

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2427/OF1
2.	Proposed Development:	DETACHED GARAGE
3.	Location:	67 TOMLIN AVENUE, 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: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>INTRODUCTION</p> <p>The application site is located within a well-established residential area within the main town of Whitehaven. The host property forms that of a two storey semi-detached property with gardens areas to the front, side and rear of the property.</p> <p>Vehicular access is made from Tomlin Avenue which runs across the northern boundary of the site.</p> <p>PROPOSAL</p> <p>This application seeks planning permission for the erection of a single storey standalone garage building that would be located to east of the main host property. The garage would be approximately 3.6 metres in width, 6 metres in depth and would have an overall roof height of 3.4 metres.</p> <p>CONSULTATION RESPONSES</p> <p><u>Whitehaven Town Council</u> – No objection</p>

Cumbria Highways

Cumbria Highways have responded to confirm the following:

Though we have no objection the principal of the proposal at this location, we would require some further information prior to consent being granted.

As the position of the proposed garage will be moved, can the Applicant provide further information regarding the remaining in-curtilage parking within the site. This should reflect the number of bedrooms within the property (e.g. 1 bedroom - 1 parking space; 2, 3 or 4 bedrooms - 2 parking spaces; 5+ bedrooms - 3 parking spaces)."

If the Applicant intends to park a vehicle in-front of the proposed garage, a length of 6m should be maintained between the garage and the public highway (footway) to allow for the opening of the garage doors and gates within the site.

Public Representation

The application has been advertised by way of a neighbour notification letters issued to 2 no. properties.

No comments have been received as a result of this public consultation process.

PLANNING POLICY

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

Copeland Borough Local Plan 2013 – 2028

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy

Development Management Policies (DMP)

- Policy DM10 – Achieving Quality Place
- Policy DM11 - Sustainable Development Standards
- Policy DM12 - Standards for New Residential Developments
- Policy DM18 – Domestic Extensions and Alterations

Other Material Planning Considerations

NPPF 2019

ASSESSMENT

The key issues raised by this proposed are its scale, design, the potential impacts on residential amenity and parking provision.

The Principle of Development

The principle of the development accords in general terms with the aims of Policy ST1 and section 12 of the NPPF, both of which 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.

Residential Amenity

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

The garage is located to the front western boundary of the site, this would ensure that there is a sufficient level of distance between the proposed development and the immediate neighbour located to the south of the site. There are no windows proposed within any side elevations of the garage and it is considered that the development would be unlikely to cause any harm impact upon the amenity of the neighbouring properties in terms noise, loss of privacy or car engine fumes.

On this basis, the proposal is considered to meet DM18 policy and the NPPF guidance.

Character

The application site is located within a well-established residential area of the town of Whitehaven. Due to the age of the estate, many of the houses within the local area have been extended and therefore, some of the original character of the state has been eroded.

The front elevation of the garage would be slightly forward of the principal elevation of the host property, but this would only be by a marginal amount. Whilst the garage would be in a fairly prominent position on the junction with Whinlatter Road, given the modest design and scale of the proposed garage, it is considered that this would not create a harmful impact upon the character of the local area.

Notwithstanding the above, the proposed garage would replace an existing prefabricated structure and therefore overall, the proposed development offers an improvement upon the character of the local area.

On this basis, the proposal is considered to meet DM18 (A) policy and the NPPF guidance

Highway Issues

In their consultation response received from Highways on the 2nd November 2020, they have requested additional information in terms of the numbers of vehicles that can be parked within the

	<p>area to the front of the proposed garage.</p> <p>In response to this, the agents for the application have provided a plan that confirms that there would be 2 external parking spaces available on site in addition to the 1 car space within the garage. This information has been sent back to Highway.</p> <p>However, the Cumbria Development Design Code Appendix 1 confirms that the required provision for parking at a dwelling of between 2 to 4 bedrooms is 2 spaces.</p> <p>The Highways consultation response, they also required that there is a distance of at least 6 metres between the front of the garage and the public highway if this area would be used as a parking space. The plan drawing No WDS-05-TS-101 confirms that there is a distance available on site in excess of 6 metres.</p> <p>Based upon the above, it is considered that the proposal meets the required level of off street parking as per the requirements of the Cumbria Development Design Code and is therefore acceptable.</p> <p><u>United Utilities</u></p> <p>Within the Highway consultation response received on the 2nd November 2020, they highlighted that there is a 3 metre United Utilities Buffer Zone that runs along the norther (front) boundary of the application site. Based upon that, it was recommended that United Utilities should be consulted on the development as a very small section of the front elevation of the garage would be close to this buffer zone.</p> <p>However, following a discussion with the agent for the site on the 8th December 2020, the agent said that they were aware of the buffer zone and would be happy with a condition/informative being attached to the grant of planning permission to require them to submit the details of the foundation prior to the commencement of the development.</p> <p>The Councils own Building Control Team have confirmed that the developer may well be able to develop close to or within the 3 metres buffer zone, but that they will need to seek authority from United Utilities first. However, this is not considered to be a material planning consideration but a Building Control matter and so the use of an informative attached to the decision notice is considered to be reasonable in this case.</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.	Recommendation:

	Approve (commence within 3 years)
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <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"> 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>Proposed Plan & Site Location Plan: Drg No. WDES-05-TS-101 Rev B Received with the application on the 21st October 2020</p> <p>Proposed Plan Drg No. WDES-05-TS-101 Rev C Received by email on the 2nd November 2020</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> <p>Informatives</p> <ol style="list-style-type: none"> 1. A section of the proposed garage is within/close to a 3 metre buffer zone for a public sewer. Therefore, before the commencement of any works on site, the applicant / developer should contact United Utilities in order to seek their formal agreement to undertake such works. 2. You must not commence works, or allow an person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. The Applicant should be advised to contact Cumbria County Councils Streetworks team. 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. <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>

	<p>Statement</p> <p>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.</p>
<p>Case Officer: Adrian Adams</p>	<p>Date : 09.12.2020</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 14/12/2020</p>
<p>Dedicated responses to:- N/A</p>	