and is used on a daily basis by HGVs. Safety of other road users and pedestrians will be compromised should the access off Lamb Lane be allowed.
8. Parking on the plans is noted as disc parking. What happened to the promise of residential parking by the developers, which was given at the meeting earlier this year held in the Conservative Club. Home owners are being discriminated against.

9. The road outside Lamb Lane does not seem wide enough to accommodate the manoeuvring necessary to access the development. The road is only 5m wide. If the cars are moved to the house side of Lamb Lane we would have this noise closer to our living room and bedroom windows.
10. The existing trees provide constant pleasure for residents on Lamb Lane, attracting wildlife. It would be a disgrace if a building was given priority over nature. It would be more fitting for the area if the land was landscaped and the trees left. Thought should be given to designating the site as a memorial garden.
11. Trees T10 and T11 should be removed because they are near buildings and are dangerous.
12. There have been fewer anti-social incidents with gangs of youths since the building disappeared and these were extremely prevalent whilst the old building was occupied.
13. Decrease in property values.
14. Environmental impact during the construction phase. When the demolition took place there were problems with windblown debris, intermittent progress, working unsociable hours, vandalism and smashing windows.

In response to the concerns raised I would offer the following comments.

- a. Issues relating to loss of privacy and overshadowing are material considerations. In order to mitigate against any potential overshadowing, the roof pitch along the east wing has been reduced by 2.0m in height. In terms of loss of privacy habitable room windows towards the top end of the eastern wing have been omitted. The elevation to the south western corner of the site facing the front of Lamb Lane will only house narrow, obscurely glazed kitchen windows.

- b. No objections have been received from the Highways Authority with regards to access, parking and traffic arrangements.
- c. The Councils Landscape Officer raises no objections to the development and has taken into account the extensive landscaping scheme proposed to offset the loss of 5 trees.
- d. Whilst within the applicant's ownership, trees T10 and T11 are outside the application site. The Councils Landscape Officers appraisal did not indicate these trees as a threat.
- e. Issues relating to property values are not material planning considerations and should be discounted.
- f. Whilst there will undoubtedly be some disruption experienced by existing residents this in itself is not a material planning consideration and should be discounted.

PLANNING POLICY

Government, Regional and Local policy seek to achieve sustainable forms of development by focusing development in the larger key service centres. Egremont is classed as a key service centre within both the RSS and the Local Plan and as such, should be a focus for development within the district.

Policy DEV 6 of the adopted Copeland Local Plan 2001-2016 seeks to achieve high standards of sustainable design.

Policy HSG 4 of the Local Plan permits housing redevelopment involving existing buildings or previously development land within the defined limits of settlements.

Policy HSG 8 of the Local Plan seeks to achieve a high standard of housing design. The proposal adequately achieves the required separation distances, general standards of amenity and car parking as required by Policy HSG 8

Furthermore, a key objective of both local and national planning policy covered in Planning Policy Statement 3 "Housing" is to create sustainable, inclusive, mixed communities in all areas. Outcomes of the planning system should therefore deliver a mixture of housing, particularly in terms of tenure, price and to support a wide variety of household types, including older people. Additionally, PPS3 advocates the use of higher densities in order to achieve a more effective and efficient use of land.

In summing up, following extensive consultation the proposed development is in conformity with Local and National Planning Policy.

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:-
 - Existing location plan (drawing no. (EX)01) received on 16 July 2010.
 - Existing site plan (drawing no. (EX)02 Rev A), received on 16 July 2010.
 - Planning statement prepared by Collective Architecture dated 13 July

2010, received on 16 July 2010.

- Tree Method Statement prepared by Jonathan Rook, Open Space dated July 2010, received on 16 July 2010.
- Tree Survey Report prepared by Jonathan Rook & Diane Dobson, Open Space dated June 2010, received on 16 July 2010.
- Code for Sustainable Homes Ecological Assessment prepared by OpenSpace dated November 2009, received on 16 July 2010.
- Typical bin storage detail (drawing no. (90)01) received on 16 July 2010.
- Section A-A/B-B/C-C (drawing no. (SE)100 Rev E), received on 16 July 2010.
- Typical North/South elevation details (drawing no. (EL)400 Rev A) received on 16 July 2010.
- Typical flat plan (drawing no. (PR)100 Rev C), received on 16 July 2010.
- Topographic survey plan (drawing no. (EX)03) received on 16 July 2010.
- Main sewer utilities drawing (drawing no. (UT)01), received on 16 July 2010.
- Water utilities drawing (drawing no. (UT)02), received on 16 July 2010.
- Electricity utilities drawing (drawing no. (UT)03), received on 16 July 2010.
- Gas utilities drawing (drawing no. (UT)04), received on 16 July 2010.
- Drainage Impact Assessment prepared by D S Robinson, WYG Engineering, dated July 2010, received on 19 July 2010.
- Flood Risk Assessment prepared by David Robinson, WYG Engineering, dated July 2010, received on 19 July 2010.
- Root protection area site plan (drawing no. OS 01 Rev B), received on 1 September 2010.
- Proposed site plan (drawing no. (PR)01 Rev S), received on 1 September 2010.
- Ground floor layout plan (drawing no. (PL)200 Rev J), received on 1 September 2010.
- First floor layout plan (drawing no. (PL)201 Rev J), received on 1 September 2010.
- Second floor layout plan (drawing no. (PL)202 Rev J), received on 1

September 2010.

- Roof plan (drawing no. (PL)203 Rev C), received on 1 September 2010.
- North/South elevations (drawing no. (EL)300 Rev F), received on 1 September 2010.
- West/East elevations (drawing no. (EL)301 Rev F), received on 1 September 2010.
- Section D-D/E-E (drawing no. (SE)101 Rev F), received on 1 September 2010.

