PLANNING PANEL- 27 APRIL 2011

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RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

STANDARD CONDITIONS

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

Outline Consent

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

or

(b) the expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reserved Matters Consent

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

Full Consent

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

ITEM NO: 1.



To: PLANNING PANEL

Development Control Manager

Date of Meeting: 27/04/2011

Application Number:	4/11/2007/0F1
Application Type:	Full : CBC
Applicant:	Mr T West
Application Address:	PART FIELD ADJACENT TO WILSON PIT YARD, HIGH ROAD, SANDWITH, WHITEHAVEN
Proposal	ERECTION OF A STORAGE BUNKER (LIME), CONSTRUCTION OF ROAD & EARTH BUND
Parish:	Whitehaven
Recommendation Summary:	Approve



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INTRODUCTION

This application was deferred at the last meeting to enable Members to visit the site. The site visit took place on 13th April 2011.

PROPOSAL

The site lies adjacent to Wilson Pit Yard off High Road on the southern edge of Whitehaven. Planning permission was granted for the use of the Wilson Pit Yard site as a recycling centre in 2010.

Planning permission is sought for the use of a section of agricultural land adjacent to the recycling centre for the creation of a storage bunker, earth bund and access track.

The storage bunker is to be constructed from 3 metre high concrete panels and is to be 12 metres in length and 10 metres in width. It is to be sited near to the site entrance and is to be used to store lime which will originate from recycled plasterboard that is processed at the adjoining recycling centre. The lime is to be spread on the fields for agricultural purposes. It is anticipated that there will be approximately 16 loads per year delivered at up to 25 tonnes per time in articulated vehicles. The applicant has confirmed that the lime will be covered with plastic sheeting to protect the lime against the wind and rain.

An earth bund is to be created along the south eastern boundary of the site. This is to be 0.9 metres high and will extend for a length of 119 metres. A hawthorn hedgerow is to be planted on top of the bund to provide an element of screening.

A track has been created to accommodate the movement of vehicles within the site. This track is surfaced with hardcore and crushed aggregate. A section of hedgerow measuring 12 metres in length has been removed to enable access into the site to be achieved from Wilson Pit Yard. Wilson Pit Yard is served by an existing entrance off High Road.

The applicant has advised that he intends to utilise the site for the storage of agricultural machinery and equipment in connection with his existing agricultural contracting business which is based at Whin Bank, Rottington. Members approved an application relating to the agricultural contracting business at the last meeting (4/10/2494/0F1 refers).

The applicant has confirmed that the site at Whin Bank is the main operating centre for his business. However he wishes to use this land to house the larger vehicles and machinery that would be difficult to store at Rottington and which would find difficulty negotiating the narrow road which serves Whin Bank. He has confirmed that there is not enough room at either Whin Bank or Wilson Pit for all the machinery, equipment and produce to be stored together.

CONSULTATION RESPONSES

Highways Control Officer

The additional details supplied by the applicant show that access/egress is possible from the access and the Highway Authority is satisfied that this can be achieved. Provision of adequate vehicular turning space should be provided within the site.

Flood and Coastal Defence Engineer

As the proposal is to discharge the surface water run off to a soak away the developer will need to undertake percolation testing to determine the size of the soak away required for the surface water drainage. If it proves that a soak away is not a suitable means of disposing of surface water then the developer will need to submit an alternative means of disposing of the surface water run off.

Environment Agency

No comments on this application.

PLANNING POLICY

The site is located outside any development boundary defined in the adopted Copeland Local Plan 2001-2016.

Policy DEV 5 seeks to protect the quality and character of the wider countryside and sets out the type of development that will be permitted outside the defined development boundaries. This includes essential agricultural, forestry or other rural business development.

Policy ENV 41 of the adopted Copeland Local Plan permits the erection of new farm buildings in association with an existing farm building complex or in other well screened locations subject to an appropriate design, scale and use of materials and where necessary a planting scheme is included.

Policy ENV 12 seeks landscaping to be incorporated into schemes where it will minimise the impact of the development on the environment.

Policy TSP 6 only supports new development when a safe and appropriate access onto the road network to accommodate all forms of vehicle can be achieved.

ASSESSMENT

The site is currently used as agricultural land. The storage of equipment and machinery which is used for agricultural purposes does not require planning permission. Consequently the only aspects of this proposal which requires planning permission is the construction of the lime bunker and earth mound and also the creation of a new access and track.

The storage bunker is modest in scale and will be viewed in the context of the recycling centre which lies adjacent to the site. The addition of an earth bank and hedgerow along the south east boundary will also help to provide some screening when viewed from the south and east.

The creation of an access from Wilson Pit Yard using the existing site entrance off High Road is considered to be acceptable. This entrance currently serves the recycling centre and accommodates a number of large vehicles.

Members recent visit to the site will have aided their consideration of this application.

Recommendation:-

Approve subject to:-

Conditions

- Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Site plan, scale 1:1250, drawing number 25/2010, received on 06 January 2011
 - Layout plan, scale 1:50, drawing number 26/2010/A, received on 06 January 2011
 - Front elevation/cross section, scale 1:100, drawing number 24/2010/A, received on 06 January 2011
 - Design and access statement prepared by David Higgins, dated 15
 December 2010 and received on 06 January 2011
 - Tracking plan for HGV delivery, scale 1:25, received on 10 March 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.

2. The earth mound and hedgerow hereby approved shall be implemented within 6 months from the date of the decision notice and shall be maintained at all times thereafter.

Reason

To ensure that additional screening is implemented as part of this proposal in the interests of visual amenity.

3. If within a period of five years from the completion of the hedgerow planting scheme any shrub is uprooted, destroyed, or dies, another shrub shall be planted at the same place. That shrub shall be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

Reason

To ensure the implementation of a satisfactory landscaping scheme.

