

**PLANNING PANEL- 30 MARCH 2011**  
**AGENDA**

		<b>PAGE</b>
	<b><u>SCHEDULE OF APPLICATIONS - CBC</u></b>	
Item 1	4/10/2494/0F1	1
	Change of Use of Part of Field to Stone Surfaced Yard for the Storage Of Agricultural Machinery Whin Bank, Rottington	
Item 2	4/11/2006/0F1	14
	Construction of a Pair of 3 Bedroomed Semi Detached Properties 121 Main Street, Frizington	
Item 3	4/11/2007/0F1	22
	Erection of a Storage Bunker (Lime), Construction of Road and Earth Bund Part Field adjacent to Wilson Pit Yard, High Road, Whitehaven	
Item 4	4/11/2012/0F1	29
	Erection of Detached Four Bedroomed Dwelling & Detached Garage Land adjacent to 50 Loop Road North, Whitehaven	
Item 5	4/11/2034/0F1	35
	Erection of 9 Dwellings and New Access Road Land adjacent to Millom Cricket Club, St George's Road, Millom	
Item 6	4/11/2045/0F1	46
	Change of Use from Residential Dwelling to Private Breeding and Cattery (Retrospective) Lingmell Lodge, Gosforth Road, Seascale	
	<b><u>SCHEDULE OF DELEGATED DECISIONS</u></b>	<b>51</b>

## STANDARD CONDITIONS

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

### Outline Consent

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

### Reserved Matters Consent

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

### Full Consent

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

## RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

---

ITEM NO: 1.

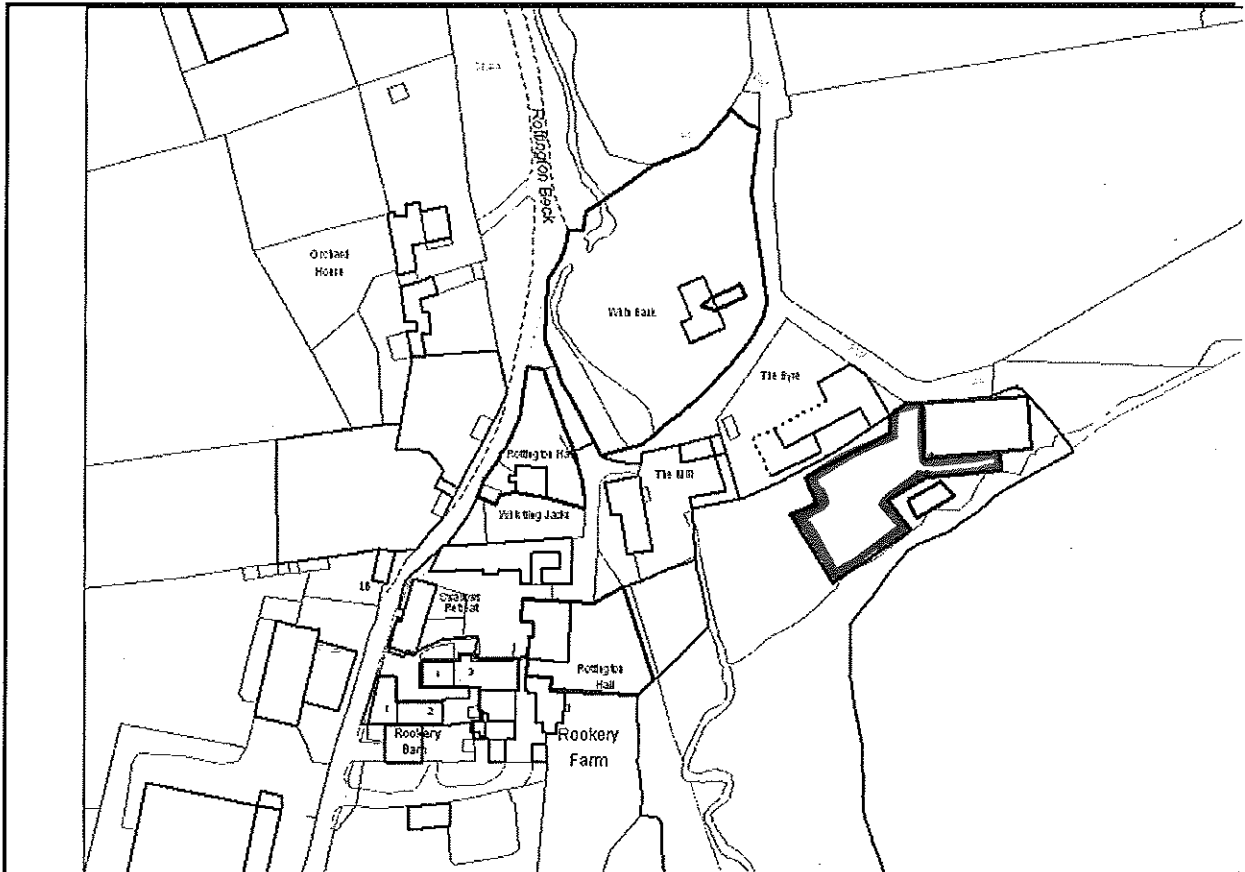


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 30/03/2011

<b>Application Number:</b>	4/10/2494/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	T W West Limited
<b>Application Address:</b>	WHIN BANK, ROTTINGTON, WHITEHAVEN
<b>Proposal</b>	CHANGE OF USE OF PART OF FIELD TO STONE SURFACED YARD FOR THE STORAGE OF AGRICULTURAL MACHINERY (RE-SUBMISSION)
<b>Parish:</b>	St. Bees
<b>Recommendation Summary:</b>	Approve



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

## BACKGROUND

Following a site visit on Wednesday 5 January 2011 Members considered this application and resolved to defer it pending the submission of further information.

Planning permission was originally granted for the erection of an agricultural workers dwelling at Whin Bank, Rottington in 1990 (4/90/0111/0 refers). At the time the applicant ran his agricultural contracting business from an adjoining barn but lived with his parents some distance away. The business involved the hiring of farm machinery to local farms within a 30 mile radius for such operations as ploughing.

In December 2009 planning permission was granted for the retrospective siting of two containers and for the erection of a new agricultural building to the south of this existing barn (4/09/2480/0F1 and 4/09/2481/0F1 refer).

## PROPOSAL

Planning permission is now sought, in retrospect, for a change of use of this former field to the south of the existing yard and barn to create an additional stone surfaced area for the storage of agricultural machinery in association with this existing agricultural business. Previously the site was a field.

An original application for this scheme was submitted at the end of 2009 but was subsequently withdrawn given a lack of information (4/09/2543/0F1 refers).

The level of the land has been altered through the movement of material. According to the cross section submitted, the land has been levelled southwards. This has involved cutting and filling by removing earth from alongside the existing site (2.2m in height) and levelling this southward, raising the level of the land close to the stream by 2.1m.

Vehicular access to the site is off Rottington Road and along an existing surfaced lane/driveway serving the applicants dwelling, Whin Bank, and existing business premises. A hardcore surfaced track then continues to the side and rear of the existing agricultural buildings.

A stream runs along the western boundary of the site. The applicant has amended the application form to confirm this, having originally stated that the site is not within 20m of a watercourse.

Following the Planning Panel meeting on the 5 January 2011 additional information in the form of a supporting letter and breakdown of machinery and vehicular movements, together with a comprehensive planting scheme have now been submitted.

## CONSULTATIONS

St Bees Parish Council initially requested a site visit be carried out given that there have been a series of planning applications for the site and a site visit would allow for an appropriate assessment in the context of the bigger picture. Since the site visit and following re-consultation on the additional information, no further comments have been received.

The Highways Authority have raised no objections to the development but note that the applicant should ensure that public right of way no. 422010 remains unobstructed at all times.

The Council's Flood and Coastal Defence Engineer notes that surface water will discharge into the existing watercourse. He has requested confirmation that this will be via the existing oil interceptor. The applicant has confirmed that this is the case.

Cumbria County Council confirm that they can only provide landscape advice on applications which are deemed to be Category One development, i.e. of a strategic scale or nature.

