

## **PLANNING PANEL**

**11 NOVEMBER 2009**

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## 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

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1 4/09/2390/0

ERECTION OF BUILDING FOR STAFF ACCOMMODATION  
GROVE COURT HOTEL, CLEATOR, CUMBRIA.  
MR BENN

Parish Cleator Moor

- No objections.

Planning permission is sought to erect a single storey detached building to the rear of the Grove Court Hotel in Cleator to provide staff accommodation. There are two existing detached bungalows within the grounds of the hotel occupied in association with its management.

Measuring 12.7m in length by 9.0m in width and 5.85m in height the building will have a hipped roof to match that of the adjacent buildings, including the hotel. The scale of the building is consistent with the two existing detached accommodation units.

Internally, the building will provide 5 bedrooms, a common room, kitchen and two bathrooms.

From a design point of view the proposed building relates well to those adjacent, being finished externally with cement render and wet dash walls, a grey welsh slate roof covering and white upvc windows and doors.

As originally submitted it was proposed to site the building within the far northern corner of the site, 3.0m from the rear boundary and 25.0m from the rear elevation of the hotel.

In response to neighbour notifications a letter of objection and two petitions with a total of 155 signatures have been received from the Parish Priest of the adjoining St Mary's Church. A copy of the letter is attached to this report. In summary the main cause of concern was the proximity of the proposed building to St Mary's Grotto and the impact this may have in terms of general disturbance and overlooking.

In response to the concerns raised and following discussions with both the applicant's agent and the Parish Priest an amended plan has been received relocating the building some 10.0m more distant from the Grotto on lower land closer to the existing hotel buildings with the elevation facing the Grotto now being devoid of bedroom windows. In addition to this a cross sectional drawing has been provided which clearly demonstrates the extent of the building that will be visible from the Grotto and church yard.

Following consultation on the amended scheme and cross section drawing the Parish Priest confirms that he has no objections subject

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to receiving written confirmation that no roof lights can be installed within the building. This can be addressed through a suitable condition removing permitted development rights.

No objections have been received from statutory consultees.

In terms of planning policy, the adopted Copeland Local Plan 2001-2016 recognises that there is a significant shortfall in all types of tourist accommodation within the Borough and therefore the Council should seek to encourage new development and the expansion of existing premises.

Policy TSM 3 states that proposals for extending existing serviced accommodation will be permitted so long as they do not conflict with Policy DEV 6 or other plan policies and the site is well related to the main transport networks.

Whilst this proposal does not seek to extend the existing hotel, the provision of dedicated staff accommodation would release any hotel bedrooms being used for staff to accommodate additional guests.

In my opinion the revised scheme materially addresses the concerns raised by the Parish Priest and local parishioners and, as such, is considered to represent an acceptable form of development in association with this established hotel compliant with Policies DEV 6 and TSM 3 of the Local Plan.

Notwithstanding the above, if Members are minded to approve the application it is recommended that this be subject to suitable conditions restricting occupation of the building and removing permitted development rights.

Recommendation

Approve (commence within 3 years)

2. Permission shall relate solely to the amended plan (drawing no. 2009.364/01b) received by the Local Planning Authority on 17 September 2009. Development shall be carried out in accordance with the approved details.
3. The building hereby permitted shall be used to provide staff accommodation in association with the Grove Court Hotel, Cleator only and shall not be let or sold as a separate permanent dwelling.

Mr T Pomfret  
Development Control Manager  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria  
CA28 7SJ

12 September 2009

Dear Mr Pomfret

ERECTION OF BUILDING FOR STAFF ACCOMMODATION, GROVE COURT  
HOTEL, CLEATOR, CUMBRIA: Grid Reference 35 01922 14114

We write with reference to the above planning application, which gives the Roman Catholic community, both local and diocesan, significant cause for concern.

