



**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2129/0F1
2.	Proposed Development:	CHANGE OF USE OF LAND TO INCREASE DOMESTIC CURTILAGE & THE ERECTION OF A DOMESTIC GARAGE
3.	Location:	17 OAK CRESCENT, 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: INTRODUCTION <p>The application site is located within the settlement of Whitehaven with the host property forming that of a 2 storey detached house with gardens to both the front and side of the host property.</p> PROPOSAL <p>This application seeks planning permission for the inclusion of an adjacent, vacant small building plot of land as an extension to the domestic curtilage of the garden area of the host property and for erection of a single storey detached garage building which is to be located to the front, western side of the property. The garage as proposed would be 7.3 metres wide along it's front elevation and 7.2 metres in depth and would have an overall height of 4.86 metres.</p> CONSULTATION RESPONSES <u>Whitehaven Town Council</u> <p>Have replied that they have no objection to the proposal following the application being considered</p>	

at their virtual meeting held on the 29th April 2021.

Cumbria County Highways

Have confirmed in their comments received on the 10th May 2021, the following comments and conditions to be attached if the garage building is approved:

There will be a noticeable loss of permeable surface with this development, your authority should seek to secure surface water drainage considering the drainage hierarchy, this should be for the proposed garage and also the existing driveway entrance. I would suggest the applicant undertakes a BRE365 Standard test to determine if infiltration is viable. As this application is below the statutory consultation level for the Lead Local Flood Authority, the Local Planning Authority are advised to ensure any surface water drainage design complies with the Building Regulations process. There are no objections to the proposed development from a highways or LLFA perspective subject to the following conditions being included in any notice on consent you may grant:

1. Condition - Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter. Reason: In the interests of highway safety and environmental management. To support Local Transport Plan Policies: LD7, LD8

2. Condition - Access gates, if provided, shall be hung to open inwards only away from the highway. Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

The response from Cumbria County Highways was sent onto the agents by email on the 10th May 2021 in a bid to offer them an opportunity to look to avoid the need for the use of the pre-commencement condition that would require the drainage details to be submitted prior to the commencement of the development.

However, to date, no reply has been obtained and therefore, it is considered proportionate and expedient to apply the pre-commencement condition as requested by Highways.

Public Representation

The application has been advertised by way of a neighbour notification letters issued to 7 properties.

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

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently 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 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 host property or adjacent dwellings.

The garage site is set at a lower level to that of the houses that adjoin the site to the west and north, therefore it is considered that the proposed garage would not cause any harmful impact upon the amenity of these properties in terms of loss of privacy and or noise

The application site would retain a decent level of amenity garden area and the proposal does not cause an adverse effect upon the current provision for off street parking.

Based upon the above assessment the proposal is considered to meet the aims and objectives of

	<p>DM18 policy and the NPPF guidance.</p> <p><u>Character</u></p> <p>The application site is located within the well-established residential area. It is considered that the extension as erected is a subservient addition to the many host dwelling house. The proposed garage is considered to be of an appropriate scale and design which are compatible with character of the local area.</p> <p>The former building plot is very small, and together with the differences in levels, this has rendered the plot of land to be undeveloped, long after the main estate has been completed. It is considered that the use of the land for the erection of a garage and garden land is in keeping with the character of the local area and results in a good opportunity to utilise this vacant section of land for the benefit of the surrounding area.</p> <p>On this basis, the proposal is considered to meet the aims and objectives of DM18 policy and the NPPF guidance.</p> <p><u>Planning Balance and 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. It will provide an acceptable use for this piece of vacant land and the proposed garage is of an appropriate scale and design.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</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>Site Plan Scale 1:200 Reference No: WDS-05-PH-201 Rev B received with the valid planning application on the 24th March 2021.</p> <p>Location Plan Scale 1:50 Reference No: WDS-05-PH-202 Rev B received with the valid planning</p>

application on the 24th March 2021.

Elevation Plan Scale 1:100 Reference No: WDS-05-PH-203 Rev B received with the valid planning application on the 24th March 2021.

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. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

4. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety

Informatives

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

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: Adrian Adams		Date : 17.05.2021
Authorising Officer: N.J. Hayhurst		Date : 19/05/2021
Dedicated responses to:- N/A		