



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2123/0F1
2.	<b>Proposed Development:</b>	DETACHED MOTORHOME GARAGE AND WORKSHOP/STORE
3.	<b>Location:</b>	1 LOW PADSTOW, PADSTOW, CLEATOR MOOR
4.	<b>Parish:</b>	Weddicar
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to 1 Low Padstow, an end of terraced property situated within Padstow, Cleator Moor. The site benefits from a large rear garden and driveway to the side of the property.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought to erection of a detached garage extension to the rear of the</p>

dwelling.

The proposed garage will measure 6.5 metres in width and it will have an overall depth of 8.3 metres. It will include a pitched roof design with an overall height of 3.3 metres, with an eaves height of 2.55 metres on the west elevation and 3 metres on the east elevation. It has been designed to include two garage doors on the front south elevation facing the garden. The side elevation facing the dwelling will include a window and pedestrian access door and the rear elevation facing the boundary and the side elevation will be blank.

The garage will be finished with dashed render, a slate effect galvanised tin roof, a wooden door.

The proposal will involve the loss of two small fruit trees.

### **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted for:

- TWO STOREY EXTENSION TO SIDE AND SINGLE STOREY EXTENSION TO REAR & GARAGE & DRIVE (ref: 4/10/2087/0F1).

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### **CONSULTATION RESPONSES**

#### Weddicar Parish Council

No comments received.

#### Environment Agency

No comments received.

#### Flood and Coastal Defence Engineer

- The Flood Zone 2 extent of the River Keekle barely infringes the site.
- The proposed detached motorhome garage and workshop / store is within Flood Zone 1, so will not result in a loss of flood plain storage.
- An Environment Agency flood form has been submitted stating that the proposed floor levels will be sat at a level no lower than those current.
- From a risk of flooding to the proposed development, I have no concerns.

#### Public Representation

The application has been advertised by way of neighbour notification letters issued to 4 no. properties –

One objection have been received as a result of the first consultation which raised the following concerns:



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- Concerns regarding the workshop use and potential noise issues;
- Concerns over future conversion to a dwelling;
- Concerns regarding the construction and block materials;
- Concerns regarding the loss of trees.

No further objections were received as a result of the second consultation with the drainage plan.

### **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 ENV1 – Flood Risk and Risk Management

##### 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 DM28 – Protection of Trees

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

### **Emerging Copeland Local Plan 2021-2038 (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

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 trees.

#### Principle of Development

The proposed application relates to a residential dwelling and it will provide a detached domestic 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.



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### 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 detached garage is considered to be suitably located within the rear garden, behind the existing dwelling. The proposal will be relatively modest in scale and it will not be excessively prominent within the locality. The pitched roof will appear 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. Concerns were received regarding the construction and materials proposed but these are typical of domestic garage developments.

Concerns over future conversion to a dwelling, although future development would be subject to a different planning application and planning policies.

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. It will be suitably located within the site, to the rear of the existing dwelling, and the modest height is not considered to appear overbearing or dominant on the neighbouring properties and gardens.

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.

In addition, the design does not include any windows on the rear or side elevation facing the neighbouring gardens and therefore overlooking concerns are mitigated.

The applicant has confirmed that the garage will provide space for the parking of a campervan and a domestic workshop. Given the concerns received as part of the consultation, it is appropriate to attach a planning condition to ensure that the use of the detached garage remains domestic in nature and that non-conforming uses are not introduced into the area. This will provide suitable control to address the neighbours

concerns. Any future noise and disturbance concerns associated with the domestic workshop can be address through Environmental Health legislation.

On this basis, 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 to the side of the dwelling and the garage will provide additional off-street parking, including parking for a campervan. 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

Policies ENV1 and DM24 seek to protect development against flood risk.

Part of the site is within Flood Zone 2 and therefore the application is supported by a Householder and Other Minor Extensions in Flood Zones 2 and 3 Form. It confirms the floor levels of the proposed development will not be set lower than the existing levels.

Additional details were sought regarding the drainage. The applicant confirmed water butts and a soakaway will be provided and in principle this is acceptable. Due to the nature of this householder application, the drainage is covered by the Building Regulations process.

In addition, given the size of the garden and the extent of the hard standing that could be erected under Permitted Development Rights, the proposal is not expected to increase flood risk within the site or elsewhere.

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.

#### Impact on Trees

Policy DM28 seeks to protect trees and the site visit and proposed plans confirm two trees will be removed to accommodate the detached garage. The trees are small in scale and would not pass the requirements worthy of retention or protection of a Tree Preservation Order.

On this basis, the proposal is acceptable in terms of Policy DM28 of the Copeland Local Plan.



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	<p><u>Planning Balance and Conclusion</u></p> <p>The proposed application seeks permission for the erection of a detached garage within the rear garden and it will provide space for the parking of vehicles, including a campervan and a domestic workshop.</p> <p>The proposal is considered to be acceptable in terms of scale and design and it will not have any detrimental impact on the amenities of the adjoining properties. It will not affect highway safety, flood risk or result in a significant loss of trees.</p> <p>Concerns regarding the domestic use of the garage workshop can be secured by the use of an appropriately worded planning condition.</p> <p>Concerns over future conversion to a dwelling cannot be considered under this application. Each application has to be considered on its merits and any future development would be subject to a different planning application and planning policies.</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.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li></ol> <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> <ol style="list-style-type: none"><li>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:- Application Form, received 27<sup>th</sup> April 2023; Location Plan, scale 1:1250, received 27<sup>th</sup> April 2023; Proposed Site Plan, scale 1:200, received 27<sup>th</sup> April 2023;</li></ol>

Existing Site Plan, scale 1:125, received 27<sup>th</sup> April 2023;  
Proposed Floor Plan, scale 1:50, received 27<sup>th</sup> April 2023;  
Proposed North Elevation, scale 1:50, received 27<sup>th</sup> April 2023;  
Proposed East Elevation, scale 1:50, received 27<sup>th</sup> April 2023;  
Proposed South Elevation, scale 1:50, received 27<sup>th</sup> April 2023;  
Proposed West Elevation, scale 1:50, received 27<sup>th</sup> April 2023;  
Proposed Section, scale 1:50, received 27<sup>th</sup> April 2023;  
Tree Removal Plan, received 27<sup>th</sup> April 2023;  
Householder and Other Minor Extensions in Flood Zones 2 and 3 Form, received 27<sup>th</sup> April 2023;  
Proposed Drainage Plan, received 25th June 2023.

**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.

3. The garage hereby approved must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as 1 Low Padstow 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**

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](http://www.gov.uk/government/organisations/the-coal-authority)



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<b>Statement</b> 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.	
<b>Case Officer: C. Unsworth</b>	<b>Date : 10/08/2023</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 10/08/2023</b>
<b>Dedicated responses to:- N/A</b>	