The building as proposed adjoins the Grotto which has been for many years, and continues to be, a place of pilgrimage and prayer for the whole of the Lancaster Diocese. Up to eight hundred pilgrims visit on particular occasions, and it is in regular use by St Mary's Parish, both by groups and individuals. It is an important resource, spiritually, aesthetically and environmentally, and one that we are concerned to maintain and protect against encroachment.

We are aware that permission was given to erect other buildings of a similar style within the hotel environs, and these already intrude visually and aesthetically on our Grotto. The building presently proposed would be situated even closer, and would impinge upon the very heart of the Grotto. That the new building is for staff accommodation and would possibly be used by young people gives us cause for concern about noise, which would disturb the peace and stillness which are important for the people who use this space.

We would request therefore that there is a review of the proposed situation of a new building and that, if there needs to be new staff accommodation, it is situated closer to the hotel, so that noise is minimised, our boundary not overlooked, and our heritage protected.

Yours sincerely



(Rev) Emmanuel J. Gribben  
Parish Priest

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4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no external alterations (including installation of roof lights) or extensions, (including conservatories and dormer extensions) shall be carried out to the building other than those expressly authorised by this permission.

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

The accommodation is not considered appropriate for use as a separate permanent dwelling

To safeguard the appearance of the development in the interests of amenity

Reason for decision:-

An acceptable form of development to provide dedicated staff accommodation in association with this existing hotel compliant with Policies DEV 6 and TSM 3 of the adopted Copeland Local Plan 2001-2016

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2 4/09/2438/0

SINGLE STOREY KITCHEN EXTENSION  
34, MONKWRAY BROW, WHITEHAVEN, CUMBRIA.  
MR J BOWES

Parish Whitehaven

Planning permission is sought for a single storey rear extension at 34 Monkway Brow, Whitehaven.

In accordance with the Planning Scheme of Delegation, the application is reported to the Planning Panel for a decision as the daughter of the applicant works in the Council's planning department.

The property is semi-detached and is located in the Kells area of Whitehaven. The dwelling fronts onto Monkway Brow opposite the Junior School and adjoins an area of open grassland to the rear.



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The single storey rear extension measures 3.9m x 3.1m, and is proposed to be an extension to the existing kitchen. It would have a height of 2.6m to the eaves and a total height of 3.9m and would be located 1.7m from the boundary with the adjoining property. The extension will be finished in a white dash with grey slate roof and white uPVC windows and door to match the existing dwelling.

Currently to the rear of the dwelling is a flat roofed white rendered garage located on the boundary with 32 Monkway Brow which will be removed to provide the space for the extension. There are no potential overlooking issues from the proposed extension as it is single storey and has only one window on the elevation facing the adjoining property (No 32), but this will be a kitchen window.

The application is therefore viewed as being in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

Reason for condition:-

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

Reason for decision:-

The proposal represents an acceptable domestic extension in accordance with Policy HSG 20 of the adopted Copeland Local Plan 2001-2016

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3 4/09/2445/0

1 NO. INTERNALLY ILLUMINATED DOUBLE SIDED POLE  
MOUNTED DISPLAY UNIT (RETROSPECTIVE)  
PARK HOUSE SERVICE STATION, SPRINGFIELD ROAD,  
BIGRIGG, EGREMONT, CUMBRIA.  
PARK HOUSE SERVICE STATION

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Parish

Egremont

- No objection.

Advertisement consent is sought, in retrospect, to display a double sided, free standing display unit at the far northern end of this garage forecourt adjacent to the A595 Springfield Road at Bigrigg.

The 1.9m high by 1.3m wide display unit is internally illuminated and mounted on a 1.8m high pole, taking the overall height of the unit to 3.7m. It is sited 5.0m from the carriageway edge and immediately adjacent to an existing garage sign and a semi-mature tree.

The unit is available for general advertising purposes and not specifically related to the adjacent or any other local businesses. At present the display unit is advertising confectionery and a cancer awareness campaign.

