

## 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

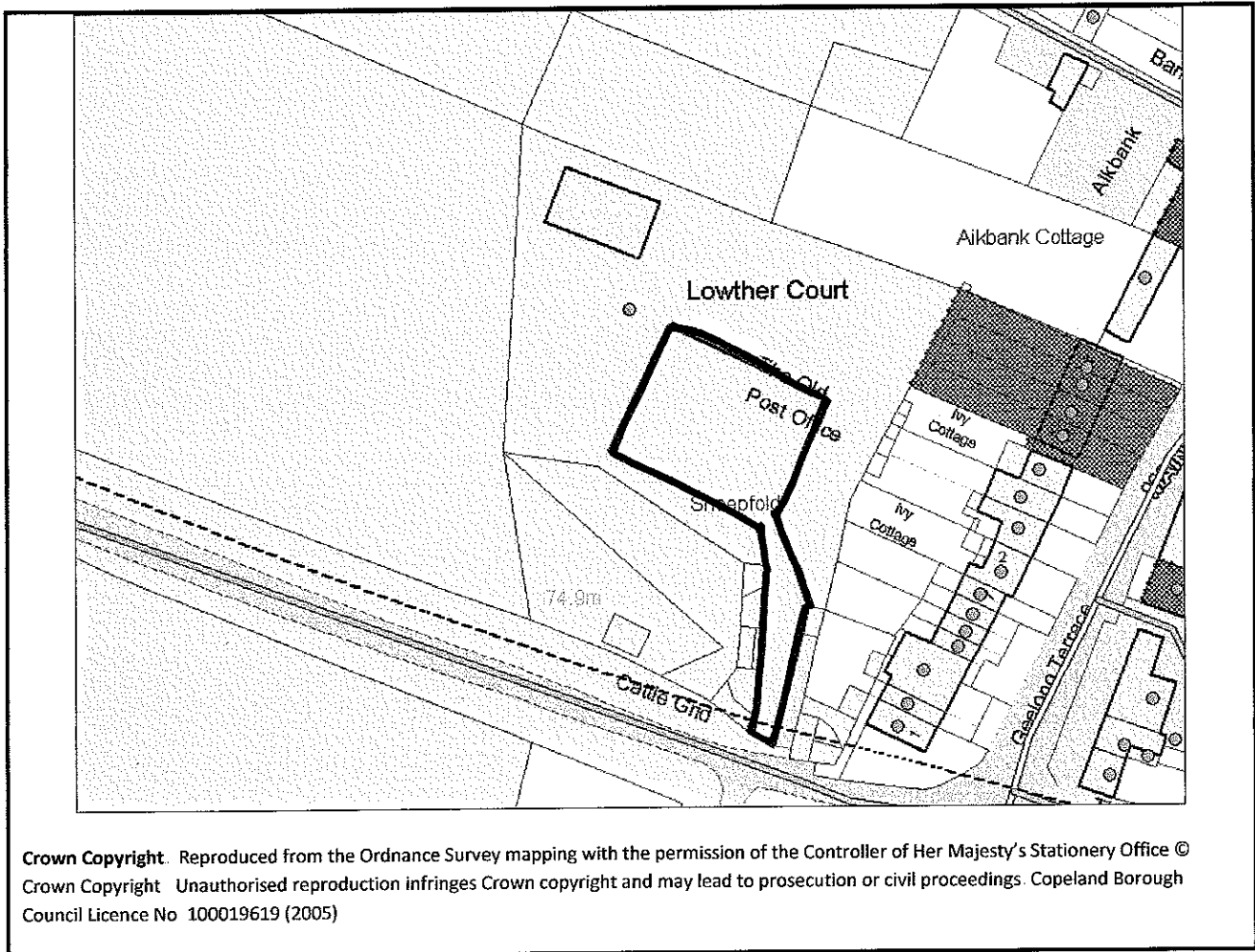
Development Control Manager

Date of Meeting: 06/01/2010

**REASON FOR BRINGING TO COMMITTEE:**

Previous grant of outline planning permission by the Planning Panel on "exceptional needs" grounds.

