

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2142/0F1
2.	<b>Proposed Development:</b>	ERECT DETACHED GARAGE
3.	<b>Location:</b>	8 MOOR ROAD, MILLOM
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to 8 Moor Road, an end semi-detached property located on an existing residential road within Millom. The site benefits from a modest size rear/side garden, with driveway with a separate detached outbuilding.  <b>PROPOSAL</b>  Planning Permission is sought for the construction of a new detached garage on the rear/side elevation.  The proposed detached garage will vary in width from 4.1 metres on the front, to a maximum of 6.1 metres at the rear, by 6.1 metres in length. It has been designed to include a dual	

pitched roof with an eaves height of 2.4 metres and an overall height of 3.6 metres.

The garage will be finished with roughcast render walls, flat grey cement roof tiles, a gey roller garage door and white upvc personnel door.

## **RELEVANT PLANNING APPLICATION HISTORY**

4/95/0721/0 PROVISION OF PARKING SPACE FOR EXISTING DWELLING

## **CONSULTATION RESPONSES**

### Millom Town Council

No objections.

### Local Lead Flood Authority (LLFA) & Local Highway Authority (LHA)

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 3 no. properties and a site notice displayed. No objections were received in response to this consultation.

## **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

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

**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.

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

Policy H14PU – Domestic Extensions and Alterations

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

**Other Material Planning considerations:**

National Planning Policy Framework (NPPF)

**ASSESSMENT**

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

Principle of Development

The proposed application relates to an end semi-detached residential dwelling within Millom. The proposal will provide a new detached garage.

Policy DM18 and Policy DS6PU support extensions to residential properties 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, DM18, Policy DS6PU and the NPPF guidance.

Scale and Design

Policy ST1, Policy DS1PU 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 will vary in width from 4.1 metres on the front, to a maximum of 6.1 metres at the rear and will be 6.1 metres in length. It has been designed to include a dual pitched roof with an eaves height of 2.4 metres and an overall height of 3.6 metres.

The proposed detached garage is to be located within the modest size rear/side garden of the parent property, adjacent to the road junction between Millom Road and Horn Hill.

The proposal is considered to be modest in scale, and its siting is considered to be suitably



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located within the site and acceptable in terms of its scale and design.

The garage will be finished with roughcast render walls, flat grey cement roof tiles, a grey roller garage door and white upvc personnel door. The choice of materials to match the existing dwelling are considered suitable for their use and will therefore ensure that the proposed garage is not excessively prominent within the locality and will respect the character and appearance of the existing property and the wider residential area.

On this basis, the proposal is considered to meet Policy DM18, Policy DS1PU and the NPPF guidance.

### Residential Amenity

Policy ST1, Policy DM18 of the Adopted Local Plan, Policy H14PU of the Emerging Local Plan and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

Consideration was given to dominance and overbearing impacts due to the size of the structure, however, the garage is located on an end semi-detached property that is adjacent to the road.

The proposed garage contains 1 opening which is a single door on the North elevation which is adjacent to the side elevation of the main dwelling. The proposal is therefore not considered to create any overbearing impact as a result. However, a standard planning condition is imposed to ensure that the garage remains domestic in use in conjunction with the parent property order to ensure that non-conforming uses are not introduced into the area in order to further protect residential amenity.

Furthermore, as the garage isn't considered to be a habitable room there are no overlooking issues that will arise as a result of the proposal.

On balance, it is considered that the proposal will have not have a detrimental impact on the immediate residential amenity and therefore it is considered to meet Policy DM18, Policy H14PU and the NPPF guidance.

### Ecology

Policy ST1, ENV3 and DM25 of the Adopted Local Plan, Strategic Policy N1PU of the Emerging Local Plan 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 Natterjack Toads. 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) and is located within an existing built-up residential area. On this basis, it is considered that the site is unlikely to contain natterjack toads and so it would not be necessary to seek an ecological

	<p>survey for this minor householder application.</p> <p>Furthermore, the development will be located at ground floor level where there are already existing hard surfaces present, and therefore it is unlikely that this proposal will disturb any habitats.</p> <p>It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan, Strategic Policy N1PU of the Emerging Local Plan and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks Planning Permission for the construction of a new detached garage.</p> <p>The garage is considered to be suitably located within the site and acceptable in terms of its scale and design. Taking into account the proposed siting and orientation, the proposal is not considered to have any detrimental impact on the amenities of the neighbouring properties or wider residential area. A Planning condition imposed to ensure that the garage remains domestic in nature to further protect residential amenity.</p> <p>The application is not supported by any Ecology details.</p> <p>On balance, the application is considered to be acceptable form of development which accords with the policies set out within the adopted Local Plan, the Emerging 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>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <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"> <li>2. 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: - <ul style="list-style-type: none"> <li>- Application Form, received 26<sup>th</sup> April 2024;</li> <li>- Site Location Plan, scale 1:1250, received 26<sup>th</sup> April 2024;</li> </ul> </li> </ol>



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- Site Block Plan, scale 1:300, received 26<sup>th</sup> April 2024;
- Proposed Floor Plan, scale 1:50 received 26<sup>th</sup> April 2024;
- Section A-A, scale 1:50, received 26<sup>th</sup> April 2024;
- Proposed Elevations, scale 1:100, received 26<sup>th</sup> 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.

3. The garage shall be used for the housing / parking of private vehicles and domestic equipment only in association with the residential property known as 8 Moor Road and for no commercial or business purposes whatsoever.

### Reason

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

### 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 : 19/06/2024**

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

**Date : 19/06/2024**

**Dedicated responses to:-**