

PLANNING PANEL

18 August 2010

AGENDA

PAGE

SCHEDULE OF APPLICATIONS - CBC

Item 1	4/06/2024/0 Discharge of Section 106 Agreement Re. Proposed Residential Development (10 dwellings) The Old Hall, Main Street, Egremont	1
Item 2	4/10/2294/0F1 Proposed New Build Block of Six 2 Bedroomed Residential Flats Site adjacent to 160 Ennerdale Road, Cleator Moor	5
Item 3	4/10/2300/0F1 Erection of a 50m High Wind Monitoring Mast For a period of 3 years Land South of North Lane, Haverigg, Millom	10
Item 4	4/10/2323/0F1 Proposed Extensions to Provide Ten 1 Bed, 1 Person Units together with Kitchen Extensions, Amenity Space, Stores & New Car Park (Revised Scheme) Johnson House, Hillcrest, Whitehaven	16
Item 5	4/10/2331/0F1 Erection of 64 No. Residential Units with Associated Infrastructure – (Amendments to App No 4/09/2508/0F1) In Respect of Changes to Finished Floor Levels	19
Item 6	4/10/2342/0F1 Application to Vary Conditions 1 & 2 of Planning Permission 4/10/2010/0B1 for Barn Conversion Orchard Brow Barn, Haile, Egremont	24

SCHEDULE OF DELEGATED DECISIONS

30

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

ITEM NO: 1.

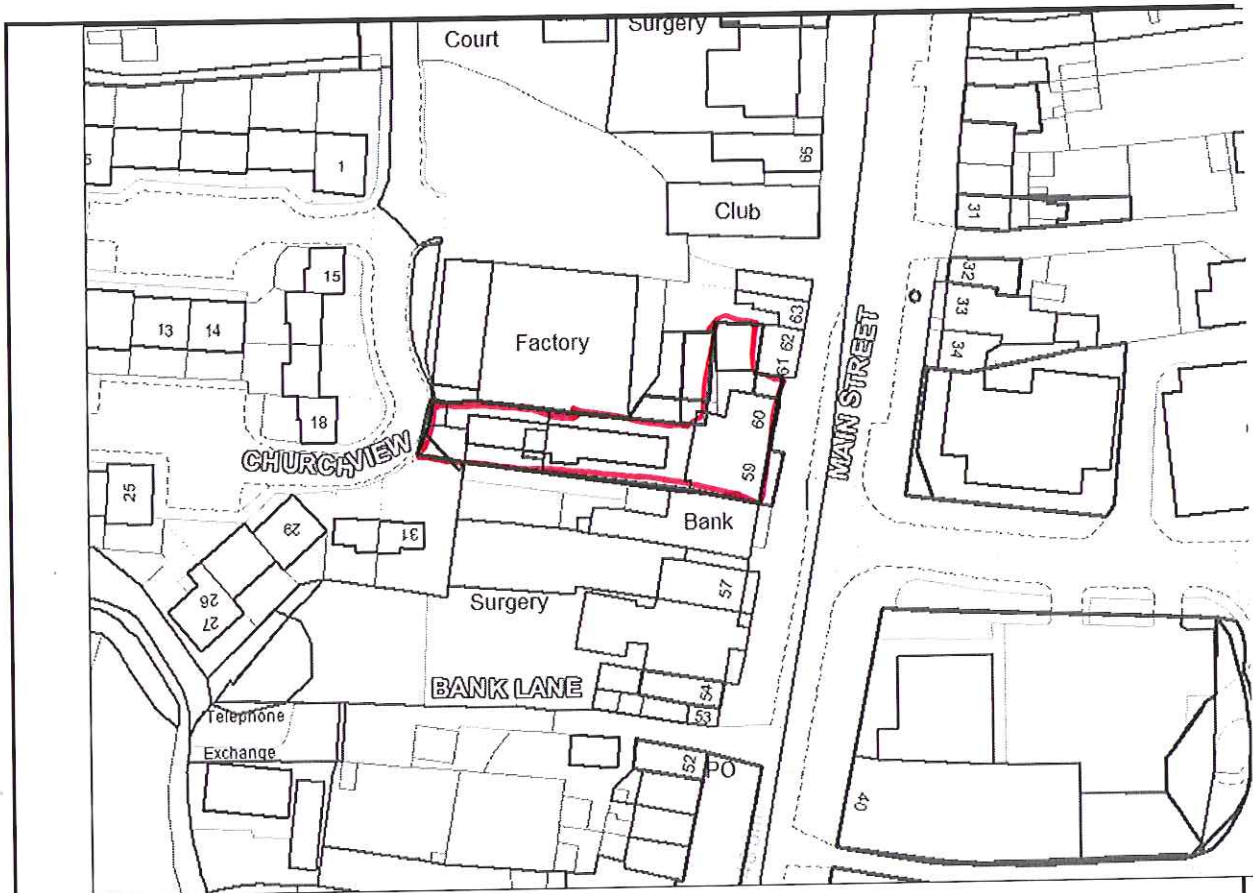


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 18/08/2010

Application Number:	4/06/2024/0
Application Type:	Full : CBC
Applicant:	TWO CASTLES HOUSING ASSOCIATION LTD
Application Address:	THE OLD HALL, MAIN STREET, EGREMONT, CUMBRIA.
Proposal	DISCHARGE OF SECTION 106 AGREEMENT RE. PROPOSED RESIDENTIAL DEVELOPMENT (10 DWELLINGS)
	Egremont
Recommendation Summary:	Section 106 Agreement be discharged



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

The Proposal

This is an application to discharge the planning obligation relating to the provision of off site parking for a residential development in the centre of Egremont.

Permission was granted in 2007 to convert and extend the former Old Hall nightclub to create 10 flats for Two Castles Housing Association. This was subject to a Section 106 Agreement, a separate legal agreement entered into between the applicants and the Council, to secure the long term lease (25 years) of a minimum of 8 off street car parking spaces on Chapel Street car park. The aim of this being to serve the development given that there was limited on street parking available on site (2 spaces) to accompany the scheme at the time.

The provision of parking at Chapel Street Car Park has not materialised and the applicants have been in discussions with the Council to try and secure a suitable

alternative. As a result the existing car parking provision on the adjacent Church View housing estate situated to the rear of the development has been surveyed. This estate is owned and managed by the applicants and there is sufficient spare capacity within it to accommodate the additional spaces required to serve the development together with the provision of an additional two spaces on the Old Hall site.

Consultations

Highway Authority - raise no objections to the removal of the planning obligation in light of the survey information and given the sites town centre location, accessibility to public transport and the large proportion of elderly residents.

Egremont Town Council – no objection to removal of the obligation but were concerned that future tenants may need parking spaces so they suggest that some obligation remain in place and be reviewed annually.

In response to the Town Council's comments it would not be feasible to alter or set up any new obligation. This application seeks specifically to discharge the existing one in place on the basis that there is no longer a need for it given the fact it has adequately been demonstrated that there is sufficient parking capacity in the vicinity to cater for the development.

Planning Policy

Government Circular 05/2005 "Planning Obligations" is relevant and provides guidance on the use of planning obligations including the arrangements for their discharge and modification.

Assessment

In order to assess whether the agreement should be discharged it has to be considered whether it is still relevant. The guidance contained in Government Circular 05/2005 on "Planning Obligations" is material and cites that an obligation may be discharged if it "no longer serves a useful purpose"

The car parking survey which supports the application has satisfactorily demonstrated that there is no longer a need for the 8 parking spaces at Chapel Street that were secured by the S106 Agreement in view of the spare capacity that is available now on Church View. As a consequence it is recommended that as the S106 Agreement no longer serves a useful purpose it should be formally discharged.

