

PLANNING PANEL

9 December 2009

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RELEVANT INFORMATION

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

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

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

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

In particular:

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

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

STANDARD CONDITIONS

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

Outline Consent

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

Reserved Matters Consent

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

Full Consent

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

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1 4/09/2464/0

OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR
SINGLE STOREY BUILDING WITH CAR PARK TO OPERATE
AS A COMMUNITY PHARMACY
LAND AT, HIGH ROAD, WHITEHAVEN, CUMBRIA.
MR J URWIN

Parish Whitehaven

INTRODUCTION

This application was deferred at the last meeting to enable Members to visit the site. The site visit took place on Tuesday 24 November 2009.

PROPOSAL

Outline planning permission is sought for the erection of a single storey building adjacent to an existing bungalow on High Road on land that was formerly associated with the Rhodia site. Although only in outline form the applicant has indicated that the building will cover a floor area of approximately 108 sq m and will be designed with a pitched roof. The building is to be served by a small car park which is to be created to the rear of the proposed building. This will provide 6 spaces and 2 disabled spaces and will be accessed using the existing entrance onto High Road which formerly served part of the Rhodia site.

The applicant has submitted additional information in support of the application. He currently runs another pharmacy business and he has been granted a contract by Cumbria Primary Care Trust for the opening of a community pharmacy for the communities of both Kells and Woodhouse. The PCT regard Kells and Woodhouse as a community where there is a deemed need for such a facility in the locality. His application has been submitted now in order to meet the timetable set by the NHS who require an application for full consent to be submitted by the start of January 2010 and a building has to be in place by 3 July 2010.

The applicant has indicated that this proposal is likely to allow the creation of some consulting rooms in addition to the provision of a pharmacy which will be made available to other health and social care agencies.

CONSULTATION RESPONSES

Highways Control Officer - The proposed access road serving the site has severely restricted visibility splays onto High Road and the application makes no reference to improving inter visibility arrangements. On this basis the application should be refused unless

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the applicant can secure improvements to the access visibility and provide a suitable crossing over High Road.

United Utilities - No objections.

Scientific Officer - This site should not require a contaminated land condition but as it is adjacent to the Rhodia site I have asked the applicant to provide information on his environmental search.

Six letters of objection have been received from residents on Snaefell Terrace which lies opposite the site. The main concerns raised are as follows:-

- the likelihood of drug addicts accumulating in the area as a result of the pharmacy
- increase in antisocial behaviour
- the proximity of the building to nearby dwelling houses
- devaluation of properties
- noise issues resulting from the construction of the building
- a general increase in traffic
- incorrect siting for a facility which would be better sited within the town centre
- there are other suitable buildings available in the area which could be used to house a pharmacy
- there is no need for this facility as local shops within the locality already sell pharmaceutical necessities

A petition containing 68 signatures of people mainly living in the Kells and Woodhouse areas has also been received. Whilst the cover note accompanying the petition states that the signatories object to the proposed development, no grounds for objection are stated.

PLANNING POLICY

Government guidance set out in Planning Policy Statement 1 : Delivering Sustainable Development establishes sustainable development as the core principle underpinning planning. It states that sustainable communities are places where members of the community have access to facilities thereby reducing the need to travel and also overcoming social exclusion.

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.

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Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 sets a preference for the reuse of existing buildings or the development of brown field sites in preference to green field sites within the development boundary.

Policy TCN 14 permits proposals for small scale retail development in suburban areas to meet the needs of the local community.

Policy SVC 11 encourages the provision of new or extended health facilities where they are related to the needs of the local community.

CONCLUSIONS

The need for a local pharmacy in the Kells and Woodhouse area has been established by the Cumbria PCT. In considering the applicant's plans for the provision of a pharmacy within the locality they indicated that it was both necessary and desirable for the provision of pharmaceutical services in the neighbourhood and provided an opportunity for the provision of healthcare within an area with a lot of deprivation.

In order to meet this need a suitable site has to be found to locate the facility. Although it would be preferable to house such a facility adjacent to other existing services in the locality the applicant has provided additional information to justify his proposal.

He claims that this site is suitable as it lies between Kells and Woodhouse and is easily accessible for the majority of residents within the locality. It lies within close proximity to a number of existing local services and facilities, for example the school, RC church and the public library. His choice for the site has also been influenced by the lack of alternative sites within the neighbourhood where a pharmacy could be housed. He has indicated that he has considered a number of existing premises but they have been discounted as they were either too small to meet the business needs of the pharmacy or were located at one end of the catchment area and, as such, would be unlikely to attract custom from the opposite end of the estate. He did attempt to secure the former Post Office on Woodhouse but his bid was unsuccessful. He has also discounted the area of land adjacent to the library due to traffic issues resulting from both the existing traffic calming and also the proximity to the school.

One of the other main constraints on the location is the NHS regulation which states that the business has to be located more than 1.6km from existing pharmacy premises.

The site is located within the development boundary and was formerly part of a larger employment site occupied by Rhodia. Although it is narrow in width it is capable of accommodating a modest building and is also of a sufficient size to allow the creation of a dedicated car

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park to serve the pharmacy.

The Highways Control Officer has raised concern regarding the adequacy of the road junction to serve the car park. Given the historical use of this access as part of the former Rhodia site Members are advised that it would be difficult to justify an objection based on highway grounds. The applicant has indicated that he is prepared to lower the existing wall which runs across the road frontage of the site to a maximum of 1 metre in height to improve visibility to the left hand side of the access. This would form part of a detailed application for the approval of Reserved Matters should this outline permission be granted for this development.