4. Within three months from the date of this permission a surface water drainage scheme shall be implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained at all times thereafter.

Reason

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

5. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the Local Planning Authority for approval in writing. The turning space shall be constructed in accordance with the approved details within three months from the date of this decision and shall not thereafter be used for any other purpose.

Reason

To ensure that provision is made for vehicle turning within the site and in the interests of highway safety.

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

Reason for Decision

An acceptable form of agricultural development in accordance with Policies DEV 5, ENV 12 and TSP 6 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 2.

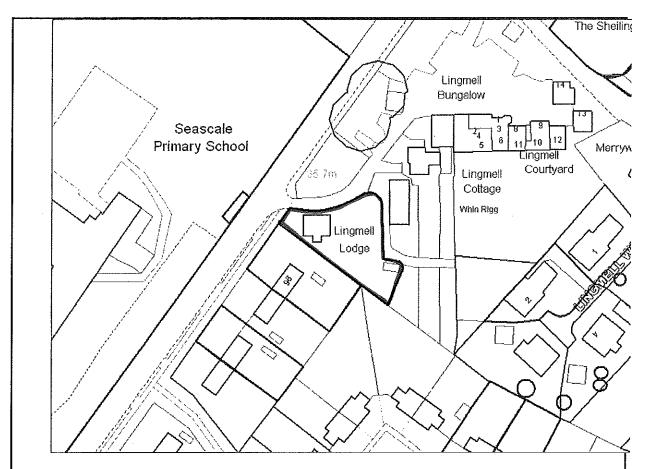


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 27/04/2011

Application Number:	4/11/2045/0F1
Application Type:	Full: CBC
Applicant:	Posh Kitties
Application Address:	LINGMELL LODGE, GOSFORTH ROAD, SEASCALE
Proposal	CHANGE OF USE FROM RESIDENTIAL DWELLING TO RESIDENTIAL DWELLING AND PRIVATE CAT BREEDING PREMISES (RETROSPECTIVE)
Parish:	Seascale
Recommendation Summary:	Refuse



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Introduction

It was agreed at the last Planning Panel on 30 March 2011 that Members would visit the site before determining the application in view of the local concern it has raised and the Parish Council's request. The site visit took place on Wednesday 13 April 2011.

The Proposal

This application seeks permission in retrospect to use part of an existing residential property in a predominantly residential area of Seascale for the purposes of breeding and selling show cats.

In terms of detail this will involve the use of 2 detached wooden sheds in the rear garden to house the cats. Shed 1 measures 6.7m in length by 4.2m in depth by 1.9m in height and comprises internal pens with a mesh run to the front and adjoins an existing garage. Shed 2, on the other hand, is smaller, measuring 4.8m in length by 3.6m in depth and 1.9m in height. It is free standing and is similar in form to shed 1 with pens and a mesh run.

Vehicular access to the property is via a private lane off the main village road which also serves 3 other residential properties and leads to Lingmell Courtyard which contains a group of flats. It has a driveway leading into the rear garden off this lane. The dwelling is flanked by a childrens nursery to the south, 'Whin Rigg' a detached house to the east, Gosforth Road to the west and the private access lane to the north.

The applicant regularly shows Ragdoll and Maine Coon cats. She breeds from her cats to keep her own breeding line going for showing and sells the kittens she does not wish to keep to show. The income from this also helps to fund her hobby l.e pays for vet bills, food and upkeep, show and travelling fees etc... The numbers of kittens produced varies but as a guide from January 2010 to January 2011 she has had 10 litters which produced in total 25 kittens. She kept 2 and sold the rest. There are currently 17 cats kept at the premises and at the time of the application one of the cats had had a recent litter. The attached letter which accompanies the application sets out her proposal in more detail.

Consultations

Seascale Parish Council: Very concerned and uncomfortable about this retrospective application. Its locality is right next to a very busy nursery and there is very little parking near the property. They request that the Planning Panel make a site visit.

Highway Authority: Initially requested further details of on site visitor parking to ensure that vehicles can be properly and safely accommodated clear of the highway, but now that a boarding cattery is no longer proposed are satisfied with the existing arrangement.

Environmental Health – Particular issues relating to potential noise and general nuisance likely to be created from running such a business in a residential area, as well as drainage, are being investigated and will be reported verbally to the meeting.

Neighbours: To date letters of objection / concern have been received from 4 neighbouring residents, the childrens nursery next door and a non resident who express concern on the following grounds:

- The proposal may impede access for the children at the nursery next door. Cars regularly picking up and dropping children off park at the roadside.
- Concern that the cat breeding hobby is being run as a small business with potential for expansion if permission is granted.
- The applicants also run a 2nd business breeding bulldogs from the premises – as indicated on their web site.
- Question whether the applicant is being entirely open with this application

 waiting until she is fully established in her new home before applying for retrospective permission in the hope that refusal would be too difficult.
- Concern whether waste will be disposed of properly and not seep through into neighbouring properties.
- May exacerbate localised surface water flooding problems in the neighbouring nursery garden.
- Foul drains in the area still cause problems.
- New security lighting installed is affecting neighbouring gardens and shining in the rear of dwellings at night time causing disturbance.
- A caravan in their garden is advertised as accommodation for customers.
- More local cats are being attracted to the area since the pens were erected causing an increase in dead birds and cat faeces in neighbours gardens and as a result general nuisance impacting on neighbours properties.
- Inappropriate development in a residential area.
- The property and garden is relatively small and the size and appearance
 of the sheds has a negative impact on the surrounding area.
- Affect of the proposal on property values.
- Noise the cats can be heard crying during the day and this will become
 more of an issue in the summer when more time is spent outside in the
 garden.
- Vermin waste produced and storing of foodstuffs will attract vermin.
- Screening in an attempt to screen the cattery from view the applicants have planted various trees and bushes which will take time to establish.
 Concern that when they are mature they will restrict light to neighbouring properties.
- Affect on local wildlife this has been disturbed by the presence of the cats.
- Taking in rescue cats will increase the number of cats at the property.
- Increase in traffic to the property along the single width access lane.