Recommendation:-

Section 106 Agreement be discharged

Reason for Decision

It has been satisfactorily demonstrated that this application to discharge the Section 106 Agreement dated 28 March 2007 relating to off site parking provision to serve residential development at The Old Hall in Egremont no longer serves a useful purpose and is hereby discharged.

ITEM NO: 2.

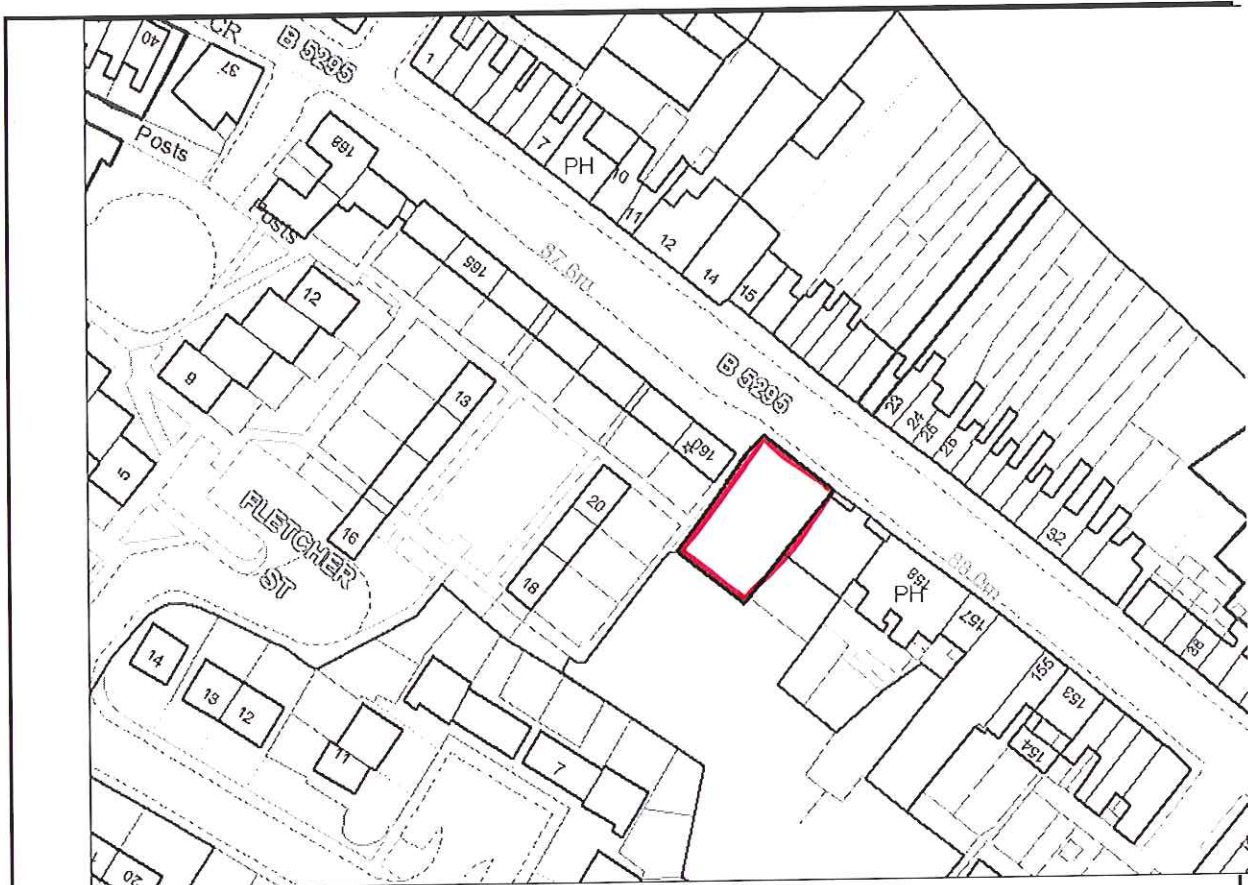


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 18/08/2010

Application Number:	4/10/2294/0F1
Application Type:	Full : CBC
Applicant:	Mr D and Mrs B Cox
Application Address:	SITE ADJACENT TO 160 ENNERDALE ROAD, CLEATOR MOOR
Proposal	PROPOSED NEW BUILD BLOCK OF SIX 2 BEDROOMED RESIDENTIAL FLATS
Parish:	Cleator Moor
Recommendation Summary:	Refuse



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

Planning permission is sought for the erection of a new build block of six 2 bed roomed residential flats on land adjacent to 160 Ennerdale Road, Cleator Moor.

The proposed residential development would be located on a vacant site within the main street through the settlement. It is situated between a terrace of dwellings to the north, a children's nursery to the south, and is opposite a line of terraced dwellings. There is an area of open grassed land to the rear of the site and it is the former location of a church building, demolished approximately 15 years ago.

An application was approved in 1995 for the demolition of the church and the erection of a pair of two bed roomed semi-detached dwellings on the site

(4/95/0307/001 refers). The site is approximately 350m² in size and is located near to the Cleator Moor Town Centre boundary.

The application seeks permission for a 3 storey block on the site which would contain 6 flats, each of which would contain 2 bedrooms, a bathroom and a large open plan living/kitchen/dining area. The building would 13.45m x 11.15m in size, with a height of 8.00m to the eaves and 10.50m to the ridge. There would be a distance of 2.0m to the gable elevation of the adjoining residential property to the north, 160 Ennerdale Road, with an existing pathway remaining between the buildings. To the south there would be a separation distance of 1.50m to the gable of the nursery. This is a former church hall building, with three large church type window openings in the gable elevation.

Externally the building would be finished with a smooth self coloured render with a darker coloured render band surrounding to the windows doors and plinth, timber double glazed sash windows and grey concrete interlocking tiles. To the frontage the building would be set back approximately 4.2m from the rear of the footpath adjoining the road, with the area between the building and the pavement detailed as paving with two Rowan trees being planted, and the building having a small pitched roof porch supported by two columns. To the rear of the site there would be a communal area measuring 7.35m x 15.20m to provide space for a drying area and a bin store.

With regard to the impact of the building in the street scene the proposed development is located between the single storey nursery building and a two storey semi-detached dwelling. The eaves height of the building would be approximately 3.4m higher than the nursery and 3.2m higher than the adjoining residential property, 160 Ennerdale Road. In terms of the ridge height, it is 2.1m higher than the nursery and 3.6m higher than the adjoining residence. In addition, the building protrudes 5.0m to the rear of No 160 adjoining the majority of the rear garden area. It protrudes 1.0m to the rear of the nursery building. There are some three storey buildings located along Ennerdale Road, but none immediately adjoining the site.

In terms of consultation responses the Highway Authority have commented that the highway implications of the proposal need to be carefully considered, with no onsite parking provision in an area where on street parking is restricted and the only form of parking for many adjacent properties it is likely to exacerbate an existing problem. The Town Council have raised concerns that there is no parking provision in the

plan, and in addition have requested a site visit due to a number of approaches from local residents.

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

- 1) The proposed development would cause a loss of light to the nursery
- 2) The siting of the building would be across the line of the services to the nursery.
- 3) The size and proportions of the development is un-neighbourly and out of scale within the local context.
- 4) There will be additional car parking problems in the area.
- 5) The three storey development adjacent to the rear garden area of the property to the north on Ennerdale Road will be too obtrusive.
- 6) There would be a loss of a view of the fells from the rear garden area due to the development.