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

1. Application errors - the description of the application is inadequate and should be amended; the applicant has replied 'no' to flood assessment; the applicant has replied 'no' to water course within 20 metres; no response to any trees or hedges on the site; the applicant states the site is vacant and no response to the end of previous use.
2. The plans are of poor quality and very difficult to understand, there is no detailed site survey. It would be difficult to decide whether any development has been carried out in accordance with the approved plans as a result.
3. The plan which shows the tree planting is not to scale and the plan has not been outlined in red and blue, both requirements of validation.

4. Note that there is no further tree planting scheme to accompany this application. Any planting done so far as part of previous applications is totally inadequate to screen the size of development, which is visible from two public footpaths. All trees to date are deciduous so we are looking at twigs for 6 months of the year. This does not serve the purpose for which it is intended.
5. Lighting - could consideration be given to limiting the time when artificial light is permitted.
6. In-fill materials – photographs submitted to show the type of in-fill used by the application which does not accord with what the applicant has stated. Tipper wagons have brought waste materials onto site e.g. concrete lumps, curbs etc and tonnes of materials from the nearby Town Head Development.
7. Policy – we know of no policy support for creation of a parking area for machinery in the open countryside.
8. Harm to visual amenity in the open countryside location.
9. When visiting the Council offices only an envelope with very little information was available to view, with no list of notifications.
10. Yet another retrospective application for a business which has been operating in the area of the application for at least 18 months. Why has it taken so long for this matter to be addressed?
11. In the last application the Councils Flood and Coastal Defence Engineer required further information regarding discharge and measures to prevent pollution. No details have been submitted, which should be considered as part of the application.
12. No information has been submitted regarding the actual site e.g. commercial activities.



In response to the points the following comments are offered:

The applicant has confirmed in writing that the site is within 20.0m of a water course and that this was an error on the application form.

As the objectors rightly point out, all applications must include a location plan with the application site edged clearly with a red line and a blue line drawn around any other land owned by the applicant, close to or adjoining the application site. A location plan accompanied this application at the time of submission and, as such, the application was deemed valid. However, we are now aware that the location plan together with the application file were removed by persons unknown from our reception area. A new file was created and the location plan replaced and forwarded to the objectors.

It was agreed that the application description was lacking in detail. As such, this was amended to include "*for the storage of agricultural machinery*" to avoid any confusion. All consultees were informed of this amendment.

A revised site location plan was submitted on 4 January 2011.

Whilst it is recognised that some tree planting has been carried out to mitigate against the erection of the previously approved containers, there has been a vast degree of failure. As such, there has been an ongoing dialogue with the applicant which has culminated in the submission of a new comprehensive tree planting and maintenance scheme for the entire site. In summary, this will involve the planting of x 87 specimens along the west and southern perimeters of the site. The species of tree varies and, amongst others will include Alder, Oak, Pine, Larch, Poplar, Holly and Ash.

A supporting statement from the applicant including a list of equipment owned, and comprehensive breakdown of vehicle movements has now been submitted in support of the application. A copy of the supporting letter is attached, within which the applicant confirms that he farms in his own right, for example, he grows a range of crops for onward sale, as well as operating an agricultural contracting business.

In terms of vehicular movements, whilst there are seasonal variations, on average there are 1902 movements from the Whin Bank site over a 12 month period. In terms of staff, there are 8 permanent workers, 3 temporary and up to 20 casual during the summer.

All parties have been forwarded copies of this additional information, including the tree planting specification for re-consultation.

The Councils Landscape Officer is satisfied with the proposed planting scheme.

A further letter has since been received from the owners of an adjacent property. They raise the following points:-

1. Once trees become established, will there be any conditions/preservation orders imposed?
2. The Sycamore tree to be removed and replanted. How many trees and are these from the total number on the submitted list? Will there be a time limit for this work or is it part of the bigger picture?
3. Vehicle movements – the details suggest vehicles leave the site am and return pm. In spring and summer, tractors can come and go several times in a working day.
4. Two commercial vans and a Landrover are absent from the vehicle movement list. They are used in conjunction with the business.
5. One composting machine based at Wilson Pit arrives on site periodically for repair/service.
6. There is no indication that the applicant offers a grain drying service to other farmers. This in turn leads to increased traffic flow.

7. Staff levels – given the high numbers stated, where will these employees' vehicles be parked given that this application is for the storage of agricultural machinery. Currently, we observe six vehicles parked daily.

In response to these points the following comments are offered:

Should Members be minded to grant planning permission a condition will be recommended preventing the applicant from removing any trees within the site without the prior written approval of the Local Planning Authority.

The Sycamore tree which sits at the far south western corner of the existing barn is showing signs of failure. Whilst permission in itself would not be required to carry out any works to this tree, the applicant has included it on the proposed planting specification stating that the tree will be cut in an attempt to preserve it/prevent from dying. If such works are unsuccessful then the tree will be removed and 2 no. Ash trees planted in its place.

In terms of vehicles and vehicle movements from the site the applicant has provided a comprehensive list of machinery and details of average movements to enable the Local Planning Authority to understand the current scale of operations at this site and why a larger surfaced yard is required. It is recognised that as with all agricultural operations there are likely to be seasonal variations.

There are no proposals to vary where staff park. Members will recall from the site visit that there is an informal parking area to the front of the applicant's bungalow.

## PLANNING POLICY

The site is situated outside any settlement development boundary defined by the adopted Copeland Local Plan 2001-2016. Consequently, the following policies are considered of particular relevance to the determination of this application:-

DEV 5 Development in the Countryside

DEV 6 Sustainability in Design

EMP 4 Extension of an existing employment use

RUR 1 Economic Regeneration in Rural Areas

ENV 6 Landscapes of County Importance

ENV 12 Landscaping

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

Policy DEV 6 sets out the Council's sustainable design requirements and, amongst other things, requires development to avoid the loss of or damage to important landscapes.

Policy EMP 4 states that proposals for the extension of an existing employment use which meets the requirements of other plan policies will be approved. The preamble to this policy states that the Council recognises that existing firms should be allowed to expand where such development can be satisfactorily accommodated either within or immediately adjacent to existing site boundaries and is demonstrated to be safe, no threat to public amenity and environmentally acceptable.

Whilst Policy RUR 1 specifically relates to the conversion or replacement of existing buildings within rural areas, the preamble to this policy states that the Council is mindful of the needs of the smaller rural communities and will consider favourably proposals for appropriately scaled employment related development in rural settlements so long as it is compatible with surrounding uses.

The site falls within a designated area of County Landscape Importance, which Policy ENV 6 seeks to protect from inappropriate change. Where development is

permitted special regard will be paid to the design, scale, siting and choice of materials for building which should be sympathetic to the particular character of these areas.

Having consulted Cumbria County Council, their Principal Planning Officer confirms that the policy relating to Landscapes of County Importance was not saved in the Joint Structure Plan and therefore is not supported by the County Council anymore. They recommend that landscape effect be looked at in the same way it would be for any application and to be aware that the landscape characteristics might be more sensitive to change and that the condition/quality of the landscape might be higher than elsewhere, therefore the design and siting of development needs to reflect this.

In terms of landscaping, Policy ENV 12 recognises that a landscaping scheme may be required as a condition of approval for new development and this will be expected to show the retention of existing landscape features and reflect local landscape character. The Council will require landscaping schemes to be maintained for a minimum of 5 years.

In addition to Local Plan policies, Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' is also considered relevant. Whilst this states that planning authorities should support a wide range of economic activity in rural areas, it is important that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness (key principle 1(vi))

With regards to agriculture, the Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes (paragraph 27). Planning policies should recognise these roles and support development proposals that will enable farming and farmers to become more competitive, sustainable and environmentally friendly; adapt to new and changing markets; comply with changing legislation and associated guidance; diversify into new agricultural opportunities; or broaden their operations to 'add value' to their primary produce.

## DISCUSSION

Whilst there is a policy presumption in favour of allowing existing businesses to expand, particularly those associated with agricultural/rural businesses, this must be

in a suitable location and, if necessary, sufficient provision made to mitigate against any impact or harm on the open countryside and/or neighbouring residential properties.

When Members last considered this application there was confusion over the nature and scale of the current operations at Whin Bank and limited information provided to demonstrate that the development could be adequately mitigated against.

Whilst not condoning the retrospective nature of this application, there has been an ongoing dialogue with the applicant which has culminated in the submission of a detailed breakdown of current operations at Whin Bank, including the average movements to and from the site. Likewise, a comprehensive tree planting scheme and maintenance plan has been submitted which will secure the planting of 87 no. trees along the southern and western perimeters of the site to mitigate against any potential adverse visual impact neighbouring property owners may be experiencing or any potential impact on the local landscape.

