

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.

PLANNING PANEL- 29 FEBRUARY 2012

AGENDA

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SCHEDULE OF DELEGATED DECISIONS

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ITEM NO: 1.

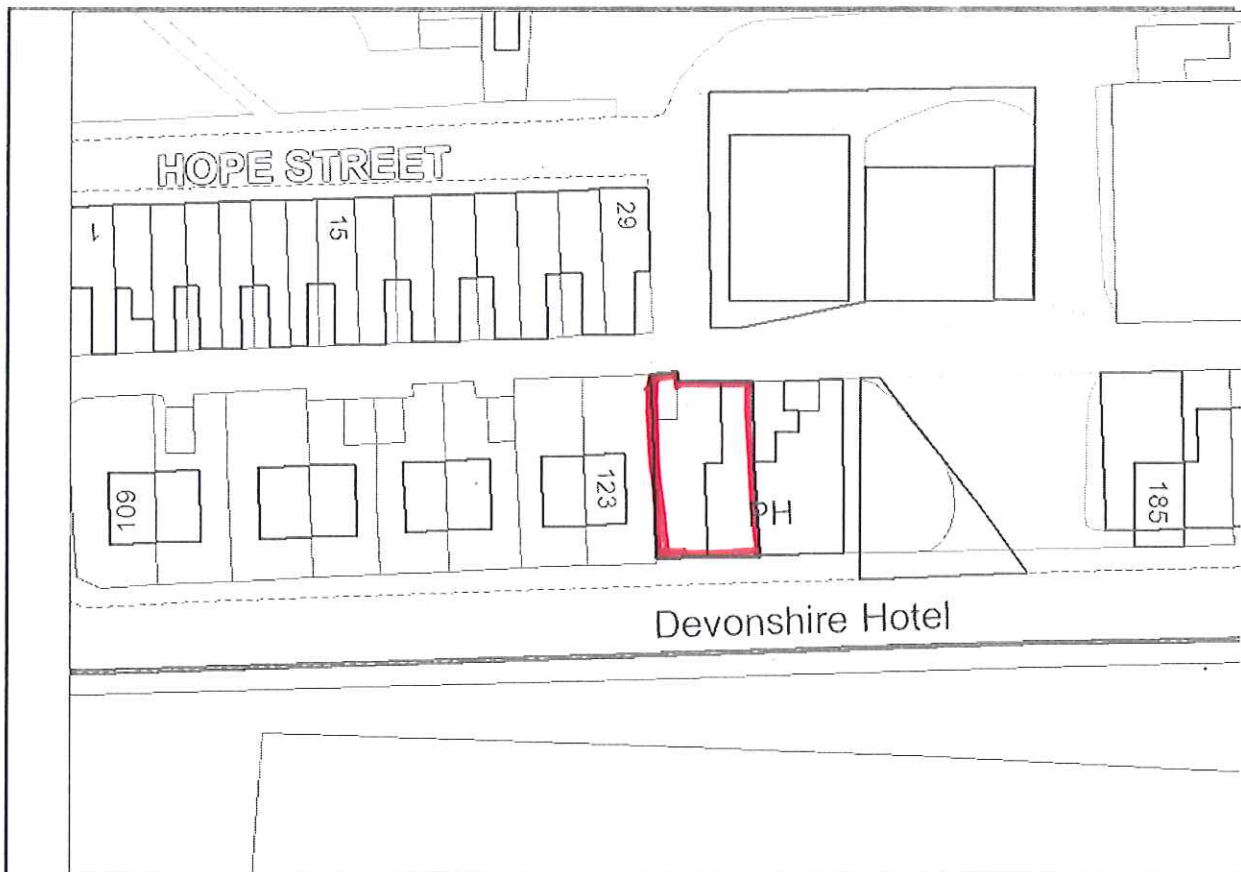


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 29/02/2012

Application Number:	4/11/2582/OF1
Application Type:	Full : CBC
Applicant:	Ms T A Towers
Application Address:	173 DEVONSHIRE ROAD, MILLOM
Proposal	THREE STOREY SIDE EXTENSION & SINGLE STOREY EXTENSION TO REAR, REPLACEMENT GARAGE & INTERNAL ALTERATIONS
Parish:	Millom
Recommendation Summary:	Delegated subject to no objection



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PROPOSAL

Planning permission is sought to construct a three storey extension to the side of this semi-detached property fronting Devonshire Road in Millom.

At the last meeting Members resolved to carry out a site visit following a request by the Town Council. The site visit took place on Wednesday 15 February 2012.

The property adjoins the Devonshire Hotel, with existing first and second floor bedrooms located above part of the Hotels bar at ground floor level. To the west is 128 Devonshire Road, a two storey house and to the south is the sports field.

It is also proposed to construct a single storey L-shaped extension to the rear and a single storey garage. The existing garage and single storey off-shoot and side porch will be demolished to make way for the development.

