

PP 05 01 11  
Item 6

**PLANNING PANEL- 5 January 2011**

**AGENDA**

<b><u>SCHEDULE OF APPLICATIONS – CBC</u></b>		<b>PAGE</b>
Item 1	<b>4/10/2494/0F1 Change of use of part of field to stone surfaced yard for the storage of agricultural machinery (RE-SUBMISSION) Whin Bank, Rottington, Whitehaven</b>	<b>1</b>
Item 2	<b>4/10/2532/0X0 Outline application for the erection of a pair of two storey semi – detached houses. Land at Corner of Steeple Close/Pillar Road, Mirehouse, Whitehaven</b>	<b>6</b>
Item 3	<b>4/10/2544/0B1 Variation of condition of planning approval 4/88/0586/0 to allow extension of opening hours to 2.00AM Thursdays, Fridays and Saturdays. Captain Sennys, 2 Senhouse Street, Whitehaven</b>	<b>10</b>
Item 4	<b>4/10/2565/0F1 Notification of proposed demolition of house and outbuildings. 2 Lonsdale House, North Shore, Whitehaven</b>	<b>15</b>
Item 5	<b>4/10/2568/0F1 Extension, Alterations, Forming dormer windows and re-siting public footpath. Swallow Barn, Lowca, Whitehaven</b>	<b>18</b>
<b><u>SCHEDULE OF DELEGATED DECISIONS</u></b>		<b>22</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.

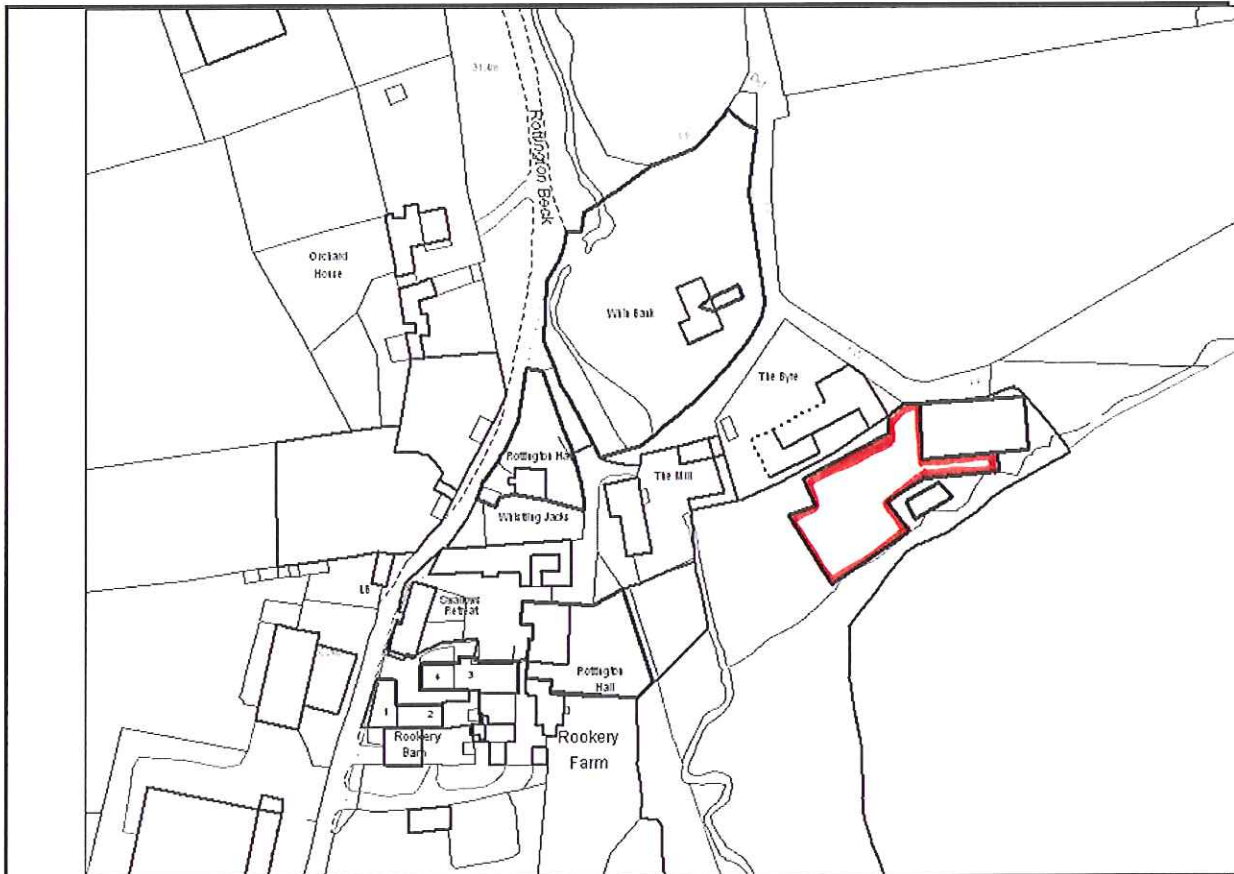


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 05/01/2011

<b>Application Number:</b>	4/10/2494/OF1
<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>	Delegated subject to no objection



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## PROPOSAL

Following approval of two applications for the retrospective siting of two containers and the erection of a new building in December 2009 (4/09/2480/0f1 and 4/09/2481/0f1 refer) it was brought to the Council's attention that material had been brought onto site to create a surfaced yard which did not have the benefit of planning permission.

Planning permission is therefore sought, in retrospect, for a change of use of this former field to the south of the existing yard to create an additional stone surfaced area for the storage of agricultural machinery in association with this existing agricultural business in Rottington, a small settlement on the south western outskirts of Whitehaven and between Sandwith and St Bees. Previously the site was a field. An original application was submitted at the end of 2009 but was subsequently withdrawn given a lack of information (4/09/2543/0 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.