On this basis, it is considered that the change of use to provide additional yard space in association with this long established agricultural business is compliant with both national and local planning policy contained within PPS7 and the Copeland Local Plan and, as such, approval is recommended subject to the conditions set out below.

**Recommendation:-**

Approve subject to:-

**Conditions**

1. 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:-
  - Block plan, received on 15 October 2010
  - Cross sectional drawings, received on 15 October 2010
  - Amended site location plan, scale 1:1250, received on 4 January 2011
  - Tree planting and maintenance scheme prepared by Perfectly Planted, Hall Senna, Gosforth, Cumbria, CA19 1YB, received on 21 February 2011

- Proposed landscaping & tree planting plan (drawing no. 001 Rev A March 2011), received on 16 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 tree planting scheme hereby approved shall be implemented within 12 months from the date of this decision notice and so maintained thereafter.

Reason

To ensure a satisfactory tree planting scheme in the interests of local amenity and the local landscape.

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

Reason

To ensure a satisfactory tree planting scheme in the interests of visual amenity.

4. No tree within the site shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped without the prior written consent of the Local Planning Authority. Any such approved topping or lopping shall be carried out in accordance with the British Standards on Tree Work BS 3998 and BS 5837.

Reason

To adequately protect trees on the site in the interests of visual amenity.

Please note:

Public Right of Way No. 422010 runs adjacent to the site and should remain unobstructed at all times.

### **Reason for Decision**

An acceptable form of development in association with this existing agricultural site compliant with Policies DEV 5, DEV 6, EMP 4, RUR 1, ENV 6 and ENV 12 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas'.

---



COPELAND BOROUGH COUNCIL

31 JAN 2011

RECEIVED

T W West Limited  
Whin Bank  
Rottington  
Whitehaven  
Cumbria  
CA28 9UR  
25<sup>th</sup> January 2011

Ms R Carroll  
Planning Officer  
Copeland Borough Council  
Catherine St  
Whitehaven  
Cumbria  
CA28 7SJ

Re: Your Ref 4/10/2494/0F1 Letter dated 18/01/2011

Dear Rachel,

Thank you very much for your letter dated 16<sup>th</sup> January 2011 requesting further information regarding the exact nature of the business being run from Whin Bank, Rottington.

There seems to be some confusion over the term 'own use' which we hope the following will qualify.

Firstly some history may be relevant to put today's operations into perspective:

- The contracting business commenced in 1985 & moved to the current premises in 1988
- In 1990 planning permission was granted for a dwelling on the site. This had an Agricultural restriction which stated the property was tied to the agricultural contracting business run from the site.
- The contracting side of the business has continued to grow successfully from that time, now employing several people.
- Over the last 10yr we have also been farming in our right on both owned and contracted land. This land currently covers 150acres but we are actively seeking to increase this.

#### **Agricultural Contracting Business**

Initially in its simplicity this business would wait for a phone call from a farmer requesting some farming operation to be carried out on his land to his timescale & specification i.e. plough a specific field next week

Over the years as expertise has been developed we now are in a position to advise and plan an annual programme of work for each customer. To this extent work is now often pre-booked 1, 2 or even 3yrs ahead to be carried out on our own initiative, in our own timescale and with our own comprehensive, up to date range of machinery. This type of current operation means little difference between land contracted in this way or our own land.

This work can be paid by job but many are set up on monthly or annual contracts.

*Farming for 'own use'*

We grow a range of crops, mainly maize, triticale & wheat for onward sale usually to local farmers.

An example of how the two types of business interact is illustrated as follows:  
A local farmer contracts us to grow wheat on his land. This crop is stored in his own store for feeding to his cattle. We are paid for providing the machinery & labour for this.

His wheat runs out halfway through winter, he then buys wheat from ourselves which we have grown & stored. Payment is now on a per tonne basis.

*Business Machinery*

As previously stated the business owns a comprehensive variety of relevant, up to date machinery which are serviced and maintained on site in our own workshops. It is very difficult to define accurately the movement of machinery as this depends on the time of year but generally machines go out in the morning and return at nightfall as you would expect any farm to operate.

Machinery is utilised for both parts of the business, there is no distinction made. **Machinery is not as a rule hired out for other people to use, (this occurs very infrequently if say a regular customer has an urgent need due to their own machinery failure).**

We have to plan & ensure we have sufficient machinery at our disposal to service both sides of the business. Similarly employees are used for both sides of the business.

We have listed on a separate sheet our current machine inventory.

**In summary the combination of farming and contracting reflects the current trend in farming across the UK as farmers have been encouraged to diversify and the cost of machinery has become prohibitive to many.**

With respect to your request regarding further planting we can advise that there is an on-site meeting with your own representative, Richard Mellor, on February 9<sup>th</sup>. We will respond accordingly following that meeting, but be assured we will endeavour to meet any further requirements.

We trust this meets your current requests.

Yours sincerely,

T W West

ITEM NO: 2.

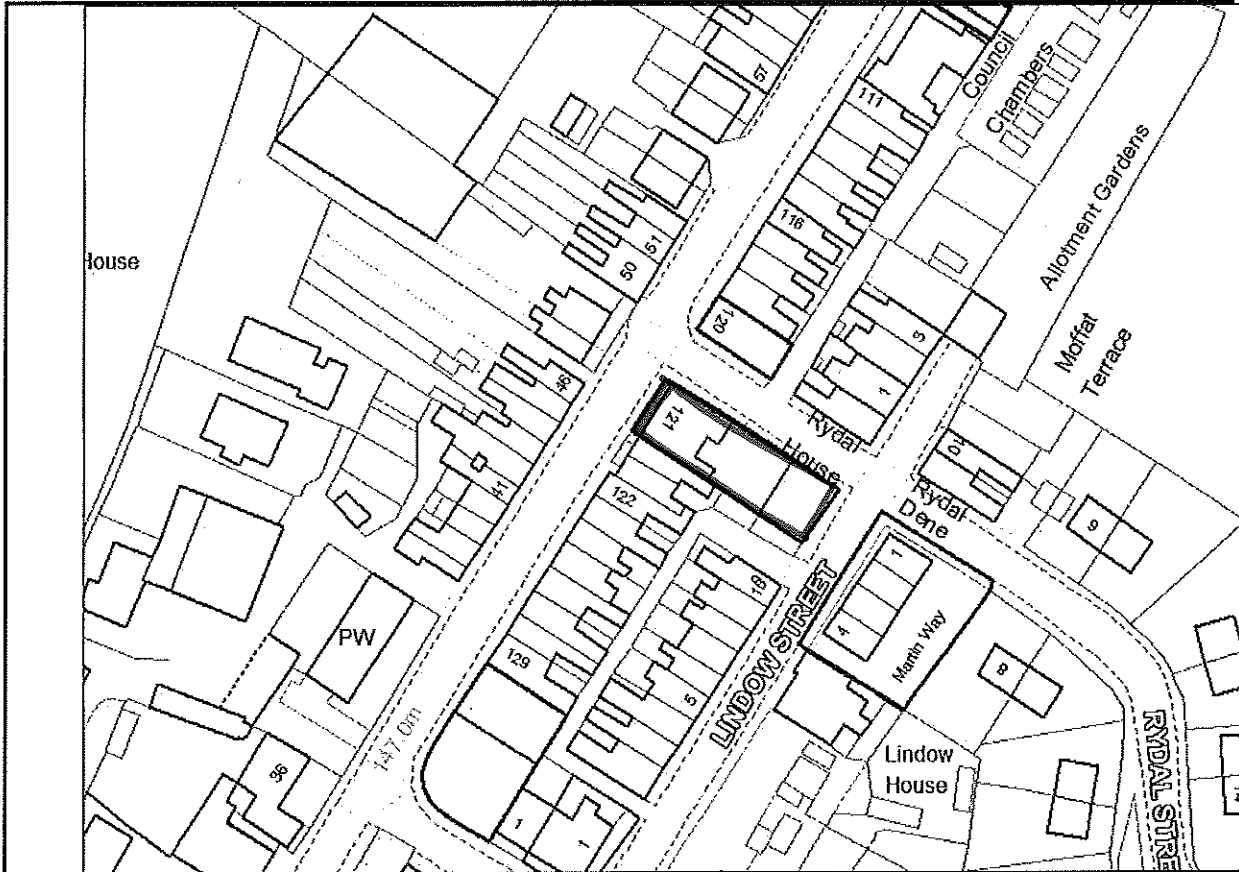


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 30/03/2011

<b>Application Number:</b>	4/11/2006/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Whalen Property
<b>Application Address:</b>	121 MAIN STREET, FRIZINGTON
<b>Proposal</b>	CONSTRUCTION OF A PAIR OF 3 BEDROOMED SEMI-DETACHED HOUSES
<b>Parish:</b>	Arlecdon and Frizington
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



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

## INTRODUCTION

This application relates to the rear yard area associated with 121 Main Street Frizington. The site is currently occupied by a garage and is bound on its eastern and northern sides by a substantial sandstone wall.