The site is situated within an Area of Special Advertisement Control and although not an advance warning sign, the application sign should be assessed against Policy ENV 39 of the adopted Copeland Local Plan 2001-2016. This states:-

"In the Areas of Special Advertisement Control the Council will exercise strict control to minimise the undue commercialisation of these areas and will not normally grant express consent for the display of advance warning signs unless:-

1. there is no nearer location on a public road or
2. the sign is of a standard size approved by the Council and serving to advertise one or more businesses in a nearby community or
3. the sign is reasonably required having regard to the nature and situation of the land or building to which it relates.

In addition to Policy ENV 39, Planning Policy Guidance Note (PPG) 19 "Outdoor Advertisement Control" is also considered relevant to the determination of this application. Paragraphs 9 and 11 state that the display of outdoor advertisements can only be controlled in the interests of "amenity" and "public safety". In assessing an advertisement's impact on amenity, Local Planning Authorities should have regard to its effect on visual amenity in the immediate neighbourhood where it is to be displayed. They should therefore consider what impact the advertisement, including its cumulative effect, will have on its surroundings. Notwithstanding the adjacent garage premises, the sign is sited within a predominantly residential area of a small village.

In terms of public safety, the sign is sited in close proximity to two vehicular accesses, one serving the garage and the other serving

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the adjacent depot. No objections have been received from the Highways Agency.

In my opinion the proposal fails to satisfy Policy ENV 39, particularly in relation to criteria 2 and 3. Firstly, the sign is available for general advertising purposes and not specifically related to the adjacent or any other local businesses. Secondly, given that the garage already benefits from signage relating specifically to the business, I am not convinced that the sign is reasonably required. As such, it is recommended that the application be refused.

If Members are minded to support the recommendation not to grant advertisement consent, authorisation is also sought to serve a Discontinuance Notice to secure removal of the unauthorised signage.

Recommendation

Refuse Advertisement Consent

The sign, as displayed, is not directly related to adjacent business premises or any other local businesses and, as such, constitutes unnecessary commercialisation within an Area of Special Advertisement Control at variance with Policy ENV 39 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Guidance Note (PPG) 19 "Outdoor Advertisement Control".

4 4/09/2447/0

DEMOLITION OF EXISTING GARAGE AND FILLING STATION  
FORECOURT, REMEDIATION OF LAND, ERECTION OF 6 NO.  
3 BEDROOM TERRACED HOUSES  
STATION GARAGE, STATION ROAD, ST BEES, CUMBRIA.  
MR P CARRUTHERS

Parish

St Bees

- No objection to the revised plans. They were pleased to note that the vehicle access arrangements had been changed and that the buildings are to be only two storeys high which is more in keeping with the other properties on Station Road.

THE PROPOSAL

A proposal to erect two blocks of three terraced houses with associated off street parking on a 0.13ha site within the village of St Bees. The site is in a prominent location and lies immediately

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adjacent to the junction of Station Road and Main Street neighbouring the railway station to the east and existing two storey dwellings to the west. To the immediate rear it is bounded by an access track, an existing detached dwelling converted from a former railway building and the railway station, whilst to the front it adjoins Station Road and overlooks the protected open space forming the wider setting of the Grade 1 Listed St Bees Priory. The Conservation Area boundary lies to the north and east of the site.

The existing site currently comprises a vacant petrol forecourt, a detached toilet block and a single storey garage workshop which is falling into disrepair. It is the intention to demolish these, clear the site and construct 6 three bedroomed terraced dwellings, two storeys in height. These will take the form of two blocks of three and will front onto Station Road with off-street parking directly off it, in front and to the side, provided at a rate of two per dwelling. To the rear the units will each have their own private garden areas bounded by a 1.8 metre high timber screen fence. Proposed external materials to be used for the dwellings include red facing brick to encompass the ground floor with render panels above, feature red artstone window bands and flat grey 'slate effect' tiles to the roof.

## PLANNING HISTORY

A previous application for the erection of 9 units on the site in the form of a three storey block of 6 apartments and a separate block of 3 two storey houses was withdrawn earlier this year following officer advice (4/09/2253/0F1 refers). There was local opposition to the scheme and there were concerns regarding the impact of the three storey element on the character and appearance of the area and the affect on the amenity of the neighbouring dwelling to the rear as well as highway concerns. This current proposal is for a reduced scale of development.