<b>Application Number:</b>	4/09/2521/0
<b>Application Type:</b>	Reserved Matter :
<b>Applicant:</b>	MR R WHITTON
<b>Application Address:</b>	LAND AT, FIELD 2987, SANDWITH, WHITEHAVEN.
<b>Proposal</b>	RESERVED MATTERS APPLICATION FOR ERECTION OF DETACHED DWELLING
<b>Parish:</b>	Whitehaven
<b>Recommendation Summary:</b>	Permission be refused



## PROPOSAL

This application comprises the reserved matters for an agricultural workers dwelling which was approved in outline in August 2008 (4/08/2315/001 refers) on a rural edge of village site adjacent to the applicants existing farm buildings and land holding in Sandwith.

In terms of detailed design it is proposed to erect a large 'modern styled' two storey three bedroomed house similar in design and appearance to the modern dwellings recently erected at this end of the village on Johnson Close. External materials to be used include red facing brickwork walls to the front, dry dash render elsewhere with contrasting quoins, and grey concrete roof tiles. It will provide accommodation in the form of a large lounge, kitchen, hallway, cloak room, utility room and dining room on the ground floor with an integral garage and three large bedrooms (one with a walk in wardrobe) plus bathroom on the first floor. The total floor area of this large house amounts to over 205 square metres. It's main elevation will face west away from the terrace looking out towards Johnson Close, (over 80 metres distant to the

nearest dwelling here). The rear of the building will look out onto part of the existing paddock. Whilst there are main habitable room windows on the gable facing the terrace it has been demonstrated that a generous separation distance of a minimum of 38 metres can be achieved.

Vehicular access is shown via the existing agricultural field access to the west serving the agricultural buildings. This is off the private road adjacent leading to the lighthouse. No details of the improvements needed to show how this can be achieved to serve a working farm have been submitted.

## **CONSULTATION RESPONSES**

Highway Authority – raise no objections as the site is served by a private road. However they do point out that details of the access arrangements have not been provided.

United Utilities – no objection subject to the site being drained on a separate system with foul drainage only being connected to the foul sewer.

Five letters of objection have been received to date from neighbours who express the following concerns regarding the application:

- 1) Concern that the new paved driveway around the perimeter of the dwelling will add to the risk of flooding of properties downhill of the field as natural drainage in this field is poor.
- 2) As this dwelling is similar in design to those built recently at Johnson Close suspect that this may be the "foot in the door" for wider development of the field with dwellings.
- 3) If planning permission is granted must be restricted to agricultural use only.
- 4) Previously it was proposed for a dwelling here under the guise of necessity for the farmer. Now this application is being made by Mr Fowler who already has a large residence in the village.
- 5) Concern about noise levels during construction and the effect this will have on nearby residences and wildlife.
- 6) Will this be the only dwelling constructed or will it be a pre-cursor to an estate being built.
- 7) Affect on property values.
- 8) Are there no other suitable properties that can be used for this purpose nearby.

- 9) Concern that the informal right of access along the existing agricultural access to the rear of Geelong Terrace will be lost.
- 10) Potential for increased traffic along rear of the terrace and within the village.
- 11) Concern that the two storey dwelling will be imposing and overlook the rear of the terrace – has a bungalow not been considered.
- 12) Can a non farmer apply for planning permission on behalf of the land owner – thought there was an agricultural tie that only the farmer could build here.
- 13) Concern regarding scale and design – when does an agricultural dwelling need a gallery and why is it being built in the ugly style of Johnson Close!

In response to these points:

- 1) The issue regarding drainage is covered by a condition attached to the outline which still has to be complied with. This requires full details of foul and surface water to be submitted for approval.
- 2) As regards the land being developed for speculative housing – the site is in the countryside and the outline permission was granted for an ‘agricultural dwelling’ restricted by condition as an exception to local plan policy.
- 3) Construction activity is not within the control of the planning authority. If particular problems do arise there is separate environmental legislation to deal with it.
- 4) Property values are not relevant planning considerations and should be disregarded.
- 5) As to whether there are other suitable properties nearby – this is a matter relevant to the outline not this application whereby the case was made and accepted for an agricultural dwelling in this specific location on agricultural need grounds.
- 6) Informal access arrangements are civil matters between the residents and land owner concerned.
- 7) It is reiterated that the Highway Authority raise no objection to the proposal on highway safety grounds
- 8) It has been satisfactorily demonstrated that in excess of the required separation distances between the positioning of the dwelling and the nearest existing dwelling can be achieved.
- 9) The applicant is the farmer and he is represented by a local agent who has made the application on his behalf – which is in order.