Outline planning permission was granted for the siting of a single dwelling on this land in 2005 under reference 4/05/2062/0.

Members deferred this application at the last meeting to enable them to visit the site.

## PROPOSAL

Planning permission is sought for the erection of a pair of semi detached dwellings within the existing yard area to the rear of 121 Main Street. The proposed dwellings will front onto Lindow Street which runs parallel to Main Street and the dwellings will replicate the scale and height of the existing terraced houses immediately to the south of the site. They have been designed to reflect the simple character of the other properties within this part of Frizington.

It is proposed to erect a 1.8 metre high timber fence between the proposed dwellings and 121 Main Street to define the private garden areas associated with each property.

No parking provision is proposed as part of this development and consequently the two dwellings will have to rely on roadside parking.

## PLANNING POLICY

Frizington is listed under Policy DEV 3 of the adopted Copeland Local Plan as being a Local Centre where small scale development will be permitted.

Policy DEV 4 defines a development boundary for Frizington. Policy HSG 4 allows housing development within this defined development boundary.

Policy HSG 8 sets design standards for all new housing, including minimum separation distances and the provision of car parking to serve the development.

## CONSULTATION RESPONSES

Parish Council

No objections

Highways Control Officer

The issue of lack of off street parking will need to be considered as this will affect the existing parking arrangements of the adjacent terraced properties. If this point is accepted then conditions should be attached to any planning permission to prevent windows opening out over the highway, secure adequate drainage measures to prevent water discharging onto the highway and also closing off the existing access.

United Utilities

No objections based on the details set out in the drainage design statement submitted by the applicant's agent.

Neighbours

1 Letter of objection has been received which raises the following points:-

- The lack of parking provision will result in the use of the limited on street car parking which will exacerbate the existing parking problems within the vicinity
- There is not a need for any additional houses as there are other new houses which have recently been constructed within Frizington which are not selling in the current market
- The existing building on Main Street is in a poor condition and is detrimental to the amenity of the area

## ASSESSMENT

The site lies within the development boundary of Frizington which is listed as being a Local Centre in the adopted Copeland Local Plan. Policy DEV 4 gives a presumption

in favour of suitable infill residential development within the development boundary. The outline permission which was granted in 2005 has also previously established the principle of residential development on the site.

The main issues raised by this proposal relates to its effect on both the character and appearance of the area and the living conditions of nearby residents and also the pressure that it will add to the existing on street parking situation within the immediate locality.

Policy HSG 8 of the adopted Copeland Local Plan sets out guidelines for the minimum separation distances that should be achieved between residential properties. This states that 21 metres should be achieved between facing elevations of dwellings which contain windows of habitable rooms. In this case the minimum separation distance that can be achieved between the rear elevation of the proposed dwellings and 121 Main Street is 14 metres. The separation distance between the front elevation and the properties which lie opposite on Lindow Street is 12 metres. Although these distances are significantly below the standards suggested by Policy HSG 8 these are just guidelines and the characteristics of individual sites should also be taken into account when making an assessment. In this case the proposed dwellings replicate the form and separation distances that are found elsewhere within the immediate locality. The installation of a 1.8 metre high solid timber fence along the rear boundary will also help to minimise overlooking at ground floor level.

In terms of parking, the site is of an insufficient size to accommodate any off road car parking. The vast majority of residential properties within this part of the settlement utilise road side car parking. Although the creation of two additional dwellings will add pressure on to the existing on street provision this proposal is not considered to be of sufficient scale to have a significant impact on the existing on street car parking provision.

On balance this is considered to be an acceptable form of development which will be consistent with the layout and scale of the housing development within this part of Frizington.

**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. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Existing plans and elevations, drawing number 01 Rev B, received on 11 February 2011
- Existing and proposed plans, drawing number 02 Rev B, received on 11 February 2011
- Design and Access Statement prepared by Architectural Building Consultants, received on 06 January 2011
- Drainage Design Statement, prepared by Architectural Building Consultants, received on 28 February 2011

### Reason

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

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

### Reason

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

4. The existing sandstone wall along the northern boundary of the site fronting onto Rydal Street shall be retained in its current position and at its existing height as part of this development.



Reason

The existing wall is a traditional feature which adds to the amenity of the local area and which is considered to be worthy of retention as part of any redevelopment of the site.

5. Prior to the first occupation of the dwellings hereby approved a 1.8 metre high solid timber fence shall be erected along the western boundary of the site in accordance with the approved plans. The approved fence shall be maintained at all times thereafter.

Reason

To ensure that a satisfactory boundary is installed along this boundary in order to protect the amenities of the occupiers of the adjoining property.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity.

7. The ground floor windows and doors abutting the highway shall be of a type which cannot open outwards into the highway and shall be maintained as such at all times thereafter.

Reason

To minimise possible danger to highway users in the interests of highway safety.

8. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval in writing prior to development being commenced. 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.

## 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 applicant must discuss full details of the site drainage proposals with United Utilities ( contact George Chapman on e mail [planning.liaison@uuplc.co.uk](mailto:planning.liaison@uuplc.co.uk))

## Reason for Decision

An acceptable housing scheme which would be located within the designated development boundary for Frizington and also compatible with the existing housing within the locality in accordance with Policies DEV 3, DEV 4, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

---

ITEM NO: 3.