In planning terms, the site is situated within the settlement boundary for Cleator Moor as designated in the adopted Copeland Local Plan 2001 – 2016 and as such Policy DEV 6 “Sustainability in design” and HSG 4 “Housing within Settlement Boundaries” are the policies against which this application should be assessed. The former advocates a high standard of design and general amenity in development proposals and the latter permits new house building in settlement boundaries where appropriate. While it is noted that the separation distances in Policy HSG 8 are not met in relation to the properties opposite the development site, the majority of the surrounding traditional properties on Ennerdale Road also do not meet this requirement.

DEV 6 comments that planning permission will only be granted for development which:

- by design and choice of location creates or maintains reasonable standards of general amenity

- shows a high standard of design and choice of materials where building scale, density and proportion, landscaping and overall layout contribute to creating or maintaining a strong sense of place

It is considered that the application does not comply with the above policy as the design consisting of a three storey nature and large footprint reduces the current standards of general amenity afforded to both adjoining properties, and in addition the building scale and proportion is considered to negatively impact on the Ennerdale Road street scene.

In summary, it is considered that the site is not suitable for the residential development as proposed. It is acknowledged that the site would be suitable for development in some form; in particular residential, as previously indicated by the 1995 planning approval on the site. It is considered more preferable to the gap site currently in the street scene along Ennerdale Road. However the proposed development is considered an over-dominant feature in the location and is overbearing in relation to the adjoining properties.

The proposal is therefore viewed as contrary to Policies DEV 6 and HSG 4 of the adopted Copeland Local Plan 2001 – 2016 and is recommended for refusal.

Recommendation:-

Refuse

Reason for Decision

By virtue of the size of the building and its siting in close proximity to neighbouring properties the proposed development would result in an over dominant form of development and have a negative impact on the street scene within Ennerdale Road, which is contrary to policies DEV 6 and HSG 4 of the adopted Copeland Local Plan 2001 – 2016.

ITEM NO: 3.

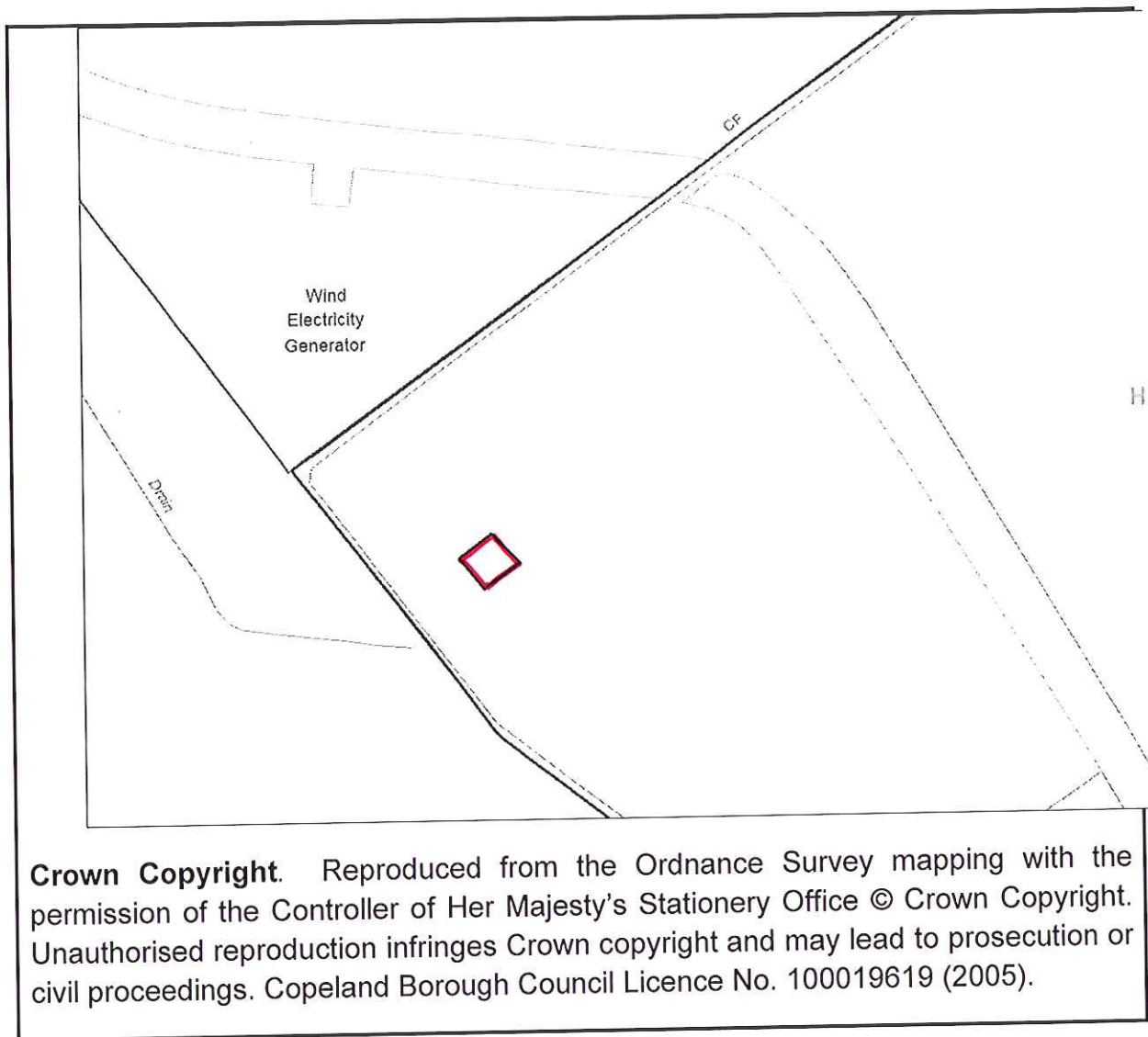


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 18/08/2010

Application Number:	4/10/2300/0F1
Application Type:	Full : CBC
Applicant:	Khalid Hussain
Application Address:	Land South of North Lane, Haverigg, Millom
Proposal	Erection of a 50m high wind monitoring mast for a period of 3 years
Parish:	Millom
Recommendation Summary:	Approve



The Proposal

Permission is sought to erect a 50 metre high wind monitoring mast for a temporary three year period on a relatively level site on a former airfield within the confines of Haverigg Prison situated some 350 metres to the south west of the prison building group.

This application comprises in effect a resubmission. The original proposal for a wind mast, albeit in a different location, was withdrawn from the Planning Panel agenda in May this year. A holding objection to the proposal had been received from Natural England who were concerned that there was insufficient information available in the submission to demonstrate that there would be no adverse affect on the adjoining SSSI and the protected Duddon Estuary / Morecambe Bay. The applicant has since

entered into discussions with Natural England and it is now proposed to site the wind mast near the south western boundary of the prison enclosure (some 600m to the north from the original proposed site) which has resulted in this new application. The height of the mast has also been reduced from 70 metres to 50 metres.

In detail the proposal comprises a freestanding single galvanised steel pole upon which is fixed an anemometer and wind vane. Steel guy wires are then located at 10 metre intervals to anchor the pole, at the bottom of which will be located a data logger.

No new vehicular access is required to maintain / erect the mast as it is proposed that off road vehicles will use existing tracks nearby.

The mast is required for the purpose of gathering meteorological information on wind resource at the site and is entirely independent of the adjacent wind farm at Haverigg Haws.

Consultations

Highway Authority – raise no objection as the proposal does not affect the highway.