## CONSULTATIONS

To date the following consultation responses have been received.

St Bees Parish Council have requested a site visit be carried out given that there have been a series of planning applications recently for the site and a site visit would allow for an appropriate assessment in the context of the bigger picture.

The Highways Authority has 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. This application has attracted local opposition having arisen as an enforcement issue. Two individual letters of objection have been received. 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.

The applicant has been forwarded copies of these letters and accompanying photographs and asked to respond. A copy of the response is attached to this report.

In response to the comments raised I would comment as follows:

- 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. Concerns have again been raised regarding the accuracy of the plan and, in particular, the extent of the red line.
- The tree planting, which was a requirement under two previous planning applications (4/09/2480/0 and 4/09/2481/0 refer), is being monitored and the Councils Landscape Officer has re-visit the site, noting each species for future monitoring purposes.
- 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.

## PLANNING POLICY

The site is situated outside any development boundary defined by the Copeland Local Plan. In addition to the general design policy, Policy DEV 6, Policies DEV 5 and RUR 1 are of particular relevance to the determination of this application. The former sets out what development will be permitted in the countryside including essential agricultural, forestry or other rural business development as well as also seeking to protect such areas from inappropriate change. The latter permits ancillary development for employment purposes in rural areas subject to criteria. In particular criterion 4 states that the use would be compatible with the character and appearance of the surrounding landscape or built environment.

## DISCUSSION

Whilst there is a policy presumption in favour of allowing existing businesses to expand, particularly those associated with agricultural/rural areas, this must be in a suitable location and, if necessary, sufficient provision made to mitigate against any impact or harm on the open countryside.

At this stage, it is considered that insufficient information has been submitted to enable the local planning authority to offer a favourable recommendation. In particular, the following issues need to be resolved:

- The extent of the area that has been hard surfaced and that is within the red line;
- Planting – there is an absence of screen planting in front of the two containers, which was a condition requirement under application 4/09/2480/0F1.
- Tree failure – provision needs to be made for those trees that have failed to establish.
- Additional planting – there is a need for additional screen planting to mitigate against this development currently being considered.

Whilst not condoning the retrospective nature of this development and given that there is an ongoing dialogue with the applicant it is recommended that authority be delegated to the Development Control Manager to grant planning permission subject to resolution of the above issues and following re-consultation with neighbouring property owners.

**Recommendation:-**

That delegated authority be given to the Development Control Manager to grant planning permission subject to satisfactory resolution of outstanding issues relating to the site area and associated screen planting.

**Reason for Decision**

An acceptable form of development in accordance with this existing agricultural holding compliant with Policies DEV 5, DEV 6 and RUR 1 of the adopted Copeland Local Plan 2001-2016.

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ITEM NO: 2.



To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 05/01/2011

<b>Application Number:</b>	4/10/2532/0X0
<b>Application Type:</b>	Outline Development Reg 4 : District
<b>Applicant:</b>	Copeland Borough Council
<b>Application Address:</b>	LAND AT CORNER OF STEEPLE CLOSE/PILLAR ROAD, MIREHOUSE, WHITEHAVEN
<b>Proposal</b>	OUTLINE APPLICATION FOR THE ERECTION OF A PAIR OF TWO STOREY SEMI- DETACHED HOUSES
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Approve in Outline (Reg 4)



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## PROPOSAL

This application relates to an open area of land which occupies a prominent location at the junction of Steeple Close and Pillar Road. The land is currently owned by the Council.

Planning permission is sought for the development of this site for residential purposes. Although only in outline form an indicative layout plan has been submitted which illustrates a pair of semi detached properties which would front onto Steeple Close. The dwellings have been set back into the site and this will allow individual driveways to be created which will provide off street car parking to serve the two dwellings.

The application was deferred at the last meeting to enable Members to visit the site.

## CONSULTATION RESPONSES

Highways Control Officer - no objections from a highway point of view subject to all matters relating to the layout of the site, and the means of access, parking and turning being reserved for approval at the detailed planning stage.

United Utilities – no objections provided that the public sewer which runs across the site can be accommodated. This may need to be diverted if the layout cannot be designed to accommodate it.

Ward Councillor – there is a history of parking problems in this area and it is important that this proposal does not add to the problem. It would be beneficial if the Council could make some land available nearby to provide some residents parking to alleviate this problem. The views of local residents should be carefully considered and it would be worth the Members visiting the site before a decision is made on this application.

Neighbours – eight letters of objection have been received which raise the following concerns:-

- This proposal will have an adverse impact on the current parking situation on Steeple Close where a number of the dwellings rely on on-street parking
- The proposed houses would block views along Pillar Road which would result in the junction between Steeple Close and Pillar Road becoming more dangerous
- Adverse impact on highway safety
- Any increase in traffic would add to the safety risks for children playing in the street
- Concerns about the lack of neighbour notification on this planning application
- The residents have previously tried to persuade the Council to provide an additional parking area to relieve the existing problems in the local area.

## 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 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 all new housing developments should meet.

## ASSESSMENT

This application has only been submitted in outline form and seeks to establish the principle of developing the site for residential purposes. It is proposed to reserve all matters relating to layout, scale, appearance and means of access for future approval under a separate application.

The land is currently unutilised and is well related to the adjoining residential properties. The erection of a pair of semi detached dwellings would be compatible to the existing housing layout in the locality. There is sufficient space available to provide off street car parking to serve both dwellings which is considered to be essential in this case to ensure that any new development will not exacerbate the existing parking problems along Steeple Road.

Members visit to the site will have enabled them to form a view on the suitability of this site for residential development.

### **Recommendation:-**

Approve in outline

### **Conditions**

1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.

#### Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

## INFORMATIVE

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. A public sewer crosses the site. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicants expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with George Chapmen, Developer Enquiries Analysts by e mail – [planning.liasion@uuplc.co.uk](mailto:planning.liasion@uuplc.co.uk)

## Reason for Decision

An acceptable housing scheme which would be located within the designated development boundary for Whitehaven and also be compatible with the existing housing within the locality in accordance with Policies DEV 2, DEV 4, HSG 2 and HSG 4 of the adopted Copeland Local Plan 2001 – 2016.

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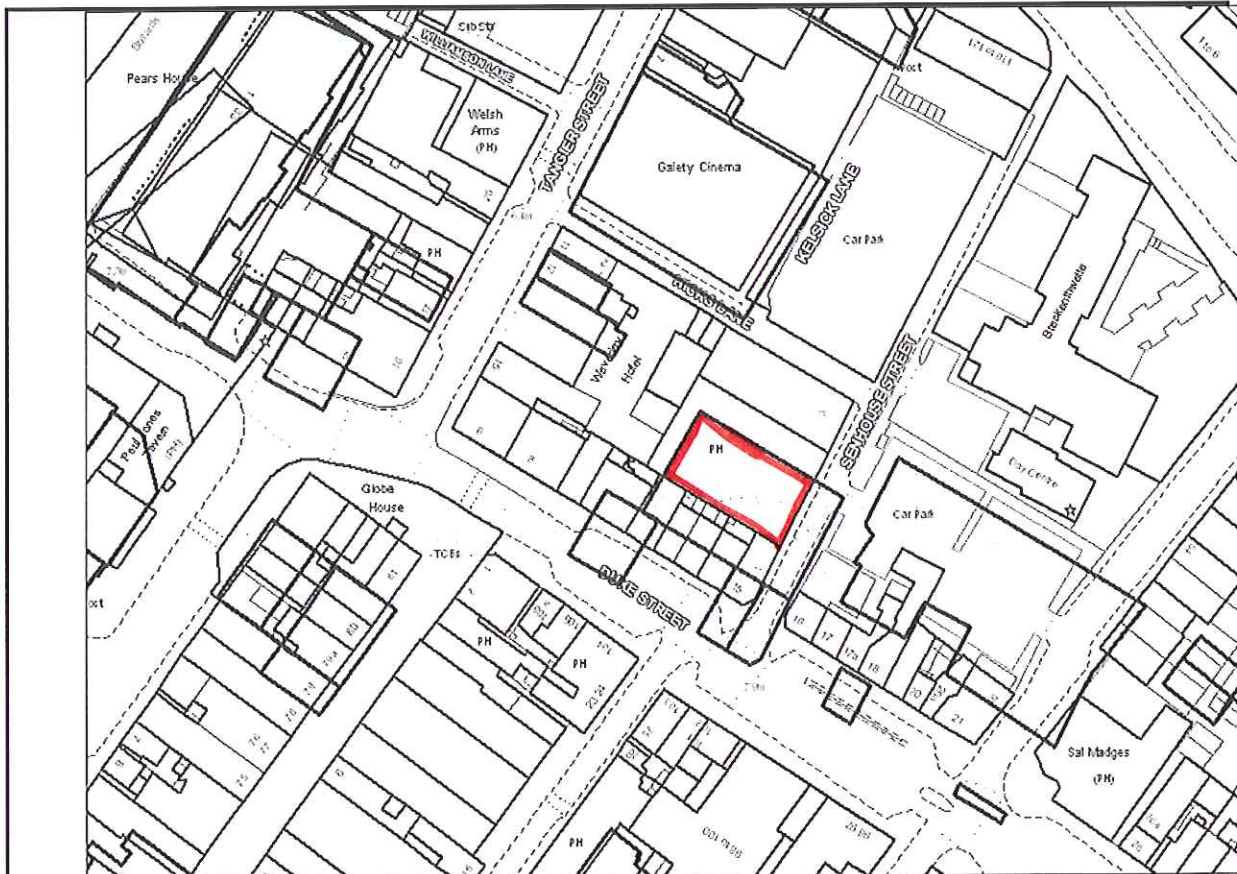


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 05/01/2011

<b>Application Number:</b>	4/10/2544/0B1
<b>Application Type:</b>	Amend Condition
<b>Applicant:</b>	Captain Sennys
<b>Application Address:</b>	CAPTAIN SENNY'S, 2 SENHOUSE STREET, WHITEHAVEN
<b>Proposal</b>	VARIATION OF CONDITION 4 OF PLANNING APPROVAL 4/88/0586/0 TO ALLOW EXTENSION OF OPENING HOURS TO 2.00AM THURSDAYS, FRIDAYS & SATURDAYS
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Refuse amendment of condition



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This application relates to a two storey building which fronts onto Senhouse Street in close proximity to its junction with Duke Street within the Whitehaven town centre. Planning permission was originally granted for the use of these premises as a public house in 1988 (4/88/0586/0 refers). This permission was subject to a condition which only permits the premises to be open until 11.30 on any night. An additional condition was also attached which sets a maximum noise level at the adjacent residential properties to ensure that noise from the premises does not affect residential amenity.

A temporary planning permission was granted in 2001 to allow the extension of the opening hours until 01.00 a.m. on Thursdays, Fridays and Saturdays for a temporary 12 month period (4/01/0032/0 refers). A permanent planning permission was subsequently granted in 2002 for these extended opening hours (4/02/0643/0 refers).

Planning permission is now sought to vary the original planning condition to enable the premises to open until 02.00 a.m. on Thursdays, Fridays and Saturdays.

The applicant's agent has submitted a supporting statement with the application in which he outlines that, in his view, there is no logical or justifiable reason for the restriction of the opening hours by a planning condition which conflicts with the control imposed by the premises licence. He argues that the licensing controls are better placed to deal with any amenity objections that may apply. However he does stress that it is open for the Local Planning Authority to limit any permission to a temporary period in order that the applicant can demonstrate that the management of the unit and the controls imposed by the premises licence are sufficient to prevent demonstrable harm being caused to the general amenity of the local area.

