

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2169/OF1
2.	Proposed Development:	ERECTION OF A DETACHED GARAGE
3.	Location:	20 KEATS DRIVE, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, 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 Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to 20 Keats Drive, a semi-detached property situated on an existing housing estate within Egremont. The site benefits from an existing driveway and it falls within Flood Zone 2 and 3. PROPOSAL Planning Permission is sought to erect a detached garage to the rear of the dwelling. The garage will be 5.4 metres in width and 6.8 metres in depth. It will have a pitched roof with an overall height of 3.38 metres. It has been designed to include roller shutter garage door on the front elevation and an access door on the rear elevation facing the existing property. The two side elevations will be blank. It will be finished with dashed render on the front, rear and side elevation facing the garden and red	

brick on the side elevation along the boundary. It will also include red brick quoins and modern Marley grey roof tiles to reflect the existing property.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this site.

CONSULTATION RESPONSES

Egremont Town Council

No objections.

Highway Authority and Lead Local Flood Authority

Initial Comments:

Request for additional information regarding the visibility splays, the creation of a new access and required agreement from the Cumbria Streetworks Department and supporting flood risk information.

Final Comments:

Standing Advice in accordance with the Cumbria Development Design Guide.

Council's Flood Engineer

Initial Comments:

At this stage, until further information is provided, I will have to raise an objection to this proposed development.

Current issues to be addressed include:

- The proposed garage is in Flood Zone 2, so any development represents a loss of flood storage area, thereby increasing flood levels.
- The proposed garage is located on or close to the route of an existing adopted foul sewer, yet no details regarding this matter have been provided.
- The installation of the garage will generate some surface water, yet there is no indication of how this will be drained.

Additional Comments:

Despite further information being provided, I will have to raise an objection to this proposed development.

Current issues to be addressed include:

- The proposed garage is in Flood Zone 2 and 3, so any development represents a loss of flood

storage area, thereby increasing flood levels.

- The proposed garage is located on or close to the route of an existing adopted foul sewer, yet no details regarding this matter have been provided.

Final Comments, following confirmation that the agent had spoken to UU and it was confirmed the garage would be acceptable to build over as long as they meet UU's requirement i.e. foundation design and CCTV survey and measures to collect surface water runoff:

- Based on the fact that UU would accept the garage being built over their sewer, if it meets their requirements, then I'm OK with that fact.
- Realistically permeable paving is only really suitable, where the underlying ground is permeable, so it may not be that effective.
- I'm happy with the use of water butts.
- Realistically, there may be some run off onto the adopted highway, which would be a highways issues, but it would end up in the Copeland surface water sewer.
- With the Environment Agency Scheme at Orgill under construction, the flood risk will reduce, so no problems overall.

Public Representation

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

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

- Large scale of the garage;
- Potential car garage business use;
- Existing parking problems in the locality;
- Danger of garage use.

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

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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 and flood risk.

Principle of Development

The proposed application relates to a residential dwelling within Egremont and it will provide a detached garage. Policy DM18 supports extensions 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 of the Local Plan 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.

Significant concerns were originally raised due to the very large floor area and height of the proposed garage. In response to this amended plans have been provided as part of the application. The revised proposals show a reduction in the scale of the garage which will be relatively modest and it will be

appropriately located within the rear garden. It will be located adjacent to an existing boundary wall and the reduced scale will ensure that the proposal appears subservient to the main dwelling. It will not be excessively overbearing for the neighbouring properties and the design is considered to be suitable for its use. In addition, the choice of materials are considered to respect the existing character and appearance of the existing property and this will ensure the garage will not be excessively prominent within the locality.

On this basis, the proposal is considered to meet Policies DM10 and DM18 of the Local Plan.

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 reduced garage is appropriately located within the rear garden, adjacent to an existing boundary wall. Under current permitted development rights, an outbuilding could be erected up to 2.5 metres in height along the boundary in the rear garden without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the overall height of the proposal is not significantly larger than what is possible under permitted development, the proposed garage is considered to be satisfactory and it will not cause significant loss of light or dominance on the neighbouring properties. The existing boundary fence will also help to screen the development.

Overlooking issues were also 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.

Concerns regarding the scale and the potential business use were received as part of the consultation period and therefore a supporting statement was provided by the agent which confirms that the proposed use will be domestic in nature and will provide secure storage for two vehicles. This can be secured by the use of a planning condition, which will help to minimise impact on the amenities of the occupiers of surrounding dwellings and ensure that non-conforming uses are not introduced into the area.