## CONSULTATIONS AND REPRESENTATIONS

In terms of statutory consultations the following responses have been received:-

Highway Authority - no objections subject to the imposition of appropriate conditions and the applicant entering into a Section 278 Agreement with them.

United Utilities - no objection subject to the site being drained on a separate system with surface water being discharged to the nearby watercourse.

Environment Agency - require a condition be imposed covering land contamination and appropriate remediation.

Scientific Officer - notes that a Desk Top Study forms part of the

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submission and that the developer is aware that the site is potentially contaminated and that investigation and remediation are required.

Flood and Coastal Defence Engineer - identifies that if the existing foul sewer is unable to take both foul and surface water then a suitable alternative means of disposing surface water should be utilised. It is considered this can be adequately addressed by a condition.

No local representations have been received to date in respect of this application.

PLANNING POLICY

DEV 6: Sustainability in Design, HSG 4: Housing within the Settlement Boundaries and HSG 8: Housing Design Standards are the relevant adopted Copeland Local Plan 2001-2016 policies that apply in assessing this proposal. The site is within the settlement boundary of the village on the edge of the Conservation Area and although unallocated is considered suitable for small scale residential redevelopment.

KEY ISSUES AND CONCLUSION

It is considered that this revised scheme significantly overcomes the previous grounds for concern. The site section submitted with the application demonstrates that the height of the proposed blocks now relate well to the neighbouring semi-detached dwellings with a height differential of only 1.4 metres, as well as the immediate environment generally. The layout also shows that block 'A' is designed and positioned to respect the amenities afforded to the existing neighbouring dwelling to the rear of the site with no overlooking of habitable room windows and the minimum separation distances being achieved. In respect of access this is now to be achieved solely from Station Road, with no access being permitted from the rear access track which is acceptable from a highway safety point of view.

In terms of design, the reduced scale represents a less obtrusive form of development on this prominent corner site which now relates well in scale and massing to the existing neighbouring development. The proposed external finishes complement the precedents already set in the area for new build.

Taking the above into account the proposal is considered to constitute an acceptable form of new residential development on this prominent infill site within the village in accordance with Policies DEV 6, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

Recommendation

Approve (commence within 3 years)

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2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-
- Amended site plan, drawing no. carr: 2009.01 Revision B October 2009. scale 1:1250, received on 13 October 2009.
- Location plan, scale 1:1250, received on 23 September 2009.
- Flood Risk Assessment Report, project ref: 08-612, by ARC environmental, dated 15 September 2009, received on 23 September 2009.
- Phase 1: Desk Top Study Report, project ref: 08-612, by ARC environmental, dated 21/01/2009, received on 23 September 2009.
- Design and Access Statement, by Phillip Carruthers Ltd, dated September 2009, received on 23 September 2009.
- Topographical Survey, drawing no. E2052/01/A, scale 1:100, received on 23 September 2009.
- Wall and Fencing Plan, drawing no. carr: 2009:20, scale 1:250, received on 23 September 2009.
- House Floor Plans, Block B, drawing no. carr: 2009:11, scale 1:100, received on 23 September 2009.
- House Elevations, Block B, drawing no. carr: 2009:10, scale 1:100, received on 23 September 2009.
- Site Section, drawing no. carr: 2009:06, scale 1:200, received on 23 September 2009.
- House Floor Plans, Block A, drawing no. carr: 2009:05, scale 1:100, received on 23 September 2009.
- House Elevations, Block A, drawing no. carr: 2009:03, scale 1:100, received on 23 September 2009.
3. The site shall be drained on a separate system with foul drainage only connected into the foul sewer.
4. Before development commences full details of the surface water drainage scheme, including attenuation measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall become operational before the development is brought into use and shall be so maintained thereafter.