The proposed three storey extension will measure 4.35m in width and 5.85m in depth. It will be 9.6m in height compared to the existing building which is 10.9m in height. A bay window feature is proposed at ground floor level and overall the main three storey frontage (excluding the bay window) will be set back 3.6m from the existing frontage.

In terms of its positioning, the extension will be sited 2.55m from the side boundary of no. 123 Devonshire Road to the west. The extension will have a single window in the side elevation at ground floor level, fitted with obscure glazing.

The proposed single storey extension will project 7.2m from the existing rear elevation and 3.9m from the rear of the new three storey extension. It will be between 3.5m and 7.65m in width and 4.1m in height with a hipped roof.

The garage, which will adjoin the corner of the single storey extension, will be 6.5m in length, between 2.5m and 3.0m in width and 3.2m in height. It will be sited 0.1m from the side boundary with no. 123 Devonshire Road. At present the existing garage actually abuts both the side and rear boundaries of the site.

In terms of accommodation the new extensions will create a lounge/diner, kitchen/snug, utility room and W.C at ground floor level. Two additional bedrooms with en-suite bathrooms will be created at first and second floor level. An existing bedroom at first floor level will be changed into a bathroom and an existing bedroom at second floor level will be used as an office.

Externally, the extensions will be finished with off white render, grey tiles and white upvc windows and doors.

CONSULTATIONS

Millom Town Council – request a site visit. As it is quite a large extension they would like a site visit to enable the Planning Panel to ensure the proposed extension would not be detrimental to the area.

Highways Authority – raise no objections provided that the cut off drains to the driveway and yard connect to suitable outfalls.

Two letters of objection have been received, one from the Landlord of the adjoining Devonshire Hotel and the other from the owners of the adjacent house, 128 Devonshire Road.

The owners of 128 Devonshire Road are concerned about the size of the extension as it would affect the early morning sunlight to the rear of their property. At present they do not get sunlight to the rear until it has passed the outline of the Hotel and no. 173. Likewise, they are concerned about parking as people visiting the pub park outside their house and cars are often left overnight. They also dispute the accuracy of the boundary shown on the submitted plans.

The Landlord of The Devonshire Hotel is concerned that until recently 173 Devonshire Road was under the same owner/occupier as the Hotel and there is now a flying freehold arrangement (which there is no mention of within the application) whereby the first and second floor bedrooms of no. 173 are immediately above the Hotels lively public bar on the ground floor and the proposed entrance hall and 'snug' would sit adjacent. He is concerned that the development will compromise the ability of the Devonshire Hotel to operate as a lively community pub without catering for the privacy and need for quiet for residents of no. 173. In summary he notes that there will be:

1. Severe loss of privacy between both properties
2. Impact of noise disturbance on both properties
3. legal implications of the flying freehold relationship between the two properties

A letter has been received from both the applicant and her agent in response to the concerns raised.

Firstly, the applicants agent points out that as the proposed three storey extension is located directly west of the existing hotel and set back from the south elevation, impact on early morning sun (east/southeast) will still be from the profile of the existing Hotel. Likewise, in terms of parking, there is currently only one off street parking place serving 173 Devonshire Road. This proposal includes a second off-street parking place and whilst access would be required, this would not have a detrimental effect on the existing parking arrangements.

Secondly, the applicant confirms that she and the current Landlord purchased the Devonshire Hotel in 2000 and lived in the top two floors and ran the business on the ground floor until recently. 173 Devonshire Road was occupied by a separate resident until her death in 2002 and it is understood that she lived there for many years and sold what would have been her parlour to the brewery in order for them to extend one of the bars of the Hotel, which is what created the flying freehold situation. In the two years prior to her death the owner never complained about noise from the bar.

The applicant purchased 173 Devonshire Road when it was put up for sale in 2002 and confirms that it has always been a separate dwelling.

With regards to the boundary between the site and no. 128 Devonshire Road, the applicant's agent confirms that the site plan is being redrawn. An amended plan is awaited.

For a matter of clarity, having consulted the Council's Council Tax department they confirm that 173 Devonshire Road is registered as a separate dwelling to the Devonshire Hotel. This is also evident on the Council's GIS and mapping systems.

PLANNING POLICY

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

DEV 2 'Key Service Centres' – seeks to focus most development in the Borough in the Key Service Centres, of which Millom is one.

DEV 4 'Development Boundaries' – the boundaries identified for each Key Service Centre indicate the physical limit to development appropriate for each settlement over the plan period. The subject property is located within the development boundary for Millom.

DEV 6 'Sustainability in Design' - sets out the Council's sustainable design criteria which all new developments must adhere to.

HSG 20 'Domestic Extensions and Alterations' - presumes in favour of allowing domestic extensions and alterations provided the scale, design and materials respect the character of the parent property; they would not lead to a significant reduction in daylighting; they would not create security, privacy or overlooking problems and they would not result in a loss of 50% or more of the undeveloped curtilage.

SUMMARY

This proposal involves the erection of a three storey side extension, replacement single storey rear extension and garage within the curtilage of this existing dwellinghouse which is located within the designated development boundary for Millom.

