

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2372/0F1
2.	Proposed Development:	DEMOLITION OF EXISTING TIMBER SHED AND ERECTION OF SINGLE STOREY DETACHED GARAGE AND PROPOSED VEHICLE ACCESS OFF SPRINGFIELD ROAD, BIGRIGG
3.	Location:	4 CROFTLANDS, BIGRIGG
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Potential Area for Great Crested Newts, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	
	Site and Location	This application relates to 4 Croftlands, a semi-detached property located within Bigrigg. The site is a corner plot which is bound by residential properties to the north and east, a field to the west and the grass verge to the rear, adjacent to Springfield Road, C4008. The garden level is lower than the grass verge and adjacent highway.
	Proposal	Planning permission is sought for the creation of a vehicular access off Springfield Road and

the erection of a detached garage within the rear garden.

The proposed access ramp will measure 6.7 metres in width and 7.6 metres in depth. It will include a 1:10 ramp and it will be surfaced with concrete. It includes 60m clear visibility splays to the east and west along Springfield Road and two ACO drains to prevent surface water running off the highway and down the driveway to the garage.

The proposed detached garage will measure 7.4 metres in width and 7.4 metres in depth to accommodate two vehicles. It will include a pitched roof with an eaves of 2.2 metres and an overall height of 4.2 metres along the front access and it will have an overall height of 5.3 metres from the lower garden level. It has been designed to include a garage door on the front elevation, an access door and window on the side elevation facing the garden and a window on the side elevation facing the boundary. The rear elevation will be blank.

It will be constructed out of wet dash render, concrete roof tiles and a white metal roller door and white UPVC windows and doors to match the existing property.

In addition, due to the changes in level between the front access and the garden level, the proposal includes a walkway and access steps to the garden at the side of the garage.

Planning History

Planning Permission has previously been granted for the following:

- ERECTION OF SUMMERHOUSE (RETROSPECTIVE) (ref: 4/17/2282/0F1);
- CONVERSION OF SINGLE STOREY EXTENSION TO DOUBLE, STOREY (ref: 4/03/1074/3).

Consultation Responses

Egremont Town Council

Initial consultation:

Councillors noted the change on levels from the rear garden to the road level and there will be presumably engineering works required over highway land to facilitate any safe highway access to the rear of the property. It was noted that the red line plan incorporates the highway verge although land ownership may not be a material planning consideration, Councillors are surprised if the highways department would be happy for a concrete ramp over their land onto an adopted highway.

Notwithstanding the landownership and highway safety issues, Councillors support the principle of residents making appropriate improvements to their homes and have no concerns with the design of the garage itself and note it is a large garden that can comfortably



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incorporate an outbuilding of the proposed size that will be associated with its residential use. However, if plans are to be re-submitted, Councillors expect to be consulted once more.

Second consultation:

No response.

Highway Authority and Lead Local Flood Authority

Initial consultation:

Further Information is required for the following:

Visibility Splays - As presented on Proposed Access & Visibility Splays DRG 004 - The visibility splay to the East is crossing over the centre line of the carriageway which is not acceptable and the visibility splay from the West is stepped out from the kerb side by 1.5m.

The applicant needs to re-submit a scaled plan showing the visibility splays, which in this area are 60m x 2.4m measured to the nearside kerb in both directions. And can only step out from the road edge by 0.5m.

Surface Water - The applicant needs to incorporate kerbs at the top of the driveway where it meets the highway to ensure that surface water from the highway doesn't run down the driveway and cause any flooding issues within the garage. This should be detailed on the plans.

Upon receipt of the above information I will be able to provide a further response

Final consultation:

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.

Informative - Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Public Representations

The application has been advertised by way of site notice and neighbour consultation letters

to 2 no. properties - No objections have been received as a result of this consultation process.

Planning Policy

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 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 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):



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Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The following policies are relevant to this proposal:

Policy DS1PU: Presumption in favour of Sustainable Development

Policy DS6PU: Design and Development Standards

Policy H14PU: Domestic Extensions and Alterations

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Assessment

The key issues raised by this proposal are the principle of development, the potential impact of the development on highway safety and ecology.

Principle of Development

The proposed application relates to a residential garden and grass verge within Bigrigg and it will provide a new vehicular access and detached garage for two cars. Policies DM18 and DM22 supports alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of creating a new vehicular access and garage are considered to be acceptable in accordance with Policy ST2 and DM18 and DM22 of the Local Plan.

