

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2216/0F1	
2.	Proposed Development:	ALTERATIONS AND FIRST FLOOR EXTENSION	
3.	Location:	CROSSWATER MILL, CROSS SIDE, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to Crosswater, a detached mill-conversion located within Egremont. The site benefits from a large garden, detached garage and driveway. The site is bound by residential properties to the north and east, and the River Ehen to the west and south.		

### **Relevant Planning History**

4/94/0817/0 – Conversion of Saw Mill to dwelling – Withdrawn.

4/95/0757/0 – Renovation and conversion of existing Saw Mill to house – Approved.

4/05/2022/0 – New stables – Approved.

4/20/2037/0F1 – First floor extension and balcony – Approved.

4/20/2381/0F1 – Proposed two storey extension and balcony to gable end – Approved.

### **Proposal**

This application seeks planning permission for alteration to the existing property along with a first-floor extension.

The property currently benefits from a flat roof projection to the rear of the property which provides an irregular shaped ground floor lounge, and a balcony at first floor level from the main bedroom.

The proposal will redevelop the ground floor of the property to provide a more modern glazed extension to create a larger lounge. The development will create a first-floor extension to the main bedroom to reflect the footprint of the ground floor, with an eaves and ridge height to match the main dwelling. A balcony will be erected along the full gable projecting 1.2m from the extension.

The extension will be modern in construction with a significant amount of glazing within the rear gable and south elevations. Brise soleil privacy panels will be utilised on parts of the glazed elements of the extension at ground floor and first floor level. The roof of the development will be finished with slate to match the main dwelling, with the walls finished in a mix of render and cedar cladding.

### **Consultation Responses**

#### Egremont Town Council

No objections.

#### Cumberland Council – Highway Authority & Lead Local Flood Authority

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.



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If you have a particular aspect of this application you wish us to consider, please feel free to contact me direct.

### Environment Agency

No comments received.

### Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 15 properties. No responses have been received to this statutory notification period.

### **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.

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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy H14: Domestic Extensions and Alterations

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

CO7: Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework (2024)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

### **Assessment**

The main issues raised by this application are the principle of development; scale and design; impact on residential amenity; highway safety; flood risk and drainage; and impact on ecology and biodiversity.

#### Principle of Development

The application relates to an existing residential dwelling within one of the Borough's Key Service Centres.

Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria, which are considered below.

The principle of the development is therefore accepted within the context of Policy H14 of the Copeland Local Plan.

#### Scale and Design

Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards.

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that they would not adversely alter the existing building or street scene, and they would retain an adequate provision of outdoor amenity space to serve the property.

The proposed extension will be located to the rear of the property and will utilise the footprint of the existing ground floor lounge. Whilst the development will increase the height of this area of the property the development is considered to be of an acceptable scale in relation to



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and will reflect the overall height of the main dwelling.

Concerns were originally raised regarding the modern nature of the development, given the extension was to be finished with a full glazed gable along with a large rear balcony. The proposal has therefore been amended to reduce the scale of the balcony and has incorporated cedar cladding and brise soleil privacy panels on parts of the glazed elements of the extension at ground floor and first floor level in order to reduce the extent of glazing utilised within the development. Whilst still modern in appearance the development is considered to be complimentary to the character of the main dwelling.

Limited details have been provided as part of the application in relation to the proposed materials, therefore these details will be secured by appropriately worded planning conditions.

On balance this is considered to be an appropriate form of development that is in accordance with the requirements of Policies DS4 and H14 of the Copeland Local Plan.

### Impact in Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high levels of amenity.

Policy H14 of the Copeland Local Plan indicates that house extensions will be permitted provided that the development would not harm the amenity of the occupiers of the parent property or adjacent dwellings.

The existing separation with the neighbouring properties to the north are retained by the development. The proposal is therefore not considered to create overlooking issues of loss of amenity for the existing residential properties.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan.

### Impact on Highway Safety

Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.

The property is currently served by a large driveway which provides a significant parking area for the dwelling. The development will not alter the existing parking arrangements for the property.

The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.

### Flood Risk & Drainage

Policy DS6 seeks 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 DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 2 and 3. The application is therefore supported by the Environment Agency Householder and other minor extensions in flood zone 2 and 3 form. As the development will alter the ground floor of the property and extend at first floor the form confirms that no additional flood risk measures are required for the development.

As the proposal will utilise the existing footprint of property the development is not considered to increase the impermeable area at the site and will therefore not increase flood risk within the site of elsewhere.

No comments have been received from the LLFA or the Environment Agency on this application.

On the basis the proposal is therefore considered to achieve the requirement of Policies DS6 and DS7 of the Copeland Local Plan, and the NPPF.

#### Impact on Biodiversity and Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development falls within the definition of a householder application.

On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

#### Planning Balance & Conclusion

The application seeks planning permission to extend the existing residential property to create a large rear extension. The proposal is considered to reflect the scale and character of the existing dwelling and surrounding area. The proposal is of an appropriate scale and design and would not have any significant detrimental impact on the amenities of the neighbouring properties.

The development is not considered to have an adverse impact highway safety, flood risk and

	<p>drainage, or ecology.</p> <p>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.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must 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 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"> <li>- Application Form, received by the Local Planning Authority on the 13<sup>th</sup> June 2024.</li> <li>- Site Location, Scale 1:500 &amp; 1:1250, Dwg No: 105, Rev: A, received by the Local Planning Authority on the 13<sup>th</sup> June 2024.</li> <li>- Existing Elevations, Scale 1:100, Dwg No: 103, Rev: A, received by the Local Planning Authority on the 13<sup>th</sup> June 2024.</li> <li>- Existing Plans, Scale 1:100, Dwg No: 104, Rev: A, received by the Local Planning Authority on the 13<sup>th</sup> June 2024.</li> <li>- Proposed Elevations (Amended), Scale 1:100, Dwg No: 102, Rev: A, received by the Local Planning Authority on the 14<sup>th</sup> February 2025.</li> <li>- Proposed Plans (Amended), Scale 1:100, Dwg No: 102, Rev: A, received by the Local Planning Authority on the 12<sup>th</sup> February 2025.</li> <li>- Environment Agency Householder and Other Minor Extensions in Flood Zone 2</li> </ul> </li> </ol>

and 3, received by the Local Planning Authority on the 13<sup>th</sup> June 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.

**Prior to Erection of External Walling Conditions**

3. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

**Reason**

To ensure a satisfactory appearance of the development in the interests of visual amenity.

**Informative:**

**Biodiversity Net Gain – Exemption**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemptions: The development falls under the definition of a householder application.

**Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning





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	Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
<b>Case Officer:</b> C. Burns		<b>Date :</b> 14.02.2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 14.02.2025
<b>Dedicated responses to:-</b> N/A		