Reason

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

3. Notwithstanding the submitted Tree Method Statement received by the Local Planning Authority on 16 July 2010 before development commences full details of the proposed replanting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the exact number, species and location of the trees/shrubs and make provision for the maintenance and replacement where necessary of any tree planted in pursuance of the scheme. Planting and associated works shall be carried out in accordance with the approved details and shall be fully implemented before the development is occupied.

Reason

To ensure a satisfactory replanting scheme in the interests of amenity.

4. In accordance with the Tree Method Statement prepared by Jonathan Rook, OpenSpace received by the Local Planning Authority on 16 July 2010 protective fencing shall be erected around the retained trees before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent 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.

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 onsite 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. 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.

7. 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.

8. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason

To ensure a suitable standard of crossing for pedestrian safety.

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

Reason

In the interests of highway safety and environmental management.

Please note:

The building shall not be constructed until the modification to the Traffic Regulation Orders on Lamb Lane, fronting this site, have been amended and enacted on the ground with revised signing and lining. With respect to this, the applicant will need to enter into a Section 278 Agreement with the Highways Authority and will be liable for all costs associated with these works.

Prior to alterations works commencing on site the applicant should contact Mr Karl Melville on tel no (01946) 506005 to agree safe working practices whilst working adjacent to the highway.

Reason for Decision

An acceptable scheme to redevelop this prominent residential site within the Key Service Centre of Egremont in accordance with Policies DEV 6, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 6.



To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 15/09/2010

Application Number:	4/10/2359/001
Application Type:	Outline : CBC
Applicant:	Pathfinding Commercial Ltd
Application Address:	FORMER SEKERS SITE, CLEATOR MOOR ROAD, WHITEHAVEN
Proposal	OUTLINE APPLICATION FOR PROPOSED 58 BED SPACE CARE HOME AND RESIDENTIAL DEVELOPMENT CONSISTING OF 54 TWO BEDROOMED BUNGALOWS AND 18 TWO BEDROOMED APARTMENTS WITH ASSOCIATED HIGHWAY ACCESS
Parish:	Whitehaven
Recommendation Summary:	Site Visit



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THE PROPOSAL

This is a major application which seeks outline planning permission for a 58 bed care home and residential development of 54 bungalows and 18 apartments on the former Sekers factory site in Hensingham, Whitehaven. The site occupies a prominent corner position fronting onto both the Main Road on Hensingham to the north west and the adjacent Cleator Moor Road to the north east and is now virtually cleared with the majority of the factory buildings having been demolished. It is bounded by residential properties to the south east, and a factory and undeveloped land to the south west.

The layout and indicative drawings accompanying the application show how this large 2.4ha site could be developed with predominantly single storey two bedroom bungalows arranged in terraced blocks of three, four and five units along with a few detached dwellings and five blocks of two storey apartments arranged centrally on the site. At the western corner, facing outwards onto the main road, it is proposed to erect the care home. Sketch plans show this as being a large, rather prominent, two storey L shaped building wrapping round the corner of the site.

Approval is also sought for the vehicular access to the site which would be via two locations directly off the adjacent B5925 road. It is proposed that a new point of access would be created to the north west with the purpose of serving the care home as well as the adjacent estate. The existing access to the south east serving the residential element of the site would be retained and upgraded. The indicative layout shows a rear parking area provided for the care home and a mixture of driveway and off street parking areas to serve the residential development.

PLANNING HISTORY

A previous application for full planning permission for the erection of 118 dwellings on the site was withdrawn in January 2008 (4/07/2706/0F1 refers).

CONSULTATIONS

The evaluation of this application is at an early stage and formal responses from statutory consultees and neighbours are yet to be received.

Copeland Disability Forum

Comment specifically on the accessibility of the care home and noting that this is an outline application request the provision of an additional accessible parking bay in the car park.

One letter has been submitted from neighbours across the road from the site who raise concerns regarding the relocation position of the displaced bus shelter, drainage, the relocation of the telecommunication mast and the effect on the local seagull population.

PLANNING POLICY

The following adopted Copeland Local Plan 2001-2016 (herein after referred to as the local plan) Policies are considered relevant to this application:

- DEV 6 Sustainability in Design
- HSG 4 Housing within Settlement Development Boundaries
- EMP 7 Alternative Use of Employment Sites

KEY ISSUE FOR CONSIDERATION

In planning policy terms the site comprises an existing employment site and any proposal for non employment uses should be assessed against the main local plan Policy EMP 7. This only permits such development if the proposal meets set criteria and it can be adequately demonstrated that the wider community benefits outweigh the loss of employment land. In the supporting documentation to the application however the case is put forward that the proposed care home, which occupies a substantial part of the site, itself represents the introduction of a commercial / employment element which needs to be taken into account and given due weight,

hence that the proposal now being considered is for commercial / employment and residential mixed use of the site. Also of relevance is the current downturn in the economy and the recognised need to stimulate local regeneration. In addition a key question when assessing the proposal is whether there is against this backdrop a genuine prospect that another large scale employment use will want to develop this site which has already been vacant since 2005.

In view of the numerous planning issues the proposal raises, as well as the scale of development being proposed, it is recommended that Members take the opportunity to visit the site prior to determination.

Recommendation:-

Site Visit

ITEM NO: 7.



To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 15/09/2010

Application Number:	4/10/2382/0F1
Application Type:	Full : CBC
Applicant:	Home Group Developments Limited
Application Address:	LAND AT GRAMMERSCROFT, MILLOM
Proposal	DEMOLITION OF 36 DWELLINGS & THE ERECTION OF 41 NEW TWO, THREE & FOUR BEDROOMED DWELLINGS WITH ASSOCIATED LANDSCAPING & EXTERNAL WORKS
Parish:	Millom
Recommendation Summary:	Site Visit



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INTRODUCTION

A proposal to redevelop a substantial part of the existing Gammerscroft housing estate situated on the western edge of Millom. The estate currently comprises a mixture of 70 sub standard flat roofed two storey semi detached and terraced dwellings built in the 1940's. The applicants, Home Housing, still own the majority of the dwellings though a number are now privately owned having been purchased under the 'right to buy' scheme, and it is recognised that they all now fall short of current housing standards. To address this Home Housing are proposing to undertake a programme of refurbishment and replacement on the estate.