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5. No development approved by this permission shall commence until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented as approved:
  - i) A preliminary risk assessment identifying:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors. - potentially unacceptable risks from contamination at the site
  - ii) A site investigation scheme based on i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
  - iii) The site investigation results and the detailed risk assessment ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
  - iv) A verification plan providing details of the data that will be collated in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
6. Prior to development commencing a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and for the reporting of this to the Local Planning Authority.
7. On completion of the monitoring programme a final report demonstrating that all long term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
8. Access gates, if provided, shall be hung to open inwards only away from the highway.

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9. No dwelling shall be occupied until the new footpath, as identified on drawing no. carr: 2009:01 Rev. B, has been constructed and drained to the satisfaction of the Local Planning Authority in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reasons for the above conditions:

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

To ensure a satisfactory drainage scheme

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

To protect the quality of controlled waters

In the interests of highway safety

Reason for decision:

The proposed redevelopment of this prominent site within the village with two blocks, each comprising 3 houses, and associated parking represents an acceptable form and scale of development in accordance with Policies DEV 6, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

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5 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

PROPOSAL

This application relates to an elongated piece of land that was formerly associated with the Rhodia site.

Outline planning permission is sought for the erection of a single storey building adjacent to an existing bungalow on High Road. Although only in outline form the applicant has indicated that the



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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 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 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

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- 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 not a need for this facility as local shops within the locality already sell pharmaceutical necessities

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. 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.

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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, a 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.

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.

The site is located within the development boundary and was formerly part of a larger employment site occupied by Rhodia. It is also of a sufficient size to allow the creation of a dedicated car park to serve the pharmacy. However, it is narrow in width and is located adjacent to an existing bungalow. It is also overlooked by residential properties on Snaefell Terrace which lie opposite. Local residents have expressed concern about both the siting and nature of the proposed use.

Although it 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. He also raised concern regarding the adequacy of the road junction to serve the car park. These issues are currently under discussion with the applicant.

In view of the planning issues raised by this application and the concerns raised by local residents and the Highways Control Officer it is considered appropriate for Members to visit the site before reaching a decision.

## Recommendation

## Site Visit

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6 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 & the re-siting of a public footpath at Swallow Barn, Lowca.

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.

Also included as part of the planning application is a proposal to divert the route of Public Footpath 413021 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.

In response to the proposal Cumbria Council 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.

MAIN AGENDA

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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.

To fully assess the impact that the proposed development will have it is recommended that Members undertake a site visit before reaching a decision on this application.

Recommendation

Site Visit

COPELAND BOROUGH COUNCIL

7 4/09/2440/0

EXTENSION OF PLAY AREA ON TO AMENITY GRASS LAND  
TO THE NORTH OF THE SITE  
CASTLE PARK, WHITEHAVEN, CUMBRIA.  
COPELAND BOROUGH COUNCIL

Parish Whitehaven

PROPOSAL

Planning permission is sought to extend the existing children's play area which is located near the entrance to Castle Park off Lowther Street. The original play area was granted permission in 1988. The current proposal forms part of an overall initiative by the Council to upgrade the play areas at Castle Park, Bransty and High Street.

The extension will cover an area of 300 sq m and will allow the addition of three pieces of play equipment which will be aimed at the older age group (8 to 13 years old). The equipment will be constructed of timber and steel and any moving parts will be covered with powder coated paint. The precise details of the equipment that is to be installed is uncertain at present as it has to be subject to both a tender process and further consultation with the end users.

The extended play area is to be surfaced with bark chippings and is to be bound by a 1 metre high wooden post and rail fence with supplementary planting. An existing mature oak tree which lies adjacent to the play area is to be retained.

There are no plans to create a public car park to serve the children's play area.

CONSULTATION RESPONSES

Letters of objection have been received from the Secretary of the Residents Association and also an individual resident at Whitehaven Castle who states that they have no objection to the extension of the play area but have concerns about the potential increase in the use of the car park associated with the flats at Whitehaven Castle by people using the play area. These comments have been reiterated by Home Housing who stress that unauthorised parking at Whitehaven Castle is a problem even though there are notices in place stating that it is a private car parking area. They have requested that thought is given to creating car parking facilities at the play area.