Natural England - This is awaited and will be verbally reported to the meeting. Pre application consultation however indicated that they raised no objection to the proposed siting of the mast in this revised location. They are of the opinion that in this location there will be no impacts of disturbance or displacement to birds. To avoid potential collision risk to birds flying within close proximity to the mast they request that bird deflecting devices are attached to each of the guy wires at approximately 3 metre spacing to increase their visibility which can be addressed by an appropriate condition. They also advise that the immediate area around the mast be checked by an ecologist to ensure no risk to protected species or ground nesting birds during construction.

Planning Policy

Planning Policy Statement 22 on renewable Energy (PPS 22) sets out the Government's policy and positively promotes and encourages such development where the technology is viable and environmental, economic and social aspects can be satisfactorily addressed.

Cumbria Wind Energy Supplementary Planning Document, July 2007. This is supplementary guidance adopted by all the Cumbrian Authorities and advocates a consistent approach to dealing with such proposals.

Policy EGY1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 are relevant. The former supports renewable energy developments subject to certain criteria satisfactorily being met, whereas the latter is specific to wind energy.

Assessment

It is stressed that this proposal is purely for the erection of a single wind monitoring mast for a temporary three year period. Whilst it may well be a forerunner to a wind farm proposal on the site if the results of the monitoring are positive, all that is being considered is this application. Any subsequent wind farm proposal which may as a result emerge will be the subject of a separate application.

The key issues to consider in respect of this application given that the ecological issues have been addressed are whether there would be any significant adverse visual effect on nearby residences and the landscape generally arising from the erection of this single mast and whether it could cause an unacceptable noise nuisance. As regards visual impact in view of the fact the nearest residences are located over 500 metres away and the prison buildings some 350 metres away it is unlikely to cause any significant harm to residential amenity. In terms of landscape impact it is considered that this will be minimal with the single structure being seen against the backdrop of the skyline and the sea to the west and the existing turbines to the north and south. As for noise, a single anemometer situated at this distance is considered unlikely to create any noise disturbance.

Taking the above into account the proposal is considered to represent an acceptable form of wind energy development in accordance with Policies EGY 1 and EGY 2 of the Local Plan.

Recommendation:-

Approve, subject to:

Conditions

1. This permission shall expire on 31 August 2013. The wind monitoring mast shall be removed from the site on or before this date and the land restored to its former condition unless prior permission has been sought and granted for its retention.

Reason

The Local Planning Authority would wish to review the matter at the end of the limited period stated.

2. Before development is commenced the site shall be surveyed for the presence of protected species and/ or ground nesting birds by an ecologist approved by Natural England. The findings of the survey shall be confirmed in writing to the Local Planning Authority and if required appropriate measures shall be taken to protect and relocate any species present on the site.

Reason

To ascertain the presence of protected species and / or ground nesting birds prior to works commencing on site.

3. Before the mast is brought into use appropriate bird deflecting devices shall be attached to each of the guy wires at approximately 3 metre spacing, prior details of which shall be submitted to and approved in writing by the Local Planning Authority. These shall remain in operation and be so maintained for the lifetime of the mast.

Reason

To minimise collision risk to flying birds.

Reason for Decision

The erection of a single 50 metre high wind monitoring mast in this isolated coastal plain location neighbouring an existing wind farm is considered an acceptable form of temporary development in accordance with Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 4.



To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 18/08/2010

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



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

This application relates to Johnson House, a large detached building which is situated within the Hillcrest residential estate. The property is run by the Abbeyfield Society and provides sheltered accommodation for the over 55s.

Planning permission was granted for the erection of a substantial extension on the open land adjacent to the main building in 2006. This extension included both single and two storeyed elements and was designed to provide a total of seven independent units.

Planning permission is now sought for a revised scheme which constitutes a full two storey extension to the main building. The extension will provide 10 additional rooms in addition to an enlargement of the existing kitchen and lounge facilities. The units

are to be one bed roomed and each will also include a separate lounge, kitchen and bathroom. They are designed to provide independent living accommodation.

The proposed extension is to be linked to the main building at ground floor level.

The existing building is currently served by a small car park which consists of 4 spaces and is accessed off Hillcrest Avenue via a surfaced lane. It is proposed to create an extension to this car park to provide an additional 6 spaces.

The application is accompanied by the following information:-

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

Local neighbours have been consulted on the proposal and a significant amount of opposition has already been lodged to the scheme on the grounds of design, scale, drainage, impacts on trees and loss of amenity space.

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

As this application raises a number of issues relating to design, scale, access, drainage and impacts on protected trees it is appropriate for Members to visit the site before reaching a decision.

Recommendation:-

Site Visit

ITEM NO: 5.

