

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2318/0F1	
2.	Proposed Development:	CHANGE OF USE OF GARAGE TO HOLIDAY ACCOMMODATION	
3.	Location:	THE COTTAGE GUEST HOUSE, BLACK HOW, SEASCALE	
4.	Parish:	Seascale	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies	Yes Yes No See Report See Report
7.	Report: Site and Location	This application relates to The Cottage Guest House, a detached property located within a small group of properties known as Black How to the south east of Seascale. The detached property is currently utilised as a guest house and benefits from a detached garage, to which this application relates. The detached garage is currently utilised as a store but	

accommodates the heating system for the main guest house.

The site benefits from a large garden and parking area to the front of the property. The site is accessed via the single access track which serves the eleven existing properties at Black How.

Relevant Planning History

No relevant planning history.

Proposal

This application seeks planning permission to change the use of the existing garage to holiday accommodation.

The proposed change of use will be mostly accommodated within the existing footprint of the garage, however a small covered porch will be erected along the front elevation measuring 1m x 0.79m with mono pitched roof to match the existing roof of the attached store.

Internally the site will accommodate an open plan kitchen/living/dining room, a boot room, a bathroom, and a bedroom within the ground floor with a gallery bedroom within the roof space. The existing boiler room serving the main house will be retained within the ground floor and slightly reduced in size.

The proposed conversion will utilise existing openings however a new window will be inserted into the north east gable and a new window and door into the south west elevation. Externally the front and side elevations of the property will be amended from white render to composite cladding and will accommodate anthracite coloured windows and doors. The roof will also be recovered with new profile sheeting.

The proposal will also benefit from an amenity space which will project from the south west gable by 6.28m and will be enclosed by a 2m high close boarded timber fence.

It is proposed that surface water from the site will be drained via the existing rainwater outlets and foul water will be drained to the existing septic tank in the adjacent field. Access to the site will be via the existing track, with two parking spaces provided to the front elevation.

Consultation Responses

Seascale Parish Council

7th December 2023

Seascale Parish Council advise it has received several objections to this planning application and acknowledges the concerns raised.



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It also notes this is perhaps not the first time an application for developing this property has been submitted. Notwithstanding it submits the following grounds for an Objection to this planning application.

- It was understood the planning department advised no further development in this area would be considered, not least because the sewage storage and septic tank has reached capacity.

3rd April 2024

Seascale Parish Council has received objections from members of the public and on reviewing this amendment agree the original objections submitted have not been addressed. It also recalls that previously access to the highways was also denied.

Therefore, Seascale Parish Council submit an Objection to this application.

Cumberland Council – Local Highway Authority & Loal Lead Flood Authority

1st December 2023

We as the LHA and LLFA have no objections in principle but would like to see full details of the surface water drainage system (incorporating SUDs features as far as practicable) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter.

25th March 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and additional information submitted in February 2024, the additional information has addressed the point raised on my previous response, so I can therefore 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.

Cumberland Council and Westmorland and Furness Council – Resilience Unit

30th November 2023

There are no objections to the proposed works.

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with

this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafeld site.

11th March 2024

There are no further comments, in addition to those made on 30th November 2023.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to three properties. Six letters of objection were received in relation to this statutory notification period raising the following concerns:

- Road and pedestrian safety will be further compromised. Specifically, this will be at the junction of Hallsenna Road and the single track road leading to Black How; this junction is effectively a crossroads.
- Traffic volume using this junction has, over the last couple of years, increased due to two newly developed houses becoming permanently occupied and two newly developed houses becoming holiday lets. Reconfiguration of other properties into holiday lets/letting rooms at Black How may also have increased traffic volume.
- Those occupying Black How holiday lets will be unfamiliar with this junction and single track road.
- A section of the single track road is a well-used public footpath connecting Hallsenna road and The Drive and therefore school children and members of the public using this footpath have to interact with vehicle traffic using the lane to Black How.
- In addition to serving the existing residents and guests accessing Black How the single track road is used to access agricultural grazing land plus four other properties which have also created vehicle/pedestrian access to the track. As I understand it others along the single track road could follow their lead without requiring planning permission.
- In order for the Planning Committee to make a fully informed decision over the number of existing letting rooms/flats/houses already at Black How a site visit would be required.
- My understanding is that a planning application was recently approved for a caravan/development plot at Black How – this again will add to pedestrian and traffic volume.
- Pedestrians and road users are at heightened risk if additional traffic is allowed by approving this development.
- From previous studies performed by Modal Highway consultants in 2020. It was stated



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that the access lane to Black How does not meet current Cumbrian or Government guidance for new developments. It stated that current access arrangements raise safety concerns that would be made worse should any further development take place they therefore advised any further development should be refused.