## CONSULTATION RESPONSES

Highways Control Officer

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

Environmental Health Officer

We have been dealing with an ongoing noise nuisance complaint from the owner/occupiers of an adjacent hotel and guests who stay at these premises. Noise monitoring has taken place inside the bedrooms of the hotel on three occasions over the past 12 months (February, June and October) which depict that the current noise condition is still being breached. This condition was put in place when permission was given to open between midnight and 1.00 a.m. to prevent sleep disturbance to neighbouring residential premises. We have been unable to achieve compliance with the current planning condition and as such would recommend refusal of this application.

## Neighbours

1 letter of objection has been received from the owners of the adjoining hotel. They outline that this public house has caused noise nuisance problems for several years and this has led to guests complaining about the noise and disturbance which has had a negative effect on their repeat business. The noise has been monitored by the Councils Environmental Health Officers in the past and they claim that the result of this monitoring show the noise to be excessive. They are concerned that any increase in the opening hours would only have a detrimental effect on an existing problem.

## PLANNING POLICY

### Government Policy

Government guidance on Planning for Sustainable Economic Growth is set out in Planning Policy Statement (PPS) 4. This guidance encourages Local Planning Authorities (LPAs) to promote vitality and viability of town centres by encouraging different uses to enhance customer choice, including the night time economy. It also advises Local Planning Authorities to manage the evening and night time economy in town centres taking account of, and complementing, the Councils Licensing Policy.

Planning Policy Guidance (PPG) 24 sets out the Government guidance on Planning and Noise. This establishes that the impact of noise is a material consideration in the determination of a planning application. It advises that LPAs must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion.

### Local Plan Policy

TCN 1 of the adopted Copeland Local Plan 2001 – 2016 promotes the vitality and viability of the town centre.

Policy TCN 7 permits food and drink uses within the shopping area of the town centre although it does require the likely impact on the character and amenity of the general area and on nearby residential properties as a result of noise, disturbance, litter, smell, sewer discharge or visual intrusion to be considered. It also requires consideration to be given to restrictions on late-night opening where late night activity associated with the proposed use would be harmful to the general character and amenity of the area.

Policy ENV 21 relates to noise pollution. It states:-

“Development likely to generate unacceptable levels of noise will not be permitted unless it can be reduced to acceptable levels by sound proofing measures or by controlling hours of operation or methods of working.”

## ASSESSMENT

This part of the town is mostly commercial in nature although it does contain a number of residential properties. Late night noise and disturbance harms the living conditions of local residents and requires careful control.

The opening hours of these premises have been extended in the past. The planning permission currently restricts the opening hours of the premises to 01.00 a.m. on Thursdays, Fridays and Saturdays. This varies from the current premises licence which permits opening up to 02.00 a.m. on these three nights and also 01.00 a.m. on Sundays. An existing sign on the exterior of the premises advertises the hours set out in the premises licence rather than that prescribed by the planning permission.

Whilst there is some overlap between the planning and premises licensing regimes there is sufficient difference in their objectives to make it reasonable to come to a different conclusion. The licence seeks to prevent public nuisance or crime and disorder of the objectives of public safety. These are not the same as seeking to protect residential amenity or living conditions. In these circumstances it would be unwise to rely on the licence being exercised in the manner or to the degree needed to secure planning objectives. This is in accordance with the guidance in Circular 11/95 – The Use of Conditions in Planning Permission. This says that matters which are subject to control under separate legislation may also be of concern to the planning system, but a condition which duplicates the effect of other controls will normally be unnecessary. However it sets out limited circumstances in which it would be appropriate to have both controls in place. In this case the hours of opening are relevant considerations to both legislative codes. The improvement of people's quality of life is a recognised objective of the planning system, and it is therefore appropriate for the LPA to seek to protect the living conditions of the local population from development that has the potential to cause harm. PPS 4 and Local Plan policies place the control of the evening and night time economy within the remit of planning.

The existing use of the premises has resulted in noise problems in the past. This has been confirmed by the Environmental Health Officer who has been undertaking regular noise monitoring over the past 12 months. This monitoring has established that the current use of the premises exceeds the noise levels set by the original planning permission in 1988.

The applicant's agent has suggested that it may be appropriate to limit the planning permission to a 12 month temporary period so that the effects of the extended opening hours can be monitored. The premises have been operating up to 2.00 a.m. on Thursday, Friday and Saturday in accordance with the premises licence but in breach of current planning restrictions in the recent past. As this has led to noise complaints there does not appear to be any merit in granting a temporary planning permission in this case as the impacts of the extended opening hours are already apparent.



The extension of the opening hours up to 2.00 a.m. on Thursdays, Fridays and Saturdays would exacerbate the existing noise and disturbance and would be incompatible with the local area which includes residential properties because of the effect on living conditions and the character of the area which is unacceptable.

If Members are minded to accept the following recommendation then authority to commence with appropriate enforcement action is also sought.

**Recommendation:-**

Refuse for the reason below:-

**Conditions**

**Reason for Decision**

The proposed extended opening hours would result in an increase in late night noise and disturbance which would be harmful to the character and amenity of the general area and to the amenity of nearby residential properties, in particular the adjoining Waverley Hotel, contrary to Policies TCN 7 and ENV 21 of the adopted Copeland Local Plan 2001 – 2016.

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ITEM NO: 4.