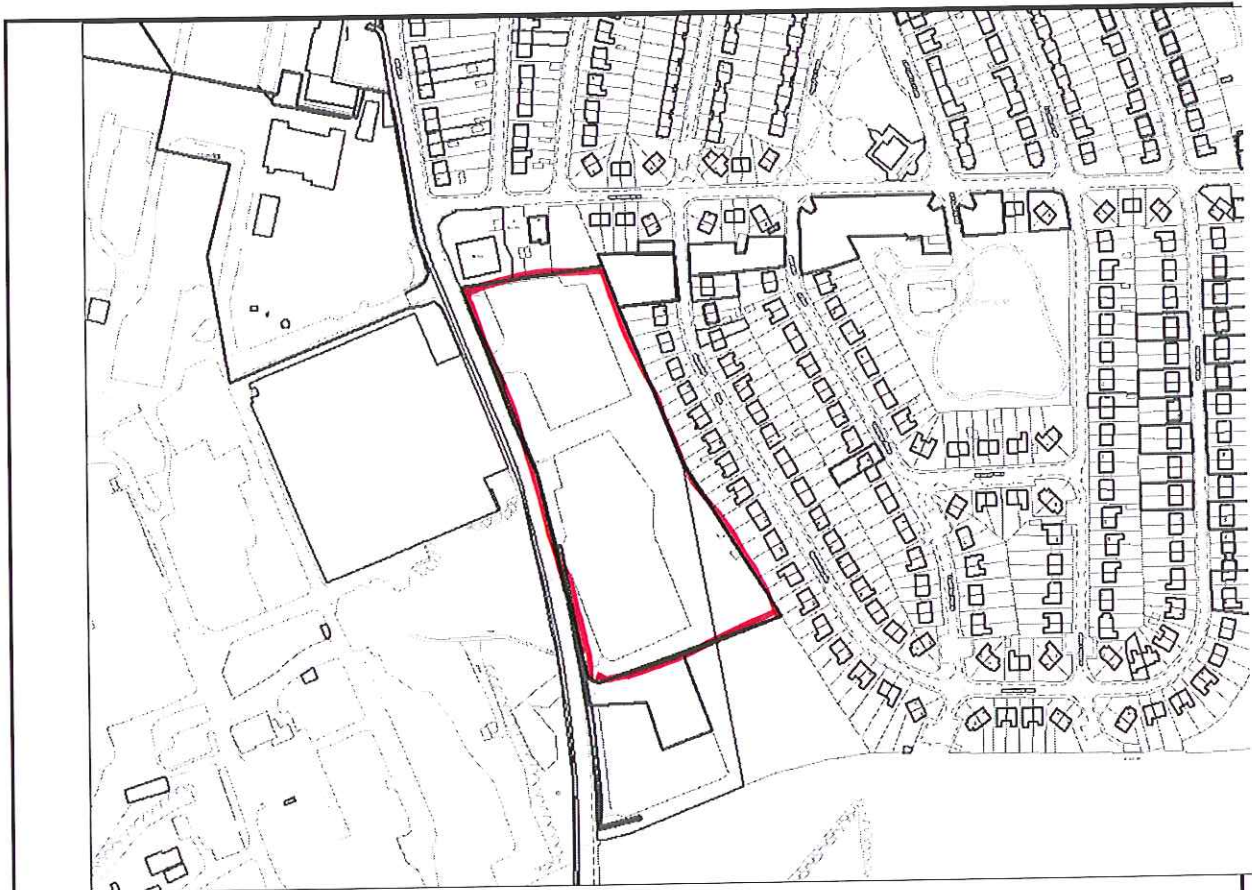


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 18/08/2010

Application Number:	4/10/2331/0F1
Application Type:	Full : CBC
Applicant:	Story Homes
Application Address:	LAND ADJACENT TO HIGH ROAD, WHITEHAVEN,
Proposal	ERECTION OF 64 NO RESIDENTIAL UNITS WITH ASSOCIATED INFRASTRUCTURE - (AMENDMENTS TO APP NO 4/09/2508/0F1) IN RESPECT OF CHANGES TO FINISHED FLOOR LEVELS
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

PROPOSAL

This application relates to two of the former car parking areas that were formerly associated with the Rhodia site on High Road adjacent to the Woodhouse estate. Planning permission was granted for the redevelopment of the site to provide 64 new residential properties in February 2010.

This application is for a revision of the approved scheme and seeks permission for changes to the finished floor levels of the approved dwellings and also minor alterations to the some of the plot boundaries and driveways shown on the approved plans. The remainder of the scheme is to remain unaltered.

CONSULTATION RESPONSES

Cumbria County Council Spatial Planning

No comments from a strategic planning perspective.

Cumbria County Council Children's Services

There is currently a shortage of primary age places in South Whitehaven and this development is likely to increase the demand for spaces. Given the projections and the existing school capacities the County Council is likely to need to seek a contribution to provide additional school places within the area.

Highways Control Officer

No objections to the proposed change in finished floor levels to the houses. The existing highway conditions from the previous permission should still apply to this current amended proposal.

Scientific Officer

This is on the site of the old Marchon car parks. Site investigations have been completed by Integra Environmental Consultants and the contaminated made ground is currently being taken offsite and stored on the old tanker washing site to the south.

Flood and Coastal Defence Engineer

No additional comments to make other than those made for the original application.

Environment Agency

As this application relates to a revision in the floor levels of the proposed houses the Environment Agency has no further comments to make on this proposal

United Utilities

No objection

PLANNING POLICY

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

Policy DEV 6 of the Local Plan encourages sustainable design.

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

ASSESSMENT

The proposed changes to the finished floor levels affect all of the previously approved dwellings and have resulted from detailed survey work following the commencement of development on the site. Of the 64 dwellings proposed only 7 will have a higher finished floor level than previously approved and the maximum increase in height amounts to 300 mm. The other 57 houses will have a lower finished floor level than previously approved.

The changes to the driveways and plot boundaries are necessary to satisfy the requirements of the Section 278 Agreement which the developer has entered into with Cumbria County Council in order to achieve adoption of the estate road.

The proposed changes are minor and will have no significant impact on the appearance of the development.

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. In carrying out the development the requirements of the conditions attached to the previous planning approval reference 4/09/2508/0F1 shall be fully complied with in accordance with the timescales set out in that planning permission.

Reason

For the avoidance of doubt and to ensure a satisfactory form of development.

Reason for Decision

The proposed changes to the finished floor levels and driveways are minor and will not have a significant impact on the appearance of this housing scheme in accordance with policies DEV 2, DEV 6, HSG 4, and HSG 8 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 6.

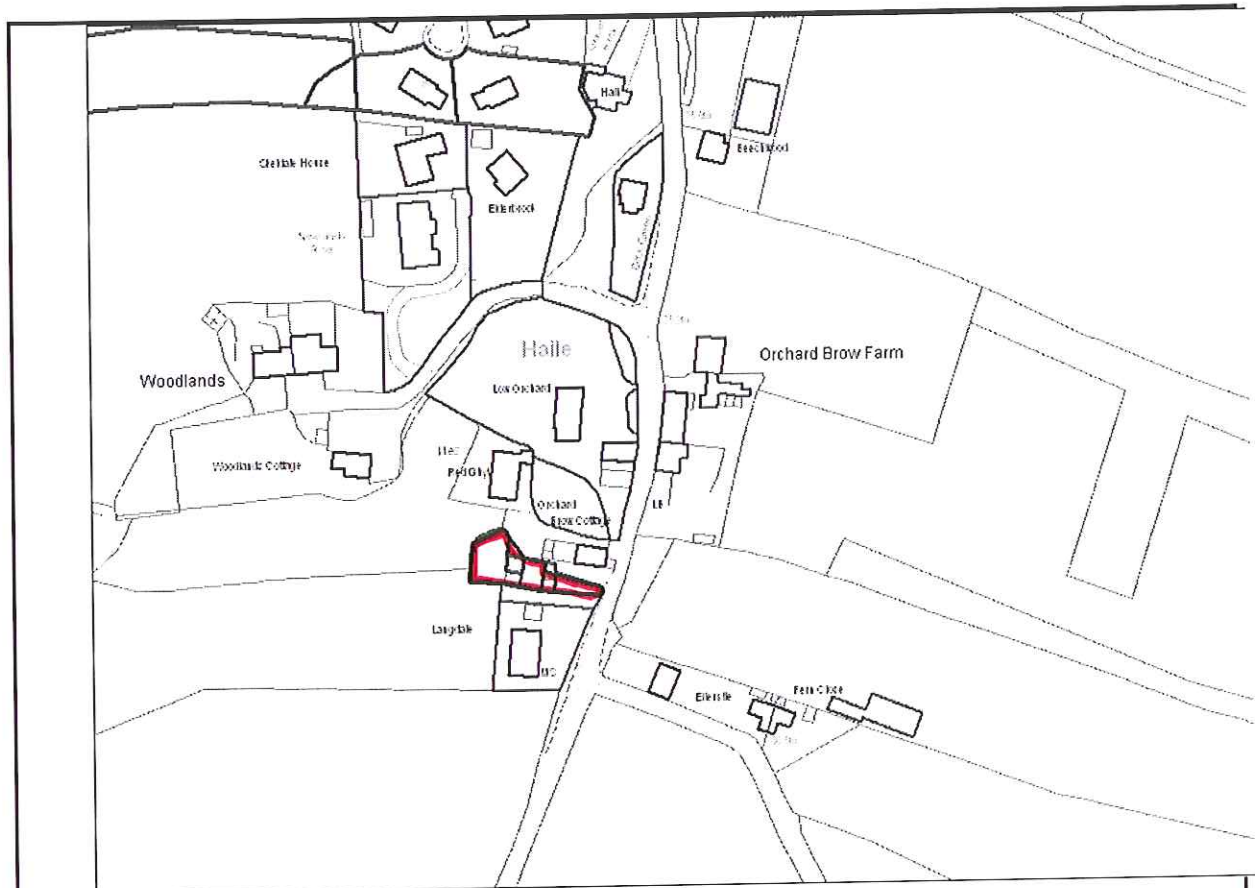


To: PLANNING PANEL

Development Control
Manager

Date of Meeting: 18/08/2010

Application Number:	4/10/2342/0B1
Application Type:	Amend Condition
Applicant:	Miss B Haywood
Application Address:	ORCHARD BROW BARN, HAILE, EGREMONT
Proposal	APPLICATION TO VARY CONDITIONS 1 & 2 OF PLANNING PERMISSION 4/10/2010/0F1 FOR BARN CONVERSION
Parish:	Haile
Recommendation Summary:	Approve



Crown Copyright. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

INTRODUCTION

This application relates to a detached barn which lies adjacent to a cottage on the southern edge of Haile.