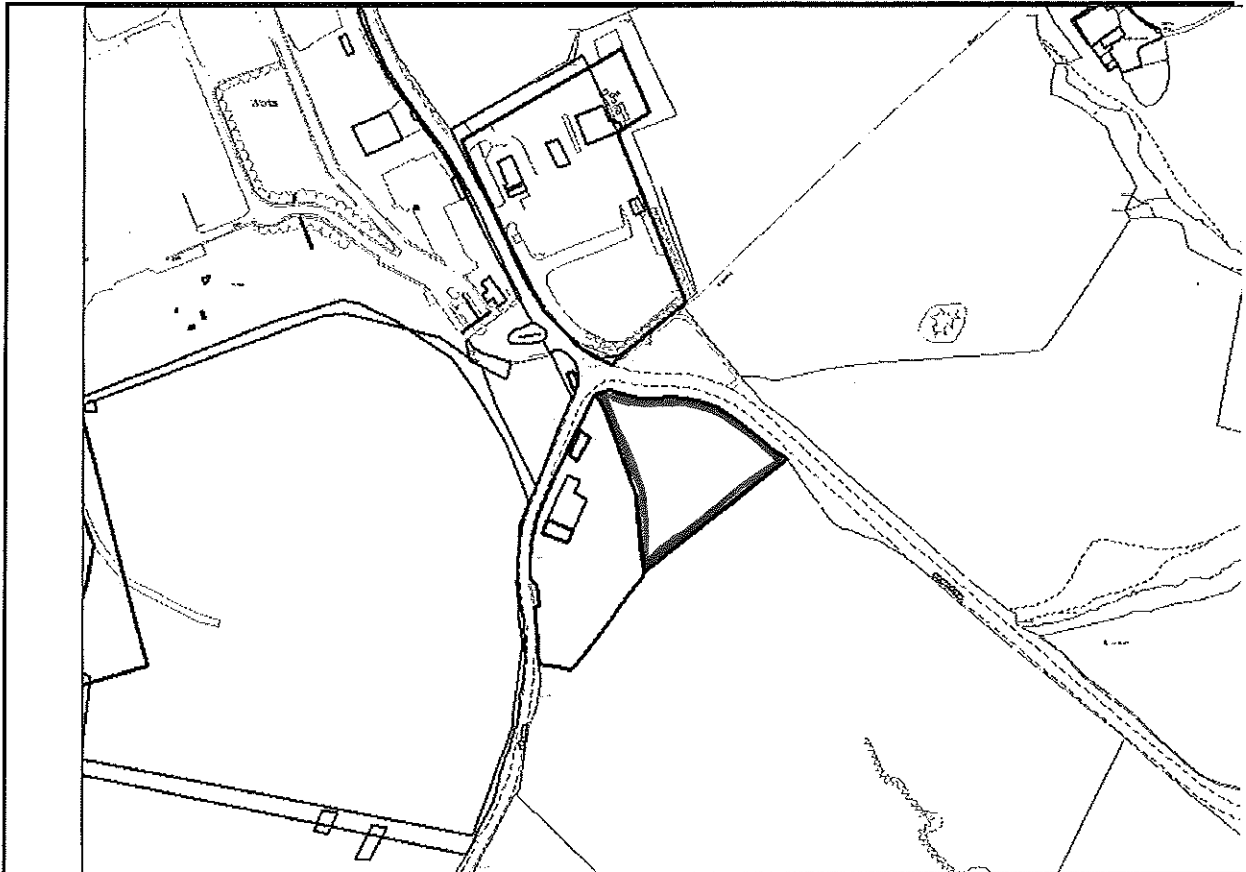


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 30/03/2011

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



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

## 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.

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. A separate application relating to the agricultural contracting business is included on the agenda under reference 4/10/2494/

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

I am concerned about the position of the field access from the existing compound and its relation to the junction onto the public highway. I do not feel that a HGV delivery vehicle would find access/egress an easy manoeuvre, even using the whole width of the public highway, which is not acceptable. It is vital that vehicles can access and egress the site without interfering with the free flow of traffic on the highway.

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. In response to the concerns raised by the Highways Control Officer with regards to turning into the site the applicant has submitted details to a tracking plan for the largest vehicle that is likely to visit the site. This clarifies that the access is adequate to serve the site.

**Recommendation:-**

Approve subject to:-

**Conditions**

1. 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 two 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.

#### Informative

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

#### Reason for Decision

An acceptable 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: 4.



To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 30/03/2011

<b>Application Number:</b>	4/11/2012/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr H Millar
<b>Application Address:</b>	LAND ADJACENT TO 50 LOOP ROAD NORTH, WHITEHAVEN
<b>Proposal</b>	ERECTION OF DETACHED FOUR BEDROOMED DWELLING & DETACHED GARAGE
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Refuse



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

## INTRODUCTION

This application relates to a semi detached dwelling which occupies a substantial corner plot on the junction between Loop Road North and Oakbank Avenue.

Members deferred this application at the last meeting to enable them to visit the site.

## PROPOSAL

Planning permission is sought for the erection of a detached dwelling within the grounds of the existing property. The proposed dwelling is to be sited to the front of the plot so that it is consistent with the building line of houses along this part of Loop Road North. It will be of a similar scale to the existing dwelling and has been designed to take account of the change in levels across the site.

A wall or fence is to be constructed on the northern boundary of the site which will subdivide the existing garden area associated with 50 Loop Road North to ensure that both the existing dwelling and the proposed unit have a defined area of amenity space and also off street car parking provision.

A new access is to be created off Oakbank Avenue which will serve a driveway and a detached garage which are to be located to the rear of the dwelling. An existing driveway off Loop Road North is to be retained to provide a separate access to the existing house.

## PLANNING POLICY

The adopted Copeland Local Plan 2011 – 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 identifies a development boundary around Whitehaven which indicates a physical limit to development appropriate for this settlement.

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 apply to new housing developments including minimum separation distances and the provision of adequate car parking.

## CONSULTATION RESPONSES

### Neighbours

Two neighbours within the locality have raised concerns about the impact of redeveloping this site to provide an additional dwelling. They consider that the development would produce a cramped appearance on a prominent junction which would have an adverse impact on the character and appearance of this area.

### Flood and Coastal Defence Engineer

There is some contradiction between the details listed on the plans and the application form. The plans indicate that the surface water run off is to be disposed of by means of a soakaway whereas the form indicates that the surface water is to be disposed of by means of a main sewer. The disposal of surface water needs to be clarified.

### Highways Agency

No objections as there will be no significant impact upon the operation of the strategic road network/trunk road.

## ASSESSMENT

The site lies within the development boundary for Whitehaven. Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 gives a presumption in favour of development within the development boundary. However the policy does give preference to the re use of existing buildings and then previously developed land before Greenfield land is considered.

Recent Government advice set out in the revised PPS 3 has changed the definition of garden land from previously developed to green field land. Whilst this does not preclude development within the development boundary it does seek to readdress the balance between the efficient use of land and its impact on character and amenity.

The key issue raised by this application is whether the erection of a dwelling within the garden area of the existing property would have an adverse effect on the character and appearance of the area or the living conditions of nearby neighbours.

The site currently provides an open aspect at the junction between Loop Road North and Oakbank Avenue. Although the current garden area is of a sufficient size to accommodate a separate dwelling the proposed building is large in scale and will fill virtually the whole width of the plot. This will result in only a one metre gap between the corner of the dwelling and the southern boundary of the site and also limit the separation distance between the proposed unit and the existing dwelling to a maximum of 4 metres. The existing dwelling has a number of window openings on its gable elevation including a bedroom window which is classed as a habitable room.

Overall the scale of the dwelling would result in a cramped form of development which would have an adverse impact on the character and appearance of the area and also impinge on the amenities of the existing property. Members are advised that a smaller scale dwelling would be more appropriate for this prominent site.

**Recommendation:-**

Refuse

**Reason for Decision**

The proposed dwelling, by reason of its scale, siting and design, would result in a cramped form of development which would be detrimental to both the character and appearance of the locality and also the amenities of the adjoining residential property

contrary to Policies DEV 4, DEV 6, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

---

ITEM NO: 5.



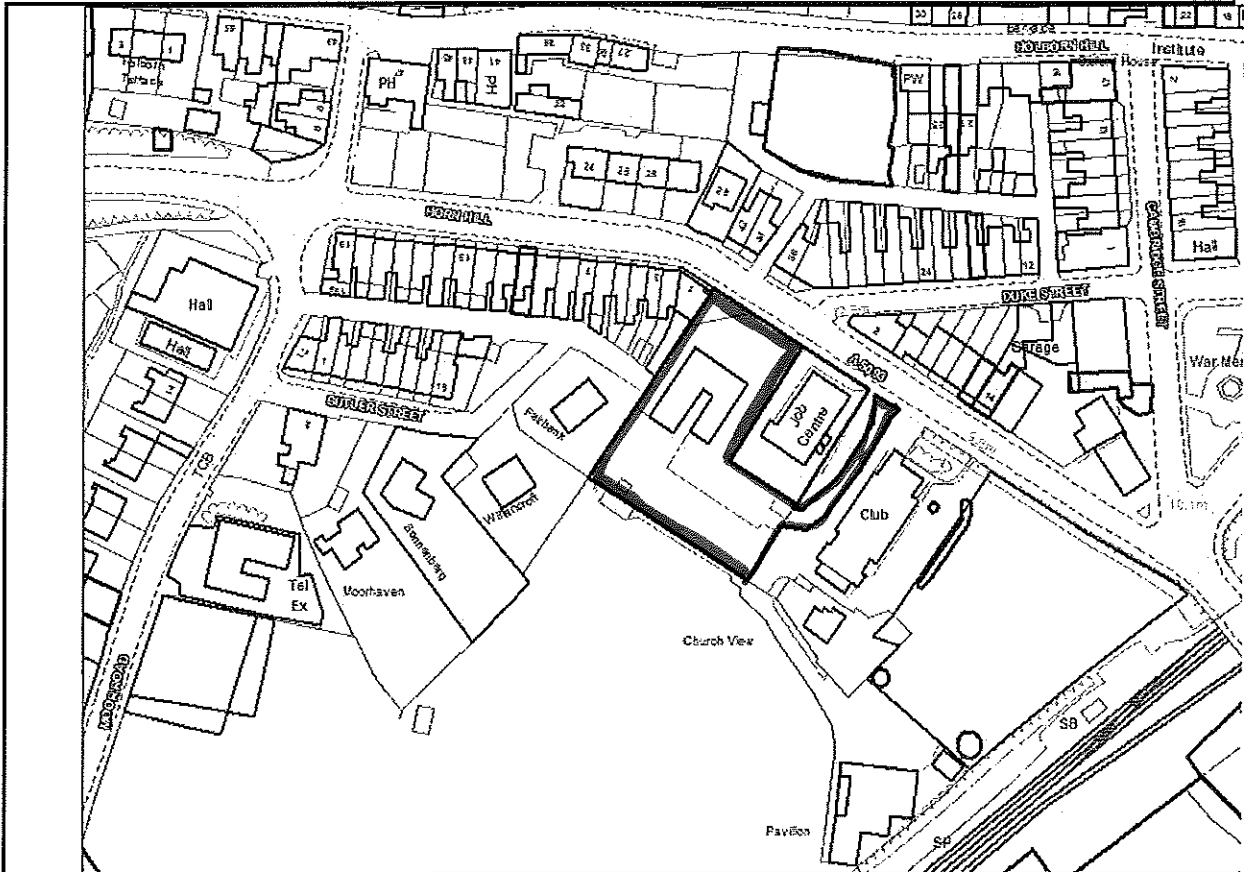
To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 30/03/2011

