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**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2166/0F1
2.	<b>Proposed Development:</b>	ERECT GRANNY FLAT ANNEX AND GARAGE EXTENSION
3.	<b>Location:</b>	HERONS REACH, THE GREEN
4.	<b>Parish:</b>	Millom Without
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
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>The application relates to Herons Reach, a detached bungalow located within the open countryside close to The Green, Millom.</p> <p>The site benefits from an existing vehicle access and large parking area and garden with detached garage and carport.</p> <p>The site falls within flood zone 2 and 3.</p>

## **PROPOSAL**

Planning Permission is sought for the erection of a granny annexe and garage extension.

The garage extension will extend 4.26 metres to the side of the existing garage to create a double garage. It will replace an existing car port and it will match the existing garage's roof design and pitch. It has been designed to mirror the existing garage with a garage door on the front with a blank side elevation.

The annexe extension will create space for one-bedroom, a bathroom and a living room to the rear of the garage. It will project 7.32 metres from the rear elevation and it be 8.76 metres in width. The annexe has also been designed to include a pitched roof with an overall height of 4.8 metres and an eaves height of 3 metres. It will include two windows and an access door on the north elevation and a patio door and living room window on the south side elevation facing the garden. The rear east elevation will be blank.

Both the garage and annexe extension will be finished with roughcast render, flat grey cement roof tiles and white UPVC windows and doors to match the existing garage and main property. The garage extension will also include a vertical wooden garage door to match the existing.

## **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission was previously granted for the following:

- CONSERVATORY TO REAR (ref: 4/04/2667/0);
- PRIOR APPROVAL TO REMOVE CONSERVATORY AND ERECT SUNROOM EXTENSION TO REAR (ref: 4/20/2317/HPAE).

## **CONSULTATION RESPONSES**

### Millom Without Parish Council

No comments received.

### Highways and LLFA

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Note: The Environment Agency (EA) surface water maps indicate that the site is in flood zone 2 and 3. The applicant should consult with the Environment Agency regarding a flood risk assessment



## Cumberland Council

### Flood and Coastal Defence Engineer

- The site is within Flood Zone 3.
- The flood risk is from Black Beck.
- The proposed finished floor level of the granny flat will be the same as the bungalow, which is 710mm above the existing garage to which the granny flat will be built.
- The flood risk to the new granny flat will be no greater than that to the existing bungalow.
- The garage extension will have the same finished floor level as the existing garage.
- Foul drainage from the granny flat will be directed to the existing septic tank.
- A new drainage field is to be created for the foul effluent from the treatment plant.
- Percolation testing has been undertaken to inform the length of drainage field required.
- As the granny flat will be created a new foul flow, it may need to receive treatment from a package treatment plant and this should be checked with the Environment Agency to ensure compliance with the General Binding Rules.
- Very little detail is provided for the surface water disposal, but it appears to be directed to a soakaway aquavoid crate.
- There does not appear to be any supporting information to inform the size of the required soakaway for surface water drainage.

### Environment Agency

10<sup>th</sup> July 2023 Initial comments:

With reference to the Environment Agency Flood Map for Planning, this application lies within Flood Zone 3, which is land defined by the planning practice guidance (PPG) as having a high probability of flooding.

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.

22<sup>nd</sup> August 2023 Second comments:

In our letter referenced NO/2023/115373/01-L01 and dated 10 July 2023, we objected to the development as proposed due to the absence of an acceptable Flood Risk Assessment.

The planning application is now accompanied by a revised Flood Risk Assessment (FRA),

author unknown, referenced; Granny Flat Annex and Garage Extension and dated 29/07/2023. We have reviewed the FRA in so far as it relates to our remit, and we are not able to remove our objection to the development as proposed. Our previous letter included FRA guidance and sources of information – advice to applicant.

The FRA although revised in some areas has not followed the advice provided in our previous letter. No design flood level is referred to in the FRA. The potential depth of flooding in the design flood event compared the proposed Finished Habitable Floor levels remain unknown, therefore the safety of the proposed development over its lifetime is also unknown.

As a result, we remain unsatisfied that the development would be safe without exacerbating flood risk elsewhere. We therefore maintain our objection as set out in our response dated 10 July 2023 (ref. NO/2023/115373/01-L01).

