

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2079/0F1	
2.	Proposed Development:	NEW TRIPLE GARAGE AND DETACHED STABLE	
3.	Location:	UNDERWOOD, THE HILL, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a detached property known as Underwood House, located to the south west of The Hill, Millom. The site comprises of the large detached former Hotel (Underwood House), a Coach House and outbuildings, and a detached property known as Bower Cottage. The property is bounded on all sides by land which is associated with the small holding use registered at this site. The land subject to this application forms part of this land and not the domestic curtilage.	

Relevant Planning History

4/89/01083/0 – Detached garage block and snooker room – Approved.

4/16/2400/TPO – Works to seven trees protected by a tree preservation order – Approved.

4/21/2011/0F1 – Change of use of former Underwood House Hotel to a single C3 dwelling house, change of use of Bower Cottage to associated residential accommodation and change of use of former hotel Coach House to office accommodation in association with Slacks Millom Ltd – Approved.

4/21/2274/0F1 – Erect general purpose building – Approved.

4/21/2302/0F1 – Single storey side extension – Approved.

4/21/2466/TPO – Works to trees covered by tree protections order – Approved.

Proposal

This application seeks planning permission for the erection of a triple garage and detached stables. Both buildings will be located upon land to the north of the main residential dwelling, adjacent to an existing agricultural barn which was granted planning permission (ref:4/21/2274/0F1) in 2021.

The proposed triple garage will be located within the most northern part of the site and will measure 11.2m x 15.4m. The proposed garage will benefit from a dual pitched roof with an eaves height of 2.8m and an overall height of 5.3m. The garage will be served by three double painted timber doors and will provide secure storage space to accommodate the applicant's cars, bikes, canoes, boats and other outdoor activity equipment.

Externally, the proposal will be finished with a stone facing and sandstone quoins on the front elevation, roughcast render on all other elevations, juniper green roof panels, and aluminium clad windows. Solar panels are to be installed within the front roof slope.

The proposed stables will be located within the western corner of the land, and will measure 11.6m x 15m, with a 1.5m overhang. The proposed stables will benefit from a dual pitched roof with an eaves height of 2.7m and an overall height of 4.8m. Externally, the stables will be finished with Yorkshire boarding above 1m high concrete panels, and juniper green roof panels.

Consultation Responses

Millom Without Parish Council

No comments received.

Cumberland Council – Highway Authority & Local Lead Flood Authority



Cumberland Council

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.

Cumberland Council – Countryside Access Officer

We have no objections to the proposed development. However, it should be noted that Public Right of Way FP 416034 is located adjacent to the development site. See attached Plan.

The applicant must be advised that:

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

Arboricultural Consultant – Treescapes Consultancy

Following our site visit, we have the following comment/observation to make on the proposed development.

The proposed development area is bordered by trees to the north-east and north-west. There are individual trees located to the south of the proposed development area.

From the Cumberland Council website (My Neighbourhood (arcgis.com)), we understand Tree Preservation Order (TPO) No.46 (1992) protects trees that could be affected by this development.

The submitted BS 5837 Tree Survey (Ref. No. LTC237), produced by Lakeland Tree Consultancy and dated October 2023, gives details for six trees, four tree groups, and one woodland area. The report categorises three trees as poor quality (Nos.T1, T3 & T4) and two groups (Nos.G2 & G3) as low quality. The remaining trees, groups and woodland area are categorised as moderate quality.

The report does not assess the impacts of the proposed development or recommend any tree protection measures to prevent damage to retained trees.

RECOMMENDATIONS

We recommend attaching the following condition to any planning permission:

Prior to any construction activity on site, the applicant must submit an Arboricultural Method Statement, giving details of suitable tree protection barriers along with any other measures necessary to protect the retained trees during construction operations. The protective barriers must be erected prior to any construction work on site and maintained for the duration of the construction operations. Any amendments to the approved Arboricultural Method Statement

must be submitted to the Local Planning Authority and approved in writing.

20th May 2024

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development.

The proposed development area is bordered by trees to the north-east and north-west. There are individual trees located to the south of the proposed development area.

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The submitted BS 5837 Tree Survey (Ref. No. LTC237), produced by Lakeland Tree Consultancy and dated April 2024, gives details for six trees, four tree groups, and one woodland area. The report categorises three trees as poor quality (Nos.T1, T3 & T4) and two groups (Nos.G2 & G3) as low quality. The remaining trees, groups and woodland area are categorised as moderate quality.

This report assesses the impacts of the proposed development and recommends tree protection measures to prevent damage to retained trees.

RECOMMENDATIONS

We recommend attaching a condition to any planning permission to ensure the implementation and maintenance of the approved tree protection measures.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to three properties. No comments have been received in relation to the statutory notification procedure.

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 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.