- Following repeated planning requests the director for highways confirmed that further intensification of traffic use would be objected to on the grounds of pedestrian safety. The intensification of traffic on this lane was proven to be unacceptable, by modern or historic standards and agreed by the development officer to be unacceptable during the rejection of a previous application for development at Black How. The principle has been well established over the past 7 years of applications and rejections.
- Concerns were raised about the access lane width, the lack of passing places.
- The access to the bottom of the lane is substandard regularly meaning that vehicles have to reverse back into Hallsenna Road if a vehicle is coming out of Black How Lane.
- Reference to traffic or the safety of pedestrians (including children) is conspicuous by its absence from this application and as such, it is reasonable to assume that no consideration has been given. As a result the application should be rejected without consideration.
- The access in and out of my driveway is very difficult it is a concealed entrance and it's impossible to see any approaching vehicles coming up the lane. There is currently only one house further up the lane which requires access past at present. I feel that the extra traffic a holiday let would generate, with people who are unfamiliar with the road layout would pose a further safety issue. Although there is intended parking outside of the holiday let the majority of guests will be unfamiliar with the site and will undoubtedly be unaware of vehicles coming out of a concealed entrance.
- This entrance is also used by pedestrians coming to and from my property including children. The visibility is poor and approaching vehicles cannot be seen until you are on the road. Blackhow is also unlit there is no streetlights. This will be a particular concern in winter and dark nights.
- The current garage entrance looks directly at Seatallon and into the gardens. This is not currently an issue as it is uninhabited. If changed to a holiday let it would result in a lack of privacy to all residents of Seatallon.
- There are currently 3 holiday cottages for rent at Black How. It is known that these are not used to full capacity at present so therefore questions the need for further holiday accommodation needed at Seascale.
- No need for holiday accommodation in this area.
- The planning application submitted currently states that foul sewage would be

disposed of as “unknown”. The garage is linked to a septic tank which is on land not owned by the developer, which has already been assessed as being at full capacity. So therefore cannot accommodate the further waste this development would generate.

- The existing septic tank is at capacity and cannot accommodate this proposal.
- The current application states the surface water will be disposed of via the main sewer. But there is no mains sewer at Blackhow. The nearest main sewer is located on Hallsenna Road.
- Holiday makers will cause noise and light pollution. The applicant does not live in the area and therefore would not be available to resolve the issues.
- The applicant might have to erect scaffolding in the adjacent garden which would not be acceptable due to privacy, safety and security concerns.

Two letters of neutral response were also received raising the following comments:

- Whilst I don't object to principle of the change of use, the foul water would need to be addressed as it is not in application. There would be no room in existing septic tank to take more users as at capacity even if it was judged this to be extension of existing building which uses the tank I own and have responsibility for, rather than a new building needing it's own tank or drain.
- Concern about the amount of lights that will be shining towards my house. Currently there are two lights on the side of the property of Sella Grange and these shine directly into my bedroom and patio windows. I have a condition where looking at bright lights is not good for me. The renovation will result in more light and noise. I am not objecting but would like to come to some neighbourly agreement where the lighting is concerned.

Further to the receipt of amended information for this application a reconsultation was undertaken four letters of objection were received raising the following concerns:

- I can't see where my original comments sent in to highlight the creeping increase in traffic using the concealed entrance from Hallsenna to the black how complex. Without this concern being addressed I consider further development at black how to be an increased safety risk it pedestrian and road users.
- The current parking situation at Black How is really cramped due to the number of contractors now staying at Black How. Also with the 3 current holiday lets there has recently been many disputes around parking with some contractors unable to find a space so therefore parking along the lane. Which can be a problem for residents and delivery drivers. In particular this is most prevalent in front of the proposed holiday accommodation. I'm unsure where there would be space for potentially 2 more cars.
- The safety of the lane is my main concern as the parents of young children We are lucky enough to live within walking distance of school I feel that more traffic up the



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lane would increase the risk to the safety all children and pedestrians as there is no foot path.

