

STANDARD CONDITIONS

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

Outline Consent

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

Reserved Matters Consent

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

Full Consent

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

RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

PLANNING PANEL- 17 AUGUST 2011

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ITEM NO: 1.

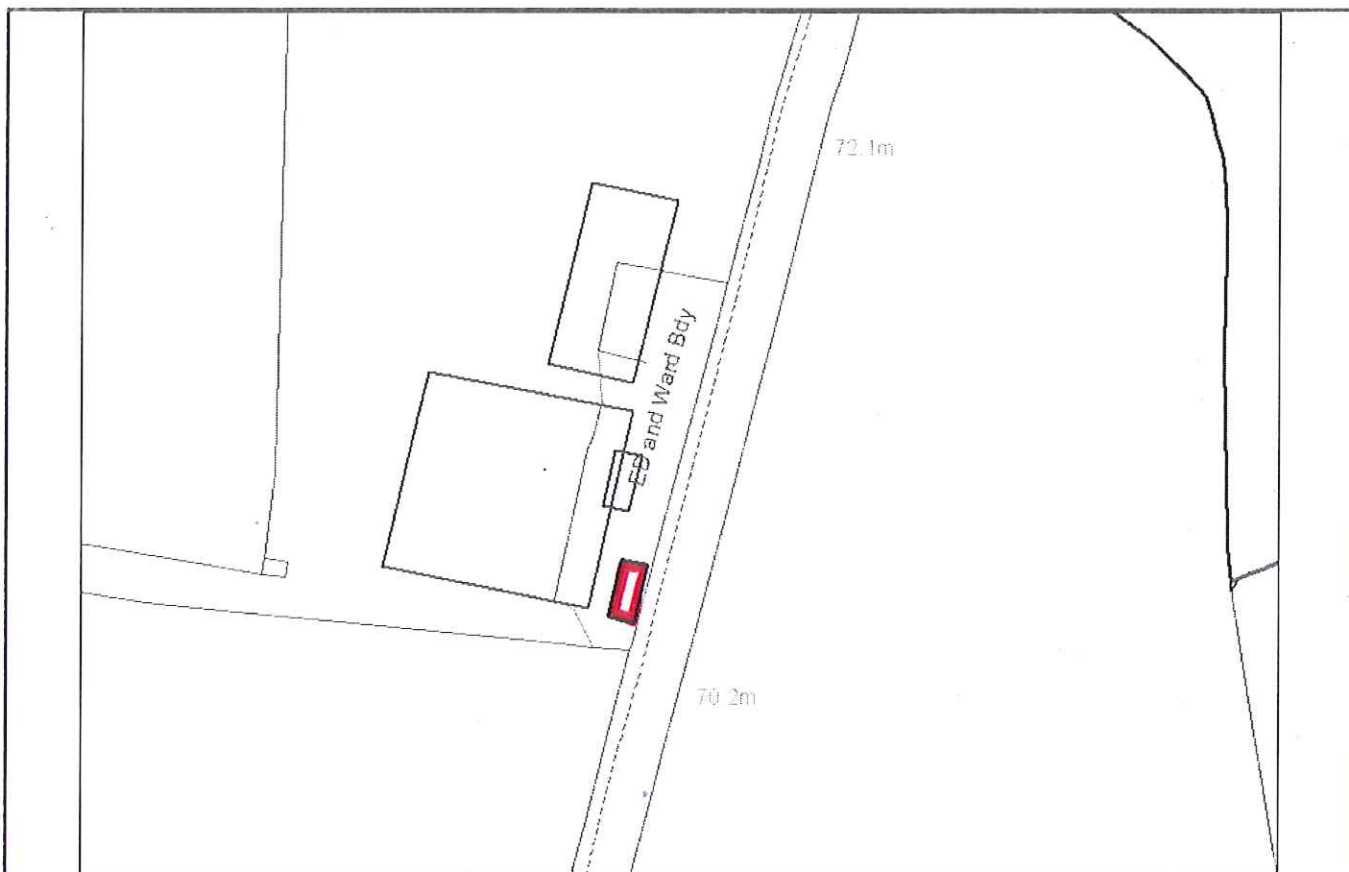


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

Application Number:	4/11/2250/OF1
Application Type:	Full : CBC
Applicant:	Mr S and Mrs S Brace
Application Address:	FIELD 5440, JACKTREES ROAD, CLEATOR MOOR
Proposal	SITING OF MOBILE HOME/STATIC CARAVAN FOR THE PURPOSE OF ANIMAL HUSBANDRY & SECURITY
Parish:	Cleator Moor
Recommendation Summary:	Approve



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INTRODUCTION

This application relates to an area of land which fronts onto Jacktrees Road on the southern edge of Cleator Moor. Planning permission was granted for the erection of a block of four stables and also a tack room on the site in 2004.

This application was deferred at the last meeting to enable Members to visit the site. The site visit took place on 03 August 2011.

PROPOSAL

Planning permission is now sought for the siting of a static caravan on the land. The caravan is to be 11 metres long and 3.6 metres wide and is to be sited adjacent to an existing mature

hedgerow which runs parallel with Jacktrees Road. It will be accessed using an existing gated entrance which serves the site off Jacktrees Road.

The applicants have submitted a supporting statement to justify the proposal. They claim that the caravan is required for animal husbandry purposes and also for security reasons. They have suffered theft of both equipment and livestock over the past few years. They currently farm 7.85 acres and have Alpacas and chickens and also grow some vegetables and hay. They claim that a caravan will provide a continued presence on the site which they consider to be essential for the efficient working and development of the farm.

The applicants have indicated that they wish to expand their farming operations in the future by breeding and rearing a range of different animals and also an expansion of the vegetable crop. They also have aspirations to develop a sustainable tourism related business to take advantage of the sites location near to the Coast to Coast walking and cycling routes and the visitor attractions of West Cumbria.

CONSULTATION RESPONSES

Town Council – No objections

Highways Control Officer

Taking into account the existing use of the site and the information submitted it is considered that the proposal will be unlikely to have a material affect on existing highway conditions. The Highway Authority therefore has no objection.

United Utilities – No objections

PLANNING POLICY

Policy HSG 6 of the adopted Copeland Local Plan 2001-2016 permits temporary accommodation for new rural enterprises where there is a reasonable prospect of the business being viable within the medium term (up to 3 years).

Policy HSG 23 of the Local Plan only permits residential caravans where there is a special case for example to aid the establishment of a new rural enterprise. This policy specifies

that only temporary permissions will be granted in such circumstances and occupation of the caravan will be strictly limited to persons directly involved.

Policy RUR 1 of the Local Plan encourages small scale tourist attractions and facilities in rural areas.

Government guidance is set out in Planning Policy Statement: Sustainable Development in Rural Areas. It stresses that any proposal for isolated rural dwellings should only be allowed where the need for the business is genuine, the business is likely to materialise, is capable of being sustained for a reasonable period of time and there is a need for one or more persons to be on the site. It recommends that any permission for temporary accommodation should be limited to a maximum three year period only and occupancy should be strictly controlled by appropriate planning conditions.

ASSESSMENT

The adopted policies of the Copeland Local Plan 2001-2016 support the provision of a caravan on the site where there is an agricultural need or where it would support the establishment of a new rural enterprise.

Whilst the site is modest in scale (7.85 acres) it forms part of a registered agricultural holding and the applicants wish to intensify the agricultural use of the site and also explore opportunities for sustainable forms of tourism development. Under these circumstances it is considered appropriate to support the siting of a caravan on the site.

The main issue to be considered is the scale of the caravan proposed. The applicants claim that this scale of mobile home is required to provide a size that gives basic comfort for a period of days for two people but also gives the impression of a permanent residence to enhance security on the site. They also claim that any form of touring caravan would in itself be vulnerable to theft.

Although a smaller caravan would probably achieve the functional requirements of the applicants the position chosen on the site is well screened from Jacktrees Road and also well related to the existing building group. This will minimise its visual impact within the locality.

On balance it is considered to be appropriate to permit a caravan on the site for a temporary period of 3 years to allow the applicants to consolidate the agricultural use of the land and also allow a further opportunity to explore any potential tourism related business.

Recommendation:-

Approve subject to:-

Conditions

1. This permission shall expire on 01st September 2014 when the caravan shall be permanently removed from the site and the use of the land for the siting of a caravan shall be discontinued and returned to its former condition, unless prior permission is sought and obtained for its retention for a further period.

Reason

To enable the Local Planning Authority to review the need for a residential unit on the site after a temporary period of time.

2. The caravan hereby permitted shall be occupied by Mr and Mrs Brace only. Upon their vacation of the caravan the use of the land for the siting of a caravan hereby permitted shall cease and the caravan shall be permanently removed from the site.

Reason

Permission has been granted as an exception to adopted Local Plan policy based on the justification provided by the applicants.

3. The existing touring caravan shall be removed from the site within 28 days of the siting of the static caravan on the land.

Reason

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

INFORMATIVE

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

The siting of a static caravan on the site for a temporary period of three years is considered to be acceptable based on the justification put forward by the applicants in accordance with Policies HSG 6, HSG 23 and RUR 1 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 2.

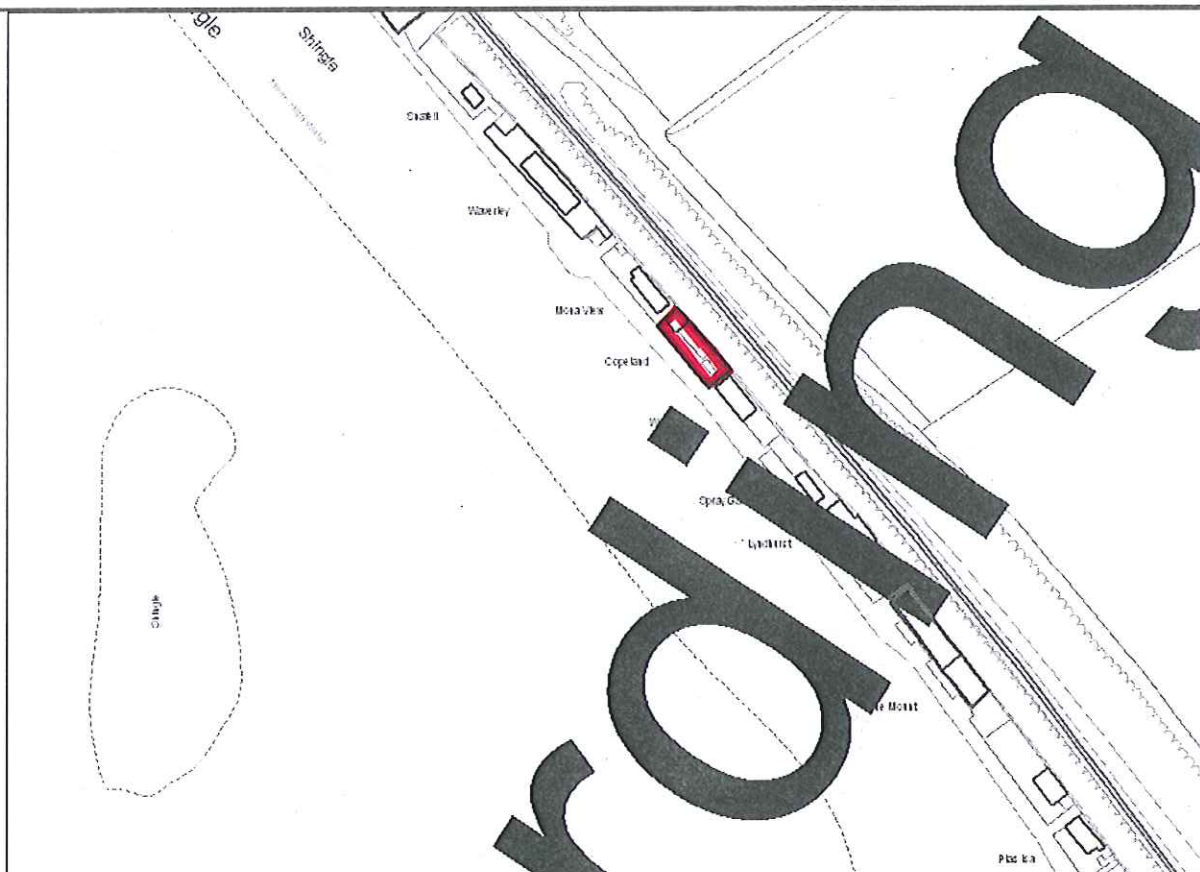


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

Application Number:	4/11/2256/0F1
Application Type:	Full : CBC
Applicant:	T Todd
Application Address:	COPELAND, BRAYSTONES BEACH, BRAYSTONES, BECKERMET
Proposal	REPLACEMENT BEACH BUNGALOW
Parish:	Lowside Quarter
Recommendation Summary:	Approve Subject to Section 106 Agreement



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PROPOSAL

Planning permission is sought to construct a replacement beach bungalow along Braystones beach. The former bungalow known as 'Copeland' has been cleared/demolished given that it was severely affected by weather over recent years. The base and part of the walls, steps and chimney are still present onsite.