PLANNING POLICY

Policy SVC 13 of the Local Plan seeks to protect areas of public amenity space from development. Policy SVC 14 of the adopted Copeland Local Plan 2001-2016 permits the expansion of outdoor

COPELAND BOROUGH COUNCIL

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recreation facilities provided that the proposal will not harm the appearance of the area, will not affect the living conditions of local residents or create unacceptable traffic conditions in the vicinity of the site.

The site falls within the Whitehaven Town Centre Conservation Area. Policy ENV 26 requires all new development within the Conservation Area to protect and enhance the character and appearance of the Area.

CONCLUSIONS

The proposed play area is modest in scale and will enhance the existing play facilities within the park. The use of additional planting will also help to soften the impact of this development when viewed from outside the site.

Although the precise details of the type of play equipment that is to be installed have not yet been finalised this could be controlled by imposing a condition on any planning permission which requires these matters to be agreed before installation.

The extension to the play area will not be located any nearer to the residential properties at Whitehaven Castle than the existing facility. This separation distance is considered to be sufficient to ensure that this proposal will not affect the living conditions of local residents.

The only concern raised by the local residents and Home Housing relates to the unauthorised use of the car park at Whitehaven Castle by users of the play area. Although these concerns are noted the enforcement of parking on a private car park is a private matter and is not something that can be resolved as part of this application. Parking restrictions are already in place along the road frontage to the park on Lowther Street which extend up to the junction with the private car park at Whitehaven Castle.

The Residents Association has suggested that car parking could be created within the park to serve the play area to alleviate the current problems. This proposal would involve a form of hard development which would be detrimental to the appearance of the park in contravention of Policy SVC 13 of the adopted Copeland Local Plan 2001-2016.

The site is easily accessible either on foot or by public transport being within close proximity to the town centre. The creation of a children's play area within a public park in this location is considered to be acceptable and in accordance with planning policy.

Recommendation

COPELAND BOROUGH COUNCIL

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That the application be referred to Full Council under Regulation 3 of the Town and Country Planning General Regulations 1992 and recommended for approval subject to the following conditions:-

2. No development shall commence until details of all the play equipment that is to be installed on the extended play area hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
3. Prior to the first use of the extension to the play area hereby approved, soft landscaping shall be planted around the perimeter of the site in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Landscaping shall be carried out in accordance with the approved details.

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 and to ensure a satisfactory form of development

To ensure a satisfactory form of landscaping

Reason for decision:-

An acceptable extension to an existing play area which will not have an adverse impact on the amenity of the area in accordance with Policies SVC 13, SVC 14 and ENV 26 of the adopted Copeland Local Plan 2001-2016