26<sup>th</sup> October 2023 Third comments:

In our letter reference NO/2023/115373/01-L01 and dated 10 July 2023, we objected to the development as proposed, pending the submission of an acceptable FRA.

Our letter included a number of links to information guidance and sources information. We have subsequently requested flood risk assessment data on behalf of the customer from our data, mapping, modelling and information team and have passed this onto the customer to assist in revising their Flood Risk Assessment (FRA).

The planning application is now accompanied by a revised Flood Risk Assessment (FRA) prepared by Alan Park, referenced; Ref 4/23/2166/0F1, Rev 3 and dated October 2023.

We have reviewed the FRA and the accompanying block plan showing the ground levels and floor levels of the existing and proposed buildings, along with the information on Black Beck, and in so far as it relates to our remit, and while we are satisfied that the proposed development would not increase flood risk elsewhere we remain unsatisfied that it has not been demonstrated that the development would be safe.

Unfortunately therefore, we are therefore minded to maintain our objection to the development as proposed.

6<sup>th</sup> December 2023 Final comments:

We are satisfied we can now remove our objection following the submission of a revised FRA.

In our most recent letter referenced NO/2023/115373/03-L01 and 26 October 2023, we maintained our objection pending further information being on proposed finished habitable floor levels and other matters relative to the considerations of flood safety and resistance.

The planning application is accompanied by a revised Flood Risk Assessment (FRA)



## Cumberland Council

prepared by Alan Park (ref: Ref 4/23/2166/0F1; dated November 2023). We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the FRA has addressed the outstanding points for objection. The FRA has utilised the Flood Data supplied, provided levels in m AOD and provide a site specific description of the nature and propagation of flooding including the influence of structures and existing development on flow routing.

The proposed development may still be at some residual risk from flooding over its lifetime, but should otherwise be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

### Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 3 no. 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 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

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

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 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 DS8PU – Reducing Flood Risk

Policy H14PU – Domestic Extensions and Alterations

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity



## Cumberland Council

### **ASSESSMENT**

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

#### Principle of Development

The proposed application relates to an existing residential property close to The Green and it will provide a one-bedroom annexe and an enlarged garage. Justification has been provided for the proposed development, which will be used to accommodate an elderly parent of the main property's owner who is partially sighted and in need of care but wishes to retain his independence. Policy DM18 supports extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the justification is considered to be acceptable, and the principle of the development is therefore considered to be acceptable in accordance with 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 garage extension and annexe to the rear of the garage are considered to be suitably located within the large garden of the host property, Herons Reach. It will be well-related to the host property, to the side of the property and it will share services, pedestrian and vehicular access and parking arrangements. It will be relatively small in scale to provide a one-bedroom annexe for an elderly parent (bedroom, bathroom and living room) and it will share the existing kitchen and eating facilities with the main bungalow, Heron's Reach to maintain a link to the main dwelling.

The garage extension will also reflect a typical double-garage proposal and the single-storey design will ensure that the proposal appears subservient to the main dwelling and it will not be excessively prominent within the locality. In addition, the choice of materials will reflect the existing property and this will reduce the impact of the development upon the overall character of the area.

A planning condition is proposed to ensure that the annexe remains ancillary to the main dwelling, Herons Reach and within the same ownership.

Overall, subject to the inclusion of planning conditions, the proposal is considered to meet Policies DM10 and DM18 of the Copeland 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 amenity issues between the proposed garage extension, new annexe and neighbouring properties were considered, the proposal is relatively modest in scale and appropriately located within the site. It will also be screened by an existing outbuilding to the front of the site.

In addition, the proposal will be located a significant distance away from neighbours and this is considered to mitigate potential issues.

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

On balance, it is considered that the proposal will have minimal impacts on neighbouring amenity and therefore it is considered to comply with Policy DM18 and the NPPF guidance.

#### Flood Risk

Policy ENV1 and DM24 seeks to protect developments against risks of flooding and ensure that new developments do not contribute to increased surface water run-off.

The application site falls within flood zones 2 and 3 and concerns were originally raised by the Environment Agency regarding the flood risk assessment. Following several revisions to the FRA and the provision of additional details, the Environment Agency removed their objection. Additional details were also provided regarding the surface water soakaway calculations and the percolation tests.

Based on the additional details provided, the Environment Agency are satisfied that the proposed development would not increase flood risk elsewhere and the flood risk assessment demonstrates that the development would be safe through appropriate flood safety and resilience measures.