## **PLANNING POLICY AND ASSESSMENT**

Government guidance set out in Planning Policy Statement (PPS) 7 : Sustainable Development in Rural Areas establishes that sustainable development is the core principle underpinning land use planning. One of the key principles of the document advocates that new building development in the open countryside should be strictly controlled, the aim being to protect the countryside for the sake of its intrinsic character and beauty. In particular it cites 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.

In addition to national guidance the relevant adopted Copeland Local Plan 2001-2016 policies against which this application should be assessed are DEV 6 and HSG 5, the former requires all development to be of a high quality sustainable design. Criterion 1 of this policy states permission will only be granted where building scale, density and proportion, landscaping and overall layout contribute to creating or maintaining a strong sense of place and achieves an efficient use of land. HSG 5 refers to the consideration of exception housing such as this outside the settlement boundaries and specifically states that it must, where the relevant other criteria of the policy have been fulfilled in respect of the principle,( which in the case of this application for reserved matters it has,) be sited so as to minimise visual impact and incorporate traditional elements in its design, scale and external finishes.

This application which seeks permission for the design, external detailing and positioning of the agricultural dwelling, proposes a large modern style dwelling which is similar in appearance and finishes to a nearby new development, as opposed to reflecting the traditional countryside setting it is to be situated within. In such sensitive locations a more traditional style of dwelling of more modest size and incorporating traditional materials is sought, as clearly required by PPS 7 and policies DEV 6 and HSG 5. The applicant has been requested to consider submitting a revised scheme but no response has been received to date. In my opinion the proposed design and scale of the dwelling does not comprise an acceptable form of development in this rural location and, as such, fails to satisfactorily comply with PPS 7 and Policies DEV 6 and HSG 5 of the adopted Copeland Local Plan 2001-2016.

**Recommendation: Refuse Reserved Matters**

The modern design, scale and external finishes for this two storey house, comprising the reserved matters for an agricultural dwelling, fails to reflect the sensitive rural

location and setting contrary to PPS 7 : Sustainable Development in Rural Areas and Policies DEV 6 and HSG 5 of the adopted Copeland Local Plan 2001-2016.





ITEM NO: 2.