The Highway Control Officer has also raised issues relating to pedestrian safety. Although the site is located within close proximity to other facilities within the local area including a bus stop and has a pavement along its road frontage it is on the edge of the residential area and the majority of pedestrian users would have to cross High Road to access it. The Highway Control Officer has suggested that a pedestrian crossing on High Road should be provided. As these works would take place within the roadway the Highways Control Officer has indicated that any scheme would have to be agreed by the Highways Authority. His initial view is that this could be controlled by the imposition of a suitably worded condition that requires the crossing to be constructed to an acceptable standard and be in place before the pharmacy is operational. It would also have to be the subject to a separate agreement with the Highways Authority which could be dealt with by means of a permit.

Although the concerns of local residents are noted this proposal would provide a local facility in an area where a need has been identified. Government policy encourages the provision of local facilities to meet local needs with the overall aim of providing sustainable communities. Policies within the adopted Copeland Local Plan 2001-2016 are consistent with this aim.

Recommendation

Approve in Outline (commence within 3 years)

3. Prior to the first use of the building hereby approved a pedestrian crossing shall be constructed on High Road in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved crossing shall be maintained at all times thereafter.

The reasons for the above conditions are:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

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For the avoidance of doubt and to provide an acceptable pedestrian crossing to the development in the interests of highway safety.

Reason for decision:-

The provision of a modest building to house a pharmacy on this brown field site to meet the needs of the local community is an acceptable form of development in accordance with Policies DEV 4, TCN 14 and SVC 11 of the adopted Copeland Local Plan 2001-2016.

2 4/09/2465/0

EXTENSIONS, ALTERATIONS, FORMING DORMER WINDOWS &
RE-SITING PUBLIC FOOTPATH
SWALLOW BARN, LOWCA, WHITEHAVEN, CUMBRIA.
MR T GILMOUR

Parish Lowca

- No comments received.

Planning permission is sought for extensions, alterations, forming dormer windows and the re-siting of a public footpath at Swallow Barn, Lowca. The application was considered at the last meeting when Members resolved to undertake a site visit. This took place on 24 November 2009.

The dwelling is semi-detached and situated in a rural location. It is adjoined to Hallcat Farmhouse and was formerly a barn to the farm, receiving planning permission for conversion to a dwelling in 1979 (4/79/0321/0 refers). The two dwellings are located approximately 2km from Lowca village.

This application seeks approval for alterations to the dwelling consisting of an extension to the rear elevation for a utility room measuring 3.0m x 4.6m, a first floor balcony to the south facing elevation and the addition of a first floor in the roof space to be utilised as 4 bedrooms and a bathroom. In order to provide sufficient light to the first floor rooms four dormer windows are also proposed to the front elevation. 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 30cm.

Also included as part of the planning application is a proposal to

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divert the route of Public Footpath 413012 which currently runs along the front elevation of both dwellings. The proposed route will take the footpath outside of the curtilage of Swallow Barn, approximately 30m to the east. It will then join the existing route 40m to the north and continue along the driveway of Hallcat Farm which joins the public highway. The Public Footpath had previously run along a similar route, but within the curtilage of both Swallow Barn and Hallcat Farm until 2008 when a Modification Order was made by Cumbria County Council to the current position at the request of the objector.

A letter of objection has been received from the owner of the adjoining Hallcat Farm whose concerns are as follows:-

- some of the land included within the red line area is under her ownership
- the dormer windows will affect the privacy of the adjoining property due to overlooking
- the utility extension will be very intrusive
- the balcony will overlook the adjoining property and affect her privacy
- the footpath should remain in the existing position as the proposed diversion will cause a greater loss of privacy to the dwelling.
- the decking will increase flooding onto her property due to the increased height.

With regard to these points, while the dormer windows are not a traditional feature of a barn building, the current appearance of the conversion is not traditional due to the rendered finish and uPVC windows. In addition they could be constructed under permitted development limits without the submission of a planning application and it is considered that the additional first floor accommodation is not unacceptable as it adjoins a dwelling also with first floor accommodation and windows. The balcony is not considered to cause any privacy or overlooking problems to the adjoining dwelling and there are no other dwellings near to the south elevation of Swallow Barn. The applicant has also submitted an amended plan reducing the decking area so it is now 8.0m away from the adjacent property boundary, thereby removing any surface water run off concerns.

The applicant is satisfied that the land detailed on the application is under his ownership and, therefore, any land ownership issues would not be a relevant planning matter. The utility extension extends 3.0m from the elevation of the dwelling and would be located 4.0m from the boundary with the adjoining property which is viewed as a suitable distance and will have no windows facing Hallcat Farm.

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In addition, a letter of objection has been received from a solicitor on behalf of the objector which raises the issue that the public footpath should remain unobstructed which may not be the case due to the proposed extensions and alteration. In response to this point, any planning approval can be conditioned to not commence until a lawful diversion to the footpath has been secured.

In response to the proposal Cumbria County Council's Rights of Way Officer has raised no objections subject to the proposed path being available to the public before the current path is stopped-up. The agent has stated in the application that the adjoining land owner who farms the land is supportive of the proposed footpath diversion. The change to the footpath though would not be granted through any subsequent grant of planning permission and a separate Diversion Order will need to be confirmed.