As originally submitted, the replacement bungalow was to measure some 17.3m in length, 10.0m in depth and 6.3m in height. This was considered rather excessive and would have completely dominated the two more traditionally scaled bungalows that sit either side.

Following discussions with the applicant's agent a revised scheme has since been received significantly reducing the scale of the bungalow which will now measure 14.45m in length, 8.6m in depth and 4.9m in height, consistent with the scale of other more modern bungalows approved along this part of the foreshore.

In terms of accommodation the bungalow will provide a living room, kitchen/diner and two bedrooms, both with en-suite shower rooms. It will be constructed of rendered breeze block walls with feature facing brickwork under a pitched tiled roof. Windows and doors will be white upvc double glazed.

An onsite parking area is proposed to the south side of the bungalow.

CONSULTATIONS

Lowside Quarter Parish Council raise no objections to the proposal.

The Highways Authority raise no objections as they consider the proposal does not affect the highway.

United Utilities raise no objections.

No representations have been received in response to neighbour notification procedures.

PLANNING POLICY & ASSESSMENT

Policies DEV 5 'Development in the Countryside', DEV 6 'Sustainability in Design' and TSM 6 'Beach Chalets' of the adopted Copeland Local Plan 2001-2016 are considered of particular relevance to the determination of this application.

DEV 5 sets out the types of development that will be permitted outside settlement development boundaries and includes leisure and tourism related development.

DEV 6 sets out the sustainable design principles which all new development should adopt. Amongst other things, DEV 6 requires all new development to maintain reasonable standards of general amenity and show a high standard of design.

TSM 6 permits the replacement of holiday chalets on a like for like basis without substantial additions, underpinned by a legal agreement to prevent future use of the property as a permanent dwelling.

It is recommended that this proposal therefore be supported subject to a Section 106 agreement to this effect.

Recommendation:-

That planning permission be granted subject to the applicant entering into a Section 106 Agreement to restrict future occupancy of the beach bungalow to holiday use only and subject to the following condition:-

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:-
 - Proposed elevations, floor plan and site layout (drawing no. 2011.482.01A Rev A), received by the Local Planning Authority on 15 July 2011.

- Site location plan (drawing no. 2011.481.LP), received on 9 June 2011.
- Design & Access Statement prepared by Alan B Freeman Ltd (2011.481.AD) received on 9 June 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.

Reason for decision:-

An acceptable replacement beach bungalow for holiday use on Braystones foreshore which complies with Policies DEV 5, DEV 6 and TSM 6 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 3.

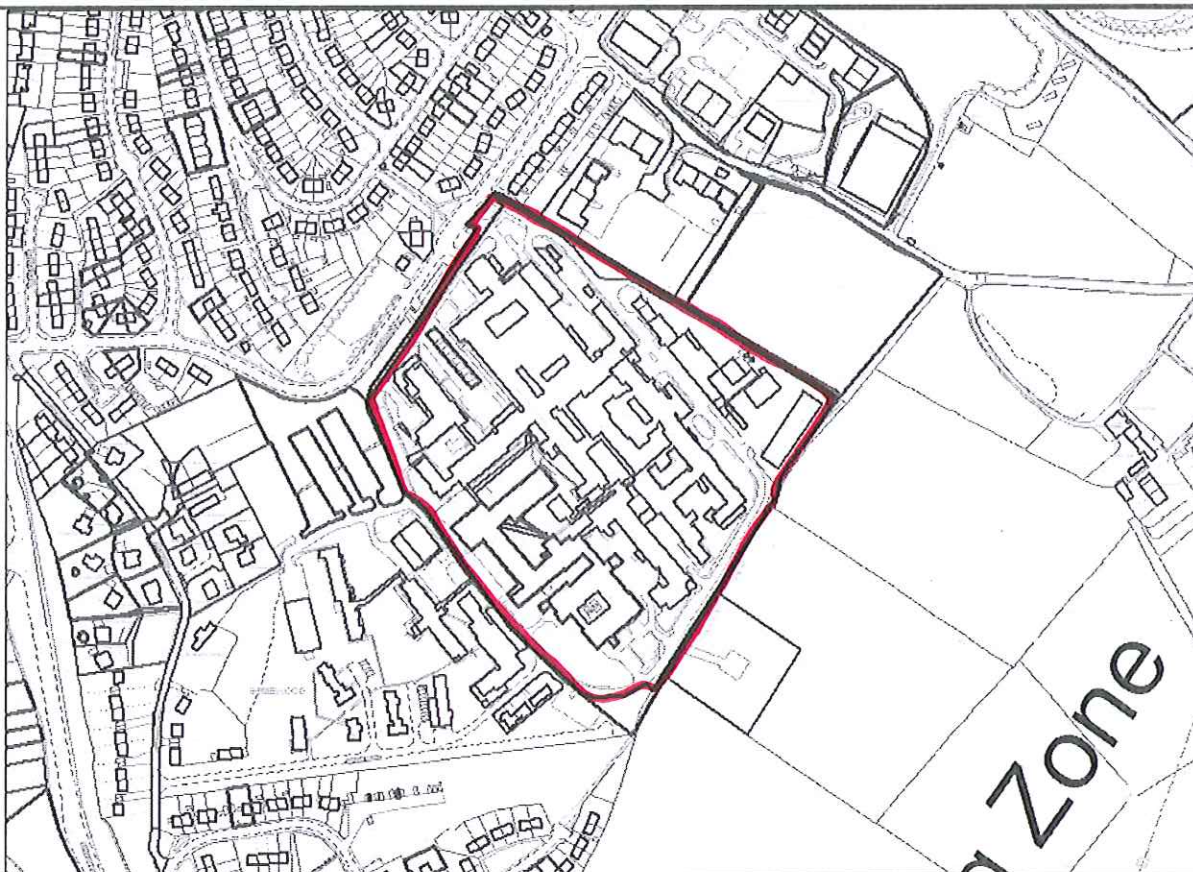


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

Application Number:	4/11/2265/0F1
Application Type:	Full : CBC
Applicant:	North Cumbria University Hospitals NHS Trust
Application Address:	WEST CUMBERLAND HOSPITAL, HENSINGHAM, WHITEHAVEN
Proposal	REDEVELOPMENT OF EXISTING HOSPITAL COMPLEX INVOLVING PARTIAL DEMOLITION, REFURBISHMENT OF EXISTING BUILDINGS, ERECTION OF REPLACEMENT BUILDING AND THE PROVISION OF ADDITIONAL CAR PARKING AND ASSOCIATED LANDSCAPING (REVISED SCHEME FOR PLANNING PERMISSION 4/10/2086/0F1)
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to the West Cumberland Hospital which was built at Hensingham in 1961.

Planning permission was granted for the comprehensive redevelopment of the hospital in 2010 under reference 4/10/2068/OF1.

This revised application was deferred at the meeting on 22 June 2011 to enable Members to visit the site. The site visit took place on 7 July 2011.

PROPOSAL

This application is a revised submission of the previous planning permission for the redevelopment of the hospital. The main changes from the original proposal involve the removal of existing Block M (family services unit) whose functions are to be rehoused elsewhere within the hospital, a reduction in the length of Zone 4 and also changes to the external appearance of the new blocks which are necessary to accommodate the alterations to the internal layout of the new blocks. These changes have been necessary to ensure that the project fits within the reduced budget that is now available to carry out this development.

The comprehensive redevelopment of the hospital site is required in order to upgrade the facilities to a modern standard and to meet with current local and regional needs. The proposed development involves the demolition and replacement of some of the existing buildings with new build blocks. Blocks E, F, G and J which occupy the south western portion of the site are to be retained and refurbished as part of this proposal. The construction is planned to be on a phased basis, with a decanting process that will enable the hospital to remain functional throughout the reconstruction process.

The new proposals will occupy a smaller footprint than the existing buildings within the hospital complex. This will free up some space which is to be used to provide additional car parking and also allow an improvement to the configuration of the existing car parking arrangements. It will also provide the scope for expansion of this hospital if this is required in the future.

The development will be served by a construction compound that is to be located on land to the north east of the hospital complex off Sneckyeat Road. This was granted planning permission in 2009 under reference 4/09/2476/0F1.

The application is accompanied by the following information:-

- A design and access statement
- A flood risk assessment
- A phase 1 habitat and bat report
- A bat inspection survey for Block J
- A geo environmental desk study

- A transport assessment
- A travel plan

CONSULTATION RESPONSES

Highways Control Officer

The proposed layout plan is acceptable subject to the implementation of an appropriate Travel Plan.

The aims and objectives of the submitted Travel Plan are acceptable although it will need to be updated to reflect the changes that have happened since it was drawn up. The developer should also note that a financial contribution will be required towards the monitoring, review and advice from the County Councils Travel Plan Coordinator.

It should be noted that dilapidation surveys should be undertaken on Homewood Road before and after construction.

Environment Agency

No further comments to add to those made in the original response to the original application reference 4/10/2086.

Landscape Officer

Full landscaping details should be conditioned on any approval together with a post maintenance schedule.

Flood and Coastal Defence Engineer

No objections but would like clarification about where the surface water from the hospital discharges to.

United Utilities

Have concerns that the current infrastructure does not have the capacity to accommodate the proposed discharge from this development. This concern was previously resolved on the

original application following United Utilities agreement to the use of a Grampian Style condition which prevents any commencement of any works on the site until a suitable foul and surface water drainage scheme has been agreed.

Natural England

This development may affect bats which are a European protected species. The appropriate survey work and mitigation measures should be sought.

Copeland Disability Forum

Have raised concerns at the reduction in the number of disabled parking spaces compared to the original scheme. They also raise the following issues:-

- There should be a specific parking area adjacent to the Renal Unit
- The general public parking is now significantly increased distance from A&E
- The disabled parking shown on the plans at the A&E is situated on a steeply sloped area.
- Details of the ramps and slopes around the site have not been submitted.

PLANNING POLICY

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

Policy L1 of the North West of England Plan Regional Spatial Strategy 2021 encourages the provision of health facilities for the local community.

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

Policy ENV 5 of the Local Plan seeks to minimise the impact of development on protected species and securing appropriate mitigation and compensatory measures.

Policy SVC 11 supports proposals for new or extended facilities for medical services provided that the site is related to the needs of the local community and is served by a range of transport modes.

ASSESSMENT

The existing hospital is coming to the end of its lifespan. This proposal will provide modern upgraded hospital facilities which will benefit the whole of the district.

The revised scheme reflects the need to absorb the reduction in available budget for the project. Whilst the overall scale of the hospital has been reduced the submitted scheme retains the same level of service provision. It has also resulted in a more efficient use of available space.

The proposed buildings are modern in their design and reflect the function of the building as a hospital. The proposed development also has the benefit of setting the building group back into the site away from the road frontage. This will increase the separation distance with the existing residential properties and also allow improved car parking and internal road layout to be enhanced on the site.

All of the technical issues that have been raised by the consultees were resolved as part of the consideration of the last application. This proposal has been designed to take the same approach with regards to these issues.

The reduction in space has enabled an increase in parking provision across the whole site. Negotiations with the applicants agent has also resulted in an increase in the provision of disabled parking spaces up to a total of 48 spaces in response to the concerns raised by the Copeland Disability Forum. These spaces are spread across the site so that there is provision directly outside the A&E and renal units. The other comments raised by the Disability Forum relating to ramps and slopes can be covered by appropriately worded conditions.