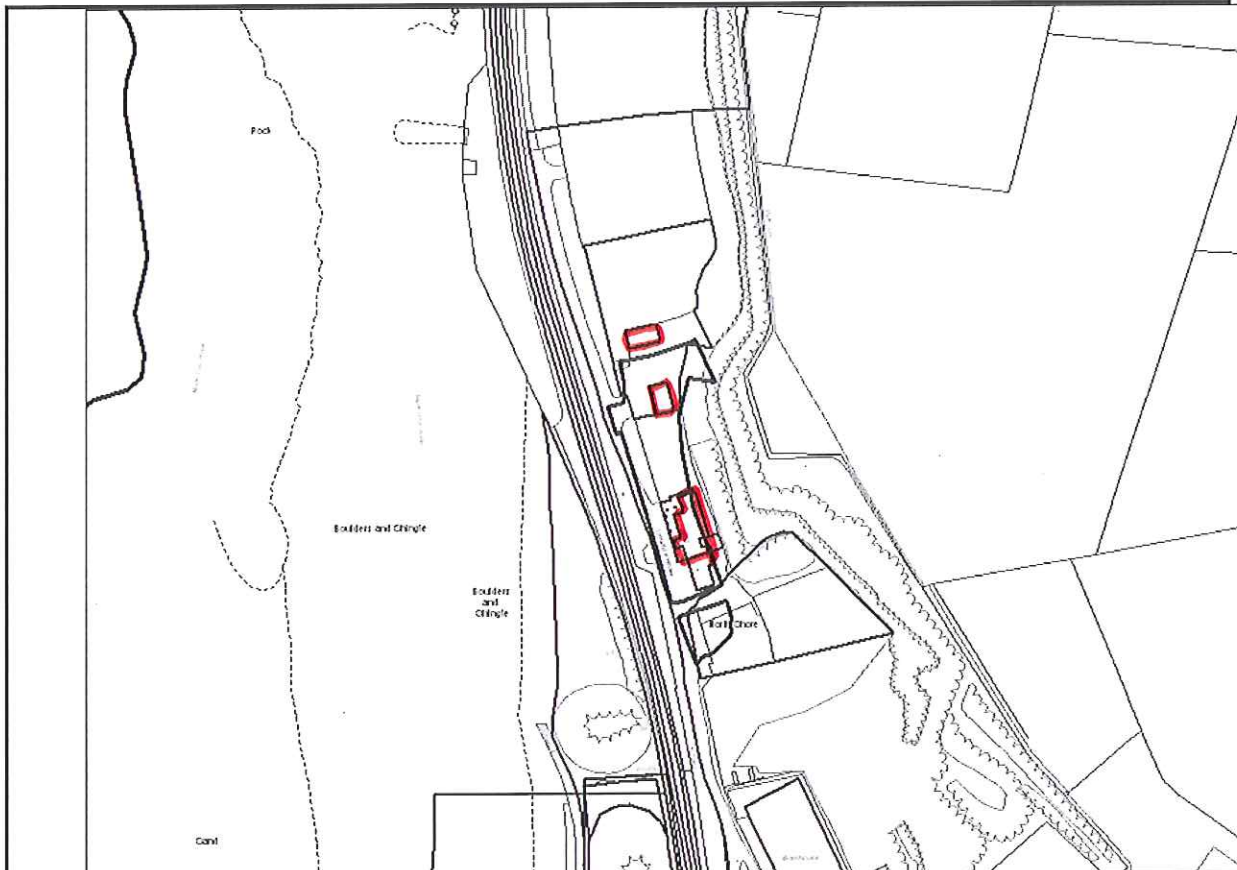


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 05/01/2011

<b>Application Number:</b>	4/10/2565/0F1
<b>Application Type:</b>	Full : CBC
<b>Applicant:</b>	Copeland Borough Council
<b>Application Address:</b>	2 LONSDALE HOUSE, NORTH SHORE, WHITEHAVEN
<b>Proposal</b>	NOTIFICATION OF PROPOSED DEMOLITION OF HOUSE AND OUTBUILDINGS
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Approve Demolition



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An application has been submitted giving prior notification of the proposed demolition of a dwelling at 2 Lonsdale House, North Shore Wagon Road, Whitehaven.

The dwelling is situated to the north of the town centre in Whitehaven, situated along an access lane approximately 0.7km long leading to 2 dwellings, an industrial unit and a skate park. The semi-detached dwellings have a cliff face to rear of the properties (east elevation) and the railway line to the west, with the coast line beyond this.

The application seeks permission for the partial demolition of the 2 storey semi-detached property and the outbuildings within the curtilage of the property consisting of stables and garages. The majority of the house will be cleared from the site, and the outbuildings are to be demolished but with the concrete bases left. Following the demolition the section of the dwelling adjoining 1 Lonsdale House, measuring 6.1m x 3.7m, will remain forming an extension to the property. A new gable wall will be constructed to this property once the demolition has been completed.

The dwelling is proposed for demolition due to the cliffs to the rear of the property being unsafe and falling away. The area most at risk is the adjoining garden area to the north, however the entire property was purchased by the Council due to the potential risk. The adjoined property is not currently at risk, but maybe in the future following the expiry of the lifespan of the protective rock armour attached to the cliffs (approximately 25 years). There is no additional development on the site proposed following the demolition.

No objections have been received regarding the proposal. As the application has been submitted by Copeland Borough Council it is required to be reported to the Planning Panel.

Schedule 2, Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 provides the legislation for the demolition of buildings. This states that the demolition if approved shall be carried out in accordance with the approved details and shall be commenced within 5 years.

The proposal is judged against Policy HSG 13 of the adopted Copeland Local Plan 2001 – 2016 regarding loss of dwellings. This states that proposals which would result in the loss of existing dwellings will not be permitted unless provision is made for their replacement or unless the proposed housing loss is necessary to achieve other objectives of the local plan.

The proposed works are deemed essential on safety grounds and are therefore viewed as compliant with this policy and the application is therefore recommended for approval.