Therefore, the extensions and alterations proposed to the dwelling are viewed as acceptable under Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 and on this basis the application is recommended for approval.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate to the amended plan (Drawing No 2009.354.11B) received by the Local Planning Authority on 24 November 2009. Development shall be carried out in accordance with the approved details.
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.

The reasons for the above conditions are:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

For the avoidance of doubt.

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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3 4/09/2473/0

THREE BEDROOMED DETACHED DWELLING
78, SANTON WAY, SEASCALE, CUMBRIA.
MR J FIDLER

Parish Seascale

- No objection to the development but would like it to be noted that there are concerns about rights of access.

Planning permission is sought for the erection of a detached two storey house in the rear garden of 78 Santon Way, a semi-detached house situated within a residential area of Seascale. The existing garden is rather large, measuring 22.5m in length and between 17.5m and 19.0m in width.

Vehicular access to the site is off Santon Way and along a narrow surfaced lane known as "The Drive" which runs to the side of 78 Santon Way and serves three detached houses to the rear of the site.

At present the site frontage which runs parallel to the lane is bounded by a small random stone wall and mature hedgerow. There is also dense planting and hedging along the side and rear boundaries dividing the site from 1 The Drive and 76 Santon Way.

In terms of layout the house would be set back between 5.25m and 5.5m from the site frontage fronting the lane, 3.5m from the rear boundary and 1.0m from either side boundary.

In terms of accommodation the two storey house would provide a kitchen, lounge and WC at ground floor level with three bedrooms, an en-suite bathroom and a family bathroom above. In order to meet the separation distances required by Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 habitable room windows have been limited to the front and rear elevations. The rear bedroom would be served by patio style windows and a Juliette balcony.

Externally, the house would have white dry dashed walls, a grey concrete tiled roof and white uPVC windows and doors. The driveway would be finished with red block paviours and the site bounded by timber fencing.

In terms of consultation responses the Highways Authority have provided advisory comments given that access is off a private road. Firstly, whilst they note parking for two cars is to be provided, they request that this is shown on the layout plan. Secondly, for

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ease of use and to benefit the adjacent property they suggest everything within 2.0m of the lane should be restricted in height to 1.0m to allow visibility. Thirdly it should be ensured that surface water from the driveway does not flow onto or off the lane and any gates open inward.

United Utilities have raised no objections provided the site is drained on a separate system, with only foul drainage connected into the foul sewer.

Cumbria County Council's Rights of Way Officer points out that public right of way 426022 runs along The Drive adjacent to the proposed development and that it is important that this route is not damaged or obstructed by any works and that public safety is ensured at all times.

A single letter of objection has been received from the occupants of 1 The Drive, to the rear of the site. In summary they object on the following grounds:-

1. The Drive is private property owned by persons at 1, 2 and 3 The Drive. Any access would therefore require approval, on a legal basis, from such owners.
2. There is a right of way for members of the public to pass through The Drive on foot from Santon Way to Blackhow Road and vice versa. There is no vehicular right of way.
3. At no point have the owners of 78 Santon Way approached the objectors to discuss their proposals.
4. Suggest that 2 and 3 The Drive are contacted and their views on the application sought.

In response to the concerns raised by both the adjoining property owner and the Parish Council I would comment that issues relating to rights of access are not material planning considerations.

In addition to Policy HSG 8 "Housing Design Standards", Policies DEV 6 "Sustainability in Design" and HSG 4 "Housing within Settlement Boundaries" are also relevant to the determination of this application. The former advocates a high standard of design and general amenity in development proposals and the latter permits new house building within settlement boundaries where appropriate.

Although the site is located within the settlement boundary for Seascale, a dwelling in this location would directly overlook the rear private gardens of neighbouring dwellings and in particular 76 Santon Way, resulting in a loss of privacy.

Furthermore, whilst the proposed layout would achieve the separation distances recommended by Policy HSG 8, it is considered that the

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positioning relative to No 76 would give it an overbearing presence when viewed from the windows and garden at the rear of this dwelling. This would reduce the enjoyment the occupiers might reasonably expect from these areas leading to a lowering of housing standards.

Accordingly, I consider the proposal would be harmful to the living conditions of occupiers of neighbouring dwellings, particularly No 76, contrary to the above policies. As such, it is recommended that the application be refused.

Recommendation

Refuse

By virtue of its scale, design and location to the rear of existing residential properties, particularly 76 Santon Way, the proposed dwelling would result in an overdominant form of development which would directly overlook rear private gardens and adversely affect the living conditions and general amenity of the occupants of these properties contrary to Policies DEV 6, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

4 4/09/2474/0

VEHICLE ACCESS ACROSS FOOTPATH AND CREATION OF
PARKING SPACE IN GARDEN
3, BIRKS ROAD, CLEATOR MOOR, CUMBRIA.
MR G FARRELL

Parish Cleator Moor

- No objections.

Planning permission is sought for the creation of a vehicular access and parking space within the side garden of this three storey semi-detached property situated along Birks Road, Cleator Moor. The property is situated 20.0m from the busy junction with High Street.

At the time of the officer's visit the hard standing had already been constructed and a 2.0m high brick wall had been erected either side of the driveway entrance. The wall does not form part of this application but requires planning permission in its own right. A photo attached demonstrates this.

The surfaced parking area measures 5.0m x 4.0m, extending to the front of the boundary and abutting the footway. There are double yellow lines along this stretch of Birks Road.