<b>Application Number:</b>	4/11/2034/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Mr N Woodhouse
<b>Application Address:</b>	LAND ADJACENT TO MILLOM CRICKET CLUB, ST GEORGES ROAD, MILLOM
<b>Proposal</b>	ERECTION OF 9 DWELLINGS AND NEW ACCESS ROAD
<b>Parish:</b>	Millom
<b>Recommendation Summary:</b>	Approve (commence within 3 years)





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

## Introduction

It was agreed at the 2 March 2011 Planning Panel that Members would visit the site before determining this application in view of its local significance as well as the access and neighbour concerns it has raised. The site visit took place on Thursday 17 March 2011.

Full planning permission is sought for the erection of 9 dwellings and a new access road on a site adjacent to the Cricket Club, off St Georges Road in Millom. The original application proposed 10 dwellings but this has now been amended to 9 to accommodate an easement in respect of the public sewer which crosses the south west end of the site.

## The Proposal

Measuring some 2750 square metres in area this L - shaped site is bounded to the west by 1, Horn Hill and the property known as 'Fairbank', to the south it adjoins the cricket ground, whilst to the north it abutts St Georges Road and then skirts round the existing Dental Practice. The boundary to the east is with the unmade access and informal parking area serving the cricket club, the bungalow 'Church View' and the palladium building. There is a sharp drop in levels from the northern boundary with St Georges Road /1, Horn Hill onto the site of some 2.5 metres at the steepest point which decreases to the east to where it adjoins the existing access to 0.44 metres. Once on the site it is fairly level in form and currently houses a former detached school building, now vacant, which it is proposed to demolish, surrounded by a former concrete school yard. To the west the area in front of the cricket ground is again relatively level and laid to grass.

In terms of detail it is proposed to erect a block of four terraced, two storey, three bedroom dwellings in a linear form to the north of the site, with the rear elevations backing onto St Georges Road. Directly opposite, to the south west, overlooking the cricket ground to the rear and facing the terraced block to the front and the dental practice, two pairs of three bedroom, semi detached and a single detached two storey house are to be erected. It is intended that the houses will all face inward onto the internal access road / turning head situated between the blocks. Each property will have off road parking provided within its curtilage as well as a front and rear garden area.

External finishes to the dwellings of roughcast render walls and grey concrete tiled roofs are proposed. As regards boundaries, it is intended that the existing walls to the site will be retained and repaired with individual boundaries between the houses comprising 1.85 metre high close boarded fencing to the rear and 1.0 metre high fencing to the front.

Vehicular access to the site will be directly off St Georges Road at the existing point of access which is currently unmade and serves the Palladium, cricket ground, Church View and the dental practice, adjacent to which are informal parking areas serving some of these facilities.

## Consultations

### Millom Town Council – No objections

Historic Environment Officer, Cumbria County Council – acknowledges that the former school on the site is a distinctive building that was integral to the social fabric of Millom and so is considered to be of some historic and architectural significance. Consequently he requests that an archaeological building recording programme be undertaken in advance of the development secured by condition.

United Utilities – raise no objection to the proposal subject to certain conditions being met and adequate easement being provided for the public sewer which crosses the site.

Highway Authority – acknowledges that the site is served by an unadopted and unmade lane and advises that the roadworks within the site boundary be constructed, drained and lit to a standard suitable for adoption. Comments that the access lane would benefit from improvements to the gradient at the junction onto St Georges Road and surfacing.

Natural England - there is a possibility that the existing Victorian school on the site contains bat and protected bird / reptile habitats. An ecological evaluation of the site was requested at the submission stage but was not provided and the applicant has subsequently declined to provide this unless formally required to by Natural England. A consultation response is currently awaited and will be verbally reported at the meeting.

Landscape Officer – is aware there are two existing trees at the north west corner of the site and requests that a tree survey be undertaken.

### Neighbours

Four letters have been received from residents whose properties or businesses adjoin the site. Collectively they raise the following comments and concerns:

- Raise the issue about the need for street lighting in this area as there currently is none.
- Query whether there will be any parking restrictions on the adjacent land as currently people visiting the dentists, the hairdressers and local B & B's use it.
- Request that a speed restriction be applied to any new road to protect children using the cricket club.
- The houses be no higher than two storey.
- 10 dwellings are too many for this site – the land is being over developed.
- Bungalows would fit in better from a planning point of view as the dwellings around the site are bungalows.
- A development of this size would devalue local properties.
- A detached two storey dwelling close to the boundary of the dwelling 'Fairbank' will block views.

Millom Cricket Club have also raised concerns on health and safety grounds – specifically in respect of plots 1-5 which overlook the cricket field which may be affected by the potential danger of very hard cricket balls landing. They feel that substantial boundary fencing is required here and that developers/ construction workers and potential purchasers are made aware of this.

In response to the issues raised the following comments are offered:

- Lighting in the area adjacent to the new housing can be addressed by an appropriate condition.
- Parking – the applicant has no control over the land adjacent to the access lane which is currently used for informal parking.
- Speed – There is no intention to bring in speed controls as this has not been raised by the Cricket club or identified as a highway safety issue by the Highway Authority that needs to be addressed.
- Overdevelopment – it is considered that the site can adequately accommodate 9 dwelling to the relevant development control standards.
- Two storey dwellings are an acceptable form of development for this site which fit in with the character and appearance of the area – it is noted that there are both 2/3 storey houses as well as bungalows in the vicinity of the site.
- Property values are not a material planning consideration.
- Proximity of plot 5 to the neighbouring property 'Fairbank' was an issue with the original scheme. This has now been satisfactorily addressed in the amended layout with the new dwelling repositioned further forward and a minimum separation distance of 16 metres at the nearest points between the two dwellings now being achieved.
- Potential danger from cricket balls – this matter has been drawn to the attention of the applicant's agent and it would be appropriate to control

boundary treatment in this location by condition.

## Planning Policy

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

DEV 4 Development Boundaries. Permits development where appropriate within designated settlement boundaries.

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

HSG 4 Housing within Settlement Development Boundaries. This permits housing redevelopment within settlement boundaries in appropriate locations subject to certain requirements being met.

HSG 8 Housing Design Standards. This ensures that adequate design standards of new housing are achieved.

## Assessment

The key issues to consider in determining this application relate to affect of the development on neighbouring amenity and the unadopted private access lane serving the development. The concerns relating to the former have now been satisfactorily addressed via the amended layout. As regards the access, this is substandard and serves a number of other uses with the area immediately adjacent used for informal parking. As it is situated within the application site boundary, however, it would be reasonable from a planning point of view to require the gradient and the junction area adjoining St George`s Road to be improved and the length of access road itself leading into the housing area to be subject to upgrading. This would help ensure that the additional use of the access to serve the housing would not lead to its initial further deterioration though it should be noted that any future maintenance provision could not be controlled. A key consideration in this respect is the Highway Authority`s response and they raise no objection to the continued use of this access subject to improvements at the junction area and surfacing which can be adequately controlled by condition.