CONCLUSION

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

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:-
 - Location plan, scale 1:1250, drawing number P01, received on 03 June 2011
 - General elevations and sections, scale 1:200, drawing number 25-2001/Rev P11, received on 03 June 2011
 - Proposed elevations zones 4,5 and 6, scale 1:200, drawing number 25-2001/Rev P11, received on 03 June 2011
 - Proposed elevations B-B and H-H, scale 1:200, drawing number 25-2003/RevP11, received on 03 June 2011
 - Proposed elevations D-D and G-G, drawing number 25-2004/Rev P11, received on 03 June 2011
 - Level 1, Zone 1, scale 1:200, drawing number 20-2004/Rev P11, received on 03 June 2011
 - Level 1 departmental plan, scale 1:200, drawing number 33-2001/Rev P11, received on 03 June 2011
 - Level 2 proposed plans, scale 1:200, drawing number 20-2003/P14, received on 03 June 2011
 - Level 2 departmental plan, scale 1:200, drawing number 33-2001/Rev P11, received on 03 June 2011
 - Level 3 proposed plans, scale 1:200, drawing number 20-2003/Rev P13, received

- on 03 June 2011
- Level 3 departmental plan, scale 1:200, drawing number 33-2001/Rev P11, received on 03 June 2011
- Level 4 proposed plans, scale 1:200, drawing number 20-2003/RevP14, received on 03 June 2011
- Level 4 departmental plan, scale 1:200, drawing number 33-2001/Rev P11, received on 03 June 2011
- Level 5 zones 4,5 and 6, scale 1:200, drawing number 33-2001/Rev P11, received on 03 June 2011
- Level 5 departmental plan, scale 1:200, drawing number 33-2001/Rev P11, received on 03 June 2011
- Proposed GA level 6 zone 1, scale 1:200, drawing number 20-2003/Rev P10, received on 03 June 2011
- Level 6 departmental plan, scale 1:200, drawing number 33-2001/Rev P11, received on 03 June 2011
- Proposed landscaping area plan, scale 1:500, drawing number 90-2010/P10, received on 03 June 2011
- Proposed landscaping plan area 1, scale 1:100, drawing number 90-2011/P10, received on 03 June 2011
- Proposed landscaping plan area 2, scale 1:100, drawing number 90-2012/P10, received on 03 June 2011
- Proposed landscaping plan area 3, scale 1:100, drawing number 90-2013/P10, received on 03 June 2011
- Proposed landscaping plan area 4, scale 1:50, drawing number 90-2014/P10, received on 03 June 2011
- Proposed landscaping plan area 5, scale 1:50, drawing number 90-2012/P10, received on 03 June 2011
- Proposed landscaping plan area 1, scale 1:50, drawing number 90-2016/P10, received on 03 June 2011
- Proposed landscaping plan area 7, scale 1:50, drawing number 90-2017/P10, received on 03 June 2011
- Proposed landscaping plan area 8, scale 1:50, drawing number 90-2018/P10, received on 03 June 2011
- Proposed landscaping plan area 9, scale 1:100, drawing number 90-2019/P10, received on 03 June 2011
- Proposed landscaping plan area 10, scale 1:50, drawing number 90-2020/P10, received on 03 June 2011
- Proposed landscaping plan area 11, scale 1:100, drawing number 90-2021/P10, received on 03 June 2011
- Proposed site plan, scale 1:500, drawing number 90-2004/P14, received on 13 July 2011
- Proposed site plan and road markings, scale 1:500, drawing number 90-2007/P10, received on 13 July 2011
- Travel Plan prepared by AECOM, reference 60101773, received on 20 June 2011
- Block J refurbishment bat inspection survey prepared by AECOM, received on 03 June 2011
- Phase 1 habitat bat report prepared by AECOM, reference WCH-ACM-ZZ-ZZ-GN-S-

XX-1006-P02, received on 03 June 2011

- Envirocheck report prepared by Landmark, reference 28591972-1-1, received on 03 June 2011
- Geo environmental desk study prepared by AECOM, reference WCH-ACM-ZZ-ZZ-GN-S-XX-1005, received on 03 June 2011
- Design and access statement prepared by Gilling Dod Architects, received on 03 June 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. Before development commences representative samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

4. Before the development hereby permitted is commenced a detailed scheme indicating the provision to be made for disabled people to gain access to and from the hospital shall have been submitted to and approved by the Local Planning Authority in writing. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason

To ensure reasonable access is provided to and within the development.

5. The external footways and ramped access points around the hospital building hereby approved shall be designed, constructed, drained and lit to a suitable standard 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. Any works so approved shall be constructed before the development is complete.

Reason

To ensure reasonable access is provided to and within the development.

6. 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 in the interests of visual amenity.

7. 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.

8. 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.

9. A landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason

To ensure a satisfactory landscaping scheme

10. The development shall implement all of the mitigation and compensation measures set out in the Phase 1 Habitat and Bat Report, prepared by AECOM Environment, dated November 2009 and received by the Local Planning Authority on 27 April 2010, and submitted as part of the planning application. A scheme for the timing of the implementation of these mitigation and compensation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the site.

Reasons

To protect the ecological interests evident on the site.

11. Prior to the commencement of development approved by this application (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risks to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be used.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To protect controlled waters.

12. A watching brief shall be undertaken during both the demolition and construction phase of the development to identify any potential unforeseen contaminated materials or sources of contamination. A scheme to deal with any risks associated with the contamination of the site including any remediation measures as necessary shall be submitted to and approved in writing by 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.

13. No phase of the development shall commence until details of the foul and surface water drainage and means of disposal, including any necessary off-site improvements, for that phase have been submitted to and approved by the Local Planning Authority in consultation with the sewerage network operator and the land drainage authority. No building shall be occupied until the approved works to connect that building to the foul and surface water drainage systems have been completed.

Reason

To prevent overloading of the public sewerage system insofar as the proposed connections communicate with public sewers in order to protect the health and safety of existing residents and ensure no detriment to the environment.

14. 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.

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

Reason

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

INFORMATIVES:

1. In developing the details referred to in condition 13 above, the Local Planning Authority expects the developer to liaise closely with the sewerage network operator (United Utilities), including agreement and evidence thereof of a drainage strategy that reduces the overall reduction in runoff and provides a significant improvement in both water quality and quantity. It is therefore further expected that detection devices be installed in any existing on-site surface water drainage that will communicate with the public sewers to detect evidence of cross contamination from foul drainage.

2. The requirement to monitor and review the Travel Plan as set out in conditions 14 and 15 above will result in a financial cost that it is expected will be funded by the applicant.

Reason for Decision

The redevelopment of the existing hospital to provide enhanced health facilities on the site will result in benefits to the whole community in accordance with Policy L1 of the North West of England Plan Regional Spatial Strategy 2021 and Policies DEV 6, ENV 5 and SVC 11 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 4.

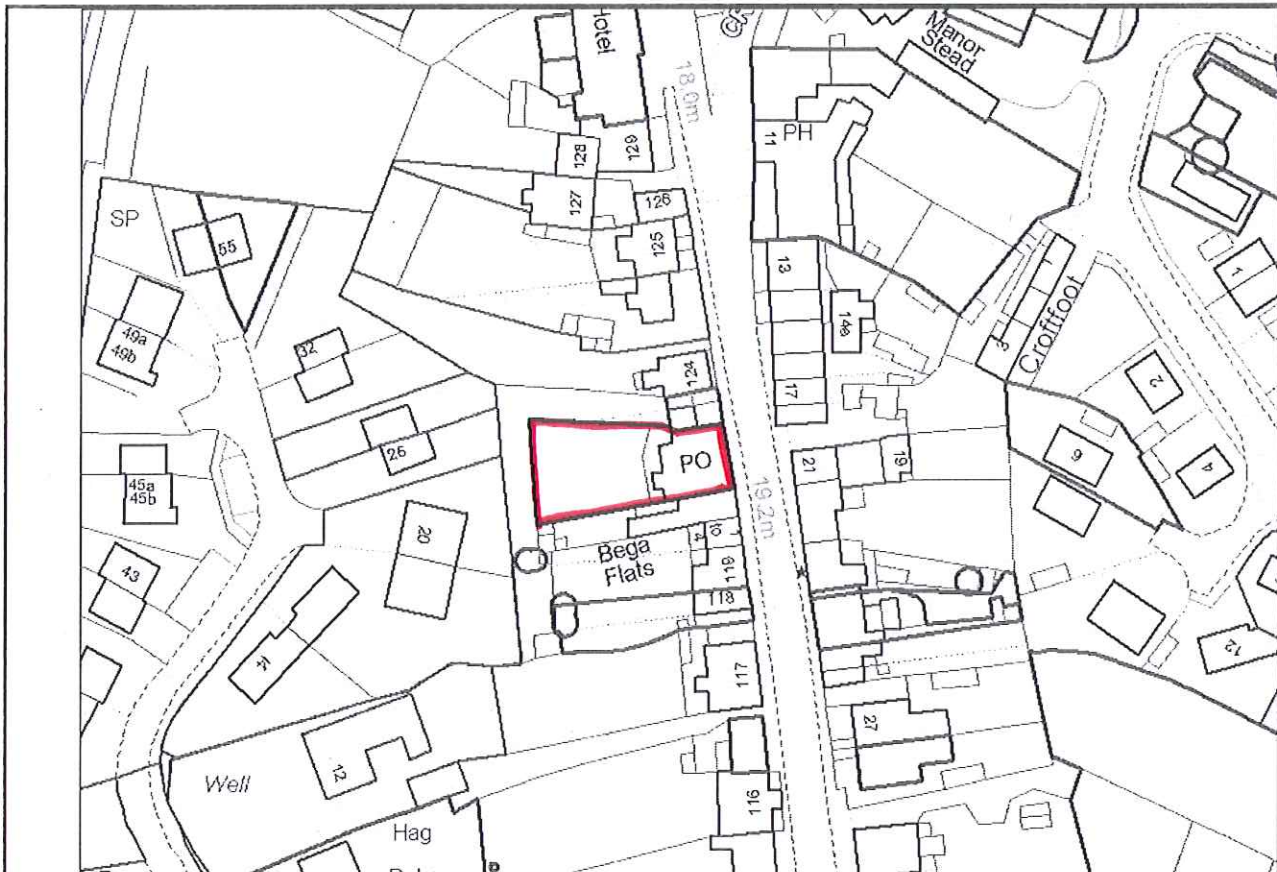


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

Application Number:	4/11/2302/0F1
Application Type:	Full : CBC
Applicant:	Mr A Bewley
Application Address:	ST BEES POST OFFICE, 122 MAIN STREET, ST BEES
Proposal	CONVERSION OF PART OF POST OFFICE INTO FISH AND CHIP SHOP (RESUBMISSION)
Parish:	St. Bees
Recommendation Summary:	Refuse



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PROPOSAL

At the last meeting Members resolved to carry out a site visit before determining this application. The site visit took place on Wednesday 3 August 2011.

A proposal to change the use of part of this mid terraced property situated on Main Street, St Bees to a fish and chip shop. The ground floor of the building is in use as a post office and shop and it is the intention to convert the two remaining ground floor rooms which are currently used for storage to provide the proposed fish and chip shop use. Access will be via an existing access door directly off Main Street.

External alterations proposed include replacing the ground floor door and window on the front elevation, whilst internally the two storage rooms will be knocked together to create a public counter and serving area with a preparation area behind.

Intended hours of opening are between 11am and 10pm Monday to Friday, 11am to 11pm on Saturdays and 11am to 9pm on Bank Holidays. The shop will be closed on Sundays.

This application comprises a resubmission for the scheme which was withdrawn in April of this year in order to address outstanding issues regarding the provision of a satisfactory vent extraction scheme from the premises.

CONSULTATIONS

Environmental Health Officer - recognises that due to the proximity of residential properties and the potential for high levels of cooking odours and structure-borne and air-borne noise from the extraction system to affect neighbouring residents, the specifications needs to provide a high standard of protection commensurate to the sensitivity of the neighbourhood.

Whilst they note that no noise or odour assessments or details of the proposed position or construction of the extract ventilation system have been submitted, they recommend that conditions relating to these matters be attached to any subsequent consent.

The Highways Authority – note that the Local Planning Authority will need to consider very carefully the potential traffic congestion that may be caused by this type of use when determining this application. Should the application be supported then the applicant will need to be made aware of the need for licences in relation to the roller shutter housings where they overhang the footway.

St Bees Parish Council have no objections provided:

- there are appropriate fire precautions and fire alarm system fitted

- the opening hours be reduced to avoid people leaving the nearby pubs and congregating around the fish & chip shop
- the effectiveness of the extraction system is fully assessed to ensure no nuisance from unpleasant cooking smells
- there should be conditions requiring the proprietors to provide litter bins and to keep the area outside clear of rubbish
- there should be consultation with Highways and the local police on the possible traffic/parking implications.

Eight letters of objection have been received from local residents. Whilst the majority have no objection to the principle of a fish and chip shop in the village they do raise the following concerns regarding this location:

1. Smells arising from the cooking of food invading the neighbour's homes.
2. Level of noise emanating from customers and extraction system affecting neighbouring residents as the shop is surrounded by residential properties.
3. Litter. The existing post office/shop has no waste receptacle.
4. Traffic/Parking. Will create extra traffic and exacerbate the local parking problems on the Main Street which in turn will cause a danger to pedestrians. Double yellow lines are routinely ignored.
5. Previous application for a bistro opposite was denied because of smell, litter and parking issues. Why should this be treated differently?
6. Opening hours. 11pm is far too late. No other fish and chip shops in the area opens this late and it will create late night anti-social behaviour.
7. Against Council policy for development within a conservation area.
8. Fire risk. The prospect of siting flammable material in a terraced building which will be unoccupied for significant periods is disturbing.
9. Blight on the saleability and value of property in the vicinity.

PLANNING POLICY

The premises are situated within the development boundary for St Bees and within the St Bees Conservation Area. As such, Policies DEV 6 'Sustainability in Design', TCN 7 'Food and Drink uses in Town Centres' and ENV 26 'Development in and affecting Conservation Areas' of the adopted Copeland Local Plan 2001-2016 are considered of particular relevance to the determination of this application.

Policy DEV 6 sets out the sustainable design principles which all new developments should adopt. Amongst other things, DEV 6 requires all new development to create or maintain reasonable standards of general amenity.

Policy TCN 7 permits food and drink uses in shopping areas subject to the requirements of TCN 4 and other plan policies with particular attention to:-

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

Policy ENV 26 requires development within Conservation Areas to preserve or enhance the character and appearance of the Area.