This application seeks permission for demolition of 36 dwellings on the site and erection of 41 new dwellings in their place with associated landscaping and external

works. It has been established that the refurbishment work which involves cladding existing dwellings did not require formal consent.

The application is accompanied by the following information:-

Design and Access Statement

Ecological Assessment

Flood Risk Assessment

Drainage Impact Assessment

Ground Report

THE PROPOSAL

The 36 dwellings to be demolished are mainly situated in a group to the north west of the estate. In this location there are five blocks of 4 terraces and 6 pairs of semis to go with a separate block of four also to be demolished adjacent to the south eastern most entrance. The former are to be replaced with one block of five two storey terraced and 16 pairs of semi detached dwellings and the latter with two pairs of semis.

In terms of detail there are 5 house types proposed, which are all two storey, and take the form of 17 two bedroomed, 23 three bedroomed, and 1 four bedroomed dwellings. External finishes proposed include flat grey roof tiles, either textured coloured render in white, cream or buff or clay medium red coloured facing brick walls, and white upvc doors and windows. Solar panels are proposed to be incorporated into all the domestic roofs.

Vehicular access onto the site will be as existing and no alterations are proposed to the estate roads. Parking for each individual property will be provided on the frontage driveways and in addition it is intended to create two new off street parking areas for visitors/ overspill parking at the north western end and the south eastern end.

CONSULTATIONS

This application is subject to ongoing extensive consultations with statutory consultees and neighbours.

PLANNING POLICY

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

DEV 6 Sustainability in Design

HSG 4 Housing within Settlement Boundaries

HSG 8 Housing Design Standards

HSG 14 Replacement of Dwellings

RECOMMENDATION

In view of the scale of the proposal and the potential impact the development could have on neighbouring existing dwellings it is recommended that Members take the opportunity to visit the site to fully appraise the issues before the application is determined..

Recommendation:-

Site Visit

ITEM NO: 8.

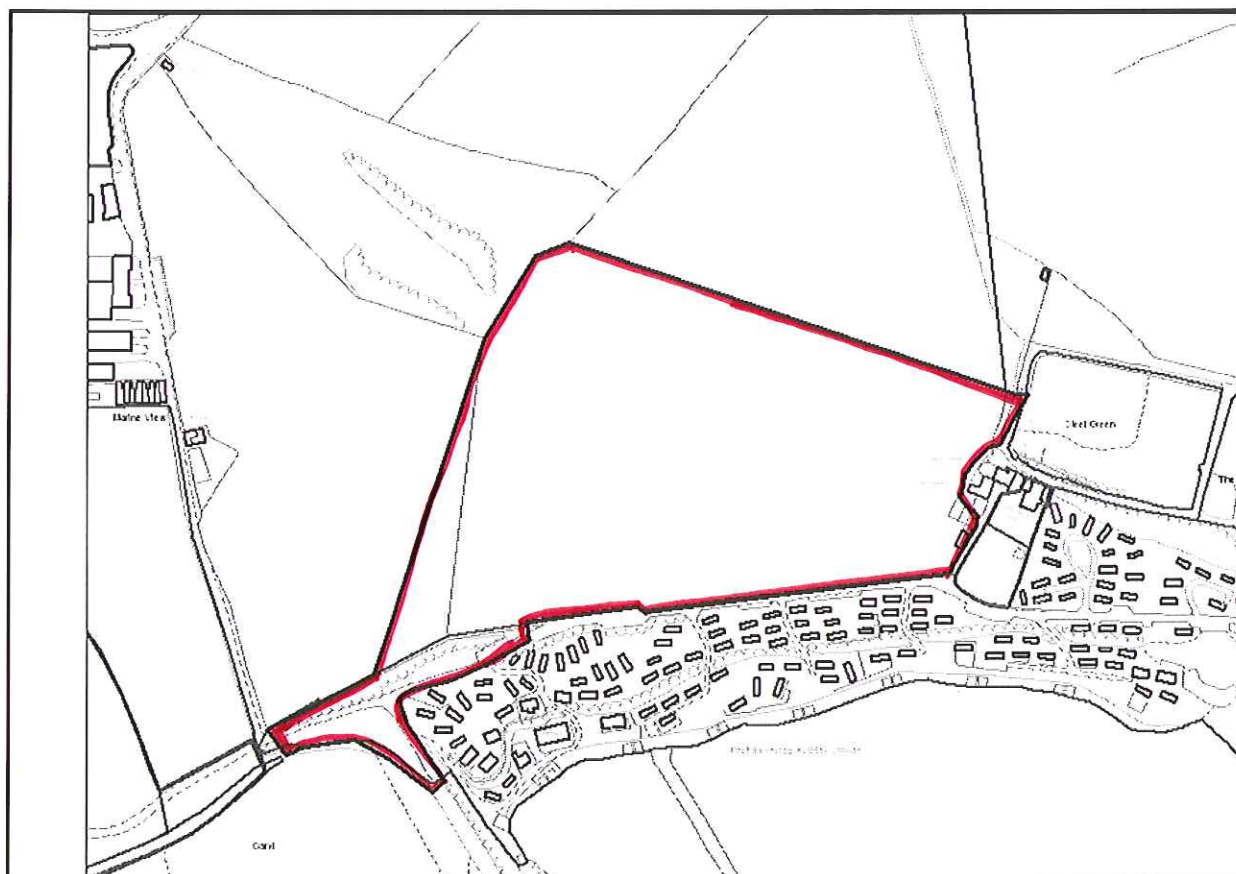


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 15/09/2010

Application Number:	4/10/2387/0F1
Application Type:	Full : CBC
Applicant:	Port Haverigg Holiday Village
Application Address:	PORT HAVERIGG HOLIDAY VILLAGE, STEEL GREEN, MILLOM
Proposal	PROPOSED EXTENSION OF EXISTING HOLIDAY VILLAGE TO PROVIDE 100 NO. STATIC CARAVAN PITCHES, 20 NO. MOTOR HOME PITCHES, 30 NO. TOURING CARAVAN PITCHES, CAMPING AREA FOR UP TO 20 NO. TENTS, COMMUNAL FACILITIES BUILDING, 2 NO. SHOWER AND TOILET BLOCKS, PARK MAINTENANCE COMPOUND, TOURIST INFORMATION BUILDING INCORPORATING CAFE & PUBLIC TOILETS, ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS
Parish:	Millom
Recommendation Summary:	Site Visit