PLANNING HISTORY

Planning permission was granted for the conversion of this barn to form residential accommodation in 2006 under reference 4/06/2136/0. This permission was subject to a Section 106 Agreement which restricted the occupancy of Orchard Brow Cottage to holiday accommodation. This was deemed to be acceptable at that time to ensure that there was no net increase in the number of permanent dwellings in the village.

Following the commencement of works on the barn conversion it became clear that the conversion was not being undertaken in accordance with the approved plans. A planning application which was submitted to regularise these unauthorised works was refused in 2009 under reference 4/09/2069/0 as it was considered that the extensions and alterations as built were detrimental to the character and appearance of this traditional building.

A revised scheme application which involved amendments to the unauthorised works was approved in March under reference 4/10/2010/0. The proposed revisions included the following works:-

- A reduction in the scale of the front extension so that it replicates the form of the original building
- The replacement of the uPVC windows with timber framed windows on the front elevation of the building
- The replacement of the rendered finish with stone facing on the rear extension

This planning permission was subject to a condition which required these amended works to be implemented within a 6 month time period. A condition was also imposed which restricted the occupancy of the adjoining cottage to holiday use to reflect the requirements of the original Section 106 Agreement.

PROPOSAL

This application seeks to amend the requirements of the conditions that were imposed on the planning permission reference 4/10/2010 and also to amend the wording of the original Section 106 Agreement. This would allow an extended time period of 18 months for the approved works to be completed.

The applicant's agent has outlined that his client cannot afford to undertake the necessary works within the 6 month period specified. He has suggested that an 18 month period would be reasonable and realistic.

It is also proposed to replace the holiday accommodation restriction with a local occupancy clause. This would restrict the occupancy of the cottage to a resident or person employed or last employed within Haile and the adjoining wards (Beckermest, Ennerdale, Egremont or Gosforth. This restriction would be in perpetuity.

The applicant's agent has submitted an economic statement in support of his proposal to amend the occupancy restriction. In this statement he outlines that the use of Orchard Brow Cottage as a holiday cottage is not a viable business proposition. He claims that the current available data suggests that there is an oversupply of self catering accommodation within Cumbria and the average occupancy level for the county as a whole is less than 40% per year.

He has supplied some accounting information which indicates that it would take more than 5 years for the holiday unit to become viable and this would require occupancy levels of 73% to achieve this in the current supply/demand scenario. He claims that this occupancy level could never be achieved on this site as the building occupies a peripheral location and has no leisure facilities on the site to attract visitors.

PLANNING POLICY

HSG 17 of the adopted Copeland Local Plan 2001-2016 permits the conversion of barns to a residential use subject to a number of criteria.

Policy DEV 4 lists the settlements where new residential development is permitted. Haile is not included in the listed settlements. Outside these settlements Policy HSG 5 only permits new housing where it is to meet exceptional circumstances arising from local social and economic conditions.

Policy HSG 7 sets out that when planning permission is sought for the removal of an occupancy restriction then it should only be allowed where there is adequate justification and it should be replaced wherever possible by other local occupancy conditions.

CONSULTATION RESPONSES

Highways Control Officer – No objections as the conditions referred to do not affect the highway.

Scientific Officer – original request for a barn conversion questionnaire to be completed still stands.

Neighbours – 1 letter of concern has been received which raises no concerns with regards to the revised terms for the completion of the conversion works but does express concerns with regards to the parking and access arrangements which are considered to be inadequate to serve two properties on this site.

ASSESSMENT

The extension of the timescale requested in order to remedy the unauthorised works which have been carried out to the barn is considered to be reasonable and would provide a realistic time frame in which to undertake the works. If the works have not been completed at the end of this period then it will still be possible for the Council to initiate enforcement powers to secure the completion of these works to ensure that the barn conversion is completed to a suitable standard.

The economic statement that has been submitted with the application is considered to be sufficient to justify the removal of the holiday occupancy restriction. The replacement of this restriction with a local occupancy clause is in accordance with Policy HSG 7 of the adopted Copeland Local Plan and would ensure that the cottage is only available to local people. This restriction can be secured by an amendment to the original Section 106 Agreement and would be in perpetuity.

Recommendation:-

That delegated authority is given to the Development Control Manager to grant planning permission subject to the signing of a revised Section 106 Agreement which restricts the occupancy of Orchard Brow Cottage to local people subject to the following conditions:-

Conditions

1. Permission in relation to the proposed elevations shall relate solely to the amended plan Proposed Elevations, scale 1:100, reference DS/BH/H/12/2010, received by the Local Planning Authority on 26 February 2010. The development shall be carried out strictly in accordance with these details and the works shall be undertaken within 18 months of the date of this decision notice.

Reason

For the avoidance of doubt and to ensure a satisfactory form of development which complies with Policy HSG 17 of the adopted Copeland Local Plan 2001-2016.

Reason for Decision

The variation of the conditions proposed is considered to be acceptable and will result in the provision of a suitable barn conversion and also a dwelling for local people in accordance with Policy HSG 5 and HSG 17 of the adopted Copeland Local Plan 2001-2016.

Application Number	4/10/2184/OF1
Applicant	Mr P Jordan
Location	POOLET BARN,THE HILL, MILLOM
Proposal	CONVERSION OF FORMER FARM BUILDING TO SINGLE RESIDENTIAL DWELLING
Decision	Approve (commence within 3 years)
Decision Date	9 August 2010
Dispatch Date	9 August 2010
Parish	Millom Without

Application Number	4/10/2245/OF1
Applicant	Mr L Mackie
Location	WORKING MENS CLUB, 2-6 ST GEORGES TERRACE, MILLOM
Proposal	RAISING OF REAR WALL TO CREATE INTERNAL SPACE AND CONSTRUCTION OF A NEW PITCHED ROOF
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Millom

Application Number	4/10/2246/OF1
Applicant	Whiteline Taxis (Cumbria) Limited
Location	UNIT 8C, SNECKYEAT ROAD INDUSTRIAL ESTATE, HENSINGHAM, WHITEHAVEN
Proposal	ERECT A 12 FOOT AERIAL
Decision	Approve (commence within 3 years)
Decision Date	20 July 2010
Dispatch Date	20 July 2010
Parish	Whitehaven

Application Number	4/10/2250/OF1
Applicant	Mr I Mackay
Location	35 LOOP ROAD NORTH, WHITEHAVEN
Proposal	ERECTION OF DWELLING (REVISED APPLICATION)
Decision	Approve (commence within 3 years)
Decision Date	15 July 2010
Dispatch Date	15 July 2010
Parish	Whitehaven

Application Number	4/10/2251/OF1
Applicant	Mr W Dixon
Location	18 SPRUCE GROVE, WHITEHAVEN, CA28 6NP
Proposal	TWO STOREY EXTENSION TO SIDE
Decision	Approve (commence within 3 years)
Decision Date	26 July 2010
Dispatch Date	26 July 2010
Parish	Whitehaven

Application Number	4/10/2252/0F1
Applicant	Mr Keith Branthwaite
Location	18 STANDINGS RISE, WHITEHAVEN, CA28 6SY
Proposal	ERECTION OF SINGLE STOREY EXTENSION TO REAR OF GARAGE
Decision	Approve
Decision Date	20 July 2010
Dispatch Date	20 July 2010
Parish	Whitehaven