Although the proposal will bring the dwelling closer to the adjacent two storey house, 128 Devonshire Road, given that it will be set back 3.6m from the existing three storey frontage any impact of the development on the neighboring property would not be so significant as to warrant refusal of planning permission.

Whilst mindful of the objectors comments relating to on street parking within the locality, as pointed out by the applicant's agent, dedicated onsite parking is now being proposed for two cars. The Highways Authority are satisfied with the proposed arrangements providing there is a suitable cut off drain.

In terms of the relationship between the proposed extensions and the existing Hotel it should be noted that the existing first and second floor bedrooms serving the application property are located above part of the Hotels bar at ground floor level. This proposal seeks permission for extensions and, as such, there is no material change to the relationship between 173 Devonshire Road and the Devonshire Hotel beyond what currently exists.

Whilst it is understood that the ownership of the two properties has now changed and a 'flying freehold' arrangement now exists, this is not a material planning consideration.

On the basis of the above it is considered that the proposal accords with the above planning policies of the Copeland Local Plan. Notwithstanding this, there is still the outstanding amended plan required to show the accurate boundary between the site and the rear parking area serving 128 Devonshire Road. It is therefore recommended that authority be delegated to the Development Control Manager to grant planning permission subject to no adverse comments being received following consultation on this amended plan.

Recommendation:-

That delegated authority be given to the Development Control Manager to grant planning permission subject to no adverse comments being received following consultation on the amended layout plan.

Conditions

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

Reason

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

2. Permission shall relate to the following plans and documents as received on the

respective dates and development shall be carried out in accordance with them:-

- Location Plan, drawing no. LP-001, received 25 November 2011.
- As existing plans and elevations, drawing no. P001, received on 25 November 2011.
- Design and Access Statement, prepared by Neil Price Limited, dated 5 November 2011, received on 25 November 2011.

Reason

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

Reason for decision:-

Acceptable domestic extensions and alterations in accordance with Policies DEV 2, DEV 4, DEV 6 and HSG 20 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 2.



To: PLANNING PANEL

Development Control Manager

Date of Meeting: 29/02/2012

Application Number:	4/12/2013/OF1
Application Type:	Full : CBC
Applicant:	Story Homes
Application Address:	SITE ADJACENT TO MAGELLAN PARK, HIGH ROAD, WHITEHAVEN
Proposal	ERECTION OF 24 NO. DWELLINGS & ASSOCIATED INFRASTRUCTURE
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



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INTRODUCTION

This application relates to an area of land off High Road that was formerly in use as a car parking area associated with the Rhodia site. Outline planning permission was previously granted for the erection of 64 houses on two of the former car parking areas in 2009 under reference 4/09/2508/001. A full planning application was subsequently granted in 2010 for these dwellings under reference 4/10/2331/0F1. These dwellings are currently under construction.

PROPOSAL

Planning permission is now sought for the redevelopment of the third former car park to provide a further 24 new residential properties which will form phase two of the overall scheme. The submitted details show a mix of three and four bedroomed semi detached and detached dwellings.

The submitted layout has been designed with a continuous frontage of houses along High Road. Behind this frontage the houses are arranged in two separate blocks that are served by internal estate roads. Access into the site is to be achieved using an existing entrance off High Road which was created as part of phase one of this development. The layout has been designed so that each dwelling has an individual driveway and a dedicated parking area within each plot. The application also provides for the continuation of the cycle/pedestrian link from the first phase of the development.

The application is accompanied by the following information:-

- Detailed layout and elevation plans including site sections and street scenes
- Design and access statement
- Transport statement
- Travel plan.

The proposal is also accompanied by two additional planning applications (references 4/12/1012/0F1 and 4/12/2029/0F1) which relate to other land within the Woodhouse estate under the ownership of the Home Group. The proposals are to construct an additional 11 dwellings in a partnership agreement between Story Homes and the Home Group which are to be sold as open market housing on a profit shared basis. The Home Group are keen to see the introduction of open market housing within the Woodhouse estate which will introduce a wider tenure choice that will help to progress the Woodhouse Evolution housing regeneration plan. A unilateral agreement has been provided with the application to cover all three sites and it is anticipated that the legal agreement will include a threshold of development on this site which will trigger both the commencement and completion of development on the other two sites.

CONSULTEE RESPONSES

Highways Control Officer

This application is a further extension of Magellan Park following on from the planning application in 2009. This application takes its main access off the approved aforementioned permission and as such is intrinsically linked to that development. Therefore the comments

made at that time and the conditions sought by the Highway Authority at that time should still apply to this application.

The applications dwellings should be included in the travel plan previously conditioned. There is therefore no need for an additional monitoring contribution.

The Section 278 Agreement previously conditioned is now in place and there is no need to once again place this condition on this application.

The applicant should ensure that the layout of this application does not jeopardize potential further dwellings proposed off the access road. The layout indicates a shared access road, this road type is capable of giving access to a maximum of 20 dwellings.