ASSESSMENT

The application raises the following planning issues which warrant careful consideration:

- Likely impact on the character and amenity of the general area and in particular on nearby residential properties as a result of noise, disturbance, litter and smell created by the use,
- whether adequate venting can be provided to the property to overcome previous environmental health objections, and
- potential highway/traffic related issues.

Given that limited external alterations are proposed it is unlikely that the character and appearance of the Conservation Area will be adversely affected.

Whilst no specific objections have been received from the Council's Environmental Health Officer subject to conditions being imposed, given the proximity of the premises to residential properties, particularly the adjoining 121 Main Street, it has not been demonstrated that smell and noise could be adequately controlled, particularly given the comings and goings of customers such a use is likely to generate.

Additionally, given the proposed opening hours disturbance from the comings and goings of customers as well as food preparation activities is likely to occur at times when residents could reasonably expect some peaceful enjoyment of their properties.

Furthermore, taking on board the points raised by the Highways Authority, given that the premises are situated along the heavily trafficked Main Street where on-street parking is at a premium, the proposed use is likely to hinder the free flow of traffic which, in turn, would be detrimental to the safety of highway users and pedestrians alike.

On balance, whilst the applicant is commended for attempting to introduce a new business into the area, which undoubtedly would benefit the local community and the number of visitors that St Bees receives, this does not outweigh the demonstrable harm such a use is likely to have on the amenities of adjacent residential properties and the wider area in terms of noise, odour nuisance and general disturbance.

On the basis of the above, it is considered that the proposal fails to satisfy the above planning policies and, as such, refusal is recommended.

Recommendation:-

Refuse

Reason for decision:-

The proposed fish and chip shop represents an inappropriate ancillary use to these village Main Street retail premises, giving rise to significant adverse affects on the amenity of the general area and adjoining residential properties in particular in terms of highways safety, litter and smell nuisance and general disturbance from the coming and going of customers, particularly late at night, contrary to Policies DEV 6 and TCN 7 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 5.



To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

Application Number:	4/11/2310/0F1
Application Type:	Full : CBC
Applicant:	Mr S Cornthwaite
Application Address:	DOWER HOUSE, RHEDA PARK, FRIZINGTON
Proposal	RENOVATION OF DOWER HOUSE TO FORM FOUR DWELLINGS
Parish:	Arlecdon and Frizington
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to Dower House, a Grade II Listed Building which is located at Rheda Park. The building was formerly in use as a single dwelling but has remained vacant for many years. Its condition has deteriorated over recent years.

A previous planning permission for the conversion of the building to form seven dwellings was approved in 1991 but was never implemented.

This application was deferred at the last meeting to enable Members to visit the site. The site visit took place on 03 August 2011.

PROPOSAL

Planning permission is sought for the conversion of the existing building to form four self contained dwellings. The proposal seeks to retain the original fabric of the building and the amount of alteration has been kept to a minimum in order to preserve the character and appearance of the building. The main alterations proposed involve the removal of a modern extension which has previously been added to the courtyard elevation of the southern wing. It is also proposed to add a small extension to unit 3 which will extend into a small garden area on the north elevation.

The building encloses an existing courtyard which is accessed through large timber gates. The courtyard is to be retained as a hard surfaced area although some minor planting is proposed around its perimeter. Each residential unit will have a dedicated area of garden space. It is also proposed to restore the landscape around the building. This will involve removing a number of self seeded trees which have grown up around the outside of the building. The main mature specimen trees are to be retained and additional new landscaping is also proposed on the site.

Access to the building is to be achieved off the existing estate road which runs through Rheda Park. A driveway is to be created leading up to the main gates. Each unit is to be provided with two off street car parking spaces and an area of visitor parking is also to be created off the main driveway.

A detailed Listed Building Consent application for the alterations to the building is included on the agenda under reference 4/11/2311/0L1.

The following information has been submitted with the application:-

- Detailed layout and elevation plans to show both the existing building and the proposed conversion
- A Design and Access Statement
- A survey for bats, barn owls and breeding birds
- A squirrel survey report
- A tree constraints report

CONSULTATION RESPONSES

Parish Council

No objections

Highways Control Officer

No objections to the proposal from a highway point of view.

To protect the integrity of the main estate road it may be appropriate to consider securing a bound surfacing to the access road over its first 5 metres.

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

The Grade II Listed Building is in a semi-ruinous state and is at risk. Its proposed restoration and development is welcomed and will secure its future. Generally the proposals are satisfactory and have benefitted from pre application discussions which have enabled a number of design issues to be resolved. Some minor design details are still under discussion with the applicants agent.

Historic Environment Officer (Archaeology)

The proposed conversion will alter the character, appearance and some historic fabric of the buildings. On this basis an archaeological building recording programme should be undertaken in advance of development. This could be secured by attaching a condition to any planning permission.

United Utilities

No objections although the site should be drained on a separate system with only foul drainage connected into the foul sewer.

Landscape Officer

The landscaping details submitted are acceptable. Conditions should be included on any planning permission to cover the new replacement landscaping and also the maintenance arrangements for landscaping. Adequate fencing should also be secured around the mature trees that are to be retained as part of this development to protect them during the construction phase

Other

One letter of comment has been received from an adjoining neighbour. Although they are in support of the redevelopment of the site they have an issue with positioning of a first floor window on the north eastern elevation which they consider would overlook their property. They have requested the repositioning of this window to reduce the impact on their property.

PLANNING POLICY

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

Policy DEV 6 which requires sustainable forms of design

Policy HSG 17 permits the conversion of rural buildings to a residential use where they are located within an existing group of buildings providing that the proposed works retain the essential character of the building and its surroundings.

Policy ENV 5 seeks to minimise the impact of development on protected species or their habitats.

Policy ENV 11 encourages the planting of new trees as part of any development. Any trees which are lost through development should be replaced at a ratio of at least 2:1.

ASSESSMENT

This listed building is in a very poor condition and is at risk if it remains unaltered.

The submitted scheme is of a sympathetic design and has resulted from extensive discussions with the applicants agent. The proposed conversion involves the reuse of the majority of the existing openings present within the existing structure. Any new additions and alterations have been carefully designed to reflect the adjoining structures with compatible materials and finishes but using a contemporary approach. This will provide a clear contrast to the historic elements of the building.

Although a number of trees are to be removed as part of the development the majority of these are self seeded specimens and are currently undermining the existing structure. The main mature trees are to be retained and additional landscaping is proposed to compensate for the loss of trees proposed.

The ecological surveys that have been submitted as part of the application highlight the presence of bats, barn owls, other nesting birds and red squirrels either on or near to the site. These surveys have suggested adequate mitigation measures to ensure that all protected species will not be adversely affected by this proposal. These mitigation measures can be secured by the use of appropriately worded conditions on any planning permission.

Overall this is considered to be an appropriate form of development which will renovate the existing building and provide a viable use which will secure its long term future.

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:-
 - Location plan, scale 1:2000, drawing number 3158/03, received on 29 June 2011
 - Existing GA floor plans, sections and elevations, scale 1:200, drawing number 3158/19, received on 29 June 2011
 - Topographical survey, scale 1:200, drawing number 3158/02 rev A, received on 29 June 2011
 - Proposed site plan, scale 1:200, drawing number 3158/06 Rev C, received on 05 August 2011
 - Proposed GA floor plans, sections and elevations, scale 1:200, drawing number 3158/28 Rev B, received on 05 August 2011
 - Proposed floor plans, sections and elevations house four, scale 1:100, drawing number 3158/27 Rev B, received on 05 August 2011
 - Proposed floor plans and elevations house three, scale 1:100, drawing number 3158/26 rev B, received on 05 August 2011
 - Proposed floor plans and elevations house two, scale 1:100, drawing number 3158/25 Rev B, received on 05 August 2011
 - Proposed floor plans and elevations house one, scale 1:100, drawing number 3158/24 Rev B, received on 05 August 2011
 - Survey for bats, barn owls and nesting birds compiled by Sally Phillips, reference 110528, dated May 2011
 - Squirrel survey compiled by Hesketh Ecology, reference DC11SQU006 dated 28 June 2011
 - Heritage Statement and Design and Access Statement compiled by Day Cummings Ltd, dated June 2011
 - Pre development tree constraints report compiled by Alistair Hearn Treescapes Consultancy Ltd, dated 06 May 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. Representative samples of the proposed stone, natural roof slate and gutters/downspouts shall be submitted to and approved in writing by the Local Planning Authority before any development commences on site. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

4. A sample of the brick to be used on unit three shall be submitted to and approved in writing by the Local Planning Authority before development commences on this unit. Development shall be carried out in accordance with the approved details and so maintained at all times thereafter.

Reason

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

5. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture to those of the existing building, or as otherwise agreed in writing by the Local Planning Authority.

Reason

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

6. A sample panel of all the proposed external materials shall be constructed on the site for the written approval of the Local Planning Authority. The 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.

7. Representative samples of the replacement doors and windows shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. 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.

8. Details of the design and specification for the rooflights shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. 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.

9. Details of the design, specification and method of fixing of the replacement gates within the main entrance on the south west elevation shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. 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.

10. Details of the boundary fencing to be erected around the perimeter of each garden area shall be submitted to and approved in writing by the Local Planning Authority prior to its erection on the site. Development shall not be carried out otherwise than in full accordance with such approved details and shall be maintained at all times thereafter.

Reason

To ensure a satisfactory finish in the interests of visual amenity.

11. No residential unit hereby approved shall be occupied 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.

12. No residential unit hereby permitted shall be occupied 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.

13. A landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the residential units hereby approved. The landscape management plan shall be carried out as approved.

Reason

To ensure a satisfactory landscaping scheme.

14. 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 and contribute to the visual amenity of the area.

15. The development shall implement all of the mitigation and planting measures set out in the Pre development Tree Constraint Report, prepared by Alistair Hearn Treescapes Consultancy Ltd, received on 29 June 2011, and submitted as part of the planning application. A scheme for the timing of the implementation of these

mitigation and compensation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the site.

Reason

To ensure a satisfactory landscaping scheme.

16. Before any development is commenced on the site six bat boxes shall be installed at a minimum height of three metres on the trees within the site to provide alternative bats roosts while work is in progress on the site in accordance with the details set out in the bat survey prepared by Sally Phillips reference 110528, received by the Local Planning Authority on 29 June 2011. The bat boxes shall remain in place until all building works are completed on the site.

Reason

To protect and conserve existing wildlife present on the site.

17. The development shall implement all of the mitigation and compensation measures set out in the bats, barn owl and nesting bird survey, prepared by Sally Phillips, reference 110528, dated May 2011, and submitted as part of the planning application.

Reasons

To protect the ecological interests evident on the site.

18. The development shall implement all of the mitigation and compensation measures set out in the squirrel survey report, prepared by Hesketh Ecology, reference Dc11SQU006, dated 28 June 2011, and submitted as part of the planning application.

Reasons

To protect the ecological interests evident on the site.

INFORMATIVE

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

An acceptable conversion proposal which will preserve and enhance the existing building and provide it with a sustainable future in accordance with Policies DEV 6, HSG 17, ENV 5 and ENV 11 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 6.



To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

Application Number:	4/11/2311/OL1
Application Type:	Listed Building Consent : CBC
Applicant:	Mr S Cornthwaite
Application Address:	DOWER HOUSE, RHEDA PARK, FRIZINGTON
Proposal	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH RENOVATION OF DOWER HOUSE TO FORM FOUR DWELLINGS
Parish:	Arlecdon and Frizington
Recommendation Summary:	Approve Listed Building Consent (start within 3yr)



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INTRODUCTION

This application relates to Dower House, a Grade II Listed Building which is located at Rheda Park. The building was formerly in use as a single dwelling but has remained vacant for many years. Its condition has deteriorated over recent years.

A previous planning permission for the conversion of the building to form seven dwellings was approved in 1991 but was never implemented.

This application was deferred at the last meeting to enable Members to visit the site. The site visit took place on 03 August 2011.

PROPOSAL

Listed Building Consent is sought for the conversion of the existing building to form four self contained dwellings. The proposal seeks to retain the original fabric of the building and the amount of alteration has been kept to a minimum in order to preserve the character and appearance of the building. The main alterations proposed involve the removal of a modern extension which has previously been added to the courtyard elevation of the southern wing. It is also proposed to add a small extension to unit 3 which will extend into a small garden area on the north elevation.

The building encloses an existing courtyard which is accessed through large timber gates. The courtyard is to be retained as a hard surfaced area although some minor planting is proposed around its perimeter. Each residential unit will have a dedicated area of garden space. It is also proposed to restore the landscape around the building. This will involve removing a number of self seeded trees which have grown up around the outside of the building. It is proposed to retain the main specimen trees.

Access to the building is to be achieved off the existing estate road which runs through Rheda Park. A driveway is to be created leading up to the main gates. Each unit is to be provided with two off street car parking spaces and an area of visitor parking is also to be created off the main driveway.

A detailed planning application for the conversion of the building is included on the agenda under reference 4/11/2310/0F1.

