



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2482/OF1
2.	Proposed Development:	DEMOLISH EXISTING GARDEN STORE & ERECTION OF NEW TWO STOREY GARDEN STORE
3.	Location:	THE SUNDAY SCHOOL, ROWRAH ROAD, ROWRAH, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - 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: SITE AND LOCATION <p>The application relates to The Sunday School, a semi-detached property located within the village of Rowrah. The site benefits from an existing driveway to the front of the property and a side garden which includes an existing garden store.</p> PROPOSAL <p>Planning Permission is sought for the erection of a replacement two-storey garden store to the side of the dwelling. The store will have the same footprint as the existing with a width of 5.8 metres and a depth of 5.6 metres. It will have an overall height of 6 metres, an eaves height of 3.9 metres and a pitched roof. It has been designed to include a garage door and an access door on the front elevation, a first floor window on the side elevation facing the dwelling and the rear and side elevations facing the boundary will be blank. It will also be lit by one skylight. The proposal will be finished with</p>	

reclaimed sandstone, slate roof tiles, an up-and-over steel garage door and a timber access door and window.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for the change of use from church to dwelling (ref: 4/96/0308/0).

CONSULTATION RESPONSES

Arlecdon and Frizington Parish Council

No objections.

Highway Authority

No objections.

Lead Local Flood Authority

No objections.

The Council's Scientific Officer

No comments received.

Natural England

No objections.

Public Representation

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

One letter of objection has been received as a result of this consultation which raised the following concerns:

- The residents of Rowrah used to call this 'The Stick house' and it's a characterful building in its own right.
- Due to the topography, natural drainage and the adjacent culvert which flooded in 2005 any new building would cause additional strain on the drainage onto a busy road.

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 ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM24 – Proposed Developments and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

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

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity, highway safety, drainage and flood risk and the impacts on bat.

Principle of Development

The proposed application relates to a residential dwelling located within the village of Rowrah and it will provide a replacement garden/store. The applicant has advised that the current outbuilding has structural issues and therefore it needs replacing with a safer building. Policy DM18 supports extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2, DM18 and the NPPF guidance.

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.

Following a site visit, concerns were initially expressed with regards to the height of the proposal. The applicant provided additional justification for the scale and height to provide additional domestic storage. The floor area will remain the same as the existing structure and the proposed height is considered to be suitable for its use. It is therefore considered that the outbuilding will be appropriately sited to the side of the property and it will be relatively modest in scale.

The outbuilding will be stepped back, behind the principal elevation of the existing dwelling and it will be screened by the changes in garden levels and the neighbouring outbuilding. It is therefore not considered to have an overbearing impact on the neighbouring property. The design is considered to be appropriate for its use and the choice of materials are considered to respect the character and appearance of the existing property. It is therefore considered that the proposal will appear subservient to the main dwelling and will not be excessively prominent within the locality.

On this basis, the proposal is considered to meet Policy DM18(A) 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 the parent property or adjacent dwellings.

Overlooking and overshadowing issues between the proposed outbuilding and the neighbouring properties were considered, although the replacement outbuilding will be appropriately located to the side of the property and the change in levels with the neighbouring property will reduce potential overshadowing issues. The existing boundary fence and neighbouring outbuilding will also help to screen the development.

Overlooking issues were considered, although no windows will be included on the rear or side elevation facing the neighbouring property. The design is therefore considered to mitigate potential

overlooking concerns.

Whilst the proposed outbuilding will be used to provide appropriate domestic storage, it is appropriate to impose a condition to ensure that it remains in a domestic use. This will help to minimise the impact on the amenities of the occupiers of surrounding dwellings.

On this basis, it is considered that the proposal will have minimal impacts on neighbouring amenity and therefore it is considered to comply with Policy DM18 and the NPPF guidance.

Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking.

The site visit confirmed that the existing off-street parking located to the front of the property will provide adequate parking to serve the needs of the property. The Highway Authority therefore raised no objections as part of the consultation process as the extension will not have a material effect on existing highway conditions.

On this basis, the proposal is considered to meet Policy DM22 and standards set out in the Cumbria Development Design Guide.

Drainage and Flood Risk

The NPPF and Policy DM24 seeks to protect developments against risks of flooding.

One letter of objection was received which raised concerns regarding the natural drainage from the higher land at the rear which washes through various drainage points in the retaining wall. The objection noted the adjacent culvert flooded over in 2005 and raised concern that any new building is likely to cause additional strain on the drainage into a busy road.