The applicant should ensure that the cycleway (and its TRO) is in place prior to the occupation of any dwelling hereby permitted.

Environment Agency

No objections provided that all made ground is removed as proposed. A site Waste Management Plan will be required. A condition should also be attached to any permission relating to the remedial strategy for contamination.

Scientific Officer

The site investigation for this site has already been carried out as part of the wider investigation into Magellan Park. As such the recommendations from earlier work stand and a condition should be added to the planning permission to ensure that the remediation is carried out.

The ground investigation summary for car park 3 which briefly covers the remediation to be undertaken on the site before and as development is undertaken. This involves the removal of made ground back to the natural strata and a 300 mm cover layer on soft landscaping. As with Magellan Park this is a suitable approach.

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 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.

Policy HSG 12 supports proposals for new development and environmental works which form part of approved neighbourhood renewal packages or similar estate action plans.

ASSESSMENT

Although this site is not allocated in the adopted Copeland Local Plan it is a brown field site and falls within the designated development boundary for Whitehaven. Its redevelopment for housing is considered to be appropriate and constitutes a sustainable form of development.

The submitted layout is considered to be acceptable and would meet the requirements set out in Policy HSG 8 of the adopted Copeland Local Plan.

The two other related applications for new housing development within the Woodhouse estate which relate to small scale infill development will be determined under delegated powers. These dwellings will help to progress the Woodhouse Evolution housing regeneration plan and are considered to be acceptable. The use of a Section 106 Agreement will ensure that these particular schemes are delivered within an agreed timescale.

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. Prior to the commencement of development a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and provide arrangements for contingency action should be submitted to and approved in writing by the Local Planning Authority.

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

Reason

To ensure that all risks associated with contamination are dealt with.

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

Reason

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

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

Reason

To ensure the provision of a satisfactory drainage scheme.

5. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal / cross sections, shall be submitted to and approved in writing

by the Local Planning Authority before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current *Cumbria Design Guide*. Any works so approved shall be constructed before the development is complete.

Reason

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

6. The private shared driveways shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

Reason

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

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

Reason

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

8. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

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

Reason

In the interests of highway safety and environmental management.

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

Reason

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

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

Reason

To ensure a suitable standard of crossing for pedestrian safety.

12. The development shall not commence until visibility splays providing clear visibility of 2.4 metres x 70 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

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

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

Reason

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

interests of highway safety.

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

Reason

In the interests of highway safety.

15. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is occupied / brought into use.

Reason

In the interests of highway safety.

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

Reason

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

INFORMATIVES

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com <<http://www.groundstability.com/>>

2. The Environment Agency has advised that there is a legal requirement for you to have a site waste management plan (SWMP) for this construction project. Further information can be found at www.netregs-swmp.co.uk
3. The dwellings approved by this permission should be included in the travel plan for the whole of the Magellan Park development. This will negate the need for any additional monitoring contribution.

Reason for Decision

An acceptable housing scheme on this brown field site which lies within the designated development boundary of Whitehaven which will boost the housing regeneration scheme in the local area in accordance with policies DEV 2, DEV 6, HSG 4, HSG 8 and HSG 12 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 3.



To: PLANNING PANEL

Development Control Manager

Date of Meeting: 29/02/2012

Application Number:	4/12/2067/OC1
Application Type:	Conservation Area Consent : CBC
Applicant:	Westlakes Properties Ltd
Application Address:	ALBION SQUARE, ROSEMARY LANE/ALBION STREET, WHITEHAVEN
Proposal	CONSERVATION AREA CONSENT FOR DEMOLITION OF BUILDINGS
Parish:	Whitehaven
Recommendation Summary:	Approve Conservation Area Consent (within 3yrs)



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INTRODUCTION

This application relates to two areas of land which front onto Swing Pump Lane and are separated by Albion Street. The two sites lie within the Conservation Area.

The Council secured Conservation Area Consent to demolish a number of dilapidated buildings which occupy the site in 2010 under reference 4/10/2133/OC1. This Consent was specifically granted to the Council by the Department for Communities and Local Government under legislation relating to development by Local Authorities.

As the Council will not be the developer of the site the current consent cannot be used to carry out the demolition required to allow the redevelopment of the site. This application seeks to overcome this issue.

PROPOSAL

Conservation Area Consent for the demolition of all of the buildings on the site with the exception of the existing public house which lies adjacent to the junction of Albion Street and Swing Pump Lane, a tall historic chimney and a section of stone walling which fronts onto Rosemary Lane. The demolition will enable the site to be redeveloped to provide modern office accommodation. A detailed planning application for the redevelopment of the site was approved in 2010 under reference 4/10/2130/0F1.

The application is accompanied by the following information:-

- A planning statement
- An historic building survey
- A wildlife survey
- A phasing plan and timetable for the demolition works

CONSULTATION RESPONSES

Natural England

The protected species survey has identified that bats, a European Protected species may be affected by this application. However the scale of the impact is low and mitigation has been provided which is appropriate and proportionate to the scale of the impact. Using standing advice Natural England do not object to permission being granted subject to appropriate conditions, including a detailed mitigation and monitoring strategy for bats.

