

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2069/OF1
2.	Proposed Development:	CHANGE OF USE FROM CLASS E(b) TO CLASS E (VETERINARY SURGERY)
3.	Location:	DISTRESSED SAILORS INN, EGREMONT ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to the former Distressed Sailor’s Inn, located on Egremont Road in Hensingham, Whitehaven.</p> <p>The building has been vacant since it was last used as a public house and it is served by an existing entrance off Egremont Road that serves a car aprk to the rear of the building.</p> <p>PROPOSAL</p> <p>Planning Permission is sought to change the use of the Distressed Sailor’s Inn from a public house (Class E(b) to a veterinary surgery (Class E).</p> <p>The ground floor will include the following:</p> <ul style="list-style-type: none"> • 3 consultation rooms;

- A lockable drug store;
- A waiting room;
- X ray room;
- Prep room;
- Surgical theatre;
- Kennels;
- A cattery;
- Male and female WCs.

The first floor will remain as existing and be utilized for staff welfare and an on call vet if required.

There are no external alterations proposed as part of this application.

RELEVANT PLANNING APPLICATION HISTORY

Removal of prefabricated garage, erection of ladies WC extension with open porch, internal alterations and erection of a fence, approved in October 2015 (application reference 4/15/2313/0F1 relates);

Listed building consent for removal of a concrete panelled garage, internal refurbishment and erection of a fence, approved in July 2016 (application reference 4/15/2484/0L1 relates);

Outline application (with some matters reserved) for demolition of existing public house/restaurant and erection of seven dwellings, approved in October 2018 (application reference 4/18/2230/0O1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council – No objections.

Cumbria Highways – No objections as it is considered that the proposal will not have a material effect on the existing highway conditions.

Local Lead Flood Authority – No objections as it is considered that the proposal will not increase the flood risk on site or elsewhere.

Environmental Health Officer – I've no objections to this one but recognise that there is the potential for noise nuisance from barking dogs being kept in the vets kennels.

The kennels are all proposed to be inside the building which will help reduce noise, and the site is a detached property with a decent gap to the nearest residential properties. However, the applicant should ensure that noise breakout from the kennels is kept to a minimum, for example by checking

that the rooms are appropriately insulated and that ventilation can be provided without resorting to opening windows facing onto residential properties.

I don't think this is something that needs to be conditioned but I would be grateful if you could pass on my comments to the applicant. If the Council did receive noise complaints from neighbours we would have to investigate it as a potential statutory nuisance.

Copeland Disability Forum - We see there will be 17 parking spaces but none are earmarked for disabled bays. Can we be reassured that there will be at least two correctly marked out disabled spaces provided.

2] Can we be reassured that the entrance for the public is both level and complies with The Equality Act 2010 for access to public buildings?

3] Can we be assured that the public toilet facilities will be suitable for wheelchair users in line with The Equality Act 2010

Further to clarification from the Applicant on these points, the Copeland Disability Forum gave their full support to the application.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 9 properties.

3 objections, 2 neutral letters and 3 letters of support have been received as a result of these advertisements.

The concerns raised relate to noise from dogs barking and potential odours when staying in the kennels.

The letters of support received make reference to having something worthwhile in Hensingham, the suitable location just off the roundabout and delight at the prospect of a vets in the building. One letter requested that as much of the history of the building should be kept as possible.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy
Policy SS4 – Community and Cultural Facilities

Development Management Policies (DMP)

Policy DM21 – Protecting Community Facilities
Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework 2019 (NPPF)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation which ended in December 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

Principle of the development

The proposed change of use will provide a veterinary surgery within a residential area within Whitehaven. The provision of a new service is generally supported within the Copeland Local Plan, subject to the satisfaction of other material considerations. The main consideration in relation to the principle of the development, is the loss of the community facility, the public house.

The Copeland Local Plan 2013- 2028 seeks to resist the change of use of a community facility where there is evidence that there is a demand for that facility that is unlikely to be met elsewhere. As the Distressed Sailors Inn public house has been closed for a period of approximately 3 years and there has been no interest from prospective purchasers during the periods of marketing that have taken place, there are little grounds to oppose the loss of the use as a public house. There are two pubs within Hensingham for use by local residents which will ensure that this use is not lost from the community.