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THE PROPOSAL

Permission is sought for a substantial 7 ha extension to the existing Port Haverigg holiday complex near Millom. The facility currently has a license and existing permissions for 190 static caravans for holiday use and it is proposed to extend this by siting a further 100 statics on a greenfield site adjoining the north west boundary which is currently used as grazing land. It is also intended to provide an additional 20 motor home pitches, 30 touring pitches here as well as a small camping area. Ancillary facilities also form part of the application and include the provision of a communal facilities building, two toilet / shower blocks and a park maintenance compound on an adjacent site along with associated landscaping and external works including a feature lake to separate the static pitches from the touring/ motor home pitches. The erection of a new public tourist information building at the northern

entrance to the holiday complex is also proposed. In addition to providing information it is intended that it will incorporate a cafe facility and public toilets.

Vehicular access will be via the existing road network serving the site with the creation of new internal roads to serve the new pitches. An on site car parking area accommodating some 20 cars next to the communal building will be constructed though it is intended that each pitch will have it's own parking facility.

Extensive landscaping is proposed with the creation of a bund running along the east to west boundary to aid the visual assimilation of the development into the surrounding landscape, as well as a feature lake and substantial areas of landscaping within the site.

HISTORY

The holiday complex was originally established in 1978 and initially specialised in water sports taking advantage of the neighbouring lagoon and the site has grown incrementally since to the extent now that it accommodates 190 static caravans/ chalets.

CONSULTATIONS

The application is subject to extensive statutory consultations and responses are awaited.

PLANNING POLICY

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

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

TSM 4 Holiday Caravans, Chalets and Camping. Permits extensions to existing and new holiday caravan/ chalets and/ or camping sites subject to certain criteria being satisfactorily met which includes ensuring that the site is well related to the highway network, possesses / proposes a high level of natural screening and that it does not adversely affect areas of undeveloped coastline.

RECOMMENDATION

In view of the fact this is a major application and the potential impact the sheer scale of the proposal could have on the locality it is recommended that Members take the opportunity to visit the site at this early stage to appraise all the relevant issues prior to determination.

Recommendation:-

Site Visit

ITEM NO: 9.