Schedule of Applications - DELEGATED MATTERS

4/09/2375/0	Lowside Quarter	RESERVED MATTERS APPLICATION FOR THE ERECTION OF SIX DWELLINGS & DEMOLITION OF TARNBANK, WITH TARNBANK, BRAYSTONES, BECKERMET, CUMBRIA. MR P LOCKHART
4/09/2388/0	St Bridgets Beckermat	RE-CLADDING OF EXISTING BUILDING  THORP RECEIPT AND STORAGE BUILDING SELLAFIELD, SELLAFIELD LTD.
4/09/2421/0	St Johns Beckermat	SITING OF STATIC RESIDENTIAL CARAVAN  BECKERMET INDUSTRIAL ESTATE, HAILE, EGREMONT, CUMBRIA. MR M THOMSON
4/09/2385/0	Arlecdon and Frizington	LAWFUL DEVELOPMENT CERTIFICATE FOR CHANGE OF USE LAND TO GARDEN LAND REAR OF, 6, PHEASANTS RISE, ROWRAH, FRIZINGTON, CUMBRIA. MR M TELFORD
4/09/2394/0	Whitehaven	REVISED CAR PARK LAYOUT TO SERVE NEW GOLF CLUB HOUSE WHITEHAVEN GOLF CLUB, RED LONNING, WHITEHAVEN, CUMBRIA. WESTERN LAKES LTD
4/09/2414/0	Distington	MODIFICATIONS TO APPROVED SCHEME (4/09/2272/0) INCLUDE SUNROOM AND CHANGE OF WORKSHOP PROSPECT FARMHOUSE, DISTINGTON, CUMBRIA. MR D BEADSMOORE
4/09/2384/0	Moresby	TWO STOREY EXTENSION  HOWGATE FARM, HOWGATE, WHITEHAVEN, CUMBRIA. MR S LEWTHWAITE
4/09/2399/0	Egremont	CONSERVATORY TO REAR  20, LING ROAD, EGREMONT, CUMBRIA. MR FAWCETT
4/09/2402/0	Cleator Moor	BATHROOM EXTENSION WITH PITCHED ROOF  14, HILDEN ROAD, CLEATOR, CUMBRIA. MR P CALVIN
4/09/2403/0	Egremont	BALCONY TO REAR OF DWELLING, CONSTRUCTION OF DECKING INSTALLATION OF HOT-TUB WITHIN GARDEN STONELEA HOUSE, BAYBARROW ROAD, EGREMONT, CUMBRIA. MR A BEWLEY
4/09/2407/0	Arlecdon and Frizington	FIRST FLOOR BEDROOM EXTENSION

Schedule of Applications - DELEGATED MATTERS

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		22, LINGLEY ROAD, FRIZINGTON, CUMBRIA. MR D BOWNESS
4/09/2409/0	Whitehaven	REAR CONSERVATORY
		89, VALLEY PARK, WHITEHAVEN, CUMBRIA. MR P ROBSON
4/09/2413/0	Whitehaven	DETACHED GARAGE
		LINCOLN ROAD GARAGE SITE, HENSINGHAM, WHITEHAVEN, CUMBRIA. MR I WADDINGTON
4/09/2415/0	Whitehaven	TWO STOREY EXTENSION
		21, HEADLANDS DRIVE, WHITEHAVEN, CUMBRIA. MR M McLEAN
4/09/2418/0	Whitehaven	BEDROOM OVER EXISTING GARAGE AND SINGLE STOREY DAY ROOM EXTENSION 31, FERN GROVE, WHITEHAVEN, CUMBRIA. MR D BROOKER
4/09/2424/0	Weddicar	REMOVAL OF PARKING SHELTER & ERECTION OF A GARAGE FOR A CAR & CARAVAN 51, KEEKLE TERRACE, KEEKLE, CLEATOR MOOR, CUMBRIA. MR W GRAVES
4/09/2428/0	Whitehaven	2 NO. GARAGES
		JAMESON HOUSE, JAMES PIT ROAD, WHITEHAVEN, CUMBRIA. MR M GRAHAM
4/09/2431/0	St Bees	REAR CONSERVATORY
		36, FAIRLADIES, ST BEES, CUMBRIA. MR G HESLOP
4/09/2340/0	Millom	CHANGE OF USE FROM RETAIL NEWSAGENT/FANCY GOODS TO INDIAN FOOD TAKEAWAY 10, WELLINGTON STREET, MILLOM, CUMBRIA. MRS M SCURRAH
4/09/2411/0	St Bees	ERECT AGRICULTURAL GENERAL PURPOSE BUILDING
		HORSLEY CROFT, HIGH WALTON, ST BEES, CUMBRIA. MR G GREGGAIN
4/09/2439/0	Egremont	DETACHED GARAGE
		5, NELSON SQUARE, CASTLE CROFT, EGREMONT,