The Environment Agency advised that the proposed development must proceed in strict accordance with the Flood Risk Assessment and the mitigation measures identified as it will form part of any subsequent planning approval. On this basis, to address these comments, planning conditions are proposed regarding the drainage and flood risk assessment and mitigation.

Overall, the proposal will not have a detrimental effect on flood risk on the site or elsewhere and therefore the proposal complies with Policy ENV1 and DM24.

#### Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking.

The site benefits from a large driveway and therefore garage extension and annexe are not considered to interfere with the off-street parking.

On this basis, the proposal will not have a detrimental effect on the existing highway conditions and it is considered to comply with Policy DM22 and the standards set out in the





## Cumberland Council

Cumbria Development Design Guide.

### Ecology

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.

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not considered a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.

### Planning Balance and Conclusion

This application seeks to erect an extension to an existing detached garage to provide a one-bedroom annexe for an elderly relative and an enlarged double garage.

The main issues with the proposal was the scale of the annexe development and flood risk. The annexe is considered to be ancillary to the main dwelling and a planning condition can control the use of the annexe accommodation and ensure that the whole site will be retained as one planning unit.

Flood risk has also been addressed with the Environment Agency and the drainage and flood resilience measures proposed can be secured by the use of planning conditions.

The proposal is also considered to be of an appropriate design and it will not have any detrimental impact on neighbouring amenity, highway safety or ecology.

On balance, subject to the imposition of the planning conditions proposed, the application is considered to be acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.

8. **Recommendation:**  
Approve (commence within 3 years)

9. **Conditions:**
1. The development hereby permitted must commence before the expiration of three years from the date of this permission.
- Reason  
To comply with Section 91 of the Town and Country Planning Act 1990 as amended

by the Planning and Compulsory Purchase Act 2004.

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 12<sup>th</sup> June 2023;  
Location Plan, scale 1:2500, drawing reference 1770 Sheet 1, received 12<sup>th</sup> June 2023;  
Block Plan, scale 1:100, drawing reference 1770 Sheet 2, received 12<sup>th</sup> June 2023;  
Existing Floor Plans and Elevations, scale 1:50 and 1:100, drawing reference 1770 Sheet 2, received 12<sup>th</sup> June 2023;  
Proposed Floor Plans, scale 1:50, drawing reference 1770 Sheet 2, received 12<sup>th</sup> June 2023;  
Proposed Elevations, scale 1:100, drawing reference 1770 Sheet 2, received 12<sup>th</sup> June 2023;  
Proposed Sections, scale 1:50, drawing reference 1770 Sheet 2, received 12<sup>th</sup> June 2023;  
Foul Water Treatment Plan, scale 1:200 and 1:20, drawing reference 1770 Sheet 1, received 12<sup>th</sup> June 2023;  
Percolation Test, received 12<sup>th</sup> June 2023;  
Rainwater Soakaway Calculations, received 3<sup>rd</sup> August 2023;  
Flood Risk Assessment, date November 2023 Revision 4, received 18<sup>th</sup> November 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 annexe hereby approved must not be occupied until the approved surface water and foul water disposal works have been completed on site in accordance with the approved Proposed Foul Water Treatment Plan, scale 1:200 and 1:20 received by the Local Planning Authority on 12<sup>th</sup> June 2023 and the Flood Risk Assessment received by the Local Planning Authority on 18<sup>th</sup> November 2023. The approved works shall be retained for the lifetime of the development.



**Cumberland  
Council**

Reason

To ensure adequate provision is made for the management of surface water and sewage disposal in accordance with Policy ENV1 of the Copeland Local Plan 2013-2028.

4. Before the annexe is occupied, the flood resilience and mitigation measures must be carried out in accordance with the Flood Risk Assessment received by the Local Planning Authority on 18<sup>th</sup> November 2023. The flood resilience and mitigation measures must be maintained thereafter.

Reason

To protect the property against flood damage in accordance with Policy DM24 of the Copeland Local Plan.

5. The annexe hereby permitted must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as "Heron's Reach" and must not be let or sold as a separate permanent dwelling.

Reason

The annexe is not considered appropriate for use as a separate residential unit.

**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. Wootton**

**Date : 14/12/2023**

**Authorising Officer: N.J. Hayhurst**

**Date : 15/12/2023**

**Dedicated responses to:- N/A**