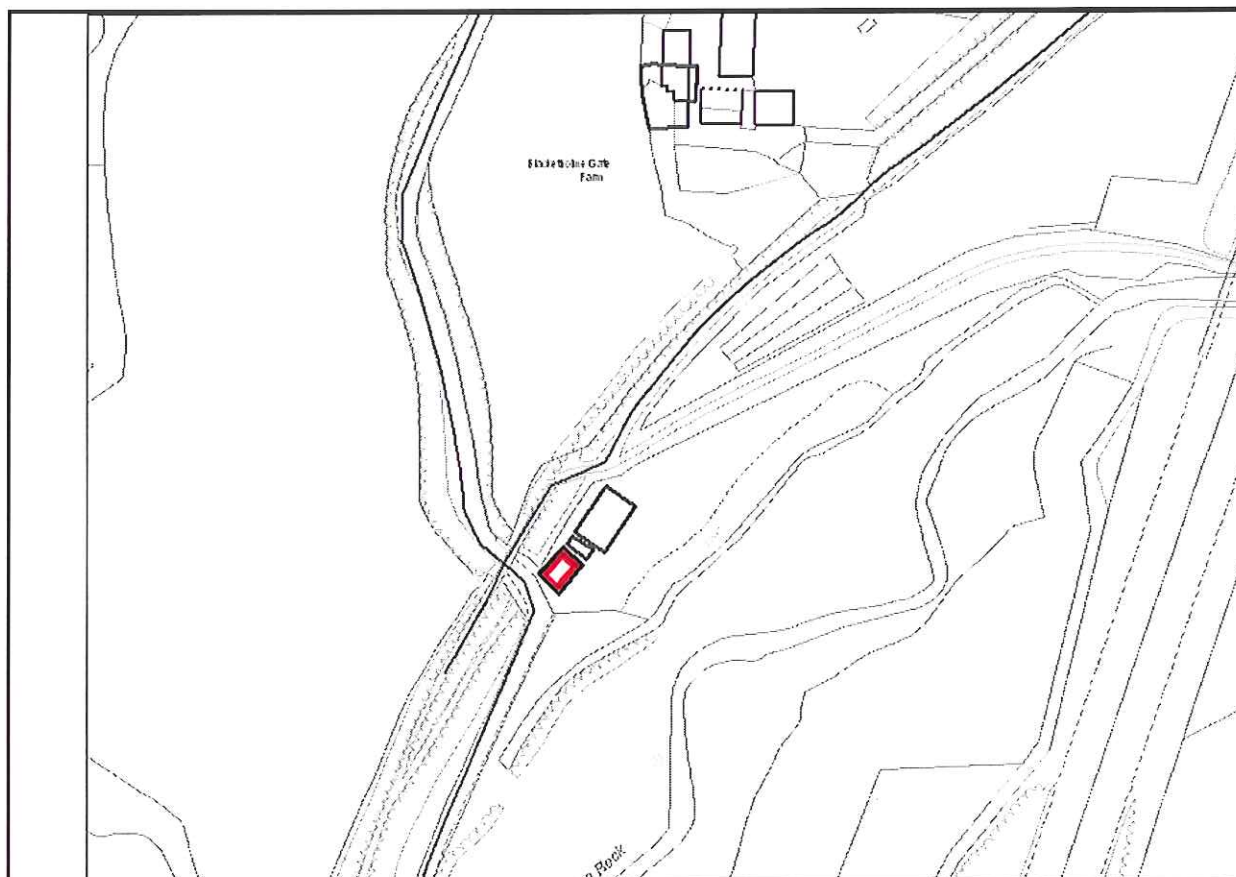


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 15/09/2010

Application Number:	4/10/2392/0G1
Application Type:	Removal of condition
Applicant:	Mr P Edmondson
Application Address:	UTOPIA KENNELS, LOWCA, WHITEHAVEN
Proposal	APPLICATION FOR REMOVAL OF A CONDITION FOLLOWING GRANT OF PLANNING PERMISSION (4/09/2420/0F1) - ERECTION OF TWO STOREY DETACHED DWELLING
Parish:	Lowca
Recommendation Summary:	Approve removal of condition



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INTRODUCTION

This application relates to a specialist boarding kennel business which houses greyhounds at Lowca.

PLANNING HISTORY

Planning permission was granted for the erection of a detached dwelling to enable the applicant to live on the site in 2009 under reference 4/09/2420/0F1. The applicant continues to live in a static caravan which has been on the site for the past three years. This was granted planning permission in 2006 to allow the kennels business to become established.

The planning permission for the house was granted on an exceptional basis to allow the applicant to be permanently based at this rurally anchored business. Members were satisfied that there was a functional requirement for a dwelling on the site and that the business was financially viable. The occupancy of the dwelling was restricted by the two following conditions which were attached to the planning permission:-

- The dwelling shall be occupied solely in association with the specialist business on site and shall not be sold or let separately.
- This permission shall inure for the benefit of Mr P Edmonson and his family/dependents only.

PROPOSAL

Planning permission is now sought for the removal of the second condition which restricts the planning permission to the applicant only. The applicant has submitted detailed information which outlines that he has been unable to secure a loan for the money to build the house as his mortgage lender considers it to be too restrictive. They are concerned that any condition which would prevent the owner selling on the property as part of the business when he retires in the future would result in the property not having a value.

CONSULTATION RESPONSES

Parish Council - they are opposed to the removal of this condition as it would completely alter the purpose and possible future usage of the premises.

PLANNING POLICY

Policy HSG 7 of the adopted Copeland Local Plan 2001-2016 relates to the removal of occupancy conditions. It states that permission for the removal of occupancy conditions will only be granted where it is shown that the longer term needs for dwellings for such workers no longer warrants reserving the subject dwelling for that purpose or for other housing needs which are evident in the area.

Government advice on the use of conditions in planning permission is set out in Circular 11/95. Paragraph 36 of this circular advises that onerous requirements should be avoided. It states that "Any condition which would put a severe limitation on the freedom of owners to dispose of their property, or which would obviously make it difficult to finance the erection of the permitted building by borrowing on mortgage, should be avoided on these grounds."

ASSESSMENT

In hindsight the personal condition is considered to be too onerous in that it would limit the freedom of the owners to dispose of their property and also make it difficult to finance. As it would not comply with the guidance set out in Circular 11/95 it is considered to be appropriate to allow its removal. This would allow the owner of the site to obtain a mortgage to build the dwelling as previously permitted.

The other condition which would remain in place is considered to be sufficient to tie the dwelling to the rural business and ensure that it is not sold or let separately in the future.

Recommendation:-

Approve

Reason for Decision

The removal of this condition is considered to be appropriate as the occupation of the dwelling can be adequately controlled and tied to the rural business by condition number 2 of the planning permission reference 4/09/2420/0F1.

ITEM NO: 10.