The Listed building Consent application is accompanied by the following information:-

- Detailed layout and elevation plans to show both the existing building and the proposed conversion
- A Design and Access Statement
- A Heritage Statement

CONSULTATION RESPONSES

Historic Environment Officer (Archaeology)

The proposed conversion will alter the character, appearance and some historic fabric of the buildings. On this basis an archaeological building recording programme should be undertaken in advance of development. This could be secured by attaching a condition to any planning permission.

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

The Grade II Listed Building is in a semi-ruinous state and is at risk. Its proposed restoration and development is welcomed and will secure its future. Generally the proposals are satisfactory and have benefitted from pre application discussions which have enabled a number of design issues to be resolved. Some minor design details are still under discussion with the applicants agent.

PLANNING POLICY

Government guidance on the historic environment is outlined in Planning Policy Statement 5: Planning for the Historic Environment (PPS 5). This sets out a number of policies which are relevant to this proposal.

Policy HE6 requires applicants to identify the significance of the heritage asset and the potential impact of the proposal upon it. This assessment should be part of the explanation of the design concept.

Policy HE9 considers proposals which will lead to substantial harm of the heritage asset. Local Planning Authorities are advised to only grant consent on the basis that the harm to or loss of significance is necessary in order to deliver substantial benefits that outweigh the harm or loss. Public benefit includes help to secure the optimum viable use of the heritage asset in the interests of its long term conservation.

Policy HE10 requires the impact of any proposal on the setting of a listed building to be fully considered.

Relevant Copeland Local Plan policies are:-

Policy ENV 30 only permits alterations and extensions to Listed Buildings which respect its architectural or historic character.

Policy ENV 31 prohibits the total or substantial demolition of a Listed Building unless there are exceptional circumstances which warrant it.

Policy ENV 33 only permits applications for development affecting the setting or important views of a Listed Building where there is no significant adverse impact on the Listed Building.

ASSESSMENT

This listed building is in a very poor condition and is at risk if it remains unaltered.

The submitted scheme is of a sympathetic design and has resulted from extensive discussions with the applicants agent. The proposed conversion involves the reuse of the majority of the existing openings present within the existing structure. The approach adopted has been to retain and repair as much of the original fabric as possible. It is also proposed to remove the previous modern unsympathetic additions to unit 4 and replace them with more appropriate modern alterations. Any new additions and alterations have been carefully designed to reflect the adjoining structures with compatible materials and finishes but using a contemporary approach. This will provide a clear contrast to the historic elements of the building.

Overall this is considered to be an appropriate form of development which will renovate the existing listed building and provide it with a viable use which will secure its long term future.

Recommendation:-

Approve Listed Building Consent subject to the following conditions:-

Conditions

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

Reason

To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Location plan, scale 1:2000, drawing number 3158/03, received on 29 June 2011
 - Existing GA floor plans, sections and elevations, scale 1:200, drawing number 3158/19, received on 29 June 2011
 - Topographical survey, scale 1:200, drawing number 3158/02 rev A, received on 29 June 2011
 - Proposed site plan, scale 1:200, drawing number 3158/06 Rev C, received on 05 August 2011
 - Proposed GA floor plans, sections and elevations, scale 1:200, drawing number 3158/28 Rev B, received on 05 August 2011
 - Proposed floor plans, sections and elevations house four, scale 1:100, drawing number 3158/27 Rev B, received on 05 August 2011
 - Proposed floor plans and elevations house three, scale 1:100, drawing number 3158/26 rev B, received on 05 August 2011
 - Proposed floor plans and elevations house two, scale 1:100, drawing number 3158/25 Rev B, received on 05 August 2011
 - Proposed floor plans and elevations house one, scale 1:100, drawing number 3158/24 Rev B, received on 05 August 2011
 - Heritage Statement and Design and Access Statement compiled by Day Cummings Ltd, dated June 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. Prior to the carrying out of any construction works the existing buildings occupying the site shall be recorded in accordance with a Level 2 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works 3 copies of the resultant level 2 survey report shall be submitted to the Local Planning Authority.

Reason

To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration / demolition as part of the proposed development.

4. Representative samples of the proposed stone, natural roof slate and gutters/downspouts shall be submitted to and approved in writing by the Local Planning Authority before any development commences on site. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure that the character and appearance of the Grade II Listed 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.

5. A sample of the brick to be used on unit three shall be submitted to and approved in writing by the Local Planning Authority before development commences on this unit. Development shall be carried out in accordance with the approved details and so maintained at all times thereafter.

Reason

To ensure that the character and appearance of the Grade II Listed 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.

6. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture to those of the existing building, or as otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the character and appearance of the Grade II Listed 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.

7. A sample panel of all the proposed external materials shall be constructed on the site for the written approval of the Local Planning Authority. The panel shall be of sufficient size to indicate the method of jointing and coursing to be used.

Reason

To ensure that the character and appearance of the Grade II Listed 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.

8. Representative samples of the replacement doors and windows shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure that the character and appearance of the Grade II Listed 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.

9. Details of the design and specification for the rooflights shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure that the character and appearance of the Grade II Listed 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.

10. Details of the design, specification and method of fixing of the replacement gates within the main entrance on the south west elevation shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure that the character and appearance of the Grade II Listed 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.

11. No rebuilding or conversion works shall be carried out on the site which is the subject of this permission until full details of all the new materials to be used in the replacement/repair works 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 this Listed Building is not adversely affected by reason of the appearance of the type and colour of the materials to be used in the development.

12. No works shall be carried out to any of the roofed areas of the building until full details of the extent of the roof repairs 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 details.

Reason

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

13. Prior to any resurfacing on the site full details of the design, extent and content of the proposed surfacing materials within the courtyard and the driveway to the front of the 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 Grade II Listed 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 rebuilding or conversion works shall commence on Unit 2 until full details of the design of the replacement stable doors 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 Grade II Listed Building 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 commence on the garage building to the rear of Unit two until full details of the design and specification for the infill wall on the south west elevation 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 Grade II Listed 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.

INFORMATIVE

The requirements of condition numbers 4, 6, 7, 8, 9, 10, 11, 12 and 13 listed above do not prevent works commencing on site with regards to site clearance or demolition permitted by this Listed Building Consent.

Reason for Decision

The alterations and conversion proposed will preserve and enhance the character and appearance of the existing building and provide a viable use which will secure its future in accordance with the guidance set out in Planning Policy Statement 5: Planning for the Historic Environment and also Policies ENV 30, ENV 31 and ENV 33 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 7.

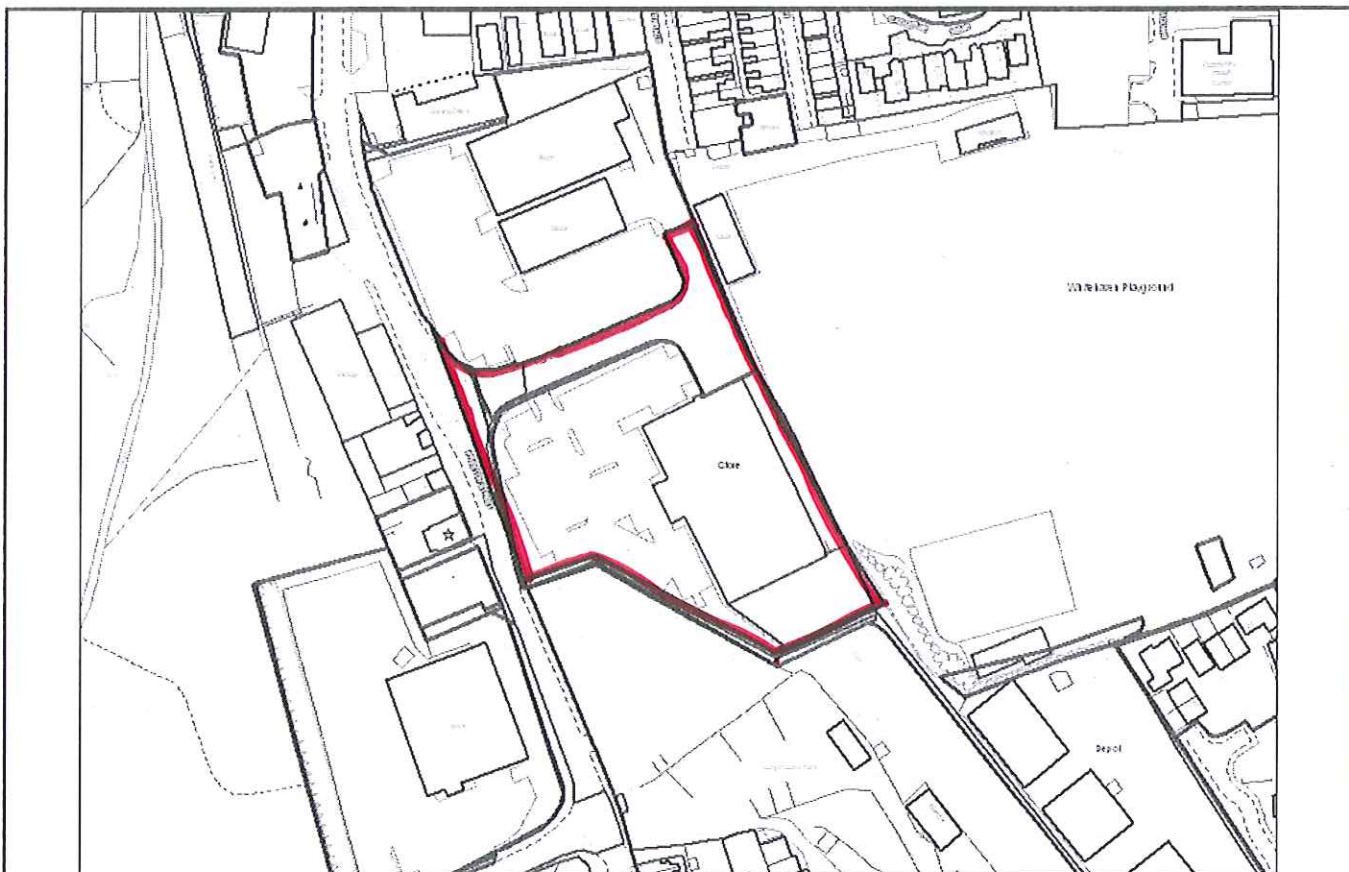


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

Application Number:	4/11/2317/0E1
Application Type:	Certificate of Lawfulness
Applicant:	K/S Preston
Application Address:	RETAIL UNIT (CURRENTLY OCCUPIED BY FOCUS), PRESTON STREET, WHITEHAVEN
Proposal	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING USE - UNRESTRICTED CLASS A1 RETAIL USE
Parish:	Whitehaven
Recommendation Summary:	Approval of Certificate of Lawfulness



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INTRODUCTION

This application relates to the former Focus store which is located off Preston Street. The original building was granted planning permission as a non food retail unit and garden centre in 1995, as applied for.

PROPOSAL

This application seeks a Lawful Development Certificate for the unrestricted retail use of the building as defined under Class A1 of the Town and Country Planning Use Classes (Amendment) Order 2005.

The applicants have submitted a supporting statement to amplify their case. This statement claims that the site benefits from an unrestricted retail use as no conditions were imposed on the original planning permission which controlled the sale of goods from the premises. They back up their case with reference to relevant case law.

ASSESSMENT

The Council's Legal Services Manager has reviewed the submitted evidence and has provided his legal opinion. He agrees with the applicants case, in particular the provisions set out in Section 55 (2) (f) of the Town and Country Planning Act 1990. This states that in the case of buildings or land used for a purpose of any class specified in an Order a change of use within the same class does not constitute development and therefore does not require planning permission.

Based on this advice there is not considered to be any justifiable reason to withhold a Lawful Development Certificate in this case.

Recommendation:-

Approve

ITEM NO: 8.

