

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2270/OF1
2.	Proposed Development:	DETACHED DOUBLE GARAGE
3.	Location:	SOUTHERLY, DRIGG
4.	Parish:	Drigg and Carleton
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>Key Species - Potential areas for Natterjack Toads,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Outer Consultation Zone - Drigg 3KM,</p> <p>Outer Consultation Zone - Sellafield 10KM</p>
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p>Report:</p> <p>SITE AND LOCATION</p> <p>This application relates to Southerly, a detached dwelling situated within Drigg.</p> <p>The site fronts onto the B5344 and it is bound by an access track to the east and fields to the north and west. The site benefits from a large garden with a large hedge along the front and eastern boundary and the existing property benefits from 4 existing attached garages.</p>	

PROPOSAL

Planning Permission is sought to erection of a detached garage to the front of the dwelling.

The garage will be 12 metres in width and 10 metres in depth. It will have a pitched roof with an overall height of 5.5 metres and an eaves height of 2.75 metres. It has been designed to include two garage doors on the front elevation and the side elevation facing the garden will include an access door to the external store. The side elevation facing the front boundary will include an access door to the garage. The rear elevation will be blank and it will be finished with a mix of slate stone walling and dark grey facing bricks, Brazilian green roof slates and anthracite grey UPVC doors to reflect the existing property.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for the erection of:

- Conservatory and two garages (ref: 4/95/0427/4);
- Double garage (ref: 4/92/0671/4).

CONSULTATION RESPONSES

Drigg and Carleton Parish Council

No objections but raised concerns regarding problems with ongoing drainage and flooding issues.

Cumbria County Council Highways and Lead Local Flood Authority

Standing advice.

Cumbria County Council Footpath Officer

No objections.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 3 no. properties –

Two objections have been received as a result of this consultation which raised the following concerns:

- Consultation process;
- Local flood risk and surface water run off onto the road;
- No drainage details submitted;
- Domestic garage use.

Two objection letters were also received as a result of the second consultation which raised the same

drainage and flooding concerns.

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 ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV6 – Access to the Countryside

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

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy H14PU – Domestic Extensions and Alterations

Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

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, flood risk and ecology.

Principle of Development

The proposed application relates to a residential dwelling within Drigg and it will provide a detached garage for domestic storage and parking of vehicles. 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.

Concerns were originally raised regarding the siting and scale of the garage, forward of the existing dwelling and garages. The agent provided additional justification for the detached garage and re-located the garage, which has been set back into the site so that it is in line with the existing garage projection. The double garage is required as the applicant plans to convert the two of the existing garages into habitable rooms within the dwelling. The other two existing garages will be retained to be used as domestic storage and therefore the detached garage proposal will provide a secure space for the applicant's car and camper van.

On this basis, the amended proposal will be suitably located within the front/side of the site, stepped away from the front boundary. The siting and design will create a courtyard and it is considered to be relatively modest in scale. The single-storey garage will be subservient to the main dwelling and it will not appear excessively overbearing for the neighbouring properties.

In addition, the design is considered to be suitable for its use and 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.

Whilst potential amenity issues between the proposed detached garage and the neighbouring properties were considered, the proposal is considered to be suitable in scale and design. Due to the siting of the garage within the large garden and the significant separation distances across the access track and the B5344 to the closest neighbours, it is considered that the proposal will not cause a significant loss of light or privacy on the neighbouring property.

In addition, the design does not include any windows on the rear or side elevations facing the neighbouring properties and therefore overlooking concerns are mitigated. The existing boundary hedge will also provide suitable screening.

One objection letter raised concerns regarding the potential change of use. As a result of these concerns and due to the application site benefitting from a number of existing attached garages, it is appropriate to attach a planning condition to ensure the detached garage remains domestic in nature and that non-conforming uses are not introduced into the area.

Overall, it is therefore considered that the garage proposal will have minimal impacts on neighbouring amenity and therefore it complies with Policies DM10, DM18 and the NPPF guidance.

Highway Safety

Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The existing site access will remain unchanged and the hardstanding for parking and turning to the front of the dwelling will be widened to allow access into the proposed garage. It will extend slightly into the front garden and it will be constructed out of concrete to match the existing surfacing. It is considered that the driveway and garage will provide adequate off-street parking to meet the needs of the dwelling and the proposal will therefore not have a detrimental effect on the existing highway conditions.

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

Drainage

Policy DM24 seeks to protect development against flood risk.

As several objections were received regarding drainage and flood risk associated with the development, a planning condition has been attached to ensure the drainage scheme is agreed with the Local Planning Authority, prior to the commencement of the development. The drainage must also be fully operational prior to the first use of the garage and must be retained in perpetuity thereafter. This is considered to be appropriate to satisfy neighbouring concerns regarding flood risk.

	<p>On this basis, the proposal is considered to meet Policy DM24 of the Copeland Local Plan.</p> <p><u>Ecology</u></p> <p>Policy ST1, ENV3 and DM25 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 proposals 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 relates to a residential dwelling which is not located within 200m of a watercourse (as indicated within the ALGE trigger list). 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 householder application.</p> <p>It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.</p> <p><u>Public Right of Way</u></p> <p>The site visit confirmed the PROW runs along an access track adjacent to Southerly and although the proposed extension might be visible from a small section of the Public Right of Way 405020, it will be modest in scale and it will be viewed in the context of the existing dwelling. As such will not have any detrimental impact on the Public Right of Way. The proposal will not harm the physical footpath or the amenity of the user, although an informative note has been attached to ensure the right of way remains open and un-obstructed.</p> <p>Overall, the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed application seeks permission for the erection of a detached garage. Concerns were raised regarding the scale and siting of the garage and the potential impact on flood risk.</p> <p>Amended plans were sought to ensure the garage will not harm the street-scene. It will be stepped back from the road, in line with the existing garage. The proposal is therefore considered to be acceptable in terms of scale and design and given the significant separation distances, it will not have any detrimental impact on the amenities of the adjoining properties. Additional justification was also provided to justify the need and it will be screened by an existing boundary hedge. In addition, the proposal will not affect highway safety, the public right of way or protected species.</p> <p>Concerns regarding flood risk and drainage and the domestic use of the garage can be secured by the use of a planning condition.</p> <p>On the basis of the above, the proposed detached garage 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.	Recommendation:

	Approve (commence within 3 years)
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <p>1. 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>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: -</p> <p>Application Form, received 22nd June 2022; Location Plan, scale 1:1250, drawing no. 19/01/944-101, received 22nd June 2022; Site Plan, scale 1:200, drawing no. 19/01/944-104a, received 7th September 2022; Proposed Floor Plan and Elevations, scale 1:50 and 1:100, drawing no. 19/01/944-103a, received 7th September 2022.</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><u>Prior to Commencement Conditions</u></p> <p>3. Prior to commencement of development a detailed drainage scheme must be submitted to and agreed in writing by the Local Planning Authority. The scheme must be implemented in accordance with the approved details and fully operational prior to the first use of the garage hereby approved and must be retained in perpetuity thereafter.</p> <p>Reason</p> <p>To ensure a satisfactory form of development and reduce the risk of flooding in accordance with Policy DM24 of the Copeland Local Plan.</p>

Other Conditions

4. The garage must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as Southerly and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area in accordance with Policy DM18 of the Copeland Local Plan.

Informative Note

A PROW (public footpath) number 405020 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

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 : 05/10/2022

Authorising Officer: N.J. Hayhurst

Date : 05/10/2022

Dedicated responses to:- N/A