Highway Safety

Policy DM22 requires development proposals to incorporate innovative approaches to manage vehicular access and parking. The Cumbria Development Design Guide also sets out highway safety standards.

Following the application consultation, the Highway Authority requested the 60m x 2.4m visibility splays be shown on the site plan. The applicant provided the amended plans and the Highway Authority were satisfied that the site can achieve 60m visibility splays along the 30mph speed road.

In addition, to further satisfy highway safety, planning conditions are included to secure suitable visibility splays, and ensure that drainage and surfacing are installed and maintained.

The proposed plans include an ACO drain along the new access adjacent to the road and along the front of the garage. This will ensure that surface water from the highway doesn't run down the driveway and cause any flooding issues within the garage.

In addition, an informative note is attached to ensure an appropriate permit from the LHA Streetworks team.

On this basis, the proposal is considered to be suitable in design to maintain highway safety in accordance with Policy DM22 and the Cumbria Development Design Guide.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The proposed detached garage is considered to be suitably located within the rear garden, behind the neighbour's detached garage at no. 5 Croftlands. The proposal will be relatively modest in scale and it will not be excessively prominent within the locality, due to the lower garden level.

In addition, the design of the new access and garage are considered to be suitable for their use and the choice of materials is considered to respect the existing character and appearance of the existing property.

On this basis, the proposal is considered to satisfy 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 potential amenity issues between the proposed detached garage and the neighbouring



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properties were considered, the proposal is considered to be suitable in scale and design. It will be suitably located within the site, to the rear of the existing dwelling and the modest height is not considered to appear overbearing or dominant on the neighbouring properties or street-scene.

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

To further protect residential amenity, it is considered appropriate to attach a condition to ensure that the garage remains domestic in use.

On this basis, the proposal is considered to have minimal impacts on neighbouring amenity and therefore it complies Policy DM18 and the NPPF guidance.

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 Great Crested Newts. The application is not supported by any ecology details as the site relates to a residential dwelling which is not located within 200m of a watercourse (as indicated within the ALGE trigger list). On this basis, 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.

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

The proposed new vehicular access off Springfield Road and the erection of a single-storey detached garage are of an appropriate scale and design and would not have any detrimental impact on residential amenity, highway safety or ecology.

The 60m visibility splays, pedestrian visibility splays, surfacing, drainage and domestic use can be secured by the use of planning conditions.

On balance, it therefore represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.

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| 8. | Recommendation:
Approve (commence within 3 years) |
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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 8th December 2023;

Location Plan, scale 1:1250, drawing reference DRG001, received 8th December 2023;

Block Plan, scale 1:500, drawing reference DRG001, received 8th December 2023;

Existing Site Plan, scale 1:50, drawing reference DRG001, received 8th December 2023;

Proposed Floor Plan and Roof Plan, scale 1:50, drawing reference DRG002B, received 12th January 2024;

Proposed Elevations, scale 1:50, drawing reference DRG003B, received 12th January 2024;

Proposed Access and Visibility Splays, scale 1:50, drawing reference DRG004B, received 12th January 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.

3. The visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access and the nearside channel line of the road and at a height of 1.05m above the carriageway must be provided at the junction of the access with the county highway and must be maintained thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.



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Reason

To ensure that adequate visibility is provided in accordance with Policy DM22 of the Copeland Local Plan.

4. A 2.4 metre x 2.4 metre pedestrian visibility sight splay must be installed on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason

To ensure that adequate pedestrian visibility is provided in accordance with Policy DM22 of the Copeland Local Plan.

5. The hard surface and drainage must be installed in accordance with the details set out in approved 'Proposed Floor Plan' received by the Local Planning Authority on 12th January 2024, and it shall be constructed and completed before the development is brought into use. The surfacing and drainage of the driveway shall be maintained in accordance with these details thereafter.

Reason

In the interests of highway safety in accordance with Policy DM22 of the Copeland Local Plan.

6. The garage must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as 4 Croftlands and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area in accordance with Policy DM18 of the Copeland Local Plan.

Informative Notes

1. Access gates, if provided, shall be hung to open inwards only away from the highway.
2. Any works within or near the Highway must be authorized by the Highway Authority and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

Enquires should be made to Cumbria County Councils Streetwork's team
streetworks.central@cumberland.gov.uk

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website
[:www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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 : 08/02/2024
Authorising Officer: N.J. Hayhurst	Date : 09/02/2024
Dedicated responses to:- N/A	