



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2349/0F1
2.	<b>Proposed Development:</b>	CHANGE THE USE OF THE EXISTING DOUBLE GARAGE INTO ANCILLARY ACCOMMODATION
3.	<b>Location:</b>	THE MOUNT, BRAYSTONES
4.	<b>Parish:</b>	Lowside Quarter
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
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 The Mount, a detached beach bungalow situated along Braystones Beach. The property is accessed along an unclassified beach track and is bound by the railway to the rear and the beach track to the front.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought to change the use of the existing double garage into ancillary</p>

accommodation. The proposal includes a kitchen/living space, bedroom, shower room and workshop.

Externally the garage has been re-finished with render and brown UPVC doors and windows to match the existing dwelling. The garage doors have been replaced with patio doors.

The proposal will also include a new Vortex Pump Chamber for foul drainage to connect to the existing septic tank.

### **RELEVANT PLANNING APPLICATION HISTORY**

There have been two previous planning applications at this property:

- Replacement Garage (approved) (4/05/2533/0);
- Proposed Boathouse (approved) (4/13/2341/0F1).

### **CONSULTATION RESPONSES**

#### Lowside Quarter Parish Council

No comments received.

#### Highways and LLFA

Ultimately the location of the development is not considered sustainable in line with local policies and Shore Line Management Plan, you may want wish to consider consultation with Environmental Health as the increase in use may have an effect on the localised foul drainage.

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.

#### Environmental Health

Initial comments:

Requested additional information regarding the drainage.

Drainage Plan and Technical Details of the Proposed Vortex Pump Chamber submitted by the applicant.

Final comments:

Environmental Health have no records of local drains / drainage provision in that area, though



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no history of complaints either.

Owners of properties with existing septic tanks have to comply to the Environment Agency's general binding rules on small sewage discharge to the ground or may need a permit from the Environment Agency if they discharge sewage to surface waters (including coastal waters).

Further information is available from the Environment Agency on this.

### Public Representations

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

## **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

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM19 – Beach Bungalows

Policy DM24 – Development Proposals and Flood Risk

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

**Emerging Copeland Local Plan 2021-2038 (ELP):**

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

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.

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 28<sup>th</sup> March 2024.

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 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.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy H19PU – Beach Bungalows

**ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity and drainage.

Principle of Development

The proposed application relates to an existing beach bungalow at Braystones and the conversion of the garage will provide ancillary accommodation. Despite the remote location,



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the 2013 application at the property describes the property as a beach bungalow and Policy DM19 and H19PU support beach bungalow development 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, DM19, H19PU and the NPPF guidance.

### Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seek to ensure development is of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

Policy DM19 does not support new beach bungalows, except where the repair or rebuilding is of a scale and character matching the existing structure and occupancy is restricted solely for holiday purposes.

Policy H19PU supports alterations of an existing beach bungalow, where the existing bungalow to be replaced has an existing lawful use; it is sited on the footprint of the existing Beach Bungalow to be replaced; the scale and massing is not larger than the existing dwelling to be replaced; and the design is appropriate to the location and will enhance the immediate setting.

On balance, taking into account both the adopted and emerging planning policies, the works relate to a garage associated with an existing beach bungalow. The 2005 planning permission restricted the use of the garage for the storage of vehicles and equipment incidental to the use of the property known as 'The Mount' and therefore this has triggered the planning application requirement.

It does not involve any extensions to the existing garage structure and the design is considered to be appropriate to the location. On this basis, the alterations are considered to be to be suitable in scale in relation to the existing garage and the character of the building and site is maintained.

Overall, the minor works to accommodate the garage conversion are acceptable and respect the character and appearance of the existing property, street scene and the wider area and therefore the proposal is considered to meet Policy DM19, H19PU and NPPF guidance.

### Residential Amenity

Policy ST1, Policy DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

Policy DM19 does not support new beach bungalows, except where the repair or rebuilding is of a scale and character matching the existing structure and occupancy is restricted solely for holiday purposes. Policy H19PU does not support the erection of new Beach Bungalows and proposals for the change of use to permanent dwellings or holiday letting accommodation.