• Use of an incinerator at the property for burning waste.

To respond to some of the issues raised:

- I would stress that the application is for a cat breeding establishment only and that the applicant has confirmed that they are not running a dog breeding business.
- It is no longer the intention to take in rescue cats as part of the proposal.
- Affect on property values is not a material planning consideration and should be disregarded.
- Traffic and affect on the access lane although there are no objections raised from a highway point of view regarding the access from the private lane onto the main Gosforth Road serving the village. It should be noted that the Highway Authority have no jurisdiction over the private road. Members will have noted the restricted nature of the access here from the site visit which is unsurfaced and narrow / single in width.
- Environmental Health have investigated the incinerator complaint and assure that this has now been addressed.

Planning Policy

The following adopted Copeland Local Plan Policies are considered relevant to the assessment of this application:

- DEV 6 Sustainability in Design this advocates high quality sustainable design in all new development.
- HSG 25 Non Residential Development in Housing Areas this permits non residential uses in such areas subject to certain criteria being met and is set out as follows:

"Proposals for non residential development which causes undue disturbance and affects the character of existing residential areas will not be permitted unless:

- 1) There would be no significant loss of amenity to surrounding property
- 2) The proposed use is ancillary to the residential character of the area
- 3) The proposed use conforms with other policies or proposals in the plan."

Assessment

The key issue to consider in assessing this application is whether the use of the property solely for cat breeding at this scale in this location is likely to have a significant adverse affect on the amenity of neighbouring properties, particularly in respect of noise and general disturbance including that arising from customers visiting the premises. There is considerable concern that it would be difficult to effectively control the scale and number of cats at the premises, including breeding numbers and frequency, particularly as such establishments can operate without requiring a licence, with the potential that numbers as a result could increase and create significant associated neighbouring amenity problems arising from noise, smell and general nuisance from the comings and goings of visitors. Taking this into account running a cat breeding establishment in this location, in close proximity to neighbouring premises, is considered to represent an inappropriate form of development which could give rise to significant adverse amenity problems for neighbouring residences adversely affecting the character of this predominantly residential area contrary to Policies DEV 6 and HSG 25 of the adopted Copeland Local Plan 2001-2016.

Should Members be minded to accept the recommendation and refuse this application agreement will be required to authorise enforcement action to secure the removal of the business. Given that this is well established on site formal enforcement action will be required within a realistic timescale to enable re-homing of the cats to take place.

Recommendation:-

Refuse

Reason for Decision

The running of a private cat breeding business from this residential property situated in a predominantly residential area of Seascale represents an inappropriate form of development, the scale and nature of which could give rise to significant adverse affect on neighbouring residential amenity in terms of noise, smell and general disturbance arising from the coming and going of visitors, contrary to Policies DEV 6 and HSG 25 of the adopted Copeland Local Plan 2001-2016.

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ITEM NO: 3.

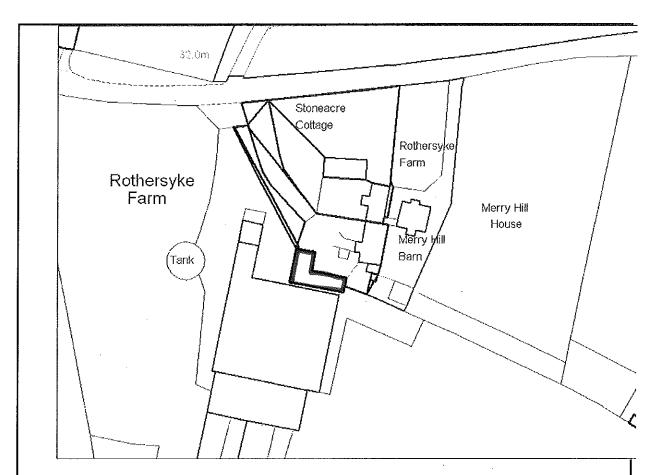


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 27/04/2011

Application Number:	4/11/2090/0F1
Application Type:	Full: CBC
Applicant:	Mrs A Wells
Application Address:	MERRY HILL BARN, ROTHERSYKE, EGREMONT
Proposal	CHANGE OF USE OF REDUNDANT CATTLE BYRE INTO CATTERY
Parish:	Lowside Quarter
Recommendation Summary:	Refuse



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The Proposal

It is proposed to convert a detached redundant outbuilding situated within the curtilage of this residential barn conversion to use as a boarding cattery at Rothersyke, near Egremont. The site forms part of what was a former farm building group which now comprises a group of 4 dwellings.

In terms of location the detached building is adjacent to the applicants dwelling which forms one of a pair of semi detached residential barn conversions. To the immediate east of this is `Merry Hill House` a detached former farmhouse, and to the north is a further barn conversion. To the west is an existing modern agricultural building.

The intention is to refurbish the single storey brick byre to provide 25 internal pens with 7 external runs to house a maximum of 25 cats. The existing cement sheeted roof will be removed and replaced with grey slates to match the neighbouring barn conversion and the existing red brick walls retained and repointed. At the western end will be situated a store with an external garage door access for food bedding / ancillary products and at the opposite eastern end a `prep` room facility, including a WC, for clients to drop off and pick up the cats. Externally the front of the building will comprise a hard level surface.