The change of use of this building allows the building to be returned from its rapidly deteriorating state into full viable use as a veterinary practice. This will improve the appearance of the building and prevent it from falling into further disrepair. The application does not include any plans for external alterations to the building.

One letter was received requesting that the heritage of the building be retained as much as possible. As the building is no longer listed (having been de-listed in 2017), the Council are unable to enforce this request, however the details of the letter have been passed on to the Applicant who has stated that it is their intention to retain as many traditional and historical features as possible. Overall, it is considered that the proposed change of use should be supported and complies with policies ST1, ST2, SS4 and DM21 of the Copeland Local Plan.

Access and parking

The application site includes the provision of 17 car parking spaces which will be retained for the use as a veterinary practice. The car park is large with enough space for parking and turning and there is good visibility when accessing and egressing the site.

The applicant has agreed to provide designated spaces for disabled users close to the entrance of the property, a level access into the building and accessible ground floor WC facilities on the ground floor. It is considered prudent to include a condition on the planning approval to ensure that these facilities are brought into use in accordance with the Equality Act 2012, prior to the first use of the building as a veterinary practice.

The proposal is considered to comply with Policy DM22 of the Copeland Local Plan relating to accessibility.

Concerns relating to noise and odour

3 letters of objection were received raising concerns relating to potential noise and odour. In response to this the Applicant has provided further information, stating that the veterinary practice will not be a boarding kennels. The Applicant sets out that *“our kennel facility will be for inpatients where dogs will be admitted in the morning and discharged that afternoon. Most animals admitted will most likely be undergoing an anesthetic procedure which generally causes them to be drowsy and quiet. On occasions we may have to keep a sick dog in overnight. Any dog we admit if well enough will go home that afternoon.”* The Councils Environmental Health Officer was also consulted in order to ensure that these concerns were fully considered. The Officer raised no objections to the proposal but did recognize the potential for noise nuisance. It is considered that due to the kennels being inside the building, the property being detached and the extent of the separation distance to the closest dwelling, it is unlikely that disturbance will occur. The Officer suggested making sure that the rooms are appropriately insulated and that windows facing residential properties be kept closed. Should any noise or odour complaints be received, the Environmental Health Department would investigate this as a potential statutory nuisance.

Due to the information received from both the Applicant and the Environmental Health Officer, it is considered that the proposal is unlikely to create amenity issues for the surrounding properties. The proposal therefore complies with Policy ST1 of the Copeland Local Plan which seeks to protect

	<p>neighbours from a material loss of amenity.</p> <p><u>Planning balance and conclusion</u></p> <p>The reuse of this vacant building to provide a viable use that will serve the local population is welcome. It will ensure that the building is fully utilized and this is likely to have the benefit of ensuring the building is retained and maintained in a good condition. Alternate provision exists within Hensingham to ensure that the local population has access to a public house.</p> <p>Although there is some potential for noise to be generated from the practice, it is considered that the Applicant has adequate mitigation measures in place to reduce this likelihood. The EHO has also confirmed that any noise complaints that arise would be investigated under separate legislation, should statutory nuisance occur.</p> <p>Overall this is considered to be an acceptable form of development which accords with the guidance set out in the NPPF and the policies within the adopted Local Plan.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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: -</p> <p>Site Location Plan, scale 1:1250, received 17th February 2021; Block Plan, scale 1:500, received 17th February 2021; Existing and Proposed First Floor Plan, received 17th February 2021; Existing Ground Floor Plan, received 17th February 2021; Proposed Ground Floor Plan, received 17th February 2021.</p> <p>Reason</p> <p>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.</p>

3. Prior to the first use of the development hereby approved, a level access at the front entrance of the building , disabled parking bays and a fully accessible ground floor WC facility must be provided. Once installed these measures must be retained at all times thereafter.

Reason

In order to ensure that the veterinary practice is accessible for all and in accordance with Policy DM22 of the Copeland Local Plan and the Equality Act 2012.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 29/03/2021

Authorising Officer: N.J. Hayhurst

Date : 12/04/2021

Dedicated responses to:- Letter to objectors