Application Number	4/10/2253/0F1
Applicant	Ms P Burns
Location	27 FAIRLADIES, ST BEES
Proposal	SINGLE STOREY REAR EXTENSION WITH ALTERATIONS TO RAISED DECK
Decision	Approve (commence within 3 years)
Decision Date	21 July 2010
Dispatch Date	21 July 2010
Parish	St Bees

Application Number	4/10/2255/0F1
Applicant	Mr I Hartley
Location	9 EAST ROAD, EGREMONT
Proposal	KITCHEN EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Egremont

Application Number	4/10/2256/0F1
Applicant	Oasis Dental Care Limited
Location	FORMER JOB CENTRE/GOVERNMENT BUILDINGS, ST GEORGES ROAD, MILLOM
Proposal	CHANGE OF USE FROM USE CLASS A2 (FORMER JOB CENTRE) TO USE CLASS D1 (DENTIST) AND INSTALLATION OF AIR CONDITIONING UNITS
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Millom

Application Number	4/10/2259/001
Applicant	Mr L McSherry
Location	ULPHA GLEBE FARM, MAIN STREET, DISTINGTON
Proposal	OUTLINE APPLICATION FOR TWO RESIDENTIAL DWELLINGS (RE-SUBMISSION)
Decision	Withdrawn
Decision Date	30 July 2010
Dispatch Date	30 July 2010
Parish	Distington

Application Number	4/10/2260/0F1
Applicant	Mr M Davison
Location	116A MAIN STREET, ST BEES
Proposal	REVISED SCHEME FOR DEMOLITION OF PLUMBERS STORE & GARAGE, AND ERECTION OF A DWELLING
Decision	Approve (commence within 3 years)
Decision Date	28 July 2010
Dispatch Date	28 July 2010
Parish	St Bees

Application Number	4/10/2261/0F1
Applicant	Mr A McLaughlin
Location	THE POLICE HOUSE, 5 GRANGE CLOSE, THORNHILL, EGREMONT
Proposal	REVISED SCHEME FOR ERECTING FIRST FLOOR EXTENSION TO A BEDROOM AND TO FORM AN ENSUITE OVER EXISTING GROUND FLOOR EXTENSION TO THE REAR WITH A FIRST FLOOR EXTENSION OVER EXISTING EXTENDED FRONT GROUND FLOOR
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	St Johns Beckermets

Application Number	4/10/2263/0F1
Applicant	Mr Brian Skelton
Location	39 ASBY ROAD, ASBY
Proposal	ERECTION OF RAISED DECKING AREA TO REAR (RETROSPECTIVE)
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Arlecdon and Frizington

Application Number	4/10/2264/0F1
Applicant	Mr Thomas Fox
Location	48 BRANSTY ROAD, BRANSTY, WHITEHAVEN
Proposal	SINGLE STOREY EXTENSION TO REAR & NEW DRIVEWAY AND DECKING TO FRONT
Decision	Approve (commence within 3 years)
Decision Date	23 July 2010
Dispatch Date	23 July 2010
Parish	Whitehaven

Application Number	4/10/2265/0F1
Applicant	Sellafield Limited
Location	SELLAFIELD & WINDSCALE WORKS, SEASCALE
Proposal	SERVICES (PLANT & MACHINERY): DISTRIBUTION TO CONSENTED DEVELOPMENT OF SITE SERVICES VIA A PIPEBRIDGE
Decision	Approve (commence within 3 years)
Decision Date	23 July 2010
Dispatch Date	23 July 2010
Parish	St Bridgets Beckermets

Application Number	4/10/2266/001
Applicant	Mr J Scrugham
Location	LAND ADJOINING TRAFALGAR HOUSE, YEATHOUSE ROAD, FRIZINGTON
Proposal	OUTLINE APPLICATION FOR 3 NO. FOUR BEDROOMED DETACHED DWELLINGS
Decision	Approve in Outline
Decision Date	26 July 2010
Dispatch Date	26 July 2010
Parish	Arlecdon and Frizington

Application Number	4/10/2268/OC1
Applicant	Mr M Davison
Location	116A MAIN STREET, ST BEES
Proposal	CONSERVATION AREA CONSENT FOR DEMOLITION OF PLUMBERS STORE & GARAGE AND ERECTION OF A DWELLING (REVISED SCHEME)
Decision	Approve Conservation Area Consent (within 3yrs)
Decision Date	28 July 2010
Dispatch Date	28 July 2010
Parish	St Bees

Application Number	4/10/2271/TPO
Applicant	Mrs Laura Smith
Location	WOODLAND AREA, REAR OF 2 & 8 SUMMERGROVE PARK, HENSINGHAM, WHITEHAVEN
Proposal	FELLING OF TWO HORSE CHESTNUT TREES AND REMOVAL OF DAMAGED LIMB ON ONE OAK TREE PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	16 July 2010
Dispatch Date	19 July 2010
Parish	Weddicar

Application Number	4/10/2274/OF1
Applicant	Tesco Stores Limited
Location	TESCO SUPERMARKET, BRANSTY ROW, NORTH SHORE, WHITEHAVEN
Proposal	INSTALLATION OF NEW ROOF MOUNTED "PLANT" & STEELWORK; INSTALLATION OF ADDITIONAL ROOF WALKWAYS & FORMATION OF NEW ACCESS DOOR TO ROOF FROM FIRST FLOOR INTERNAL PLANT ROOM
Decision	Approve (commence within 3 years)
Decision Date	26 July 2010
Dispatch Date	26 July 2010
Parish	Whitehaven

Application Number	4/10/2275/OL1
Applicant	Mr K Baldwin
Location	DRIGG HALL, DRIGG, HOLMROOK
Proposal	INSTALLATION OF SOLAR TUBES TO THE ROOF OF LEAN-TO AT REAR OF PROPERTY (RETROSPECTIVE)
Decision	Approve Listed Building Consent
Decision Date	28 July 2010
Dispatch Date	28 July 2010
Parish	Drigg & Carleton

Application Number	4/10/2277/OF1
Applicant	Mr Robert Barrow
Location	1 DUKE STREET, MILLOM
Proposal	REMOVE OLD INSPECTION BAY & STORE BUILDING & INSTALL AUTOMATIC CAR WASH UNIT & ACCESS RAMP, INSTALL NEW WINDOW IN GABLE END
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Millom

Application Number	4/10/2278/TPO
Applicant	Mr C Bew
Location	WOODSIDE, RHEDA PARK, FRIZINGTON
Proposal	FELLING OF 4 LEYLANDI AND 1 CHRISTMAS TREE PROTECTED BY A TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	16 July 2010
Dispatch Date	19 July 2010
Parish	Arlecdon and Frizington

Application Number	4/10/2280/OF1
Applicant	Mr Arthur Johnson
Location	GLEBE FARM, LADY HALL, MILLOM
Proposal	EXTENSION TO EXISTING CATTLE CUBICLE BUILDING
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Millom Without

Application Number	4/10/2281/OF1
Applicant	Mr M Graves
Location	9 STEEPLE CLOSE, WHITEHAVEN
Proposal	ERECTION OF FENCE
Decision	Approve
Decision Date	26 July 2010
Dispatch Date	26 July 2010
Parish	Whitehaven

Application Number	4/10/2282/OF1
Applicant	Miss K Spour
Location	44 ASHLEY WAY, EGREMONT
Proposal	ERECTION OF CONSERVATORY EXTENSION TO REAR OF PROPERTY
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Egremont