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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 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM30 – Rural Buildings

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

Emerging Copeland Local Plan 2021 – 2038 (ELP):

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

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

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

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

been developed in accordance with the provisions of the NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Policy RE1PU – Agricultural Buildings

Policy RE2PU: Equestrian Related Development

Policy N13PU: Woodlands, Trees and Hedgerows

Policy CO4PU - Sustainable Travel

Policy CO5PU - Transport Hierarchy

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 (CDG)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Assessment

The main issues raised by this application relate to the principle of the development; impact on landscape character; scale, design and impact of development; access and highway safety; drainage and flood risk; and impact on trees.

Principle of the Development

Policy ST2 of the Copeland Local Plan supports development outside of settlement, which have a proven requirement for such location, including agriculture. Policy DM30 of the Copeland Local Plan and section 6 of the NPPF supports proposals for small holdings and equine related developments as long as they are well related to existing settlement or farm complexes, and do not adversely impact on local landscapes or the amenity of nearby residential properties.

Policy RE1PU of the Emerging Local Plan states that new agricultural buildings requiring planning permission will be supported where there is a demonstrated need for the building in relation to the functional operation of the agricultural building, the building is located within or adjacent to the existing farm complex unless justified, the building is of appropriate scale,



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form and design, and the building will not adversely impact on residential amenity or landscape character. Policy RE2PU of the Emerging Local Plan states that domestic equestrian development will be supported where biodiversity conservation interest would not be harmed and where the proposal is for the reuse of an existing building, is well related to existing buildings and structures and statutorily relates to existing vehicle access and bridleways. This policy further states that all development must be of a scale, form and design appropriate to the location and will not result in adverse visual impacts or adverse harm to the landscape character.

The application site forms part of the land associated with the detached property Underwood House. The property is surrounded by land associated with the registered small holding use. The land subject to this application forms part of this land and not domestic curtilage. The proposal seeks planning permission to erect a stables at this site to accommodate the applicants daughters two horses, and is considered an appropriate form of development within open countryside at this small holding.

The application also seeks planning permission for the erection of a detached garage to provide secure accommodation for the applicant's outdoor activity equipment and it will replace the three unauthorised containers currently located at this site which also provide secure storage for tractor fuel and building materials. Whilst the proposed use of the proposed garage is not solely for the use of agriculture, the proposal is related to the use of the small holding and is well related to other associated buildings within the site. The proposal cannot be considered under policies relating to domestic extensions and alterations as the land is outside the area considered domestic curtilage.

The proposal is therefore considered to be an appropriate form of development in the countryside in accordance with Policy ST2 and DM30 of the Local Plan, Policy RE1PU and RE2PU of the Emerging Local Plan, and provisions of the NPPF.

Scale, Design and Impact of Development

The proposal seeks permission for two additional buildings sited to the north of the site adjacent to the recently erected agricultural buildings and to the rear of the existing residential property and other associated buildings within the site. The nearest residential property is located approximately 180m to the south east of the proposed building, and are separated from the proposals by the existing buildings on the site, and the existing landform and well established vegetation. The buildings will be of a similar scale and constructed from similar materials to the existing buildings within the site.

The property has previously been granted planning permission to change the use of the site from a hotel to a residential property. As part of this application one of the existing buildings was also granted planning permission to be used in association with the applicant's business, Slacks Millom Ltd. The agent for the current application has confirmed that neither of the proposed buildings will be used in connection with the applicant's business. This will be secured by an appropriately worded planning condition.

On this basis, the scale and design of the proposal is considered to be appropriate with regard to the existing site and is unlikely to cause any demonstrable harm, in accordance with DM30 of the Local Plan, Policy RE1PU and RE2PU of the Emerging Local Plan, and provisions of the NPPF.

Impact on Landscape Character

Policy ENV5 of the Copeland Local Plan 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 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 enhanced 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 Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 11a: Upland Fringe - Foothills. The Key Characteristics of the land comprise: rolling, hilly or plateau farmland and moorland, occasional rocky outcrops, hills are dissected by numerous streams and minor river valleys, areas of improved grassland, unimproved heathland and extensive conifer plantations, and semi natural woodland.

Whilst the application site is located within the open countryside, the land is within the grounds of the existing small holding. The proposed buildings lie adjacent to the recently approved agricultural building and to the rear of the existing residential property and other associated buildings. The site is well screened by existing well-established vegetation and trees. The proposal will therefore be viewed in the context of the existing buildings at the site and is therefore not considered to result in intrusion into open countryside or impact on the surrounding area.



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The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and provision of 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.

The proposal does not alter the access to the site. The Highway Authority have therefore confirmed that the proposal will not have a material effect on existing highway conditions. On this basis, the development is not considered to 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 lies within Flood Zone 1. The application confirms that the development will dispose of surface water by soakaway. The LLFA have confirmed that the proposal is not considered to increase flood risk on the site or elsewhere.

On this basis, the proposal is not considered to 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.