The proposed outbuilding will be constructed on the same footprint as the existing garden store which will help to minimise additional flood risk. The LLFA also raised no objection to the proposed development as it is considered that the proposal will not increase the flood risk on the site or elsewhere.

On this basis, it is considered that the proposed outbuilding will not have a detrimental impact on drainage within the site or increasing flood risk elsewhere. The proposal is therefore considered to meet Policy DM24 and the NPPF guidance.

Bat Survey and Protection

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.

A Daytime Bat Risk Assessment and a Dusk Emergence Survey have been prepared in support of this

planning application.

The assessment confirmed that the existing outbuilding offers potential roosting locations associated with lifted and slipped tiles, gaps in mortar and stonework and gaps between the timber batons and wall tops. Although foraging and commuting opportunities within the immediate surroundings are limited, higher quality opportunities are present within the wider area. Overall, the structure is considered to be of low suitability to roosting bats and no evidence of a maternity roost was noted during the surveys. However, the potential use during the hibernation period cannot be ruled out.

The dusk emergence survey, completed in May 2021 did not record any bats emerging from the structure. Whilst a potential roost was identified within the adjacent residential property with a single common pipistrelle recorded as likely to have emerged from this building the residential property will not be affected by the proposed replacement outbuilding.

The Reports consider the existing structure to have low roost suitability and therefore the potential impacts are low risk. The report also includes appropriate avoidance, mitigation and compensation measures to mitigate the loss of the potential roost features and bird nesting opportunities currently present.

Natural England has confirmed they have no objections to the proposal.

A planning condition is proposed to secure the completion of relevant mitigation recommended in the submitted report.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.

Planning Balance and Conclusion

This application seeks to erect a replacement two-storey garden store to the side of the existing property. The main issue raised by the application was the height of the outbuilding and the potential impact on roosting bats within the stone structure. Additional justification for the scale of the building was submitted. Appropriate bat surveys were also provided.

On this basis, the proposal is considered to be appropriately located and the scale and design are suitable for its use. Due to the relationship with the neighbouring property and the change in garden levels, the outbuilding will not cause detrimental amenity issues. The use of the outbuilding can be restricted to a domestic use which will protect residential amenity further. In addition, the proposal will have little impact on highway safety and flood risk.

The Bat Survey concluded that roosting bats are unlikely to be present in the existing building and in order to compensate for the loss of a potential roost features and bird nesting opportunities currently present, a scheme of avoidance, mitigation and compensation is included. These measures can be secured by the use of a planning condition.

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 subject to the imposition of the

	planning conditions proposed.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <ol style="list-style-type: none"> <p>The development hereby permitted must commence 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>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: -</p> <p>Location Plan, scale 1:1250, drawing reference MF-NBG-001, received 30th November 2020; Block Plan, scale 1:500, drawing reference MF-NBG-001, received 30th November 2020; Existing Floor Plan and Elevations, scale 1:50, drawing reference MF-NBG-001, received 30th November 2020; Proposed Floor Plan and Elevation, scale 1:50, drawing reference MF-NBG-002, received 30th November 2020; Proposed Section, scale 1:20, drawing reference MF-NBG-003, received 30th November 2020; Daytime Bat Risk Assessment, reference 21001 dated January 2021, received 27th January 2021; Bat Survey, reference 21001 dated May 2021, received 8th June 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> <p>The avoidance, mitigation and compensation measures associated with bat roosts-must be implemented as part of the development hereby permitted in accordance with the details set out in the 'Bat Survey- 21001 May 2021' received by the Local Planning Authority on 8th June 2021. The compensation measures must be maintained thereafter.</p> <p>Reason</p>

To prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

4. Prior to the first use of the garden store hereby permitted, a bird box and a bat box must be installed within the site in accordance with the details set out in the 'Bat Survey- 21001 May 2021' received by the Local Planning Authority on 8th June 2021. The boxes shall be retained at all times thereafter following installation within the site.

Reason

To prevent harm to biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

5. The garden store hereby approved must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as The Sunday School and for no commercial or business purposes whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area.

Informative - Bats

It is an offence under Wildlife and countryside Act to damage or destroy a bat roost. It is likely the applicant will need to a wildlife mitigation licence from Natural England before the work can start. For more details on how to apply for a bat mitigation licence, please follow the link:

<https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence>

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. Unsworth	Date : 05/07/2021
Authorising Officer: N.J. Hayhurst	Date : 06/07/2021
Dedicated responses to:- 1 objector	