

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2108/0F1
2.	Proposed Development:	ERECTION OF DOUBLE GARAGE
3.	Location:	PLOT 8, KIRKSTONE ROAD GARAGE COLONY, KIRKSTONE ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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 <p>This application relates to a current vacant area of land known as Plot 8, Kirkstone Road Garage Colony, located within the Mirehouse area of Whitehaven. The site is currently occupied by 1 other garage plot which is understood to be within the applicants ownership. The remaining site is vacant and largely overgrown, and is not currently occupied by any other garages.</p> Proposal <p>Planning Permission is sought for the erection of a concrete block garage on a new plot on an existing Council owned Garage site known as Kirkstone Road Garage Colony, to serve the dwelling known as 51 Gable Road.</p>	

The proposed garage will measure 6 metres in width and 5 metres in length. It will include a sloping pitched roof with an overall height a height of 2.5 metres.

The front elevation will include a single, white metal garage door and the side elevation will include a single white upvc door. The rear elevation and remaining side elevation will remain blank.

The garage will be constructed out of concrete blocks and will have a rendered external finish. The roof is to be covered with timber roof joists and a rubber material finish with white upvc facias.

Relevant Planning Application History

There have been no previous permissions for this particular plot or wider garage site.

Consultation Responses

Whitehaven Town Council

No objections.

Highways & Lead Local Flood Authority

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.

Although we have no objections we would advise the LPA to ask how the applicant will gain access to the proposed site, The highway access/footway crossing has already been constructed, but the private access to the site is only constructed for roughly 2/3 metres from the rear of the existing footway.

Cumberland Council Estates and Projects Officer

No objections.

Public Representations

Public representations for this application have been advertised by way of site notice and neighbour notification letters issued to 6 no. properties, and a site notice was displayed. No objections have been received as a result of the consultation or advertisement.



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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 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 DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

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 closed on the 28th March 2024. The Planning Inspectors Report is 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 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

Assessment

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

Principle of Development

Policy ST2 defines Whitehaven as the Principal Town within Copeland which seeks to direct development to the most sustainable locations.

The proposal includes development on an existing Council owned garage site, which is located within the Mirehouse Area Whitehaven. On this basis, the proposal represents an appropriate form of development in this location, consistent in principle with the provisions of Policy ST2 of the Local Plan.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site. The proposed single concrete garage will be located on a current vacant plot adjacent another existing garage. Whilst the wider site itself is overgrown and vacant, the proposed garage will be modest in scale, and the design and character are coherent with other garage sites within the wider residential area.

The front elevation will include a single, white metal garage doors and the side elevation will include a single white upvc door. The rear elevation and remaining side elevation will remain blank. The garage is to be constructed of materials which are typical for this type of structure in a garage site which are considered to be appropriate for their use and respect the overall character of the area.

On this basis, the proposal is typical of the area, and it is considered to meet Policy DM10 of the Adopted Local Plan, Policy DS6PU of the Emerging local Plan and the NPPF guidance.



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Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity. Due to the proposed location on an existing garage plot and the relationship with the property it is associated with, it is considered that there will be no detrimental impact on residential amenity.

The garage will not include any windows to overlook neighbouring properties and it is therefore not materially different from the existing garage structure on this particular site and other garages on garage plots adjacent to residential properties in the wider area.

It is, however, appropriate to attach a planning condition to ensure the use of the garage remains domestic in nature and that non-conforming uses are not introduced into the area. On this basis, the garage is considered to comply with Policy DM10 of the Adopted Local Plan and Policy DS6PU of the Emerging local Plan.

Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The Highways Authority issued no objections 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. However, they did include an informative note that advised although they have no objections, we would advise the LPA to ask how the applicant will gain access to the proposed site, The highway access/footway crossing has already been constructed, but the private access to the site is only constructed for roughly 2/3 metres from the rear of the existing footway.

Following this consultation response, the applicant was contacted to ask to clarify the comments made by the Highway Authority above, who advised that the reason for this particular location for the new garage and not on the existing vacant plots, albeit overgrown, was so that the access was easier as this is situated directly behind the applicants rear garden.

Having also consulted The Council's Estates and Property Officer on the comments made by the Highway Authority, they had no objections to this garage in this location.

It is therefore considered that the addition of an additional garage on the site will not have an adverse impact on the existing highway conditions. On this basis the proposed garage is considered to meet Policy DM22.

Planning Balance and Conclusion

The proposed detached garage is of an appropriate scale and design and will not have any

	<p>detrimental impact on the amenities of the surrounding residential properties.</p> <p>The choice of materials proposed are considered to be appropriate for their use and will respect the overall character of the garage site and wider residential area.</p> <p>In addition, the proposal would not have an impact on existing highway conditions or highway safety.</p> <p>Overall, the proposal is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan, the policies within the Emerging Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced 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> <p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Application Form, received 4th April 2024; Site Location Plan, scale 1:500, received 4th April 2024; Proposed Plans and Elevations, scale 1:100, received 4th April 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> <p>The garage shall be used for the housing / parking of private vehicles and domestic equipment only in association with the residential property known as 51 Gable Road and for no commercial or business purposes whatsoever.</p>



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Reason

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

Informative Note

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 at:

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: Demi Crawford

Date : 21/05/2024

Authorising Officer: N.J. Hayhurst

Date : 30/05/2024

Dedicated responses to:- N/A