Vehicular access is via a shared arrangement off the adjacent B5345 road serving three of the properties. A single width driveway leads from the junction to the property as well as the neighbouring dwelling. No alterations are proposed to the access and it is intended that parking for 3 cars adjacent to the building will be provided for the business. In addition the applicant's own family vehicles need to be accommodated and two spaces are shown alongside the dwelling.

Consultations

Lowside Quarter Parish Council - no objections.

Highway Authority - Expresses concern that the visibility splays originally approved to serve the residential conversions have not been provided with the result that visibility at the junction is restricted.

Environmental Health - this is awaited and will be reported verbally to the meeting.

Planning Policy

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

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

■ HSG 25 Non Residential Development in Housing Areas – this permits non residential uses in such areas subject to certain criteria being met and is set out below:

"Proposal for non residential development which causes undue disturbance and affects the character of existing residential areas will not be permitted unless:

- 1) There would be no significant loss of amenity to surrounding property.
- 2) The proposed use is ancillary to the residential character of the area.
- 3) The proposed use conforms with other policies or proposals in the plan."

Assessment.

The key issue to consider in assessing this proposal is whether the conversion of the byre for the purpose of providing a boarding cattery at this scale in this location is likely to have a significant adverse affect on the amenity of neighbouring properties, particularly in respect of noise and general disturbance including that arising from customers visiting the premises. The scale of the proposal also raises the question as to whether the existing access and proposed parking arrangements are satisfactory, i.e. whether the provision of 3 customer parking spaces is adequate to serve the business which potentially at peak times could experience up to 25 car visits. The Highway Authority have also raised the issue about restricted visibility at the access, on land which is outside the applicants control, and the resultant affect on highway safety.

Taking the above into account a proposed boarding cattery of this scale in this location, in close proximity to neighbouring residences, is considered to represent an inappropriate form of development which could create significant amenity problems for neighbouring residences which would adversely affect the character of this group of residential properties contrary to Policies DEV 6 and HSG 25 of the adopted Copeland Local Plan 2001-2016.

Recommendation:-

Refuse

Reason for Decision

The conversion of this redundant byre to provide a commercial cattery business in this semi rural location and within close proximity of neighbouring residences represents an inappropriate form of development, the scale and nature of which could give rise to significant adverse affect on neighbouring residential amenity in terms of noise, smell and general disturbance arising from the coming and going of visitors. Furthermore, restricted visibility at the junction with the B5345 is likely to have a detrimental affect on highway safety, contrary to Policies DEV 6 and HSG 25 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 4.

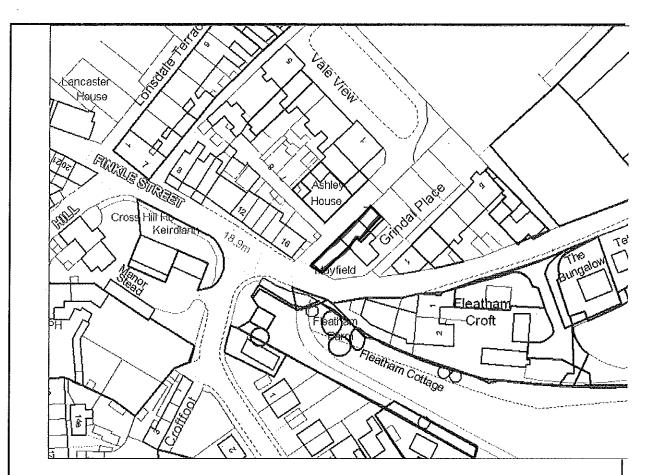


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 27/04/2011

Application Number:	4/11/2092/0L1
Application Type:	Listed Building Consent : CBC
Applicant:	Miss S Taylor
Application Address:	MAYFIELD, FINKLE STREET, ST BEES
Proposal	LISTED BUILDING CONSENT FOR
	REPOSITIONING OF GATEWAY AND
	CREATION OF SANDSTONE GATEPOSTS
Parish:	St. Bees
Recommendation Summary:	Approve Listed Building Consent (start within 3yr)



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BACKGROUND

Planning permission and Listed Building consent were granted in January 2009 for the construction of a rear single storey extension, two storey extension and internal alterations at this three storey semi-detached house in St Bees (4/08/2543/0 and 4/08/2544/0 refer). The property is Grade II Listed and situated within the Conservation Area.

Listed Building consent was then approved in January 2010 for the installation of a small window in the side elevation and the demolition of part of the boundary wall in order to provide access to the rear of the property and the installation of a gate and access steps (4/09/2522/0 refers). The start of these works is evident in Image 1, attached to this report. The works subsequently carried out did not accord with this

approval.

Listed Building consent was therefore sought in retrospect to relocate the rear access gate, which is not in the place as shown on the original approval (4/10/2551/0L1 refers). A large gate had also been installed as well as some willow screening (Image 2 attached). This application was refused in January 2011 for the following reason:

"By virtue of their scale, siting and design, the gate and flank willow screen fencing as installed are considered to be out of character and detrimental to the appearance of this Grade II Listed Building and its wider Conservation Area setting contrary to Policies HSG 20 and ENV 26 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Statement 5 Planning for the Historic Environment."

PROPOSAL

Following an ongoing dialogue with the applicants, Listed Building consent is again sought to relocate the rear access and install a 1.5m high gate. In order to overcome the previous grounds for refusal, it is now proposed to extend the height of the wall to the right of the gate and construct a sandstone pillar to the left hand side. This will provide some screening to the rear garden.

The gates new location is now 0.75m from the rear elevation of the house. The gate itself is of a dark stained timber construction and measures 1.5m in height by 0.68m in width.

At present the wall is 0.82m high, when measured from the applicant's garden level. At its highest point, the wall will be extended to 1.43m in height.