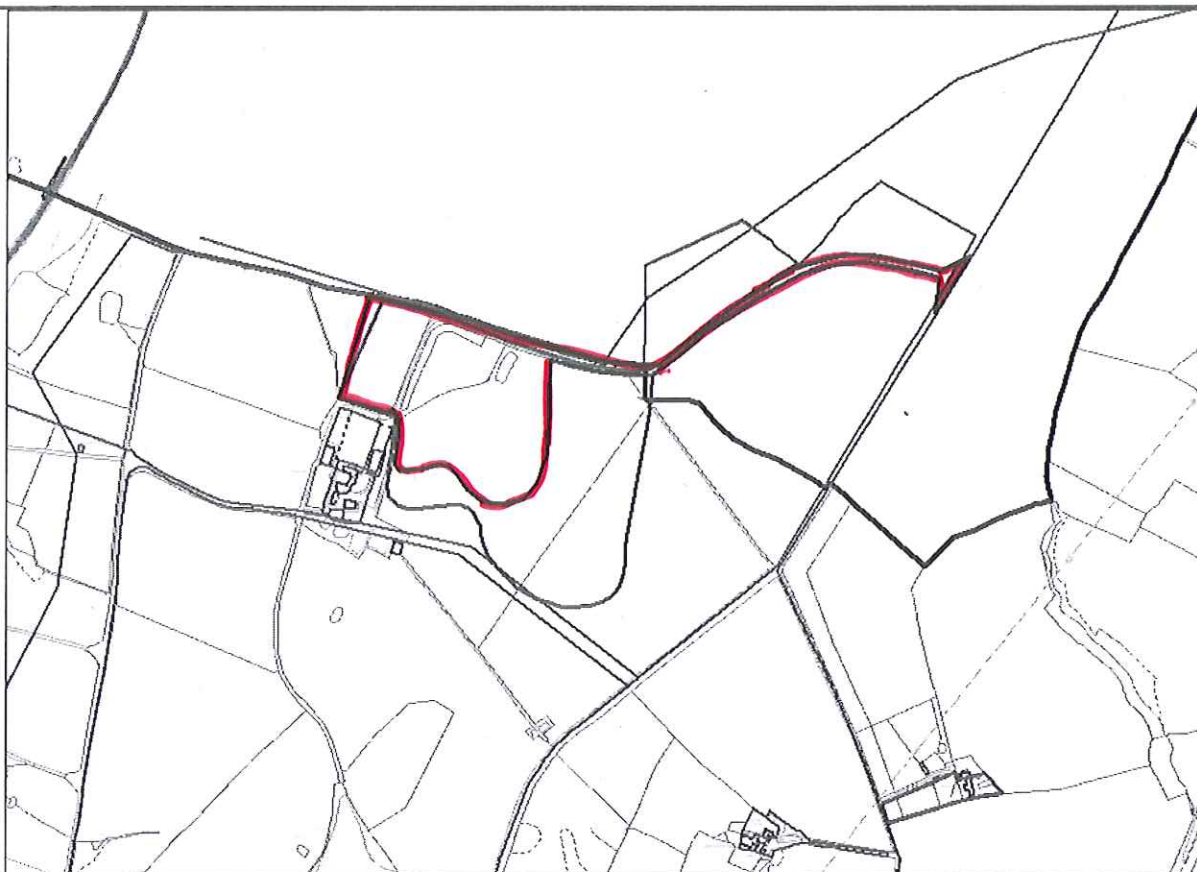


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

Application Number:	4/11/2318/0F1
Application Type:	Full : CBC
Applicant:	Mr G Harrison
Application Address:	PARK HOUSE FARM, LOWCA, WHITEHAVEN
Proposal	APPLICATION FOR NEW PLANNING PERMISSION TO REPLACE AN EXTANT PERMISSION (4/08/2252/0F1, FARM SHOP & TEA ROOMS TOGETHER WITH ASSOCIATED CAR PARKING, FARM ANIMAL VIEWING AREAS, FISHING LAKE & ORCHARDS) IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION
Parish:	Lowca
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

Park House Farm comprises a small collection of buildings which are located 1.5 km to the north of Lowca village.

Planning permission was granted for a diversification proposal at the farm in 2008 to provide a tourism/leisure attraction centred on the farm activities under reference 4/08/2252/0F1. This application seeks permission to extend the timescale for the implementation of this planning permission.

PROPOSAL

The proposal comprises the erection of a single storey building to house a tea room and a farm shop adjacent to the existing farm complex. This building will be 650 square metres in size and finished with a slate roof and wet dash rendered/stone feature walls. It is proposed to construct an associated car park which will accommodate 80 vehicles and will be finished with sympathetic grass crete pavements which provide sustainable drainage.

It is the intention to provide a range of farm related activities and associated facilities on the site including animal viewing areas, a fishing lake, orchards, various walks and a building to an indoor area incorporating viewing areas to illustrate the care of farm animals and demonstrations of various farm activities such as milking. The site links with a network of existing footpaths and as part of the application it is intended to provide a new footpath to the north linking the existing coastal footpath which runs adjacent.

It is proposed to reinstate areas of semi natural habitat including the planting of a wild flower meadow, an orchard and the enlargement of an existing pond. All of these measures will increase plant biodiversity on the site and will be compatible with a natural increase in the flora and fauna in the future.

Vehicular access to the site will utilise the existing tarmac farm access off the adjacent C4001 road between Lowca and High Harrington. This access, which extends for approximately 0.6 km into the site, was originally constructed to service the Lowca windfarms to the south. It is the intention to provide passing places along its route to improve traffic flow.

CONSULTATION RESPONSES

Natural England

The proposed amendments to the original application relate largely to timescale and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Environment Agency

No objections to the proposal and inform that there are other statutes that permit their control over land drainage, fishing stock of the lake and environmental management which the applicant will have to comply with.

Highways Control Officer

No objections subject to the inclusion of conditions to improve visibility splays at the entrance and the provision of passing places along the access track.

Strategic Planning Manager

No comments

Cumbria Wildlife Trust

No objections subject to conditions being attached to any planning permission which requires the enhancements set out in the ecological survey and also the provision and management of the planting schemes for the orchard and wild flower meadows. These measures will result in suitable ecological enhancements.

United Utilities

No objections

Landscape Officer

The applicant should submit a detailed landscaping scheme and also a schedule for the maintenance of that landscaping. These can be covered by appropriately worded conditions.

Scientific Officer

If the development covers the same area as the previous application then it avoids the areas of contamination that result from former quarrying and mining activities.

PLANNING POLICY

The adopted Copeland Local Plan 2001-2016 identifies the site as being situated within open countryside, outside any settlement boundaries. It is within Tourism Opportunity Site 4 (TOS 4) which extends from the reclaimed slag bank at Lowca, encompassing the site, to include the former Micklam brickworks and the coast to the north. TSM 2 is the main policy against which this application should be assessed. This supports proposals for large scale tourist developments, particularly those that also provide recreational opportunities for the local population and accord with the principles of sustainable design as set out in Policy DEV 6.

ASSESSMENT

The proposal is considered to represent an acceptable form of development which accords with Policies TSM 2 and DEV 6 of the Local Plan. It will provide a tourist development which would appeal to both the local population and tourists from further afield. Furthermore, it would not compromise or conflict in any way with the undeveloped coast and will provide/enhance footpath links, particularly to the existing coastal path, thus improving public access and recreational opportunities. It has also been demonstrated that the development will have little biodiversity impact and is likely to positively enhance it. The only hard development proposed comprises the new building for the tea room/farm shop and car park, the design and finishes for which are considered appropriate for this open coastal location.

There has been no change in circumstances since 2008 and no objections are raised to extending the timescale for the implementation of this project for a further three years.

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. The development shall not commence until visibility splays providing clear visibility of 2.4 metres x 215 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.

Reason

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

- 3 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.

Reason

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

4. No development shall commence until full details of the proposed passing places along the access have been submitted to and approved in writing by the Local Planning Authority. The passing places shall be constructed in accordance with the approved details before the development is brought into use.

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.

- 5 Public rights of way which runs alongside or cross the site shall remain unobstructed at all times.

Reason

To ensure that the public footpaths on the site are not obstructed at any time by the development

6. Where the public rights of way follow or cross the access lane, suitable warning signs shall be erected, details and locations of which shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved warning signs shall be erected before the development is brought into use.

Reason

To ensure that adequate safeguards are provided in the interests of public safety.

7. No development shall commence until a car park and play area layout, including construction, finishes and hard and soft landscaping details, have been submitted to and approved in writing by the Local Planning Authority. The car park shall be constructed in accordance with the approved details before the development is brought into use.

Reason

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

8. Before development commences full details of the proposed new footpath link between the site and the coastal way shall be submitted to and approved in writing by the Local Planning Authority. The footpath link shall be constructed in accordance with the approved details before it is brought into use.

Reason

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

9. Before development commences full details of the animal viewing areas shall be submitted to and approved in writing by the Local Planning Authority. The viewing area shall be constructed in accordance with the approved details before it is brought into use.

Reason

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

10. No development shall commence until samples of all external materials to be used on the tea room/farm shop building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

11. Full details of all hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority before development takes place. The scheme shall be undertaken in accordance with the approved details before the development is brought into use.

Reason

To ensure satisfactory hard and soft landscaping of the site.

12. 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.

Reason for Decision

A major application to provide a large scale tourist development in the form of a tea room/farm shop, car park, play ground, farm viewing areas, a lake and orchard which represents an acceptable form of development within Tourism Opportunity Site No 4 in accordance with Policies TSM 2 and DEV 6 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 9.



To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

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 GROUND FLOOR COMMERCIAL UNITS
Parish:	Whitehaven
Recommendation Summary:	Site Visit



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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.

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 five 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

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

Recommendation:-

Site Visit

ITEM NO: 10.

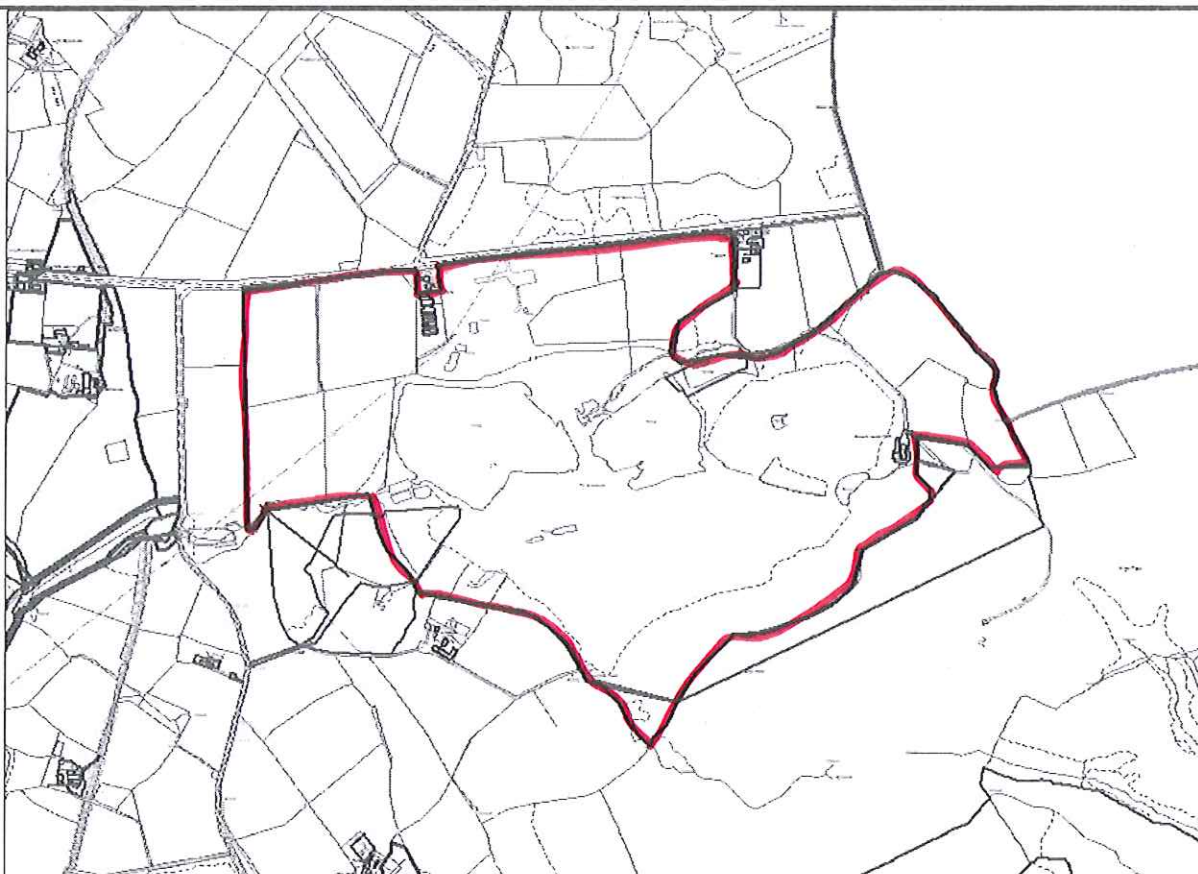


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 17/08/2011

Application Number:	4/10/9001/0F2
Application Type:	Full : County
Applicant:	Ms A Wilshaw
Application Address:	KEEKLE HEAD FORMER OPENCAST COAL SITE,PICA,WORKINGTON,CA14 4QG
Proposal	DEVELOPEMENT OF A WASTE MANAGEMENT FACILITY FOR THE DISPOSAL OF LOW & VERY LOW LEVEL RADIOACTIVE WASTE INCLUDING SITE RESTORATION & ANCILLARY DEVELOPMENT
Parish:	Distington, Arlecdon and Frizington
Recommendation Summary:	County Council Refused



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INTRODUCTION

A previous report was presented to the Planning Panel on 03 February 2010 to inform Members that the Council had been consulted by Cumbria County Council on a County Matter application for the creation of a waste management centre for the disposal of low and very low level radioactive waste at the former opencast site at Keekle Head near Pica. Members deferred consideration of the application at that time to allow a visit to the site to be undertaken. A joint site visit with the County Council took place on 07 June 2010.

