

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2043/0F1
2.	Proposed Development:	INCREASE IN HEIGHT OF EXISTING SITE BOUNDARY WALL; GATEPOST & THE OPPOSITE POST TO BE DEMOLISHED & A RETURN WALL CONSTRUCTED ON BOTH SIDES WHICH WILL WIDEN ENTRANCE TO DRIVEWAY
3.	Location:	BRAMBLEA, JAMES PIT ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Development Referral Area - Data Subject to Change, 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: SITE AND LOCATION This application relates to Bramblea, a detached property situated on James Pit Road, Whitehaven. The site is spread across two levels and benefits from two vehicle accesses and parking areas, one to the side at the lower level and one to the rear at the higher level. The site also benefits from a boundary wall adjacent to the pavement. PROPOSAL	

Planning Permission is sought for alterations to the garden wall. It will increase the height of the boundary wall at the rear garden level and remove the gate posts to create a widened entrance to the driveway.

The wall adjacent to the pavement will be raised by 0.7 metres at the lowest level to create a level wall up to the access and the side wall adjacent to the lower garden level will also be increased by 0.7 metres. It will be finished in pebble dash render and red sandstone coping.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Whitehaven Town Council

No comments received.

Conservation Officer

No objections.

Highway Authority and LLFA

Standing Advice.

Coal Authority

Application falls within the exceptions list and therefore standing advice applies.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 8 no. properties – No objections have been received as a result of this consultation process.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.



Cumberland Council

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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 DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA)

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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

Policy H14PU – Domestic Extensions and Alterations

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, the conservation area and the coal advice area.

Principle of Development

The application relates to a residential dwelling within Whitehaven and it will alter an existing boundary wall in the rear garden. 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.

The proposed wall alterations are modest in scale and appropriately sited to the side/rear of the existing property. The design of wall is considered to be suitable within the locality and the choice of materials are considered to respect the existing character and appearance of the existing property and the surrounding residential area.



Cumberland Council

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

The proposal is considered to be appropriately located within the side/rear garden and due to the siting, it will not be excessively overbearing for the neighbouring properties or result in loss of light on the surrounding neighbours.

No concerns were raised as a result of the neighbour consultation process.

On this basis, the proposal is considered to comply with Policy 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 site benefits from two vehicle accesses and parking areas off James Pit Road, one at the lower level to the side of the dwelling and one at the higher level to the rear of the dwelling.

The proposal seeks to widen the rear access by removing the gate posts and creating a curved wall.

The site benefits from sufficient parking at the lower level and therefore it is considered that the rear garden wall alterations will not interfere with the off-street parking provision. In addition, given the nature of the highway and its setting, the speeds are constrained and the traffic volume will be relatively low to the residential dwellings. There is no through route and given proposed raised garden wall will be modest, it is not considered to significantly interfere with the visibility splays.

On this basis, the proposal is considered to satisfy Policy DM22 and the Cumbria Development Design Guide.

Heritage Impacts

Policy ENV4 and DM27 seek to protect the built heritage and maximise the value. DM27 supports development proposals which protect, conserve and where possible enhance the historic and cultural architectural character of the Borough's historic sites and their settings.

The Listed Building and Conservation Areas Act sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 72 of the LBCA requires that in considering whether to grant planning permission for development which affects a conservation area, the Local Planning Authority shall pay “special attention... to the desirability of preserving or enhancing the character of appearance” of the conservation area.

Paragraphs 189 – 208 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as a conservation area, great weight should be given to the conservation of the asset’s significance; however, less than significant harm should be weighed against the public benefits of a development.

The application site is located within Whitehaven Conservation Area, although the existing property is a small, detached dwelling, likely to be constructed in the 1970s. The modern dwelling benefits from a contemporary wall.

The Conservation Officer considered the proposal will have neutral impact on the character and appearance of the conservation area and the setting of the non-designated heritage assets opposite. It is also considered that the replacement of the painted concrete copings with red sandstone will constitute a small improvement.

On this basis, the Conservation Officer raised no objections to the proposed wall alterations and therefore it is considered to meet Policy DM27(A) and DM27(C), thereby satisfying the duties set out in the LBCA.

Coal Advice Area

Based on the site location plan, the application site is located within the defined Development High Risk Area and therefore the Coal Authority was consulted.

The Coal Authority confirmed the householder consultation falls within their exemption list and therefore the Coal Authority guidance applies. As such, it was not considered that a Coal Mining Risk Assessment is necessary to support the proposal, although an informative note for development within a coal mining area will be included for the applicant’s information.

Planning Balance and Conclusion

The proposed wall alterations are of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties. Given the nature of the highway, the altered highway access and wall alterations are unlikely to cause harm to highway safety. In addition, it is not considered to have an impact on the character and appearance of the Conservation Area as the works involve very minor additions to the existing wall. Although it is unlikely to have an impact on the coal advice area an informative note has been included for the decision notice for completeness as advised by the Coal

	<p>Authority.</p> <p>Overall, the 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:</p> <p>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>Application Form, received 20th February 2023; Location Plan, scale 1:1250, received 20th February 2023; Site Plan, scale 1:200, received 20th February 2023; Proposed Plans – Floor Plan and North-East Elevation, scale 1:50, page 1, received 20th February 2023; Proposed Plans – East Elevation, scale 1:50, page 2, received 20th February 2023.</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>Informative Note</p> <p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom easily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p>

	<p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:</p> <p>www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> <p>Any intrusive activities which disturb or enter any seams, coal mine workings or coal mine entries (shafts and adits) require a Coal Authority Permit. Such activities include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining feature are unexpectedly 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:</p> <p>www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>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.</p>
Case Officer: C. Unsworth	Date : 14/04/2023
Authorising Officer: N.J. Hayhurst	Date : 17/04/2023
Dedicated responses to:- N/A	