**Recommendation:-**

Approve

## Reason for Decision

An acceptable proposal for the demolition of a dwelling due to safety issues arising from the instability of the cliff face to the rear in accordance with Policy HSG 13 of the adopted Copeland Local Plan 2001 – 2016.

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ITEM NO: 5.

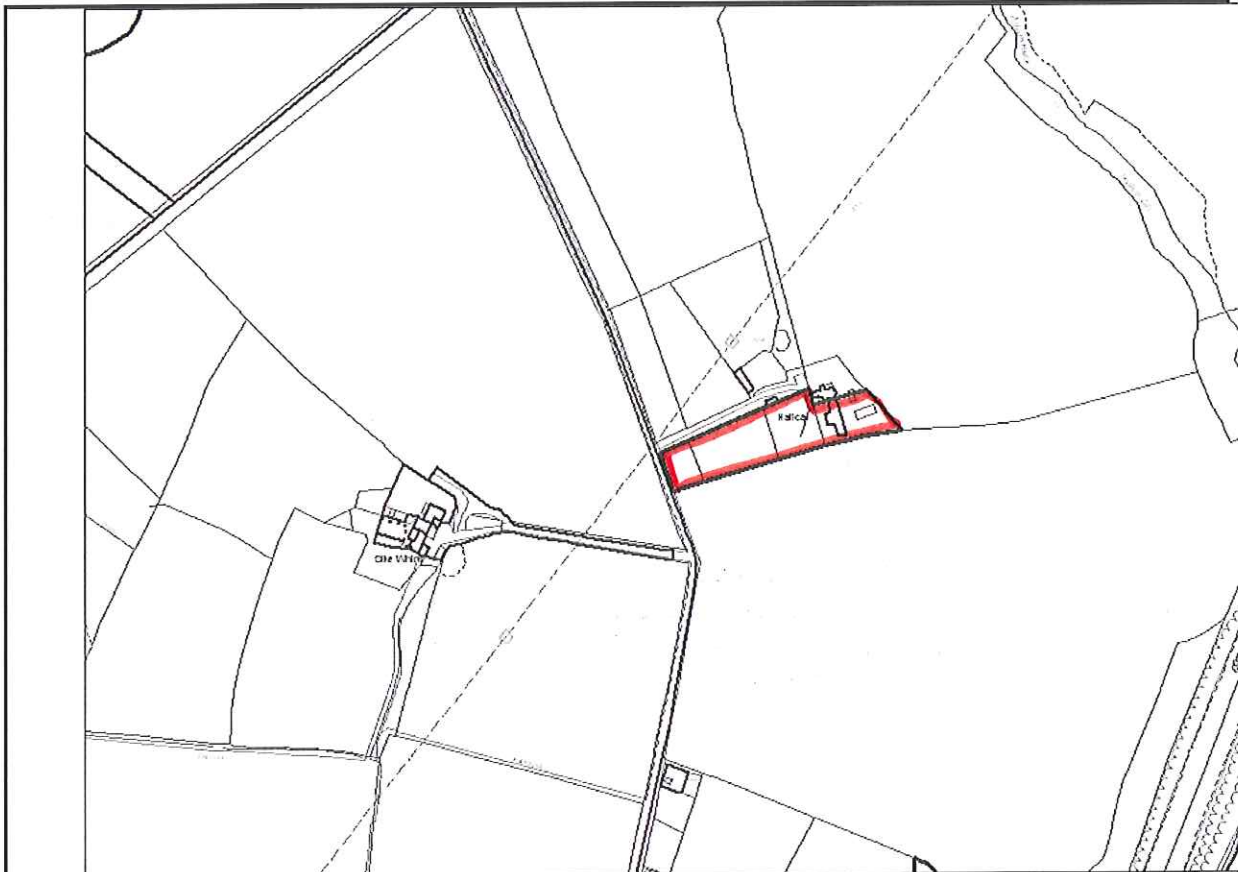


To: PLANNING PANEL

Development Control  
Manager

Date of Meeting: 05/01/2011

Application Number:	4/10/2568/0F1
Application Type:	Full : CBC
Applicant:	Mr T Gilmour
Application Address:	SWALLOW BARN, LOWCA, WHITEHAVEN
Proposal	EXTENSION, ALTERATIONS, FORMING DORMER WINDOWS AND RE-SITING PUBLIC FOOTPATH
Parish:	Lowca
Recommendation Summary:	Approve (commence within 3 years)



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## INTRODUCTION

This application relates to Swallow Barn which lies adjacent to Hallcat Farmhouse within the open countryside approximately 2 km to the north west of Lowca. Planning permission was granted to convert the barn to form a dwelling in 1979 (4/79/0321/0 refers). A public footpath runs along the access lane and across the front garden area of the two properties.

Planning permission was granted for various extensions and alterations to the barn and the resiting of a public footpath in December 2009 following a Members site visit.

Although the submitted scheme included the addition of four small dormer windows ambiguity arose during the consideration of the application as to whether these dormer windows could be constructed under permitted development rights. For the avoidance of doubt, this is not the case and this application has been submitted accordingly. The proposed dormer windows form an integral part of the scheme for which planning permission is now sought.

## PROPOSAL

This application seeks planning permission for the originally approved scheme and clearly incorporates the proposed four dormer window extensions. The dormer windows are to be installed within the roof slope of the front (east facing) elevation and have been designed with pitched tiled roofs and rendered cheek walls to match the existing building. The dormer windows will be used to provide light and ventilation to the upper floor of the building which is to be used to provide bedroom and bathroom accommodation.

The other proposed works remain the same as the previously approved plans and include an extension to the front of the building to provide a utility room measuring 3.0 m x 4.6 m, a first floor balcony to the south facing elevation and the addition of several roof lights within the existing roof slope. In addition the majority of the area to the front and side elevation which is currently concreted will be covered by wooden decking, raised to a height of approximately 30 cm.