Further consideration of the application has been deferred since that date as there were a number of issues which were lacking in detail in the original submission. Without sufficient detail on these issues a full assessment of the proposal could not be carried out. Additional

information has now been submitted to address these issues and it is now necessary for this application to be reported back to the Planning Panel for determination.

PROPOSAL

This application relates to the former open cast site at Keekle Head near Pica. The site covers an area of approximately 70 hectares and was originally granted planning permission as an open cast site in 1998. This permission was subject to a land restoration programme which has never been concluded and is currently subject to enforcement action by the County Council.

Planning permission is sought for the development of the site as a waste management centre for the disposal of low (LLW) and very low level (VLLW) radioactive waste. These categories of waste are classed as “low risk” and consist of material resulting from the demolition as part of the decommissioning of nuclear facilities such as concrete, bricks and excavation material. It is proposed that the site could accommodate approximately 1 million cubic metres of waste which would be buried over an operational period of 50 years. The containment area has been designed with a proposed life of 300 years which ties in with the acknowledged breakdown period for radioactive waste.

This proposal is intended to help to reduce the volume of low level waste material that is sent to the repository (LLWR) near Drigg which is designed to accommodate higher activity waste and only has limited remaining capacity. National strategy aims to preserve the site near Drigg for the UK's future needs.

The proposed development would involve 5 main elements:-

1. Restoration of the site following coal extraction
2. construction of a purpose built disposal area
3. construction of other new features including new buildings and site roads
4. the deposition of imported waste
5. long term monitoring and maintenance

It is proposed to create a purpose built disposal area. The base of the disposal area and the cover material over the disposal area will be highly engineered in a number of layers to contain the waste material and prevent water entering. Two new buildings are also proposed. A waste reception building is to be built near to the site entrance and will be used to check and record all incoming waste and also provide office and visitor facilities. A weather proof enclosure is to be sited in the waste placement area which will be used to shelter all waste from wind and rain. This building would be mounted on two parallel steel rails and its position would change over time as the active disposal area progresses up the site. A weighbridge, gate house and a number of water treatment lagoons are also to be constructed.

Access is to be achieved from the C4006 Pica to Dean Cross road using the existing site entrance. It is anticipated that restrictions would be put in place to ensure that heavy goods vehicles do not pass through the villages of Pica and Gilgarran. A copy of the proposed layout plan is attached to the report to illustrate the proposals more fully.

The planning application is accompanied by an Environmental Statement and also a Planning Statement. The Environmental Statement sets out that the proposed restoration would include the reinstatement of the natural valley of the River Keekle which was originally diverted to allow coal extraction. The restoration scheme includes land restoration, the planting of trees and woodland to act as a screen, the reinstatement of a small scale field pattern the creation of wetlands and ponds and also other measures to improve wildlife habitats.

The site would be regulated by both the Environment Agency and the Office of Nuclear Regulation under the Radioactive Substances Act 1993 and the nuclear site licence regime.

The original submission was lacking in detail with regards to a number of issues, without which a full assessment could not be carried out. Additional information has now been submitted to cover the following issues:-

- VLLW and LLW and the need for the development
- Alternative sites
- An assessment of the condition of the road leading to the site
- Additional landscape and visual assessment specifically with regards to the distinction between the works to restore the site and the works to facilitate the proposal and their respective impacts

- Hydrology and hydrogeology in particular the risk to groundwater
- Ecology in particular the impact on the habitat of hen harriers which winter on land adjacent to the site
- Community benefits
- Financial guarantees

The submission of these details have provided further clarification and appear to answer the concerns raised by the technical agencies with regards to highways, landscape, ecology and hydrology issues. However there are still outstanding concerns with regards to the need and justification for the proposal, the availability of alternative sites, the community and financial benefits and the socio economic impacts. The planning context has also evolved since the application was originally submitted and this has a significant bearing on the consideration of these issues.

PLANNING CONTEXT

Cumbria County Council have progressed their Minerals Waste Development Framework Core Strategy and Generic Development Control policies which were adopted on 23 April 2009.

Although the site allocations and proposals map was subsequently adopted on 20 January 2011 following an Examination in public a recent High Court challenge has been successful and the implication of this challenge is that the whole document is likely to be quashed. However this challenge only related to a sand and gravel mineral site and did not relate to LLW or VLLW. The issues relating to the disposal of LLW and VLLW were fully debated as part of the Examination that took place. Copeland gave evidence at the Examination. On this basis the issues relating to LLW and VLLW are considered to still carry some weight.

The County Council had originally sought to allocate two sites for the management and storage of both LLW and VLLW. The Inspector requested that these two sites were deleted as they were not included in the Core Strategy and he was of the view that the Allocations DPD could not be used as a vehicle for changing part of the Core Strategy.

The Inspector did agree to the allocation of the existing sites at Sellafield and LLWR at Drigg but these were restricted to the management of low level waste only.

The Inspector acknowledged that the LLWR at Drigg is a valuable resource which should be preserved for the management, storage and disposal of LLW. He concluded that the use of this highly engineered facility for VLLW would be a waste of valuable capacity.

Consequently the Allocations document which has now been adopted does not identify any additional sites for the disposal of VLLW within the county. In taking this approach the Inspector agreed with the County Council that since the issue of the national policy position statement it would be appropriate to carry out a review on its spatial strategy for dealing with LLW and VLLW and the identification of appropriate sites.

It was reported at the Examination that two sites at Keekle Head and Lillyhall had come forward for the management of VLLW. From the evidence provided the Inspector concluded that neither of these sites appeared to raise insurmountable deliverability initiatives.

The saved Structure Plan policies, Minerals and Waste Development Framework Core Strategy and the adopted Copeland Local Plan policies are directly relevant to this case.

PLANNING POLICY

Structure Plan Policy

Policy ST4 of the Cumbria and Lake District Joint Structure Plan 2001-2016 relates to major development proposals. It states that major development will only be permitted where:-

1. the total benefit clearly outweighs the detrimental effects,
2. the proposal complies with national standards and best practice for environmental safety and security, and where appropriate is independently reviewed; and

3. alternative locations and methods giving rise to less harm have been fully considered and rejected.

Permission will be granted only on condition that:

- I. All possible measures are taken to minimise the adverse effects of development and associated infrastructure,

And where appropriate,

- II. Provision is made to meet local community needs,
- III. Acceptable measures are secured for decommissioning and site restoration, and
- IV. Arrangements are made for suitable local community involvement during the development, decommissioning and restoration.

Minerals and Waste Development Framework

Policy 1 of the Cumbria Minerals and Waste Development Framework Core Strategy requires all waste facilities to have a sustainable location and design. In particular the site should be located to minimise the waste road miles unless other environmental/sustainability considerations override this aim.

Policy 2 of the Core Strategy relates to economic benefit. It states that waste proposals should demonstrate that they would realise their potential to provide economic benefits and also would not prejudice other regeneration and development initiatives.

Local Plan Policy

Policy NUC 1 of the adopted Copeland Local Plan relates specifically to radioactive waste storage and disposal. It states:

“The Council will only support a proposal for disposal or long term storage of radioactive waste where it meets the requirements set out in Structure Plan Policy ST4 and Local Plan Policy DEV 8 and in addition has

1. Involved and secured the support of the local Copeland community in the development and subsequent implementation of such proposals
2. Included measures to meet local community needs and to mitigate the adverse effects of the proposals on the social and economic well being of the community.”

Policy DEV 8 relates to major proposals and states that where there is a significant adverse social, economic or environmental cost or effect arising directly from the development a Planning Obligation to address this cost or effect will be expected. Provision secured by this means will be commensurate with the scale, nature and location of the individual development.

ASSESSMENT

Policy 12 of the adopted Core Strategy states that the LLWR at Drigg will continue to fulfil its role as a component of the UKs radioactive waste management capability. The need to divert VLLW away from LLWR is widely acknowledged.

Both County Council and Borough Council policy aim to ensure that decommissioning wastes are managed on the site where they arise unless a rigorous assessment demonstrates that this is not practicable. In those circumstances a similarly rigorous assessment should be carried out for land adjacent to the nuclear site before new and more distant sites are considered. The spatial implications of this approach have not yet been subject to strategy development and consultation.

Following the issue of national policy position the County Council wishes to carry out a review of its spatial strategy for dealing with LLW and VLLW and the identification of appropriate sites. The Inspector when considering the Allocations document acknowledged that a timely review on this issue was appropriate.

Uncertainties still remain about the volumes of radioactive wastes arising within Cumbria, when they will arise, the potential for driving some of them up the waste hierarchy and the type of facilities that may be needed to deal with such wastes. Therefore to approve any sites before this review takes place is considered to be premature.

The existing planning policies require all the existing options to be considered before any new facility is permitted. Alternative sites may be available to accept VLLW. The existing planning permission for the site at Lillyhall can accept certain radioactive waste following the recent issue of a permit by the Environment Agency. The existing Sellafield complex which covers 280 ha contains an existing landfill which may also have capacity.

The other outstanding consideration relates to the benefits from the proposal. The community benefits put forward by the applicant are limited and appear to amount to a financial contribution to the surfacing of local roadways and the provision of new signage. Other financial contributions listed within the submitted documentation only relate to financial guarantees to meet the requirements of the Environmental permit that regulates the site. Policy 3 of the adopted Core Strategy requires community benefit packages to contribute to the sustainable development of an area and the well being of its community. The benefits proposed are totally insufficient to meet this policy requirement or outweigh the effects of this proposal.

The Council have previously expressed concerns about the negative socio-economic impact of this type of proposal. The perception of Cumbria as the prime disposal/management area for the nation's radioactive waste is considered to be detrimental to the efforts being made to rebalance and diversify the local economy and make it hard to attract inward investment from outside the area to facilitate regeneration. The proliferation of waste sites within the County would exacerbate this negative impact. These concerns have not been adequately addressed in the submitted documentation.

CONCLUSION

The Council has consistently adopted a non dispersal position with regards to radioactive waste. Without details of the volume of waste involved and a full assessment of the capacity of existing sites which may be suitable for VLLW, and the need for future capacity there is not considered to be an overriding justification and need for a waste management facility on this site. To approve this proposal without a full spatial assessment and consultation and the absence of necessary data would be inappropriate at this stage.

Recommendation:-

Refuse

Reason for Decision

The Council has consistently adopted a non dispersal position with regards to radioactive waste. Without details of the volume of waste involved and a full assessment of the capacity of existing sites which may be suitable for VLLW and the need for future capacity there is not considered to be an overriding justification and need for a waste management facility on this site. To approve this proposal without a full spatial assessment and consultation and the absence of necessary data would be inappropriate at this stage.

The Council do not consider that there is an overriding justification and need for a waste management facility on this site. The community and other benefits put forward are limited and are considered to be insufficient to outweigh the effects of this proposal. As a consequence this proposal is considered to be contrary to Policy ST4 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016, Policies 1 and 2 of the adopted Cumbria Minerals and Waste Development Framework Core Strategy and Policies DEV 8 and NUC1 of the adopted Copeland Local Plan 2001-2016.

Date
From 12/07/2011Date
To 08/08/2011[View Report](#)

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List of Delegated Decisions

Selection Criteria:

From Date: 12/07/2011**To Date:** 08/08/2011**Printed Date:** Monday, August 08, 2011**Printed Time:** 2:03 PM

Application Number	4/11/2067/OF1
Applicant	Ms C Fenwick
Location	MOORHOUSE FARM, CALDERBRIDGE, SEASCALE
Proposal	CONVERSION OF TWO BARNS INTO ONE DWELLING TO PROVIDE HOLIDAY ACCOMMODATION
Decision	Approve (commence within 3 years)
Decision Date	3 August 2011
Dispatch Date	3 August 2011
Parish	Haile

Application Number	4/11/2209/OF1
Applicant	Mr L McAllister
Location	PLOT 5, THE WARREN, HAYESCASTLE ROAD, DISTINGTON
Proposal	ERECTION OF DETACHED HOUSE
Decision	Approve (commence within 3 years)
Decision Date	22 July 2011
Dispatch Date	22 July 2011
Parish	Distington

Application Number	4/11/2239/OF1
Applicant	Mr G Coan
Location	BELVEDERE, HIGH WATH, CLEATOR
Proposal	REVISED SITING FOR RIDING STABLES APPROVED UNDER 4/11/2005/OF1
Decision	Approve (commence within 3 years)
Decision Date	13 July 2011
Dispatch Date	13 July 2011
Parish	Cleator Moor

Application Number	4/11/2241/OF1
Applicant	Story Homes
Location	LAND CURRENTLY UNDER DEVELOPMENT AT WASTWATER ROAD, WHITEHAVEN (LOWTHER GARDENS)
Proposal	CHANGE OF HOUSE TYPE TO PLOTS 5 AND 6 AND REPOSITIONING OF PLOTS 3 AND 4 (OF PREVIOUSLY APPROVED APP. NO. 4/10/2083/OF1)
Decision	Approve (commence within 3 years)
Decision Date	13 July 2011
Dispatch Date	13 July 2011
Parish	Whitehaven