CONSULTATIONS

The Councils Conservation and Urban Design Officer raises no objections to the proposal as he is satisfied that the works will not materially affect the significance of the listed building. He notes that high stone gateposts were installed to the front and side of Mayfield as part of the historic build and that the traditional pattern would be to attach railings onto the lower boundary wall or plant hedging to raise the

boundaries to the height of the gateposts to contain gardens. He recommends that samples of the stone and construction method should be conditioned.

St Bees Parish Council note that this is a series of applications for this gateway and consider that the appearance would be improved if the wall and gate were of the same height.

Letters of objection have been received from three neighbouring residents on Vale View. The grounds for objection can be summarised as follows:-

- Mayfield has no legal right of access onto this private road. Surely work carried out which extends beyond the curtilage should not be allowed or approved by the Planning Department. Legal advice is being sought on this matter.
- 2. The plan is not to scale.
- 3. The design is not acceptable as it significantly increases the height of a listed wall which is of a uniform height along Vale View. The height of the gate has already been rejected by planning.
- 4. The wall which was demolished was listed. The listing makes no mention of gates/gateposts.
- There were never any existing sandstone gateposts in place at Mayfield.
 Question what the applicant and Conservation Officer are basing this design on.
- 6. The incorporation of modern bricks in the random stone wall is not in keeping with conservation.

- 7. The gate is set 60cm higher than the road. Without any steps how would one use the gate?
- 8. In the application, *previous proposals* does not mention making a new gateway in a wall where no gateway existed, it only mentions moving the gateway.
- 9. There was no consultation with Vale View neighbours prior to the original building works, when the concrete raft of the extension was built on to Vale View private road or when the flowerbed was built.
- 10. The building project has already had a negative effect. Residents of Vale View have already endured blocked access to their homes because of builders, the fronts have been used as turning circles, rubbish being left etc.

In response to the objections raised the following comments are offered.

- a. Rights of access and/or encroachment onto the private road are civil matters to be resolved between the relevant parties out with the planning process.
- b. Amended, dimensioned plans have been submitted and copies forwarded to the objectors.
- c. The listing for Mayfield does not refer to the rear wall.
- d. It is proposed to construct the new wall/pillars from sandstone to match the existing wall. The Councils Conservation and Urban Design Officer recommends that samples of the stone and construction methods be conditioned. The applicant has confirmed in writing that the red brick is a temporary measure and will be replaced.

- e. The principle of allowing a gated access within this wall was established by the granting of Listed Building Consent in January 2010.
- f. Notifying neighbours prior to the submission of a formal planning application is at the applicant's discretion. A site notice was posted at the site and nos. 3, 4 and 5 Vale View were personally consulted via letter as part of the formal application process and in accordance with DOE Circular 15/92 "Publicity for Planning Applications".

PLANNING POLICY & ASSESSMENT

Policies DEV 6, HSG 20 and ENV 26 of the adopted Copeland Local Plan 2001-2016 are considered relevant to the determination of this application.

Policy DEV 6 sets out the Council's sustainable design policies and, amongst other things, requires development to avoid the loss or damage to important built conservation interests and historic sites.

Policy HSG 20 permits extensions or alterations to existing dwellings provided the development is of a suitable design, would not lead to a significant loss of light or cause overlooking or loss of privacy.

ENV 26 only permits development within Conservation Areas where it preserves or enhances the character or appearance of the Area and in particular it should:

- 1. respect the character of existing architecture and any historical associations by having due regard to positioning and grouping of buildings, form, scale, detailing and use of traditional materials
- 2. respect existing hard and soft landscape features including open space, trees, walls and surfacing

- 3. respect traditional street patterns, plot boundaries and frontage widths
- 4. improve the quality of the townscape

In addition to the above, Planning Policy Statement 5 'Planning for the Historic Environment' is also considered relevant to the determination of this application and presumes in favour of the conservation of designated heritage assets, which include listed buildings (HE9.1).

In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations (HE7.2). The consideration of design should include scale, height, massing, alignment, materials and use (HE7.5).

Since the refusal of Listed Building Consent earlier this year there has been an ongoing dialogue with the applicant and the Councils Conservation and Urban Design Officer to determine whether or not a scheme could be achieved that provided the applicant with a more private rear garden whilst safeguarding the character of this Listed Building and its curtilage.

It is considered that this revised scheme respects the historic character of this Grade II Listed Building and, as such, materially addresses the previous grounds for refusal. On this basis it is recommended that Listed Building Consent be granted.

Recommendation:-

Approve Listed Building Consent

Conditions

1. The works hereby approved shall be implemented within six months from the date of this decision notice and so maintained thereafter.

Reason

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

- 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
 - Site location plan received on 3 March 2011
 - Design & Access Statement dated February 2011, received on 3 March 2011.
 - Proposed side elevation, amended plan scale 1:10, received on 5 April 2011.
 - Side elevation, amended plan, scale 1:10, received on 5 April 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. Representative samples of the sandstone and construction methods (mortar mixes) to be used in increasing the wall height and constructing the gate pillar shall be submitted to and approved in writing by the Local Planning Authority before such work commences. 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.

Reason for Decision

Acceptable alterations to the rear boundary wall serving this Grade II Listed Building in accordance with Policies DEV 6, HSG 20 and ENV 26 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Statement 5 "Planning for the Historic Environment".





ITEM NO: 5.