Although not allocated for housing in the local plan the site is situated within the settlement boundary of Millom which is a designated key service centre. In such locations the development of brownfield sites for small scale residential purposes in certain circumstances is considered appropriate. Taking the above issues into account it is considered that the proposed scheme for the erection of 9 dwellings on this site represents an acceptable form of residential development in accordance with Policies DEV 4, DEV 6, HSG 4 and HSG 8 of the local plan.

**Recommendation:-**

Approve

**Conditions**

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

Reason

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

2. 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:-

- Design and Access Statement, received 21 January 2011.
- Environmental Site Assessment (Phase 1 Contamination Desk Study) by Peak Environmental Solutions, dated December 2010, ref 41397R1 Rev A, received 21 January 2011
- Amended Site Plan as Proposed, scale 1:500, drawing no 03a, received 17 March 2011.
- Amended Plans as Proposed, scale 1:100, drawing no. 05b, received 7 March 2011.
- Amended Plans as Proposed, scale 1:100, drawing no. 04b, received 7 March 2011.
- Additional Site Plan showing existing Levels, scale 1:250, drawing no 10, received 1 February 2011.
- Additional Elevations as Proposed, scale 1:100, drawing no. 09a, received 1 February 2011.
- Additional Plan as Proposed, scale 1:100, drawing no. 06a, received 1 February 2011.
- Location Plan, scale 1:1250, drawing no. 01, received 21 January 2011.

Reason

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

3. Prior to the carrying out of any construction works the existing buildings occupying the site shall be recorded in accordance with a Level 2 survey as described by English Heritage's document *Understanding Historic Buildings A Guide to Good Recording Practice*, 2006. Within 2 months of the commencement of construction works 3 copies of that survey report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that a permanent record is made of the building of architectural and historic interest prior to its demolition as part of the proposed development.

4. Before development commences full details of the improvement works to be carried out to the junction of the access lane with St George's Road and the access lane itself shall be submitted to and approved in writing by the Local Planning Authority. Any works so approved shall be carried out before the construction of any dwellings on the site is commenced.

Reason

To ensure that the junction with St George's Road and the private access lane leading to the development is upgraded in the interests of highway safety.

5. The carriageway, footways, footpaths etc of the estate road and turning head adjacent to the proposed dwellings (extending from the eastern boundary with plot 1 westward to and including plot 9) 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 of the estate road in the interests of highway safety.

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

Reason

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

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

Reason

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

9. The access drives and parking areas serving the dwellings shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use.

Reason

In the interests of highway safety.

10. Notwithstanding submitted plan, details of the rear boundary treatment serving plots 1-5 inclusive shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any treatment so approved shall be constructed before these dwellings are occupied.

Reason

To provide additional safeguards to the potential residents of these new



properties from the possibility of stray balls arising from the adjacent cricket ground.

11. The site shall be drained on a separate system with foul drainage only connected into the foul sewer.

Reason

To ensure a satisfactory drainage scheme.

12. Before development commences full details of the foul and surface water 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.

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

Reason

In the interests of highway safety and environmental management.

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

Reason

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

15. No works or development shall take place until a scheme in accordance with BS 5837 : 2005 for the management of existing trees on the site and for their protection during construction as well as for replacement tree planting, including species and sizes with a proposed timetable for planting and a maintenance regime, has been submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be carried out in

accordance with the approved details and timetable.

Reason

To retain and improve the existing trees on the site.

16. No tree within the site shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped without the prior written consent of the Local Planning Authority. Any such approved topping or lopping shall be carried out in accordance with the British Standards on Tree Work BS 3998 and BS 5837.

Reason

To adequately protect the existing trees on site which are considered worthy of retention in the interests of visual amenity.

17. 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.

18. No development shall take place until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To ensure the implementation of a satisfactory landscaping scheme.

### **Reason for Decision**

An acceptable scheme for small scale housing development on this brown field, former school site within the key service centre of Millom in accordance with Policies DEV 4, DEV 6, HSG 4 and HSG 6 of the adopted Copeland Local Plan 2001-2016.



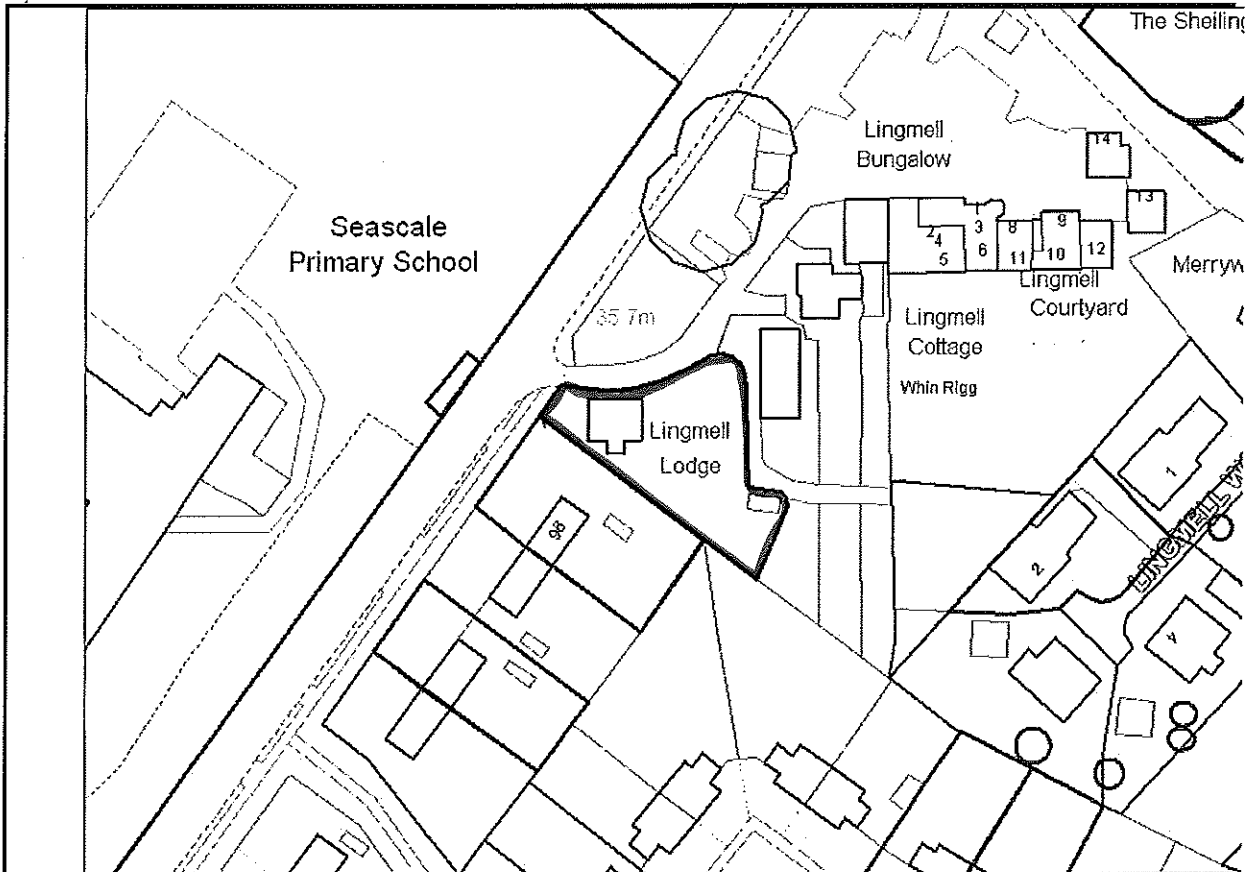
ITEM NO: 6.

To: PLANNING PANEL

Development Control Manager

Date of Meeting: 30/03/2011

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



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

## 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 freestanding 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 number of flats, converted from the former Lingmell House. The dwelling itself 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 i.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. Rescue cats are also kept at the premises on a temporary basis for the local cat rescue centre. 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: Require further details of on site visitor parking to ensure that vehicles can be properly and safely accommodated clear of the highway.

Neighbours: To date four letters of objection have been received from local residents who collectively 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 2<sup>nd</sup> 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.
- 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.

## Planning Policy

The following adopted Copeland Local Plan Policies are considered relevant to 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.

## Key Issues

One of the key issues to consider in this case is whether the use of the property for cat breeding at this scale 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. In this respect the consultation response from Environmental Health as the Council's experts on noise and associated impacts will be critical and will inform the assessment of this application – this is currently awaited.