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.

Following comments from the Highway Authority, the agent provided a site plan to ensure the garage will be stepped back 0.5 metres from the footpath and that the garage door will be either a roller shutter or inward opening. This can be secured by the use of a planning condition to ensure highway safety will be maintained with an increased visibility. Other garages within the locality are located directly adjacent to the highway and therefore the proposed visibility splays are considered to be

acceptable in this context.

In addition, the planning statement submitted with the application confirmed that the garage will provide secure storage for two vehicles and therefore the off-street parking will be maintained. It is therefore considered that the proposal will not have a detrimental effect on the existing highway conditions and adequate off-street parking to meet the needs of the property will be provided.

The proposal will also create a new access onto an unclassified road and will require a dropped kerb and therefore an informative note is attached to remind the applicant to contact the Cumbria Streetworks team.

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

Flood Risk

The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policy DM24 seeks to protect developments against risks of flooding.

The application is accompanied by a Householder and Other Minor Extensions in Flood Zones 2 and 3 form. It is considered that the garage within Flood Zones 2 and 3 would be an acceptable form of development, based on the guidance set out in the NPPG.

The Council's Flood Engineer and the Lead Local Flood Authority originally raised an objection due to a lack of information and therefore flood resilience measures and mitigation techniques were included on the proposed plans. The agent also confirmed he has spoken to United Utilities which confirms that the drain runs approximately through the rear third of the proposed garage and is approximately 0.9m deep. It was confirmed that it would be acceptable to build a garage over the drain as long as it meets United Utilities' requirement, for example by use of an appropriate foundation design and CCTV survey.

The proposed plans also include water-butts to collect the runoff from the roof and permeable paving, which can be conditioned to ensure they are installed.

In addition, the garage floor area is less than what is possible for an outbuilding installed under Permitted Development. This fall-back position is a material consideration in the assessment of this application. Given the reduced scale and what is possible under permitted development, the proposal is considered to be satisfactory and it will not have a detrimental impact on flood risk within the site or elsewhere.

On balance, the proposal is considered to be acceptable and therefore it will comply with Policy DM24 and the NPPG guidance.

Planning Balance and Conclusion

Following negotiations with the agent to reduce the floor area and height of the garage, the reduced garage proposal is now considered to be of an appropriate scale and design. It will not have any detrimental impact on the amenities of the adjoining properties and planning conditions can control

	<p>the use to further protect neighbouring amenity. Highway safety will also be maintained with an increased visibility with the garage stepped back 0.5 metres from the footpath and the flood risk measures are considered to be acceptable to ensure the proposal will not have a detrimental impact on flood risk on site or elsewhere.</p> <p>On balance, the detached garage proposal represents 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>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <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 no WDS-05-SC-100 Rev C, received 9th December 2021; Site Plan, scale 1:200, drawing no WDS-05-SC-100 Rev C, received 9th December 2021; Proposed Plans and Elevations, scale 1:100, drawing no WDS-05-5863-101 Rev D, received 9th December 2021; Householder and Other Minor Extensions in Flood Zones 2 and 3 Form, received 12th October 2021; Planning Statement – Proposed Garage Use, received 8th October 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 flood resilience and mitigation measures must be implemented as part of the development hereby permitted in accordance with the details set out in the 'Householder and Other Minor Extensions in Flood Zones 2 and 3 Form' received by the Local Planning Authority on 12th October 2021 and the 'Proposed Plans and Elevations' received by the Local Planning</p>

Authority on 9th December 2021. The flood resilience and mitigation measures must be maintained thereafter.

Reason

To protect the property against flood damage in accordance with Policy DM24 of the Copeland Local Plan.

4. The garage door must be either a roller shutter or inward opening in accordance with the details set out in the approved 'Proposed Plans and Elevations' reference WDS-05-5863-101 Rev D received by the Local Planning Authority on 9th December 2021.

Reason

To protect highway safety in accordance with Policy DM22 of the Copeland Local Plan.

5. The garage must be used for the parking of private vehicles and the storage of domestic equipment only and for no commercial or business purposes whatsoever.

Reason

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

Informative

Before any works are commenced, you should contact Cumbria Highway's Street Works team to obtain a permit from the driveway access and dropped kerb.

Enquires should be made to Cumbria County Councils Streetwork's team
streetworks.west@cumbria.gov.uk

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 : 28/01/2022
Authorising Officer: N.J. Hayhurst	Date : 31/01/2022
Dedicated responses to:-N/A	