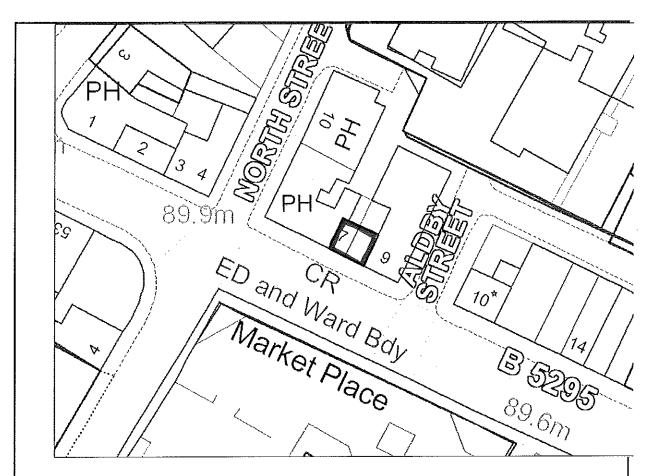


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 27/04/2011

CBC Hogg HIGH STREET, CLEATOR MOOR
HIGH STREET, CLEATOR MOOR
NGE OF USE AT GROUND FLOOR TO
FOOD TAKEAWAY AND FIRST FLOOR AS
F CONTAINED FLAT FOR STAFF
OMMODATION
or Moor
ove (commence within 3 years)
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PROPOSAL

This application relates to a vacant shop which is located on High Street within the centre of Cleator Moor.

Planning permission is sought for the conversion of the ground floor of the premises to form a hot food takeaway. The upper floor is to be converted to form a self contained residential flat which is to be occupied by staff from the take away. An existing door entrance on the front elevation of the building will provide a separate access to this flat.

No external alterations are proposed to the front elevation of the building. An extraction flue is to be installed on the rear elevation of the building which will project from the kitchen up to eaves level.

It is proposed to open between the hours of 16.00 and 22.30 on every day except Saturday when it is planned to open until 23.30.

CONSULTATION RESPONSES

Town Council

No objections

Highways Control Officer

Taking into account the existing use of the property and the information submitted, it is considered that the proposal will be unlikely to have a material affect on existing highway conditions.

PLANNING POLICY

Policy TCN 7 of the adopted Copeland Local Plan 2001-2016 is relevant to the determination of this application. It states:-

"Proposals for food and drink uses in shopping areas will be permitted 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 proposal is considered to satisfactorily meet the criteria set out in Policy TCN 7. High Street houses a mix of retail and commercial uses including a number of other takeaway premises. However the building is adjoined by a retail convenience store and a public house and the proposal would not lead to an over concentration of takeaways in this part of the town.

Although the extraction system would be mounted externally on the rear elevation this part of the building is enclosed by the two adjoining buildings which will help to minimise the views of this structure within the immediate locality.

The proposed opening hours are considered to be acceptable and would be consistent with the permitted opening hours at the two most recent proposals for new hot food takeaways within the centre of Cleator Moor that have been approved in the last three years. An appropriately worded condition can be imposed on any planning permission to control the opening hours.

This building has been vacant for more than 2 years and this proposal would provide a viable alternative use which would be appropriate for this town centre location.

No representations have been received from any neighbouring properties in respect of the proposed change of use.

Recommendation:-

Approve (commence within 3 years)

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 use hereby permitted shall not be open to the public / customers outside the following times 16.00 until 23.30 on any day.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

The proposed extraction system shall be installed and fully operational prior to the first use of the ground floor of the building as a hot food takeaway. The approved extraction system shall be maintained at all times thereafter.

Reason

For the avoidance of doubt and to protect the amenity of the area.

Reason for Decision

An acceptable alternative use for this vacant town centre retail premises in accordance with Policy TCN 7 of the adopted Copeland Local Plan 2001-2016.

Application Number	4/11/2021/0F1
Applicant	Mrs D Watson
Location	OFF SCALEBARROW ROAD, ABBEY VALE, ST BEES
Proposal	ERECTION OF AGRICULTURAL BUILDING
Decision	Refuse
Decision Date	23 March 2011
Dispatch Date	23 March 2011
Parish	St. Bees

Application Number	4/11/2031/0F1
Applicant	Mr and Mrs C Robinson
Location	PLOT 3, THE OLD WHITE SCHOOL SITE, SOUTH ROW, KELLS, WHITEHAVEN
Proposal	NEW DWELLING
Decision	Approve (commence within 3 years)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Whitehaven

Application Number	4/11/2040/0F1
Applicant	PCL Developments (Cumbria) Ltd
Location	PLOT OF LAND ON MEADOW ROAD, (FORMERLY RUBYS BAR), MIREHOUSE, WHITEHAVEN
Proposal	NEW HOUSING DEVELOPMENT COMPRISING 6 NO. SEMI-DETACHED HOUSES & 2 NO. DETACHED BUNGALOWS
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Whitehaven

Application Number	4/11/2042/0F1
Applicant	Pellymounters
Location	PELLYMOUNTERS, 13 GOSFORTH ROAD, SEASCALE
Proposal	EXTENSION TO EXISTING SINGLE STOREY SHOP AND CREATION OF MATERIALS STORAGE AREA WITH ACCESS LANE
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Seascale

Application Number	4/11/2043/0F1
Applicant	Whitehaven Maritime Festival Limited
Location	118-120 QUEEN STREET, WHITEHAVEN
Proposal	CHANGE OF USE FROM RETAIL AND WAREHOUSE USE TO EXHIBITION AND ANCILLARY RETAIL USE
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Whitehaven .

Application Number	4/11/2046/0F1
Applicant	Parton Parish Council
Location	ADJACENT PLAYGROUND, MAIN STREET, PARTON, WHITEHAVEN
Proposal	CHANGE OF USE FROM GRASSED AREA INTO EXTENSION OF EXISTING PLAY PARK
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Parton .