- There is a concealed entrance further down the lane leading to The Drive. This is often used by local children as a short cut to Black How. The nature of holiday makers is that they will be unfamiliar with the area and that they will be unaware of the existence of this so will therefore not be cautious of children potentially exiting from here. I unsure if this along with the other areas of concern has been considered by the highways agency.
- Previous studies performed by Modal Highway Consultants in 2020 (previously sent). It was stated that the access lane to Black How does not meet current Cumbrian or Government guidance for new developments. It states that current access arrangements raise safety concerns that would be made much worse should any further developments take place. They therefore advised that any further development should be refused. Concerns were raised about the access lane width, the lack of passing places. The access to the bottom of the lane is substandard regularly meaning that vehicles have to reverse back into Hallsenna Road if a vehicle is coming out of Black How Lane. Concerns were also raised about emergency vehicle access, refuse vehicle accessibility, pedestrian and cycle safety as the lane is narrow and unlit.
- Following repeated previous requests the director for highways confirmed that further intensification of traffic use would be objected to on the grounds of pedestrian safety.
- I live immediately opposite the proposed sit by a distance of a few metres. The access currently in and out of my driveway is very difficult as it is a concealed entrance and it's impossible to see any vehicles coming up the lane. At present there is only one of house further up the lane which requires access past at present. I feel that the extra traffic a holiday let would generate with people who are unfamiliar with the road layout would pose a significant safety issue for children, pedestrians and vehicles leaving my driveway. The visibility is poor and approaching vehicles cannot be seen until you are on the road. Black how is also unlit and has no street lights so this is of a particular concern in winter and dark nights.
- Although there is intended parking outside this is currently always is use by the contractors who live at The Cottage Guesthouse (as pictures). So I'm unsure where there is space for more cars.
- I am making contact with the Highways agency as I am not satisfied that they are aware of the previous safety concerns raised. I will ask that this could be further reviewed in more detail as the director for highways has previously confirmed that further intensification of traffic use would be objected to on the grounds of pedestrian safety.
- I owned the cottage guesthouse and the garage in question from 2006 until late 2022 when it was sold to current owner. During that time there was no functioning toilet in

the garage, although plumbing was there, and no discharge to septic tank was made. Therefore the assumption that is on the plans of right to discharge to existing septic tank is false. There is no right to discharge for the garage or any new replacement building nor will one be granted by me as owner of the tank. There is a very good reason for this in that the tank is already at capacity. In 1997 Routensyke, (next door) was built. During this process an assessment of the tank was made by the environment agency at Carlisle. At this time the tank was deemed to be at capacity once Routensyke was built and no further inputs can be supported.

- To sum up, the conversion needs to have its own independent tank or route for sewerage as there are no rights or capacity for extra inputs. Mr Morton is aware of this and even last week assured me of his intension to put his own tank in to support this conversion. If this is what is on plans then i would withdraw any objection to what he is planning.
- No need for more holiday accommodation at Black How.
- There are currently 3 holiday accommodations at Black How. It is known that these are not used to full capacity at present so therefore questions the need for further holiday accommodation needed at Seascale.
- The outside appearance of the new build is completely at odds with existing buildings at Black How. It will stick out like a sore thumb and it looks ugly.
- The Airbnb would have a lot of visitors increasing the traffic in the lane. The lane is narrow and difficult if two cars meet. It is also used by children and elderly people walking, residents are aware and drive accordingly.
- No bus links at the moment and if improved would not be of any use to tourists.
- The nature of a holiday let would involve people coming and leaving at various times of the day. This may lead to an increase in noise levels for current residents.
- The applicant does not live in space to deal with problems from the accommodation.
- There are some environmental aspects to be considered. The area at Black How is surrounded by fields. It's been noted that there are many bats which fly around the area of the garage. My concern is that they may be living in the currently unused building. Whether an environmental assessment for this has been completed.
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Planning Policy

Planning law requires that 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



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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 ER7 – Principal Town Centre, Key Service Centres, Local Centres and other Service Areas: Roles and Functions

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

Policy ER10 – Renaissance through Tourism

Policy ENV1 – Flood Risk and Risk Management

Policy T1 – Improving Accessibility and Transport

Policy ENV5 – Protecting and Enhancing the Borough's Landscape

Development Management Policies (DMP)

Policy DM8 – Tourism Development in Rural Areas

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM13 – Conversion of Buildings to Residential Use within Settlement Limits

