

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2178/0F1	
2.	Proposed Development:	GARAGE EXTENSION - RESUBMISSION OF PLANNING APPLICATION 4/20/2313/0F1	
3.	Location:	WESTBURY, GREEN ROAD, THE GREEN, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relate to a detached bungalow, known as Westbury, located to the south east of The Green. The property is sited within a linear group of residential properties fronting on the adjacent highway with open countryside to the rear. The property benefits from a driveway access which leads to a detached single garage.		
	Relevant Planning History		
	4/20/2313/0F1 – Garage extension – Approved.		

Proposal

This application seeks planning permission for a garage extension. The application is a resubmission of planning approval 4/20/2313/0F1 which was approved in October 2020, which has now expired as works have not commenced within the relevant timescales.

The proposed extension would extend forward of the existing garage building, projecting 3.23m with a width of 3.51m to match the existing structure. The extension will benefit from an eaves and overall height to match the existing garage.

The garage extension will be finished with materials to match the existing garage and will not project beyond the front elevation of the existing dwelling.

Consultation Responses

Millom without Parish Council

Support this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Public Representation

This application has been advertised by way of a neighbour notification letter issued to one property. No comments have been received in relation to the statutory notification procedure.

Planning Policy

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

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.



Cumberland Council

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Strategic Development Principles

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS6PU: Design and Development Standards

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Wildlife and Countryside Act 1981

Assessment

The main issues raised by this application relate to the principle of the development; scale and design; impact on residential amenity; impact on highway safety; flood risk; and impact on ecology.

Principle of Development

The application relates to an existing residential dwelling, within a small group of dwellings within the open countryside. Policy DM18 of the Copeland Local Plan and H14PU of the Emerging Local Plan support extensions and alterations to residential properties subject to detailed criteria, which are considered below. The proposal is a resubmission of a previously approved scheme (ref: 4/20/2313/0F1), therefore the principle for the proposed works has already been established.

On this basis, the proposal is considered to satisfy Policies DM18 of the Copeland Local Plan, H14PU of the Emerging Local Plan and the NPPF guidance.

Scale and Design

Policy ST1 of the Copeland Local Plan, DS1PU of the ELP and section 12 of the NPPF seek to safeguard good levels of quality and attractiveness.

Policy DM10 and DM18 of the Copeland Local Plan and H14PU of the ELP seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The proposal seeks to add a modest extension to the front of the existing garage. The dwelling is sited within a large plot, capable of accommodating an extension of this scale. The proposed extension will reflect the existing garage in terms of materials and scale and will not project forward of the principal elevation of the main dwelling. The proposal will also reflect the projection of the attached garage however the overall height will be lower than this

structure.

The scale and design of the proposed garage extension is considered to reflect the character of the existing dwelling and surrounding properties and will therefore not have an adverse impact on the overall streetscene.

On this basis, the proposal is considered to meet Policy DM18 of the Copeland Local Plan, H14PU of the ELP and the NPPF guidance.

Impact Residential Amenity

Policy ST1 and DM18 of the CS, H14PU of the ELP and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The modest extension is not considered to create amenity issues for neighbouring properties. The development will retain existing separation distances from neighbouring properties and will benefit from a height lower than the neighbouring properties attached garage. The proposal is therefore not considered to create overlooking or overdominance concerns for existing residential dwellings.

On this basis, the proposal will not have unacceptable adverse impact on the residential amenity and it is considered to comply with Policy DM18 of the Copeland Local Plan, Policy H14PU of the ELP and provision of the NPPF.

Impact on Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The proposed works will not alter access arrangements for the site, and although will reduce the existing driveway for the property significant parking space is retained to serve the property.

The Highway Authority have confirmed that they have no objections to the proposal as it is considered that it will not have a material effect on existing highway conditions.

It is therefore considered that the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 2 and 3. The application is therefore supported by a Flood Risk Assessment. This assessment concludes that the as the development is located upon existing hard surfacing the risk of flooding will not be increase.

The LLFA have confirmed that they have no objections to the proposal as it is considered that it will it increase the flood risk on the site or elsewhere.

On this basis the proposal is not considered to have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

Impact on Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

The application site is identified as a potential area for natterjack toads. Although the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the proposed extension will be developed on existing hardstanding, therefore the development will not disturb any habitats. The site is also located within a building up area. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

It is therefore considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

Planning Balance and Conclusion

The application seeks planning permission for a modest side garage extension to an existing residential property. The proposal is a resubmission of a previously approved scheme (ref: 4/20/2313/0F1), therefore the principle for the proposed works has already been established.

The proposal is considered to reflect the character and appearance of the existing property and those within the locality. The proposal is of an appropriate scale and design and would not have any significant detrimental impact on the amenities of the adjoining properties.

The development is not considered to have an adverse impact highway safety, flood risk, or

	ecology. The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions</u> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 2. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: - - Application Form, received by the Local Planning Authority on the 16th May 2024. - Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 16th May 2024. - Site Block Plan, received by the Local Planning Authority on the 16th May 2024. - Overall Layout, Scale 1:300, received by the Local Planning Authority on the 16th May 2024. - Detailed Layout, received by the Local Planning Authority on the 16th May 2024. - Front View, received by the Local Planning Authority on the 16th May 2024. - Side Elevation, received by the Local Planning Authority on the 16th May 2024. - Supporting Photographs & Ariel View, received by the Local Planning Authority on the 16th May 2024. - Flooding Risk Assessment, received by the Local Planning Authority on the 16th May 2024.

	Reason To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004. <u>Other Conditions:</u> 3. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flooding Risk Assessment, received by the Local Planning Authority on the 16th May 2024'. Once installed these measures must be retained at all times thereafter. Reason For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding. 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: C. Burns	
Date : 03.07.2024	
Authorising Officer: N.J. Hayhurst	
Date : 04.07.2024	
Dedicated responses to:- N/A	