To: PLANNING PANEL

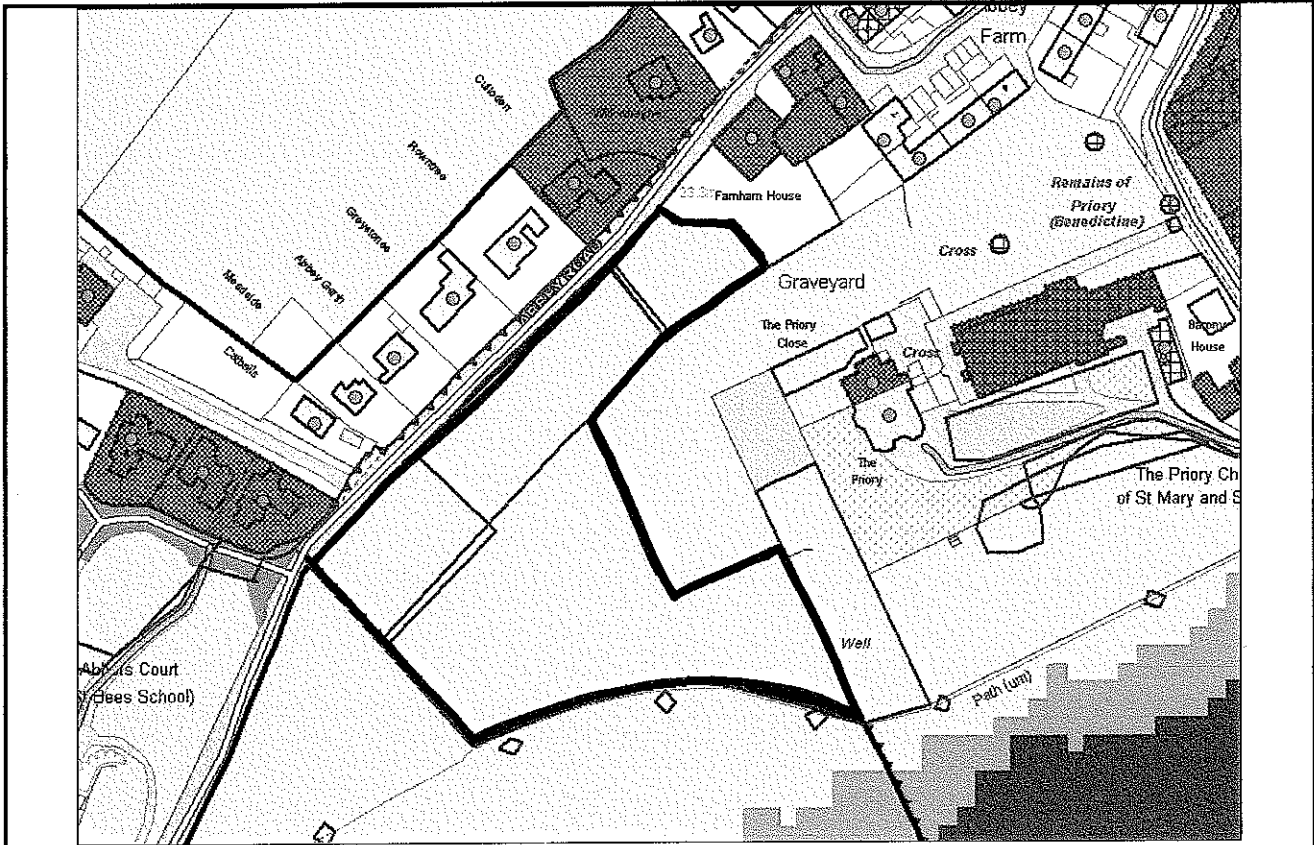
Development Control Manager

Date of Meeting: 06/01/2010

**REASON FOR BRINGING TO COMMITTEE:**

Members site visit recommended in order to fully appraise the impact of the proposed development on the setting of St Bees Priory which is a Grade I Listed Building.

<b>Application Number:</b>	4/09/2534/0
<b>Application Type:</b>	Full :
<b>Applicant:</b>	MR G REED
<b>Application Address:</b>	ABBAY ROAD, ST BEES, CUMBRIA.
<b>Proposal</b>	RESIDENTIAL DEVELOPMENT FOR 11 DWELLINGS
<b>Parish:</b>	ST BEES
<b>Recommendation Summary:</b>	Site Visit



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## PROPOSAL

A full application recently received for residential development on a long and narrow sloping greenfield site in St Bees, extending for approximately 150 meters in length from Abbey Farm residential development to the east to opposite Monks Hill to the west.

It is proposed that 11 split level dwellings in linear form will be positioned here immediately adjacent to the road frontage. There will be one block of 4 terraces and one block of 3, a pair of semis and two detached houses at either end. They will take the form of traditionally styled dwellings reflecting the local vernacular which will be two storey from the road and three storey to the rear to take account of the sloping nature of the site. Traditional features and materials will be incorporated into the development and include local red sandstone cladding and facing brickwork with dark grey slate roofs. In terms of accommodation each unit will provide 4 bedrooms with an integral basement garage over three floors.

Vehicular access will be via a new access positioned centrally on the site off Abbey Road with a private shared access drive leading east and west to the rear of the dwellings off which will be constructed individual drives.

### **PLANNING HISTORY**

A previous application for the erection of 12 dwellings on the site was considered by the Planning Committee in 1991 who resolved to grant permission subject to a section 106 agreement. This was never signed and the permission was never issued and subsequently withdrawn. (4/91/0298/0 refers).

### **KEY ISSUES FOR CONSIDERATION**

This is a sensitive site within the conservation area and village boundary as designated in the adopted Copeland Local Plan 2001-2016. Most importantly it lies to the north west of The Priory Church and its grounds which is Grade 1 listed and thereby of national importance for its architectural and historic character, the immediate and wider setting of which it is paramount to protect from inappropriate development. As a result it is important that this application is very carefully considered particularly in light of its potential impact on the Priory and the conservation area generally.

It is also likely that this proposal will be locally contentious. At this early stage in the process several letters of objection have already been received.

In view of the above it is recommended that Members take the opportunity to visit this sensitive site to fully appraise all the material planning considerations before determining the application.

### **RECOMMENDATION**

Site visit

ITEM NO: 3.