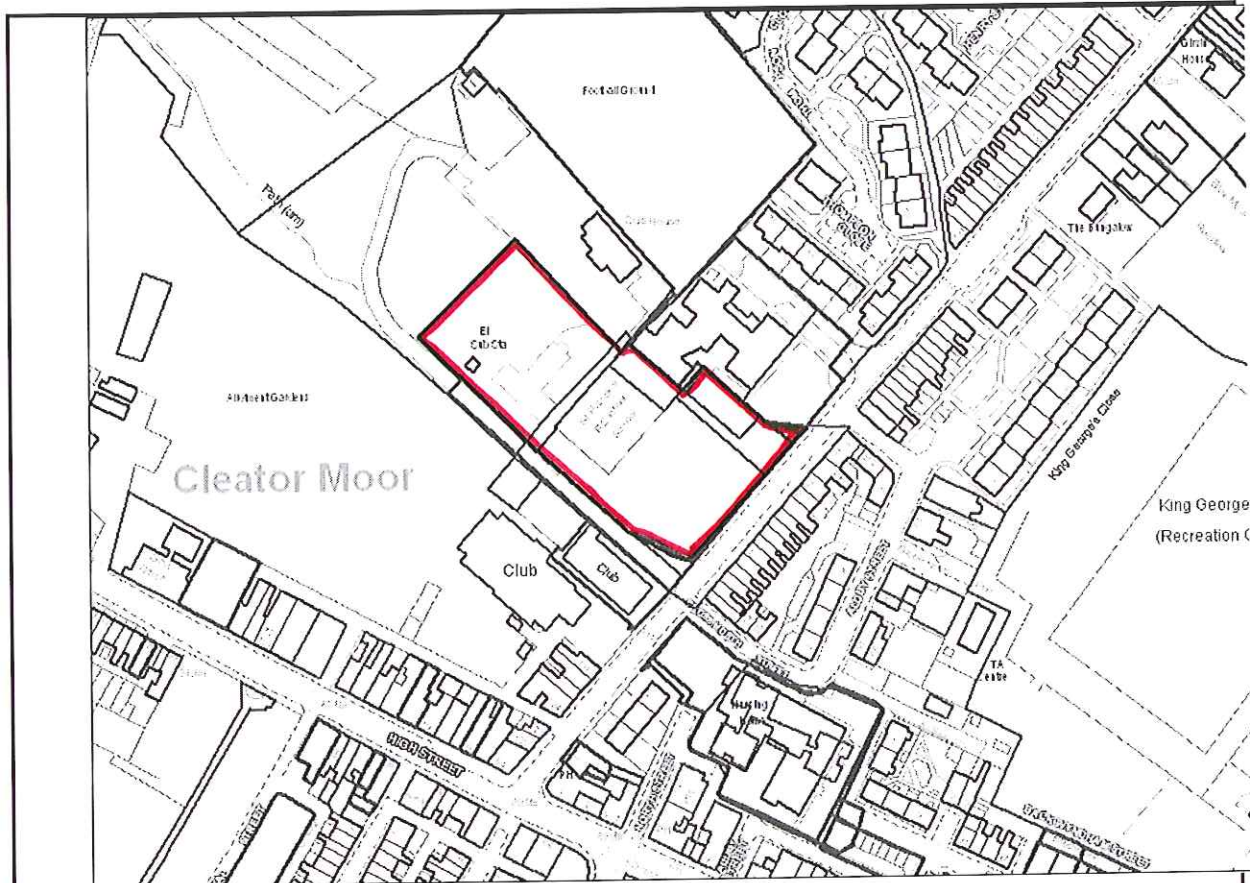


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 15/09/2010

Application Number:	4/10/2393/0F1
Application Type:	Full : CBC
Applicant:	NHS Cumbria
Application Address:	LAND OFF BIRKS ROAD, CLEATOR MOOR
Proposal	ERECTION OF SINGLE AND TWO STOREY HEALTH CENTRE INCLUDING PHARMACY UNIT, ASSOCIATED CAR PARK & EXTERNAL WORKS/LANDSCAPING
Parish:	Cleator Moor
Recommendation Summary:	Site Visit



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This application relates to an open area of land which lies between the Howgill Centre and Cleator Moor Boxing Club. It covers a total area of 0.5 hectares and was formerly occupied by a school which has previously been demolished. Outline planning permission was granted for the development of the site to form a medical care centre in 2009.

This application is a detailed scheme for the erection of the proposed health centre on the site. The health centre will accommodate a GP practice, Primary Care Trust facilities, a pharmacy and also dental facilities.

The building will provide a gross floor area of 1904 sq metres and is arranged between a single storey and a two storey wing which are to be linked by a two storey atrium. The building is of a modern design and will occupy the eastern portion of the

site fronting onto Birks Road. A car park comprising of 63 spaces is to be created to the rear of the building which is to be accessed off Birks Road using an existing lane.

It is intended that the building will meet the requirements of BREEAM Excellent and a number of sustainable elements have been incorporated into the design. These include photovoltaic panels, air sourced heat pumps and sustainable drainage.

The application is accompanied by the following information:-

- Detailed layout and elevation plans
- A design and access statement
- An ecological appraisal
- A traffic operational assessment and parking provision report

The application is presently subject to statutory consultation procedures and a number of technical agencies as well as local residents have been consulted on the application.

As this application is a significant development in Cleator Moor which raises a number of issues relating to design, scale, access, parking and drainage it is appropriate for Members to visit the site before reaching a decision.

Recommendation:-

Site Visit

Conditions

Reason for Decision

Application Number	4/10/2238/0F1
Applicant	Mr K Lindley
Location	STYALL COTTAGE, GREEN ROAD, THE GREEN, MILLOM
Proposal	TWO STOREY EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	11 August 2010
Dispatch Date	11 August 2010
Parish	Millom Without

Application Number	4/10/2273/0F1
Applicant	Mr T Parker
Location	22 VICTORIA ROAD, WHITEHAVEN
Proposal	TWO STOREY REAR EXTENSION AND SINGLE STOREY EXTENSION FOR SUNROOM
Decision	Refuse
Decision Date	26 August 2010
Dispatch Date	26 August 2010
Parish	Whitehaven

Application Number	4/10/2287/0F1
Applicant	A Musgrave
Location	WOODEND BARN, WOODEND, EGREMONT
Proposal	DEMOLITION OF EXISTING DILAPIDATED OUTBUILDING WITH ERECTION OF TWO STOREY DWELLING WITH GARAGE
Decision	Refuse
Decision Date	16 August 2010
Dispatch Date	16 August 2010
Parish	Egremont

Application Number	4/10/2301/0F1
Applicant	Mr J Antins
Location	LAND NEAR TO 5 ELLERBECK BARNS, EGREMONT
Proposal	ERECTION OF A WIND TURBINE
Decision	Permission be refused
Decision Date	24 August 2010
Dispatch Date	24 August 2010
Parish	Egremont

Application Number	4/10/2304/0F1
Applicant	Mr Taylor
Location	13 MOOR PARK, MILLOM
Proposal	REMOVAL OF EXISTING CONSERVATORY AND ERECTION OF NEW CONSERVATORY
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010
Parish	Millom

Application Number	4/10/2310/0F1
Applicant	Mr William Twomey
Location	33 HOLLY BANK, THE HIGHLANDS, WHITEHAVEN
Proposal	TWO STOREY EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010

Parish	Whitehaven
Application Number	4/10/2311/0F1
Applicant	Mr J P Ferguson
Location	RIVENDELL, YEATHOUSE ROAD, FRIZINGTON
Proposal	INCREASE IN HEIGHT OF DWELLING AND ADDITION OF DORMER WINDOWS TO ALLOW CONVERSION OF ROOF SPACE
Decision	Approve (commence within 3 years)
Decision Date	11 August 2010
Dispatch Date	11 August 2010
Parish	Arlecdon and Frizington