Application Number	4/11/2246/OF1
Applicant	Mr W Marshall
Location	2 CROSS LANES, GOSFORTH, SEASCALE
Proposal	DEMOLITION OF EXISTING ANNEX & REPLACEMENT WITH NEW ANNEX CONTAINING EN-SUITE BEDROOM & LOUNGE
Decision	Approve (commence within 3 years)
Decision Date	20 July 2011
Dispatch Date	20 July 2011
Parish	Seascale

Application Number	4/11/2246/OF1
Applicant	Mr W Marshall

Location	2 CROSS LANES, GOSFORTH, SEASCALE
Proposal	DEMOLITION OF EXISTING ANNEX & REPLACEMENT WITH NEW ANNEX CONTAINING EN-SUITE BEDROOM & LOUNGE
Decision	Approve (commence within 3 years)
Decision Date	20 July 2011
Dispatch Date	20 July 2011
Parish	Gosforth

Application Number	4/11/2247/0F1
Applicant	Mr and Mrs A Runeckles
Location	PLOT 3, WYNDHOWE, BLYTHE PLACE, SEA MILL LANE, ST BEES
Proposal	ERECTION OF A DWELLING
Decision	Refuse
Decision Date	22 July 2011
Dispatch Date	22 July 2011
Parish	St. Bees

Application Number	4/11/2254/0F1
Applicant	Mr and Mrs A Armstrong
Location	37 CARLTON DRIVE, WHITEHAVEN
Proposal	REMOVAL OF GARAGE AND ERECTION OF TWO STOREY EXTENSION TO SIDE & SINGLE STOREY EXTENSION TO REAR
Decision	Approve (commence within 3 years)
Decision Date	13 July 2011
Dispatch Date	13 July 2011
Parish	Whitehaven

Application Number	4/11/2255/0F1
Applicant	Mr Ali Lotfmanesh
Location	UNIT 5C, FRIZINGTON INDUSTRIAL ESTATE, FRIZINGTON ROAD, FRIZINGTON
Proposal	CHANGE OF USE TO FOOD DELIVERY BUSINESS
Decision	Approve (commence within 3 years)
Decision Date	19 July 2011
Dispatch Date	19 July 2011
Parish	Arlecdon and Frizington

Application Number	4/11/2258/0F1
Applicant	Mr T Soppitt
Location	214 HIGH ROAD, KELLS, WHITEHAVEN
Proposal	ERECTION OF TWO STOREY EXTENSION TO REAR
Decision	Approve (commence within 3 years)
Decision Date	19 July 2011
Dispatch Date	19 July 2011
Parish	Whitehaven

Application Number	4/11/2261/0F1
Applicant	Mr A Conoley
Location	GHYLL BANK HOUSE, INKERMANN TERRACE, WHITEHAVEN
Proposal	CREATION OF NEW VEHICULAR ACCESS
Decision	Refuse
Decision Date	22 July 2011
Dispatch Date	22 July 2011

Parish	Whitehaven
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Application Number	4/11/2269/OF1
Applicant	Mr G Stokes
Location	ST BEES SCHOOL (ABBOTS COURT), ABBEY ROAD, ST BEES
Proposal	CHANGE OF USE FROM RESIDENTIAL ACCOMMODATION ON PART GROUND FLOOR TO PREP SCHOOL
Decision	Approve (commence within 3 years)
Decision Date	22 July 2011
Dispatch Date	22 July 2011
Parish	St. Bees

Application Number	4/11/2272/OF1
Applicant	Mrs G Roberts
Location	14 ENNERDALE ROAD, CLEATOR MOOR
Proposal	CONVERSION OF EXISTING BUILDING INTO 2 NO. SELF CONTAINED THREE BEDROOMED DWELLINGS
Decision	Approve
Decision Date	19 July 2011
Dispatch Date	19 July 2011
Parish	Cleator Moor

Application Number	4/11/2272/OF1
Applicant	Mrs G Roberts
Location	14 ENNERDALE ROAD, CLEATOR MOOR
Proposal	CONVERSION OF EXISTING BUILDING INTO 2 NO. SELF CONTAINED THREE BEDROOMED DWELLINGS
Decision	Approve
Decision Date	19 July 2011
Dispatch Date	19 July 2011
Parish	Distington

Application Number	4/11/2274/OF1
Applicant	Mr D Grimshaw
Location	1 WAINGATEBRIDGE COTTAGES, HAVERIGG, MILLOM
Proposal	ERECTION OF DETACHED TOILET BLOCK FOR EXISTING CAMPING SITE
Decision	Approve (commence within 3 years)
Decision Date	3 August 2011
Dispatch Date	3 August 2011
Parish	Millom

Application Number	4/11/2275/OF1
Applicant	Mr M Huddleston
Location	4 BECKSIDE, THE GREEN, MILLOM
Proposal	CONSTRUCTION OF ADDITIONAL STOREY ABOVE EXISTING GROUND FLOOR EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	20 July 2011
Dispatch Date	20 July 2011
Parish	Millom Without

Application Number	4/11/2276/OF1
Applicant	Whitehaven Maritime Festival Ltd
Location	118-120 QUEEN STREET, WHITEHAVEN

Proposal	CHANGE OF USE FROM EXHIBITION AND ANCILLARY RETAIL USE TO INCLUDE AN ICE RINK AND RETAIL
Decision	Approve
Decision Date	14 July 2011
Dispatch Date	14 July 2011
Parish	Whitehaven

Application Number	4/11/2279/OR1
Applicant	Mr S Hewetson
Location	LANSMERE, SEA VIEW, ST BEES
Proposal	RESERVED MATTERS APPLICATION FOR ONE DWELLING
Decision	Approve Reserved Matters
Decision Date	4 August 2011
Dispatch Date	4 August 2011
Parish	St. Bees

Application Number	4/11/2280/OF1
Applicant	Mr A G Fielding
Location	GARAGES 1, 2 & 3 BACK WELLINGTON STREET, MILLOM
Proposal	ALTERATIONS TO GARAGES
Decision	Approve (commence within 3 years)
Decision Date	22 July 2011
Dispatch Date	22 July 2011
Parish	Millom

Application Number	4/11/2283/OA1
Applicant	Whitbread Operations
Location	PREMIER INN, HOWGATE, WHITEHAVEN
Proposal	2 No. INTERNALLY ILLUMINATED FASCIA SIGNS
Decision	Approve (commence within 3 years)
Decision Date	14 July 2011
Dispatch Date	14 July 2011
Parish	Moresby

Application Number	4/11/2285/OF1
Applicant	Miss T Bruce
Location	TODHOLES FARM, ENNERDALE ROAD, CLEATOR MOOR
Proposal	ALL WEATHER ARENA (RETROSPECTIVE)
Decision	Approve
Decision Date	8 August 2011
Dispatch Date	8 August 2011
Parish	Cleator Moor

Application Number	4/11/2286/001
Applicant	Mr J Scrugham
Location	BLACK HOW FARM, CLEATOR
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF AN AGRICULTURAL WORKERS BUNGALOW (RE-SUBMISSION)
Decision	Refuse
Decision Date	5 August 2011
Dispatch Date	5 August 2011
Parish	Cleator Moor

Application Number	4/11/2287/OF1
Applicant	Mr R Dempster

Location	RANDOM, HIGH ROAD, WHITEHAVEN
Proposal	ALTERATIONS/EXTENSION OF EXISTING DWELLING INCLUDING NEW ROOF, PROVISION OF SECOND BEDROOM TO EXISTING FIRST FLOOR
Decision	Approve (commence within 3 years)
Decision Date	22 July 2011
Dispatch Date	22 July 2011
Parish	Whitehaven

Application Number	4/11/2288/OF1
Applicant	Mrs C Bell
Location	1 BEATTY ROAD, BRANSTY, WHITEHAVEN
Proposal	TWO STOREY AND SINGLE STOREY EXTENSION TO REAR
Decision	Approve (commence within 3 years)
Decision Date	22 July 2011
Dispatch Date	22 July 2011
Parish	Whitehaven

Application Number	4/11/2290/OF1
Applicant	Mr D Williamson
Location	HOLLYBROW, 22 MANESTY RISE, LOW MORESBY, WHITEHAVEN
Proposal	NEW DECKING ON TOP OF EXISTING PATIO AREA (RETROSPECTIVE)
Decision	Approve
Decision Date	3 August 2011
Dispatch Date	3 August 2011
Parish	Moresby

Application Number	4/11/2292/OF1
Applicant	Mr I L and Mrs C L Latter
Location	MILL HOUSE, 130 MAIN STREET, HENSINGHAM, WHITEHAVEN
Proposal	ERECTION OF BOUNDARY WALL/FENCE TO REAR (RETROSPECTIVE)
Decision	Approve
Decision Date	22 July 2011
Dispatch Date	22 July 2011
Parish	Whitehaven

Application Number	4/11/2294/OF1
Applicant	Mr F Demolfetta
Location	66 GRAMMERSCROFT, MILLOM
Proposal	ERECTION OF CONSERVATORY ON SIDE OF DWELLING
Decision	Approve (commence within 3 years)
Decision Date	19 July 2011
Dispatch Date	19 July 2011
Parish	Millom

Application Number	4/11/2301/OF1
Applicant	Mr & Mrs F Vincent
Location	13 GILGARRAN PARK, GILGARRAN
Proposal	SINGLE STOREY SIDE EXTENSION TO EXISTING BUNGALOW
Decision	Approve (commence within 3 years)

Decision Date	3 August 2011
Dispatch Date	3 August 2011
Parish	Distington

Application Number	4/11/2306/0F1
Applicant	Mr ands Mrs N Parke
Location	9 BECK CLOSE, BRAYSTONES, BECKERMET
Proposal	SINGLE STOREY EXTENSION TO BEDROOMS
Decision	Approve (commence within 3 years)
Decision Date	3 August 2011
Dispatch Date	3 August 2011
Parish	Lowside Quarter

Application Number	4/11/2307/0F1
Applicant	Mr and Mrs Pagett
Location	WISENHOLME, CROSSGATES, LAMPLUGH
Proposal	FIRST FLOOR EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	5 August 2011
Dispatch Date	5 August 2011
Parish	Lamplugh

Application Number	4/11/2308/0F1
Applicant	Miss K Hodgson
Location	34 MAIN STREET, CLEATOR
Proposal	TWO BEDROOMED EXTENSION ABOVE KITCHEN TO REAR
Decision	Approve (commence within 3 years)
Decision Date	5 August 2011
Dispatch Date	5 August 2011
Parish	Cleator Moor

Application Number	4/11/2319/0F1
Applicant	Mr S Wilson
Location	INGLEDENE, 54 LOOP ROAD NORTH, WHITEHAVEN
Proposal	ERECTION OF GARAGE TO REAR
Decision	Approve (commence within 3 years)
Decision Date	5 August 2011
Dispatch Date	5 August 2011
Parish	Whitehaven

Application Number	4/11/2327/0F1
Applicant	Mr & Mrs D K Simpson
Location	30 LING ROAD, EGREMONT
Proposal	AMENDED SCHEME OF PREVIOUSLY APPROVED 4/04/2840/0 - ALTERATIONS & EXTENSIONS TO CREATE ADDITIONAL BEDROOM & LIVING ROOMS
Decision	Approve
Decision Date	4 August 2011
Dispatch Date	4 August 2011
Parish	Egremont

Application Number	4/11/2329/0F1
Applicant	Mr & Mrs Bird
Location	38 JUNIPER GROVE, THE HIGHLANDS, WHITEHAVEN

Proposal	REMOVAL OF EXISTING CONSERVATORY & ERECTION OF SUNROOM TO REAR
Decision	Approve (commence within 3 years)
Decision Date	5 August 2011
Dispatch Date	5 August 2011
Parish	Whitehaven

Application Number	4/11/2331/0F1
Applicant	Mr K Johnstone
Location	32 TRUMPET ROAD, CLEATOR
Proposal	EXTENSION TO REAR (KITCHEN)
Decision	Approve (commence within 3 years)
Decision Date	5 August 2011
Dispatch Date	5 August 2011
Parish	Cleator Moor

Application Number	4/11/9005/0F2
Applicant	United Utilities
Location	ROWRAH WASTEWATER TREATMENT WORKS, NEAR COLLIERGATE BRIDGE, ROWRAH, FRIZINGTON
Proposal	SECTION 73 APPLICATION TO CONDITION NO 11 OF PLANNING PERMISSION 4/10/9014 TO ALLOW REVISED PLANTING SCHEME
Decision	County Council Approved
Decision Date	26 July 2011
Dispatch Date	26 July 2011
Parish	Lamplugh

Application Number	4/11/9005/0F2
Applicant	United Utilities
Location	ROWRAH WASTEWATER TREATMENT WORKS, NEAR COLLIERGATE BRIDGE, ROWRAH, FRIZINGTON
Proposal	SECTION 73 APPLICATION TO CONDITION NO 11 OF PLANNING PERMISSION 4/10/9014 TO ALLOW REVISED PLANTING SCHEME
Decision	County Council Approved
Decision Date	26 July 2011
Dispatch Date	26 July 2011
Parish	Arlecdon and Frizington