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In response to statutory consultations the Highway Authority comment that the creation of an access in this location would be likely to interfere with the free flow of traffic near a busy junction within the town centre and that vehicles would be reversing under conditions of severely restricted visibility out onto the highway to the detriment of public safety due to the partially restricted width of the footway and boundary wall/hedges. As such, they recommend the application be refused.

Policy DEV 6 "Sustainability in Design" is the relevant policy against which this application should be assessed. This requires development to provide safe and convenient access and egress as well as the safe provision for car parking.

Given the close proximity of the proposed access to the heavily trafficked junction with High Street and the site's restricted visibility it is considered that the development would create an unnecessary danger to highway users contrary to the above policy criteria. As such, it is recommended that the application be refused and enforcement action sanctioned to ensure the original pedestrian access is reinstated.

Recommendation

Refuse

By virtue of its location in close proximity to a heavily trafficked junction with High Street the proposed vehicular access and parking area would interfere with the free flow of traffic creating danger to highway users. Furthermore, the site has insufficient frontage with the highway to provide an access with adequate visibility for and of emerging vehicles with consequent danger to all users of the highway, contrary to Policy DEV 6 of the adopted Copeland Local Plan 2001-2016.

5 4/09/2476/0

TEMPORARY SITE COMPOUND (5 YEARS) ASSOCIATED WITH
PROPOSED REDEVELOPMENT OF WEST CUMBERLAND
HOSPITAL INCLUDING MODULAR OFFICE BUILDING, CAR
PARKING, VEHICLE SET DOWN AND MATERIAL STORAGE
AREA
LAND AT SNECKYEAT ROAD, WEST CUMBERLAND HOSPITAL,
HENSINGHAM, WHITEHAVEN, CUMBRIA.
NORTH CUMBRIA UNIVERSITY HOSPITALS

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Parish

Whitehaven

PROPOSAL

Planning permission is sought for the creation of a site compound which is to be used in connection with the redevelopment of the West Cumberland Hospital that is scheduled to commence in 2010.

The compound is to be created on an area of land to the rear of Sneckyeat Industrial Estate immediately to the north east of the existing hospital complex and will provide a base for the construction process. It is designed to provide storage, car parking and accommodation for the construction team. The compound is required for a temporary 5 year period.

Access is to be achieved into the compound off Sneckyeat Road via a new entrance which will be security controlled. Traffic is to be divided at the entrance into the compound to provide separate routes for delivery vehicles and cars. A holding point will also be created within the entrance layout to remove the need for large vehicles to stand on the road whilst awaiting admission.

The perimeter of the compound is to be bound using a new 2 metre high white painted ply hoarding along the road frontage and the eastern boundary. The existing fence is to be retained along the southern and western boundaries of the site.

A two storey modular building is to be sited within the compound to house site offices and staff rooms. The upper floors will be accessed by an external staircase. An area of car parking is to be provided for a total of 98 vehicles and will be surfaced with tarmacadam. The remainder of the site is to be covered with rolled stone and will be used for the storage of containers and materials and also to allow the turning and manoeuvring area for HGVs.

Initially the site will be used as an office and car parking space. This use will then change as the various construction activities within the hospital complex develop.

CONSULTATION RESPONSES

United Utilities - no objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/water course/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Environment Agency - object as a Flood Risk Assessment (FRA) has not been provided. The proposed scale of development may present risks

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of flooding on site and/or off site if surface water run off is not effectively managed. In the absence of a FRA the flood risks resulting from the proposed development are unknown.

Flood and Coastal Defence Engineer - the land falls within flood zone 1 and is assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year. No objections provided that United Utilities approve the discharge of both foul and sewage into the existing foul sewer and surface water run off into the main surface water sewer.

Highways Control Officer - no objections subject to conditions requiring adequate visibility splays, the surfacing of the access area with a bound material, the introduction of measures to prevent surface water discharging onto or off the highway and the closure of the access into the compound once the use has ceased.

PLANNING POLICY

Policies DP2 and CNL1 of the North West of England Plan Regional Spatial Strategy to 2021 outline a spatial strategy which promotes the development of sustainable communities. Policies RDF1 and RDF2 of the spatial strategy require major development within the Borough to be focussed in Whitehaven where there should be a range of services, including health facilities, to meet the needs of the community.

Policy DEV 2 of the adopted Local Plan defines Whitehaven as a key service centre where most of the new development within the Borough will be focussed.

Policy SVC 11 of the adopted Copeland Local Plan permits development for new or extended health facilities provided that the site is related to the needs of the local community and is served by a range of transport modes.

ASSESSMENT

The creation of a construction compound is an integral part of the proposals to refurbish and extend the existing hospital complex. The site is well related to the existing hospital and the provision of an off site compound will help to minimise the disruption to the hospital which is to remain functional throughout the redevelopment process.

Following concerns from the Environment Agency the applicant's agent has now submitted a Flood Risk Assessment for the site. The Environment Agency have been asked to comment on the submitted details to ensure that this proposal will not result in flood risk from surface water running off the site. Subject to a satisfactory response to the flooding issues this site is considered to be an acceptable location for a construction compound to serve the

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redevelopment of the hospital for a temporary 5 year period.