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

Emerging Copeland Local Plan 2021 – 2038 (ELP):

	<p>Cumberland Council are continuing the preparation and progression to adoption of the ELP.</p> <p>The Local Plan Examination Hearing Sessions were completed in March 2023.</p> <p>The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.</p> <p>The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.</p> <p>A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.</p> <p>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.</p> <p>Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.</p> <p>Strategic Policy DS1PU: Presumption in favour of Sustainable Development</p> <p>Strategic Policy DS2PU: Reducing the impacts of development on Climate Change</p> <p>Strategic Policy DS3PU: Settlement Hierarchy</p> <p>Strategic Policy DS4PU: Settlement Boundaries</p> <p>Policy DS6PU: Design and Development Standards</p> <p>Policy DS7PU: Hard and Soft Landscaping</p> <p>Strategic Policy DS8PU: Reducing Flood Risk</p> <p>Policy DS9PU: Sustainable Drainage</p> <p>Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy</p> <p>Strategic Policy T1PU: Tourism Development</p> <p>Strategic Policy N6PU: Landscape Protection</p> <p>Policy CO4PU - Sustainable Travel</p> <p>Policy CO5PU - Transport Hierarchy</p>
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Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG)

Cumbria Development Design Guide

Assessment

The key issues raised by this application relate to the principle of the development; creation of a new tourism facility; settlement character, landscape impact and visual impact; design and impact on neighbouring properties; access, parking and highway safety; drainage and flood risk.

Principle of Development

Policy ST1 of the Copeland Local Plan seeks to support development that provides or contributes to the Borough's social and community infrastructure enabling everyone to have good access to jobs, shops, services, and recreational/sport facilities. This policy also seeks to support the development of tourism in appropriate locations.

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 application site lies within the designated settlement boundary for Seascale, which is identified as a Local Centres in Policy ST2 of the Copeland Local Plan. This policy seeks to retain employment within Local Centres, and states that new provision for tourism will most likely be provided through conversion/re-use of existing buildings or completion of sites which are already allocated.

Policy DS3PU of the Emerging Local Plan continues to identify Seascale as a Local Service Centre, where the focus will be to support the retention and small scale growth of existing services and facilities. Policy DS4PU of the Emerging Local Plan states that development within the identified settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. The application site continues to be located within the proposed settlement boundary for Seascale.

The proposed development would utilise an existing building within Seascale for tourist accommodation therefore the principle for developing the site is considered acceptable.

Creation of New Tourism Facility

Policy ST1, ST2, and ER6 of the Copeland Local Plan seek to facilitate grow of the Borough's local economy. The NPPF states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both

local business needs and wider opportunities for development.

Policy ST1, ER10, DM8 and DM9 of the Copeland Local Plan seeks to maximise the potential of tourism in the Borough and will seek to expand tourism outside of the Lake District National Park boundaries to take pressure off the National Park's busiest locations and deliver economic benefit in the Borough. The NPPF also states that planning policies and decision should enable the sustainable growth and expansion of all types of businesses in rural area both through conversion of existing and well-designed new buildings, and sustainable rural tourism developments which respect the character of the countryside.

Within the Emerging Local Plan, Policy T1PU states that the Local Plan supports the creation, enhancement and expansion of tourist attractions, new build visitor accommodation and infrastructure in line with the settlement hierarchy. All tourism development must be of an appropriate scale, located where the environment and infrastructure can accommodate the visitor impact, and where it does not result in unacceptable harm to environmental assets or the character of the area. This policy further states that tourism development will be supported out of the defined settlement boundaries where the proposal includes a function or activity that requires a location that cannot be accommodated within the Principle Town, Key Service or Local Service Centres, the proposal enhances existing place bound assets, the proposal is for a change of use or diversification of an existing building to provide overnight or longer stay visitor accommodation, or the proposal is for a farm diversification in rural area that will provide or enhance tourist provision.

The application seeks to convert the existing garage associated with The Cottage Guest House which is already utilised as visitor accommodation. The proposed conversion works will create an additional unit, with two bedrooms, which can be let out for holiday accommodation, to create more facilities at this site. Given that the proposal will reuse an existing building to create a single additional unit and will utilise the existing footprint of the building, the proposal is considered to be of an appropriate scale and will not have an unacceptable impact on environmental assets or the character of the area.