Application Number	4/10/2312/0F1
Applicant	Mr G McConnell
Location	PLOT D, ROWLEE SITE, NETHERTOWN, EGREMONT
Proposal	CONSTRUCTION OF NEW DETACHED DWELLING (REVISED PROPOSAL TO PLANNING APPROVAL 4/10/2098/0F1)
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010
Parish	Lowside Quarter

Application Number	4/10/2313/0F1
Applicant	Masthaven Finance Limited
Location	FORMER ANCHOR INN, MAIN STREET, FRIZINGTON
Proposal	DEMOLITION OF THE ANCHOR INN, ERECTION OF TWO DETACHED 4 BEDROOM DWELLINGS
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010
Parish	Arlecdon and Frizington

Application Number	4/10/2315/0O1
Applicant	RGD Developments Limited
Location	ADJACENT TO CLARACK HOUSE, SCALEGILL ROAD, MOOR ROW
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF FOUR DETACHED DWELLINGS
Decision	Approve in Outline (commence within 3 years)
Decision Date	16 August 2010
Dispatch Date	16 August 2010
Parish	Egremont

Application Number	4/10/2316/0F1
Applicant	Mr Neil Harrison
Location	49 LAUREL BANK, THE HIGHLANDS, WHITEHAVEN
Proposal	SINGLE STOREY REAR EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010
Parish	Whitehaven

Application Number	4/10/2317/0F1
Applicant	Mr Graham Harley

Location	29 CONISTON AVENUE, SEASCALE
Proposal	REPLACE EXISTING FLAT ROOF OUTHUSE WITH PITCHED ROOF OUTHUSE
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010
Parish	Seascale

Application Number	4/10/2324/0F1
Applicant	Mr Fearon
Location	46 HEADLANDS DRIVE, WHITEHAVEN
Proposal	ERECTION OF CONSERVATORY TO REAR
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010
Parish	Whitehaven

Application Number	4/10/2327/0F1
Applicant	Mr P Simpson
Location	107 MORESBY PARKS ROAD, MORESBY PARKS, WHITEHAVEN
Proposal	SINGLE STOREY EXTENSION TO REAR
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010
Parish	Moresby

Application Number	4/10/2328/0F1
Applicant	Mr Mark Roswell
Location	5 BEATTY ROAD, WHITEHAVEN
Proposal	SINGLE STOREY EXTENSION - GARGAGE TO SIDE & UTILITY ROOM TO THE REAR
Decision	Approve (commence within 3 years)
Decision Date	25 August 2010
Dispatch Date	25 August 2010
Parish	Whitehaven

Application Number	4/10/2329/0F1
Applicant	Mr P Smith
Location	KENMORE, SEA MILL LANE, ST BEES
Proposal	REMOVAL OF GARAGE AND ERECTION OF TWO STOREY EXTENSION (REVISED SCHEME)
Decision	Approve (commence within 3 years)
Decision Date	11 August 2010
Dispatch Date	11 August 2010
Parish	St Bees

Application Number	4/10/2332/0F1
Applicant	Mr P and Mrs A Atkinson
Location	FIELD NOs NY0316, 2152 & 2639 ADJACENT TO LINGLEY BECK, FRIZINGTON
Proposal	CREATION OF FOUR PONDS TO ENHANCE WILDLIFE IN THE AREA
Decision	Approve (commence within 3 years)
Decision Date	31 August 2010
Dispatch Date	31 August 2010

Parish	Arlecdon and Frizington
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Application Number	4/10/2333/0A1
Applicant	Barclays Bank plc
Location	BARCLAYS BANKS, 13A STRAND STREET, WHITEHAVEN
Proposal	ERECTION OF TWO ILLUMINATED FASCIA SIGNS AND ONE ILLUMINATED HANGING SIGN
Decision	Approve Advertisement Consent
Decision Date	23 August 2010
Dispatch Date	23 August 2010
Parish	Whitehaven

Application Number	4/10/2334/0F1
Applicant	Mrs M Kyles
Location	82 HARRIS TERRACE, MAIN STREET, FRIZINGTON
Proposal	ERECTION OF GATES ON LAND ADJACENT (RETROSPECTIVE)
Decision	Approve
Decision Date	25 August 2010
Dispatch Date	25 August 2010
Parish	Arlecdon and Frizington

Application Number	4/10/2335/0F1
Applicant	Mr and Mrs P Griffiths
Location	MASONIC HALL, ALBERT STREET, SEASCALE
Proposal	CHANGE OF USE FROM COMMERCIAL PROPERTY INTO SINGLE RESIDENTIAL PROPERTY
Decision	Approve
Decision Date	31 August 2010
Dispatch Date	31 August 2010
Parish	Seascale

Application Number	4/10/2337/0F1
Applicant	Mr A Sowinski
Location	LOW LEYS FARM, LAMPLUGH
Proposal	SITING OF A DOMESTIC FUEL TANK
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010
Parish	Lamplugh

Application Number	4/10/2338/0F1
Applicant	Mr S McCarron
Location	10 THE HAWTHORNS, MILL HILL, CLEATOR MOOR
Proposal	SINGLE STOREY EXTENSION FOR SUN ROOM TO FRONT
Decision	Approve (commence within 3 years)
Decision Date	23 August 2010
Dispatch Date	23 August 2010
Parish	Cleator Moor

Application Number	4/10/2339/0F1
Applicant	Mr I Fisher
Location	CROFT END FARM BUNGALOW, CROFT END FARM, FRIZINGTON
Proposal	ERECTION OF A PORTAL FRAMED AGRICULTURAL BUILDING

Decision	Approve (commence within 3 years)
Decision Date	23 August 2010
Dispatch Date	23 August 2010
Parish	Weddicar