In view of the local concern this application is generating Members are recommended to accede to the Parish Council's request and visit the site.

**Recommendation:-**

Site Visit

---

<b>Application Number</b>	4/10/2549/OF1
<b>Applicant</b>	A Connelly
<b>Location</b>	2 & 4 TANGIER BUILDINGS, TANGIER STREET, WHITEHAVEN
<b>Proposal</b>	CHANGE OF USE FROM A1 AND A3 USES TO A4 USE AS AN EXTENSION TO THE EXISTING A4 USE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	2 March 2011
<b>Dispatch Date</b>	2 March 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/11/2005/OF1
<b>Applicant</b>	Mr G Coan
<b>Location</b>	BELVERDERE, WATH BROW, CLEATOR
<b>Proposal</b>	ERECTION OF STABLES
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	2 March 2011
<b>Dispatch Date</b>	2 March 2011
<b>Parish</b>	Cleator Moor

<b>Application Number</b>	4/11/2015/OF1
<b>Applicant</b>	Mr and Mrs Glen
<b>Location</b>	WODOW BANK COTTAGE, LOW MILL, EGREMONT
<b>Proposal</b>	CHANGE OF USE OF OUTBUILDINGS TO PART OF RESTORED COTTAGE AND INSTALLATION OF NEW PARTY WALL
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	1 March 2011
<b>Dispatch Date</b>	1 March 2011
<b>Parish</b>	St. John Beckermest

<b>Application Number</b>	4/11/2016/OF1
<b>Applicant</b>	Mr J and Mrs S Hardy
<b>Location</b>	35 ASBY ROAD, ASBY
<b>Proposal</b>	ERECTION OF A TWO STOREY EXTENSION; ERECTION OF GARAGE; EXTENSION TO EXISTING STORE & IMPROVEMENTS TO EXISTING VEHICULAR ACCESS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	25 February 2011
<b>Dispatch Date</b>	25 February 2011
<b>Parish</b>	Arlecdon and Frizington



<b>Application Number</b>	4/11/2023/OL1
<b>Applicant</b>	Mr I G Shuttleworth
<b>Location</b>	1 OAKBANK, WHITEHAVEN
<b>Proposal</b>	LISTED BUILDING CONSENT FOR REMOVAL OF SECTION OF INTERNAL WALL & INTERNAL ALTERATIONS
<b>Decision</b>	Approve Listed Building Consent (start within 3yr)
<b>Decision Date</b>	25 February 2011
<b>Dispatch Date</b>	25 February 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/11/2024/OF1
<b>Applicant</b>	Mr A Stuart-Smith
<b>Location</b>	A595, BUCKMAN BROW, THWAITES, MILLOM
<b>Proposal</b>	CONSTRUCT A TEMPORARY ACCESS TRACK
<b>Decision</b>	test1
<b>Decision Date</b>	2 March 2011
<b>Dispatch Date</b>	2 March 2011
<b>Parish</b>	Millom Without

<b>Application Number</b>	4/11/2025/OF1
<b>Applicant</b>	Mr D Challinor
<b>Location</b>	PLOT 27, OLD WHITE SCHOOL SITE, KELLS, WHITEHAVEN
<b>Proposal</b>	ERECTION OF DETACHED TWO STOREY 4 BEDROOMED PROPERTY WITH INTEGRAL GARAGE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	25 February 2011
<b>Dispatch Date</b>	25 February 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/11/2032/TPO
<b>Applicant</b>	Millom Amateur Operatic Society
<b>Location</b>	PALLADIUM CINEMA, ST GEORGES ROAD, MILLOM
<b>Proposal</b>	FELLING OF ONE SYCAMORE TREE SITUATED WITHIN A CONSERVATION AREA
<b>Decision</b>	TREE PRESERVATION APPROVE
<b>Decision Date</b>	24 February 2011
<b>Dispatch Date</b>	24 February 2011
<b>Parish</b>	Millom

<b>Application Number</b>	4/11/2035/OF1
---------------------------	---------------

<b>Applicant</b>	Mr R Nicholson
<b>Location</b>	PLOT 18, OLD WHITE SCHOOL SITE, KELLS, WHITEHAVEN
<b>Proposal</b>	FOUR BEDROOMED DETACHED DWELLING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	28 February 2011
<b>Dispatch Date</b>	28 February 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/11/2036/0F1
<b>Applicant</b>	Mr C McKee
<b>Location</b>	PLOT 11, OLD WHITE SCHOOL, KELLS, WHITEHAVEN
<b>Proposal</b>	FOUR BEDROOMED DETACHED DWELLING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	28 February 2011
<b>Dispatch Date</b>	28 February 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/11/2037/0F1
<b>Applicant</b>	Great Northern Car Sales
<b>Location</b>	LAND TO REAR OF 57 HOLBORN HILL, MILLOM
<b>Proposal</b>	DETACHED BUNGALOW
<b>Decision</b>	Refuse
<b>Decision Date</b>	2 March 2011
<b>Dispatch Date</b>	2 March 2011
<b>Parish</b>	Millom

<b>Application Number</b>	4/11/2041/0F1
<b>Applicant</b>	RBS
<b>Location</b>	NATWEST, 29 MARKET PLACE, EGREMONT
<b>Proposal</b>	INSTALLATION OF VENTILATION AND AIR CONDITIONING PLANT
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	2 March 2011
<b>Dispatch Date</b>	2 March 2011
<b>Parish</b>	Egremont

<b>Application Number</b>	4/11/2047/0F1
<b>Applicant</b>	Mr L W Martin
<b>Location</b>	26 SNAEFELL TERRACE, WHITEHAVEN
<b>Proposal</b>	REAR CONSERVATORY

<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	28 February 2011
<b>Dispatch Date</b>	28 February 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/11/2054/0F1
<b>Applicant</b>	Mr P Millar
<b>Location</b>	GARAGE SITE, JERICO LONNING, WHITEHAVEN
<b>Proposal</b>	ERECTION OF GARAGE
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	2 March 2011
<b>Dispatch Date</b>	2 March 2011
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/11/2055/0F1
<b>Applicant</b>	Sellafield Limited
<b>Location</b>	SELLAFIELD, SEASCALE
<b>Proposal</b>	REPLACEMENT OF THE EXISTING SEA LINES FENCE WITH A NEW WELD MESH PANEL SYSTEM
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	2 March 2011
<b>Dispatch Date</b>	2 March 2011
<b>Parish</b>	St. Bridget Beckermot

<b>Application Number</b>	4/11/2057/0F1
<b>Applicant</b>	Mr A Mounsey
<b>Location</b>	MEADOWCROFT, CROFT HEAD ROAD, SEASCALE
<b>Proposal</b>	ERECTION OF CONSERVATORY TO FRONT OF PROPERTY
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	2 March 2011
<b>Dispatch Date</b>	2 March 2011
<b>Parish</b>	Seascale

<b>Application Number</b>	4/11/9001/0F2
<b>Applicant</b>	United Utilities
<b>Location</b>	COLLIERGATE BECK, NEAR ROWRAH WASTEWATER TREATMENT WORKS, ROWRAH, FRIZINGTON
<b>Proposal</b>	PIPEBRIDGE OVER COLLIERGATE BECK TO TRANSFER GRAVITY FLOWS FROM EXISTING WASTEWATER TREATMENT WORKS TO NEW PUMPING STATION
<b>Decision</b>	County Council Approved
<b>Decision Date</b>	8 March 2011

<b>Dispatch Date</b>	8 March 2011
<b>Parish</b>	Lamplugh

<b>Application Number</b>	4/11/9001/0F2
<b>Applicant</b>	United Utilities
<b>Location</b>	COLLIERGATE BECK, NEAR ROWRAH WASTEWATER TREATMENT WORKS, ROWRAH, FRIZINGTON
<b>Proposal</b>	PIPEBRIDGE OVER COLLIERGATE BECK TO TRANSFER GRAVITY FLOWS FROM EXISTING WASTEWATER TREATMENT WORKS TO NEW PUMPING STATION
<b>Decision</b>	County Council Approved
<b>Decision Date</b>	8 March 2011
<b>Dispatch Date</b>	8 March 2011
<b>Parish</b>	Arlecdon and Frizington