On the basis of the above it is considered that the proposal complies with Policies ST1, ST2, ER6, ER10, DM8 and DM9 of the Copeland Local Plan, Policies T1PU of the Emerging Local Plan, and the provisions of the NPPF.

Landscape Impact 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.

Policy DM10 seeks that development responds positively to the character of the site and the

immediate and wider setting and enhances local distinctiveness.

Policy DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhance by supporting proposal which enhance the value of the Boroughs landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The proposal does not seek to significantly extend or alter the scale of the existing building. Given that the application site is located within a group of existing residential properties, the proposal is not considered to have a significant detrimental impact on the overall landscape in accordance with Policies ENV5, DM10, and DM26 of the Copeland Local Plan, Policies N6PU of the Emerging Local Plan, and the provisions of the NPPF.

Scale, Design and Impact on Neighbouring Properties

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

DM13 of the Copeland Local Plan seeks to allow for the conversion of building within settlement limits to these which can provide adequate internal space, off street parking in accordance with parking standards, and adequate amenity space. This policy also states that conversions should conserve the character of the building and will not create amenity issues for residents of the adjacent properties.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful

open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Policy H13PU of the Emerging Local Plan states that conversions of properties within the Borough settlement boundaries will be supported as long as the development does not result in unacceptable harm to residential amenity, future residents have adequate light and privacy, does not result in loss of privacy, and adequate external amenity space and off street parking is provided or available within close proximity of the site.

The proposed conversion will be incorporated into the existing structure of the garage and will not require any major external alterations. Existing openings within the front elevation will be utilised, however additional openings are proposed on each gable elevation. Whilst concerns regarding overlooking have been raised from neighbours, the windows within the front elevation are a significant distance from any other residential property and will be obscured by existing landforms and boundary treatments. The additional window on the north east elevation will only overlook the applicants land and an access road, and is therefore not considered to result in loss of amenity. Concerns were however raised with regard to the additional window and amenity space to the south west gable, given the proximity to the existing window of the main property. The agent therefore submitted further plans to show the relationship with these existing openings and the inclusion of a boundary fence to prevent overlooking. This fence detail will be secured by an appropriately worded planning condition.

Concerns have been raised with regard to the proposed materials utilised within the development. Whilst modern in nature these are not considered out of place within this residential context. Although some reference has been made to the proposed materials full details have not been provided therefore a condition will be included within any decision notice to secure this information to ensure an appropriate external appearance of the property.

Based on the above, the development is considered to be of an appropriate scale and design and will not have an adverse impact on the living conditions of existing or future residents. Therefore, on the basis of the amended detail for this application and the proposed conditions, it is considered that the development would be in accordance with Policies DM10 and DM12 of the Copeland Local Plan, Policies DS6PU and H6PU of the Emerging Local Plan, and the NPPF.

Access and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.



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It is proposed that the holiday accommodation will be accessed via the single access track which serves the existing eleven properties at Black How. Two parking spaces will be provided to the site frontage. Concerns have been raised from neighbouring properties and the Parish Council with regard to the unsuitable access to the site and highway safety concerns based on the intensification of the access road. The Highway Authority have however reviewed the application and have confirmed that they have no objections as development will not have a material effect on existing highway conditions.

Given that the proposal creates a two bedroomed tourism unit, served by adequate parking spaces, the development is not considered to create a significant number of vehicle movements and therefore will not have a significant cumulative effect on existing highway conditions. It is therefore considered that the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Drainage and Flood Risk

Policy ST1 of the Copeland Local Plan and paragraph 165 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Emerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1 and is therefore not supported by a Flood Risk Assessment.

Originally the application was supported by limited detail regarding the proposed foul and surface water drainage for this development. The agent for this application has therefore confirmed that that surface water from the site will be drained via the existing rainwater outlets and foul water will be drained to the existing septic tank in the adjacent field.

Concerns have been raised from neighbouring properties and the Parish Council that the existing septic tank is currently at capacity and is therefore unable to support the development. Concerns have also been raised that the applicant does not have a right to connect into this existing system.

The agent for this application has confirmed that the existing garage has facilities already connected into the existing septic tank and the proposal will not increase the flow to the system. Whilst the agent has confirmed that the applicant does have rights the septic tank

this is a legal issue which would be deal with outside the planning remit. However, based on these concerns, an appropriately worded planning condition is proposed to ensure the drainage can be carried out in accordance with the approved details. Should the applicant find that they are unable to complete the development in line with the approved drainage strategy an amendment to the scheme will be required to secure a suitable drainage solution for the site.