Recommendation

That delegated authority is given to the Development Control Manager to grant temporary permission subject to confirmation from the Environment Agency that the submitted Flood Risk Assessment is satisfactory and the development will not pose any risk of flooding within the locality and subject to the following conditions:-

1. This permission shall be limited to a period of time expiring on 31 January 2015. The buildings shall be removed and the site restored to its former condition at or before the expiration of the period specified in this permission unless the prior written permission of the Local Planning Authority has been obtained for its continuation.
2. Development shall be carried out in strict accordance with the flood risk assessment as detailed in the letter from Aecom dated 25 November 2009.
3. Prior to the commencement of any development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

If unacceptable risks are identified, a site investigation scheme will be required to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The site investigation results and the detailed risk assessment and, based on these, an option appraisal and remediation strategy giving full details of the remediation measures required and how they are undertaken.

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A verification plan providing details of the data that will be collected in order to demonstrate that the remedial works are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

4. The site shall be drained on a separate system, with only foul drainage connected into the foul sewer.
5. The development shall not commence until visibility splays providing clear visibility of 60 x 2.4 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the County highway.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

6. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highways Authority.
7. 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 prior to development being commenced. Any proposed works shall be implemented prior to the development being completed and shall be maintained operational thereafter.
8. Upon closure of the site compound the new entrance to the highway shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

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9. Prior to the commencement of development on site details of all signs that are to be displayed on the site including siting and lighting details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any lighting units shall be erected so that no direct rays of light from the source of illumination shall be visible to drivers using the highway, and shall be maintained in that respect thereafter.

The reasons for the above conditions are:-

For the avoidance of doubt and to ensure that the site is adequately restored following the completion of the works to redevelop the hospital in the interest of the amenity of the area.

For the avoidance of doubt and to ensure that surface water run off will be adequately controlled to ensure that the development will not result in flooding either on or off the site.

To protect the groundwater and surface water within the area.

For the avoidance of doubt and to ensure a satisfactory form of drainage.

In the interests of highway safety.

In the interests of highway safety and environmental management.

For the avoidance of doubt and to minimise highway danger.

Reason for decision:-

The site is well related to the hospital complex and forms an integral part of the proposals to redevelop the hospital site to deliver enhanced health facilities within the area in accordance with Policies DP 1, CNL 1, RDF 1 and RDF 2 of the North West of England Plan Regional Spatial Strategy to 2021 and Policies DEV 2 and SVC 11 of the adopted Copeland Local Plan 2001-2016.

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6 4/09/2491/0

DEMOLITION OF VARIOUS PROPERTIES (40 IN TOTAL)
WINDERMERE ROAD FELL VIEW AVENUE,
WOODHOUSE ROAD FLESWICK AVENUE, WHITEHAVEN,
CUMBRIA.
HOME GROUP LTD.

Parish Whitehaven

PROPOSAL

It is proposed to demolish a total of 40 dwellings within the Woodhouse estate. The majority of properties are located on Windermere Road and Fell View Avenue although the proposals also include the demolition of 4 houses on Woodhouse Road and a pair of semi detached properties on Fleswick Avenue. All of the properties date from the 1940s and are currently in a poor state of repair. The houses on Windermere Road and Fell View Avenue are linked by bridge rooms which were added in the 1970s and have gone past their lifespan.

It is anticipated that demolition would commence in February 2010. Once demolition is complete the sites will be landscaped until the next phase of regeneration takes place on the estate.

CONSULTATION RESPONSES

Highway Control Officer - no objections from a highway point of view. The removal of unwanted driveway/footway crossings can be undertaken when the redevelopment of the sites are carried out.

PLANNING POLICY

The site lies within the West Cumbria Housing Market Renewal Area. Policy L3 of the North West of England Plan (Regional Spatial Strategy to 2021) advocates the comprehensive regeneration of the area by restructuring the local housing market in this area. This policy does identify clearance as an option, especially where the dwellings are unfit for habitation and unsuitable for modern living.

Policy HSG 12 of the adopted Copeland Local Plan 2001-2016 supports proposals for new development and environmental works which form part of approved neighbourhood renewal packages or similar estate action plans.

Policy HSG 13 seeks to retain existing dwellings unless provision is made for their replacement or unless the proposed housing loss is necessary to achieve other objectives of the Local Plan.

ASSESSMENT

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This proposal constitutes the final phase of demolition that is proposed and forms an integral part of the wider Woodhouse Evolution regeneration scheme.

Members will recall that a representative from Home Housing recently attended a Planning Panel meeting to provide additional information on the Woodhouse Evolution housing renewal programme. This presentation provided Members with some reassurances regarding the regeneration proposals which involve the retention and refurbishment of a number of existing homes to modern decent home standards in addition to the erection of new houses. Works have recently commenced on the erection of 22 new bungalows on land off Wastwater Avenue. Some of these units will be used to rehouse residents whose houses are to be demolished as part of this application. Members will also be aware that the applicants have recently entered into detailed discussions with a private house builder regarding the erection of new properties on some of the previously cleared sites as part of the overall regeneration proposals.

The demolition proposed is considered to be acceptable as the houses have passed their anticipated lifespan and will facilitate the regeneration of the Woodhouse estate.

Recommendation

Approve (commence within 3 years)

2. Prior to the demolition works commencing full details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 6 months of the completion of demolition works.

The reasons for the above conditions are:-

In compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

To ensure the implementation of a satisfactory landscaping scheme.

Reason for decision:-

The dwellings are in a poor condition and unsuitable for modern living. The demolition of these dwellings forms part of a wider regeneration scheme and is consistent with the aims of Policy L3 of the North West of England Plan (Regional Spatial Strategy to 2021) and Policies HSG 12 and HSG 13 of the adopted Copeland Local Plan 2001-2016.