North of England Civic Trust

No objections provided that the planning permission for the redevelopment of the site is still valid.

County Historic Environment Officer

The submitted historic building survey report is an adequate record of the surviving historic structures on site. On this basis I have no objections to the demolition of the building.

The site has the potential to contain buried archaeological remains so it is important that any disturbance of the ground during the course of the proposed demolition of the buildings is kept to a minimum. If the demolition will disturb the ground then a programme of archaeological monitoring may be required.

Scientific Officer

The land is almost certain to have contaminants but as the demolition only involves removing surface structures this should not be an issue.

A full site investigation and remediation will be required prior to redeveloping the site.

PLANNING POLICY

Government guidance on conservation of the historic environment is set out in Planning Policy Statement 5 – Planning for the Historic Environment (2010). This clarifies that Local Planning Authorities (LPA) should assess the significance of heritage assets affected and the contribution of their setting to that significance. The loss of any heritage asset will require clear and convincing justification.

LPAs should take into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. Where an element does not positively contribute to its significance the LPA should take into account the desirability of enhancing the significance of the Conservation Area including where appropriate through development of that element. This should be seen as part of the process of place shaping.

Where loss is justified the Local Planning Authority should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate.

Government guidance on ecology is set out in Planning Policy Statement 9 – Planning for Biodiversity and Geological Conservation and its associated Good Practice Guide. This stresses that the presence of a protected species is a material planning consideration if a development proposed is carried out and is likely to result in harm to the species or its habitats. Planning applications should be accompanied by appropriate ecological surveys which should set out any required mitigation or compensatory measures.

Policy ENV 25 of the adopted Copeland Local Plan relates to demolition in Conservation Areas. It states

“The demolition of buildings which make a positive contribution to a Conservation Area will not be permitted unless the Council is satisfied that no viable use can be found following adequate efforts. In all cases where demolition is permitted this will be subject to the carrying out of a redevelopment scheme which enhances the Conservation Area consecutive to the demolition.

All proposals for demolition must be accompanied by details of redevelopment, which will be secured by means of a legal agreement.”

Policy ENV 5 of the Local Plan seeks to ensure development will not have an adverse impact on protected species and their habitats. Appropriate mitigation and compensatory measures should be considered.

The adopted Conservation Area Character Appraisal outlines that the site falls within the Old Town which is the extent of the town prior to the involvement of the Lowther family (1630 onwards). It acknowledges that the site is occupied by a number of semi vacant sites and that the existing buildings create an extremely incoherent and incomplete streetscape which does little to enhance the character and appearance of the Conservation Area.

ASSESSMENT

The justification for the demolition of the existing buildings on the site has already been established as required by PPS 5 in consultation with English Heritage. The existing buildings are in a dilapidated condition and do not contribute to the character and appearance of the Conservation Area. Their removal will allow the site to be redeveloped to form two high quality office blocks which will have a significant impact on the regeneration of this part of the town.

A full historic building survey has been provided with the application which records the existing buildings and structures on the site in accordance with a specification and brief that was prepared by the County Archaeologist.

The other key issue relates to ecology. There is a single bat roost on the southern section of the site which will be destroyed as a result of the proposed demolition.

In order to minimise impacts on the bat it is proposed to phase the demolition works. The southern section of the site will be demolished as phase two, and the works on this part of the site will be limited to avoid the hibernation period for bats which runs from 15th November to 15th April in any calendar year. Additional emergence surveys will also be required before any demolition takes place.

A European Species Licence will be required to remove this bat roost if Conservation Area Consent is granted.

Recommendation:-

Approve Conservation Area Consent

Conditions

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

Reason

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

2. No demolition approved by this permission shall take place on the southern section of the site identified as phase two in the submitted documents between 15th November and 15th April within any calendar year.

Reason

To minimise the risk of disturbing or harming bats.

3. No demolition works identified as phase two activities in the submitted documents shall take place until further bat surveys have been completed and submitted to and approved in writing by the Local Planning Authority. Such surveys should include mitigation measures as appropriate.

Reason

To minimise the risk of disturbing or harming bats.

4. The development shall implement all of the mitigation and compensation measures set out in the Wildlife Survey, prepared by Thurston Watson Ecology Consultancy Ltd dated January 2012 (reference AS0112C) including the installation of a bat box at a minimum height of 5 metres from the ground on the western elevation of the chimney stack that is to be retained as part of this development.

Reasons

To protect the ecological interests evident on the site.

INFORMATIVE

A European Protected Species Licence will be required for this development as a Common Pipistrelle roost will be destroyed when the buildings on the southern section of the site are demolished.

Reason for Decision

The existing buildings on the site are not considered to make a positive contribution to the Whitehaven Conservation Area and their removal will allow the site to be redeveloped which will result in an enhancement to this part of the Conservation Area in accordance with the guidance set out in Planning Policy Statement 5 and also Policy ENV 25 of the adopted Copeland Local Plan 2001-2016.