Application Number	4/11/2051/0F1
Applicant	Sheldon Property Developments Ltd
Location	CENTRAL DAIRY, HOLBORN HILL, MILLOM
Proposal	CONSTRUCTION OF TWO DWELLINGS
Decision	Refuse
Decision Date	25 March 2011
Dispatch Date	25 March 2011
Parish	Millom

Application Number	4/11/2052/0F1
Applicant	Mr R Shepherd
Location	2 MUNCASTER ROAD, WHITEHAVEN
	CHANGE OF USE OF LAND TO PROVIDE VEHICULAR ACCESS AND HARDSTANDING FOR DISABLED PERSON
Decision	Approve (commence within 3 years)
Decision Date	25 March 2011
Dispatch Date	25 March 2011
Parish	Whitehaven

Application Number	4/11/2053/0A1	
Applicant	Mr K Wah Wong	

Location	JASMINE PALACE, 108 DUKE STREET, WHITEHAVEN
	ADVERT CONSENT TO ERECT A SIGN ON SIDE OF RESTAURANT (STRAND STREET) - RETROSPECTIVE
Decision	Approve Advertisement Consent
Decision Date	25 March 2011
Dispatch Date	25 March 2011
Parish	Whitehaven

Application Number	4/11/2056/0F1
Applicant	St Patricks Catholic Primary School
Location	ST PATRICKS R C JUNIOR SCHOOL, TODHOLES ROAD, CLEATOR MOOR
Proposal	PROPOSED EXTENSION TO EXISTING SCHOOL KITCHEN
Decision	Approve (commence within 3 years)
Decision Date	25 March 2011
Dispatch Date	25 March 2011
Parish	Cleator Moor

Application Number	4/11/2058/0F1
Applicant	Mr P Thornton
Location	JASMINE HOUSE, LOW FARM, MOOR ROW
Proposal	STATIC CARAVAN TO REAR TO BE USED IN CONJUNCTION WITH BED AND BREAKFAST BUSINESS
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Egremont

Application Number	4/11/2060/0F1
Applicant	Mr J Treble
Location	LING REED, LINGLA BANK, FRIZINGTON
Proposal	ERECTION OF PORCH ON FRONT OF PROPERTY
Decision	Approve (commence within 3 years)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Arlecdon and Frizington

Application Number	4/11/2062/0R1
Applicant	KMS Developments
Location	FORMER MINERS WELFARE HALL, PICA, DISTINGTON
Proposal	ERECTION OF DWELLING (RESERVED MATTERS)

Decision	Approve Reserved Matters
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Distington

Application Number	4/11/2063/0F1
Applicant	Roland Hill (Parsonby) Ltd
Location	DISTINGTON HALL CREMATORIUM, DISTINGTON
Proposal	ERECTION OF BUILDING TO HOUSE BACK-UP GENERATOR & EQUIPMENT
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Distington

Application Number	4/11/2064/0F1
Applicant	Mr and Mrs C Evans
Location	PLOT 22, FORMER WHITE SCHOOL, KELLS, WHITEHAVEN
Proposal	ERECTION OF A DWELLING
Decision	Approve (commence within 3 years)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Whitehaven

Application Number	4/11/2065/0F1
Applicant	Moor Row Football Club
Location	LAND OFF SCALEGILL ROAD, MOOR ROW
Proposal	SINGLE STOREY CHANGING ROOM FACILITY
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Egremont

Application Number	4/11/2066/0F1
Applicant	Mr D Date
Location	3 SURREY STREET, MILLOM
Proposal	SINGLE STOREY KITCHEN/BATHROOM EXTENSION TO REAR
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011

Dispatch Date	28 March 2011
Parish	Millom

Application Number	4/11/2068/0L1
Applicant	Mr A Cleaver
Location	57 CHURCH STREET, WHITEHAVEN
Proposal	APPLICATION FOR LISTED BUILDING CONSENT FOR NEW ROOF
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Whitehaven

Application Number	4/11/2069/0F1
Applicant	Mr M Smith
Location	PLOT 6, FORMER WHITE SCHOOL, KELLS, WHITEHAVEN
Proposal	PROPOSED FOUR BEDROOMED DETACHED DWELLING
Decision	Approve (commence within 3 years)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Whitehaven

Application Number	4/11/2070/0F1
Applicant	Mr M Twiss
Location	THE OLD CARPET WAREHOUSE, MILL STREET, WHITEHAVEN
Proposal	CONVERSION OF CARPET WAREHOUSE INTO SINGLE RESIDENTIAL PROPERTY, PROVISION OF INTEGRAL PARKING AND BALCONY SPACE
Decision	Approve (commence within 3 years)
Decision Date	13 April 2011
Dispatch Date	13 April 2011
Parish	Whitehaven

Application Number	4/11/2071/0F1
Applicant	Mr and Mrs S Clarke
Location	1 HOPE PIT COTTAGES, MILL HILL, CLEATOR MOOR
Proposal	FIRST AND GROUND FLOOR EXTENSIONS TO THE SIDE AND REAR.
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011

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Application Number	4/11/2072/0F1
Applicant	Mr C Dixon
Location	4 CROFT TERRACE, LOWCA, WHITEHAVEN
Proposal	ERECTION OF FENCE TO REAR (RETROSPECTIVE)
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Lowca

Application Number	4/11/2073/0F1
Applicant	Mr W Smith
Location	LONNING END, LOWCA, WHITEHAVEN
Proposal	AGRICULTURAL LIVESTOCK/STORAGE SHED
Decision	Approve (commence within 3 years)
Decision Date	13 April 2011
Dispatch Date	13 April 2011
Parish	Lowca

Application Number	4/11/2074/0F1
Applicant	Mr J Angus
Location	LIME TREE COTTAGE, GREYSIDE, THE HILL, MILLOM
Proposal	AMENDED DESIGN TO DWELLING (4/05/2550)
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Millom Without

