

---

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2190/0F1
2.	<b>Proposed Development:</b>	STORE EXTENSION TO PRIVATE USE GARAGE/WORKSHOP (RETROSPECTIVE)
3.	<b>Location:</b>	EX TANNERY GARAGE, HAVERIGG INDUSTRIAL ESTATE, MILLOM
4.	<b>Parish:</b>	Millom
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: NO  Site Notice: YES  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 Ex Tannery Garage, which is located on Haverigg Industrial Estate, Millom.</p> <p>The building is located on the eastern edge of the industrial site, approximately 120 metres along the unclassified road from Haverigg Road.</p>

## **PROPOSAL**

Retrospective Planning Permission is sought for the retention of an extension for private use as a garage/workshop.

The extension measures 5.05 metres by 5.47 metres, located between two roller shutter doors on the side elevation. It has a 9.5 degree pitched roof which sits below the existing eaves of the main building. The materials reflect the existing building with both grey and green box profile sheeting.

The application is supported by:

- Site Location Plan;
- Site Plan;
- Plans and Elevations;
- Design and Access Statement;
- Flood Risk Assessment.

## **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this site.

## **CONSULTATION RESPONSES**

### Millom Town Council

No objections.

### Highway Authority

No objections.

### Lead Local Flood Authority

No objections.

### Environment Agency

No response.

### Public Representation

The application has been advertised by way of site notice - No objections have been received as a result of this consultation.

## **PLANNING POLICIES**



## Cumberland Council

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 ER6 – Location of Employment

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Policy ER11 – Developing Enterprise and Skills

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3- Biodiversity and Geodiversity

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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, the growth of business and the potential impact on the area, highways, flood risk and ecology.

### Principle of Development

Policies ST1, ST2 and ER6 of the Copeland Local Plan concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The site lies within Haverigg, which is identified as one of the Borough's Local Service Centres, where opportunities for new employment provisions will be provided through conversions/re-use of existing buildings or completion of sites already allocated.

The site is located within an existing industrial estate and it will expand an existing building, therefore the principle of development is considered to be acceptable.

### Growth of Business

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate grow of the Borough's



## Cumberland Council

local economy. Policy ER7 seeks to promote the diversification of the Borough's economy by expanding new and expanding employment sectors, and by supporting the development of commercial units, which meet the needs of business, encourage start up and promote further expansion in order to retain enterprise, jobs and skills within the Borough. The NPPF also states that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

The proposed site is located within Haverigg Industrial Estate and it provides an enlarged industrial building. Despite the Design and Access Statement stating the applicant uses the site as a private garage/workshop for his hobby of restoring classic cars following retirement, the site could also provide space for a business to grow in future and potentially create jobs in the area.

On this basis it is considered that the proposal complies with the policies ST1, ST2, ER6 and ER7 of the Copeland Local Plan and NPPF.

### Impact of Development

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The proposed extension is relatively modest in scale, and it is therefore not considered to adversely impact on the overall area and the development is seen in the context of the existing estate. The design is in keeping with the character of the existing building and therefore it does not appear excessively prominent within the locality.

Despite being located on the edge of the industrial estate, it is viewed in the wider context and it is a significant distance from any nearby residential properties. No objections have been received from any nearby properties in relation to this proposal.

On the basis of the above it is considered that the proposal complies with ST1 and DM10 of the Local Plan and section 12 of the NPPF.

### Highway Safety

Policy DM22 requires development proposals to be accessible to all users and incorporate innovative approaches to managing vehicular access and parking.

Despite the extension reducing the size of the parking area, it is relatively modest in scale and a suitable size parking area is retained on site. The Highway Authority raised no objections as they considered that the proposal would not have a material effect on the existing highway conditions.

Overall, the proposal is considered to be accessible to all in accordance with Policy DM22.

### Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are

	<p>at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.</p> <p>The site falls within Flood Zone 2 and 3 and the application is supported by a Flood Risk Assessment. It is confirmed there is no increase in rainwater runoff as the area was already concreted and the roof water now enters an existing drain and soakaway within the site.</p> <p>The Lead Local Flood Authority confirmed they had no objection as it is considered that the extension will not increase the flood risk on site or elsewhere.</p> <p>The Flood Risk Assessment also includes flood mitigation measures and the retention of the measures can be secured by the use of a planning condition.</p> <p>The proposal is therefore considered to comply with policies ST1, ENV1 and DM24 of the Copeland Local Plan and provision of the NPPF.</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 industrial site isn't considered to be a suitable environment for natterjack toads. It is therefore 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 retrospective application relates to an existing building on Haverigg Industrial Estate.</p> <p>The proposed extension of the building is of an appropriate scale and design and it will not have any detrimental impact on residential amenity, highway safety, flood risk or ecology. The proposal also supports the opportunity for new business and has the potential to create jobs within the area in future.</p> <p>Overall, the proposal represents an acceptable form of development and it is considered to accord 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>



## Cumberland Council

<p>9. <b>Conditions:</b></p> <p>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 4<sup>th</sup> July 2023; Location Plan, scale 1:2500, drawing no. 1778, received 4<sup>th</sup> July 2023; Block Plan, scale 1:500, drawing no. 1778, received 4<sup>th</sup> July 2023; Proposed Floor Plan, scale 1:100, drawing no. 1778, received 4<sup>th</sup> July 2023; Proposed Elevations, scale 1:100, drawing no. 1778, received 4<sup>th</sup> July 2023; Design and Access Statement, Dated 30-06-2023, received 4<sup>th</sup> July 2023; Flood Risk Assessment, received 4<sup>th</sup> July 2023.</p> <p>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.</p> <p>2. The flood mitigation measure must be retained in accordance with the details set out within the Flood Risk Assessment received by the Local Planning Authority on 4<sup>th</sup> July 2023.</p> <p>Reason To manage flood risk in accordance with Policy DM24 of the Copeland Local Plan.</p> <p><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.</p>	<p><b>Case Officer: C. Unsworth</b></p>	<p><b>Date : 25/08/2023</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 29/08/2023</b></p>	
<p><b>Dedicated responses to:- N/A</b></p>		