

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2084/0F1
2.	Proposed Development:	INSTALLATION OF 12 PHOTOVOLTAIC PANELS ON GARAGE ROOF FOR DOMESTIC USE
3.	Location:	NEWTON BARN, LADY HALL, MILLOM
4.	Parish:	Millom Without
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>Key Species - Known Sites for Natterjack Toads,</p> <p>Key Species - Potential areas for Natterjack Toads,</p> <p>Preferred Route Corridor - Within Preferred Route Corridor</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 the detached garage of Newton Barn, a residential property located within the hamlet of Lady Hall, Millom. The site relates to a domestic garden which is detached from the dwelling by Lady Hall Lane and it benefits from a garage and boundary wall.</p>	

PROPOSAL

Planning Permission is sought for the installation of 12 solar panels on the roof slopes of the existing garage. They will each measure 1.096m x 1.754m and they will be black anodized aluminium.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- The erection of a detached garage adjoining existing store building (ref: 4/07/2572/0);
- The erection of a garage/private workshop (ref: 4/08/2521/0).

CONSULTATION RESPONSES

Millom Without Parish Council

Support the application.

Public Representation

The application has been advertised by way of neighbour notification letter to 3 no. of properties - No objections have been received as a result of this consultation.

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 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 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
- Policy ENV3 – Biodiversity and Geodiversity
- Policy ENV6 – Access to the Countryside

Development Management Policies (DMP)

- Policy DM10 – Achieving Quality of Place
- Policy DM11 – Sustainable Development Standards
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Wildlife and Countryside Act 1981

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 DS2PU – Reducing the impacts of development on Climate Change

Policy DS6PU – Design and Development Standards

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on the character of the area, the public right of way and ecology.

Principle of Development

The proposed application relates to a roof slope of an existing garage in Lady Hall, Millom and it will provide renewable energy generation. Policy DM11 supports proposals that reach high standards of sustainability and incorporate renewable energy.

On this basis, the principle of the development is therefore considered to be acceptable and the proposal satisfies Policies ST2, DM11 of the Local Plan and the NPPF guidance.

Scale and Design

Policy ST1 seeks the creation and retention of quality places is on high quality design. Policy DM10 requires development to respond positively to the character of the site and the wider setting and maintain reasonable standards of general amenity.

The solar panels are modest in scale and well designed to be in keeping with the existing garage. It is not considered that the development will be excessively prominent on the roofscape or the wider locality. In addition, the limited projection from the roof will further reduce the impact on the existing character and appearance of the building.

On this basis, the proposal is considered to be acceptable in terms of scale and design and comply with Policy DM10.

Landscape and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The application site lies within a domestic garden within the hamlet of Lady Hall. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within 2d 'Coastal Urban Fringe', which seeks to enhance, restore and improve the landscape.

The proposal relates to an existing building, which is considered to minimise the impact of the development on the surrounding landscape in accordance with the vision in the CLCGT. It will also viewed in the context of the existing garden and the wider area, which will ensure the



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	<p>character of the area is not eroded with development away from the hamlet.</p> <p>Overall, the solar panels are not considered to have a significant impact on the character and appearance of the area. The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the CLCGT.</p> <p><u>Impact on Public Right of Way</u></p> <p>The proposed structure might be visible from a small section of the Public Right of Way 416024 although it will be modest in scale and it will be viewed in the context of the existing building and wider hamlet.</p> <p>Overall, the proposal will not considered to harm the physical footpath or the amenity of the user and therefore it is considered to satisfy Policy DM10 and NPPF guidance.</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 garage and it does not relate to the ALGE tigger list. The proposal relates to an existing garage roof and therefore it is not considered to be necessary to seek an ecological survey for this minor application.</p> <p>Overall, 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>Planning Balance and Conclusion</u></p> <p>The proposed solar panels are of an appropriate scale and design and will not have any detrimental impact on the character of the area, the public right of way or ecology.</p> <p>It therefore 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"> 1. The development hereby permitted must commence 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</p>

	<p>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 23rd March 2023; Location Plan, scale 1:2500, received 23rd March 2023; Block Plan, scale 1:300, received 23rd March 2023; Proposed Elevations, scale 1:100, received 23rd March 2023; Solar Panels Specification Sheet, received 23rd March 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>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 : 12/05/2023
Authorising Officer: N.J. Hayhurst		Date : 18/05/2023
Dedicated responses to:- N/A		