To: PLANNING PANEL

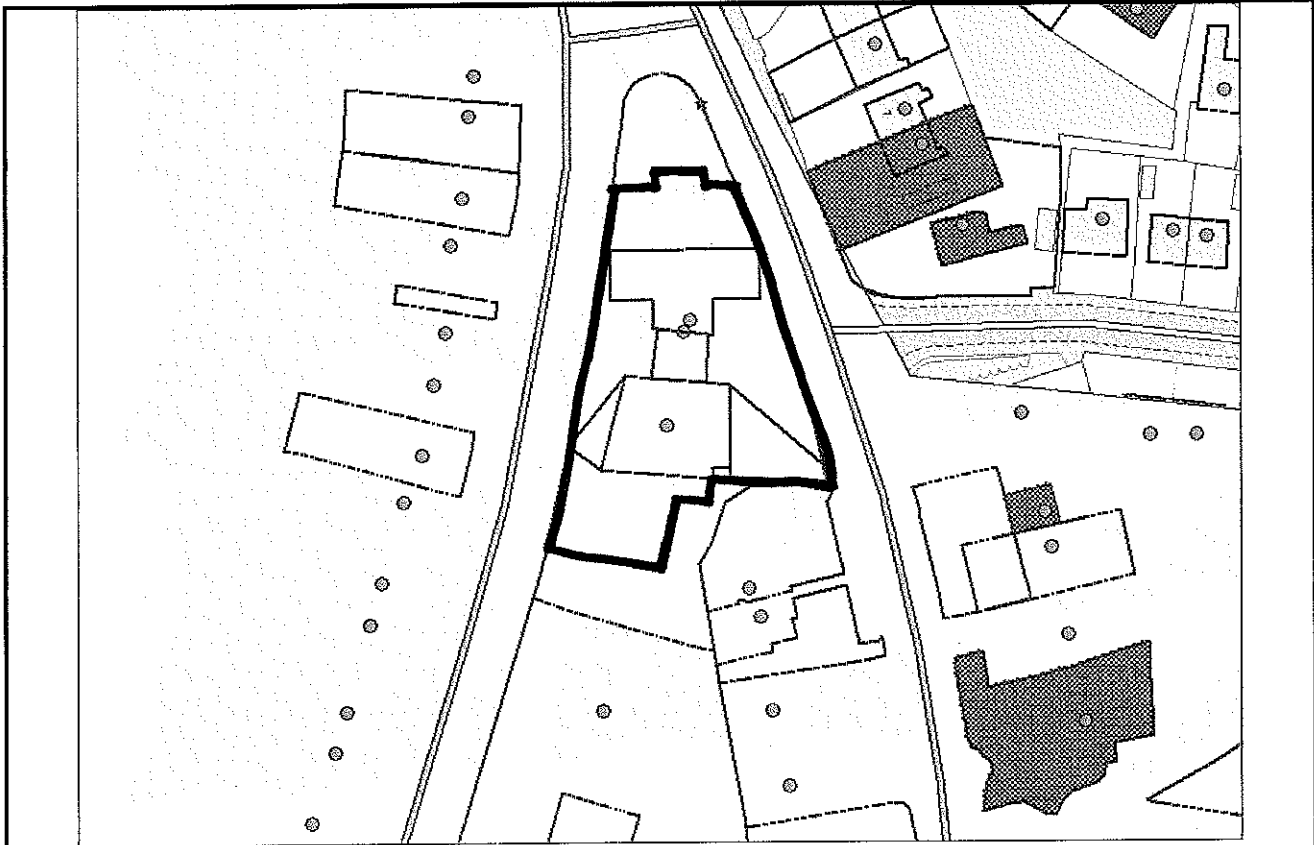
Development Control Manager

Date of Meeting: 06/01/2010

**REASON FOR BRINGING TO COMMITTEE:**

The proposal involves the redevelopment of a prominent site at the northern approach into the town.

<b>Application Number:</b>	4/09/2539/0
<b>Application Type:</b>	Full :
<b>Applicant:</b>	MR M GATTY
<b>Application Address:</b>	PELICAN SERVICE STATION, LOOP ROAD NORTH, WHITEHAVEN, CUMBRIA.
<b>Proposal</b>	DEMOLITION OF EXISTING CAR SHOWROOM, PETROL STATION KIOSK & FORECOURT CANOPY, CONSTRUCTION OF CONVENIENCE STORE & FORECOURT CANOPY REMODELLING OF FORECOURT.
<b>Parish:</b>	WHITEHAVEN
<b>Recommendation Summary:</b>	Approve (commence within 3 years)



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## PROPOSAL

The existing site occupies a prominent position on the northern entrance into the town and currently houses a petrol filling station, small retail shop and a vacant former car showroom.

