

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2459/OF1
2.	Proposed Development:	DETACHED GARAGE
3.	Location:	LAND TO THE REAR OF 1 EARLS ROAD, 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: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to a garage block behind Earls Road, located within the Bransty area of Whitehaven. The site is bound by an access lane to the front, a footpath through to Hugh Street to the southern side and other garages to the northern side.</p> PROPOSAL <p>Part-Retrospective Planning Permission is sought for the erection of a detached garage.</p> <p>The proposed garage measures 7.14 metres in width and 5.79 metres in depth. It includes a pitched roof with an overall height of 4.6 metres and an eaves height of 2.55 metres on the north-east elevation and 2.9 metres on the south-west elevation. The design includes a garage door on the front and the sides and rear will be blank. It will also be finished in render, grey roof tiles and a roller</p>	

shutter garage door and it will be lit by 2 roof lights.

In addition, due to the slightly sloping site, the proposal includes an access ramp on the front.

RELEVANT PLANNING APPLICATION HISTORY

Proposed Detached Garage (ref 4/21/2480/0F1) – Withdrawn

Proposed Detached Garage (resubmission) (ref 4/22/2049/0F1) – Approved

CONSULTATION RESPONSES

Whitehaven Town Council – No objections.

Highways Authority – Standing advice.

Lead Local Flood Authority – Standing advice.

Public Representations

Public representations for this application have been advertised by way of site notice and neighbour notification letters issued to 5 no. properties.

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

- Previous approval not built in accordance with the approved plans;
- The build can't have been inspected as it has not been built to the plans that were submitted;
- New plans have just been altered to suit what has already been built;
- The height has not been reduced;
- Surface water drainage not shown on plans;
- Proposed soak away is not adequate for the size of the building and given the condition of the lane;
- Ramp access will go too far into the lane;
- Concerns regarding the finish of the building as garage built too close to the other garage;
- Out of character with the surrounding garages.

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 DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

ASSESSMENT

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

Principle of Development

Concerns have been received that the previous planning permission for the garage has not been built in accordance with the approved plans. This new application therefore reflects what has been built

on site and will formalize the development.

Policy ST2 seeks to direct development to the most sustainable locations. The proposal includes development within the existing garage block in Bransty, which is located within the settlement boundary of Whitehaven.

On this basis, the proposal represents an appropriate form of development in this location, consistent in principle with the provisions of Policy ST2 of the Local Plan.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site.

The proposed part-retrospective garage is appropriately sited adjacent to existing garages within the Bransty Garage Block. Despite discussions with the applicant to reduce the floor area and height in accordance with the previously approved plans (ref 4/22/2049/0F1), a comparison drawing has been submitted to support the current planning application. As the site is located on a slight hill, the current proposal will have a lower roof pitch and the height will not exceed the previous approval.

Concerns have also been received regarding the retrospective nature of the development and it is out of character with the surrounding garage. Overall, despite the large scale, the proposal is considered to be suitable in scale and design to provide a double garage for domestic storage, including a camper van. The pitched roof design reflects the garages along the lane and the proposed materials will be typical of the area.

The external walls are yet to be rendered and this installation can be secured by the use of an appropriately worded planning condition. This will ensure the proposal is finished to an acceptable standard and satisfy the objectors concerns.

On this basis, the proposal is considered to meet Policy DM10 and the NPPF guidance.

Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

Due to the proposed location and relationship with the neighbouring garages, it is considered that there will be no detrimental impact on residential amenity. It will not be excessively overbearing on the surrounding residential properties as it is stepped away from the rear boundary and the existing grass verge to the side remains in place. In addition, no windows are proposed on the side elevation which mitigates overlooking concerns.

The garage proposal is not materially different from the existing garage, although it is appropriate to attach a planning condition to ensure the garage use remains domestic in nature and that non-conforming uses are not introduced into the area.

	<p>On this basis, the replacement garage is considered to comply with Policy DM10 of the Local Plan.</p> <p><u>Highway Safety</u></p> <p>Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.</p> <p>The garage will be located on an existing garage site with a suitable access off an unclassified road. Concerns regarding the access ramp proposal projecting too far into the lane were received. Although the site visit confirmed the proposed ramp will reflect similar garage ramps adjacent to the site, further up the hill and it will not project beyond the existing ramps/into the lane.</p> <p>The Highways Authority provided standing advice and therefore it is considered that the replacement garage is unlikely to have an adverse impact on the existing highway conditions.</p> <p>On this basis, the proposed replacement garage is considered to meet Policy DM22 and the standards set out in the Cumbria Development Design Guide.</p> <p><u>Flood Risk and Drainage</u></p> <p>Policies ENV1 and DM24 seeks to protect developments against risks of flooding.</p> <p>The site is within Flood Zone 1 with a low to medium risk of flooding by surface water according to the Environment Agency. The proposal replaces two existing garages and therefore the increased surface water runoff is not considered to be significant, and the surface water is proposed to soak away into the adjacent grass verge. The objector questioned these details, although due to the nature of this application, the drainage is covered by the Building Regulations process.</p> <p>On this basis, it is considered that the proposal will not have a detrimental impact on increasing flood risk and therefore, the proposal is considered to meet Policies ENV1, DM24 and the NPPG guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The part-retrospective garage is of an appropriate scale and design and would not have any detrimental impact on the amenities of the surrounding garages and residential properties. In addition, the proposal will not have an adverse impact on existing highway conditions, highway safety, flood risk and drainage.</p> <p>Building Regulations concerns are assessed under different legislation and due to the size of the garage, an application will be required. This should satisfy these concerns.</p> <p>Overall, the proposal is considered to be an acceptable form of development within the existing garage site, which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9. **Conditions:**

1. 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: -

Application Form, received 23rd November 2022;
Location Plan, scale 1:1250, drawing no. 316-01001-02, received 23rd November 2022;
Block Plan, scale 1:500, drawing no. 316-01002-04, received 23rd November 2022;
Proposed Site Plan, scale 1:100, drawing no. 316-04002-03, received 23rd November 2022;
Proposed Floor and Roof Plan, scale 1:50, drawing no. 316-04001-04, received 23rd November 2022;
Proposed Elevations, scale 1:50, drawing no. 316-05001-04, received 23rd November 2022.

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.

2. Prior to the first use of the garage hereby approved, the external walls must be finished with render in accordance with the details shown on the approved plans. Development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter.

Reason

To ensure a satisfactory appearance of the building in the interests of visual amenity.

3. 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 Note

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: C. Unsworth

Date : 17/01/2023

Authorising Officer: N.J. Hayhurst

Date : 18/01/2023

Dedicated responses to:- N/A