Application Number	4/11/2075/0F1
Applicant	Mr and Mrs J Jardine
Location	PLOT 23, FORMER WHITE SCHOOL SITE, KELLS, WHITEHAVEN
Proposal	ERECTION OF A DETACHED DWELLING
Decision	Approve (commence within 3 years)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Whitehaven

Application Number	4/11/2076/0F1
Applicant	Mr I Farrer

Location	83 BALMORAL ROAD, WHITEHAVEN
Proposal	TWO STOREY SIDE KITCHEN/DINING AND EN-SUITE BEDROOM EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Whitehaven

Application Number	4/11/2077/0F1
Applicant	Mr J Taylor
Location	CATBELLS, ABBEY ROAD, ST BEES
Proposal	DEMOLITION OF EXISTING SINGLE GARAGE AND CONSTRUCTION OF DOUBLE GARAGE
Decision	Approve (commence within 3 years)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	St. Bees

Application Number	4/11/2083/0F1
Applicant	Mr R Merrett
Location	HORSE AND GROOM HOUSE, MARKET PLACE, EGREMONT
Proposal	REMOVE EXISTING CONSERVATORY & BUILD NEW SINGLE AND TWO STOREY EXTENSIONS, RE-ROOFING OF EXISTING FLAT ROOF WITH PITCHED ROOF
Decision	Approve (commence within 3 years)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Egremont

Application Number	4/11/2084/0F1	
Applicant	Mr N Marston	
Location	34 SPRINGFIELD AVENUE, HIGH MEADOWS, WHITEHAVEN	
Proposal	TWO STOREY EXTENSION	
Decision	Approve (commence within 3 years)	
Decision Date	7 April 2011	
Dispatch Date	7 April 2011	
Parish	Whitehaven	

Application Number	4/11/2085/0F1	
Applicant	Mr H K Robinson	

Location	29 BOWTHORN ROAD, CLEATOR MOOR
Proposal	ERECTION OF SINGLE AND TWO STOREY EXTENSION TO REAR
Decision	Approve (commence within 3 years)
Decision Date	28 March 2011
Dispatch Date	28 March 2011
Parish	Cleator Moor

Application Number	4/11/2086/0F1
Applicant	Mr R Sim
Location	2 BORROWDALE ROAD, MIREHOUSE, WHITEHAVEN
Proposal	APPLICATION TO REPLACE AN EXTANT PERMISSION (4/08/2161/0) IN ORDER TO EXTEND TIME LIMIT FOR IMPLEMENTATION - SIDE GARAGE EXTENSION
Decision	Approve (commence within 3 years)
Decision Date	30 March 2011
Dispatch Date	30 March 2011
Parish	Whitehaven

Application Number	4/11/2087/0F1
Applicant	Central Motor Company
Location	CENTRAL MOTOR COMPANY, LILLYHALL, DISTINGTON
Proposal	INSTALLATION OF PITCH ROOF OVER EXISTING FLAT ROOF
Decision	Approve (commence within 3 years)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Distington

Application Number	4/11/2089/0F1
Applicant	Mr M Pritt
Location	FELL VIEW, LOOP ROAD, DISTINGTON
Proposal	ERECTION OF WORKSHOP (RETROSPECTIVE)
Decision	Approve
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Distington

Application Number	4/11/2091/001
Applicant	P and K Developments
Location	FORMER METHODIST CHURCH, ENNERDALE ROAD, CLEATOR MOOR

	OUTLINE APPLICATION FOR DEMOLITION OF FORMER CHURCH TO PROVIDE 4 NO. BUILDING PLOTS FOR DORMER BUNGALOWS AS DETACHED DWELLINGS
Decision	Approve in Outline (commence within 3 years)
Decision Date	13 April 2011
Dispatch Date	13 April 2011
Parish	Cleator Moor

Application Number	4/11/2094/041
<i>Аррисаціон</i> Nu mber	14/11/2034/0A1
Applicant	Lidl UK GmbH
Location	LIDL STORE, BRIDGES RETAIL PARK, FLATT WALKS, WHITEHAVEN
Proposal	ERECTION OF ONE NON-ILLUMINATED ADVERTISEMENT HOARDING SIGN (RE-SUBMISSION)
Decision	Refuse Advertisement Consent
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Whitehaven

Application Number	4/11/2102/0F1
Applicant	Mr Lofthouse
Location	39 MUNCASTER ROAD, RICHMOND, WHITEHAVEN
Proposal	REAR CONSERVATORY
Decision	Approve (commence within 3 years)
Decision Date	7 April 2011
Dispatch Date	7 April 2011
Parish	Whitehaven

Application Number	4/11/2109/0F1
Applicant	Mr and Mrs J Easthope
Location	7 WOODLEA GROVE, SUMMERGROVE, CLEATOR MOOR
Proposal	SINGLE STOREY EXTENSION TO THE REAR
Decision	Approve (commence within 3 years)
Decision Date	13 April 2011
Dispatch Date	13 April 2011
Parish	Weddicar

Application Number	4/11/2110/0F1
Applicant	Mr and Mrs S McCartney
Location	50 HOLLY BANK, THE HIGHLANDS, WHITEHAVEN
	REAR SINGLE STOREY FAMILYROOM/DININGROOM EXTENSION

Decision	Approve (commence within 3 years)
Decision Date	13 April 2011
Dispatch Date	13 April 2011
Parish	Whitehaven

Application Number	4/11/2117/0F1
Applicant	Mr J Quayle
Location	35 OVEREND ROAD, WHITEHAVEN
Proposal	ERECTION OF SINGLE STOREY SIDE EXTENSION; PORCH TO FRONT; CONSERVATORY TO REAR & NEW VEHICULAR DRIVEWAY TO FRONT
Decision	Approve (commence within 3 years)
Decision Date	13 April 2011
Dispatch Date	13 April 2011
Parish	Whitehaven