Planning permission is sought for the redevelopment of the site to provide a new canopy over the petrol pumps, the creation of an enlarged retail shop and also enhanced parking provision. The existing forecourt is to be retained and the existing access points into the site are to be maintained in their current position and form.

The existing canopy is currently linked to the retail kiosk building. It is proposed to replace this with a new detached curved canopy that will be supported by the existing stanchions. The height of the canopy will increase from 5.5 metres to 8 metres at its highest point.

The retail shop is to occupy the footprint of the former car showroom and is to be a maximum height of 9 metres. This is 1.5 metres higher than the ridge of the existing building.

The new building has been designed with a pitched roof which is to be covered with reconstituted grey slate interlocking tiles. The walls are to be finished with a white wet dashed render and will sit on a red brick plinth.

It is proposed to create 7 additional car parking spaces for customers in front of the retail shop. A further 11 spaces are to be provided elsewhere within the site.

## PLANNING POLICIES

Whitehaven is defined as a Key Service centre under Policy DEV 2 of the adopted Copeland Local Plan 2001-2016. The site lies within the designated development boundary for Whitehaven as set out in Policy DEV 4. This policy gives priority to the development of previously developed land rather than Greenfield land.

Policy DEV 6 of the Local Plan encourages a high standard of design and the provision of a safe and convenient access, egress and internal circulation for all users.

Policy EMP 5 permits proposals for appropriately scaled employment development within key service centres.

Policy TCN 2 sets out a sequential test for retail development with out of centre locations given the least priority. Any out of centre locations will be required to demonstrate a need for the development and the potential impacts on nearby service centres and accessibility will be taken into consideration.

Policy TCN 14 encourages small scale retail development in suburban areas to meet the needs of the local community

## ASSESSMENT

This proposal involves the redevelopment of an existing brown field site which is located within the designated development boundary for Whitehaven. Although the proposal will involve an increase in the retail floor space the creation of a small scale convenience retail store on this commercial site is considered to be appropriate and will provide a local facility in this predominantly residential area.

The layout of the building, forecourt and parking has largely been dictated by the existing facilities on the site in order to retain the existing underground storage tanks and petrol pumps location.

Although the height of the proposed retail building will exceed the height of the existing

showroom it will occupy the same foot print and is of an improved design. This building together with the proposed forecourt canopy will improve the appearance of this prominent site. The separation distance between the building and canopy and the adjoining residential properties is also considered to be adequate to ensure that this development will not adversely affect amenity.

#### Conditions

1. A sample of the roofing material for both the retail building and the petrol filling station canopy shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details and so maintained thereafter.

#### Reason

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

2. 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.

#### **Reason for granting:**

An acceptable form of development on an existing commercial site that will improve the appearance of the land and also provide a small scale convenience facility within the locality in accordance with Policies DEV 4, DEV 6 and TCN 14 of the adopted Copeland Local Plan 2001-2016

Schedule of Applications - DELEGATED MATTERS

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4/09/2486/0	Seascale	CHANGE OF USE FROM PRIVATE DWELLING INTO AN ANN (CONTAINING AN APARTMENT & 4 LETTING BEDROOMS) 3, CALDERSYDE, THE BANKS, SEASCALE, CUMBRIA. CALDER HOUSE HOTEL
4/09/2494/0	St Bees	CHANGE OF USE FROM FORMER GARDEN TO CREATE GOLF PRACTICE PUTTING GREEN AND BUNKERS ST BEES SCHOOL, ST BEES, CUMBRIA. ST BEES SCHOOL
4/09/2504/0	Lowside Quarter	DEMOLISH REDUNDANT TOILET/SHOWER BLOCK & USE PL FOR ADDITIONAL THREE CARAVANS, THREE ADDITIONAL LANTERN MOSS CARAVAN SITE, BRAYSTONES, BECKERME CUMBRIA. MR M PALLING
4/09/2502/0	Whitehaven	MEMORIAL TO COMMEMORATE WELLINGTON PIT DISASTER INCLUDING GROUNDWORK, PAVING AND DECORATIVE WELLINGTON TERRACE, SOUTH SHORE, WHITEHAVEN, CUMBRIA. WELLINGTON MEMORIAL COMMITTEE
4/09/2478/0	Whitehaven	SINGLE STOREY EXTENSION TO SIDE OF DWELLING 12, YORK ROAD, KELLS, WHITEHAVEN, CUMBRIA. MR P HARVEY
4/09/2483/0	Whitehaven	REAR CONSERVATORY 89, HIGH ROAD, KELLS, WHITEHAVEN, CUMBRIA. MR AND MRS MCALLISTER
4/09/2485/0	Lamplugh	ADDITIONAL STOREY TO EXISTING BUNGALOW, INCORPORATING BALCONY TO REAR AND ERECTION OF BROOKBANK, KIRKLAND, FRIZINGTON, CUMBRIA. DR J TELFORD
4/09/2487/0	Whitehaven	SINGLE STOREY EXTENSIONS TO THE SIDE AND REAR KENMORE, HARRAS ROAD, HARRAS MOOR, WHITEHAVEN, CUMBRIA. MR DORAN
4/09/2493/0	Whitehaven	EXTENSION TO GARAGE AND BEDROOM ABOVE, RENEW SI ROOF 28, FERN GROVE, THE HIGHLANDS, WHITEHAVEN, CUMBRIA. MR J HOOPER
4/09/2495/0	Cleator Moor	GARAGE ON EXISTING CONCRETE BASE (RETROSPECTIVE REAR OF, 1, EARL STREET, CLEATOR MOOR, CUMBRIA. MR J TROTT
4/09/2461/0	Millom Without	ERECTION OF AGRICULTURAL BUILDING