MAIN AGENDA

7 4/09/2496/0

ERECTION OF PORTAL FRAME INDUSTRIAL BUILDING AND
ASSOCIATED OFFICES
BECKERMET INDUSTRIAL ESTATE, HAILE, EGREMONT,
CUMBRIA.
BECKERMET ESTATES LTD.

Parish St Johns Beckermat

- No comments received.

A proposal to erect a large industrial building close to the entrance to this isolated established industrial estate situated in open countryside between Beckermat and Haile. It will be sited immediately adjacent to an existing industrial building constructed in 2007 (4/07/2710/0F1 refers) on a level vacant site currently laid to hardcore with access off the existing service road.

This application normally would have been considered under the scheme of delegation. However, it has been brought before the Panel for determination in view of the recent developments approved on this site which have locally been controversial. Members will recall that planning permission for a large Rig building nearby on the estate was granted in July this year (4/09/2108/0F1 refers) which raised strong local objections and involved undertaking a site visit. More recently permission has also been granted on the estate for a static residential caravan for security purposes (4/09/2421/0F1 refers).

Measuring 25.5 metres in length, by 14 metres in depth, 9.2 metres to the apex and 8.0 metres to the eaves this pitched roof portal framed building will be externally clad in green profiled metal sheeting to match the neighbouring building and others recently erected on the estate. Internally it will provide an engineering workshop and office accommodation spanning two floors. Externally the surrounding compound area will be bounded by a 2.4 metre high palisade fence containing a parking and servicing area.

To date there have been no objections/adverse representations submitted in respect of this application though comments are awaited from the Parish Councils of St John's Beckermat and the neighbouring Haile and Wilton. If received these will be reported verbally to the meeting.

In terms of planning policy adopted Copeland Local Plan 2001-2016 Policies DEV 6 : Sustainability in Design and EMP 4 : Extension of an Existing Employment Use are relevant to the assessment of this application. The former advocates high quality and sustainable design and the latter permits the further development of existing employment sites such as this where it is appropriate. The proposal is

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considered to represent an acceptable form of industrial development, mirroring the neighbouring building, for this expanding industrial estate in compliance with these policies.

Recommendation

Approve (commence within 3 years)

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

Design and Access Statement by Ken Thompson of Coniston Consultants Limited dated 26 October 2009 Ref BE/KT/09/04 received by the Local Planning Authority on 9 November 2009

Report on Phase 1 Desk Study & Phase 2 Intrusive Investigations by Geo Investigate Limited dated 9 September 2009 Ref G08204 received on 9 November 2009

Floor Layout Plans, scale 1:100 Ref BE/KT/09/02 received on 9 November 2009

Elevations, scale 1:100 & 2500 Ref BE/KT/09/01 received on 9 November 2009

Block Plan, scale 1:200 Ref BE/KT/09/03 received on 9 November 2009

Location Plan, scale 1:5000 received on 9 November 2009.

3. Details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before being brought into use.

The reasons for the above conditions are:-

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.

To control light pollution in the interests of visual amenities of the area.

Reason for decision:-

The proposed erection of an industrial building within the existing confines of this established industrial estate represents an acceptable form of development in accordance with Policies ENV 6 and EMP 4 of the adopted Copeland Local Plan 2001-2016.

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8 4/09/2500/0

ERECTION OF 2.35M HIGH SECURITY FENCE WITH GATES
FORMER COAL YARD, SOLWAY ROAD, KELLS, WHITEHAVEN,
CUMBRIA.
C F CEILINGS LTD.

Parish Whitehaven

This application relates to the former coal depot site which occupies a prominent coastal position to the south west of the Haig Enterprise Park at Kells.

Planning permission was refused for the retention of a section of existing 2.7 metre high galvanised fencing and its continuation around the perimeter of this site in April. Members considered the fence would be an incongruous form of hard development within the coastal fringe that would detract from the area and prejudice its potential for future tourism development. Members also agreed to authorise enforcement powers at that time to secure the removal of the existing section of unauthorised fence from the site.

This application is a revised scheme for the erection of a 2.35 metres high fence which is to be installed around the perimeter of the site. A pair of gates are to be installed in the fence to allow vehicular access into the site off the existing path which runs along its eastern side.

Apart from the reduction in height the main change to this proposal is the type of fence proposed which is to be of a welded mesh design and green in colour. The applicant claims that the revised fencing now proposed is more sympathetic to the area and will still provide an acceptable level of security to the site.

The applicant claims the fence is necessary to secure the site from trespassers and also to prevent fly tipping. The site is currently open and this has resulted in the deposit of waste including redundant white goods such as fridges and the shell of a burnt out car.

Two letters have been received from interested individuals who raise the following concerns:-

- the current site is a blot on a beautiful stretch of coast
- its development would be inconsistent with policy as the site lies wholly outside the development boundary for Whitehaven on what has been identified as undeveloped coast

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- aesthetically the fence would be unacceptable and undermine the ongoing work being carried out to enhance the coastal area
- the site should be cleared and returned back to nature
- the movement of heavy vehicles along the track will further destabilise the land.

The site is situated outside the settlement boundary for Whitehaven as defined by the adopted Copeland Local Plan 2001-2016 and within a designated tourism opportunity site (TOS3 "Whitehaven Coastal Fringe"). As such, Policies DEV 5 "Development in the countryside" and TSM 2 "Tourism opportunity sites" are the two main adopted Local Plan policies against which this application should be assessed. The former seeks to protect the quality and character of the wider countryside and, where possible, enhance it. The latter permits new tourism development within designated opportunity sites where appropriate.