ITEM NO: 4.

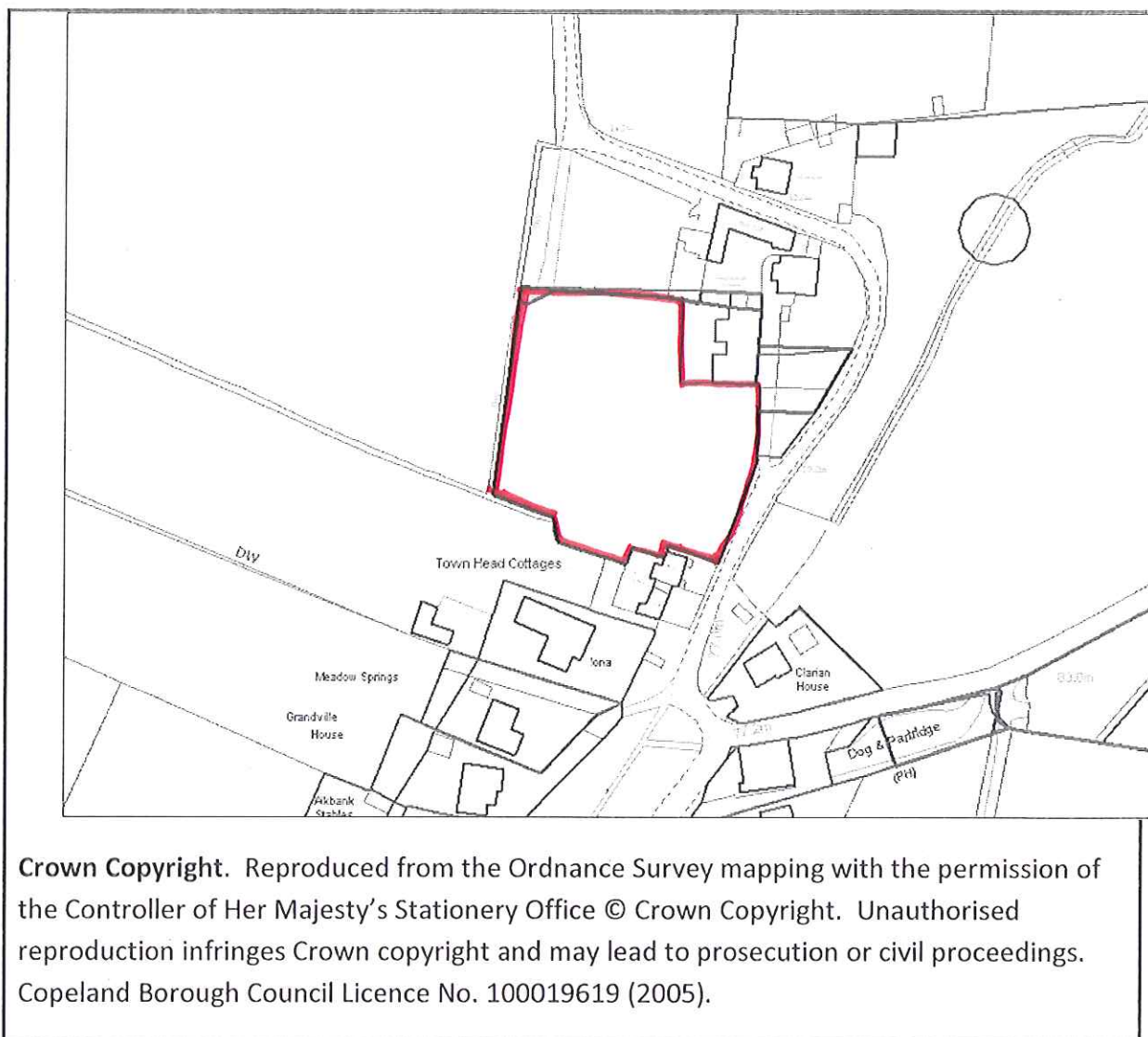


To: PLANNING PANEL

Development Control Manager

Date of Meeting: 29/02/2012

Application Number:	4/12/2073/001
Application Type:	Outline : CBC
Applicant:	Westhouse Investments
Application Address:	LAND AT TOWNHEAD FARM, SANDWITH, WHITEHAVEN
Proposal	OUTLINE APPLICATION FOR FIVE DWELLINGS
Parish:	Whitehaven
Recommendation Summary:	Site Visit



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This application relates to the land to the rear of Townhead Farm which is located on the north west edge of Sandwith village.

Outline planning permission was granted for the conversion of an existing barn and the redevelopment of the land to form a total of 12 dwellings in 2004 under reference 4/04/2046/001.

Planning permission was subsequently granted for the road and plot layout for 12 dwellings on the site in 2004 under reference 4/04/2771/0F1. The access and estate road have since been constructed on the site. However a number of pre commencement conditions were attached to this permission which have never been complied with. This technically means

that the works which have been carried out are unauthorised and the permission has now lapsed.