There has also been a change in the route of the public footpath 413012 that is to be diverted. The original Order for the footpath diversion order was subject to an objection from the adjoining owner and consequently the Council was required to refer this matter to the Secretary of State for confirmation. The applicant has now put forward an alternative diversion which only relates to the route of the footpath across their own land. Members agreed to an Order being made for this alternative route at the Planning Panel meeting on 10 November 2010. The consultation process for this Order has yet to be undertaken.

## CONSULTATION RESPONSES

Flood and Coastal Defence Engineer – The applicant will need to undertake percolation tests to determine the size of the soakaway required for the septic tank.

Cumbria County Council Rights of Way Officer – The line of the footpath diversion needs to correspond to the agreed route. Otherwise no comments to make on the moving of the public right of way.

## PLANNING POLICY

Policy HSG 17 of the adopted Copeland Local Plan 2001-2016 relates to the conversion of buildings to dwellings in rural areas. The barn has already been converted and so this policy is not strictly relevant to this case.

Policy HSG 20 permits extensions and alterations to existing dwellings provided that the scale, design and choice of materials involved respects the character of the existing building and the proposals will not create any privacy or overlooking problems for adjacent dwellings.

## ASSESSMENT

The previous extensions and alterations to the barn remain unchanged from the previous planning approval. The only change relates to the confirmation that the proposed dormer window extensions form an integral part of the proposals for which planning permission is now sought.

Whilst the dormer windows are not a traditional feature of a barn building the current appearance of the conversion is not traditional due to its rendered finish and UPVC windows. This has altered the character and appearance of the barn.

The dormer windows proposed are modest in scale and have been designed with pitched roofs and rendered walls to match the existing building. The addition of first floor accommodation is not considered to be unacceptable as it adjoins a dwelling which has first floor accommodation and windows at that level.

### **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 layout and elevation plans drawing numbers 2009.354.10B and 2009.354.11C received by the Local Planning Authority on 03 December 2010. Development shall be carried out in accordance with the approved details.

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 the approved works are commenced the stopping up and associated diversion of the affected section of Public Footpath number 413012 shall be applied for and secured under the provisions of Section 257 of the Town and Country Planning Act 1990 in accordance with the route A-D-C shown on the attached drawing.

Reason

In compliance with Section 257 of the Town and Country Planning Act 1990.

**Reason for Decision**

The proposal represents acceptable domestic extensions and alterations in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

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<b>Application Number</b>	4/10/2467/0F1
<b>Applicant</b>	Yew Tree (Cumbria) Limited
<b>Location</b>	UNIT 5, FLEATHAM FARM, HIGH HOUSE ROAD, ST BEES
<b>Proposal</b>	DEMOLITION OF EXISTING BARN AND ERECTION OF DETACHED DWELLING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 December 2010
<b>Dispatch Date</b>	15 December 2010
<b>Parish</b>	St. Bees

<b>Application Number</b>	4/10/2487/0A1
<b>Applicant</b>	Mr P Ward
<b>Location</b>	LAND ADJACENT TO THE OLD VICARAGE, OAKLANDS, BECKERMET
<b>Proposal</b>	ERECTION OF TWO ADVERTISEMENT BOARDS ON POSTS
<b>Decision</b>	Refuse Advertisement Consent
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	St. John Beckermest

<b>Application Number</b>	4/10/2488/0F1
<b>Applicant</b>	Mr C Steele
<b>Location</b>	FIELD NO 3824, HALL SENNA, HALLSENN, HOLMROOK
<b>Proposal</b>	OPEN FRONTED SHED TO STORE SOIL & COMPOST
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 December 2010
<b>Dispatch Date</b>	15 December 2010
<b>Parish</b>	Gosforth

<b>Application Number</b>	4/10/2495/0F1
<b>Applicant</b>	HMP Haverigg
<b>Location</b>	H M PRISON, NORTH LANE, HAVERIGG, MILLOM
<b>Proposal</b>	ERECTION OF FENCE (IN THREE LOCATIONS) AND THE INSTALLATION OF ONE PORTABLE BUILDING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Whicham

<b>Application Number</b>	4/10/2495/0F1
<b>Applicant</b>	HMP Haverigg
<b>Location</b>	H M PRISON, NORTH LANE, HAVERIGG, MILLOM
<b>Proposal</b>	ERECTION OF FENCE (IN THREE LOCATIONS) AND THE INSTALLATION OF ONE PORTABLE BUILDING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Millom

<b>Application Number</b>	4/10/2496/0F1
<b>Applicant</b>	Mr K Jordan
<b>Location</b>	FIELD ADJACENT TO MIDDLECUT LANE, UNDERHILL, MILLOM
<b>Proposal</b>	ERECTION OF GENERAL PURPOSE AGRICULTURAL BUILDING AND ANIMAL SHELTER (RETROSPECTIVE)
<b>Decision</b>	Approve
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Millom Without

<b>Application Number</b>	4/10/2498/0F1
<b>Applicant</b>	Bransty Rangers F.C.
<b>Location</b>	LAND TO REAR OF HIGHLAND VIEW, BRANSTY, WHITEHAVEN
<b>Proposal</b>	STORAGE CONTAINER
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2499/0F1
<b>Applicant</b>	Mr and Mrs D Barnes
<b>Location</b>	MONTREAL HOUSE, CROSSFIELD ROAD, CLEATOR MOOR
<b>Proposal</b>	DEMOLISH EXISTING DWELLING AND ERECT NEW DWELLING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 December 2010
<b>Dispatch Date</b>	15 December 2010
<b>Parish</b>	Cleator Moor