The reasoned justification to Policy TSM 2 states that particular attention will be paid to the potential of the Whitehaven Coastal Fringe (TOS3) as a Regional Park. Studies are currently being undertaken and the area is to be included in a regeneration-based Area Action Plan in due course as part of the Council's Local Development Framework. Particular potential exists in area TOS3 linking Whitehaven Harbour with Haig Pit and the St Bees Heritage Coast.

Opportunities within designated locations will be expected to focus on activities and facilities to assist interpretation and quiet enjoyment in undeveloped sections rather than hard development.

In addition to the above, Policy DEV 6 "Sustainability in Design" is also considered relevant to the determination of this application. In particular, criterion 11 states that development proposals should not prejudice the comprehensive development of an area, particularly where any master plan or action plans have been adopted by the Council.

Whilst the applicant can erect a fence along the rear boundary of the site up to a height of 2 metres as permitted development this cannot be extended above 1 metre in height along the eastern boundary without planning permission. The current proposal is an attempt by the applicant to enclose the whole site with a fence that exceeds any form of development that falls within the definition of permitted development.

Even with an improved design the fence will still represent an incongruous form of hard development within the coastal fringe that prejudices the comprehensive development of a designated tourism opportunity site (TOS3). On this basis this application should be resisted.

If Members are minded to support the recommendation to refuse

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planning permission, they will be asked to reconfirm their previous authorisation for enforcement powers to secure the removal of the unauthorised fencing.

Recommendation

Refuse

By virtue of its siting and design the fencing represents an incongruous form of hard development within the coastal fringe and outwith the defined development boundaries for the town that prejudices the comprehensive development of a designated tourism opportunity site "Whitehaven Coastal Fringe" (TOS3) contrary to Policies DEV 5, DEV 6 and TSM 2 of the adopted Copeland Local Plan 2001-2016.

9 4/09/2508/0

HOUSING DEVELOPMENT FOR 64 NO. UNITS, INCLUDING
ASSOCIATED REQUIRED INFRASTRUCTURE
LAND ADJACENT TO, HIGH ROAD AND, WINDERMERE ROAD,
WOODHOUSE, WHITEHAVEN, CUMBRIA.
STORY HOMES

Parish Whitehaven

This application relates to two of the former car parking areas that were associated with the Rhodia site on High Road adjacent to the Woodhouse estate. Planning permission is sought for the redevelopment of the site to provide 64 new residential properties. The submitted details show a mix of terraced, semi detached and detached housing types which cover a range of sizes.

The submitted layout shows a continuous frontage of houses along High Road. Behind this frontage the houses are arranged in two separate blocks that are served by internal estate roads. Access into the site is to be achieved by two separate entrance points off High Road. The layout has been designed so that each dwelling has an individual driveway and a dedicated parking area within each plot.

The application is accompanied by the following information:-

- Phase 1 ground investigation report
- Design and access statement
- Stage 1/2 road safety audit
- Transport statement.

The proposals include the erection of a pair of dwellings on a

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cleared site on Windermere Road that is owned by the Home Housing Group. The use of this section of land will enable a footway and cycle path to be created which will provide a link to the adjoining Woodhouse estate. The applicants have also shown an interest in developing other areas of land that have been cleared in the Woodhouse estate. Home Housing are keen to see the introduction of open market housing which will introduce a wider tenure choice that will help to progress the Woodhouse Evolution housing regeneration plan. Following detailed discussions with Home Housing an agreement has been reached which will result in the applicants redeveloping a site off Wastwater Road. Heads of terms for this agreement are to be provided and it is anticipated that the legal agreement will include a threshold of development on this site which will trigger the commencement of development on the land off Wastwater Road. The development of a further two sites currently owned by Home Housing is also currently under discussion.

A number of technical agencies and local residents have been consulted on the application and responses are awaited.

Although this brown field site falls within the designated development boundary for Whitehaven it is not allocated for housing within the adopted Copeland Local Plan. As this is a major planning application which is likely to have implications for the long term delivery of the Woodhouse housing regeneration scheme it is recommended that Members visit the site prior to the application being determined.