Outline planning permission is now sought for the redevelopment of the site to provide a total of 5 detached dwellings on the land to the rear of the barn. These are to be sold off as self build plots.

Although the application has only been submitted in outline form the applicant's agent has indicated that the dwellings will be two storeys in height and are likely to be designed to allow the use of the roof space as additional accommodation. The pitched roofs will be covered with concrete tiles and the walls will be faced with either sandstone or red brick with sandstone quoins and lintels.

The existing entrance will be used to access the site with each plot served off the existing estate road.

Although this site has always been envisaged as a residential site Sandwith is no longer designated under the adopted Copeland Local Plan as being a settlement where new dwellings are permitted. The history of the site is complex and is considered to be a material planning consideration in this case.

Members are recommended to visit the site to ensure that they are familiar with the existing status of the land and the policy issues raised by this proposal.

Recommendation:-

Site Visit

Date
From 23/01/2012Date
To 17/02/2012[View Report](#)

1

of 5



100%

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List of Delegated Decisions

Selection Criteria:

From Date: 23/01/2012**To Date:** 17/02/2012**Printed Date:** Monday, February 20, 2012**Printed Time:** 11:21 AM

Application Number	4/11/2591/0F1
Applicant	Mr A Fox
Location	RYDYL HOUSE, STAMFORD HILL, LOWCA, WHITEHAVEN
Proposal	CHANGE OF ACCESS (RETROSPECTIVE)
Decision	Refuse
Decision Date	2 February 2012
Dispatch Date	2 February 2012
Parish	Lowca

Application Number	4/11/2598/0L1
Applicant	Mr I Congdon
Location	WELLINGTON HOUSE, 11 WELLINGTON ROW, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR REFURBISHMENT OF CELLAR, REINSTATEMENT OF FORMER WINDOWS/WINDOW OPENINGS
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	9 February 2012
Dispatch Date	9 February 2012
Parish	Whitehaven

Application Number	4/11/2599/0F1
Applicant	Mr and Mrs M Gill
Location	8 WEST SPUR, MOOR ROW
Proposal	REMOVE EXISTING GARAGE & BUILD NEW GARAGE & EXTENSION TO REAR
Decision	Approve (commence within 3 years)
Decision Date	9 February 2012
Dispatch Date	9 February 2012
Parish	Egremont

Application Number	4/11/2600/0F1
Applicant	Gorse Development Ltd
Location	GORSE DEVELOPMENTS LTD, MILLOM ROAD, MILLOM
Proposal	APPLICATION FOR VARIATION OF CONDITION 16 FOLLOWING GRANT OF PLANNING PERMISSION (4/08/2388/0F1)
Decision	Approve
Decision Date	9 February 2012
Dispatch Date	9 February 2012
Parish	Millom

Application Number	4/11/2601/0F1
Applicant	Westlakes Holiday Cottages
Location	MILL HILL FARM, KEEKLE, CLEATOR MOOR
Proposal	HOLIDAY ACCOMMODATION DEVELOPMENT TO PROVIDE 15 NO. UNITS AND HOUSEKEEPING FACILITY WITH ASSOCIATED SITE WORKS INCLUDING PARKING AND LANDSCAPING
Decision	Withdrawn
Decision Date	17 February 2012
Dispatch Date	17 February 2012
Parish	Weddicar

Application Number	4/11/2602/001
Applicant	Mr B Jones

Location	RATLINGATE FARM, CROSSFIELD ROAD, CLEATOR MOOR
Proposal	OUTLINE APPLICATION FOR ERECTION OF A SINGLE REPLACEMENT DWELLING
Decision	Approve in Outline (commence within 3 years)
Decision Date	9 February 2012
Dispatch Date	9 February 2012
Parish	Cleator Moor

Application Number	4/11/2603/0F1
Applicant	Slacks Millom Ltd
Location	SLACKS MILLOM LTD, BORWICK RAILS, MILLOM
Proposal	ERECTION OF MACHINE SHELTER
Decision	Approve (commence within 3 years)
Decision Date	9 February 2012
Dispatch Date	9 February 2012
Parish	Millom

Application Number	4/11/2604/0A1
Applicant	Cumberland Building Society
Location	CUMBERLAND BUILDING SOCIETY, 52 HIGH STREET, CLEATOR MOOR
Proposal	INTERNALLY ILLUMINATED PROJECTING SIGN & FASCIA SIGN (OVER NEW ATM MACHINE)
Decision	Approve Advertisement Consent
Decision Date	9 February 2012
Dispatch Date	9 February 2012
Parish	Cleator Moor

Application Number	4/11/2605/0F1
Applicant	Cumberland Building Society
Location	CUMBERLAND BUILDING SOCIETY, 52 HIGH STREET, CLEATOR MOOR
Proposal	SINGLE STOREY PITCH ROOF EXTENSION TO ACCOMMODATE ATM CASH MACHINE
Decision	Approve (commence within 3 years)
Decision Date	9 February 2012
Dispatch Date	9 February 2012
Parish	Cleator Moor