Schedule of Applications - DELEGATED MATTERS

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		LAND ADJACENT TO, BRAMBLE COTTAGE, THE HILL, MILLOM, CUMBRIA. MR K JORDAN
4/09/2480/0	St Bees	TWO CONTAINERS WITH DOUBLE DOORS & SERVICE BAY WITH COVERED ROOF (TO STORE/REPAIR AGRICULTURAL WHIN BANK, ROTTINGTON, WHITEHAVEN, CUMBRIA. T W WEST LTD
4/09/2481/0	St Bees	STORAGE BUILDING FOR AGRICULTURAL MACHINERY  WHIN BANK, ROTTINGTON, WHITEHAVEN, CUMBRIA. T W WEST LTD
4/09/2501/0	Haile	CHANGE OF USE OF A VACANT FORMER WATER TREATMEN WORKS FOR USE AS A SHEPHERDS HUT FORMER, WATER TREATMENT WORKS, COLD FELL, HAILE EGREMONT, CUMBRIA. MR D HOLLIDAY
4/09/2466/0	Whitehaven	REPLACEMENT OF SHOP FRONT FROM WOOD TO ALUMINIUM  69, KING STREET, WHITEHAVEN, CUMBRIA RANBROOK LIMITED
4/09/2469/0	Cleator Moor	ERECTION OF GATE AND FENCING TO SECURE GARDEN (RETROSPECTIVE) 10, ST JOHNS CLOSE, CLEATOR MOOR, CUMBRIA. MRS R DAVIES
4/09/2475/0	Whitehaven	CHANGE OF USE FROM STORAGE TO RESIDENTIAL (2 BEDROOM APARTMENT) FIRST FLOOR, 71, KING STREET, WHITEHAVEN, CUMBRIA. MRS M O CHAN
4/09/2490/0	Arlecdon and Frizington	OVER ROOFING OF MEDICAL CENTRE WITH A TILED PITCHED ROOF FRIZINGTON MEDICAL CENTRE, GRIFFIN CLOSE, FRIZINGTON, CUMBRIA. WDS LTD, MR T SHORT
4/09/2492/0	Whitehaven	NEW SCOREBOARD  CORKICKLE END, RECREATION GROUND, WHITEHAVEN, CUMBRIA. MR N BEATY
4/09/2497/0	Cleator Moor	NEW WINDOWS TO 3RD FLOOR ON SOUTH WEST (REAR) ELEVATION PHOENIX COURT, EARL STREET, CLEATOR MOOR, CUMBRIA. JOHNSTON AND WRIGHT ARCHITECTS

Schedule of Applications - DELEGATED MATTERS

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4/09/2511/0      Arlecdon and Frizington      FELLING OF ONE SCOTTS PINE AND ONE LARCH TREE A  
CROWN REDUCE BY 30% ONE POPLAR TREE  
WOODED AREA BETWEEN, WEST LODGE, RHEDA PARK &  
FRIZINGTON HALL FARM, FRIZINGTON, CUMBRIA.  
MR J REED