		CUMBRIA. MR J NOLAN
4/09/2442/0	Seascale	REMOVAL OF EXISTING GARAGE AND STORE, ERECTION GARAGE/UTILITY/GARDEN ROOM WITH BEDROOM IN THE 9, SEASCALE PARK, SEASCALE, CUMBRIA. MR D DORAN
4/09/2449/0	Egremont	ERECT GROUND FLOOR UTILITY ROOM EXTENSION, TO REAR ELEVATION 26, THE LARCHES, EGREMONT, CUMBRIA. MR D ROWLAND
4/09/2453/0	St Bees	FIRST FLOOR EXTENSION AND INTERNAL RE-ORGANISATION OF THE HOUSE, AND BALCONY TO REAR HEDINGHAM HOUSE, SEAMILL LANE, ST BEES, CUMBRIA MRS P KELLY
4/09/2455/0	Seascale	CROWN REDUCTION (30%) OF A SCOTCH PINE TREE PROTECTED BY A TREE PRESERVATION ORDER 2, LINGMELL WOOD, SEASCALE, CUMBRIA. MR D MILLER
4/09/2380/0	Whitehaven	FORMATIVE PRUNING TO TREES NEAR CCTV CAMERAS (BANDSTAND and WAR MEMORIAL) WITHIN WHITEHAVEN CASTLE PARK, WHITEHAVEN, CUMBRIA. COPELAND BOROUGH COUNCIL
4/09/2382/0	Whitehaven	FELLING OF ONE SYCAMORE TREE PROTECTED BY A TREE PRESERVATION ORDER PLOT OF LAND ADJACENT TO, 8, HOMEWOOD DRIVE, THE GROVE, WHITEHAVEN, CUMBRIA. MS H BROWN
4/09/2386/0	Weddicar	EXTENSION OF EXISTING EQUESTRIAN CENTRE (TO PROVIDE WINTER HOUSING FOR CATTLE) EQUESTRIAN CENTRE, MILL HILL FARM, KEEKLE, CLEATOR MOOR, CUMBRIA. MR D MOSSOP
4/09/2391/0	Whitehaven	CROWN REDUCE ONE WEEPING ASH TREE WITHIN WHITEHAVEN CONSERVATION AREA ST NICHOLAS GARDEN, WHITEHAVEN, CUMBRIA. OPEN SPACES SECTION
4/09/2393/0	Whitehaven	VARIOUS ILLUMINATED AND NON-ILLUMINATED SIGNS  43, KING STREET, WHITEHAVEN, CUMBRIA. ABBAY NATIONAL PLC
4/09/2400/0	Whitehaven	LIMB REMOVAL OF ONE ASH TREE PROTECTED BY A TREE PRESERVATION ORDER 5, STANDINGS RISE, HILLCREST, WHITEHAVEN, CUMBRIA. MRS G O'HARE

Schedule of Applications - DELEGATED MATTERS

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4/09/2419/0	Whitehaven	CROWN LIFT ONE SILVER BIRCH TREE WITHIN WHITEHAVEN CONSERVATION AREA ROPER STREET/, SCOTCH STREET, WHITEHAVEN, CUMBRIA. COPELAND BOROUGH COUNCIL
4/09/2427/0	Whitehaven	TREE PRUNING WORKS ON 1 ELDER, 1 SILVER BIRCH AN 1 ASH TREE SITUATED WITHIN A CONSERVATION AREA VICINITY OF 18 BACK CORKICKLE,, MOSS BANK, AND 6 FOXHOUSES, WHITEHAVEN, CUMBRIA CUMBRIA HIGHWAYS
4/09/2429/0	Whitehaven	REDUCE TWO BRANCHES ON 1 SILVER BIRCH TREE WITH WHITEHAVEN CONSERVATION AREA SPORTS CENTRE CAR PARK, CATHERINE STREET, WHITEHAVEN, CUMBRIA. COPELAND BOROUGH COUNCIL
4/09/2432/0	Lowca	STABLES  FIELD NO. 0076, BENTHOW FARM, DISTINGTON, CUMBRIA. MRS L DENNISON
4/09/2436/0	Whitehaven	COVERED WAY TO DISABLED TOILETS AND GAMES ROOM  SUNNY HILL, VICTORIA ROAD, WHITEHAVEN, CUMBRIA. MR A McNICHOLAS