Application Number	4/11/2606/0F1
Applicant	C Sice and C Gill
Location	PLOT 32, FORMER WHITE SCHOOL (COLLIERS WAY), KELLS, WHITEHAVEN
Proposal	ERECTION OF DETACHED DWELLING
Decision	Approve (commence within 3 years)
Decision Date	10 February 2012
Dispatch Date	10 February 2012
Parish	Whitehaven

Application Number	4/11/2608/0F1
Applicant	St Bridgets RC School
Location	ST BRIDGETS R C SCHOOL, ST BRIDGETS LANE, EGREMONT
Proposal	EXTENSION TO EXISTING PRIMARY SCHOOL
Decision	Approve (commence within 3 years)

Decision Date	10 February 2012
Dispatch Date	10 February 2012
Parish	Egremont

Application Number	4/11/2609/OF1
Applicant	Mr M Carpenter
Location	128 DEVONSHIRE ROAD, MILLOM
Proposal	ERECTION OF PORCH & BAY WINDOW TO FRONT ELEVATION
Decision	Approve (commence within 3 years)
Decision Date	10 February 2012
Dispatch Date	10 February 2012
Parish	Millom

Application Number	4/11/2610/OF1
Applicant	Western Lakes Limited
Location	WHITEHAVEN GOLF CLUB, RED LONNING, WHITEHAVEN
Proposal	ERECTION OF I.T. UTILITIES BUILDING
Decision	Approve (commence within 3 years)
Decision Date	10 February 2012
Dispatch Date	10 February 2012
Parish	Whitehaven

Application Number	4/11/2611/OF1
Applicant	Sellafield Ltd
Location	SELLAFIELD, SEASCALE
Proposal	VARIATION OF CONDITION 1 OF 4/06/2861 TO EXTEND EXISTING PLANNING PERMISSION FOR A FURTHER 5 YEARS
Decision	Approve
Decision Date	13 February 2012
Dispatch Date	13 February 2012
Parish	Beckermest

Application Number	4/11/2612/OF1
Applicant	Sellafield Ltd
Location	SELLAFIELD, SEASCALE
Proposal	VARIATION OF CONDITION 1 OF 4/06/2769 TO EXTEND EXISTING PLANNING PERMISSION FOR A FURTHER 20 YEARS
Decision	Approve
Decision Date	13 February 2012
Dispatch Date	13 February 2012
Parish	Beckermest

Application Number	4/11/2613/OF1
Applicant	Sellafield Ltd
Location	SELLAFIELD, SEASCALE
Proposal	VARIATION OF CONDITION 1 OF 4/06/2860 TO EXTEND EXISTING PLANNING PERMISSION FOR A FURTHER 5 YEARS
Decision	Approve
Decision Date	13 February 2012
Dispatch Date	13 February 2012
Parish	Beckermest

Application Number	4/11/9012/0F2
Applicant	West Coast Composting Ltd
Location	WEST COAST COMPOSTING LTD, WILSON PIT YARD, HIGH ROAD, SANDWITH, WHITEHAVEN
Proposal	2 No. EXTENSIONS TO EXISTING BUILDINGS
Decision	County Council Approved
Decision Date	15 February 2012
Dispatch Date	15 February 2012
Parish	Whitehaven

Application Number	4/12/2017/0F1
Applicant	Miss M Mwanje
Location	96 RUTLAND AVENUE, WHITEHAVEN
Proposal	APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED SINGLE STOREY SIDE EXTENSION
Decision	Approve
Decision Date	10 February 2012
Dispatch Date	10 February 2012
Parish	Whitehaven

Application Number	4/12/2019/TPO
Applicant	Mr D Ditchburn
Location	BETHANY HOUSE, CORKICKLE, WHITEHAVEN
Proposal	FELL BEECH TREE SITUATED WITHIN A CONSERVATION AREA
Decision	TREE PRESERVATION APPROVE
Decision Date	9 February 2012
Dispatch Date	10 February 2012
Parish	Whitehaven

Application Number	4/12/2033/0L1
Applicant	Harbourside Development MCL
Location	HARBOURSIDE FLATS, WEST STRAND, WHITEHAVEN
Proposal	LISTED BUILDING CONSENT FOR THE ERECTION OF SATELLITE DISH
Decision	Approve Listed Building Consent (start within 3yr)
Decision Date	10 February 2012
Dispatch Date	10 February 2012
Parish	Whitehaven

Application Number	4/12/2037/0F1
Applicant	Mr P Cartmel
Location	2 WOODBANK, OAKBANK, WHITEHAVEN
Proposal	FRONT DORMER WINDOW & SINGLE STOREY REAR & SIDE EXTENSIONS
Decision	Approve (commence within 3 years)
Decision Date	10 February 2012
Dispatch Date	10 February 2012
Parish	Whitehaven