As a result, a planning condition is proposed to ensure the ancillary accommodation remains

attached to the beach bungalow known as 'The Mount' and must not be let or sold as a separate dwelling to ensure the development complies with both Policies DM19 and H19PU.

The garage conversion does not include any extensions and therefore the proposal is not considered to adversely affect neighbouring amenity. The garage doors on the front elevation have been replaced with patio doors and there are no windows on the side elevation facing the neighbouring property.

On balance, the proposal is considered to be acceptable and it will not adversely harm the neighbouring amenity. It is therefore considered that the proposal satisfies Policies DM10, DM19, H19PU and the NPPF guidance.

#### Drainage

Policy ST1B(ii) and paragraph 163 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. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

Following the consultation with the Lead Local Flood Authority, Environmental Health were also consulted. The applicant provided additional details regarding the drainage which will include a new Vortex Pump Chamber for foul drainage to connect to the existing septic tank.

Based on the additional information, Environmental Health confirmed that they have no records of local drains / drainage provision in that area, but there is also no history of complaints either. The new drainage can be secured by the use of a planning condition and the applicant has confirmed the existing tank gets emptied twice a year.

Owners of properties with existing septic tanks have to comply to the Environment Agency's general binding rules on small sewage discharge to the ground or may need a permit from the Environment Agency if they discharge sewage to surface waters (including coastal waters). On this basis, an informative note is attached for the applicant's information.

On this basis, the drainage is considered to be acceptable, and it will satisfy Policies ENV1 and DM24 of the Copeland Local Plan.

#### Planning Balance and Conclusion

This application seeks to change the use of the existing double garage at 'The Mount' beach bungalow into ancillary accommodation. Despite concerns with the remote location, the previous planning applications (dated 2005 and 2013) confirm the property is an existing beach bungalow.

The garage conversion does not include an extension and therefore the minor alterations and conversion are considered to be of an appropriate scale and design within the locality and will not have any detrimental impact on the amenities of the neighbouring properties or drainage.

Planning Conditions are proposed to ensure the drainage is installed in accordance with the



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	<p>details submitted and to ensure that the use remains ancillary to the main beach bungalow, as separate accommodation is not supported in this location.</p> <p>On balance, the proposed extension 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><p>The development hereby permitted must commence before the expiration of three years from the date of this permission.</p><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></li><li><p>This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</p><p>Application Form, received 24<sup>th</sup> November 2023; Location Plan, scale 1:1250, received 24<sup>th</sup> November 2023; Proposed Floor Plan, received 24<sup>th</sup> November 2023; Specification of Materials, received 24<sup>th</sup> November 2023; Proposed Vortex Pump Chamber Specification Sheet, received 21<sup>st</sup> March 2024; Proposed Vortex Pump Chamber Location, received 21<sup>st</sup> March 2024.</p><p>Reason</p><p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p></li><li><p>Prior to the first use of the ancillary accommodation, the new drainage with the vortex pump chamber must be installed in accordance with the details received 21<sup>st</sup> March 2024. Once installed, the drainage must be maintained thereafter.</p><p>Reason</p><p>To ensure suitable drainage is installed in accordance with Policy DM24 of the</p></li></ol>

Copeland Local Plan.

4. The garage conversion hereby permitted must not be occupied at any time other than for purposes ancillary to the use of the beach bungalow known as The Mount and must not be let or sold as a separate unit of accommodation

Reason

The garage conversion is not considered appropriate for use as a separate accommodation.

**Informative Note**

Owners of properties with existing septic tanks have to comply to the Environment Agency's general binding rules on small sewage discharge to the ground or may need a permit from the Environment Agency if they discharge sewage to surface waters (including coastal waters). Further information is available from the Environment Agency on this - <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

**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 : 08/04/2024**

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

**Date : 09/04/2024**

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