Impact on Trees

Policy DM28 of the Copeland Local Plan sets out how the Council will manage proposals that involve trees in the Conservation Area and trees that are protected by Tree Preservation Orders. This policy states that development proposal which are likely to affect any trees within the Borough will be required to include an arboricultural assessment as to whether any of those trees are worthy of retention and protection by means of a Tree Preservation Order and submit proposals for the replacement or relocation of any trees removed. This policy

further states any proposed works to Trees within Conservation Areas, or protected with Tree Preservation Orders, will be required to include an arboricultural survey to justify why works are necessary and that the works proposed will, where possible, not adversely affect the amenity value of the area.

Policy N13PU of the Emerging Local Plan states that existing trees and hedgerows which contribute positively to the visual amenity and environmental value of their location will be protected. Development proposals which are likely to affect any trees within the borough will be required to: include an arboricultural assessment as to whether any of those trees are worthy of retention and protection by means of a Tree Preservation Order, and submit proposals to replace or relocate any trees that are to be removed with net provision at a minimum ratio of 2:1.

The site benefits from a TPO which protects existing trees along both the north east and south eastern boundaries and also three trees within the centre of the application site. The application is therefore supported by a Tree Survey which gives details for six trees, four tree groups, and one woodland area. The report categorises three trees as poor quality and two groups as low quality. The remaining trees, groups and woodland area are categorised as moderate quality.

The Council's Arboricultural Consultant has stated that the submitted Tree Survey does not assess the impacts of the proposed development or recommend any tree protection measures to prevent damage to retained trees. It is therefore confirmed that the applicant must submit an Arboricultural Method Statement, giving details of suitable tree protection barriers along with any other measures necessary to protect the retained trees during construction operations.

Following the submission of this report the Arboricultural Consultant has offered no objections to the application but recommend that a condition is attached to any planning permission to ensure the tree protection measures are implemented and maintained throughout construction works.

Based on the inclusion of the requested condition, the proposal is considered to comply with policies DM28 of the Copeland Local Plan, Policy N13PU of the Emerging Local Plan, and provision of the NPPF.

Planning Balance and Conclusions

This application seeks planning permission for the erection of a stables and garage at this small holding. The buildings are considered appropriate in terms of their use and scale in this location, and their siting minimises potential impacts on the nearby residential properties.

The development is not considered to have an adverse impact on highway safety or flood risk. Conditions will be utilised to secure the approved tree protection measure.

On this basis 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.
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"> 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"> Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: <ul style="list-style-type: none"> - Location Plan, Scale 1:2500, received by the Local Planning Authority on the 6th March 2024. - Proposed Garage Plans and Elevations, Scale 1:100, Drawing No: 5680(PL)01, Revision: A, received by the Local Planning Authority on the 6th March 2024. - Proposed Stable Plans and Elevations, Scale 1:100, Drawing No: 5680(PL)02, Revision: A, received by the Local Planning Authority on the 6th March 2024. - Existing Site Plan, Scale 1:250, Drawing No: 5680(PL)03, Revision: -, received by the Local Planning Authority on the 6th March 2024. - Proposed Site Plan, Scale 1:250, Drawing No: 5680(PL)04, Revision: -, received by the Local Planning Authority on the 6th March 2024. - Block Plan, Scale 1:500, Drawing No: 5680(PL)05, Revision: -, received by the Local Planning Authority on the 6th March 2024. - Tree Survey, Prepared by Lakeland Tree Consultancy October 2023, received by the Local Planning Authority on the 6th March 2024. - Planning Statement on Usage, Prepared by HM Architecture, received by the Local Planning Authority on the 20th March 2024. - Arboricultural Impact Assessment, Prepared by Lakeland Tree Consultancy October 2023, received by the Local Planning Authority on the 24th April 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.

Pre-Commencement Conditions:

3. Prior to any construction activity on site, the applicant should implement in full the tree protection measures detailed in Section 5 and plan TLC237-TPP of the approved document 'Arboricultural Impact Assessment, Prepared by Lakeland Tree Consultancy October 2023, received by the Local Planning Authority on the 24th April 2024' to protect the retained trees during the construction operations. The protective barriers must be erected prior to any construction work on site and maintained for the duration of the construction operations. Any amendments to the approved Arboricultural Method Statement must be submitted to the Local Planning Authority and approved in writing.

Reason

To adequately protect the existing trees on site which are subject to a TPO in the interests of visual amenity.

Other Conditions:

4. The detached stables and triple garage hereby approved must only be used for the purposes outlined within the approved document 'Planning Statement on Usage, Prepared by HM Architecture, received by the Local Planning Authority on the 20th March 2024' and for no commercial or other purposes whatsoever.

Reason

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

Informative:

Public Right of Way 416034 is located adjacent to the development site. The applicant must be advised that the granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan and the right of way must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily



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close it has been confirmed.

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 : 21.05.2024

Authorising Officer: N.J. Hayhurst

Date : 21.05.2024

Dedicated responses to:- N/A