

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2450/0F1	
2.	Proposed Development:	ERECT DETACHED GARAGE	
3.	Location:	WIDGEONDALE COTTAGE, LADY HALL, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change	
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 relates to a semi-detached dwelling, known as Widgeondale Cottage, located to the north east of Lady Hall. The property fronts onto Lady Hall Lane and lies adjacent to Widgeon Dale Wood.		
	Relevant Planning History		
	4/12/2145/0F1 – Erection of detached garage – Approve		
	Proposal		
	This application seeks planning permission of the erection of a detached garage to the rear of the existing property. The proposed garage will be located adjacent to a number of existing outbuildings and will measure 4.9m x 6.2m. The proposed development will benefit from an eaves height of 2.3m and an overall height of 4.5m. Externally the proposed garage will be finished with roughcast render,		

natural blue grey slate, an up and over vertical board garage door, and two roof lights.

### **Consultation Responses**

#### Millom Town Council

The Town Council support this application.

#### Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

No objection to the proposed development as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere

#### Copeland Borough Council – Scientific Officer

The development site is within the area of an old quarry which was cut into the hillside. However, there doesn't seem to be any evidence of infilling and the quarry appears to have just provided a flat area with steep back wall. The property has been residential for many years and the development is low risk so the Officer has no objections to it going ahead. As the site is marked as potentially contaminated due to the quarry, the Officer has requested the inclusion of an unexpected contamination condition to cover the potential for made ground to be present.

#### Public Representation

This application has been advertised by way of neighbour notification letters 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**

#### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

##### Core Strategy

Policy ST1 – Strategic Development Principles

ENV3 – Biodiversity and Geodiversity

##### Development Management Policies (DMP)

Policy DM18 – Domestic Extensions and Alterations

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

### **Other Material Planning Considerations**

## National Planning Policy Framework (2019)

### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. 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**

#### Scale, Design and Impact on Amenity

Policy ST1 and section 12 of the NPPF seek to safeguard good levels of residential amenity. Policy DM18 seeks 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 principle for the siting of a detached garage in this location has already been established at this site by the previous planning permission (ref: 4/12/2145/0F1) which was granted in 2012. This application granted permission for a detached garage, however the proposed materials have been altered within the current application.

The scale and design of the proposed detached garage is considered to be appropriate with regard to the parent property and is unlikely to cause any demonstrable harm to the neighbouring property given its proposed location. The development is to be sited on an existing hardstanding adjacent to a number of existing outbuildings therefore the development is not considered to have a significant detrimental impact on the surrounding area.

The proposal is therefore considered to comply with policies ST1, and DM18 of the Copeland Local Plan and provision of the NPPF.

#### Contaminated Land

Section 15 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The Council's Scientific Officer has stated that the development site is within the area of an old quarry which was cut into the hillside. There doesn't seem to be any evidence of infilling and the quarry appears to have just provided a flat area with steep back wall. The property has been residential for many years and the development is low risk so the Officer has no objections to it going ahead. As the site is marked as potentially contaminated due to the quarry, the Officer has requested the inclusion of an unexpected contamination condition to cover the potential for made ground to be

	<p>present. On this basis the development is considered to comply with the provision of the NPPF.</p> <p><u>Landscape and Protected Species</u></p> <p>Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.</p> <p>The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) and has been altered in the past and covered with a hardstanding. The previous application also did not obtain ecology details for this proposal. On this basis 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.</p> <p>It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.</p> <p><u>Conclusion</u></p> <p>The proposal is 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.</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 be commenced 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:- <ul style="list-style-type: none"> <li>- Site Plan, Block Plan, Section A.A, Proposed Elevations &amp; Proposed Floor Plan, Scale 1:50, 1:100, 1:300, &amp; 1:2500, Drawing No 1677, received by the Local Planning Authority on the</li> </ul> </li> </ol>

4<sup>th</sup> November 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. 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.

**Reason**

To ensure the protection of controlled waters from potential land contamination.

**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 :** 21.12.2020

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

**Date :** 21/12/2020

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