Application Number	4/10/2340/0F1
Applicant	Mr K Sheldon
Location	16 BOWNESS ROAD, MILLOM
Proposal	TWO STOREY EXTENSION TO NORTH WEST ELEVATION
Decision	Approve (commence within 3 years)
Decision Date	11 August 2010
Dispatch Date	11 August 2010
Parish	Millom

Application Number	4/10/2343/0F1
Applicant	Sheldon Property Developments Ltd
Location	LAND AT LINCOLN STREET/ROTTINGTON ROAD, MILLOM
Proposal	APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE AN EXTANT PLANNING PERMISSION (4/07/2363/0) FOR THE ERECTION OF FOUR DWELLINGS
Decision	Approve
Decision Date	26 August 2010
Dispatch Date	26 August 2010
Parish	Millom

Application Number	4/10/2345/0F1
Applicant	C Glaister
Location	17 INKERMAN TERRACE, WHITEHAVEN
Proposal	REMOVAL OF TIMBER FRAMED FIRST FLOOR EXTENSION TO THE REAR BUILDINGS AND RE-INSTATE SLATE ROOF AREAS, INCLUDING CONSERVATION VELUX ROOF LIGHTS AND ALTERATIONS TO THE DOORS AND WINDOWS. REMOVE SMALL REDUNDANT SECTION OF REAR BUILDINGS
Decision	Approve (commence within 3 years)
Decision Date	23 August 2010
Dispatch Date	23 August 2010
Parish	Whitehaven

Application Number	4/10/2347/0L1
Applicant	Mr & Mrs Glaister
Location	17 INKERMAN TERRACE, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR REMOVAL OF TIMBER FRAMED EXTENSION TO THE REAR BUILDING & REINSTATE SLATE ROOF AREAS, INCLUDING CONSERVATION VELUX ROOF LIGHTS & ALTERATIONS TO DOORS & WINDOWS, & REMOVAL OF SMALL REDUNDANT SECTION OF REAR BUILDINGS
Decision	Approve (commence within 3 years)
Decision Date	23 August 2010
Dispatch Date	23 August 2010
Parish	Whitehaven

Application Number	4/10/2349/0F1
Applicant	D Devine & L Flynn

Location	74 NORBECK PARK, CLEATOR MOOR
Proposal	SECOND FLOOR EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	3 September 2010
Dispatch Date	3 September 2010
Parish	Cleator Moor

Application Number	4/10/2353/OF1
Applicant	Mr and Mrs S Agnew
Location	DENT VIEW, SPRINGFIELD ROAD, BIGRIGG, EGREMONT
Proposal	SUN ROOM EXTENSION TO REAR
Decision	Approve (commence within 3 years)
Decision Date	23 August 2010
Dispatch Date	23 August 2010
Parish	Egremont

Application Number	4/10/2354/OL1
Applicant	Mrs K Fleming
Location	16 INKERMANN TERRACE, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR PROPOSED IMPROVEMENT TO EXTERNAL STONE WORK & RENDER, REPAIRS TO EXISTING TIMBER WINDOWS & IMPROVEMENTS TO WALL INSULATION & DAMP PROOFING
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	6 September 2010
Dispatch Date	6 September 2010
Parish	Whitehaven

Application Number	4/10/2357/OF1
Applicant	Mr William Quayle
Location	47 THE CRESCENT, THORNHILL, EGREMONT
Proposal	ERECTION OF CONSERVATORY TO REAR
Decision	Approve (commence within 3 years)
Decision Date	13 August 2010
Dispatch Date	13 August 2010
Parish	St Johns Beckermert

Application Number	4/10/2358/OF1
Applicant	Barclays Bank plc
Location	BARCLAYS BANK, 13 STRAND STREET, WHITEHAVEN
Proposal	INSTALLATION OF 3 NO. ADDITIONAL AIR CONDITIONING CONDENSER UNITS LOCATED ON ROOF
Decision	Approve (commence within 3 years)
Decision Date	23 August 2010
Dispatch Date	23 August 2010
Parish	Whitehaven

Application Number	4/10/2360/OF1
Applicant	Mr and Mrs Crone
Location	43 RANNERDALE DRIVE, WHITEHAVEN
Proposal	TWO STOREY EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	23 August 2010
Dispatch Date	23 August 2010
Parish	Whitehaven

Application Number	4/10/2369/TPO
Applicant	Mr G Rumney
Location	SCHOOL HOUSE COURT, QUEEN STREET, WHITEHAVEN
Proposal	PRUNING OF TWO WHITE BEAM TREES PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	18 August 2010
Dispatch Date	18 August 2010
Parish	Whitehaven

Application Number	4/10/2370/OA1
Applicant	Primesight Limited
Location	FRIZINGTON ROAD GARAGE, FRIZINGTON ROAD, FRIZINGTON
Proposal	ONE No. INTERNALLY ILLUMINATED FREE STANDING DOUBLE SIDED DISPLAY UNIT (RETROSPECTIVE)
Decision	Refuse Advertisement Consent
Decision Date	6 September 2010
Dispatch Date	6 September 2010
Parish	Arlecdon and Frizington

Application Number	4/10/2377/OF1
Applicant	Mr H Scott
Location	LA BELLE VUE, FRIZINGTON ROAD, CLEATOR MOOR
Proposal	REMOVE EXISTING GARAGE AND KITCHEN AND RE-BUILD NEW GARAGE AND KITCHEN; REMOVE AND RE-BUILD REAR BAY WINDOW, EXTEND AND RE-SURFACE DRIVE.
Decision	Approve (commence within 3 years)
Decision Date	3 September 2010
Dispatch Date	3 September 2010
Parish	Cleator Moor

Application Number	4/10/2379/OF1
Applicant	Mr D Lock
Location	32 PINWOODS, GILGARRAN, DISTINGTON
Proposal	SINGLE STOREY EXTENSION WITH BALCONY TO REAR
Decision	Approve (commence within 3 years)
Decision Date	3 September 2010
Dispatch Date	3 September 2010
Parish	Distington