Recommendation

Site Visit

Schedule of Applications - DELEGATED MATTERS

4/09/2426/0	St Bees	DEMOLITION OF BARN AND ERECTION OF NEW DWELLING REVISED SCHEME FOR PLOT 1 (RESUBMISSION) WYNDHOWE, SEAMILL LANE, ST BEES, CUMBRIA. MR G MORGAN
4/09/2435/0	St Bees	REINSTATEMENT OF COTTAGE AND EXTENSION INTO ATTACHED BARN TO FORM NEW DWELLING (RESUBMISSIO MOORLEYS, EGREMONT, CUMBRIA. MR J MOORE
4/09/2441/0	Gosforth	INSTALLATION OF 160M LONG 2.4M HIGH SECURITY FENCING NEWTON MANOR, NEW MILL, GOSFORTH, CUMBRIA. MR D ATKINSON
4/09/2451/0	Millom	EXTERNALLY ILLUMINATED FASCIA SIGNS TO BUILDING WINDOW VINYL TO MAIN ENTRANCE, SELECTION OF CAR EX, SOMERFIELD STORE, LANCASHIRE ROAD, MILLOM, CUMBRIA. TESCO STORES LTD.
4/09/2457/0	Millom	ENHANCEMENTS TO EXTERNAL ENVIRONMENT INCLUDING PROVISION OF ATM BUILDING; ADDITIONAL TROLLEY EX-SOMERFIELD STORE, LANCASHIRE ROAD, MILLOM, CUMBRIA. TESCO STORES LIMITED
4/09/2425/0	Whitehaven	CHANGE OF USE OF LAND TO FORM OUTDOOR PLAY ENVIRONMENT IN CONNECTION WITH NURSERY; CANOPY RASCALS PRE-SCHOOL NURSERY, COMMUNITY CENTRE, CALDBECK ROAD, RED LONNING, WHITEHAVEN, CUMBRIA MS H BLACKBURN
4/09/2443/0	Distington	PRODUCTION BUILDING EXTENSION TO NURSERY PROSPECT NURSERIES, DISTINGTON, CUMBRIA. MR D BEADSMOOR
4/09/2430/0	Whitehaven	DOUBLE & SINGLE STOREY SIDE EXTENSIONS & FRONT PORCH 20, WHINLATTER ROAD, WHITEHAVEN, CUMBRIA. MR D PATER
4/09/2468/0	Egremont	DETACHED GARAGE 4, NELSON SQUARE, CASTLE CROFT, EGREMONT, CUMBRIA. MRS E CARR
4/09/2470/0	Whitehaven	CONSERVATORY TO REAR 21, WHINLATTER ROAD, MIREHOUSE, WHITEHAVEN, CUMBRIA. MR COAN
4/09/2461/0	Millom Without	Erection of Agricultural Building Land adjacent to Bramble Cottage, The Hill, Millom (Refused)

Schedule of Applications - DELEGATED MATTERS

4/09/2472/0	Whitehaven	REAR CONSERVATORY 64, HOLLY BANK, THE HIGHLANDS, WHITEHAVEN, CUMBRIA. MRS M BAKER
4/09/2450/0	Millom	PORTABLE CONTAINER 20' X 8' X 8' (RETROSPECTIVE LAND ADJACENT TO, WAINGATE BRIDGE COTTAGES, HAVERIGG, MILLOM, CUMBRIA. MR D GRIMSHAW
4/09/2454/0	Millom	FRONT PORCH INTEGRATED WITH GARAGE EXTENSION 5, WINDERMERE GARDENS, MILLOM, CUMBRIA. MR R ROBERTS
4/09/2459/0	Drigg & Carleton	SHED/DOG KENNEL THORNLEA, SMITHY BANKS, HOLMROOK, CUMBRIA. MR J NAYLOR
4/09/2460/0	Seascale	FRONT PORCH AND EXTENSION TO EXISTING GARAGE 16, ESKDALE AVENUE, SEASCALE, CUMBRIA. MR M TEMPLE
4/09/2471/0	Whicham	CHANGE OF USE FROM A HOTEL TO DOMESTIC DWELLING BANKFIELD, KIRKSANTON, MILLOM, CUMBRIA. MR J CASE
4/09/2479/0	Egremont	CHANGE OF USE FROM BAKERY TO COFFEE SHOP 27, MARKET PLACE, EGREMONT, CUMBRIA. MR M RAMZAN
4/09/2482/0	Seascale	REMOVE EXISTING OPEN FRONT VERANDAH, CONSTRUCT NEW CONSERVATORY SEASCALE BOWLING CLUB, GOSFORTH ROAD, SEASCALE, CUMBRIA. MISS J KIRKHAM
4/09/2488/0	Egremont	CROWN REDUCTION OF 3 POPLAR TREES SITUATED WITH A CONSERVATION AREA EGREMONT CASTLE GROUNDS, EGREMONT, CUMBRIA. TONI MAGEAN
4/09/2437/0	Whitehaven	REPLACEMENT OF EXISTING GARAGE 52, BEDFORD STREET, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR I MIFFLIN
4/09/2444/0	Cleator Moor	TWO STOREY SIDE EXTENSION

Schedule of Applications - DELEGATED MATTERS

		6, FIR GARTH, THREAPLANDS, CLEATOR MOOR, CUMBRIA MR & MRS S & J HENDERSON
4/09/2446/0	Whitehaven	SINGLE STOREY ATTACHED GARAGE AND UTILITY ROOM 63 THORNTON ROAD, WHITEHAVEN, CUMBRIA. MR I ROBINSON
4/09/2452/0	Whitehaven	CHANGE OF USE FROM NON-DOMESTIC TO DOMESTIC 49A, ROPER STREET, WHITEHAVEN, CUMBRIA. PROPERTY LETS (N.W.) LTD.
4/09/2456/0	Whitehaven	EXTENSION AND ALTERATIONS TO EXISTING DWELLING CARTGATE HOUSE, HENSINGHAM, WHITEHAVEN, CUMBRIA MR AND MRS G REED
4/09/2458/0	Distington	EXTENSION TO FORM OUTBUILDING FOR BEER KEGS, BOTTLE CRATES & GARDEN EQUIPMENT THE GLOBE, MAIN STREET, DISTINGTON, CUMBRIA. DGN PROPERTIES
4/09/2467/0	Whitehaven	CROWN REDUCTION OF TWO CHERRY TREES WITHIN WHITEHAVEN CONSERVATION AREA REAR OF, 107, QUEEN STREET, WHITEHAVEN, CUMBRIA MR C VAUGHAN