<b>Application Number</b>	4/10/2501/0F1
<b>Applicant</b>	Mr K Baldwin
<b>Location</b>	THE READING ROOMS, MAIN STREET, DISTINGTON
<b>Proposal</b>	CHANGE OF USE OF DERELICT COMMERCIAL PROPERTY TO DWELLING AND EXTENSIONS TO EXISTING BUILDING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 December 2010
<b>Dispatch Date</b>	15 December 2010
<b>Parish</b>	Distington

<b>Application Number</b>	4/10/2506/0F1
<b>Applicant</b>	Mr M Blair
<b>Location</b>	PLOT 3, FLEATHAM HOUSE, HIGH HOUSE ROAD, ST BEES
<b>Proposal</b>	ERECTION OF DWELLING
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	St. Bees

<b>Application Number</b>	4/10/2509/0F1
<b>Applicant</b>	Mr A Long
<b>Location</b>	GARDEN OF 55 GOSFORTH ROAD, SEASCALE
<b>Proposal</b>	ERECTION OF DETACHED, TWO STOREY 4 BEDROOMED DWELLING (REVISED SCHEME)
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 December 2010
<b>Dispatch Date</b>	15 December 2010
<b>Parish</b>	Seascale

<b>Application Number</b>	4/10/2510/001
<b>Applicant</b>	Mr Skelton
<b>Location</b>	ADJACENT TO 10 MUSEUM VILLAS, DISTINGTON
<b>Proposal</b>	OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED THREE BEDROOMED HOUSE
<b>Decision</b>	Approve in Outline (commence within 3 years)
<b>Decision Date</b>	15 December 2010
<b>Dispatch Date</b>	15 December 2010
<b>Parish</b>	Distington

<b>Application Number</b>	4/10/2514/0F1
<b>Applicant</b>	Mr S Kerr
<b>Location</b>	JERICO LONNING GARAGE SITE, LOOP ROAD SOUTH, WHITEHAVEN
<b>Proposal</b>	ERECTION OF SHED
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2523/OA1
<b>Applicant</b>	Boots Opticians Pro Services
<b>Location</b>	28 KING STREET, WHITEHAVEN
<b>Proposal</b>	1 NO. INTERNALLY ILLUMINATED FASCIA SIGN & 1 NO. INTERNALLY ILLUMINATED PROJECTING SIGN
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 December 2010
<b>Dispatch Date</b>	15 December 2010
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2524/0F1
<b>Applicant</b>	Mr J Benn
<b>Location</b>	NEAR POHOUSE BRIDGE, PO HOUSE, WHICHAM, MILLOM
<b>Proposal</b>	TEMPORARY (3 YEAR PERIOD) RESIDENTIAL STATIC CARAVAN (RETROSPECTIVE)
<b>Decision</b>	Approve
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Whicham

<b>Application Number</b>	4/10/2526/0F1
<b>Applicant</b>	F Irving and Son
<b>Location</b>	152 MAIN STREET, FRIZINGTON
<b>Proposal</b>	CHANGE OF USE FROM DWELLING TO FUNERAL DIRECTORS (EXTENSION OF EXISTING ADJOINING PREMISES)
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	15 December 2010
<b>Dispatch Date</b>	15 December 2010
<b>Parish</b>	Arlecdon and Frizington

<b>Application Number</b>	4/10/2528/OF1
<b>Applicant</b>	Story Homes
<b>Location</b>	2 (PLOT 9) LOWTHER GARDENS, WOODHOUSE, WHITEHAVEN
<b>Proposal</b>	AMENDMENT OF APPROVED HOUSE TYPE TO INCLUDE CONSERVATORY TO REAR
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2529/OF1
<b>Applicant</b>	Story Homes
<b>Location</b>	PLOTS 49 TO 58, MAGELLAN PARK, HIGH ROAD, WHITEHAVEN
<b>Proposal</b>	AMENDMENTS TO PREVIOUSLY APPROVED HOUSE TYPES ON PLOTS 49-58, MINOR AMENDMENTS TO POSITION OF PLOTS AND REMOVAL OF PLOT 53
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2531/OF1
<b>Applicant</b>	02/Vodafone
<b>Location</b>	MULTI STOREY CAR PARK, SWINGPUMP LANE, WHITEHAVEN
<b>Proposal</b>	REMOVAL AND REPLACEMENT OF 3 NO. ANTENNAE AND INSTALLATION OF 2 NO. EQUIPMENT CABINETS
<b>Decision</b>	Approve (commence within 3 years)
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Whitehaven

<b>Application Number</b>	4/10/2533/OF1
<b>Applicant</b>	Mrs B Smith
<b>Location</b>	12 COOK ROAD, MILLOM
<b>Proposal</b>	CONSERVATORY TO FRONT ELEVATION
<b>Decision</b>	Refuse
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	Millom

<b>Application Number</b>	4/10/2535/0C1
<b>Applicant</b>	Yew Tree (Cumbria) Ltd
<b>Location</b>	UNIT 5, FLEATHAM FARM, HIGH HOUSE ROAD, ST BEES
<b>Proposal</b>	CONSERVATION AREA CONSENT FOR DEMOLITION OF REDUNDANT DILAPIDATED BARN AND OUTBUILDINGS (RETROSPECTIVE)
<b>Decision</b>	Approve Conservation Area Consent (within 3yrs)
<b>Decision Date</b>	17 December 2010
<b>Dispatch Date</b>	17 December 2010
<b>Parish</b>	St. Bees

<b>Application Number</b>	4/10/9013/0F2
<b>Applicant</b>	Seascale School
<b>Location</b>	SEASCALE PRIMARY SCHOOL, CROFT HEAD ROAD, SEASCALE
<b>Proposal</b>	CREATION OF NEW ACCESS ON TO CLASSIFIED ROAD
<b>Decision</b>	Withdrawn
<b>Decision Date</b>	12 December 2010
<b>Dispatch Date</b>	12 December 2010
<b>Parish</b>	Seascale