

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/20/2255/OF1
2.	<b>Proposed Development:</b>	REMOVAL OF EXISTING SINGLE STOREY KITCHEN/UTILITY AND ERECTION OF A NEW KITCHEN, UTILITY, WC/SHOWER ROOM AND GARDEN/BIKE STORE
3.	<b>Location:</b>	LONGLANDS, WHINNEY HILL, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to Longlands, a semi-detached property within Whinney Hill area of Cleator Moor. The Public Right of Way 403002 runs adjacent to the site.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the removal of the existing single storey kitchen and utility and the erection of a new rear extension to provide a new kitchen, utility, WC/shower room and garage/bike store.</p> <p>The kitchen extension will project 8.5 metres from the rear elevation and will be 4.65 metres in width. It will have a flat roof with an overall height of 3.3 metres and it will be lit by one skylight. It has been designed with two patio doors on the side elevation facing the garden.</p>

The garage/bike store will be located to the rear of the kitchen extension and will project a further 3 metres. It will be 7 metres in depth and includes a flat roof with an overall height of 2.85 metres. The side elevation will include a garage door and the rear elevation will be blank.

The kitchen extension will be clad with Western Red Cedar timber cladding and the garage will be faced with stone cladding. The roof will be finished with EDPM Firestone roofing membrane and the new windows and doors will be aluminium clad timber or anthracite grey UPVC.

#### RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications for this property.

#### CONSULTATION RESPONSES

##### Consultees

Cleator Moor Town Council – No objection.

Cumbria Highways – No objection.

Lead Local Flood Authority – No objection.

Council's Environmental Health – No comments received.

##### Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties - No objections have been received as a result of this consultation process.

#### 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

##### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

**ASSESSMENT**

The key issues raised by this proposed are its scale and design, the potential impacts on residential amenity, the public right of way and land contamination.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 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 proposed extension is modest in scale and is appropriately sited within the large rear garden. The design is of a high standard, which blends the traditional and contemporary character and appearance of the property. In addition, the choice of materials are considered to be appropriate. On this basis, the proposal is considered to meet DM18(A) policy and the NPPF guidance.

Residential Amenity

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

Overlooking and overshadowing issues were considered, although the proposed extension is not considered to be materially different to the existing extension. In addition, the impact will be mitigated by the existing boundary treatments. On this basis, it was considered that the proposal will not have any additional adverse impacts on the neighbours beyond the current position and therefore, the proposal is considered to comply with Policy DM18(C).

Impact on Public Right of Way

Although the site lies within the 50 metre buffer zone of Public Right of Way 403002 and it might be visible from a small section of the public footpath, it is modest in scale and will be seen in the context of the existing house and as such will not have any detrimental impact on the Public Right of Way.

The site visit confirmed the PROW runs adjacent to the site, which is approximately 11 metres from the proposed extension and it is screened by existing hedges along the site boundary.

The Cumbria County Council Footpaths Officer advised the footpath must not be altered or

	<p>obstructed before or after the development has been completed and therefore it is appropriate to attach an informative condition regarding this.</p> <p>Due to this distance and the minimal impact, the proposal is considered to satisfy Policy DM18 and NPPF guidance.</p> <p><u>Land Contamination</u></p> <p>The application site is adjacent to a previous landfill site. Although the Environmental Health Officer was not aware of any problems associated with the landfill he has advised that the site was topped with builders rubble. It is therefore considered that any future problems are unlikely and as the proposed householder extension will replace an existing kitchen extension, the proposal is suitably located and will not pose an unacceptable risk. However, to mitigate risks attached with building close to landfill, it is appropriate to attach a condition regarding gas protection measures as part of the construction design for the extension. In addition an informative can be included to highlight that works should cease if any unexpected contamination is found as part of the construction phase of the development.</p> <p>On this basis, the proposal is considered to comply with the NPPG guidance.</p> <p><u>Conclusion</u></p> <p>Overall, this is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li> </ol> <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> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</li> </ol> <p>Site Location Plan, scale 1:1250, received 13<sup>th</sup> July 2020; Block Plan, scale 1:100 at A1, drawing no 19.39.05, received 13<sup>th</sup> July 2020;</p>

Existing Plans, Elevations and Section A-A, scale 1:100 at A1, drawing no 19.39.01, received 13<sup>th</sup> July 2020;  
Proposed Elevations and Section A-A and B-B, scale 1:100 at A1, drawing no 19.39.06, received 13<sup>th</sup> July 2020;  
Notes and Details, scale 1:10 at A1, drawing no 19.39.07, received 13<sup>th</sup> July 2020.

**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.

3. The application site lies adjacent to an area of former landfill therefore to mitigate the risk of ground gas problems, gas protection measures such as a gas impermeable membrane, should be incorporated into any new parts of the building. The details of the gas protection measures should be submitted to the Local Planning Authority for approval before being installed.

**Reason**

To ensure that ground gas risks from the former landfill site are minimised for future land users.

**Informatives**

1. Should any unexpected ground conditions, which could indicate the presence of land contamination (for example unusual colours, odours, liquids or waste materials) be encountered during development, work should halt and the Council be notified to agree on the appropriate action.
2. Public Footpath 403002 follows an alignment to the west side of the proposed development and must not be altered or obstructed before or after the development has been completed. If the path is to be temporarily obstructed then a formal temporary closure will be required, there is a 14 week lead in time for this process, please contact [Sandra.smith@cumbria.gov.uk](mailto:Sandra.smith@cumbria.gov.uk) for further information.
3. 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](http://www.gov.uk/government/organisations/the-coal-authority)

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**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: Chloe Unsworth**

**Date : 07/09/2020**

**Authorising Officer: N.J. Hayhurst**

**Date : 07/09/2020**

**Dedicated responses to:-N/A**