Amended information was also submitted to address the LLFA's original comments regarding surface water drainage at the site. Based on this amended detail and the confirmation that the existing system will be utilised, with no additional hardstanding and therefore run off created from the development the LLFA have offered no objections to the application as it is not considered to increase the flood risk on the site or elsewhere.

It is therefore considered that based on the inclusion of the condition outlined above, the proposal will not have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

Policy N1PU of the Emerging Local Plan LP defines a mitigation hierarchy.

Policy N3PU of the Emerging Local Plan requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

The application site is identified as a potential area for natterjack toads. As the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and the proposal does not increase the footprint of the existing building, the development is not considered to disturb any habitats. The site is also located within a built up area. On the basis of the above it is considered that this is not 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.

Concerns have been raised by a local resident about the potential impact of bats on the site. An informative has therefore been included within this decision notice to ensure the correct procedure is followed should bats be encountered within the development of this site.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.



Cumberland Council

	<p><u>Planning Balance & Conclusion</u></p> <p>The application site lies within the designated settlement boundary for Seascale, which is identified as a Local Centres in Policy ST2 of the Copeland Local Plan. This application seeks to convert an existing garage to holiday accommodation. Given that the proposal will reuse an existing building to create a single additional unit and will utilise the existing footprint of the building, the proposal is considered to be of an appropriate scale and will not have an unacceptable impact on environmental assets or the character of the area given its location within an existing group of dwellings.</p> <p>The development is not considered to have an unacceptable impact on the amenity of existing residential, with additional boundary treatment secured by condition. Details of materials will also be conditioned to ensure the modern materials are suitable for the development.</p> <p>Whilst concerns have been raised with regard to the impact of the development on the existing access, no objections have been raised from the Local Highway Authority. Given the proposal creates a single two bedroomed tourism unit, the development is not considered to create a significant number of vehicle movements and therefore will not have a significant cumulative effect on existing highway conditions.</p> <p>Concerns have also been raised with regard to proposed drainage for the development, however following the submission of amended details for the proposal it is considered a condition can be used to secure the approved drainage scheme.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none">1. The development hereby permitted must be commenced 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 by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none">2. This permission relates to the following plans and documents as received on the

respective dates and development shall be carried out in accordance with them:-

- Location Plan, Scale 1:1250, Dwg No: 4, Rev: A, received by the Local Planning Authority on the 8th November 2023.
- Site Plan (Amended), Scale 1:200, Dwg No: 03, Rev: E, received by the Local Planning Authority on the 9th April 2024.
- Existing: Elevations & Floor Plans (Amended), Scale 1:100, Dwg No: 02, Rev: B, received by the Local Planning Authority on the 1st March 2024.
- Proposed: Elevations & Floor Plans (Amended), Scale 1:100, Dwg No: 01, Rev: B, received by the Local Planning Authority on the 1st March 2024.

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.

Prior to First Use/Occupation Conditions:

3. Prior to their first use within the development hereby approved, samples and details of the materials to be used within the external surfaces of the development must be submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

4. The foul and surface water drainage for the development hereby approved, must be carried out in accordance with the following approved documents:
 - Site Plan (Amended), Scale 1:200, Dwg No: 03, Rev: D, received by the Local Planning Authority on the 1st March 2024.

The development hereby approved must not become operational until the drainage scheme has been completed in accordance with these approved details and must be retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to the first use of the development hereby approved the proposed boundary treatment must be installed in accordance with the approved plan 'Site Plan (Amended), Scale 1:200, Dwg No: 03, Rev: E, received by the Local Planning Authority on the 9th April 2024'. Once installed the proposed boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

In the interest of residential amenity.

Other Conditions:

6. The premises hereby approved must only be used for holiday accommodation in association with The Cottage Guest House only and for no other purpose whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area.

7. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations For Exterior Lighting Installations for Environmental Zone E2 within the Institute of Light Engineers Guidance Notes For the Reduction of Obtrusive Lighting GN01 dated 2005.

Reason

To safeguard the amenities of nearby residential occupiers

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly

authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the area.

Informative:

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) the applicant should liaise with the Resilience Unit office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

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. Burns

Date : 09.04.2024

Authorising Officer: N.J. Hayhurst

Date : 10/04/2024

Dedicated responses to:- Parish Council