Application Number	4/10/2283/OF1
Applicant	Mr and Mrs O'Brian
Location	1 SILVERDALE STREET, HAVERIGG, MILLOM
Proposal	SINGLE STOREY LOUNGE EXTENSION TO FRONT
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Millom

Application Number	4/10/2284/TPO
Applicant	Ms K Harding
Location	ENNERDALE COUNTRY HOUSE HOTEL, CLEATOR
Proposal	FELL 1 ALDER AND PRUNING WORKS TO 3 SYCAMORES, 1 LAUREL, 1 BEECH, 1 LIME AND 1 ALDER TREE WITHIN TREE PRESERVATION ORDER
Decision	TREE PRESERVATION APPROVE
Decision Date	27 July 2010
Dispatch Date	27 July 2010
Parish	Cleator Moor

Application Number	4/10/2286/0F1
Applicant	Mr D Kennedy
Location	3 PARKLANDS DRIVE, EGREMONT
Proposal	TWO STOREY EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Egremont

Application Number	4/10/2288/0F1
Applicant	Mrs C Musgrave
Location	4 DENT ROAD, MORESBY PARKS, WHITEHAVEN
Proposal	PROPOSED CONSERVATORY TO REAR
Decision	Approve (commence within 3 years)
Decision Date	9 August 2010
Dispatch Date	9 August 2010
Parish	Moresby

Application Number	4/10/2290/0F1
Applicant	Mr Borrino
Location	35 LINGMELL CRESCENT, SEASCALE
Proposal	ERECTION OF EDWARDIAN CONSERVATORY
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Seascale

Application Number	4/10/2291/0F1
Applicant	Mr Park
Location	2 BEATTY ROAD, BRANSTY, WHITEHAVEN
Proposal	ERECTION OF P-SHAPED CONSERVATORY
Decision	Approve (commence within 3 years)
Decision Date	5 August 2010
Dispatch Date	5 August 2010
Parish	Whitehaven

Application Number	4/10/2292/TPO
Applicant	Aggreggate Industries Limited
Location	ENTRANCE TO GHYLL SCAUR QUARRY AND UNDERWOOD HOUSE, THE HILL, MILLOM
Proposal	FELLING OF TWO COMMON LIME TREES, ONE SYCAMORE TREE AND ONE BEECH TREE AND POLLARD ONE SYCAMORE TREE AND CROWN LIFT ONE HORSE CHESTNUT TREE
Decision	TREE PRESERVATION APPROVE
Decision Date	4 August 2010
Dispatch Date	5 August 2010
Parish	Millom Without

Application Number	4/10/2293/001
Applicant	Mrs D Glasson
Location	15 OAK CRESCENT, WHITEHAVEN
Proposal	OUTLINE APPLICATION FOR SINGLE DWELLING AND GARAGE
Decision	Approve in Outline
Decision Date	27 July 2010
Dispatch Date	27 July 2010
Parish	Whitehaven

Application Number	4/10/2295/0F1
Applicant	Mr O J Shama
Location	NISA STORE, CROSSFIELD GARAGE, LECONFIELD STREET, CLEATOR MOOR
Proposal	EXTENSION TO EXISTING NISA STORE
Decision	Approve (commence within 3 years)
Decision Date	9 August 2010
Dispatch Date	9 August 2010
Parish	Cleator Moor

Application Number	4/10/2296/0F1
Applicant	Reed Graham Developments Limited
Location	LAND ADJOINING GARLIESTON COURT, WHITEHAVEN
Proposal	PROPOSED CONSERVATORIES TO REAR OF 2 NO. SEMI-DETACHED HOUSES - AMENDMENT TO PLANNING APPROVAL 4/09/2046
Decision	Approve (commence within 3 years)
Decision Date	27 July 2010
Dispatch Date	27 July 2010
Parish	Whitehaven

Application Number	4/10/2297/0F1
Applicant	Mr T A and Mrs M Williams
Location	30 WINDRIGG CLOSE, EGREMONT
Proposal	SINGLE STOREY EXTENSION TO SIDE
Decision	Approve (commence within 3 years)
Decision Date	16 July 2010
Dispatch Date	16 July 2010
Parish	Egremont

Application Number	4/10/2299/0F1
Applicant	Mr S Walker
Location	1 WINCHESTER DRIVE, WHITEHAVEN
Proposal	TWO STOREY EXTENSION AND SINGLE STOREY EXTENSION TO SIDE (RESUBMISSION)
Decision	Approve (commence within 3 years)
Decision Date	26 July 2010
Dispatch Date	26 July 2010
Parish	Whitehaven

Application Number	4/10/2302/0F1
Applicant	Sellafield Ltd
Location	SELLAFIELD, SEASCALE
Proposal	RENEWAL OF PLANNING PERMISSION FOR THE AIR BREATHING TRAINING FACILITY (4/05/2428/0)
Decision	Approve (commence within 3 years)
Decision Date	2 August 2010
Dispatch Date	2 August 2010
Parish	St Bridgets Beckermert

Application Number	4/10/2305/0F1
Applicant	Sellafield
Location	SELLAFIELD, SEASCALE
Proposal	RENEWAL OF TEMPORARY PLANNING PERMISSION FOR A SINGLE STOREY MODULAR OFFICE ACCOMMODATION (4/05/2525/0)
Decision	Approve (commence within 3 years)
Decision Date	2 August 2010
Dispatch Date	2 August 2010
Parish	Ponsonby

Application Number	4/10/2306/OF1
Applicant	Mr M Maxwell
Location	19 TRUMPET ROAD, CLEATOR
Proposal	ERECTION OF TWO STOREY EXTENSION AND SINGLE STOREY EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	5 August 2010
Dispatch Date	5 August 2010
Parish	Cleator Moor

Application Number	4/10/2307/OF1
Applicant	Mr Paul Brennan
Location	NORSE RANGE, DRIGG ROAD, SEASCALE
Proposal	FIRST FLOOR BEDROOM & BATHROOM EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	5 August 2010
Dispatch Date	5 August 2010
Parish	Seascale

Application Number	4/10/2318/ON1
Applicant	Mr W Agnew
Location	AINFIELD, JACKTREES ROAD, CLEATOR
Proposal	NOTICE OF INTENTION FOR AGRICULTURAL BUILDING FOR STORAGE OF FARMING EQUIPMENT
Decision	Approve Notice of Intention
Decision Date	22 July 2010
Dispatch Date	22 July 2010
Parish	Cleator Moor

Application Number	4/10/2319/OF1
Applicant	Mr & Mrs Nolan
Location	17 ULDALE VIEW, EGREMONT
Proposal	ERECTION OF A CONSERVATORY TO FRONT RIGHT HAND SIDE OF PROPERTY
Decision	Approve (commence within 3 years)
Decision Date	9 August 2010
Dispatch Date	9 August 2010
Parish	Egremont

Application Number	4/10/2320/OF1
Applicant	Mr P Hartley
Location	4 HODGSON GARDENS, MILLOM
Proposal	SINGLE STOREY EXTENSION TO EAST ELEVATION
Decision	Approve (commence within 3 years)
Decision Date	30 July 2010
Dispatch Date	30 July 2010
Parish	Millom

Application Number	4/10/2330/OF1
Applicant	Mr Michael Nann
Location	7 FERN GROVE, THE HIGHLANDS, WHITEHAVEN
Proposal	SECOND STOREY EXTENSION OVER EXISTING GARAGE
Decision	Approve (commence within 3 years)
Decision Date	2 August 2010
Dispatch Date	2 August 2010
Parish	Whitehaven